

OLDER AMERICANS AMENDMENTS OF 1996

APRIL 25, 1996.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GOODLING, from the Committee on Economic and Educational Opportunities, submitted the following

R E P O R T

together with

MINORITY AND ADDITIONAL VIEWS

[To accompany H.R. 2570]

[Including cost estimate of the Congressional Budget Office]

The Committee on Economic and Educational Opportunities, to whom was referred the bill (H.R. 2570) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1997, 1998, 1999, 2000, and 2001, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Older Americans Amendments of 1996”.

SEC. 2. TABLE OF CONTENTS.

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 1997.
- Sec. 6. Issuance of rules.
- Sec. 7. Enforcement authority.
- Sec. 8. Transfers; savings provisions.
- Sec. 9. Effective dates.

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

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

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Older Americans Act of 1996’.

“SEC. 2. TABLE OF CONTENTS.

“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. Evaluations.
- “Sec. 116. Reports.
- “Sec. 117. Reduction of paperwork.
- “Sec. 118. Surplus property eligibility.
- “Sec. 119. Benefit treatment under other laws.
- “Sec. 120. 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 organizations, 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

- “Sec. 331. Program authorized.
- “Sec. 332. Additional requirements.

“CHAPTER 4—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

- “Sec. 351. Short title.
- “Sec. 352. Older American Community Service Employment Program.
- “Sec. 353. Participants not Federal employees.
- “Sec. 354. Treatment of employment assistance for purposes of Federal housing and food stamp programs.

“Subtitle B—Authorization of Appropriations

- “Sec. 381. Authorization of appropriations.
- “Sec. 382. Additional funds available for nutrition services.

“TITLE IV—NATIONAL SENIOR VOLUNTEER SERVICE CORPS

- “Sec. 401. Statement of purposes.

“Subtitle A—Retired and Senior Volunteer Program

- “Sec. 411. Grants and contracts for volunteer service projects.

“Subtitle B—Foster Grandparent Program

- “Sec. 421. Grants and contracts for volunteer service projects.

“Subtitle C—Senior Companion Volunteer Program

- “Sec. 431. Grants and contracts for volunteer service projects.

“Subtitle D—General Provisions

- “Sec. 441. Promotion of National Senior Volunteer Service Corps.

- “Sec. 442. Payments.
- “Sec. 443. Use of locally generated contributions in National Senior Volunteer Service Corps.
- “Sec. 444. Adjustments to Federal financial assistance; reports.
- “Sec. 445. Multiyear grants or contracts.

“Subtitle E—Administration and Coordination

- “Sec. 461. Administrative structure.
- “Sec. 462. Political activities.
- “Sec. 463. Special limitations.
- “Sec. 464. Coordination with other programs.
- “Sec. 465. Notice and hearing procedures for suspension and termination of financial assistance.
- “Sec. 466. Distribution of benefits between rural and urban areas.
- “Sec. 467. Volunteers not Federal employees.
- “Sec. 468. Evaluation.
- “Sec. 469. Eligibility for other benefits.
- “Sec. 470. Legal expenses.

“Subtitle F—Authorization of Appropriations

- “Sec. 491. Authorization of appropriations for programs.

“TITLE I—GENERAL PROVISIONS

“Subtitle A—Statement of Purpose; Definitions

“SEC. 101. PURPOSE.

“It is the purpose of this Act to encourage and assist State agencies, area agencies on aging, and tribal organizations to concentrate resources in order to develop greater capacity and foster the development and implementation of comprehensive and coordinated systems to serve older individuals by entering into cooperative arrangements in each State for the planning and provision of supportive services, nutrition services, multipurpose senior centers, community service employment, and volunteer services, in order to—

- “(1) secure and maintain maximum independence and dignity in a home environment for older individuals capable of self care with appropriate supportive services,
- “(2) remove individual and social barriers to economic and personal independence for older individuals,
- “(3) provide a continuum of care for vulnerable older individuals,
- “(4) secure the opportunity for older individuals to receive managed in-home and community-based long-term care services,
- “(5) ensure that older individuals will be protected against abuse, neglect, and exploitation,
- “(6) promote employment opportunities and community service, and
- “(7) empower older individuals to contribute to their communities through volunteer services that enhance the lives of the volunteers and those whom they serve.

“SEC. 102. DEFINITIONS.

“For the purposes of this Act:

“(1) ABUSE.—The term ‘abuse’ means (except when such term is used in the phrase ‘drug and alcohol abuse’) the willful—

“(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish, or

“(B) deprivation by a person, including a caregiver, of goods or services that are necessary to avoid physical harm, mental anguish, or mental illness.

“(2) ADMINISTRATION.—The term ‘Administration’ means the Administration on Aging.

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

“(A) is 18 years of age or older,

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

“(C) has a disability.

“(4) ALASKA NATIVE.—The term ‘Alaska Native’ means an Alaska Native who is a member of an Alaska Native organization.

“(5) ALASKA NATIVE ORGANIZATION.—The term ‘Alaska Native organization’ means an Alaska Native village, or an Alaskan Native regional or village corporation, as defined in or established pursuant to the Alaska Native Claims Settlement Act (Public Law 92–203; 85 Stat.688), that is recognized as eligible for

the special programs and services provided by the United States to Alaska Natives because of their status as Alaska Natives.

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

“(7) ASSISTANT SECRETARY.—The term ‘Assistant Secretary’ means the Assistant Secretary for Aging.

“(8) ASSISTIVE TECHNOLOGY.—The term ‘assistive technology’ means technology, engineering methodologies, or scientific principles appropriate to meet the needs of, and address the barriers confronted by, older individuals with functional limitations.

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

“(10) CAREGIVER.—The term ‘caregiver’ means an individual who has the responsibility for the care of an older individual, either voluntarily, by contract, by receipt of payment for care, or as a result of the operation of law.

“(11) CARETAKER.—The term ‘caretaker’ means a family member or other individual who provides (on behalf of such individual or of a public or private agency, organization, or institution) uncompensated care to an older individual who needs supportive services.

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

“(A) means a service provided to an older individual, at the direction of the older individual or a family member of the individual—

“(i) by an individual who is trained or experienced in the case management skills that are required to deliver the services and coordination described in subparagraph (B), and

“(ii) to assess the needs, and to arrange, coordinate, and monitor an optimum package of services to meet the needs, of the older individual, and

“(B) includes services and coordination such as—

“(i) comprehensive assessment of the older individual (including the physical, psychological, and social needs of the individual),

“(ii) development and implementation of a service plan with the older individual to mobilize the formal and informal resources and services identified in the assessment to meet the needs of the older individual, including coordination of the resources and services—

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

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

“(iii) coordination and monitoring of formal and informal service delivery, including coordination and monitoring to ensure that services specified in the plan are being provided,

“(iv) periodic reassessment and revision of the status of the older individual with—

“(I) the older individual, or

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

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

“(13) CHILD.—Except when it appears as part of the term ‘adult child with a disability’, the term ‘child’ means—

“(A) except for purposes of title IV, an individual who is less than 18 years of age, and

“(B) for purposes of title IV, an individual who is less than 21 years of age.

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

“(15) COMMUNITY SERVICES.—The term ‘community services’ means—

“(A) social, health, welfare, and educational services (particularly literacy tutoring),

“(B) legal and other counseling services and assistance, including tax counseling and assistance and financial counseling,

“(C) library, recreational, and other similar services,

“(D) conservation, maintenance, or restoration of natural resources,

“(E) community betterment or beautification,

“(F) antipollution and environmental quality efforts,

- “(G) weatherization activities,
 - “(H) economic development, and
 - “(I) such other services essential and necessary to the community as the Secretary, by regulation, may require.
- “(16) COMPREHENSIVE AND COORDINATED SYSTEM.—The term ‘comprehensive and coordinated system’ means a system for providing all necessary supportive services, including nutrition services, in a manner designed to—
- “(A) facilitate accessibility to, and utilization of, all supportive services and nutrition services provided within the geographic area served by such system by any public or private agency or organization,
 - “(B) develop and make the most efficient use of supportive services and nutrition services in meeting the needs of older individuals,
 - “(C) use available resources efficiently and with a minimum of duplication, and
 - “(D) encourage and assist public and private entities that have unrealized potential for meeting the service needs of older individuals to assist the older individuals on a voluntary basis.
- “(17) DISABILITY.—The term ‘disability’ means (except when such term is used in the phrase ‘severe disability’, ‘developmental disabilities’, ‘physical and mental disabilities’, or ‘physical disabilities’) a disability attributable to mental or physical impairment, or a combination of mental and physical impairments, that results in substantial functional limitations in 1 or more of the following areas of major life activity: (A) self-care, (B) receptive and expressive language, (C) learning, (D) mobility, (E) self-direction, (F) capacity for independent living, (G) economic self-sufficiency, (H) cognitive functioning, and (I) emotional adjustment.
- “(18) ELDER ABUSE.—The term ‘elder abuse’ means abuse of an older individual.
- “(19) ELDER ABUSE, NEGLECT, AND EXPLOITATION.—The term ‘elder abuse, neglect, and exploitation’ means abuse, neglect, and exploitation, of an older individual.
- “(20) ELECTION.—When referring to an election for Federal office, the term ‘election’ has the meaning given such term by section 301(1) of the Federal Election Campaign Act of 1971 (Public Law 92–225).
- “(21) EXPLOITATION.—The term ‘exploitation’ means the illegal or improper act or process of an individual, including a caregiver, using the resources of an older individual for monetary or personal benefit, profit, or gain.
- “(22) FEDERAL OFFICE.—The term ‘Federal office’ has the meaning given such term in section 301(3) of the Federal Election Campaign Act of 1971 (Public Law 92–225).
- “(23) FOCAL POINT.—The term ‘focal point’ means an entity that maximizes the collocation and coordination of services for older individuals.
- “(24) FRAIL.—The term ‘frail’ means, with respect to an older individual in a State, that the older individual is determined to be functionally impaired because the individual—
- “(A)(i) is unable to perform at least two activities of daily living without substantial human assistance, including verbal reminding, physical cueing, or supervision, or
 - “(ii) at the option of the State, is unable to perform at least three such activities without such assistance, or
 - “(B) due to a cognitive or other mental impairment, requires substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to the individual or to another individual.
- “(25) GREATEST ECONOMIC NEED.—The term ‘greatest economic need’ means the need resulting from an income level at or below the poverty line.
- “(26) GREATEST SOCIAL NEED.—The term ‘greatest social need’ means the need caused by noneconomic factors that include—
- “(A) physical and mental disabilities,
 - “(B) language barriers, and
 - “(C) cultural, social, or geographical isolation caused by racial or ethnic status, that—
- “(i) restricts the ability of an individual to perform normal daily tasks, or
 - “(ii) threatens the capacity of the individual to live independently.
- “(27) IN-HOME SERVICES.—The term ‘in-home services’ includes—
- “(A) homemaker and home health aides,
 - “(B) visiting and telephone reassurance,
 - “(C) chore maintenance,

- “(D) in-home respite care for families, and adult day care as a respite service for families,
- “(E) minor modification of homes that is necessary to facilitate the ability of older individuals to remain at home and that is not available under other programs, except that not more than \$150 per client may be expended under this part for such modification,
- “(F) personal care services, and
- “(G) other in-home services as defined—
- “(i) by the State agency in the State plan submitted in accordance with section 304, and
- “(ii) by the area agency on aging in the area plan submitted in accordance with section 305.
- “(28) INDIAN.—The term ‘Indian’ means an Indian who is a member of an Indian tribe.
- “(29) INDIAN TRIBE.—The term ‘Indian tribe’ means any tribe, band, nation, or other organized group or community of Indians that is—
- “(A) recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or
- “(B) located on, or in proximity to, a Federal or State reservation or rancheria,
- except that subparagraph (B) shall not apply for purposes of title II.
- “(30) INFORMATION AND ASSISTANCE SERVICE.—The term ‘information and assistance service’ means a service for older individuals that—
- “(A) provides the individuals with current information on opportunities and services available to the individuals within their communities, including information relating to assistive technology,
- “(B) assesses the problems and capacities of the individuals,
- “(C) links the individuals to the opportunities and services that are available,
- “(D) to the maximum extent practicable, ensures that the individuals receive the services needed by the individuals, and are aware of the opportunities available to the individuals, by establishing adequate followup procedures, and
- “(E) serves the entire community of older individuals, particularly—
- “(i) older individuals with greatest social need, and
- “(ii) older individuals with greatest economic need.
- “(31) INFORMATION AND REFERRAL.—The term ‘information and referral’ includes information relating to assistive technology.
- “(32) LEGAL ASSISTANCE.—The term ‘legal assistance’—
- “(A) means legal advice and representation provided by an attorney to older individuals with economic or social needs, and
- “(B) includes—
- “(i) to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the direct supervision of an attorney, and
- “(ii) counseling or representation by a nonlawyer where permitted by law.
- “(33) LONG-TERM CARE FACILITY.—The term ‘long-term care facility’ means—
- “(A) any skilled nursing facility, as defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i-3(a)),
- “(B) any nursing facility, as defined in section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a)),
- “(C) for purposes of section 304(a)(8), a board and care facility, or
- “(D) any other adult care home similar to a facility or institution described in subparagraph (A), (B), or (C).
- “(34) LOW-INCOME.—The term ‘low-income’ means—
- “(A) for purposes of chapter 4 of subtitle A of title III, income that is not more than 125 percent of the poverty line, and
- “(B) for purposes of title IV—
- “(i) income that is not more than 125 percent of the poverty line, or
- “(ii) income that is not more than 100 percent of such poverty line, as so adjusted and determined after taking into consideration existing poverty guidelines as appropriate to local situations.
- “(35) MULTIPURPOSE SENIOR CENTER.—The term ‘multipurpose senior center’ means a community facility for the organization and provision of a broad spectrum of services, which shall include provision of health (including mental health), social, nutritional, and educational services and the provision of facilities for recreational activities for older individuals.

- “(36) NATIVE AMERICAN.—The term ‘Native American’ means—
 “(A) an Indian,
 “(B) an Alaska Native, or
 “(C) a Native Hawaiian.
- “(37) NATIVE HAWAIIAN.—The term ‘Native Hawaiian’ means any individual any of whose ancestors were natives of the area that consists of the Hawaiian Islands prior to 1778,
- “(38) NEGLECT.—The term ‘neglect’ means—
 “(A) the failure to provide for oneself the goods or services that are necessary to avoid physical harm, mental anguish, or mental illness, or
 “(B) the failure of a caregiver to provide the goods or services.
- “(39) NONPROFIT.—The term ‘nonprofit’ as applied to any agency, institution, or organization means an agency, institution, or organization that is, or is owned and operated by, one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.
- “(40) OLDER INDIVIDUAL.—The term ‘older individual’ means—
 “(A) except for purposes of chapter 4 of subtitle A of title III, and title IV, an individual who is 60 years of age or older, and
 “(B) for purposes of chapter 4 of subtitle A of title III, and title IV, an individual who is 55 years of age or older.
- “(41) PHYSICAL HARM.—The term ‘physical harm’ means bodily injury, impairment, or disease.
- “(42) PLANNING AND SERVICE AREA.—The term ‘planning and service area’ means an area designated by a State agency under section 303(a)(1)(E), including a single planning and service area described in section 303(b)(1)(E).
- “(43) POVERTY LINE.—The term ‘poverty line’ means the official poverty line (as defined by the Office of Management and Budget, and adjusted by the Secretary in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).
- “(44) REPRESENTATIVE PAYEE.—The term ‘representative payee’ means a person who is appointed by a governmental entity to receive, on behalf of an older individual who is unable to manage funds by reason of a physical or mental incapacity, any funds owed to such individual by such entity.
- “(45) SECRETARY.—The term ‘Secretary’ means the Secretary of Health and Human Services.
- “(46) SEVERE DISABILITY.—The term ‘severe disability’ means a severe, chronic disability attributable to mental or physical impairment, or a combination of mental and physical impairments, that—
 “(A) is likely to continue indefinitely, and
 “(B) results in substantial functional limitation in 3 or more of the major life activities specified in subparagraphs (A) through (G) of paragraph (17).
- “(47) STATE.—The term ‘State’ means any of the several States, the District of Columbia, the Virgin Islands of the United States, the Commonwealth of Puerto Rico, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands.
- “(48) STATE AGENCY.—The term ‘State agency’ means the agency designated under section 303(a)(1).
- “(49) SUPPORTIVE SERVICE.—The term ‘supportive service’ means a service described in section 321(a).
- “(50) TRIBAL ORGANIZATION.—The term ‘tribal organization’ means—
 “(A) except for purposes of title II and chapter 4 of subtitle A of title III,
 “(i) the recognized governing body of an Indian tribe, or
 “(ii) the legally established organization of Indians that is controlled, sanctioned, or chartered by the governing body of an Indian tribe,
 “(B) for purposes of title II—
 “(i) an entity described in clause (i) or (ii) of subparagraph (A), or
 “(ii) a legally established organization of Indians that is democratically elected by the adult members of the Indian community to be served by such organization and that includes the maximum participation of Indians in all phases of its activities, and
 “(C) for purposes of chapter 4 of subtitle A of title III, a public or non-profit private organization that is primarily controlled by, and comprised of, Indians or Indian tribes.
- “(51) UNIT OF GENERAL PURPOSE LOCAL GOVERNMENT.—The term ‘unit of general purpose local government’ means—
 “(A) a political subdivision of the State whose authority is general and not limited to only one function or combination of related functions, or
 “(B) a tribal organization.

“Subtitle B—Administration

“SEC. 111. ESTABLISHMENT OF ADMINISTRATION ON AGING.

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

“(b) ASSISTANT SECRETARY.—The Assistant Secretary shall be appointed by the President by and with the advice and consent of the Senate.

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

“(1) may establish an Office on Native Americans within the Administration; and

“(2) shall designate an individual in the Administration who has expertise with respect to programs and services affecting Native Americans, who shall be responsible, under the supervision of the Assistant Secretary, for the administration of title II and for coordination of other programs, projects, and activities carried out under this Act that affect Native Americans.

“(d) DESIGNATION RELATING TO THE ADMINISTRATION OF STATE LONG-TERM CARE OMBUDSMAN PROGRAMS.—The Assistant Secretary shall designate an individual in the Administration who shall be responsible, under the supervision of the Assistant Secretary, for the Federal administrative activities relating to State long-term care ombudsman programs.

“(e) DESIGNATION RELATING TO THE ADMINISTRATION OF NUTRITION SERVICES.—The Assistant Secretary shall designate an individual in the Administration who shall be responsible, under the supervision of the Assistant Secretary, for the administration of chapter 3 of subtitle A of title III. Such individual shall—

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

“(2)(A) be a registered dietitian,

“(B) be a credentialed nutrition professional, or

“(C) have education and training that is substantially equivalent to the education and training for a registered dietitian or a credentialed nutrition professional.

“(f) DESIGNATION RELATING TO THE ADMINISTRATION OF VOLUNTEER SERVICE PROGRAMS.—The Assistant Secretary shall designate an individual in the Administration who has experience and expertise in administering volunteer programs for older individuals and who shall be responsible, under the supervision of the Assistant Secretary, for the administration of title IV.

“SEC. 112. DUTIES OF ASSISTANT SECRETARY.

“The duties of the Assistant Secretary are as follows:

“(1) ADVOCACY.—To serve as the effective and visible advocate for older individuals, within the Department of Health and Human Services and with other departments, agencies, and instrumentalities of the Federal Government by maintaining active review of and commenting on responsibilities of all Federal policies affecting older individuals.

“(2) INFORMATION.—To collect and disseminate information related to problems of older individuals and aging.

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

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

“(5) TECHNICAL ASSISTANCE.—To provide technical assistance and consultation to States, and political subdivisions of States, with respect to programs for older individuals and aging.

“(6) EDUCATIONAL MATERIALS.—To prepare, publish, and disseminate educational materials dealing with the welfare of older individuals.

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

“(8) PLANNING.—To coordinate, and to assist in, the planning and development by public (including Federal, State, and local agencies) and private organizations of programs for older individuals to facilitate the establishment of a na-

tionwide network of comprehensive, coordinated services and opportunities for older individuals.

“(9) STATISTICAL DATA REGARDING ASSISTED ACTIVITIES.—To collect for each fiscal year, for fiscal years beginning after September 30, 1996, directly or by contract, statistical data regarding programs, projects, and activities carried out with funds provided under this Act, including—

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

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

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

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

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

“(10) UNIFORM DATA COLLECTION PROCEDURES.—To design and implement, for purposes of compliance with paragraph (9), uniform data collection procedures for use by State agencies, including—

“(A) uniform definitions and nomenclature,

“(B) standardized data collection procedures,

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

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

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

“(12) INFORMATION ON COMMUNITY RESOURCES.—To establish and operate, directly or by grant or contract, nationwide a toll-free telephone line by which individuals may obtain information and assistance to locate community resources that may be available to older individuals and their caregivers.

“SEC. 113. FEDERAL AGENCY CONSULTATION.

“The Assistant Secretary, in carrying out the purpose and provisions of this Act, shall coordinate, advise, consult with, and cooperate with the head of each department, agency, or instrumentality of the Federal Government proposing or administering programs or services substantially related to the purpose of this Act, with respect to such programs or services. The head of each department, agency, or instrumentality of the Federal Government proposing to establish or modify any program or service substantially related to the purpose of this Act shall consult with and coordinate with the Assistant Secretary.

“SEC. 114. POWERS OF THE ASSISTANT SECRETARY.

“(a) POWERS.—In carrying out this Act, the Assistant Secretary may—

“(1) provide consultative services and technical assistance to public or non-profit private agencies and organizations,

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

“(3) conduct research and demonstrations, and

“(4) collect, prepare, publish, and disseminate special educational or informational materials, including reports on programs, projects, and activities for which funds are provided under this Act.

“(b) AUTHORITY TO MAKE GRANTS.—From funds appropriated under section 120(a)(3), the Assistant Secretary may make grants to public or nonprofit private agencies, organizations, and institutions, and to tribal organizations, and may enter into contracts with agencies, organizations, institutions, and individuals for activities—

“(1) to expand the Nation’s knowledge and understanding of older individuals and the aging process,

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

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

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

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

“(B) research and policy analysis to improve access to and delivery of services for older individuals,

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

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

“(E) technical assistance in planning, development, implementation, evaluation, and improvement of programs, projects, and activities under this Act, and

“(F) dissemination of information on issues related to aging, their impact on individuals and society, and relating to services and activities benefiting older individuals.

“SEC. 115. EVALUATIONS.

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

“(b) SOURCES OF EVALUATION INFORMATION.—In carrying out evaluations under subsection (a), the Secretary shall—

“(1) to the maximum extent practicable, arrange to obtain the opinions of participants in the programs, projects, and activities being evaluated, and

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

“SEC. 116. REPORTS.

“Not later than 120 days after the end of each fiscal year beginning after September 30, 1996, the Assistant Secretary shall prepare and submit to the President and to the Congress a complete report on the programs, projects, and activities carried out under this Act in such fiscal year. Such report shall include—

“(1) statistical data reflecting services and activities provided under this Act to older individuals during the fiscal year for which such report is submitted,

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

“(3) statistical data, and an analysis of information, regarding the effectiveness of the State agency and area agencies on aging in targeting services to older individuals with greatest economic need and older individuals with greatest social need.

“SEC. 117. REDUCTION OF PAPERWORK.

“In order to reduce unnecessary, duplicative, or disruptive demands for information, the Assistant Secretary, in consultation with State agencies and other appropriate agencies and organizations, shall continually review and evaluate all requests by the Administration for information under this Act and shall take such action as may be necessary to reduce the paperwork required under this Act. The Assistant Secretary shall request only such information as the Assistant Secretary deems essential to carry out the purpose and provisions of this Act and, in gathering such information, shall make use of uniform service definitions to the extent that such definitions are available.

“SEC. 118. SURPLUS PROPERTY ELIGIBILITY.

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

“SEC. 119. BENEFIT TREATMENT UNDER OTHER LAWS.

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

“SEC. 120. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—(1) For the expenses (including salaries) of the Administration on Aging to carry out this Act (other than section 114(b) and title IV), there are authorized to be appropriated \$17,069,000 for fiscal year 1997 and such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.

“(2) Of the amount appropriated under paragraph (1) for each fiscal year, not more than \$1,000,000 shall be available to carry out section 112(12).

“(3) There are authorized to be appropriated to carry out section 114(b) \$26,500,000 for fiscal year 1997 and such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.

“(b) TITLE IV.—For the expenses (including salaries) of the Administration on Aging to carry out title IV, there are authorized to be appropriated \$24,000,000 for fiscal year 1997 and such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.

“TITLE II—GRANTS FOR NATIVE AMERICAN PROGRAMS ON AGING

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

“(a) AUTHORITY TO MAKE GRANTS.—The Assistant Secretary may make grants to eligible organizations to pay all of the costs for delivery of supportive services and nutrition services for older individuals who are Native Americans.

“(b) ELIGIBILITY OF ORGANIZATIONS.—An organization is eligible to receive a grant under this title only if the organization is—

“(1) a tribal organization that—

“(A) represents at least 50 older individuals, and

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

“(2) an Alaska Native organization that—

“(A) represents at least 50 older individuals, and

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

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

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

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

“SEC. 202. APPLICATIONS FOR GRANTS.

“(a) REQUIREMENT.—A grant may not be made under this title unless an eligible organization submits an application to the Assistant Secretary that meets such criteria as the Assistant Secretary may establish by rule. Each such application shall—

“(1) provide that such organization shall evaluate the need for supportive and nutrition services among older individuals who are—

“(A) Indians represented by the such organization if such organization is a tribal organization,

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

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

“(2) provide for the use of such methods of administration as are necessary for the proper and efficient administration of the project to be carried out with such grant,

“(3) provide an assurance that such organization will make such reports in such form and containing such information, as the Assistant Secretary may reasonably require, and comply with such requirements as the Assistant Secretary may impose to ensure the correctness of such reports,

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

“(5) establish objectives toward which such project will be directed, identify obstacles to the attainment of such objectives, and indicate the manner in which such organization proposes to overcome such obstacles,

“(6) provide for establishing and maintaining information and assistance services to ensure that older individuals who are served by such project will have reasonably convenient access to the services and activities provided by such project,

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

“(8) provide an assurance that, either directly or by way of grant or contract with appropriate entities, nutrition services will be delivered to older individuals who are—

“(A) Indians represented by the such organization if such organization is a tribal organization,

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

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

and will substantially comply with chapter 2 of subtitle A of title III, except that in any case in which the need of such individuals for nutritional services is already met from other sources, such organization may expend for supportive services the funds otherwise required to be expended under this paragraph,

“(9) provide that any legal services or ombudsman services made available to older individuals who are—

“(A) Indians represented by the such organization if such organization is a tribal organization,

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

“(C) Native Hawaiians to be served by such organization, will be in substantial compliance with the provisions of subtitle A of title III relating to the furnishing of similar services,

“(10) contain satisfactory assurances that fiscal control and fund accounting procedures will be adopted as may be necessary to ensure proper disbursement of, and accounting for, Federal funds paid under this title to such organization, including any funds paid by such organization to a recipient of a grant or contract,

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

“(12) if the organization elects to solicit voluntary contributions from older individuals, provide that such organization will ensure that such contributions will be—

“(A) based on the ability of the older individuals to make such contributions, and

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

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

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

“(d) APPLICATION NOT APPROVED.—Whenever the Assistant Secretary determines not to approve an application submitted under subsection (a) the Assistant Secretary shall—

“(1) state objections in writing to the organization within 60 days after such determination,

“(2) provide, to the extent practicable, technical assistance to the organization to overcome such stated objections, and

“(3) provide the organization with a hearing, under such rules as the Assistant Secretary may issue.

“(e) PERIOD FUNDED.—Whenever the Assistant Secretary approves an application of a organization under subsection (a), a grant shall be made for a period of not less than 12 months.

“SEC. 203. DISTRIBUTION OF FUNDS AMONG TRIBAL ORGANIZATIONS, ALASKA NATIVE ORGANIZATIONS, AND ORGANIZATIONS SERVING NATIVE HAWAIIANS.

“(a) MAINTENANCE OF 1991 AMOUNTS.—Subject to the availability of appropriations to carry out this title, the amount of the grant (if any) made under this title to a tribal organization, an Alaska Native organization, or an organization serving Native Hawaiians for fiscal year 1997 and for each subsequent fiscal year shall be not less than the amount of the grant made under title VI of the Older Americans Act of 1965 to the tribal organization, the Alaska Native organization, or the organization serving Native Hawaiians for fiscal year 1991.

“(b) USE OF ADDITIONAL AMOUNTS APPROPRIATED.—If the amount appropriated to carry out this title in a fiscal year subsequent to fiscal year 1996 exceeds the amount appropriated to carry out title VI of the Older Americans Act of 1965 in fiscal year 1991, then the amount of the grant (if any) made under this title to a tribal organization, an Alaska Native organization, or an organization serving Native Hawaiians for such subsequent fiscal year shall be—

“(1) increased by such amount as the Assistant Secretary considers to be appropriate, in addition to the amount of any increase required by subsection (a), so that the grant equals or more closely approaches the amount of the grant made under title VI of the Older Americans Act of 1965 to the tribal organization or the Alaska Native organization for fiscal year 1980, or to the organization serving Native Hawaiians for fiscal year 1995, or

“(2) an amount the Assistant Secretary considers to be sufficient if the tribal organization, the Alaska Native organization, or the organization serving Native Hawaiians did not receive a grant under title VI of the Older Americans Act of 1965 for either fiscal year 1980 or fiscal year 1991.

“SEC. 204. SURPLUS EDUCATIONAL FACILITIES.

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

“(1) acting through the Bureau of Indian Affairs, shall make available surplus Indian educational facilities and surplus Alaska Native educational facilities to tribal organizations and Alaska Native organizations, and to nonprofit organizations with the approval of the Indian tribe or Alaska Native organization involved, and

“(2) shall make available to organizations described in section 201(b)(3) any other surplus educational facilities located in the State of Hawaii that are under the control of the Secretary of the Interior, for use as multipurpose senior centers. Such centers may be altered so as to provide extended care facilities, community center facilities, nutrition services, adult day care services, child care services, and other supportive services.

“(b) APPLICATION.—To request to receive surplus educational facilities made available under subsection (a), a tribal organization, an Alaska Native organization, or an organization described in section 201(b)(3) shall submit an application to the Secretary of the Interior at such time and such manner, and containing such information, as the Secretary of the Interior determines to be necessary to carry out this section.

“SEC. 205. ADMINISTRATION.

“For the purpose of issuing rules to carry out this title, the Assistant Secretary shall consult with the Secretary of the Interior.

“SEC. 206. PAYMENTS.

“Payments may be made under this title (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement in such installments and on such conditions as the Assistant Secretary may determine.

“SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title \$17,460,000 for fiscal year 1997 and such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.

“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.

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

“SEC. 302. ALLOTMENTS; FEDERAL SHARE.

“(a) ALLOTMENT OF FUNDS FOR SUPPORTIVE SERVICES, MULTIPURPOSE SENIOR CENTERS, AND NUTRITION SERVICES.—

“(1) RESERVATION OF FUNDS.—(A) Subject to subparagraphs (B) and (C), the amounts appropriated under subsections (a) and (b) of section 381 for fiscal years 1997 through 2001 shall be allotted by the Assistant Secretary among the States as follows:

“(i) For each of the fiscal years 1997, 1998, 1999, and 2000—

“(I) the product of such amount appropriated for such fiscal year and the base percentage rate for such fiscal year shall be allotted among the States proportionately based on their respective shares of the funds appropriated for fiscal year 1996 allotted to the States to carry out titles III and VII of the Older Americans Act of 1965, and

“(II) the balance of the such amount appropriated for such fiscal year shall be allotted among the State proportionately based on the population of individuals 60 years of age or older in the States.

“(ii) For purposes of clause (i), the base percentage rates are the following:

Fiscal year:	Base percentage rate:
1997	80 percent
1998	60 percent
1999	40 percent
2000	20 percent

“(iii) Such amount appropriated for fiscal year 2001 shall be allotted among the States proportionately based on the population of individuals 60 years of age or older in the States.

“(B) The amounts allotted under subparagraph (A) shall be reduced proportionately to the extent necessary to increase other allotments under such subparagraph to achieve the following:

“(i) Each State shall be allotted ½ of 1 percent of the amount appropriated for the fiscal year for which the determination is made.

“(ii) Guam and the Virgin Islands of the United States shall each be allotted ¼ of 1 percent of the amount appropriated for the fiscal year for which the determination is made.

“(iii) American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted ¼₁₆ of 1 percent of the amount appropriated for the fiscal year for which the determination is made.

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

“(D) The number of individuals 60 years of age or older in any State and in all States shall be determined by the Assistant Secretary on the basis of the most recent data available from the Bureau of the Census and other reliable demographic data satisfactory to the Assistant Secretary.

“(2) WITHHOLDING OF FUNDS.—(A) If the Assistant Secretary finds that a State fails to qualify under the State plan requirements of section 304, the Assistant Secretary shall withhold from the State funds allotted under paragraph (1) for the fiscal year for which such plan is submitted.

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

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

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

“(b) ALLOTMENT OF FUNDS FOR COMMUNITY SERVICE EMPLOYMENT.—

“(1) RESERVATION OF FUNDS FOR TRIBAL ORGANIZATIONS.—

“(A) AMOUNT RESERVED.—Of the amount appropriated under subsection (c) of section 381 for each of the fiscal years 1997, 1998, 1999, 2000, and 2001, the Assistant Secretary shall reserve not more than 1.3 percent for making grants under chapter 4 to tribal organizations.

“(B) ADMINISTRATIVE COSTS.—Of the amounts reserved under subparagraph (A) for grants to tribal organizations, such part of such grants as the Secretary determines, but not more than 7 percent, may be used by tribal organizations for administrative costs incurred by the tribal organizations to carry out chapter 4.

“(2) ALLOTMENT OF FUNDS FOR FISCAL YEARS 1997–2001.—(A) After reserving funds under paragraph (1), the amount appropriated under subsection (c) of section 381 for fiscal years 1997 through 2001 shall be allotted by the Assistant Secretary among the States as follows:

“(i) For each of the fiscal years 1997, 1998, 1999, 2000, and 2001, such amount appropriated for such fiscal year, to the extent such amount does not exceed the amount appropriated for fiscal year 1996 to carry out title

V of the Older Americans Act of 1965, shall be allotted among the States proportionately based on the sum of—

“(I) their respective shares of the funds appropriated for fiscal year 1996 allotted to the States to carry out such title V, and

“(II) the amount of such funds appropriated for fiscal year 1996 expended by national organizations in the States, respectively.

“(ii) If such amount appropriated for any of such fiscal years exceeds the amount appropriated for fiscal year 1996 to carry out title V, the excess amount shall be allotted in accordance with subparagraph (B).

“(B) ALLOTMENTS BASED ON AGE AND PER CAPITA INCOME.—Each amount referred to in subparagraph (A)(ii) shall be allotted as follows:

“(i) Subject to clause (ii), each State shall be allotted the amount that bears the same ratio to the amount so referred to as the product of the number of individuals 55 years of age or older in the State and the allotment percentage of the State bears to the sum of the corresponding products for all the States.

“(ii) The amounts allotted under clause (i) shall be reduced proportionately to the extent necessary to increase other allotments under such clause to achieve the following:

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

“(II) Guam, American Samoa, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than $\frac{1}{4}$ of 1 percent of the amount appropriated for the fiscal year for which the determination is made or \$50,000, whichever is greater.

“(C) ALLOTMENT PERCENTAGE.—For purposes of subparagraph (B)(i)—

“(i) except as provided in clause (ii), the allotment percentage of each State shall be 100 percent less that percentage which bears the same ratio to 50 percent as the per capita income of the State bears to the per capita income of all the States, except that the allotment percentage shall be not more than 75 percent and not less than $33\frac{1}{3}$ percent, and

“(ii) the allotment percentage for the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands shall be 75 percent.

“(D) LIMITATION.— For purposes of subparagraphs (B)(ii)(I) and (C)(i), the term ‘State’ does not include Guam, American Samoa, the Virgin Islands of the United States, or Commonwealth of the Northern Mariana Islands.

“(E) POPULATION AND PER CAPITA INCOME DETERMINATIONS.—For purposes of this paragraph, the number of individuals 55 years of age or older in each State, and the per capita income of each State, shall be determined by the Assistant Secretary on the basis of the most satisfactory data available to the Assistant Secretary.

“(c) PERMITTED USE OF ALLOTMENTS.—

“(1) ADMINISTRATION OF STATE PLANS.—(A) Except as provided in subparagraph (B), the greater of 7 percent of the aggregate of the allotments made to a State under subsections (a) and (b), or \$800,000, whichever is greater, shall be available to the State to use in accordance with section 306(a) and for administrative costs incurred by the State to carry out chapter 4.

“(B) In the case of allotments made under subsections (a) and (b) to Guam, American Samoa, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands, 7 percent of the aggregate of such allotments or \$120,000, whichever is greater, shall be available to each to use in accordance with section 306(a) and for administrative costs incurred by the State to carry out chapter 4.

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

“(i) the State will be unable to fully and effectively administer its State plan and to carry out programs, projects, and activities authorized by chapters 2, 3, and 4 unless additional funds are made available by the Assistant Secretary,

“(ii) the State is making full and effective use of its allotment under paragraph (1) and of the personnel of the State agency and area agencies designated under section 303(a)(2)(A) in the administration of its State plan in accordance with section 306(a), and

“(iii) the State agency and area agencies on aging are carrying out, on a full-time basis, programs, projects, and activities that are in furtherance of the purpose of chapters 2 and 3,

then the Assistant Secretary may approve an application submitted by the State to request permission to use in accordance with section 306(a) a greater percentage of the aggregate of its allotments under subsections (a) and (b).

“(B) Subject to subparagraph (C), the Assistant Secretary may approve any part of the greater percentage requested in such application that the Assistant Secretary determines is justified in such application.

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

“(D) An application submitted under subparagraph (A) by a State may not be approved unless it contains assurances that no funds received by the State under this subsection will be used to hire any individual to fill a job opening created by the action of the State in laying off or terminating the employment of any regular employee not supported under this Act in anticipation of filling the vacancy so created by hiring an employee to be supported through use of amounts received under this subsection.

“(3) ADDITIONAL USES.—(A) Of the allotments made under subsection (a) to a State for a fiscal year and remaining after the application of paragraph (1), such part as the State agency determines, but not more than 10 percent of such remaining amount, may be used to pay such percentage as the State agency determines, but not more than 85 percent, of the administrative costs incurred to carry out area plans submitted in accordance with section 305.

“(B)(i) Of the allotments made under subsection (a) to a State for a fiscal year and remaining after the application of paragraph (1) and subparagraph (A), such part as the State agency determines, but not more than 5 percent of such remaining amount or \$500,000 (whichever is less), may be reserved by the State until June 30 for distribution to area agencies on aging in such State for the delivery of supportive services (and related supplies) during any major disaster declared by the President in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

“(ii) Any amount reserved under clause (i) that is not distributed in accordance with such clause shall be used as if this subparagraph were not in effect.

“SEC. 303. ELIGIBILITY OF STATES; ORGANIZATION.

“(a) ELIGIBILITY OF STATES.—For a State to be eligible to receive funds allotted under section 302(a)—

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

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

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

“(C) be responsible for the planning, policy development, administration, coordination, priority setting, and evaluation of all State activities related to carrying out chapters 2 and 3,

“(D) serve as an effective and visible advocate for older individuals by reviewing and commenting on all State plans, budgets, and policies that affect older individuals, and to provide technical assistance to any agency, organization, or association representing the needs of older individuals, and

“(E) except as provided in subsection (e), divide the State into distinct planning and service areas or designate the entire State as a single planning and service area,

“(2) the State agency shall—

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

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

“(i) the views of recipients of supportive services, nutrition services, or community service employment, or

“(ii) individuals using multipurpose senior centers, as the case may be, provided under such plan,

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

“(i) the geographical distribution of older individuals in the State, and

“(ii) the distribution among planning and service areas of older individuals with greatest economic need and older individuals with greatest social need, and

“(D) provide an assurance that preference will be given to providing services to older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority individuals, and include proposed methods to carry out the preference in the State plan.

“(b) DESIGNATION OF AREA AGENCIES ON AGING.—(1) An area agency on aging designated under subsection (a) shall be—

“(A) an established office on aging,

“(B) any office or agency of a unit of general purpose local government, that is designated to function only for the purpose of serving as an area agency on aging by the chief elected official of such unit,

“(C) any office or agency designated by the appropriate chief elected officials of any combination of units of general purpose local government to act only on behalf of such combination for such purpose,

“(D) any public or nonprofit private agency in a planning and service area, or any separate organizational unit within such agency, that is under the supervision or direction for this purpose of the designated State agency and that can and will engage only in the planning or provision of a broad range of supportive services, or nutrition services within the planning and service area, or

“(E) in the case of a State designated under subsection (a)(1)(E) as a single planning and service area, the State agency, and shall provide assurance, determined adequate by the State agency, that the area agency on aging will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program in accordance with the plan within the planning and service area.

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

“(c) DUE PROCESS.—A State agency shall establish, after consultation with area agencies on aging, procedures to provide due process to affected parties, if the State agency initiates an action or proceeding to change the designation of any designated planning and service area or of any designated area agency on aging.

“(d) GRANDFATHER PROVISION.—A State that on or before October 1, 1980, had designated, with the approval of the Commissioner on Aging, a single planning and service area covering all of the older individuals in the State, in which the State agency was administering the area plan, may after that date designate one or more additional planning and service areas within the State to be administered by public or nonprofit private agencies or organizations as area agencies on aging. The State agency shall continue to perform the functions of an area agency on aging for any area of the State not included in a planning and service area for which an area agency on aging has been designated.

“SEC. 304. STATE PLANS.

“(a) PLAN.—Each State, in order to be eligible for grants from its allotment under section 302(a) for any fiscal year, shall submit to the Assistant Secretary a State plan for a 2-, 3-, or 4-year period determined by the State agency, with such annual revisions as are necessary. Each such plan shall comply with all of the following requirements:

“(1) UNIFORM AREA PLAN FORMAT.—The plan shall contain assurances that the State plan will be based upon area plans developed by area agencies on aging within the State designated under section 303(a)(2)(A) and that the State will prepare and distribute a uniform format for use by area agencies on aging in developing area plans under section 305.

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

“(3) EVALUATION OF NEED.—The plan shall provide that the State agency will evaluate the need for supportive services, nutrition services (taking into consideration the comparative need for home-delivered nutrition services and for congregate nutrition services), multipurpose senior centers, and community service employment within the State and determine the extent to which existing public

or private programs meet such need. To conduct the evaluation, the State agency shall use the procedures implemented under section 112(10).

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

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

“(B) The plan shall provide assurances that—

“(i) no individual (appointed or otherwise) involved in the designation of the State agency or an area agency on aging, or in the designation of the head of any subdivision of the State agency or of an area agency on aging, is subject to a conflict of interest prohibited under this subtitle,

“(ii) no officer, employee, or other representative of the State agency or an area agency on aging is subject to a conflict of interest prohibited under this subtitle, and

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

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

“(i) maintain the integrity and public purpose of services provided, and service providers, under the State plan in all contractual and commercial relationships, and

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

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

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

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

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

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

“(B)(i) Subparagraph (A) shall apply to case management services only if such services are provided through an agency (other than the State agency) designated to provide case management services under another law.

“(ii) Subparagraph (A) shall not apply with respect to information and assistance services and to outreach.

“(8) STATE LONG-TERM CARE OMBUDSMAN PROGRAM.—Subject to subsection (g), the plan shall provide assurances that the State agency will carry out a State long-term care ombudsman program that complies with all the following specifications:

“(A) DUTIES.—The State agency shall—

“(i) identify, investigate, and resolve complaints that—

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

“(II) relate to action, inaction, or decisions that may adversely affect the health, safety, welfare, or rights of such residents (including the welfare and rights of such residents with respect to the appointment and activities of guardians and representative payees), of providers (or representatives of providers) of long-term care services, public agencies, or health and social service agencies,

“(ii) provide services to assist such residents in protecting the health, safety, welfare, and rights of such residents,

“(iii) inform such residents about means of obtaining services provided by providers or agencies described in clause (i)(II) or services described in clauses (i),

“(iv) ensure that such residents have regular and timely access to the services provided through the State long-term care ombudsman program and that such residents and complainants receive from program representatives of the State agency timely responses to complaints,

“(v) represent the interests of such residents before governmental agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents,

“(vi) provide administrative and technical assistance to entities designated under subparagraph (F) to assist the entities in participating in the program,

“(vii) analyze, comment on, and monitor the development and implementation of Federal, State, and local laws, rules, and other governmental policies and actions, that pertain to the health, safety, welfare, and rights of the residents, with respect to the adequacy of long-term care facilities and services in the State,

“(viii) provide for training program representatives of the State agency, and

“(ix) carry out such other activities as the State agency determines to be appropriate.

“(B) CONTRACTS AND ARRANGEMENTS.—(i) Except as provided in clause (ii), the State agency may carry out the program, directly, or by contract or other arrangement with any public agency or nonprofit private organization.

“(ii) The State agency may not enter into a contract or other arrangement described in clause (i) with—

“(I) an agency or organization that is responsible for licensing or certifying long-term care services in the State, or

“(II) an association (or an affiliate of such an association) of long-term care facilities, or of any other residential facilities for older individuals.

“(C) DESIGNATION OF LOCAL OMBUDSMAN ENTITIES AND REPRESENTATIVES.—(i) In carrying out the duties specified in subparagraph (A), the State agency may designate an entity as a local ombudsman entity, and may designate an individual (including an employee or volunteer) to represent the entity.

“(ii) An individual so designated may, in accordance with the policies and procedures established by the State agency—

“(I) provide services to protect the health, safety, welfare, and rights of older individuals who are residents of long-term care facilities,

“(II) ensure that residents in the service area of the entity have regular, timely access to representatives of the State long-term care ombudsman program and timely responses to complaints and requests for assistance,

“(III) identify, investigate, and resolve complaints made by or on behalf of such residents that relate to action, inaction, or decisions, that may adversely affect the health, safety, welfare, or rights of such residents,

“(IV) represent the interests of such residents before government agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of such residents,

“(V) review, and if necessary, comment on existing and proposed laws, rules, and other government policies and actions, that pertain to the rights and well-being of such residents,

“(VI) facilitate the ability of the public to comment on such laws, rules, policies, and actions,

“(VII) support the development of resident and family councils, and

“(VIII) carry out other activities that the State agency determines to be appropriate.

“(iii)(I) The State agency shall establish policies and procedures for monitoring local ombudsman entities designated to carry out the duties specified in subparagraph (A).

“(II) If the entities are grantees, or the representatives are employees, of area agencies on aging, the State agency shall develop the policies after

consultation with the area agencies on aging. The policies shall provide for participation and comment by such agencies and for resolution of concerns with respect to case activity.

“(III) The State agency shall develop the policies and procedures in accordance with all provisions of this subtitle regarding confidentiality and conflict of interest.

“(D) PROCEDURES FOR ACCESS.—The State shall ensure, and shall establish procedures that ensure, that program representatives of the State agency shall have—

“(i) access to long-term care facilities and residents,

“(ii)(I) appropriate access to review the medical and social records of a resident, if the representative has the permission of the resident (or the legal representative of the resident), or the resident is unable to consent to the review and has no legal representative, or

“(II) access to such records as is necessary to investigate a complaint if a legal guardian of the resident refuses to give the permission, a program representative of the State agency has reasonable cause to believe that the guardian is not acting in the best interests of the resident, and the program representative obtains the approval of the State agency,

“(iii) access to the administrative records, policies, and documents, to which the residents have, or the general public has access, of long-term care facilities, and

“(iv) access to and, on request, copies of all licensing and certification records maintained by the State with respect to long-term care facilities.

“(E) REPORTING SYSTEM.—The State agency shall collect and analyze data relating to complaints and conditions in long-term care facilities and to older individuals who are residents of long-term care facilities, for the purpose of identifying and resolving significant problems.

“(F) DISCLOSURE.—(i) The State agency shall establish procedures for the disclosure by the State agency or local ombudsman entities of files maintained by the State long-term care ombudsman program, including records and data described in subparagraphs (D) and (E).

“(ii) The procedures described in clause (i) shall provide that, subject to clause (iii), the files and records described in clause (i) may be disclosed only at the discretion of the State agency. The procedures described in clause (i) shall prohibit the disclosure of the identity of any complainant, or resident of a long-term care facility, with respect to whom the State agency maintains such files or records unless—

“(I) the complainant or resident, or the legal representative of the complainant or resident, consents to the disclosure and the consent is given in writing,

“(II) the complainant or resident gives consent orally and the consent is documented contemporaneously in writing made by a program representative of the State agency in accordance with such requirements as the State agency shall establish, or

“(III) the disclosure is required by court order.

“(G) CONSULTATION.—In planning and operating the State long-term care ombudsman program, the State agency shall consider the views of area agencies on aging, older individuals, and providers of long-term care.

“(H) CONFLICT OF INTEREST.—The State agency shall develop procedures to prevent conflicts of interest with respect to individuals and entities that carry out activities under the State long-term care ombudsman program.

“(I) LEGAL COUNSEL.—The State agency shall ensure that—

“(i)(I) adequate legal counsel is available and able to provide advice and consultation needed to protect the health, safety, welfare, and rights of older individuals who are residents of long-term care facilities, and to assist the program representatives of the State agency in the performance of the official duties of the State agency, and

“(II) legal representation is provided to any program representative of the State agency against whom suit or other legal action is brought or threatened to be brought in connection with the performance of the official duties of the State agency or such a representative, and

“(ii) the State agency pursues administrative, legal, and other appropriate remedies on behalf of such residents.

“(J) LIABILITY.—The State shall ensure that no program representative of the State agency will be liable under State law for the good faith performance of official duties.

- “(K) NONINTERFERENCE.—The State shall—
- “(i) ensure that willful interference with the State agency in the performance of the official duties under the State long-term care ombudsman program shall be unlawful,
 - “(ii) prohibit retaliation and reprisals by a long-term care facility or other entity with respect to any resident, employee, or other person for filing a complaint with, providing information to, or otherwise cooperating with any representative of, the State agency, and
 - “(iii) provide for appropriate sanctions with respect to the interference, retaliation, and reprisals.
- “(9) LEGAL ASSISTANCE.—If a State elects to provide legal assistance, the plan shall contain assurances that with respect to legal assistance that area agencies on aging will—
- “(A) enter into contracts with providers of legal assistance that can demonstrate the experience or capacity to deliver legal assistance, and
 - “(B) attempt to involve the private bar in legal assistance activities authorized under this chapter, including groups within the private bar furnishing services to older individuals on a pro bono and reduced fee basis.
- “(10) PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.—Subject to subsection (g), and if the State elects to provide for a fiscal year for services for the prevention of elder abuse, neglect, and exploitation, the plan shall—
- “(A) contain an assurance that the State has in effect laws relating to elder abuse, neglect, and exploitation that include provisions for immunity for persons who report, in good faith, instances of elder abuse, neglect, and exploitation, from prosecution under any State or local law arising out of such reporting,
 - “(B) contain an assurance that individuals who provide services to prevent elder abuse, neglect, and exploitation are trained to effectively deal with such reported instances,
 - “(C) contain an assurance that involuntary or coerced participation in such program by alleged victims, abusers, or members of their households will not be permitted,
 - “(D) contain an assurance that the State requires all information gathered in the course of receiving reports on instances of, and of making referrals relating to elder abuse, neglect, and exploitation remain confidential except—
 - “(i) if all parties to such complaint consent in writing to the release of such information,
 - “(ii) if the release of such information is to a law enforcement agency, public protective service agency, licensing or certification agency, ombudsman program, or protection or advocacy system, or
 - “(iii) upon court order,
 - “(E) contain an assurance that the State agency will make all reasonable efforts to resolve any conflicts with other public agencies with respect to confidentiality of the information described in subparagraph (D),
 - “(F) contain an assurance that the State agency will coordinate its program with law enforcement officials, courts of competent jurisdiction, and other relevant State and local programs, including area agencies on aging and agencies that administer adult protective services, medicaid fraud and abuse services (including services provided by a State Medicaid fraud control unit, as defined in section 1903(q) of the Social Security Act (42 U.S.C. 1396b(q)), and victim assistance programs,
 - “(G) contain an assurance that older individuals participate in decisions regarding their welfare, and
 - “(H) specify such other activities that the State agency determines to be beneficial in the prevention of abuse, neglect, or exploitation of older individuals and intends to carry out under such program.
- “(11) OUTREACH.—The plan shall provide assurances that the State agency will require outreach efforts that will—
- “(A) identify individuals eligible for assistance under chapters 2 and 3, with special emphasis on—
 - “(i) older individuals residing in rural areas,
 - “(ii) older individuals with greatest economic need,
 - “(iii) older individuals with greatest social need,
 - “(iv) older individuals with severe disabilities,
 - “(v) older individuals with limited English-speaking ability,

“(vi) older individuals with Alzheimer’s disease or related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals), and

“(vii) low-income minority individuals, and

“(B) inform the older individuals referred to in clauses (i) through (vii) of subparagraph (A), and the caretakers of such individuals, of the availability of such assistance.

“(12) OLDER INDIVIDUALS WITH DISABILITIES.—The plan shall provide, with respect to the needs of older individuals with disabilities, assurances that the State agency will coordinate planning, identification, assessment of needs, and services for older individuals with disabilities (with particular attention to individuals with severe disabilities) with the State agencies with primary responsibility for individuals with disabilities (including severe disabilities).

“(13) COORDINATION OF COMMUNITY-BASED LONG-TERM CARE SERVICES.—The plan shall provide assurances that area agencies on aging will conduct efforts to facilitate the coordination of community-based long-term care services, pursuant to section 305(a)(6)(G), for older individuals who—

“(A) reside at home and are at risk of institutionalization because of limitations on their ability to function independently,

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

“(C) are patients in long-term care facilities, but who can return to their homes if community-based services are provided to them.

“(14) PROHIBITION ON MISUSE OF FUNDS.—The plan shall provide assurances that funds received from allotments under section 302(a) will not be used to pay any part of a cost (including an administrative cost) incurred by the State or an area agency on aging to carry out a contract or commercial relationship that is not carried out to implement chapter 2 or 3.

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

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

“(B) to provide multigenerational activities, such as opportunities for older individuals to serve as mentors or advisers in programs that provide child care, youth day care, educational assistance, at-risk youth intervention, juvenile delinquency treatment, and family support.

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

“(17) COST SHARING.—If the State, after consultation with area agencies on aging, elects to require cost sharing by recipients of services under the State plan (or to require or permit area agencies on aging to require cost sharing by recipients of services under area plans), the plan shall—

“(A) provide that no cost sharing shall be required for—

“(i) information and assistance services, outreach, benefits counseling, or case management services, or

“(ii) ombudsman or other protective services, or

“(B)(i) exempt from cost-sharing requirements individuals with incomes below a low-income threshold set by the State that is not lower than 125 percent of the poverty line,

“(ii) set cost-sharing rates for individuals with incomes above such threshold on a sliding-fee scale based on income,

“(iii) provide that the income of older individuals will be determined by self-declaration, and

“(C) provide that individuals will not be denied a service under the plan because of the inability of such individual to pay a share of the cost of such service.

“(18) SOLICITATION OF VOLUNTARY CONTRIBUTIONS.—The plan shall provide that the State will permit area agencies on aging to permit service providers to solicit for services provided under the plan voluntary contributions that—

“(A) are based on the ability of older individuals to make such contributions, and

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

“(19) USE OF VOUCHERS TO OBTAIN SERVICES.—(A) Subject to subparagraph (B), the plan shall identify each specific supportive service and each nutrition service, if any, the State agency elects to permit area agencies on aging to pro-

vide by issuing vouchers (redeemable by the State agency or area agency on aging) to older individuals to permit such individuals to obtain such service.

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

“(i) such service provided in exchange for vouchers will provide meals that satisfy the requirements specified in section 332(2)(A), and

“(ii) an area agency on aging will be permitted by the State agency to provide such service by issuing such vouchers, only if the area agency on aging is unable to provide such service by contract with a service provider.

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

“(c) DISAPPROVAL OF STATE PLAN.—(1) The Assistant Secretary shall not make a final determination disapproving any State plan, or any modification thereof, or make a final determination that a State is ineligible under section 303, without first affording the State reasonable notice and opportunity for a hearing.

“(2) Not later than 30 days after such final determination, a State dissatisfied with such final determination may appeal such final determination to the Secretary for review. If the State timely appeals such final determination in accordance with subsection (e)(1), the Secretary shall dismiss the appeal filed under this paragraph.

“(3)(A) If the State is dissatisfied with the decision of the Secretary after review under paragraph (2), the State may appeal such decision not later than 30 days after such decision and in the manner described in subsection (e).

“(B) For purposes of appellate review under subparagraph (A), a reference in subsection (e) to the Assistant Secretary shall be deemed to be a reference to the Secretary.

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

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

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

“(C) in the administration of the plan there is a failure to comply substantially with any provision of subsection (a),

the Assistant Secretary shall notify the State agency that no further payments from its allotments under section 302(a) will be made to the State (or, in the Assistant Secretary’s discretion, that further payments to the State will be limited to projects under or portions of the State plan not affected by such failure), until the Assistant Secretary is satisfied that there will no longer be any failure to comply. Until the Assistant Secretary is so satisfied, no further payments shall be made to the State from its allotments under section 302(a) (or payments shall be limited to projects under or portions of the State plan not affected by such failure).

“(2)(A) The Assistant Secretary shall, in accordance with rules the Secretary shall issue, disburse the funds so withheld directly to any public or nonprofit private organization or agency or political subdivision of the State submitting an approved plan in accordance with the provisions of this section.

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

“(e) APPEAL.—(1) A State that is dissatisfied with a final action of the Assistant Secretary under subsection (b), (c), or (d) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within 30 days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Assistant Secretary, or any officer designated by the Assistant Secretary for such purpose. The Assistant Secretary thereupon shall file in the court the record of the proceedings on which the Assistant Secretary’s action is based, as provided in section 2112 of title 28, United States Code.

“(2) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Assistant Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Assistant Secretary may modify or set aside the Assistant Secretary’s order. The findings of the Assistant Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown may remand the case to the Assistant Secretary to take further evidence, and the Assistant Secretary shall, within 30 days, file in the court the record of those further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Assistant Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

“(3) The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Assistant Secretary’s action.

“(f) PRESERVATION OF ATTORNEY-CLIENT PRIVILEGE.—Neither a State, nor a State agency, may require any provider of legal assistance under this chapter to reveal any information that is protected by the attorney-client privilege.

“(g) LIMITATION ON EXPENDITURES.—(1) Except as provided in paragraph (2), the aggregate amount of funds made available under this Act that may be expended by a State in any fiscal year—

“(A) to carry out the State long-term care ombudsman program described in subsection (a)(8), and

“(B) to provide services for the prevention of elder abuse, neglect, and exploitation, described in subsection (a)(10),

may not exceed the amount that bears the same ratio to the aggregate amount of funds made available under this Act for such fiscal year to carry out chapter 2 as the amount of funds made available under the Older Americans Act of 1965 for fiscal year 1995 expended by the State to carry out the State long-term care ombudsman programs, and programs with respect to the prevention of elder abuse, neglect, and exploitation, under title VII and part B of title III of the Older Americans Act of 1965 bears to the aggregate amount of funds made available under such Act for fiscal year 1995 to carry out such title VII and such part B.

“(2)(A) If a State demonstrates, in an application, to the satisfaction of the Assistant Secretary that the maximum amount paragraph (1) permits the State to expend for a fiscal year—

“(i) to carry out the State long-term care ombudsman program described in subsection (a)(8), and

“(ii) to provide services for the prevention of elder abuse, neglect, and exploitation, described in subsection (a)(10),

is insufficient to satisfy the need for services provided under paragraphs (8) and (10) of subsection (a), then the Assistant Secretary may grant a waiver that permits the State to expend for such fiscal year an amount equal to not more than 150 percent of such maximum amount to provide services under such paragraphs.

“(B) At a minimum, the application described in subparagraph (A) shall include a description of the additional amount requested to be so expended, the purposes for which such amount will be expended, the need for such amount, and the impact so expending such amount will have on the provision of other services provided under chapter 2. The Assistant Secretary shall approve or deny the application in writing.

“SEC. 305. AREA PLANS.

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

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

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

“(B) determining the extent of need for supportive services, nutrition services (taking into consideration the comparative need for home-delivered nutrition services and congregate nutrition services), and multipurpose senior centers in such area (taking into consideration, among other things, the number of older individuals with low incomes residing in such area, the number of older individuals who have greatest economic need residing in such area, the number of older individuals who have greatest social need residing in such area, the number of older individuals residing on reservations in such area, and the number of older individuals who are Indians residing in such area, and the efforts of voluntary organizations in the community),

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

“(D) entering into agreements with providers of supportive services, nutrition services, or multipurpose senior centers in such area, for the provision of such services or centers to meet such need.

“(2) PROMOTION OF INDEPENDENT LIVING.—The plan shall promote independent living through the provision of home- and community-based care, address the nutrition and health-promotion needs of older individuals, provide advocacy for and protect the rights of vulnerable older individuals in both community-based and institutional settings, specify efforts to be undertaken to ensure the quality of supportive services and nutrition services provided in such settings, enhance access to services provided under the plan, and encourage community participation in carrying out the plan.

“(3) INFORMATION AND ASSISTANCE SERVICES.—The plan shall provide for the establishment and maintenance of information and assistance services to ensure that older individuals within the planning and service area covered by the plan will have reasonably convenient access to such services, with particular emphasis on linking services available to isolated older individuals and older individuals with Alzheimer’s disease or related disorders with neurological and organic brain dysfunction (and the caretakers of individuals with such disease or disorders).

“(4) SPECIFIC OBJECTIVES; OUTREACH.—(A) The plan shall contain assurances that the area agency on aging will set specific objectives for providing services to older individuals with greatest economic need, older individuals with greatest social need, and older individuals residing in rural areas.

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

“(i) identify individuals eligible for assistance under chapters 2 and 3, with special emphasis on—

“(I) older individuals residing in rural areas,

“(II) older individuals with greatest economic need,

“(III) older individuals with greatest social need,

“(IV) older individuals with severe disabilities,

“(V) older individuals with limited English-speaking ability,

“(VI) older individuals with Alzheimer’s disease or related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals), and

“(VII) low-income minority individuals, and

“(ii) inform the older individuals referred to in subclauses (I) through (VII) of clause (i), and the caretakers of such individuals, of the availability of such assistance.

“(5) EVALUATIONS; TECHNICAL ASSISTANCE AND INFORMATION; ADVOCACY; ADVISORY COUNCIL.—The plan shall provide that the area agency on aging will—

“(A) furnish appropriate technical assistance, and information in a timely manner, to providers of supportive services, nutrition services, or multipurpose senior centers in the planning and service area covered by the area plan,

“(B) take into account in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under such plan,

“(C) serve as the advocate and focal point for older individuals within the community by (in cooperation with agencies, organizations, and individuals participating in activities under the plan) monitoring, evaluating, and commenting on all policies, programs, hearings, levies, and community actions that will affect older individuals,

“(D) establish an advisory council consisting of older individuals who are participants or who are eligible to participate in programs assisted under this title, representatives of older individuals, local elected officials, providers of veterans’ health care (if appropriate), and the general public, to advise continuously the area agency on aging on all matters relating to the development of the area plan, the administration of the plan and operations conducted under the plan,

“(E) facilitate the coordination of community-based, long-term care services designed to retain individuals in their homes, thereby deferring unnecessary, costly institutionalization, and designed to include the development of case management services as a component of the long-term care services,

“(F) facilitate the involvement of long-term care providers in the coordination of community-based long-term care services and work to ensure community awareness of and involvement in addressing the needs of residents of long-term care facilities,

“(G) coordinate services and activities carried out under the area plan with—

- “(i) activities of community-based organizations established for the benefit of older individuals with Alzheimer’s disease or related disorders with neurological and organic brain dysfunction (and the families of such individuals), and
- “(ii) the mental health services provided by community health centers and by other public agencies and nonprofit private organizations, and
- “(H) establish a grievance procedure for older individuals who are dissatisfied with or denied services under chapters 2 and 3.
- “(6) VOLUNTEERS.—The plan shall encourage, and enlist the services of, local volunteer groups to provide assistance and services appropriate to the unique needs of older individuals within the planning and service area, including coordination with programs carried out under subtitles A and C of title IV.
- “(7) PREVENTION OF THE ABUSE, NEGLECT, OR EXPLOITATION OF OLDER INDIVIDUALS.—If the area agency on aging elects to provide a program to prevent the abuse, neglect, or exploitation of older individuals or is required by the State agency to carry out such program, the plan shall—
- “(A) contain an assurance that the area agency on aging will conduct such program consistent with the provisions of this subtitle,
- “(B) contain an assurance that the area agency on aging will provide public education and outreach to identify and prevent abuse, neglect, and exploitation of older individuals,
- “(C) contain an assurance that the area agency on aging—
- “(i) will establish procedures for receipt of reports of abuse, neglect, and exploitation of older individuals, and
- “(ii) upon receipt of a report of known or suspected instances of elder abuse, neglect, or exploitation, shall promptly refer to reported matter to the proper authorities for investigation and action consistent with State law, and
- “(D) specify such other activities that the area agency determines to be beneficial in the prevention of abuse, neglect, or exploitation of older individuals and intends to carry out under such program.
- “(8) DESCRIPTION OF ACTIVITIES.—The plan shall—
- “(A) describe all activities of the area agency on aging for which financial assistance is provided to carry out chapters 2 and 3, and
- “(B) contain an assurance that such activities conform with—
- “(i) the responsibilities of the area agency on aging, as set forth in this subsection, and
- “(ii) the laws, rules, and policies of the State in which the area agency on aging is carrying out an area plan.
- “(9) DISCLOSURE OF SOURCES AND EXPENDITURES OF FUNDS.—The plan shall contain an assurance that the area agency on aging will, on the request of the State and for the purpose of monitoring compliance with this subtitle (including conducting an audit), disclose all sources and expenditures of funds such agency receives or expends to provide services to older individuals.
- “(10) PROHIBITION ON MISUSE OF FUNDS.—The plan shall contain assurances that funds received from allotments under section 302(a) will not be used to pay any part of a cost (including an administrative cost) incurred by the area agency on aging to carry out a contract or commercial relationship that is not carried out to implement chapters 2 and 3.
- “(11) PROHIBITION OF PREFERENCE.—The plan shall contain assurances that preference in receiving services under chapters 2 and 3 will not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement such chapters.
- “(12) CASE MANAGEMENT SERVICES.—The plan shall provide that case management services provided under this chapter through the area agency on aging will—
- “(A) not duplicate case management services provided through other Federal and State programs,
- “(B) be coordinated with services described in subparagraph (A),
- “(C) include a provision, to consumers, of a list of available service providers for appropriate care in the planning and service area served by such agency,
- “(D) be provided in a manner that gives a consumer the right to choose a provider of preference, and
- “(E) be provided by—
- “(i) a public agency, or
- “(ii) a nonprofit private agency that—

“(I) does not provide, and does not have a direct or indirect ownership or controlling interest in, or a direct or indirect affiliation or relationship with, an entity that provides, services (other than case management services, outreach, and information and referral) under this title,

“(II) is located in a rural area and obtains a waiver of the requirement described in subclause (I), or

“(III) is a community-based organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986, that is exempt from taxation under section 501(a) of such Code, and that is located in a planning and service area in which an area agency on aging made a contract with 1 or more nonprofit private agencies to provide case management services in fiscal year 1992 under the Older Americans Act of 1965.

“(13) COST SHARING.—The plan shall contain assurances that any requirements for cost sharing by recipients of services provided under the plan will be consistent with those provisions of the State plan that satisfy the requirement specified in section 304(a)(17).

“(14) OLDER INDIVIDUALS WITH DISABILITIES.—The plan shall provide, with respect to the needs of older individuals with disabilities, assurances that the area agency will coordinate planning, identification, assessment of needs, and services for older individuals with disabilities (with particular attention to individuals with severe disabilities) with the State agency.

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

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

“(B) in the unclassified section of the directory, and

“(C) to the extent possible, in the classified section of the directory, under a subject heading designated by the Assistant Secretary by regulation.

“(b) PRESERVATION OF ATTORNEY-CLIENT PRIVILEGE.—An area agency on aging may not require any provider of legal assistance under this chapter to reveal any information that is protected by the attorney-client privilege.

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

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

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

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

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

“(iii) at the request of the area agency on aging, conducting a public hearing concerning such action.

“(3)(A) If a State agency withholds the funds under paragraphs (1) and (2), the State agency may use the funds withheld to directly administer programs under chapters 2 and 3 in the planning and service area served by the area agency on aging for a period not to exceed 180 days, except as provided in subparagraph (B).

“(B) If the State agency determines that the area agency on aging has not taken corrective action, or if the State agency does not approve the corrective action, during the 180-day period described in subparagraph (A), the State agency may extend the period for not more than 90 days.

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

“(a) GRANTS FOR STATE ACTIVITIES.—(1) Amounts available to States under section 302(c)(1) may be used to make grants to States to pay such percentage as each State agency determines, but not more than 85 percent, of the cost of the administration of its State plan, including—

“(A) the preparation of the State plan,

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

“(C) the collection of data and the carrying out of analyses related to the need for supportive services, nutrition services (taking into consideration the comparative need for home-delivered nutrition services and for congregate nutrition

services), multipurpose senior centers, and community service employment within the State, and dissemination of information so obtained,

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

“(E) and the carrying out of demonstration projects of statewide significance relating to the initiation, expansion, or improvement of services and activities provided under chapters 2 and 3.

“(2) Any funds available to a State under subsection (b) for part of the cost of the administration of its State plan that the State determines is not needed for such purpose may be used by the State to supplement the amount available under section 302(c)(3)(A) to cover part of the cost of the administration of area plans.

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

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

“(b) AUTHORITY TO TRANSFER FUNDS.—(1)(A) Notwithstanding any other provision of this subtitle and except as provided in subparagraph (B), of the funds received by a State attributable to funds appropriated under subsections (a) and (b) of section 381, the State (after consultation with area agencies on aging and with service providers) may elect to transfer not more than 25 percent for any fiscal year between programs under chapter 2 and programs under chapter 3 for use as the State considers appropriate. The State shall notify the Assistant Secretary of any such election.

“(B) If a State demonstrates in an application, to the satisfaction of the Assistant Secretary, that funds received by the State and attributable to funds appropriated under subsections (a) and (b) of section 381, (including funds transferred under subparagraph (A) without regard to this subparagraph) for any fiscal year are insufficient to satisfy the need for services under chapter 2 or 3, then the Assistant Secretary may grant a waiver that permits the State to transfer under subparagraph (A) to satisfy such need an additional 25 percent of the funds so received for such fiscal year.

“(C) At a minimum, the application described in subparagraph (B) shall include a description of the amount to be transferred, the purposes of the transfer, the need for the transfer, and the impact of the transfer on the provision of services from which the funding will be transferred. The Assistant Secretary shall approve or deny the application in writing.

“(2) After consultation with service providers, a State agency may delegate to an area agency on aging or any other entity the authority to make a transfer under paragraph (1).

“(3) The Assistant Secretary shall annually collect, and include in the report required by section 116, data regarding the transfers described in paragraph (1), including—

“(A) the amount of funds involved in the transfers, analyzed by State,

“(B) in the case of transfers described in paragraph (1), the effect of the transfers on the provision of services provided under—

“(i) chapter 2, and

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

“SEC. 307. PAYMENTS.

“Payments of grants, or under contracts, made under chapters 2 and 3 may be made (after necessary adjustments resulting from previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Assistant Secretary may determine.

“CHAPTER 2—SUPPORTIVE SERVICES AND MULTIPURPOSE SENIOR CENTERS

“SEC. 321. PROGRAM AUTHORIZED.

“(a) SUPPORTIVE SERVICES.—The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 304 for any of

the following supportive services that are necessary for the general welfare of older individuals:

“(1) Health (including mental health), education and training, welfare, informational, recreational, homemaker, counseling, or referral services.

“(2) Services designed to encourage and assist older individuals to use the facilities and services (including information and assistance services) available to them, including language translation services to assist older individuals with limited-English speaking ability to obtain services under this chapter.

“(3) Services designed—

“(A) to assist older individuals to obtain adequate housing, including residential repair and renovation projects designed to enable older individuals to maintain their homes in conformity with minimum housing standards,

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

“(C) to prevent unlawful entry into residences of older individuals, through the installation of security devices and through structural modifications or alterations of such residences, or

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

“(4) Services designed to assist older individuals to avoid institutionalization, and services designed to assist individuals in long-term care institutions who are able to return to their communities, including—

“(A) client assessment services, and development and coordination of community-based services,

“(B) in-home services for frail older individuals, including services for older individuals with Alzheimer’s disease and related disorders with neurological and organic brain dysfunction (and for families of such individuals),

“(C) supportive activities to meet the special needs of caregivers, including caregivers who provide in-home services to frail older individuals, and

“(D) in-home and other community-based services to assist older individuals to live independently in a home environment, including home health, homemaker, shopping, escort, reader, and letter-writing services.

“(5) Services designed to provide to older individuals legal assistance and other counseling services and assistance, including—

“(A) tax counseling and assistance, financial counseling, and counseling regarding appropriate health and life insurance coverage,

“(B) representation—

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

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

“(C) provision, to older individuals who provide uncompensated care to their adult children with disabilities, of counseling to assist such older individuals with permanency planning for such children.

“(6) Services designed to enable older individuals to attain and maintain physical and mental well-being through programs of regular physical activity,

“(7) Activities designed to promote disease prevention and health promotion.

“(8) Services designed to provide, for older individuals, preretirement counseling and assistance in planning for and assessing future post-retirement needs with regard to public and private insurance, public benefits, lifestyle changes, relocation, legal matters, leisure time, and other appropriate matters.

“(9) Services of an ombudsman to receive, investigate, and act on complaints by older individuals who are residents of long-term care facilities and to advocate for the well-being of such individuals.

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

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

“(12) Services for the prevention of abuse, neglect, or exploitation of older individuals.

“(13) Crime prevention services and victim assistance programs for older individuals.

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

“(15) Services designed to enable mentally impaired older individuals to attain and maintain emotional well-being and independent living through a coordinated system of supportive services.

“(16) Services designed to provide information and training for individuals who are or may become guardians or representative payees of older individuals, including information on the powers and duties of guardians and representative payees and on alternatives to guardianships.

“(17) Services to encourage and facilitate regular interaction between school-age children and older individuals, including visits in long-term care facilities, multipurpose senior centers, and other settings.

“(18) Services to assist in the operation of multipurpose senior centers.

“(19) Services that provide reasonable opportunities for older individuals to participate on a voluntary basis in multigenerational activities.

“(20) Transportation services to facilitate access to the services authorized by this subsection to be provided.

“(21) Any other services.

“CHAPTER 3—NUTRITION SERVICES

“SEC. 331. PROGRAM AUTHORIZED.

“(a) NUTRITION SERVICES.—The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 304 for the establishment and operation of nutrition projects that 5 or more days a week (except in a rural area where such frequency is not feasible) and a lesser frequency when it is approved by the State agency, provide—

“(1) meals to eligible individuals in congregate meals settings,

“(2) meals to eligible individuals in their homes, and

“(3) meals to eligible individuals in adult day care settings.

“(b) REQUIREMENTS.—(1) Meals served to eligible individuals under subsection (a)(3) may be hot, cold, frozen, dried, canned, or supplemental foods (with a satisfactory storage life).

“(2) Meal providers shall provide eligible older individuals with at least 1 meal per day and any additional meals per day that the recipient of a grant or contract under this chapter may elect to provide.

“SEC. 332. ADDITIONAL REQUIREMENTS.

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

“(1) solicit the advice of a dietitian or individual with comparable expertise in the planning of nutritional services, and

“(2) ensure that the project—

“(A) provides meals that—

“(i) comply with the Dietary Guidelines for Americans, published by the Secretary and the Secretary of Agriculture,

“(ii) provide to each participating older individual—

“(I) a minimum of 33 $\frac{1}{3}$ percent of the daily recommended dietary allowances as established by the Food and Nutrition Board of the Institute of Medicine of the National Academy of Sciences, if the project provides 1 meal per day,

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

“(III) 100 percent of the allowances if the project provides 3 meals per day, and

“(iii) to the maximum extent practicable, are adjusted to meet any special dietary needs of program participants,

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

“(C) encourages providers to enter into contracts that limit the amount of time meals must spend in transit before they are consumed,

“(D) where feasible, encourages arrangements with schools and other facilities serving meals to children in order to promote intergenerational meal programs,

“(E) provides that meals, other than in-home meals, are provided in settings in as close proximity to the majority of eligible older individuals' residences as feasible,

“(F) ensures that meal providers carry out such project with the advice of dietitians (or individuals with comparable expertise), meal participants, and other individuals’ knowledgeable with regard to the needs of older individuals,

“(G) ensures that each participating area agency on aging establishes procedures that allow nutrition project administrators the option to offer a meal, on the same basis as meals provided to participating older individuals, to individuals providing volunteer services during the meal hours, and to individuals with disabilities who reside at home with and accompany older individuals eligible under this chapter,

“(H) ensures that nutrition services will be available to older individuals and to their spouses, and may be made available to individuals with disabilities who are not older individuals but who reside in housing facilities occupied primarily by older individuals at which congregate nutrition services are provided, and

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

“CHAPTER 4—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

“SEC. 351. SHORT TITLE.

“This chapter may be cited as the ‘Older American Community Service Employment Act of 1996’.

“SEC. 352. OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM.

“(a) **AUTHORITY FOR PROGRAM.**—(1) With funds allotted under section 302(b), the Assistant Secretary shall make grants to eligible States and tribal organizations for the purpose of providing to unemployed low-income older individuals who have poor employment prospects, employment opportunities in providing community services.

“(2)(A) Not less than 85 percent of each grant made under paragraph (1) shall be used to pay wages and benefits for older individuals who are employed under agreements made under subsection (b).

“(B) The amount of such grant remaining (if any) after the application of section 302(c) and subparagraph (A) may be used to pay other employment-related costs relating to such individuals, including costs incurred—

“(i) to perform the assessment described in subsection (c)(2)(K),

“(ii) to provide the training described in subsection (c)(2)(H),

“(iii) to provide counseling to such individuals,

“(iv) to provide supportive services to such individuals,

“(v) to pay transportation costs,

“(vi) to evaluate such individuals for continued participation in such employment,

“(vii) to pay incidental costs of attire and tools for such individuals, necessarily incurred to enable such individuals to participate in a project carried out under an agreement made under subsection (b), and

“(viii) to provide physical examinations to such individuals.

“(C) To the maximum extent practicable, an entity that carries out a project under an agreement made under subsection (b) shall provide for the payment of the costs described in subparagraph (B) from non-Federal sources.

“(b) **ELIGIBILITY FOR GRANTS.**—To be eligible to receive a grant under subsection (a), a State or tribal organization shall submit to the Assistant Secretary an application in such form and containing such information as the Assistant Secretary may require by rule, including an assurance that such grant will be used by the State or tribal organization to carry out projects (excluding projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship) for the purpose specified in subsection (a) through the following types of agreements that satisfy the requirements of subsection (c) and that provide for meeting specifications and performance goals the State or tribal organization shall establish:

“(1) Agreements may be made by the State or tribal organization with—

“(A) public or nonprofit private agencies or organizations,

“(B) political subdivisions of States having elected or duly appointed governing officials (or combinations of such political subdivisions),

“(C) tribal organizations,

“(D) area agencies on aging, and

“(E) national organizations, and State and local affiliates of national organizations, that received funds in fiscal year 1995 under section 502 of the Older Americans Act of 1965, to pay the cost of providing part-time employment to older individuals described in subsection (a).

“(2) At the election of the State or tribal organization, not more than 5 percent of the grant received under subsection (a) may be used to make agreements with businesses (giving special consideration to businesses in growth industries) to pay not more than 50 percent of the cost of providing part-time or full-time employment to older individuals described in subsection (a).

“(c) REQUIREMENTS.—Subject to subsection (d) this subsection shall apply to agreements made under subsection (b).

“(1) Each such agreement shall be made on a competitive basis and after consideration of the following, as demonstrated by the entity that proposes to carry out a project to provide employment to older individuals described in subsection (a):

“(A) The ability of such entity to provide community service employment and to satisfy the requirements of this chapter.

“(B) The ability to meet applicable specifications and performance goals referred to in subsection (b).

“(C) The ability to provide supportive services to assist older individuals described in subsection (a) to participate in employment provided by the project.

“(D) The effective use of funds to be received under such agreement, to pay administrative costs of the project and to pay wages and benefits for such individuals who are participating in employment provided by the project.

“(2) Each such agreement shall provide that no payment shall be made by the State or tribal organization toward the cost of the project unless the State or tribal organization determines that the project, and the entity that carries out the project, will satisfy all of the following:

“(A)(i) The entity that carries out the project will use funds received under such agreement that are attributable to a grant made under subsection (a) or any other Federal law, to pay not more than 85 percent of the cost of the project.

“(ii) The non-Federal share of such cost will be contributed in cash or in kind. In determining the amount of the non-Federal share, the Assistant Secretary may attribute fair market value to services and facilities contributed from non-Federal sources.

“(B) The project will provide employment only for older individuals described in subsection (a), except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among older individuals described in subsection (a).

“(C)(i) If such agreement is made with a State, the project will provide employment for such individuals in the community in which such individuals reside, or in nearby communities.

“(ii) If such agreement is made with a tribal organization, the project will provide employment for such individuals who are Indians residing on or near an Indian reservation.

“(D) The project (except with respect to an agreement described in subsection (b)(2)) will employ such individuals in services related to publicly owned and operated facilities and projects, or related to projects sponsored by organizations (other than political parties) described in section 501(c)(3) of the Internal Revenue Code of 1986 that are exempt from taxation under section 501(a) of such Code.

“(E) The project will contribute to the general welfare of the community.

“(F) The project will—

“(i) result in an increase in employment opportunities over those opportunities that would otherwise be available,

“(ii) not result in the displacement of currently employed workers (including partial displacement, such as a reduction in the hours of non-overtime work or wages or employment benefits), and

“(iii) not impair existing contracts or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed.

“(G) The project will utilize methods of recruitment and selection (including listing of job vacancies with the employment agency operated by any State or political subdivision thereof) that will ensure that the maximum

number of older individuals described in subsection (a) will have an opportunity to participate in the project.

“(H)(i) The project will include such training as may be necessary to make the most effective use of the skills and talents of such individuals who are participating and assist in their transition into employment for which no financial assistance is provided under this chapter, and may provide for the payment of the reasonable expenses of such individuals being trained.

“(ii) Unless the number of such individuals in need of the training required by clause (i) is sufficient to justify the establishment of a training program by the project, such training shall be provided, to the maximum extent practicable, by the project by placing such individuals in training programs for which Federal or State funds are provided under another law. Such individuals who participate in such training programs shall be deemed to have received the training required by clause (i).

“(I) The project will be established or administered with the advice of individuals competent in the field of service in which employment is being provided, and of individuals who are knowledgeable with regard to the needs of older individuals.

“(J) The project may authorize payment for reasonable transportation costs of older individuals described in subsection (a) that may be incurred in employment in the project.

“(K) The project will prepare an assessment of—

“(i) the participating older individuals’ skills and talents,

“(ii) their need for supportive services, and

“(iii) their ability to perform community service employment, except to the extent the project has, for the particular participant involved, an assessment of such skills and talents, such need, or such capabilities prepared recently pursuant to another employment or training program.

“(L) The entity that carries out the project will post in the project workplace a notice, and will make available to each individual associated with the project a written explanation, clarifying the law with respect to allowable and unallowable political activities under chapter 15 of title 5, United States Code, applicable to the project and to each category of individuals associated with the project.

“(M) In providing employment opportunities under the project, such entity will give priority to low-income individuals who are 60 years of age or older.

“(d) SPECIAL CONSIDERATION.—(1) For purposes of making agreements under subsection (b)(1), the State or tribal organization shall give special consideration to entities that received funds under 502(b) of the Older Americans Act of 1965 for fiscal year 1995 and that demonstrate effectiveness in carrying out projects in fiscal year 1995 under title V of such Act to provide employment opportunities for older individuals.

“(2) For purposes of paragraph (1), such effectiveness shall be deemed to be demonstrated if such entity demonstrates that it has—

“(A) in existence coordination agreements or other effective linkages between such entity and Federal, State, and local employment and training programs,

“(B) in existence effective linkages between such entity and private entities that promote employment and training opportunities for older individuals,

“(C) a record of successfully placing such individuals in employment positions for which no financial assistance is provided under this chapter, and

“(D) a record of successfully meeting the need for community service employment in the community served by such entity in such community.

“(e) PREREQUISITE DETERMINATION.—(1) To effectively carry out subsection (b) and after consultation with the appropriate area agencies on aging and with other organizations that received funds under this chapter in the preceding fiscal year, a State or tribal organization that receives a grant under subsection (a) for a fiscal year shall make a determination—

“(A) identifying the localities in the State, or on an Indian reservation in the case of a tribal organization, in which projects described in subsection (b) are most needed,

“(B) in making such determination, consider the local employment situations and the types of skills possessed by available local older individuals described in subsection (a), and

“(C) identify potential projects and the number and percentage of such individuals in the local population.

“(2) The State or tribal organization shall coordinate the projects assisted under this chapter with—

“(A) other programs, projects, and activities carried out under this Act,

“(B) federally supported job training programs, and

“(C) other Federal and State employment programs,

to increase employment opportunities available to older individuals.

“(3) To the maximum extent practicable, the State shall ensure that entities that carry out projects under agreements made under subsection (b) provide employment under this chapter to older individuals who immediately before the effective date of this chapter were employees under an agreement made under section 502(b) of the Older Americans Act of 1965.

“(f) **EQUITABLE USE OF FUNDS.**—To the maximum extent practicable, the State shall use funds available to carry out this chapter to make agreements under subsection (b) in an equitable manner, taking into consideration the number of eligible older individuals in the various geographical areas and the relative distribution of such individuals among urban and rural areas.

“(g) **PRIOR SUBMISSION OF PROJECT DESCRIPTION.**—Whenever an entity (other than an area agency on aging for the planning and service area in which the project will be conducted) conducts a project under an agreement made under subsection (b) within a planning and service area in a State, such entity shall conduct the project in consultation with the area agency on aging of the planning and service area and shall submit to the area agency on aging, not less than 30 days before undertaking the project, a description (including the location) of the project.

“(h) **ALTERNATIVE WORK MODES; TECHNICAL ASSISTANCE.**—States and tribal organizations may develop alternatives for innovative work modes and provide technical assistance in creating employment opportunities through work sharing and other experimental methods to groups representing business and industry and workers, as well as to individual employers, where appropriate.

“(i) **REPORT.**—If for a fiscal year a State or tribal organization elects under subsection (b) to make agreements described in paragraph (2) of such subsection, the State or tribal organization shall submit to the Assistant Secretary a report describing the projects carried out under such agreements.

“(j) **RULES.**—The Secretary shall issue, and amend from time to time, rules that require States and tribal organizations that receive grants under subsection (a) to establish, to the maximum extent practicable, for projects carried out under this chapter the goal of annually placing not less than 20 percent of project participants in employment positions for which no financial assistance is provided under this chapter.

“SEC. 353. PARTICIPANTS NOT FEDERAL EMPLOYEES.

“(a) **PROJECT PARTICIPANTS.**—Older individuals described in section 352(a) who participate in a project assisted under this chapter shall not be considered to be Federal employees as a result of such participation and shall not be subject to the provisions of part III of title 5 of the United States Code.

“(b) **CONTRACTS.**—No contract shall be entered into under this chapter with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen’s compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self-insurance, as authorized by State law, that the individuals employed under the contract shall enjoy workmen’s compensation coverage equal to that provided by law for covered employment.

“SEC. 354. TREATMENT OF EMPLOYMENT ASSISTANCE FOR PURPOSES OF FEDERAL HOUSING AND FOOD STAMP PROGRAMS.

“Funds received by eligible older individuals from participation in projects carried out under this chapter shall not be considered to be income of such individuals for purposes of determining the eligibility of such individuals, or of any other individuals, to participate in any housing program for which Federal funds may be available or for any income determination under the Food Stamp Act of 1977.

“Subtitle B—Authorization of Appropriations

“SEC. 381. AUTHORIZATION OF APPROPRIATIONS.

“(a) **SUPPORTIVE SERVICES AND MULTIPURPOSE SENIOR CENTERS.**—There are authorized to be appropriated to carry out chapter 2 of subtitle A \$300,638,000 for fiscal year 1997 and such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.

“(b) NUTRITION SERVICES.—There are authorized to be appropriated to carry out chapter 3 of subtitle A \$461,111,000 for fiscal year 1997 and such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.

“(c) COMMUNITY SERVICE EMPLOYMENT.—There are authorized to be appropriated to carry out chapter 4 of subtitle A \$350,000,000 for fiscal year 1997 and such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.

“SEC. 382. ADDITIONAL FUNDS AVAILABLE FOR NUTRITION SERVICES.

“(a) FUNDS AVAILABLE.—In addition to the amount appropriated under section 381(b), and to provide nutrition services under subtitle A and title II for each of the fiscal years 1997, 1998, 1999, 2000, and 2001, the amount appropriated under subsection (e) for such fiscal year shall be made available to the Assistant Secretary by the Secretary of Agriculture.

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

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

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

“(c) ALLOTMENT BASED ON MEALS SERVED.—

“(1) IN GENERAL.—In providing funds for nutrition services under subsection (b)(1) for a fiscal year, the Assistant Secretary shall allot such funds among States based on number of meals served, as specified in paragraph (2).

“(2) CALCULATION.—The Assistant Secretary shall allot to each State for a fiscal year the amount that bears the same ratio to such 98.9 percent as the number of meals served in the State under this section or under section 311 of the Older Americans Act of 1965 (as in effect immediately before the effective date of this section), as appropriate, for the preceding fiscal year bears to the number of meals served in all States under this section or such section 311, as appropriate, for such preceding fiscal year.

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

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

“(2) PURCHASE OF COMMODITIES FROM THE SECRETARY OF AGRICULTURE.—If a State or grant recipient makes a timely election under paragraph (1), the Assistant Secretary shall use the amount of such funds designated by the State, or of such grant designated by the grant recipient, to purchase commodities from the Secretary of Agriculture and to make such commodities available to the State or grant recipient.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$154,950,000 for fiscal year 1997 and such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.

“TITLE IV—NATIONAL SENIOR VOLUNTEER SERVICE CORPS

“SEC. 401. STATEMENT OF PURPOSES.

“It is the purpose of—

“(1) this title to provide for the National Senior Volunteer Service Corps, comprised of the Retired and Senior Volunteer Program, the Foster Grandparent Program, and the Senior Companion Program, that empowers older individuals to contribute to their communities through volunteer service, enhances the lives of the volunteers and those whom they serve, and provides communities with valuable services,

“(2) subtitle A, the Retired and Senior Volunteer Program, to utilize the vast talents of older individuals willing to share their experiences, abilities, and skills in responding to a wide variety of community needs,

“(3) subtitle B, the Foster Grandparent Program, to afford low-income older individuals an opportunity to provide supportive, individualized services to children with exceptional or special needs, and

“(4) subtitle C, the Senior Companion Program, to afford low-income older individuals the opportunity to provide personal assistance and companionship to other older individuals through volunteer service.

“Subtitle A—Retired and Senior Volunteer Program

“SEC. 411. GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS.

“(a) **AUTHORITY TO MAKE GRANTS AND CONTRACTS.**—To carry out a Retired and Senior Volunteer Program under this subtitle to help retired individuals and working older individuals to avail themselves of opportunities for volunteer service in their community, the Assistant Secretary may make grants to State agencies, or grants to or contracts with other public and nonprofit private agencies and organizations, to pay part or all of the costs for the development, operation, or both, of volunteer service projects under this subtitle, if the Assistant Secretary determines, in accordance with rules the Assistant Secretary shall prescribe, the following:

“(1) **LIMITATION ON REIMBURSEMENT.**—Volunteers will not be reimbursed for other than transportation, meals, and other out-of-pocket expenses incident to providing services under this subtitle.

“(2) **ELIGIBLE INDIVIDUALS.**—Only older individuals will be enrolled, and individuals 60 years of age or older will be given priority for enrollment, as volunteers to provide services under this subtitle (except for administrative purposes) in the communities where such individuals reside or in nearby communities in either—

“(A) publicly owned and operated facilities or projects, or

“(B) local projects sponsored by nonprofit private agencies and organizations (other than political parties), other than projects involving the construction, operation, or maintenance of so much of any facility as is used, or is to be used for sectarian instruction or as a place for religious worship,

“(3) **TRAINING.**—Such projects include such short-term training as may be necessary to make the most effective use of the skills and talents of participating volunteers and individuals, and provide for the payment of the reasonable expenses of such volunteers while undergoing such training, and

“(4) **ADVICE REQUIRED.**—Such projects are being established and will be carried out with the advice of persons competent in the fields of service involved, and persons with interest in and knowledge of the needs of older individuals.

“(b) **LOCAL CONTRIBUTION.**—The required local contribution (including any in-kind contribution) to the cost of a project for which a grant or contract is made under this section shall be—

“(1) 10 percent in the 1st year for which such grant or contract is made for such project,

“(2) 20 percent in the 2nd year for which such grant or contract is made for such project, and

“(3) 30 percent in any subsequent year for which such grant or contract is made for such project,

except that the Assistant Secretary may waive all or part of such local contribution in cases of demonstrated need, determined (in accordance with rules which the Assistant Secretary shall issue) on the basis of the financial capability of a particular recipient of such grant or contract, to permit a lesser local contribution than any required percentage contribution established by the Assistant Secretary in generally applicable rules.

“(c) **STATE REVIEW OF APPLICATION.**—The Assistant Secretary shall not make a grant to or contract with any agency or organization under this subtitle for a project in any State unless, if such State has a State agency designated under section 303(a)(1), such State agency is the recipient of the grant or contract, or such State agency has been afforded at least 45 days in which to review the project application and make recommendations thereon.

“(d) **SERVICE NOT DEEMED EMPLOYMENT.**—Notwithstanding any other provision of law, volunteer service under this subtitle shall not be deemed to be employment for any purpose which the Assistant Secretary finds is not fully consistent with the provisions, and in furtherance, of the purpose of this subtitle.

“Subtitle B—Foster Grandparent Program

“SEC. 421. GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS.

“(a) **AUTHORITY TO MAKE GRANTS AND CONTRACTS.**—(1)(A) To carry out a Foster Grandparent Program under this subtitle, the Assistant Secretary may make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of development and operation of projects (including direct pay-

ments to individuals serving under this subtitle) designed to provide opportunities for low-income older individuals to serve as foster grandparents under this subtitle to provide supportive person-to-person services in health, education, welfare, and related settings to children having exceptional needs. Such services may include services by older individuals serving as foster grandparents under this subtitle to children who are individuals with disabilities, who have chronic health conditions, who are receiving care in hospitals, who are residing in homes for dependent and neglected children, or who are receiving services provided by day-care centers, schools, early intervention programs under part H of the Individuals with Disabilities Education Act (20 U.S.C. 1471 et seq.), Head Start agencies under the Head Start Act (20 U.S.C. 9831 et seq.), or any of a variety of other programs, establishments, and institutions providing services for children with special or exceptional needs. Older individuals serving as foster grandparents under this subtitle may provide person-to-person services to one or more children, depending on the needs of the project and local site.

“(B) Only older individuals will be enrolled, and individuals 60 years of age or older will be given priority for enrollment as volunteers to provide services under this subtitle.

“(2)(A) The Assistant Secretary may provide assistance in excess of 90 percent of the cost of the development and operation of such projects only if the Assistant Secretary determines, in accordance with rules the Assistant Secretary shall issue establishing objective criteria, that such action is required in furtherance of the purpose of this subtitle.

“(B) In the case of any project with respect to which, before September 19, 1972, a grant or contract has been made under section 611(a) of the Older Americans Act of 1965, as in effect before that date or with respect to any project under the Foster Grandparent program in effect before September 17, 1969, contributions in cash or in kind from the Bureau of Indian Affairs of the Department of the Interior toward the cost of the project may be counted as part of the cost thereof which is met from non-Federal sources.

“(b) SELECTION OF RECIPIENT CHILDREN.—(1) Any public or nonprofit private agency or organization responsible for providing person-to-person services to a child in a project carried out under subsection (a) shall have the exclusive authority to determine, pursuant to paragraph (2)—

“(A) which children may receive supportive person-to-person services under such project, and

“(B) the period of time during which such services shall be continued in the case of each individual child.

“(2) If such agency or organization determines that it is in the best interests of a mentally retarded child receiving, and of a particular foster grandparent providing, services in such a project, such relationship may be continued after the child reaches the chronological age of 21 if such child was receiving such services before attaining the chronological age of 21. If the particular foster grandparent subject to the determination under this paragraph becomes unavailable to serve after such determination is made, such agency or organization may select another foster grandparent.

“(3) Any determination made by a public or nonprofit private agency or organization under paragraphs (1) and (2) shall be made through mutual agreement by all parties involved with respect to the provision of services to the child involved.

“(c) ALLOWANCES, STIPENDS, AND OTHER SUPPORT.—(1) The Assistant Secretary, in accordance with rules the Assistant Secretary shall issue, may provide to low-income older individuals serving as foster grandparents under this subtitle, such allowances, stipends, and other support as the Assistant Secretary determines are necessary to carry out the purpose of this subtitle.

“(2) Any stipend or allowance provided under this section shall be not less than \$2.45 per hour and shall be adjusted once before December 31, 1997, to account for inflation, as determined by the Assistant Secretary and rounded to the nearest 5 cents, except that—

“(A) such stipend or allowance shall not be increased as a result of an amendment made to this paragraph unless the funds appropriated for carrying out this subtitle are sufficient to maintain for the fiscal year in question a number of participants to serve under this subtitle at least equal to the number of such participants serving during the preceding fiscal year, and

“(B) if sufficient appropriations for any fiscal year are not available to increase any such stipend or allowance provided to the minimum hourly rate specified in this paragraph, the Assistant Secretary shall increase the stipend or allowance to such amount as appropriations for such year permit consistent with subparagraph (A).

“(3) In establishing the amount of, and the effective date for, an adjustment under paragraph (2), the Assistant Secretary, in consultation with appropriate Federal agencies, shall consider the effect such adjustment will have on the ability of non-federally funded volunteer programs similar to the programs under this title to maintain their current level of volunteer hours.

“(d) SPECIAL CONSIDERATION.—Older individuals whose income is described in section 102(34)(B)(ii) shall be given special consideration for participation in projects under this subtitle.

“(e) VOLUNTEERS WHO ARE NOT LOW-INCOME OLDER INDIVIDUALS.—(1)(A) Except as provided in subparagraphs (B) and (C), individuals who are not low-income older individuals may serve as volunteers under this subtitle, in accordance with such rules as the Assistant Secretary shall issue, if such individuals serve without receiving any allowance, stipend, or other financial support under this subtitle except reimbursement for transportation, meals, and out-of-pocket expenses incident to serving under this subtitle.

“(B) The rules issued by the Assistant Secretary to carry out this subtitle (other than any rules relating to allowances, stipends, and other financial support authorized by subsection (c) to be paid under this subtitle to low-income older individuals) shall apply to all individuals who provide services under this subtitle, without regard to whether such individuals are eligible to receive a stipend under such subsection.

“(C) Individuals who are not low-income older individuals may not serve as volunteers under this subtitle in any community in which there are volunteers serving under subtitle A unless—

“(i) such individuals were referred previously for possible placement as volunteers under subtitle A, and

“(ii) such placement did not occur.

“(2)(A) Except as provided in subparagraph (B), each recipient of a grant or contract to carry out a project under this subtitle shall give equal treatment to all individuals who provide services under such project, without regard to whether such individuals are eligible to receive a stipend under subsection (c).

“(B) An individual who is not a low-income older individual may not provide services under this subtitle if allowing such individual to provide services under this subtitle would prevent a low-income older individual from beginning to participate in providing services under this subtitle or would displace a low-income older individual from providing services under this subtitle.

“(3) The Assistant Secretary may not require as a condition of receiving a grant or contract to carry out a project under this subtitle, any applicant for such grant or contract—

“(A) to accept or to recruit individuals who are not low-income older individuals to provide services under this subtitle, or

“(B) to solicit locally generated contributions, in cash or in kind, to support such individuals.

The Assistant Secretary may not coerce any applicant for or recipient of such grant or contract to engage in conduct described in subparagraph (A) or (B), and may not take into consideration whether such applicant or such recipient engages in such conduct.

“(4) Funds appropriated to carry out this subtitle may not be used to pay any cost, including any administrative cost, incurred in connection with volunteers under this subtitle who do not receive a stipend under subsection (d). Such cost incurred with respect to a volunteer may be paid with—

“(A) funds received by the Assistant Secretary as unrestricted gifts,

“(B) funds received by the Assistant Secretary as gifts to pay such cost,

“(C) funds contributed by such volunteer, or

“(D) in the discretion of the recipient of a grant or contract under such subsection, locally generated contributions in excess of the amount required by subsection (a) to be contributed to pay the non-Federal cost of the project in which such volunteer participates.

“Subtitle C—Senior Companion Volunteer Program

“SEC. 431. GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS.

“(a) AUTHORITY TO MAKE GRANTS AND CONTRACTS.—(1) To carry out a Senior Companion Volunteer Program under this subtitle, the Assistant Secretary may make grants to or contracts with public and nonprofit private agencies and organi-

zations to pay part or all of the cost of development and operation of projects (including direct payments to individuals serving under this subtitle in the same manner as provided in section 421(a)) designed to provide opportunities for low-income older individuals to provide services under this subtitle as senior companion volunteers to individuals with exceptional needs.

“(2) Only older individuals will be enrolled, and individuals 60 years of age or older will be given priority for enrollment, as volunteers to provide services under this subtitle.

“(3) Senior companion volunteers may provide services designed to help individuals 60 years of age or older who require—

“(A) long-term care, including services to such individuals who receive home health care, nursing care, and home-delivered nutrition services or other nutritional services,

“(B) services designed to help individuals deinstitutionalized from mental hospitals, nursing homes, and other institutions, and

“(C) services designed to assist individuals who have developmental disabilities and other special needs for companionship.

“(b) OTHER PROVISIONS APPLICABLE.—Subsections (a)(2)(A), (c), (d), and (e) of section 421, and such other provisions of subtitle B as the Assistant Secretary may determine to be necessary, shall apply to this subtitle, except that for purposes of this subtitle any reference to subtitle B in such subsections and such provisions shall be deemed to be a reference to this subtitle.

“(c) HOME-BOUND INDIVIDUALS.—The Assistant Secretary may make grants or contracts under subsection (a) for senior companion volunteer projects to assist homebound individuals 60 years of age or older to remain in their own homes and to enable institutionalized individuals 60 years of age or older to return to home-care settings.

“Subtitle D—General Provisions

“SEC. 441. PROMOTION OF NATIONAL SENIOR VOLUNTEER SERVICE CORPS.

“(a) CONSULTATION.—(1) In carrying out this title, the Assistant Secretary shall consult with Federal agencies administering related programs with a view to achieving optimal coordination with such other programs, and shall promote the coordination of projects under this title with other public or private programs or projects carried out at State and local levels. Such Federal agencies shall cooperate with the Assistant Secretary in disseminating information about the availability of assistance under this title and in promoting the identification and interest of low-income older individuals and other older individuals whose services may be utilized in projects under this title.

“(2) To the maximum extent practicable, the Assistant Secretary shall enter into agreements—

“(A)(i) to involve retired and senior volunteers and foster grandparents in Head Start programs,

“(ii) to involve retired and senior volunteers and senior companion volunteers in providing services authorized by titles II and III, and

“(iii) to promote the recognition of such volunteers who are qualified to provide in-home services for reimbursement under title XVIII of the Social Security Act for providing such services,

“(B) with the Department of Education to promote intergenerational tutoring and mentoring for at-risk children, and

“(C) with the Environmental Protection Agency to support conservation efforts.

“(b) EFFORTS TO EXPAND PARTICIPATION.—(1) In carrying out this title, the Assistant Secretary shall encourage and facilitate the efforts of private organizations to promote the programs established in subtitles A, B, and C and the involvement of older individuals as volunteers in such programs.

“(2) The Assistant Secretary shall take appropriate actions to ensure that special efforts are made to publicize the programs established in subtitles A, B, and C, in order to facilitate recruitment efforts, to encourage greater participation of volunteers, and to emphasize the value of volunteering to the health and well-being of volunteers and the communities of such volunteers. Such actions shall include informing recipients of grants and contracts under this title of all informational materials available from the Assistant Secretary.

“(3) From funds appropriated under section 491, the Assistant Secretary shall expend not less than \$375,000 in each fiscal year to carry out paragraph (2).

“SEC. 442. PAYMENTS.

“Payments under this title pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions, as the Assistant Secretary may determine.

“SEC. 443. USE OF LOCALLY GENERATED CONTRIBUTIONS IN NATIONAL SENIOR VOLUNTEER SERVICE CORPS.

“Whenever locally generated contributions made to volunteer projects for older individuals under this title are in excess of the amount required by the Assistant Secretary, the Assistant Secretary may not restrict the manner in which contributions are expended if expenditures from locally generated contributions are not inconsistent with the provisions of this title.

“SEC. 444. ADJUSTMENTS TO FEDERAL FINANCIAL ASSISTANCE; REPORTS.

“(a) ADJUSTMENTS.—(1)(A) In determining the amount of Federal financial assistance to be provided under this title to applicants, the Assistant Secretary shall consider the impact of changes in the Consumer Price Index For All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor on the administrative costs of operating the projects for which such assistance will be provided.

“(B) The Assistant Secretary shall, to the maximum extent practicable, make appropriate adjustments in the amount referred to in subparagraph (A) to ensure the effective administration of such projects.

“(2) The Assistant Secretary shall take reasonable actions to inform applicants for such assistance that such adjustments may be available.

“(b) REPORTS.—The Assistant Secretary shall submit, at 2-year intervals, to the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report on the extent to which adjustments are made under subsection (a).

“SEC. 445. MULTIYEAR GRANTS OR CONTRACTS.

“(a) COMPLIANCE; FUNDING.—(1) Subject to paragraph (2) and the availability of funds, the Assistant Secretary may make a grant or enter into a contract under subtitle A, B, or C for a period not to exceed 3 years. Each applicant who receives a grant, or enters into a contract, under such subtitle for a period exceeding 1 year shall comply with such rules as the Assistant Secretary may issue to require such applicant—

“(A) to demonstrate that such applicant is in compliance with such subtitle and with the terms and conditions of such grant or contract, and

“(B) to provide information to update the application submitted to obtain such grant or contract.

“(2) If the amount appropriated for any fiscal year to carry out subtitle A, B, or C in a period during which multiyear grants or contracts are in effect under such subtitle is less than the amount appropriated to carry out such subtitle in the first fiscal year in such period, then the amounts payable under all such grants and contracts in effect in such period under such part shall be reduced pro rata.

“(b) SAVINGS.—The Assistant Secretary shall require each applicant for a multiyear grant or contract under this section, to document or describe in the application any meaningful administrative savings that will result from such multiyear grant or contract.

“(c) ALTERNATIVE CONSIDERATION.—If an applicant does not receive a multiyear grant or contract under this section, the Assistant Secretary shall consider such applicant for a single-year grant or contract.

“(d) SIMILAR TREATMENT.—If the Assistant Secretary approves an application for a contract or grant to carry out a project for a multiyear period as referred to in subsection (a), the Assistant Secretary shall ensure that such project shall be treated in the same manner as a single-year contract or grant with respect to—

“(1) the overall level of funding for such project,

“(2) any adjustments to Federal financial assistance that may be available under section 444, and

“(3) the renewal of funding on the expiration of the term of such contract or grant.

“Subtitle E—Administration and Coordination

“SEC. 461. ADMINISTRATIVE STRUCTURE.

“To administer this title, the Assistant Secretary shall establish in the Administration an organizational structure that, to the maximum extent practicable, retains the organizational structure that existed to carry out title II of the Domestic Volunteer Service Act of 1973 as in effect immediately before the effective date of this Act. Such structure shall include State offices, and multistate regional offices, that have responsibilities under this title that are similar to the responsibilities of such offices had under such Act.

“SEC. 462. POLITICAL ACTIVITIES.

“(a) PROHIBITION.—No part of any funds appropriated to carry out this title shall be used—

“(1) to finance, directly or indirectly—

“(A) any activity designed to influence the outcome of any election to Federal office or the outcome of any election to any State or local public office, or

“(B) any voter registration activity, or

“(2) to pay the salary of any officer or employee of the Administration, who engages in any such activity in an official capacity as such an officer or employee.

“(b) LIMITATION ON USE OF PERSONNEL.—Programs assisted under this title shall not be carried on in a manner involving the use of funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such programs with—

“(1) any partisan or nonpartisan political activity associated with a candidate, or a contending faction or group, in an election for public or party office,

“(2) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or

“(3) any voter registration activity.

“(c) PROHIBITION OF CERTAIN ACTIVITIES RELATING TO LEGISLATION.—No funds appropriated to carry out this title shall be used by any program assisted under this title in any activity for the purpose of influencing the passage or defeat of legislation or proposals by initiative petition, except—

“(1) in any case in which a legislative body, a committee of a legislative body, or a member of a legislative body requests any volunteer in, or employee of, such a program to draft, review, or testify regarding measures or to make representations to such legislative body, committee, or member, or

“(2) in connection with an authorization or appropriations measure directly affecting the operation of the program.

“(d) ENFORCEMENT.—The Assistant Secretary, after consultation with the Office of Personnel Management, shall issue rules to provide for the enforcement of this section, which shall include provisions for summary suspension of assistance for not more than 30 days until notice and an opportunity to be heard can be provided or other action necessary to permit enforcement on an emergency basis can be taken.

“SEC. 463. SPECIAL LIMITATIONS.

“(a) ISSUANCE OF RULES.—The Assistant Secretary shall issue rules and shall carry out this title so as to ensure that the service of volunteers assigned, referred, or serving pursuant to grants, contracts, or agreements made under this title is limited to activities that would not otherwise be performed by employed workers and that will not supplant the hiring of or result in the displacement of employed workers, or impair existing contracts for service.

“(b) COST REQUIREMENT.—All support, including transportation provided to volunteers under this title, shall be furnished at the lowest possible cost consistent with the effective operation of volunteer programs assisted under this title.

“(c) PROHIBITION RELATING TO COMPENSATION.—No agency or organization to which volunteers are assigned under this title, or which operates or supervises any volunteer program under this title, shall request or receive any compensation from such volunteers or from beneficiaries for services of such volunteers provided or supervised by such agency or organization.

“(d) PROHIBITION RELATING TO LABOR ACTIVITY.—No funds authorized to be appropriated to carry out this title shall be directly or indirectly used to finance labor or anti-labor organization or related activity.

“(e) INFORMATION ON VOLUNTEER QUALIFICATIONS.—Individuals serving as volunteers under this title shall provide such information concerning their qualifications,

including their integrity and their ability to perform their assigned tasks, as the Assistant Secretary shall require and shall be subject to such procedures for selection and approval as the Assistant Secretary determines are necessary to carry out the purposes of this title. The Assistant Secretary may establish such special procedures for the recruitment, selection, training, and assignment of low-income residents of the area to be served by a program under this title who wish to become volunteers as the Assistant Secretary determines will carry out the purposes of this title.

“SEC. 464. COORDINATION WITH OTHER PROGRAMS.

“The Assistant Secretary shall take necessary steps to coordinate volunteer programs authorized under this title with one another and shall consult with representatives of the head of such programs, with community action programs, and with other related Federal, State, and local programs. The Assistant Secretary shall also consult with the heads of other Federal, State, and local agencies responsible for programs related to the purposes of this title in order to encourage greater use of volunteer services in such programs and establish in connection with such programs systematic procedures for the recruitment, referral, or necessary preservice orientation or training of volunteers serving pursuant to this title. The Assistant Secretary (in consultation with the Director of the Office of Personnel Management, the Secretary of Labor, the Secretary of Commerce, the Secretary of the Treasury, and officials of other appropriate departments and agencies) shall take all appropriate steps to encourage State and local governments, charitable and service organizations, and private employers—

“(1) to take into account experience in volunteer work in the consideration of applicants for employment, and

“(2) to make provision for the listing and description of volunteer work on all employment application forms.

“SEC. 465. NOTICE AND HEARING PROCEDURES FOR SUSPENSION AND TERMINATION OF FINANCIAL ASSISTANCE.

“(a) **AUTHORITY.**—The Assistant Secretary may, in accordance with this section, suspend or terminate payments under any grant or contract providing assistance under this title, whenever the Assistant Secretary determines there is a material failure to comply with the applicable terms and conditions of any such grant or contract. The Assistant Secretary shall establish procedures to ensure that—

“(1) assistance under this title shall not be suspended for failure to comply with applicable terms and conditions, except in emergency situations for 30 days,

“(2) an application for refunding under this title may not be denied unless the recipient has been given—

“(A) notice at least 75 days before the denial of such application of the possibility of such denial and the grounds for any such denial, and

“(B) opportunity to show cause why such action should not be taken,

“(3) in any case where an application for refunding is denied for failure to comply with the terms and conditions of the grant or contract, the recipient shall be afforded an opportunity for an informal hearing before an impartial hearing officer who has been agreed to by the recipient and the Assistant Secretary, and

“(4) assistance under this title shall not be terminated for failure to comply with applicable terms and conditions unless the recipient has been afforded reasonable notice and opportunity for a full and fair hearing.

“(b) **LOCATION OF HEARING.**—In order to assure equal access to all recipients, such hearings or other meetings as may be necessary to fulfill the requirements of this section shall be held at locations convenient to the recipient agency.

“SEC. 466. DISTRIBUTION OF BENEFITS BETWEEN RURAL AND URBAN AREAS.

“The Assistant Secretary shall establish appropriate administrative measures to ensure that the benefits of and services under this title will be distributed equitably between residents of rural areas and residents of urban areas.

“SEC. 467. VOLUNTEERS NOT FEDERAL EMPLOYEES.

“Volunteers under this title shall not be considered to be Federal employees and shall not be subject to the provisions of law relating to officers and employees of the Federal Government and to Federal employment.

“SEC. 468. EVALUATION.

“(a) **EVALUATION.**—The Assistant Secretary may measure and evaluate the impact of all programs, projects, and activities authorized by this title, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, projects, and activities, and their structure and mechanisms for

delivery of services. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

“(b) SPECIFIC MATTERS FOR EVALUATION.—The Assistant Secretary may—

“(1) evaluate the impact that volunteers who participate without receiving a stipend in programs, projects, and activities under subtitles B and C, have on such programs, projects, and activities, and shall include in such evaluation—

“(A) information on administrative costs associated with such volunteers,

“(B) a comparison of the quality of services provided by such volunteers and the quality of services provided by volunteers who receive a stipend under such subtitles, including the rate of absenteeism and turnover, and

“(C) a review of the effect that participation by volunteers who do not receive such stipend have on the administration of such programs, projects, and activities, and

“(2) submit to the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report summarizing in detail the results of the evaluations made under paragraph (1).

“(c) PUBLICATION OF SUMMARIES.—The Assistant Secretary shall publish summaries of the results of evaluations of program, project, and activity impact and effectiveness.

“(d) AVAILABILITY OF FUNDS.—The Assistant Secretary may use such sums as are required, but not to exceed 1 percent of the funds appropriated to carry out this title, to conduct program, project, and activity evaluations (directly, or by grant or contract) as authorized by this title.

“SEC. 469. ELIGIBILITY FOR OTHER BENEFITS.

“Notwithstanding any other provision of law, no reimbursement of out-of-pocket expenses made to individuals serving pursuant to subtitles A, B, and C shall be subject to any tax or charge or be treated as wages or compensation for the purposes of unemployment, temporary disability, retirement, public assistance, workers’ compensation or similar benefit payments, or minimum wage laws.

“SEC. 470. LEGAL EXPENSES.

“Notwithstanding any other provision of law and pursuant to rules which the Assistant Secretary shall issue, counsel may be employed and counsel fees, court costs, bail, and other expenses incidental to the defense of volunteers may be paid in judicial and administrative proceedings to which full-time volunteers (or part-time volunteers if such proceedings arise directly out of the performance of activities pursuant to this title), serving under this title have been made parties.

“Subtitle F—Authorization of Appropriations

“SEC. 491. AUTHORIZATION OF APPROPRIATIONS FOR PROGRAMS.

“(a) RETIRED AND SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out subtitle A, \$40,300,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998, 1999, 2000, and 2001.

“(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out subtitle B, \$64,300,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998, 1999, 2000, and 2001.

“(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out subtitle C, \$32,200,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998, 1999, 2000, and 2001.”.

SEC. 4. CONFORMING AMENDMENTS.

(a) CONFORMING AMENDMENTS TO THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—The Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950–1585) is amended—

- (1) in the table of contents by striking—
 - (A) the matter relating to title II,
 - (B) the items relating to sections 200 through 231, and
 - (C) the items relating to sections 418 and 502,
- (2) by striking title II,
- (3) in section 416(f)—
 - (A) in paragraph (1) by inserting “and” at the end,
 - (B) by striking paragraph (2), and
 - (C) in paragraph (3)—

- (i) by striking “paragraphs (1) and (2)” and inserting “paragraph (1)”, and
- (ii) by redesignating paragraph (3) as paragraph (2),
- (4) by striking section 418,
- (5) in section 421—
 - (A) in paragraph (2) by striking “and,” and all that follows through “Islands”,
 - (B) by striking paragraphs (10), (14), (15), and (18),
 - (6) in section 501(c) by striking “, or under title II,” and
 - (7) by striking section 502.
- (b) CONFORMING AMENDMENTS TO OTHER LAWS.—(1) Section 416(a) of the Agricultural Act of 1949 (7 U.S.C. 1431) is amended by striking “Older Americans Act of 1965” and inserting “Older Americans Act of 1996”.
- (2) Section 1114(a) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e(a)) is amended—
 - (A) in paragraph (1) by striking “Older Americans Act of 1965” each place it appears and inserting “Older Americans Act of 1996”, and
 - (B) in subparagraphs (C) and (D) of paragraph (2) by striking “section 311(a)(4) of the Older Americans Act of 1965 (42 U.S.C. 3030a(a)(4))” each place it appears and inserting “chapter 3 of subtitle A of title III of the Older Americans Act of 1996”.
- (3) Section 509(f)(5)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 794e(f)(5)(B)) is amended by striking “Older Americans Act of 1965” and inserting “Older Americans Act of 1996”.
- (4) The Job Training Partnership Act (29 U.S.C. 1501 et seq.) is amended—
 - (A) in section 204(d)—
 - (i) in paragraph (4) by striking “title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.)” and inserting “chapter 4 of subtitle A of title III of the Older Americans Act of 1996”, and
 - (ii) in paragraph (5)(B)(i) by striking “title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.)” and inserting “chapter 4 of subtitle A of title III of the Older Americans Act of 1996”,
 - (B) by amending section 205(a)(8) to read as follows:

“(8) chapter 4 of subtitle A of title III of the Older Americans Act of 1996.”,
 - (C) in section 452(d)(1)(B)(iii) by striking “Older Americans Act of 1965” and inserting “Older Americans Act of 1996”, and
 - (D) in section 455(b) by striking “title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.)” and inserting “chapter 4 of subtitle A of title III of the Older Americans Act of 1996”.
- (5) The Social Security Act (42 U.S.C. 301 et seq.) is amended—
 - (A) in section 1819—
 - (i) in subsection (b)(4)(C)(ii)(IV) by striking “section 307(a)(12) of the Older Americans Act of 1965” and inserting “section 304(a)(8) of the Older Americans Act of 1996”,
 - (ii) in subsection (c)(2)(B)(iii)(II) by striking “title III or VII of the Older Americans Act of 1965 in accordance with section 712 of the Act” and inserting “section 304(a)(8) of the Older Americans Act of 1996”, and
 - (iii) in subsection (g)(5)(B) by striking “title III or VII of the Older Americans Act of 1965 in accordance with section 712 of the Act” and inserting “section 304(a)(8) of the Older Americans Act of 1996”, and
 - (C) in section 1919—
 - (i) in subsection (b)(4)(C)(ii)(IV) by striking “section 307(a)(12) of the Older Americans Act of 1965” and inserting “section 304(a)(8) of the Older Americans Act of 1996”,
 - (ii) in subsection (c)(2)(B)(iii)(II) by striking “title III or VII of the Older Americans Act of 1965 in accordance with section 712 of the Act” and inserting “section 304(a)(8) of the Older Americans Act of 1996”, and
 - (iii) in subsection (g)(5)(B) by striking “title III or VII of the Older Americans Act of 1965 in accordance with section 712 of the Act” and inserting “section 304(a)(8) of the Older Americans Act of 1996”.
- (6) Section 209 of the Housing and Community Development Act of 1974 (42 U.S.C. 1438) is amended by striking “title III of the Older Americans Act of 1965” and inserting “chapter 1 of subtitle A of title III of the Older Americans Act of 1996”.
- (7) Section 3803(c)(2)(C)(xi) of title 31 of the United States Code is amended by striking “section 336 of the Older Americans Act” and inserting “chapter 3 of subtitle A of title III of the Older Americans Act of 1996”.

- (8) Section 4360(d)(1)(C)(ii) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1395b-4(d)(1)(C)(ii)) is amended by inserting “of 1996” after “Older Americans Act”.
- (9) The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended—
- (A) in section 12(i) by striking “Older Americans Act of 1965” and inserting “Older Americans Act of 1996”,
- (B) in section 14—
- (i) in subsection (a)(1) by striking “Older Americans Act of 1965” and inserting “Older Americans Act of 1996”, and
- (ii) in subsection (c) by striking “section 311(a)(4) of the Older Americans Act of 1965 (42 U.S.C. 3030(a)(4)) or for cash payments in lieu of such donations under section 311(b)(1) of such Act (42 U.S.C. 3030(b)(1))” and inserting “chapter 3 of subtitle A of title III of the Older Americans Act of 1996”, and
- (C) in subsection (o)(3)(B) by striking “part C of title III of the Older Americans Act of 1965” and inserting “chapter 3 of subtitle A of title III of the Older Americans Act of 1996”.
- (10) Section 2(a) of the Environmental Programs Assistance Act of 1984 (42 U.S.C. 4368a(a)) is amended by striking “title V of the Older Americans Act of 1965” each place it appears and inserting “chapter 4 of subtitle A of title III of the Older Americans Act of 1996”.
- (11) Section 14(g) of the Noise Control Act of 1972 (42 U.S.C. 4913(g)) is amended by inserting “of 1996” after “Older Americans Act”.
- (12) The Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.) is amended—
- (A) in section 124(b)(3) by inserting “of 1996” after “Older Americans Act”, and
- (B) in section 142(a)(2)(D)(ii) by striking “Older Americans Act of 1965” and inserting “Older Americans Act of 1996”.
- (13) Section 412(6) of the Energy Conservation in Existing Buildings Act of 1976 (42 U.S.C. 6862(6)) is amended by striking “paragraphs (4), (5), and (6), respectively, of section 102 of the Older Americans Act of 1965” and inserting “paragraphs (28), (29), and (50), respectively, of the Older Americans Act of 1996”.
- (14) Subsections (c) and (d) of section 405 of the Congregate Housing Services Act of 1978 (42 U.S.C. 8004) are amended by striking “Older Americans Act of 1965” each place it appears and inserting “Older Americans Act of 1996”.
- (15) The Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 et seq.) is amended—
- (A) in section 802(d)(2)(B)(i) by striking “Older Americans Act of 1965” and inserting “Older Americans Act of 1996”, and
- (B) in section 803(d)(12) by striking “Older Americans Act of 1965” and inserting “Older Americans Act of 1996”.
- (16) Section 675(c)(5) of the Community Services Block Grant Act (42 U.S.C. 9904(c)(5)) is amended by striking “Older Americans Act of 1965” and inserting “Older Americans Act of 1996”.
- (17) The Alzheimer’s Disease and Related Dementias Research Act of 1992 (42 U.S.C. 11201 et seq.) is amended—
- (A) in subsection 934(b)(4) by striking “section 305(a) (1) and (2)(A) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(1) and (2)(A))” and inserting “section 303(a)(2)(A) of the Older Americans Act of 1996”, and
- (B) in section 962—
- (i) in subsection (a)(1)(A)(iii) by striking “Older Americans Act of 1965” and inserting “Older Americans Act of 1996”, and
- (ii) in subsection (d) by striking “section 305(a)(1) of the Older Americans Act of 1965” and inserting “section 303(a)(1) of the Older Americans Act of 1996”.
- (18) The National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended—
- (A) in section 179—
- (i) in subsection (a)(2)(A) by striking “and National Senior Volunteer Corps programs” and inserting “program”, and
- (ii) in subsection (g)—
- (I) in paragraph (3) by striking “and National Senior Volunteer Corps programs”, and
- (II) in paragraph (9) by striking “and National Senior Volunteer Corps”,
- (B) by amending section 194(d) to read as follows:

“(d) ASSISTANT DIRECTOR FOR VISTA.—One of the Managing Directors appointed under subsection (a) shall, in accordance with applicable provisions of title 5, United States Code, appoint 1 Assistant Director who shall report directly to such Managing Director and who shall be responsible for programs carried out under parts A and B of title I of the Domestic Volunteer Service Act of 1973 (the Volunteers in Service to America (VISTA) program) and other antipoverty programs under title I of that Act.”, and

(C) in section 198 by striking subsection (r).

SEC. 5. FISCAL YEAR REFERENCES FOR FISCAL YEAR 1997.

Any reference in the Older Americans Act of 1996 to “the preceding fiscal year” that applies with respect to funds appropriated to carry out, or to the operation of a program, project, or activity to be carried out under, such Act for fiscal year 1997 shall be deemed to be a reference to funds appropriated to carry out, or to the operation of the corresponding program, project, or activity carried out under, the Older Americans Act of 1965 for fiscal year 1996.

SEC. 6. ISSUANCE OF RULES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue, and publish in the Federal Register, proposed rules for the administration of the Older Americans Act of 1996. After allowing a reasonable period for public comment on such proposed rules, and not later than 90 days after such publication, the Secretary shall issue rules for the administration of such Act.

SEC. 7. ENFORCEMENT AUTHORITY.

On and after October 1, 1996, the Secretary of Health and Human Services shall have the authority to enforce compliance with the requirements applicable to title II of the Domestic Volunteer Service Act of 1973 and to funds made available to carry out such title.

SEC. 8. TRANSFERS; SAVINGS PROVISIONS.

(a) TRANSFERS.—The Director of the Office of Management and Budget shall provide for the transfer to the Administration on Aging for the purpose of implementing title IV of the Older Americans Act of 1996, of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising, available, or to be made available in connection with the implementation of title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5000–5028a) by the Corporation for National and Community Service.

(b) SAVINGS PROVISIONS.—(1) An amendment or repeal made by this Act shall not apply with respect to—

(A) powers, duties, functions, rights, claims, penalties, or obligations applicable with respect to financial assistance provided before the effective date of amendment or repeal, as the case may be, under the provision of law so amended or so repealed, and

(B) judicial or administrative actions taken and proceedings commenced before such effective date, or authorized before such effective date to be taken or to be commenced, under such provision.

(2) With respect to—

(A) the powers, duties, functions, rights, claims, penalties, and obligations applicable to financial assistance provided or authorized to be provided before such effective date, and

(B) judicial or administrative actions taken and proceedings commenced before such effective date, or authorized before such effective date to be taken or to be commenced,

under title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5000–5028a), a reference to the ACTION Agency or the Corporation for National and Community Service shall be deemed to be a reference to the Administration on Aging or the Secretary of Health and Human Services, as appropriate.

(3) Except as provided in paragraph (2), the rules applicable to financial assistance provided under title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5000–5028a) as in effect before October 1, 1996, shall—

(A) remain in effect with respect to such assistance until such rules are modified or superseded by rules issued by the Secretary of Health and Human Services to carry out title IV of the Older Americans Act of 1996, and

(B) apply with respect to financial assistance provided under title IV of the Older Americans Act of 1996 until such rules are modified or superseded by

rules issued by the Secretary of Health and Human Services to carry out such title.

SEC. 9. EFFECTIVE DATES.

(a) GENERAL EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) SPECIAL EFFECTIVE DATE.—The amendments made by sections 3, 4, and 5 shall take effect on October 1, 1996.

EXPLANATION OF AMENDMENTS

The provisions of this substitute are explained in this report.

PURPOSE

The purpose of the Older Americans Act legislation is to encourage and assist State agencies, area agencies on aging, and tribal organizations to concentrate resources in order to develop greater capacity and foster the development and implementation of comprehensive and coordinated systems to serve older individuals by entering into cooperative arrangements in each State for the planning and provision of supportive services, nutrition services, multi-purpose senior centers, community services employment, and volunteer services.

COMMITTEE ACTION

SUBCOMMITTEE ON EARLY CHILDHOOD, YOUTH AND FAMILIES

The Subcommittee on Early Childhood, Youth and Families held five hearings in 1995 to review the Older Americans Act and consider its authorization for another five years. The hearings were held on June 13, 1995, June 26, 1995, June 28, 1995, July 10, 1995, and November 2, 1995.

HEARINGS

The June 13, 1995 hearing in Washington D.C. received a range of perspectives on the Older Americans Act from national, state and local aging authorities and program participants. The Subcommittee heard testimony from Robert Martinez, Director of the California Department of Aging; Steven Niebler, Director, Adams County Area Agency on Aging, Gettysburg, Pennsylvania; Dan Laver, Director, San Diego County Area Agency on Aging, San Diego, California; Dr. Daniel Thursz, Former Council President, National Council on Aging, Bethesda, Maryland; Ethel Penland and Fran Smith from Fairfax County, Virginia, recipients of services authorized under the Older Americans Act.

On June 26, 1995, the Early Childhood, Youth and Families Subcommittee held a field hearing in York County, Pennsylvania. The hearing focused on state and local flexibility under the Older Americans Act, particular attention was placed on increased flexibility for the nutrition programs. The Subcommittee received testimony from Richard Browdie, Secretary of the Pennsylvania Department of Aging; Judy Shuey, Director of the Cumberland County Area Agency on Aging, Cumberland County, Pennsylvania; Crystal Lowe, Director, York County Area Agency on Aging, York County, Pennsylvania; Katherine Dietzel, Chair of the Citizens Advisory

Council, Adams County, Pennsylvania; Marie Frasier, York County Visiting Nurses Association; Edward Hughes, President, ERH Company, Inc., Cumberland County.

At the June 28, 1995 Subcommittee hearing in Washington, testimony centered on the types of services authorized under the Older Americans Act and the issue of streamlining and consolidating Older American programs in order to improve the quality and delivery of services. Witnesses included: Congressman Matthew Martinez (D-CA); Congresswoman Connie Morella (R-MD); Congressman Joseph Kennedy (D-MA); Congressman Ron Wyden (D-OR); Congressman Ralph Regula (R-OH); Fernando Torres-Gil, Assistant Secretary, Administration on Aging; Barbara Harris, Former Associate Director, Senior Citizen Service of the Greater Tarrant County, Dallas-Fort Worth, Texas; Judy Williams, Director, Northwest Arkansas Area Agency on Aging; Peggy O'Neill, Director, Bucks County Area Agency on Aging, Doylestown, Pennsylvania; Ed Bill, State of Michigan, Michigan Office of Services to the Aging; James Martin, Chairman, 60+ Association, Arlington, Virginia; Elizabeth Boehner, Director Elderly Affairs, Family Service of Montgomery County, Maryland.

On July 10, 1995 the Early Childhood, Youth and Families Subcommittee held its second field hearing in Pontiac, Michigan. Witnesses commented on the quality of services authorized under the Older Americans Act. Testimony was received from the following: Valeria Conerly, Valley Area Agency on Aging, Flint, Michigan; Sandra Reminga, Executive Director, Area Agency on Aging, Southfield, Michigan; Jackie White, Family Service Agency of Genesee County, Michigan; Robert Conaway, Executive Director, Oakland Livingston Human Service Agency; Diane Braunstein, Director, State of Michigan Office of Services to the Aging; Olivia Maynard from Goodrich, Michigan, Delegate to the 1995 White House Conference on Aging and Past Director of the State of Michigan Office on Aging; Marye Miller from Rochester, Michigan, Alternate to the 1995 White House Conference on Aging and Director of the Older Persons' Commission; John Ferguson, Senior Aide, Gensese Intermediate Schools, Flint, Michigan; Martha Goldy a participant in the Senior Companion Program from Lapeer, Michigan; Deborah Stratton, Orion Township, Michigan.

On November 2, 1995 the Committee on Economic and Educational Opportunities Committee held a full committee hearing on H.R. 2570, the Older Americans Act Amendments of 1995, a bill to authorize the Older Americans Act through the year 2001. Testifying were: Christine Gianapoulos, President of the National State Units on Aging and Director of Maine Bureau of Elder and Adult Services; Cindy Farson, President National Association of Area Agencies on Aging, Central Ohio Area Agency on Aging, Columbus, Ohio; Cornelia M. Blanchette, Associate Director of Education and Employment Issues, General Accounting Office, Washington, D.C.; Josefina Carbonell, President, Little Havana Activities and Nutrition Centers of Dade County Inc., Miami, Florida; Dr. James Firman, President, National Council on Aging, Washington, D.C.

LEGISLATIVE ACTION

On November 9, 1995, the Subcommittee on Early Childhood, Youth and Families assembled to consider H.R. 2570, the Older Americans Act Amendments of 1995. Chairman Cunningham offered an amendment in the nature of a substitute to H.R. 2570. Further amendments to the amendment in the nature of a substitute were adopted. Chairman Cunningham made a motion to recess until November 16, 1995.

On November 16, 1995, the Subcommittee on Early Childhood, Youth and Families reconvened to consider H.R. 2570. Further amendments to the amendment in the nature of a substitute were adopted. H.R. 2570, as amended, was approved by the Subcommittee on Early Childhood, Youth and Families on November 16, 1995, by voice vote and ordered reported to the Committee on Economic and Educational Opportunities.

On March 14, 1996, the Committee on Economic and Educational Opportunities assembled to consider H.R. 2570, the Older Americans Act Amendments of 1995. Chairman Goodling offered an amendment in the nature of a substitute to H.R. 2570. Further amendments to the amendment in the nature of a substitute were adopted. H.R. 2570 was favorably reported by the Committee on Economic and Educational Opportunities on March 14, 1996, by a recorded vote of 19-16.

COMMITTEE STATEMENT AND VIEWS

The Older Americans Act of 1965 created a federal program specifically designed to meet the service needs of older persons. Although older persons may receive services under other federal programs, the Act is the major vehicle for the organization and delivery of supportive and nutrition services to this group. It authorizes a wide array of programs through a network of 57 state agencies on aging and 660 local area agencies on aging.

The Act was first enacted in the 89th Congress and has been reauthorized or amended 13 times since then. The original Act established the Administration on Aging (AoA) as the federal agency responsible for the administration of programs under the Act and authorized State and community social service programs, and research, demonstration and training projects. The 1969 amendments strengthened the community service programs and charged State agencies on aging with statewide responsibilities for planning, coordination, and evaluation of programs for older persons.

Major amendments to the Act occurred in the early 1970s. The major service component of the Act, the national nutrition program, was enacted in 1972 and evolved from nutrition demonstration projects first funded in 1968. The '72 amendments authorized grants to public and nonprofit sponsors for the development of congregate meals services to meet the nutrition and social services needs of older persons. In addition to providing meals, Congress envisioned the program to serve as an important vehicle for fostering social interaction among participants and to facilitate social service delivery. The nutrition program is the largest single component of the Act and in FY1995 represents 44% of the Act's total funding.

The 1973 amendments significantly restructured the Act with the aim of improving the planning and organization of services for older persons at the state and local levels. State agencies were required to divide the state into geographic areas, or planning and service areas, and to establish area agencies on aging at the community level for the purpose of developing areawide social service delivery systems for older persons. Area agencies were given responsibility for planning and coordinating of programs for older persons within defined planning and services areas designated by state agencies on aging. In addition, area agencies were responsible for advocating on behalf of older persons.

The 1973 amendments also incorporated the community service employment program into the Act. Prior to this time, the program had operated under a demonstration authority under the Economic Opportunity Act. This program was designed to provide community service employment opportunities for unemployed low income older persons.

The 1978 amendments represented a major change in the structure of the program when the separately authorized supportive, nutrition and multipurpose senior center programs were folded into the title III administrative structure. Another major change made by these amendments was the addition of a separate authorization of appropriations for home-delivered nutrition services which were previously an allowable service under the congregate nutrition program. These amendments also established the state long-term care ombudsman program, whose purpose is to investigate and resolve complaints of nursing home and board and care home residents, and a new title VI authorizing grants to Indian tribal organizations for supportive and nutrition services to older Indians. The amendments also incorporated the community service employment program as title V of the Act.

Amendments in 1981 and 1984 gave states more flexibility in the administration of the nutrition and supportive services programs. The 1987 amendments created new separately authorized service components under the state and area agency on aging program, including inhome services for the frail elderly and health promotion and disease prevention programs. These amendments also incorporated a grant program for older Native Hawaiians under title VI. The amendments in 1992 again restructured some of the Act's programs by shifting some of the title III service responsibilities to title VII for elder rights protection activities.

Since its creation in 1965, the Older Americans Act has grown to be one of the most visible service programs for older persons. In FY1994, the largest component of the Act, the national nutrition program for the elderly, provided 240 million meals to over 3 million older persons. About 53% of meals were provided in congregate settings, such as senior centers and community centers, and the rest were delivered to homebound older persons in their homes. The home delivered nutrition program has grown dramatically; from 1980 to 1994, the number of home delivered meals served grew by over 200%. A number of reasons have accounted for this, including increased funding for the program and the trend by states to transfer funds from their congregate nutrition services

program to the home-delivered nutrition program in order to meet increasing needs of the frail homebound elderly.

The supportive services program, which supports the nationwide network of area agencies on aging, also funds a wide array of services for older persons. Primary services provided under this program are information and referral, outreach services, transportation, senior center, and home care services. Transportation services has continued to be one of the chief services provided to older persons under the supportive services program. In FY1994, over 800,000 persons received transportation services through this program.

State and area agencies on aging are required to target services to persons who have the greatest social and economic need. In FY1994, of all older persons who received congregate nutrition services under the program, 43% had income below the poverty level, and 17% were members of minority groups. Of all persons who received home delivered nutrition services, over 53% had income below the poverty level and 18% were members of minority groups. About 40% of supportive service recipients were low income and about 21% were members of minority groups. According to the 1994 census, 11.6% of the nation's elderly had income below the poverty level and 3.8% had both income below the poverty level and were members of a minority racial group.

The community service employment program accounted for about 28% of Older Americans Act funds in FY1995. The program supports about 65,000 employment positions for about 100,000 low income persons aged 55 and older. The program supports a wide variety of community service activities. In program year 1994–95 (July 1, 1994–June 30, 1995), about 70% of community service employment opportunities were in community-based services including social services, education, and parks and recreation, and about one-third were in services to the elderly community, including nutrition services, senior centers, and home care services.

The Committee bill focuses on streamlining and consolidating programs under the Older Americans Act to improve the lives of those it serves. It does this both by consolidating programs within the Act and by transferring to AoA responsibility for other federal programs related to the Act. In addition to program consolidation efforts, the Committee has attempted to respond to state and area agency expressed desires for more program flexibility in a number of other areas. The bill eliminates a number of unnecessary legislative requirements. In recent years, state and area agencies have noted the increasing array of legislative requirements imposed on them without corresponding increases in funding.

While the bill consolidates a number of programs, the Committee retains the basic structure and purpose of the state and area agency program under title III of the Act. The bill retains certain functions that have been the hallmark of the title III state and area agency program since its inception—planning and coordinating of service programs for older persons. In addition, the bill retains the requirement that state and area agencies serve as effective and visible advocates for older persons by reviewing and commenting on all plans, budgets and policies that affect older persons. Moreover, the bill retains the chief title III service components—the na-

tional nutrition program for the elderly and the supportive services program. By reducing the number of multiple small funding streams currently spread over seven titles, the bill aims to strengthen the funding base for the title III services.

The bill consolidates a number of programs under the title III program umbrella. It consolidates the congregate and home-delivered nutrition service programs which, under current law, are separately authorized. The bill, therefore, eliminates the necessity for waivers of limitations on states' ability to transfer funds between the programs which exist under current law. Under the bill, states will receive one allotment for nutrition services which they can use for congregate or home-delivered meals. The bill continues to authorize separate funding for the U.S. Department of Agriculture (USDA) commodity or cash-in-lieu of commodity program and transfers federal administration of this program to AoA.

In addition, the bill consolidates the community service employment program under the title III program umbrella and transfers federal administration of this program from the Department of Labor (DoL) to AoA. All funds for the program will be awarded to state agencies for administration. Under current law, DoL awards funds to 10 national organizations and to state agencies. This has resulted in duplication of effort among national organizations and state agencies and unnecessary expenditure of funds for administration.

The bill also moves requirements for the state long-term-care ombudsman program under the title III program umbrella. Prior to the 1992 Older Americans Act amendments, this program was authorized under title III. The majority of funding for the long-term care ombudsman program continues to be the title III supportive services program. The Committee believes that returning this program to the title III program will streamline state agency functions. The Committee notes the importance of this program among states and that many states contribute significant amounts of funding from their own sources to support the program. While the bill consolidates the long-term ombudsman program under title III, the Committee bill retains the requirement that state agencies establish a state long-term care ombudsman program. The Committee emphasizes its commitment to the continuation of this program.

The bill provides state and area agencies with more flexibility in the design of their programs. For example, it eliminates requirements for funding certain federally-prescribed priority service areas which are required under the current law. Instead it allows states and area agencies to fund services which they determine to be most essential based on their own determination of needs in the state and within planning and service areas. In addition, the bill liberalizes current law restrictions on the transferability of funds between supportive and nutrition services allotments.

In response to concerns expressed by state and area agencies in a number of recent reauthorizations of the Act, the Committee bill allows mandatory cost sharing for title III services. The bill prohibits mandatory cost sharing for certain services, including information and assistance, outreach, benefits counseling, and long-term care ombudsman and other protective services. Persons with low income will be exempt from mandatory cost sharing and older per-

sons will be allowed to show their income on a self-declaration basis. The bill retains the current provisions regarding voluntary contributions for services. In addition, in keeping with the Committee's intent that consumers be given more choice of providers, the bill allows states to use a limited voucher system for supportive and nutrition services in circumstances where traditional services are not provided.

In keeping with the Committee's desire to improve services, the bill expands a current law provision regarding quality of in-home services. The bill does this by requiring that the state have in effect a mechanism to provide for quality in the provision of all supportive and nutrition services provided under the state plan.

The bill retains the current law requirements that services be targeted on older persons who have the greatest social and economic need for services. In addition, the bill clarifies that both state and area agencies must conduct outreach to target other specific groups of older persons, including low income minority older persons, persons with limited English-speaking ability, with severe disabilities, and with Alzheimer's disease or related disorders with neurological and organic brain dysfunction, and older persons residing in rural areas. The bill requires that preference be given to persons with the greatest social and economic need for services, including low income minority older persons.

The bill updates the title III interstate funding formula so that distribution of funds to states reflects most recent demographic trends of the older population. The formula is phased in over 5 years so that by the year 2001, all title III funds will be distributed according to the most recent data on states' population aged 60 and older.

With respect to federal level operations, the Committee bill streamlines functions of AoA by eliminating many unnecessary or duplicative requirements, while retaining essential requirements that keep with its responsibilities as the federal focal point on aging services and programs. It retains requirements that AoA have persons in the agency who are responsible for the long-term care ombudsman program, the nutrition program, and programs and services for older Native Americans, while at the same time giving the Assistant Secretary for Aging the flexibility to design the federal administrative structure for these programs. The bill also eliminates the Federal Council on Aging.

In addition to transfer of the community service employment program to AoA, the bill also transfers to AoA, federal administrative authority for the senior volunteer programs authorized by the Domestic Volunteer Service Act. These programs are transferred from the Corporation for National and Community Service, whose future existence is in doubt and which has been subject to declining appropriations. The Committee believes that the volunteer programs should be retained and can be appropriately administered by AoA.

IMPROVING SERVICES TO SENIORS

After 30 years of additional federal requirements being added to this hallmark legislation, the Older Americans Act Amendments of 1996 makes several long awaited reforms to the original 1965 Act. The bill improves services to seniors by providing better quality

services; by driving more funds directly to local communities, and in turn, directly to seniors; by giving local providers the flexibility to design programs most needed by the elderly population in their own communities, and by helping seniors live fuller more active lives.

The Committee focused on streamlining and consolidating programs under the Act with the intent to strengthen the Act overall. Over the years, with each reauthorization, new programs and new authorizations have been added, many of which have never been funded, and all of which have added to the Act becoming increasing complicated and unfocused. A primary example of this uncontrolled growth is the Title IV Training, Research, and Discretionary Projects and Programs. Appropriations in FY 1995 were \$26 million, but due to increasing requirements placed upon the Act in the 1992 Amendments, the Administration on Aging requested \$45 million for FY '96, the largest funding increase request of all OAA services. While the Committee understands the importance of the Title IV activities, we felt this focus was misplaced. Major funding increases should be focused on core services in title III.

While the Committee realizes the growth of title IV activities has become uncontrolled, the Committee additionally recognizes the benefits of many of these research, training and demonstration activities. Therefore, the Committee provides a substantial authorization of \$26 million for the Assistant Secretary to make grants to carry out research, training and demonstration programs while consolidating the activity into Title I.

The Committee bill consolidates 23 funding streams to 11, while allowing all current activities to be continued. The Committee believes that this will strengthen the Act by creating a more unified and solid base for Title III activities. The problems of the current funding structure were evident this year when the House Appropriations Committee eliminated funding for title IV, Research, Training and Demonstration Programs, and multiple small funding streams under title VII, Vulnerable Elders Rights Protection Activities.

While the separate authorizations under title VII were consolidated into title III, the Committee maintains a very strong commitment to the Vulnerable Elders Rights Protection Activities. By allowing a state to retain up to 150% of what they used in FY '95 for their state long-term-care ombudsman program under title III and title VII, as well as the amounts they used for the statewide prevention of elder abuse, neglect and exploitation programs, the Committee believes that states can not only maintain, but expand their statewide elder abuse prevention programs. By having states reserve an amount from title III, these programs are guaranteed a stronger funding base.

NUTRITION PROGRAMS

The Committee believes the nutrition services under the Older Americans Act play a major role in helping seniors to continue to lead active, healthy lives and to avoid unnecessary institutionalization. To be effective in serving the nutritional needs of seniors, the program was modified to allow greater state and local flexibility in determining the type of meals to be served. There were, however,

no modifications to the current nutritional standards for meals provided under this Act.

At the present time, 65% of funding under Title III of the Older Americans Act is used for nutrition services for senior citizens. During consideration of changes to the Older Americans Act, the Committee met with the providers of nutrition services and representatives from Area Agencies on Aging. There was a general consensus that additional flexibility was needed at the local level in order to best meet the needs of senior citizens.

Current law allows States to transfer up to 30 percent of their allotted funds between congregate and home-delivered nutrition services. They can also receive a waiver to transfer additional amounts. However, the demand for services can change from month to month and States and local providers need the flexibility to fund services when and where they are needed. As such, the Committee has blended the home-delivered and congregate meals programs and permits funds to be used for congregate meals, in-home meals and meals in adult day care facilities. In his testimony before the Committee, Fernando M. Torres-Gil, HHS, Assistant Secretary for Aging stated, "In order to restore the flexibility of State and area agencies in aging to respond to differing and changing local needs, we would propose eliminating various categorical sub-part programs and would restore the primary focus by integrating them back into the two broad categories of nutrition services and supportive services."

The Committee has, however, included protections in the law to prevent the elimination of services in any particular area as long as there is a demonstrated need. Concerns were raised about the possibility that some programs would decide to fund in-home meals and eliminate congregate meal programs, regardless of whether or not a need continued to exist for such services. The Committee would oppose such action and has included these protections in the bill to insure that services will continue to exist as long as the need for such programs continues to exist.

The Committee has also included provisions in the bill to encourage providers to insure that meals served reflect special needs of senior citizens. For example, if an individual is lactose intolerant, the Committee would expect an individual to be provided with an appropriate alternative in order to insure they receive the nutrients they require to remain in good health.

The Committee has received reports that in some instances seniors continue to be given foods they cannot eat in order to insure that dietary standards are met. If meal components are not consumed, there is a concern that the nutritional health of seniors could be jeopardized. The Committee would, therefore, encourage providers to insure that necessary steps are taken to insure alternatives are provided in such instances.

In addition to changes to nutrition programs operated by the Administration on Aging, the Committee has made changes to the nutrition program currently operated through the US Department of Agriculture and moved it to the Administration on Aging. It is the view of the Committee that this change will reduce paperwork and administrative burdens related to the two programs which have similar goals. While this program will still provide a per meal reim-

bursement, the fixed per meal reimbursement of \$.60 per meal has been updated with an amount that will increase the number of meals served to senior citizen participants. The per meal amount will be established by dividing the amount appropriated for the program by the total number of meals served. Individual state funding will be determined by multiplying the number of meals served in each state by the per meal reimbursement amount. The Committee believes this program will be an incentive program to encourage states to increase the number of meals served to senior citizen participants.

COST SHARING

For the first time since enactment of the Older Americans Act, the Committee bill will permit States and local providers to require cost-sharing for those services they feel are most appropriate. The bill does not require cost-sharing for any service and it prohibits providers from denying services to participants based on their inability to pay.

It is not the intent of the Committee, however, that States taking this option add additional paperwork burdens on local providers and require extensive applications. In fact, the cost-sharing provisions under this legislation make it clear that income determinations are based on self-declaration. As such, no individual will be required to provide income documentation or to share confidential information in a community setting such as a senior center. For example, senior centers with congregate meal programs could simply post a contributions schedule based on different income brackets and allow seniors to contribute according to their "self-declared" income bracket.

By allowing States and local providers to require cost-sharing for specific services, the Committee expects that additional participants will be able to benefit from services under this Act. Under current law, providers are permitted to accept donations for services provided. In the past, such dollars have been used to provide services to additional participants. The Committee believes that allowing cost sharing will further enhance the ability of local providers to serve additional participants.

Witnesses appearing before the Committee endorsed the concept of cost-sharing. In his testimony before the Committee, Richard Browdie, Secretary of PA Department of Aging said, "Simply put, the Older Americans Act gets in the way of developing systems which can be fully coordinated across funding streams for people of all income levels because OAA money cannot be subject to cost sharing. States need to be free to develop statewide cost sharing systems, or to permit AAAs the flexibility to develop systems if they wish to have differences in local communities. Access and advocacy services, as well as those pertaining to protection from abuse or exploitation should be exempted from any mandatory cost sharing requirements. And, states should be free to develop cost sharing for some services, such as personal and health related services delivered in the home or in the residential settings, while retaining voluntary contributions programs for others, such as congregate meals.

Steven Niebler, Director, Adams County Office of Aging, Inc. Gettysburg, Pennsylvania, stated that, "Because of the high percentage of state lottery dollars, Pennsylvania has permitted its Area Agencies on Aging to cost share in the in-home services cost centers for approximately the past eight years. This has permitted AAAs in some cases to wipe-out waiting lists and, in others, to expand services. We have proven that it can work, and work well, if implemented in a thoughtful and thorough manner."

Another witness appearing before the Committee, Daniel L. Laver, Director of San Diego County Area Agency on Aging, stated that, "In FY 1993-94, \$1.8 million came from the seniors contributing to their own program. This is 4.5 times more money than was provided by the County of San Diego. Cost Sharing should be allowed for many of the Older Americans Act Programs, such as in-home care, legal services, day care, and nutrition, etc."

Peggy O'Neill, Bucks County Area on Aging, Director, stated, "Bucks Area Agency on Aging has a waiting list of about 200 persons a month waiting for in-home services. We need cost sharing at this time, but again with flexibility at the local level."

Finally, Barbara J. Harris, National Association of Meal Programs, President-Elect stated, "We would endorse the notion of some form of cost sharing that allows flexibility and community based decision making. We need more flexibility in our programs; and we need your help in getting there."

The Committee agrees wholeheartedly that decision-making with respect to cost-sharing should remain at the State and local level and, therefore decisions regarding the services for which cost-sharing would be required is left in the hands of State and local providers.

It has been suggested that cost-sharing for services under the Older Americans Act will have a negative impact on program participation. The Committee disagrees. States like Pennsylvania, which have implemented cost sharing with State dollars have not found it to be a deterrent to participation. Ms. Crystal Lowe, Director, York County Area Agency on Aging stated, "York County was very concerned that people would not want to or would not be able to pay for the service. We found overwhelmingly that our consumers did want to pay for what they got. In our community free service is often thought of as "being on the dole."

Finally, the Committee would like to point out that this legislation allows States to continue to solicit voluntary contributions rather than implementing cost-sharing for available services. (Voluntary contributions are usually based on a chart posted in a public area where services are provided. The chart's list suggests contributions based on income.) States could solicit voluntary contributions for some services and require cost-sharing for others.

USE OF VOUCHERS FOR SERVICES

The bill reported by the Committee requires State plans to identify each specific supportive service and each nutrition service (if any) which the State agency elects to permit area agencies on aging to provide through the use of vouchers. The Committee adopted the voucher concept in order to address concerns that senior citizens in certain areas were unable to benefit from Older

Americans Act services because of their geographic location and a lack of service providers. The Committee does not expect vouchers to be used unless services are otherwise unavailable and has taken steps to avoid the unnecessary use of vouchers by limiting their use to instances where the area agency on aging is unable to provide such service by contract with a service provider.

The Committee bill continues to insure that high quality, nutritional meals will be provided to seniors using vouchers by requiring that such meals comply with the Dietary Guidelines and meet other dietary requirements for meals served under this Act. Without this provision the Committee fears that some seniors, particularly those residing in rural areas, may not be able to avail themselves of important services (such as nutritional meals) provided under this Act. It will, however, monitor the use of such vouchers to insure that this provision is not abused.

CHANGES TO THE SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

The Committee believes that the Senior Community Service Employment Program (SCSEP) provides many benefits to seniors, keeping them active, providing services to the community, and often times improving both their mental and physical well-being. The Committee views the SCSEP program as a community oriented subsidized employment program for hard to employ seniors that can provide training opportunities to those seniors with the capacity and interest to transition into private sector employment.

However, in the past few years many concerns have been raised regarding the US Department of Labor's use of a non-competitive process to award SCSEP grants to the ten non-profit "national sponsors" and the state governments who administer the program for the Department. The role of the National organizations, the non-competitive nature of the federal funding and the way in which these organizations have historically spent federal dollars all have come into question.

Earlier in the year the House Budget Committee recommended elimination of SCSEP funding. The Opportunities Committee believes the intent of the SCSEP program should be preserved but that the program needs extensive overhaul. This sentiment was further solidified with the release of a US General Accounting Office Report (GAO/HEHS-96-4) in November of 1995 entitled "Senior Community Service Employment Program Delivery Could be Improved Through Legislative and Administrative Actions."

The GAO report had several findings that guided the Committee's work: The current statute required the Department of Labor to award grants to national sponsors based on a 1978 "hold harmless" which in effect allowed both national sponsors and states to maintain their 1978 level of activities. Of the \$410 million appropriation in program year 1994, \$234 million was distributed under this provision. This use of the 1978 allocations greatly limits the ability to achieve equitable distribution among the states on the basis of actual need in 1996. Additionally, the GAO found that the Appropriations statutes had also effected equitable distribution, while the OAA requires the excess funds above the 1978 amount be split 55% for states and 45% for the national sponsors, in every

year since 1978 the Appropriations Committee has overridden the provision and favored funding to the national sponsors by allocating 78% to them. The remainder, a mere 22%, has been allocated to State governments.

Of the 1994 program year appropriation, the Labor Department allocated the national sponsors \$320.2 million (78 percent) and the states and territories \$90.3 million (22 percent). The ten national sponsors that received grant awards were:

American Association of Retired Persons (AARP)	\$48,000,000
Green Thumb Inc.	100,000,000
National Council on Aging (NCOA)	36,000,000
National Council of Senior Citizens (NCSC)	61,000,000
National Urban League	15,000,000
National Caucus and Center on Black Aged	12,000,000
Asociacion Nacional Pro Personas Mayores	12,000,000
National Indian Council on Aging	5,000,000
National Asian Pacific Resource Center on Aging	5,000,000
United States Forest Service	26,000,000
Total	320,000,000

The GAO report found that national sponsors exceeded the administrative cap in law by \$20 million by improperly classifying costs. Most national sponsors budgeted amounts for 1994 SCSEP administrative expenses in excess of the legal limit. Their documents reported expenses within the legal limit by misclassifying about \$20 million of administrative expenses as something other than administrative expenses.

While the Committee believes strongly in preserving the intent of the SCSEP program, we believe that States are in a better position to administer employment programs. States have greater incentive than the national sponsors to provide for a more equitable distribution of job positions throughout the state. They are closer to the needs of their own senior population, and allowing States to administer the program would reduce the duplicative nature of the current program.

Currently, each of the national sponsors has its own approach to distribution of funds to its local branches, benefits to enrollees, and administration. Many national organizations choose not to operate any programs in certain states. This has often caused inequities of services throughout different communities in the same state. In hearings before the Committee, witnesses testified that in many local areas, Area Agencies on Aging (AAA) are put in the position of competing against local branches of national organizations to fill the job slots, while other communities are under-served and do not have enough job slots to serve needy seniors. By giving more control of the program to states we would expect that they would provide more uniform programs and benefits for senior enrollees.

Additionally, the Committee believes that the States must award grants on a competitive basis. The Committee realizes that many organizations, local and national, have a history of providing quality employment services to seniors. Therefore, the Committee requires states to compete grants among public or non-profit private agencies or organizations, tribal organizations, area agencies on aging, and national organizations in order to provide Community Service Employment programs. The state has the option of competing these grants on either a local or statewide basis. The Commit-

tee encourages states to best serve the employment needs of the senior populations within each state while striving for equitable distribution within the State. The Committee is concerned, however, that whatever option the States chooses it will implement a system that better serves the senior population than the current structure dominated by the national organizations.

The Committee additionally feels that a higher percentage of funds should go directly toward wages and benefits for seniors participating in this program. Therefore a requirement that 85% of each grant awarded by the Assistant Secretary must be used to pay wages and benefits has been included. The remaining 15% is to be used for State and local grantee administrative costs as well as any other enrollee costs. The Committee recognizes the labor intensive nature of administering the SCSEP program for local grantees and would expect that States provide grantees with a reasonable amount of administrative funding to carry out an effective program.

While the Committee intends that the required competition be held on a level playing field for all participants, we have specifically required that States give special consideration to organizations who have demonstrated effectiveness through past performance. If an organization has provided services effectively in the past, with reasonable administrative costs and maintains a cooperative working relationship with the State, and maintains effective State and Federal linkages, we would expect that they would be in a better position to serve seniors based on their experience over a new organization with no previous experience. Additionally, the Committee would like to clarify that all ten national organizations who currently administer the SCSEP program under the Older Americans Act of 1965 are eligible, along with other listed entities to compete for grants at the State level.

The State must also ensure to the maximum extent possible that through coordination with new grantees, individuals participating in the SCSEP program are not displaced due to program transition. The implementation of the new structure of the SCSEP program is effective for FY 97, since the SCSEP program funds are not distributed until July 1, 1997 this allows for a full year for States and current grantees to prepare for the new competitive structure.

Through transferring the SCSEP program to the States the Committee realizes the improbability of the US Forest Service being awarded grants by States. Therefore it is the desire of the Committee that States encourage grant recipients to place some enrollee positions in Forest Service job slots where they are available. This activity would benefit both the Forest Service in maintaining their SCSEP program enrollees as well as assisting grant recipients in finding suitable job placements for senior enrollees. The Committee firmly believes the U. S. Forest Service provides beneficial opportunities to senior enrollees, and the change in structure in no way was intended to reflect poorly on the performance of the Forest Service. We would support any innovative approaches beyond our suggestions to continued placement with the Forest Service.

Additionally, through the transfer of the SCSEP program from the Department of Labor to the Administration on Aging, the Committee hopes to streamline delivery of all OAA services through

AoA. We expect that the Department of Labor and the Administration on Aging will work closely together to minimize disruption to services as well as assist in the transfer of program data, assistance and any related personnel.

MOVEMENT OF THE NATIONAL SENIOR VOLUNTEER PROGRAMS TO
THE ADMINISTRATION ON AGING

The three senior volunteer programs, the Retired and Senior Volunteer Program, Senior Companions and Foster Grandparents programs are effective volunteer programs which are currently operated as part of the Corporation for National Service (Americorps). The Committee has moved governance of these programs to the Administration on Aging.

The Committee took this action in an effort to stimulate better coordination among programs serving our nation's senior citizens. There is currently language in both laws requiring coordination of programs operated under the Older Americans Act and the Senior Volunteer Programs. This move makes such coordination easier. It does not, however, change the structure or operation of National Senior Volunteer Service Corps programs.

Another reason for moving these successful programs to the Administration on Aging is to protect them from the politically divisive debate on Americorps. Members on the Committee want to insure the senior volunteer programs will be funded in the future and this move takes a positive step in this direction. According to Sandra Reminga, Executive Director of the Lapeer and Genesee Counties Foster Grandparents Programs, Burton, Michigan “* * * perhaps, because the Action programs have been so successful—Foster Grandparents, Senior Companion, RSVP—it may be worth consideration to move the Action programs under the Older Americans Act for that mantle of protection and efficient coordination with the rest of the aging services.”

The senior volunteer programs under Title IV also share certain characteristics with the Community Service Employment Program under Title III. As a primary example, these programs add to the health and well-being of seniors by helping them continue to be contributing members of society.

Likewise, both provide individuals with a stipend (except for RSVP for which there is no stipend) for their work which allows them to remain independent and not depend on family members and others for support. Additionally, both the Community Service Employment Program and the Senior Companion and Foster Grandparents programs require that participants be chosen from those individuals with fewer financial resources.

Finally, individuals working under the Community Service Employment Program and the individual senior volunteer programs provide a variety of services which benefit a wide range of individuals. For example, under the National Senior Volunteer Service Corps, senior volunteers help children with exceptional or special needs (Foster Grandparents) and provide assistance and companionship to other older individuals (Senior Companions). Volunteers under the Retired and Senior Volunteer Program use their experience, abilities and skills to respond to a wide variety of community

needs, such as literacy enhancement, long-term care, crime prevention, refugee assistance and housing rehabilitation.

In actuality, the move to the Administration on Aging is a return home for senior volunteers programs. Two of the senior volunteer programs, the Retired Senior Volunteer Program and the Foster Grandparent Program began under this Act. Senior volunteer programs and the volunteers who donate their time to serving others, deserve the protection accorded to them through this move to the Administration on Aging. It is the view of the Committee that this move will be a positive one for the National Senior Volunteer Service Corps programs, their participants and their ultimate beneficiaries.

SUMMARY

The bill amends the Older Americans Act by including the following:

TITLE I: GENERAL PROVISIONS

Title I clarifies and simplifies the General Provisions relating to the Older Americans Act. It establishes a new clarified purpose for the Act and consolidates all definitions for the Act that previously had been scattered through various titles. Additionally, this title establishes the Administration on Aging (AoA) within the Department of Health and Human Services. The Assistant Secretary is authorized to make grants in order to conduct research and training programs. Offices within the Administration are streamlined and an authorization is provided in order to administer the newly placed National Senior Volunteer Programs.

TITLE II: GRANTS TO NATIVE AMERICAN PROGRAMS

Title II, Grants to Native Americans sets out to provide for the delivery of nutrition and supportive services to American Indians, Alaska Natives and Native Hawaiians that are comparable to title III nutrition and supportive services. This title contains a separate authorization for grants to native Americans.

TITLE III: GRANTS FOR PROGRAMS ON AGING

This title authorizes grants to State and area agencies on aging to provide and coordinate programs for the elderly. It sets up the organizational structure of the "Aging Network" linking AoA, State and area agencies on aging and other public and private agencies to improve and expand services for older persons. Title III sets up eligibility requirements for States and area agencies to receive federal funds. It supports 57 State agencies on aging and 665 area agencies on aging. The title is divided into three programs, Supportive Services, Nutrition Services and Employment Services. Each has its own authorization.

The administrative set-aside for State Agencies on Aging is 7% and for Area Agencies on Aging, 10%. Under this title, States are allowed to use cost-sharing for certain in-home type services. Voluntary contributions are continued.

A broad array of supportive services are authorized under title III including the State Long Term Care Ombudsman Program and

Elder Rights Protections. Title III consolidates two current major nutrition programs, in-home delivered meals and congregate meals into one funding stream for nutrition services. The USDA nutrition program remains on a per-meal reimbursement rate. There is a 25% transfer authority between nutrition and supportive services. Funding for Supportive Services and Nutrition programs are distributed on the basis of a State's relative share of the population age 60 and over. This formula phases out the current 1987 hold harmless over a five year period.

This title authorizes funding for the Senior Community Service Employment Program (SCSEP). The Assistant Secretary sends all funds for the SCSEP program directly to States. Funds for Employment services would be sent out under a separate formula from Nutrition and Supportive Services. The employment formula holds all states at their FY 96 levels and distributes money above that amount on the current age 55+ and State per capita income formula. States are then required to compete grants among eligible entities at either a Statewide or local level. Additionally, administration of the SCSEP program is transferred from the Department of Labor to the Administration on Aging in the Department of Health and Human Services.

TITLE IV: NATIONAL SENIOR VOLUNTEER PROGRAMS

The Senior Volunteer Programs currently housed under the Corporation for National Service are placed in Title IV of the OAA. Title IV would essentially retain their current operating structure, while transferring them at the Federal level to the Administration on Aging.

This title continues the following senior volunteer programs: the Retired and Senior Volunteer Program which has been authorized since 1969 and provides non-stipended volunteer opportunities for individuals aged 55 and older; the Foster Grandparent Program (age 55 and over) which was developed in 1965 (included as part of the OAA in 1969); and helps foster grandparents become part time volunteers who provide support services to disabled children and other children with special or exceptional needs. They receive stipends of \$2.45 per hour for their volunteer service; and the Senior Companion Program, similar to the Foster Grandparents Program, in that volunteers receive a stipend for service and must meet certain eligibility requirements. These seniors provide services to frail elderly.

SECTION-BY-SECTION ANALYSIS

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 2570

Sec. 1. Contains the short title for the Act.

Sec. 2. Contains the Table of Contents for the Act.

Sec. 3. Contains an Amendment to the Older Americans Act of 1965 as follows:

“Sec. 1. Contains the short title for the Act.”

“Sec. 2. Contains the table of contents for the Act.”

*Title I—General Provisions**Subtitle A—Statement of purpose; definitions*

“Sec. 101. Contains the purpose of the Act.”

“Sec. 102. Contains the definitions for the Act.”

Subtitle B—Administration

“Sec. 111. Establishment of the Administration on Aging. Establishes the Administration on Aging within the Department of Health and Human Services, headed by an Assistant Secretary. Requires the Assistant Secretary to designate for certain offices, an individual within the Administration on Aging who will be responsible for the federal administration of programs relating to Native Americans and has expertise with respect to programs affecting Native American; an individual who will be responsible for the federal administration of activities relating to State long term care ombudsman programs; an individual who will be responsible for the federal administration of nutrition services and has expertise in Nutrition Services; and individual who has expertise in administering Senior Volunteer Programs.”

“Sec. 112. Duties of Assistant Secretary. Sets forth the duties of the Assistant Secretary: Advocacy for older individuals, collection and dissemination of information, assistance to the Secretary on issues related to aging, to administer grants made under this Act, to provide technical assistance, to prepare and disseminate educational materials, to gather statistics, to assist in planning activities, to collect statistical data on programs under this Act, to implement a uniform data collection procedure, to operate a toll-free assistance telephone hotline.”

“Sec. 113. Federal Agency Consultation. Requires the Assistant Secretary and heads of other Federal Departments to coordinate activities related to the purpose of this Act.”

“Sec. 114. Powers of the Assistant Secretary. Allows the Assistant Secretary to provide assistance to public or nonprofit private agencies, provide short term training and technical instruction, conduct research and demonstrations, collect and disseminate information related to programs funded under this Act. Gives the Assistant Secretary authority to make grants and enter into contracts to expand knowledge on the aging process, to promote innovative ideas for improving services, for education and training, for research, to improve quality, for demonstration projects, for technical assistance, and dissemination of information.”

“Sec. 115. Evaluations. Allows the Assistant Secretary to evaluate programs and activities provided under this Act, and states how the Assistant Secretary shall obtain information for the evaluations.”

“Sec. 116. Reports. Requires the Assistant Secretary to prepare and submit a report on the programs carried out under this Act and what information that report shall include.

“Sec. 117. Reduction of Paperwork. Requires the Assistant Secretary to take necessary actions to reduce paperwork required under this Act.”

“Sec. 118. Surplus Property Eligibility. Allows State and local agencies that receive funding under this Act to receive surplus property of the Federal Government.”

“Sec. 119. Treatment of Benefits Under Other Laws. Provides that no benefit received under this Act is to be treated under any Federal, State or local law as income or resources of an eligible individual participating in programs, projects or activities under this Act.”

“Sec. 120. Authorization of Appropriations. Authorizes funding for the Administration on Aging for expenses (including salaries), for the toll-free telephone assistance hotline, for the Assistant Secretary to carry out grants, and for the Administration on Aging expenses for administering the Senior Volunteer Programs for years FY 1997–2001.”

Title II—Grants for Native American Programs on Aging

“Sec. 201. Grants for Services to Native Americans. Allows the Assistant Secretary to make grants to eligible organizations to pay all of the costs for delivery of supportive services and nutrition services for older individuals who are Native Americans. Lists qualifications for organizations eligible to receive a grant under this title.”

“Sec. 202. Application for Grants. Requires that eligible organizations must submit an application to the Assistant Secretary in order to receive a grant. Sets forth application requirements. Allows organizations to develop their own population statistics. Requires the Assistance Secretary to provide organizations with specific information if their application is not approved. States the grant period is to be not less than 12 months in duration.”

“Sec. 203. Distribution of Funds Among Tribal Organizations and Alaska Native Organizations and Organizations Serving Native Hawaiians. Provides that grants made to tribal organizations, Alaska Native Organizations or organizations serving Native Hawaiians for fiscal year 1997 and subsequent years are not to be less than the amount received in fiscal year 1991. Sets forth the allotment of additional amounts appropriated.”

“Sec. 204. Surplus Educational Facilities. Requires the Secretary of the Interior, through the Bureau of Indian Affairs to make available surplus Indian education facilities and surplus Alaska Native Educational facilities to organizations for use as multipurpose senior centers. Makes available to organizations serving Native Hawaiians any other surplus educational facilities located in the State of Hawaii that are under the control of the Secretary of the Interior for such purposes.”

“Sec. 205. Administration. Requires the Assistant Secretary to consult with the Secretary of the Interior for the purpose of issuing rules to carry out this title.”

“Sec. 206. Payments. Allows payments under this subtitle to be made in advance or by way of reimbursement according to conditions the Assistance Secretary may determine.”

“Sec. 207. Authorization of Appropriations. Authorizes the appropriation of funds to carry out this title for fiscal years 1997 through 2001.”

*Title III—Grants for programs on aging**Subtitle A—Grants for State and community programs on aging*

Chapter 1—General Provisions

“Sec. 301. Technical Assistance and Cooperation. States that the Assistant Secretary may request assistance and cooperation from other appropriate Federal Agencies.”

“Sec. 302. Allotments: Federal Share. Sets forth the formula for allotment of funds to States for Supportive Services and Nutrition Services. Additionally, sets for the formula for allotment of funds to States for Community Service Employment.”

“Sec. 303. Eligibility of States; Organization. Sets forth eligibility requirements for States to receive funds under this title.”

“Sec. 304. State Plans. Requires each State to submit a State plan to the Assistant Secretary in order to be eligible to receive funds under this title. Sets forth the required elements necessary in the State Plan such as: a uniform area plan format, approval of area plans, evaluation of need, procedures for hearings, fiscal control and fund accounting, guidelines avoiding conflict of interest, information and assistance services, limitation on providing direct services, requirements for the State Long Term Care Ombudsman Program, provisions if the State elects to provide legal assistance, provisions if the state elects to provide elder abuse prevention, outreach requirements, services for older individuals with disabilities, coordination of community based long term care services, prohibitions on the misuse of funds, coordination of services and provisions for multi-generational services, quality assurances, provisions if the State elects to require cost sharing, solicitation of voluntary contributions, provisions if the State elects to use vouchers. Sets forth the process for approval or disapproval of the State Plan. Includes a provision preserving attorney-client privileges.”

“Sec. 305. Area Plans. Requires each Area Agency on Aging to submit an area plan in order to be approved by the State agency. Sets forth required elements necessary in the Area plan such as: the scope of the plan, the promotion of independent living, information and assistance services, specific objectives and outreach, evaluations; technical assistance and information; advocacy; and the establishment of advisory councils, the use of volunteers, provisions if the area agency elects to provide programs related to the prevention of elder abuse, description of activities, disclosure of sources and expenditures of funds, procedures for the prohibition of the misuse of funds, prohibitions of contractual preferences, case management services, provisions on cost sharing, services for individuals with disabilities, preservation of attorney client privileges, sets forth the state authority to withhold funds.”

“Sec. 306. Planning, Coordination, Evaluation, and Administration of State Plans. Sets forth limitations and uses of funds by the State. Also gives authority to transfer funds between supportive and nutrition services.”

“Sec. 307. Payments. Sets forth payments of grants in a manner as the Assistant Secretary may determine.”

Chapter 2—Supportive Services and Multipurpose Senior Centers

“Sec. 321. Program Authorized. Requires the Assistant Secretary to carry out a program for making grants to States to carry supportive services. Lists the types of supportive services that can be funded under this chapter.”

Chapter 3—Nutrition Services

“Sec. 331. Program Authorized. Requires the Assistant Secretary to carry out a program of grants to States for the establishment and operation of nutrition programs. Sets forth requirements for such programs, including a requirement for the provision of at least one meal per day.”

“Sec. 332. Additional Requirements. Sets forth additional requirements for States which establish and operate nutrition projects, including the need to: solicit the advice of a dietitian or individual of comparable expertise, ensure that meals comply with the Dietary Guidelines for Americans, provide flexibility to local nutrition providers to design meals appealing to program participants, limit the amount of time meals spend in transit before they are consumed, and provide nutrition education, counseling, and screening, etc.”

Chapter 4—Community Service Employment for Older Americans

“Sec. 351. Contains the short title for this Chapter.”

“Sec. 352. Older American Community Service Employment Program. Requires the Assistant Secretary to make grants to eligible States for the purpose of providing employment opportunities to low-income older individuals. Sets forth limitations on uses of funds, requirements for States, eligibility, special consideration, determinations of need, equitable uses of funds, requirements for reports, requirements for rules, under this Chapter.”

“Sec. 353. Participants Not Federal Employees. Sets forth that individuals who participate in programs funded under this chapter will not be considered to be Federal employees. Additionally, sets forth workmen compensation requirements for contract agreements.”

“Sec. 354. Treatment of Employment Assistance For Purposes of Federal Housing and Food Stamp Programs. States that funds received under this chapter shall not be considered income for determining eligibility for assistance under certain Federal programs.”

Subtitle B—Authorization of appropriations

“Sec. 381. Authorization of Appropriations. Contains authorizations of appropriations for Subtitle A: Supportive Services, Nutrition Services, Employment Services.”

“Sec. 382. Additional Funds Available for Nutrition Services. Authorizes additional funds for Nutrition Services from the Secretary of Agriculture. Allows the Assistant Secretary to divide funds and allows States to receive and purchase commodities.”

Title IV—National Senior Volunteer Service Corps

“Sec. 401. Statement of Purposes. Sets for the purposes of the Retired and Senior Volunteer Program, the Foster Grandparent Program and the Senior Companion Program.”

Subtitle A—Retired and Senior Volunteer Program

“Sec. 411. Grants and Contracts for Volunteer Service Projects. Allows the Assistant Secretary to make grants to State agencies or grants to or contracts with other public and nonprofit private agencies and organizations to pay part of all of the cost for the development, operation or both of volunteer service projects under this subtitle. Sets forth the limitation on reimbursement for volunteers, eligibility criteria for volunteers and projects, provides for necessary training of volunteers, and establishes the amount of the local contribution towards the cost of a project and grounds for waiving such local contribution.”

Subtitle B—Foster Grandparent Program

“Sec. 421. Grants and Contracts for Volunteer Service Projects. Allows the Secretary to make grants to, or contracts with, public and nonprofit private agencies and organizations to pay part or all of the cost of development and operation of projects to provide opportunities for low-income older individuals to serve as foster grandparents. Outlines the types of services which can be provided. Gives priority to individuals 60 years of age or older, sets forth the amount of each project to be funded by the Assistant Secretary, allows local projects to determine which children are eligible for services, allows the Assistant Secretary to provide allowances, stipends and other support to low-income foster grandparents, sets forth the floor for the stipend amount as of December 31, 1997, and provides for the use of volunteers who are not low-income older individuals.”

Subtitle C—Senior Companion Volunteer Program

“Sec. 431. Grants and Contracts for Volunteer Service Projects. Allows the Secretary to make contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of projects designed to provide opportunities for low-income individuals to provide services as senior companion volunteers to individuals with exceptional needs. Outlines the eligibility criteria for program beneficiaries, allows the Assistant Secretary to make grants or contracts for senior companion volunteer projects to assist homebound individuals 60 years of age or older to remain in their homes and enable institutionalized individuals 60 years of age or older to return to home-care settings, gives priority to individuals 60 years of age or older, sets forth the amount of each project to be funded by the Assistant Secretary, allows the Assistant Secretary to provide allowances, stipends and other support to senior companions, sets forth the floor for the stipend amount as of December 31, 1997, and provides for the use of volunteers who are not low-income older individuals.”

Subtitle D—General provisions

“Sec. 441. Promotion of National Senior Volunteer Service Corps. Requires the Assistant Secretary to consult with Federal agencies

administering related programs in order to achieve optimal coordination. Calls on such Federal agencies to cooperate with the Assistant Secretary in disseminating information on the availability of assistance under this Title. Requires the Assistant Secretary to enter into contracts with specific programs. Requires the Assistant Secretary to encourage and facilitate efforts of private organizations to promote the volunteer programs. Requires the Assistant Secretary to take appropriate actions to ensure special efforts to publicize programs in order to facilitate recruitment efforts, encourage greater participation of volunteers, etc. and authorizes funds for such purpose.”

“Sec. 442. Payments. Provides that payments for grants and contracts can be made in advance or by way of reimbursement under conditions as the Assistant Secretary may determine.”

“Sec. 443. Use of Locally Generated Contributions In National Senior Volunteer Service Corps. Provides that the Assistant Secretary cannot restrict the use of funds generated through local contributions in excess of the amount required under this Title if they are not inconsistent with the provisions of this Title.”

“Sec. 444. Adjustments to Federal Financial Assistance; Reports. Requires the Assistant Secretary to consider the impact of changes in the Consumer Price Index on the administrative costs of operating projects when determining the amount of financial assistance provided to applicants. Requires a report to appropriate congressional Committees every two years on the extent to which adjustments are made.”

“Sec. 445. Multiyear Grants or Contracts. Permits the Assistant Secretary to make a grant or enter into a contract for a period not to exceed 3 years. Sets forth conditions under which multiyear grants or contracts are to be made and the treatment of recipients of such multiyear grants or contracts.”

Subtitle E—Administration and coordination

“Sec. 461. Administrative Structure. Requires the Assistant Secretary to set up an organization structure for the administration of this Title which, to the extent practicable, retains the structure which existed prior to enactment of this Act. Requires such structure to include State offices and multistate regional offices and to have responsibilities similar to those such offices had under prior law.”

“Sec. 462. Political Activities: Prohibits funds under this act to be used for activities which would influence the outcome of any election to any Federal, State or local public office or to pay the salary of any officer or employee who would engage in such activity in their official capacity. Requires that programs funded under this Title are not be carried out in such a manner that they would be identified with any partisan or nonpartisan political activity associated with a candidate or contending faction or group in an election for public or party office or any activity to provide voters or prospective voters transportation to the polls or any voter registration activity. Prohibits the use of program funds for any activity which would influence the passage or defeat or legislation or proposals by initiative petition, with few exceptions. Requires the Assistant Secretary to issue rules providing for the enforcement of this section.”

“Sec. 463. Special Limitations. Requires the Assistant Secretary to issue rules to ensure that the service of volunteers under this Title is limited to activities which would not otherwise be supplied by employed workers and that will not supplant the hiring or displacement of employed workers or impair existing contracts for services. Requires that all support provided to volunteers be furnished at the lowest possible cost. Prohibits any agency or organization to which volunteers are assigned from request or receiving compensation from volunteers or the beneficiaries of such volunteer services. Prohibits funds under this Title from being used to finance labor or anti-labor organization or related activity. Requires volunteers to provide such information on their qualifications as the Assistant Secretary requires.”

“Sec. 464. Coordination with Other Programs. Requires that the Assistant Secretary coordinate volunteer programs with each other and other related Federal, State and local programs. Consultation with the heads of other Federal, State and local agencies responsible for related programs is required in order to encourage greater use of volunteer services.”

“Sec. 465. Notice and Hearing Procedures for Suspension and Termination of Financial Assistance. Allows the Assistant Secretary to suspend or terminate payments under grants or contracts when it is determined there is failure to comply with the terms and conditions of such grant or contract. Sets up procedures for hearings, notice.”

“Sec. 466. Distribution of Benefits Between Rural and Urban Areas. Requires the Assistant Secretary to establish measures to ensure benefits and services are distributed equitably between residents or rural and urban areas.”

“Sec. 467. Volunteers Not Federal Employees. States that volunteers are not considered Federal employees and are not subject to laws relating to officers and employees of the Federal Government and to Federal employment.”

“Sec. 468. Evaluation. Allows the Assistant Secretary to evaluate the impact of all programs, projects and activities under this title, their effectiveness in achieving goals, etc. Allows the Assistant Secretary to evaluate the impact of nonstipended volunteers on the Foster Grandparents and Senior Companions volunteer programs. Allows the Assistant Secretary to use not more than 1 percent of funds appropriated to conduct such evaluations.”

“Sec. 469. Eligibility for Other Benefits. Provides that reimbursements to volunteers are not to be subject to any tax or charge or treated as wages or compensation for purposes of unemployment, retirement.”

“Sec. 470. Legal Expenses. Allows the use of counsel and payment of counsel fees, court costs, etc. incidental to the defense of volunteers if such proceedings arise out of the performance of activities under this title.”

Subtitle F—Authorization of appropriations for programs

“Sec. 491. Authorization of Appropriations for Programs. Sets for the authorization amount for the Retired and Senior Volunteer Program, the Foster Grandparent Program and the Senior Companion Program for fiscal years 1997–2001.”

Sec. 4. Conforming Amendments. Contains conforming amendments.

Sec. 5. Fiscal Year References for Fiscal Year 1997. Definition of "preceding year" for fiscal year references.

Sec. 6. Issuance of Rules. Requirement for issuance of rules.

Sec. 7. Enforcement Authority. Provides that the Secretary of Health and Human Services shall have authority to enforce compliance with the requirements applicable to title II of the Domestic Volunteer Service Act of 1973 and to funds available to carry out such title.

Sec. 8. Transfers; Savings Provisions. Contains requirements for the transfers of programs between Federal departments.

Sec. 9. Effective Dates. Sets effective dates for various amendments to the Act.

OVERSIGHT FINDINGS OF THE COMMITTEE

In compliance with clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

In compliance with clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment into law of H.R. 2570 will have no significant inflationary impact on prices and costs in the operation of the national economy. It is the judgment of the Committee that the inflationary impact of this legislation as a component of the federal budget is negligible.

GOVERNMENT REFORM AND OVERSIGHT

With respect to the requirement of clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 2570.

COMMITTEE ESTIMATE

Clause 7 of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 2570. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

APPLICATION OF LAW TO LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104-1 requires a description of the application of this bill to the legislative branch. This bill encourages and assists State agencies, area agencies on aging, and tribal organizations to concentrate resources in order to develop

greater capacity and foster the development and implementation of comprehensive and coordinated systems to serve older individuals by entering into cooperative arrangements in each State for the planning and provision of supportive services, nutrition services, multipurpose senior centers, community services employment, and volunteer services. The bill does not prohibit legislative branch employees from otherwise being eligible for such services under these programs in this Act.

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act requires a statement of whether the provisions of the reported bill include unfunded mandates; the bill provides funds for programs authorized under this bill at the local level and as such does not contain any unfunded mandates. The Committee also received a letter regarding unfunded mandates from the Director of the Congressional Budget Office. See *infra*.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 2(1)(3)(B) of rule XI of the House of Representatives and sec. 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause 2(1)(3)(C) of rule XI of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 2570 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 15, 1996.

Hon. WILLIAM F. GOODLING,
*Chairman, Committee on Economic and Educational Opportunities,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office (CBO) has prepared the enclosed federal cost estimate for H.R. 2570, the Older Americans Amendments of 1996, as reported by the House Committee on Economic and Educational Opportunities on March 14, 1996. The bill would impose no new intergovernmental or private sector mandates as defined in Public Law 104-4.

CBO estimates that enactment of H.R. 2570 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Dorothy Rosenbaum.

Sincerely,

JUNE E. O'NEILL.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 2570.
2. Bill title: The Older Americans Amendments of 1996.
3. Bill status: As reported by the House Committee on Economic and Educational Opportunities on arch 14, 1996.

4. Bill purpose: The bill would reauthorize programs funded under the Older Americans Act of 1965, including supportive services and multipurpose centers, nutrition services, grants to Native Americans, and federal administration. The bill would also transfer authority for operating community service for older Americans, the national senior volunteer service corps, and elderly nutrition to the Administration on Aging in the Department of Health and Human Services.

5. Estimated cost to the Federal Government: H.R. 2570 would authorize appropriations of about \$1.5 billion for the fiscal year 1997 and such sums as may be necessary through fiscal year 2001. We estimate that enactment of the bill would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply. The estimated budgetary impact of this bill is summarized below both with and without adjusting the authorizations of appropriations for inflation in years when the amount authorized is not specified.

TABLE 1: ESTIMATED BUDGETARY IMPACT OF H.R. 2570
[By fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000	2001
AUTHORIZATIONS OF APPROPRIATIONS WITH ADJUSTMENTS FOR INFLATION						
Spending under current law: ¹						
Budget authority	1,406	0	0	0	0	0
Estimated outlays	1,467	545	52	0	0	0
Proposed changes:						
Authorizations of appropriations		1,489	1,532	1,575	1,619	1,663
Estimated outlays		896	1,457	1,556	1,600	1,644
Spending under H.R. 2570:						
Budget authority/authorizations	1,406	1,489	1,532	1,575	1,619	1,663
Estimated outlays	1,467	1,441	1,509	1,556	1,600	1,644
AUTHORIZATIONS OF APPROPRIATIONS WITHOUT ADJUSTMENTS FOR INFLATION						
Spending Under Current Law: ¹						
Budget authority	1,406	0	0	0	0	0
Estimated outlays	1,467	545	52	0	0	0
Proposed changes:						
Authorizations of appropriations		1,489	1,489	1,489	1,489	1,489
Estimated outlays		896	1,431	1,489	1,489	1,489
Spending under H.R. 2570:						
Budget authority/authorizations	1,406	1,489	1,489	1,489	1,489	1,489
Estimated outlays	1,467	1,441	1,483	1,489	1,489	1,489

¹ Figures for 1996 are the annualized amounts already provided by appropriations acts for the fiscal year.

The costs of this bill would fall within budget function 500.

6. Basis of estimate: H.R. 2570 would authorize appropriations for fiscal years 1997 through 2001 for programs under the Older Americans Act and for the senior volunteer service corps, which is currently authorized by the Domestic Volunteer Service Act. In each case a stated amount would be authorized for fiscal year 1997 and such sums as may be necessary would be authorized for fiscal years 1998 through 2001. When the authorization amount is not specified, CBO estimates the authorization amount under two scenarios. Under the first scenario, the stated amount for 1997 is adjusted for projected inflation thereafter. Under the second scenario, the projected authorization level is assumed to be equal to the stated amount for 1997. Estimated outlays assume full appropriation of the amounts assumed to be authorized.

Titles I through IV of H.R. 2570 would reauthorize and consolidate programs currently authorized by the Older Americans Act, including grants to states and localities for supportive services, multipurpose center, nutrition services, community service employment, and grants for Native American programs on aging. The bill authorizes the appropriation of additional funds for elderly nutrition and specifies that amounts appropriated under such authority shall be transferred by the Secretary of Agriculture to the Administration on Aging within the Department of Health and Human Services.

The bill also transfers the authority for operating two other programs to the Administration on Aging. The community service employment for older Americans program is currently in the Department of Labor, and the national senior volunteer service corps is currently in the Corporation for National and Community Service. Both would be funded by the Administration on Aging under H.R. 2570.

Tables 2 and 3 below show the proposed changes in authorization levels by program under the two assumptions about projected authorization levels.

TABLE 2: ESTIMATED BUDGETARY IMPACT OF H.R. 2570—BY PROGRAM
AUTHORIZATIONS OF APPROPRIATIONS WITH ADJUSTMENTS FOR INFLATION
[By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001
Program administration, Administration on Aging:					
Estimated authorization	17	18	18	19	19
Estimated outlays	16	18	18	19	19
Grants and contracts for research and training:					
Estimated authorization	27	27	28	29	30
Estimated outlays	5	19	27	28	29
Program administration, National Senior Volunteer Service Corps:					
Estimated authorization	24	25	25	26	27
Estimated outlays	14	24	25	26	27
Grants for Native American Programs on Aging:					
Estimated authorization	17	18	18	19	20
Estimated outlays	9	17	18	19	19
Supportive services and multipurpose senior centers:					
Estimated authorization	301	309	318	327	336
Estimated outlays	210	292	315	324	333
Nutrition services:					
Estimated authorization	461	475	488	501	515
Estimated outlays	369	467	485	499	512
Community service employment:					
Estimated authorization	350	360	370	381	391
Estimated outlays	63	322	361	371	382
Additional funds for nutrition services:					
Estimated authorization	155	159	164	168	173
Estimated outlays	127	159	163	168	172
Retired and Senior Volunteer Program:					
Estimated authorization	40	41	43	44	45
Estimated outlays	24	41	42	43	45
Foster Grandparent Program:					
Estimated authorization	64	66	68	70	72
Estimated outlays	39	65	67	69	71
Senior Companion Program:					
Estimated authorization	32	33	34	35	36
Estimated outlays	19	33	34	35	36
Total authorizations:					
Estimated authorization	1,489	1,532	1,575	1,619	1,663

TABLE 2: ESTIMATED BUDGETARY IMPACT OF H.R. 2570—BY PROGRAM—Continued
 AUTHORIZATIONS OF APPROPRIATIONS WITH ADJUSTMENTS FOR INFLATION
 [By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001
Estimated outlays	896	1,457	1,556	1,600	1,644

Note: Components may not sum to totals because of rounding.

TABLE 3: ESTIMATED BUDGETARY IMPACT OF H.R. 2570—BY PROGRAM
 AUTHORIZATIONS OF APPROPRIATIONS WITHOUT ADJUSTMENTS FOR INFLATION
 [By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001
Program administration, Administration on Aging:					
Estimated authorization	17	17	17	17	17
Estimated outlays	16	17	17	17	17
Grants and contracts for research and training:					
Estimated authorization	27	27	27	27	27
Estimated outlays	5	19	27	27	27
Program administration, National Senior Volunteer Service Corps:					
Estimated authorization	24	24	24	24	24
Estimated outlays	14	24	24	24	24
Grants for Native American Programs on Aging:					
Estimated authorization	17	17	17	17	17
Estimated outlays	9	17	17	17	17
Supportive services and multipurpose senior centers:					
Estimated authorization	301	301	301	301	301
Estimated outlays	210	286	301	301	301
Nutrition services:					
Estimated authorization	461	461	461	461	461
Estimated outlays	369	456	461	461	461
Community service employment:					
Estimated authorization	350	350	350	350	350
Estimated outlays	63	321	350	350	350
Additional funds for nutrition services:					
Estimated authorization	155	155	155	155	155
Estimated outlays	127	155	155	155	155
Retired and Senior Volunteer Program:					
Estimated authorization	40	40	40	40	40
Estimated outlays	24	40	40	40	40
Foster Grandparent Program:					
Estimated authorization	64	64	64	64	64
Estimated outlays	39	64	64	64	64
Senior Companion Program:					
Estimated authorization	32	32	32	32	32
Estimated outlays	19	32	32	32	32
Total authorizations:					
Estimated authorization	1,489	1,489	1,489	1,489	1,489
Estimated outlays	896	1,431	1,489	1,489	1,489

Note: Components may not sum to totals because of rounding.

7. Estimated impact on State, local, and tribal governments: H.R. 2570 contains no intergovernmental mandates as defined in Public Law 104-4 and would impose no direct costs on state, local, or tribal governments. The bill would reauthorize and consolidate voluntary programs that provide grants to state and tribal governments. This would provide these governments with the flexibility to decide how funds would be allocated. In addition, the bill would make states responsible for administering all funds associated with the community service employment program. Currently, states participating in this program administer only about 20 percent of all program funds. Finally, the bill would change administrative ex-

pense allowances for certain programs. The maximum allowance for administrative expenses would increase from 5 to 7 percent in the supportive and nutrition services programs and decrease from 13.5 to 7 percent in the community service employment program.

8. Estimated impact on the private sector: The bill would impose no new private sector mandates as defined in Public Law 104-4.

9. Estimate comparison: None.

10. Previous CBO estimate: None.

11. Estimate prepared by: Federal Cost Estimate: Dorothy Rosenbaum and Christi Hawley. State and Local Cost Estimate: Marc Nicole. Private Sector Mandate Estimate: Constance Rhind.

12. Estimate approved by: Paul N. Van De Water, Assistant Director for Budget Analysis.

ROLLCALL VOTES

ROLL CALL 1 COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES DATE March 14, 1996
 BILL H.R. 2570 AMENDMENT #3 DEFEATED 18 - 23
 SPONSOR/AMENDMENT MR. PAYNE / AMENDMENT REGARDING MINORITY TARGETING

NOT VOTING	MEMBER	AYE	NO
	CHAIRMAN GOODLING		X
	Mr. PETRI		X
	Mrs. ROUKEMA		X
	Mr. GUNDERSON		X
	Mr. FAWELL		X
	Mr. BALLENGER		X
	Mr. BARRETT		X
X	Mr. CUNNINGHAM		
	Mr. HOEKSTRA		X
	Mr. McKEON		X
	Mr. CASTLE		X
	Mrs. MEYERS		X
	Mr. JOHNSON		X
	Mr. TALENT		X
	Mr. GREENWOOD		X
	Mr. HUTCHINSON		X
	Mr. KNOLLENBERG		X
	Mr. RIGGS		X
	Mr. GRAHAM		X
	Mr. WELDON		X
	Mr. FUNDERBURK		X
	Mr. SOUDER		X
	Mr. McINTOSH		X
	Mr. NORWOOD		X
	Mr. CLAY	X	
X	Mr. MILLER		
	Mr. KILDEE	X	
	Mr. WILLIAMS	X	
	Mr. MARTINEZ	X	
	Mr. OWENS	X	
	Mr. SAWYER	X	
	Mr. PAYNE	X	
	Mrs. MINK	X	
	Mr. ANDREWS	X	
	Mr. REED	X	
	Mr. ROEMER	X	
	Mr. ENGEL	X	
	Mr. BECERRA	X	
	Mr. SCOTT	X	
	Mr. GREEN	X	
	Ms. WOOLSEY	X	
	Mr. ROMERO-BARCELO	X	
	Mr. FATTAH	X	
	TOTALS	18	23

ROLL CALL 2 COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES DATE March 14, 1996
 BILL H.R. 2570 AMENDMENT #5A DEFEATED 16 - 21
 SPONSOR/AMENDMENT MR. MARTINEZ / AMENDMENT TO THE WELDON AMENDMENT -- KEEPS FUNDING FOR
 DISASTER RELIEF AT FEDERAL LEVEL & LIMITS AMOUNT OF FUNDING; UPHOLDS CURRENT LAW

NOT VOTING	MEMBER	AYE	NO
	CHAIRMAN GOODLING		X
	Mr. PETRI		X
X	Mrs. ROUKEMA		
	Mr. GUNDERSON		X
	Mr. FAWELL		X
	Mr. BALLENGER		X
	Mr. BARRETT		X
	Mr. CUNNINGHAM		X
	Mr. HOEKSTRA		X
	Mr. McKEON		X
	Mr. CASTLE		X
	Mrs. MEYERS		X
	Mr. JOHNSON		X
	Mr. TALENT		X
X	Mr. GREENWOOD		
	Mr. HUTCHINSON		X
	Mr. KNOLLENBERG		X
	Mr. RIGGS		X
	Mr. GRAHAM		X
	Mr. WELDON		X
	Mr. FUNDERBURK		X
	Mr. SOUDER		X
	Mr. McINTOSH		X
X	Mr. NORWOOD		
	Mr. CLAY	X	
X	Mr. MILLER		
	Mr. KILDEE	X	
	Mr. WILLIAMS	X	
	Mr. MARTINEZ	X	
	Mr. OWENS	X	
	Mr. SAWYER	X	
	Mr. PAYNE	X	
	Mrs. MINK	X	
	Mr. ANDREWS	X	
	Mr. REED	X	
	Mr. ROEMER	X	
	Mr. ENGEL	X	
X	Mr. BECERRA		
X	Mr. SCOTT		
	Mr. GREEN	X	
	Ms. WOOLSEY	X	
	Mr. ROMERO-BARCELO	X	
	Mr. FATTAH	X	
	TOTALS	16	21

ROLL CALL 3 COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES DATE March 14, 1996
 BILL H.R. 2570 AMENDMENT #6 DEFEATED 12 - 16
 SPONSOR/AMENDMENT MR. KILDEE / AMENDMENT REGARDING COMMUNITY SERVICE EMPLOYMENT

NOT VOTING	MEMBER	AYE	NO
	CHAIRMAN GOODLING		X
X	Mr. PETRI		
	Mrs. ROUKEMA		X
X	Mr. GUNDERSON		
	Mr. FAWELL		X
	Mr. BALLENGER		X
	Mr. BARRETT		X
	Mr. CUNNINGHAM		X
X	Mr. HOEKSTRA		
	Mr. McKEON		X
X	Mr. CASTLE		
	Mrs. MEYERS		X
X	Mr. JOHNSON		
	Mr. TALENT		X
	Mr. GREENWOOD		X
	Mr. HUTCHINSON		X
	Mr. KNOLLENBERG		X
X	Mr. RIGGS		
	Mr. GRAHAM		X
	Mr. WELDON		X
	Mr. FUNDERBURK		X
	Mr. SOUDER		X
X	Mr. McINTOSH		
X	Mr. NORWOOD		
	Mr. CLAY	X	
X	Mr. MILLER		
	Mr. KILDEE	X	
X	Mr. WILLIAMS		
	Mr. MARTINEZ	X	
	Mr. OWENS	X	
	Mr. SAWYER	X	
	Mr. PAYNE	X	
	Mrs. MINK	X	
	Mr. ANDREWS	X	
X	Mr. REED		
	Mr. ROEMER	X	
	Mr. ENGEL	X	
X	Mr. BECERRA		
	Mr. SCOTT	X	
	Mr. GREEN	X	
X	Ms. WOOLSEY		
X	Mr. ROMERO-BARCELO		
X	Mr. FATTAH		
	TOTALS	12	16

ROLL CALL 4 COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES DATE March 14, 1996
 BILL H.R. 2570 AMENDMENT #7 DEFEATED 12-21
 SPONSOR/AMENDMENT MR. ENGEL / AMENDMENT REGARDING FORMULA CHANGE, NUTRITION,
 & SUPPORTIVE SERVICES

NOT VOTING	MEMBER	AYE	NO
	CHAIRMAN GOODLING		X
	Mr. PETRI	X	
X	Mrs. ROUKEMA		
X	Mr. GUNDERSON		
	Mr. FAWELL		X
	Mr. BALLENGER		X
	Mr. BARRETT		X
	Mr. CUNNINGHAM		X
X	Mr. HOEKSTRA		
	Mr. McKEON		X
	Mr. CASTLE		X
	Mrs. MEYERS		X
X	Mr. JOHNSON		
	Mr. TALENT		X
	Mr. GREENWOOD		X
	Mr. HUTCHINSON		X
	Mr. KNOLLENBERG		X
	Mr. RIGGS		X
	Mr. GRAHAM		X
	Mr. WELDON		X
	Mr. FUNDERBURK		X
X	Mr. SOUDER		
	Mr. McINTOSH		X
X	Mr. NORWOOD		
	Mr. CLAY	X	
	Mr. MILLER		X
	Mr. KILDEE	X	
	Mr. WILLIAMS	X	
X	Mr. MARTINEZ		
	Mr. OWENS	X	
	Mr. SAWYER	X	
X	Mr. PAYNE		
	Mrs. MINK	X	
	Mr. ANDREWS	X	
	Mr. REED	X	
	Mr. ROEMER	X	
	Mr. ENGEL	X	
X	Mr. BECERRA		
	Mr. SCOTT		X
	Mr. GREEN		X
	Ms. WOOLSEY		X
X	Mr. ROMERO-BARCELO		
	Mr. FATTAH	X	
	TOTALS	12	21

ROLL CALL 5 COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES DATE March 14, 1996
 BILL H.R. 2570 AMENDMENT #8 DEFEATED 12 - 21
 SPONSOR/AMENDMENT MR. SCOTT/AMENDMENT REGARDING MINIMUM EXPENDITURE FOR OMBUDSMAN PROGRAMS

NOT VOTING	MEMBER	AYE	NO
	CHAIRMAN GOODLING		X
	Mr. PETRI		X
X	Mrs. ROUKEMA		
	Mr. GUNDERSON		X
	Mr. FAWELL		X
	Mr. BALLENGER		X
	Mr. BARRETT		X
	Mr. CUNNINGHAM		X
X	Mr. HOEKSTRA		
	Mr. McKEON		X
	Mr. CASTLE		X
	Mrs. MEYERS		X
	Mr. JOHNSON		X
	Mr. TALENT		X
	Mr. GREENWOOD		X
X	Mr. HUTCHINSON		
	Mr. KNOLLENBERG		X
	Mr. RIGGS		X
	Mr. GRAHAM		X
	Mr. WELDON		X
	Mr. FUNDERBURK		X
	Mr. SOUDER		X
	Mr. McINTOSH		X
X	Mr. NORWOOD		
	Mr. CLAY	X	
X	Mr. MILLER		
	Mr. KILDEE	X	
X	Mr. WILLIAMS		
	Mr. MARTINEZ	X	
	Mr. OWENS	X	
	Mr. SAWYER	X	
X	Mr. PAYNE		
	Mrs. MINK	X	
	Mr. ANDREWS	X	
	Mr. REED	X	
	Mr. ROEMER		X
X	Mr. ENGEL		
X	Mr. BECERRA		
	Mr. SCOTT	X	
	Mr. GREEN	X	
	Ms. WOOLSEY	X	
X	Mr. ROMERO-BARCELO		
	Mr. FATTAH	X	
	TOTALS	12	21

ROLL CALL 6 COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES DATE March 14, 1996
 BILL H.R. 2570 AMENDMENT #10 DEFEATED 15-21
 SPONSOR/AMENDMENT MR. SAWYER / AMENDMENT REGARDING SENIOR VOLUNTEER PROGRAMS

NOT VOTING	MEMBER	AYE	NO
	CHAIRMAN GOODLING		X
	Mr. PETRI		X
	Mrs. ROUKEMA		X
	Mr. GUNDERSON		X
	Mr. FAWELL		X
	Mr. BALLENGER		X
	Mr. BARRETT		X
	Mr. CUNNINGHAM		X
X	Mr. HOEKSTRA		
	Mr. McKEON		X
	Mr. CASTLE		X
	Mrs. MEYERS		X
	Mr. JOHNSON		X
	Mr. TALENT		X
	Mr. GREENWOOD		X
X	Mr. HUTCHINSON		
	Mr. KNOLLENBERG		X
	Mr. RIGGS		X
	Mr. GRAHAM		X
	Mr. WELDON		X
	Mr. FUNDERBURK		X
	Mr. SOUDER		X
	Mr. McINTOSH		X
X	Mr. NORWOOD		
	Mr. CLAY	X	
X	Mr. MILLER		
	Mr. KILDEE	X	
X	Mr. WILLIAMS		
	Mr. MARTINEZ	X	
	Mr. OWENS	X	
	Mr. SAWYER	X	
	Mr. PAYNE	X	
	Mrs. MINK	X	
	Mr. ANDREWS	X	
	Mr. REED	X	
	Mr. ROEMER	X	
	Mr. ENGEL	X	
X	Mr. BECERRA		
	Mr. SCOTT	X	
	Mr. GREEN	X	
	Ms. WOOLSEY	X	
X	Mr. ROMERO-BARCELO		
	Mr. FATTAH	X	
	TOTALS	15	21

ROLL CALL 7 COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES DATE March 14, 1996
 BILL H.R. 2570 PASSED 19 - 16
 SPONSOR/AMENDMENT MR. PETRI / MOTION TO REPORT THE BILL AS AMENDED TO THE HOUSE

NOT VOTING	MEMBER	AYE	NO
	CHAIRMAN GOODLING	X	
	Mr. PETRI	X	
	Mrs. ROUKEMA	X	
	Mr. GUNDERSON	X	
	Mr. FAWELL	X	
	Mr. BALENGER	X	
	Mr. BARRETT	X	
	Mr. CUNNINGHAM	X	
X	Mr. HOEKSTRA		
	Mr. McKEON	X	
	Mr. CASTLE	X	
	Mrs. MEYERS	X	
	Mr. JOHNSON	X	
X	Mr. TALENT		
	Mr. GREENWOOD	X	
X	Mr. HUTCHINSON		
	Mr. KNOLLENBERG	X	
	Mr. RIGGS	X	
	Mr. GRAHAM	X	
	Mr. WELDON	X	
	Mr. FUNDERBURK	X	
	Mr. SOUDER	X	
X	Mr. McINTOSH		
X	Mr. NORWOOD		
	Mr. CLAY		X
X	Mr. MILLER		
	Mr. KILDEE		X
	Mr. WILLIAMS		X
	Mr. MARTINEZ		X
	Mr. OWENS		X
	Mr. SAWYER		X
	Mr. PAYNE		X
	Mrs. MINK		X
	Mr. ANDREWS		X
	Mr. REED		X
	Mr. ROEMER		X
	Mr. ENGEL		X
X	Mr. BECERRA		
	Mr. SCOTT		X
	Mr. GREEN		X
	Ms. WOOLSEY		X
X	Mr. ROMERO-BARCELO		
	Mr. FATTAH		X
	TOTALS	19	16

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

OLDER AMERICANS ACT OF 1965

AN ACT To provide assistance in the development of new or improved programs to help older persons through grants to the States for community planning and services and for training, through research, development, or training project grants, and to establish within the Department of Health, Education, and Welfare an operating agency to be designated as the "Administration on Aging".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That this Act may be cited as the "Older Americans Act of 1965".

[TITLE I—DECLARATION OF OBJECTIVES; DEFINITIONS

[DECLARATION OF OBJECTIVES FOR OLDER AMERICANS

[SEC. 101. The Congress hereby finds and declares that, in keeping with the traditional American concept of the inherent dignity of the individual in our democratic society, the older people of our Nation are entitled to, and it is the joint and several duty and responsibility of the governments of the United States, of the several States and their political subdivisions, and of Indian tribes to assist our older people to secure equal opportunity to the full and free enjoyment of the following objectives:

[(1) An adequate income in retirement in accordance with the American standard of living.

[(2) The best possible physical and mental health which science can make available and without regard to economic status.

[(3) Obtaining and maintaining suitable housing, independently selected, designed and located with reference to special needs and available at costs which older citizens can afford.

[(4) Full restorative services for those who require institutional care, and a comprehensive array of community-based, long-term care services adequate to appropriately sustain older people in their communities and in their homes, including support to family members and other persons providing voluntary care to older individuals needing long-term care services.

[(5) Opportunity for employment with no discriminatory personnel practices because of age.

[(6) Retirement in health, honor, dignity—after years of contribution to the economy.

[(7) Participating in and contributing to meaningful activity within the widest range of civic, cultural, educational and training and recreational opportunities.

[(8) Efficient community services, including access to low-cost transportation, which provide a choice in supported living arrangements and social assistance in a coordinated manner and which are readily available when needed, with emphasis

on maintaining a continuum of care for vulnerable older individuals.

[(9) Immediate benefit from proven research knowledge which can sustain and improve health and happiness.

[(10) Freedom, independence, and the free exercise of individual initiative in planning and managing their own lives, full participation in the planning and operation of community-based services and programs provided for their benefit, and protection against abuse, neglect, and exploitation.

DEFINITIONS

[SEC. 102. For the purposes of this Act—

[(1) The term “Secretary” means the Secretary of Health and Human Services, except that for purposes of title V such term means the Secretary of Labor.

[(2) The term “Assistant Secretary” means the Assistant Secretary for Aging.

[(3) The term “State” means any of the several States, the District of Columbia, the Virgin Islands of the United States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

[(4) The term “nonprofit” as applied to any agency, institution, or organization means an agency, institution, or organization which is, or is owned and operated by, one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

[(5) The term “Indian” means a person who is a member of an Indian tribe.

[(6) Except for the purposes of title VI of this Act, the term “Indian tribe” means any tribe, band, nation, or other organized group or community of Indians (including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (Public Law 92–203; 85 Stat. 688) which (A) is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; or (B) is located on, or in proximity to, a Federal or State reservation or rancheria.

[(7) Except for the purposes of title VI of this Act, the term “tribal organization” means the recognized governing body of any Indian tribe, or any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body. In any case in which a contract is let or grant made to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting or making of such contract or grant.

[(8) The term “disability” means (except when such term is used in the phrase “severe disability”, “developmental disabilities”, “physical or mental disability”, “physical and mental disabilities”, or “physical disabilities”) a disability attributable to mental or physical impairment, or a combination of mental and

physical impairments, that results in substantial functional limitations in 1 or more of the following areas of major life activity: (A) self-care, (B) receptive and expressive language, (C) learning, (D) mobility, (E) self-direction, (F) capacity for independent living, (G) economic self-sufficiency, (H) cognitive functioning, and (I) emotional adjustment.

[(9) The term “severe disability” means a severe, chronic disability attributable to mental or physical impairment, or a combination of mental and physical impairments, that—

[(A) is likely to continue indefinitely; and

[(B) results in substantial functional limitation in 3 or more of the major life activities specified in subparagraphs (A) through (G) of paragraph (8).

[(10) The term “assistive technology” means technology, engineering methodologies, or scientific principles appropriate to meet the needs of, and address the barriers confronted by, older individuals with functional limitations.

[(11) The term “information and referral” includes information relating to assistive technology.

[(12) The term “Trust Territory of the Pacific Islands” includes the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

[(13) The term “abuse” means the willful—

[(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

[(B) deprivation by a person, including a caregiver, of goods or services that are necessary to avoid physical harm, mental anguish, or mental illness.

[(14) The term “Administration” means the Administration on Aging.

[(15) The term “adult child with a disability” means a child who—

[(A) is 18 years of age or older;

[(B) is financially dependent on an older individual who is a parent of the child; and

[(C) has a disability.

[(16) The term “aging network” means the network of—

[(A) State agencies, area agencies on aging, title VI grantees, and the Administration; and

[(B) organizations that—

[(i)(I) are providers of direct services to older individuals; or

[(ii) are institutions of higher education; and

[(ii) receive funding under this Act.

[(17) The term “area agency on aging” means an area agency on aging designated under section 305(a)(2)(A) or a State agency performing the functions of an area agency on aging under section 305(b)(5).

[(18) The term “art therapy” means the use of art and artistic processes specifically selected and administered by an art therapist, to accomplish the restoration, maintenance, or improvement of the mental, emotional, or social functioning of an older individual.

[(19) The term “board and care facility” means an institution regulated by a State pursuant to section 1616(e) of the Social Security Act (42 U.S.C. 1382e(e)).

[(20) The term “caregiver” means an individual who has the responsibility for the care of an older individual, either voluntarily, by contract, by receipt of payment for care, or as a result of the operation of law.

[(21) The term “caretaker” means a family member or other individual who provides (on behalf of such individual or of a public or private agency, organization, or institution) uncompensated care to an older individual who needs supportive services.

[(22) The term “case management service”—

[(A) means a service provided to an older individual, at the direction of the older individual or a family member of the individual—

[(i) by an individual who is trained or experienced in the case management skills that are required to deliver the services and coordination described in subparagraph (B); and

[(ii) to assess the needs, and to arrange, coordinate, and monitor an optimum package of services to meet the needs, of the older individual; and

[(B) includes services and coordination such as—

[(i) comprehensive assessment of the older individual (including the physical, psychological, and social needs of the individual);

[(ii) development and implementation of a service plan with the older individual to mobilize the formal and informal resources and services identified in the assessment to meet the needs of the older individual, including coordination of the resources and services—

[(I) with any other plans that exist for various formal services, such as hospital discharge plans; and

[(II) with the information and assistance services provided under this Act;

[(iii) coordination and monitoring of formal and informal service delivery, including coordination and monitoring to ensure that services specified in the plan are being provided;

[(iv) periodic reassessment and revision of the status of the older individual with—

[(I) the older individual; or

[(II) if necessary, a primary caregiver or family member of the older individual; and

[(v) in accordance with the wishes of the older individual, advocacy on behalf of the older individual for needed services or resources.

[(23) The term “dance-movement therapy” means the use of psychotherapeutic movement as a process facilitated by a dance-movement therapist, to further the emotional, cognitive, or physical health of an older individual.

[(24) The term “elder abuse” means abuse of an older individual.

[(25) The term “elder abuse, neglect, and exploitation” means abuse, neglect, and exploitation, of an older individual.

[(26) The term “exploitation” means the illegal or improper act or process of an individual, including a caregiver, using the resources of an older individual for monetary or personal benefit, profit, or gain.

[(27) The term “focal point” means a facility established to encourage the maximum collocation and coordination of services for older individuals.

[(28) The term “frail” means, with respect to an older individual in a State, that the older individual is determined to be functionally impaired because the individual—

[(A)(i) is unable to perform at least two activities of daily living without substantial human assistance, including verbal reminding, physical cueing, or supervision; or

[(ii) at the option of the State, is unable to perform at least three such activities without such assistance; or

[(B) due to a cognitive or other mental impairment, requires substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to the individual or to another individual.

[(29) The term “greatest economic need” means the need resulting from an income level at or below the poverty line.

[(30) The term “greatest social need” means the need caused by noneconomic factors, which include—

[(A) physical and mental disabilities;

[(B) language barriers; and

[(C) cultural, social, or geographical isolation, including isolation caused by racial or ethnic status, that—

[(i) restricts the ability of an individual to perform normal daily tasks; or

[(ii) threatens the capacity of the individual to live independently.

[(31) The term “information and assistance service” means a service for older individuals that—

[(A) provides the individuals with current information on opportunities and services available to the individuals within their communities, including information relating to assistive technology;

[(B) assesses the problems and capacities of the individuals;

[(C) links the individuals to the opportunities and services that are available;

[(D) to the maximum extent practicable, ensures that the individuals receive the services needed by the individuals, and are aware of the opportunities available to the individuals, by establishing adequate followup procedures; and

[(E) serves the entire community of older individuals, particularly—

[(i) older individuals with greatest social need; and

[(ii) older individuals with greatest economic need.

[(32) The term “institution of higher education” has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

[(33) The term “legal assistance”—

[(A) means legal advice and representation provided by an attorney to older individuals with economic or social needs; and

[(B) includes—

[(i) to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the direct supervision of an attorney; and

[(ii) counseling or representation by a nonlawyer where permitted by law.

[(34) The term “long-term care facility” means—

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

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

[(C) for purposes of sections 307(a)(12) and 712, a board and care facility; and

[(D) any other adult care home similar to a facility or institution described in subparagraphs (A) through (C).

[(35) The term “multipurpose senior center” means a community facility for the organization and provision of a broad spectrum of services, which shall include provision of health (including mental health), social, nutritional, and educational services and the provision of facilities for recreational activities for older individuals.

[(36) The term “music therapy” means the use of musical or rhythmic interventions specifically selected by a music therapist to accomplish the restoration, maintenance, or improvement of social or emotional functioning, mental processing, or physical health of an older individual.

[(37) The term “neglect” means—

[(A) the failure to provide for oneself the goods or services that are necessary to avoid physical harm, mental anguish, or mental illness; or

[(B) the failure of a caregiver to provide the goods or services.

[(38) The term “older individual” means an individual who is 60 years of age or older.

[(39) The term “physical harm” means bodily injury, impairment, or disease.

[(40) The term “planning and service area” means an area designated by a State agency under section 305(a)(1)(E), including a single planning and service area described in section 305(b)(5)(A).

[(41) The term “poverty line” means the official poverty line (as defined by the Office of Management and Budget, and adjusted by the Secretary in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

[(42) The term “representative payee” means a person who is appointed by a governmental entity to receive, on behalf of an older individual who is unable to manage funds by reason

of a physical or mental incapacity, any funds owed to such individual by such entity.

[(43) The term “State agency” means the agency designated under section 305(a)(1).

[(44) The term “supportive service” means a service described in section 321(a).

【TITLE II—ADMINISTRATION ON AGING

【ESTABLISHMENT OF ADMINISTRATION ON AGING

【SEC. 201. (a) There is established in the Office of the Secretary an Administration on Aging which shall be headed by an Assistant Secretary for Aging. Except for title V, the Administration shall be the agency for carrying out this Act. There shall be a direct reporting relationship between the Assistant Secretary and the Secretary. In the performance of the functions of the Assistant Secretary, the Assistant Secretary shall be directly responsible to the Secretary. The Secretary shall not approve or require any delegation of the functions of the Assistant Secretary (including the functions of the Assistant Secretary carried out through regional offices) to any other officer not directly responsible to the Assistant Secretary.

【(b) The Assistant Secretary shall be appointed by the President by and with the advice and consent of the Senate.

【(c)(1) There is established in the Administration an Office for American Indian, Alaskan Native, and Native Hawaiian Programs.

【(2) The Office shall be headed by a Director of the Office for American Indian, Alaskan Native, and Native Hawaiian Aging appointed by the Assistant Secretary.

【(3) The Director of the Office for American Indian, Alaskan Native, and Native Hawaiian Aging shall—

【(A)(i) evaluate the adequacy of outreach under title III and title VI for older individuals who are Native Americans and recommend to the Assistant Secretary necessary action to improve service delivery, outreach, coordination between title III and title VI services, and particular problems faced by older Indians and Native Hawaiians; and

【(ii) include a description of the results of such evaluation and recommendations in the annual report required by section 207(a) to be submitted by the Assistant Secretary;

【(B) serve as the effective and visible advocate in behalf of older individuals who are Native Americans within the Department of Health and Human Services and with other departments and agencies of the Federal Government regarding all Federal policies affecting such individuals, with particular attention to services provided to Native Americans by the Indian Health Service;

【(C) coordinate activities between other Federal departments and agencies to assure a continuum of improved services through memoranda of agreements or through other appropriate means of coordination;

【(D) administer and evaluate the grants provided under this Act to Indian tribes, public agencies and nonprofit private organizations serving Native Hawaiians;

[(E) recommend to the Assistant Secretary policies and priorities with respect to the development and operation of programs and activities conducted under this Act relating to older individuals who are Native Americans;

[(F) collect and disseminate information related to problems experienced by older Native Americans, including information (compiled with assistance from public or nonprofit private entities, including institutions of higher education, with experience in assessing the characteristics and health status of older individuals who are Native Americans) on elder abuse, in-home care, health problems, and other problems unique to Native Americans;

[(G) develop research plans, and conduct and arrange for research, in the field of American Native aging with a special emphasis on the gathering of statistics on the status of older individuals who are Native Americans;

[(H) develop and provide technical assistance and training programs to grantees under title VI;

[(I) promote coordination—

[(i) between the administration of title III and the administration of title VI; and

[(ii) between programs established under title III by the Assistant Secretary and programs established under title VI by the Assistant Secretary;

including sharing among grantees information on programs funded, and on training and technical assistance provided, under such titles; and

[(J) serve as the effective and visible advocate on behalf of older individuals who are Indians, Alaskan Natives, and Native Hawaiians, in the States to promote the enhanced delivery of services and implementation of programs, under this Act and other Federal Acts, for the benefit of such individuals.

[(d)(1) There is established in the Administration the Office of Long-Term Care Ombudsman Programs (in this subsection referred to as the “Office”).

[(2)(A) The Office shall be headed by a Director of the Office of Long-Term Care Ombudsman Programs (in this subsection referred to as the “Director”) who shall be appointed by the Assistant Secretary from among individuals who have expertise and background in the fields of long-term care advocacy and management. The Director shall report directly to the Assistant Secretary.

[(B) No individual shall be appointed Director if—

[(i) the individual has been employed within the previous 2 years by—

[(I) a long-term care facility;

[(II) a corporation that then owned or operated a long-term care facility; or

[(III) an association of long-term care facilities;

[(ii) the individual—

[(I) has an ownership or investment interest (represented by equity, debt, or other financial relationship) in a long-term care facility or long-term care service; or

[(II) receives, or has the right to receive, directly or indirectly remuneration (in cash or in kind) under a compensa-

- tion arrangement with an owner or operator of a long-term care facility; or
- [(iii) the individual, or any member of the immediate family of the individual, is subject to a conflict of interest.
- [(3) The Director shall—
- [(A) serve as an effective and visible advocate on behalf of older individuals who reside in long-term care facilities, within the Department of Health and Human Services and with other departments, agencies, and instrumentalities of the Federal Government regarding all Federal policies affecting such individuals;
- [(B) review and make recommendations to the Assistant Secretary regarding—
- [(i) the approval of the provisions in State plans submitted under section 307(a) that relate to State Long-Term Care Ombudsman programs; and
- [(ii) the adequacy of State budgets and policies relating to the programs;
- [(C) after consultation with State Long-Term Care Ombudsmen and the State agencies, make recommendations to the Assistant Secretary regarding—
- [(i) policies designed to assist State Long-Term Care Ombudsmen; and
- [(ii) methods to periodically monitor and evaluate the operation of State Long-Term Care Ombudsman programs, to ensure that the programs satisfy the requirements of section 307(a)(12) and section 712, including provision of service to residents of board and care facilities and of similar adult care facilities;
- [(D) keep the Assistant Secretary and the Secretary fully and currently informed about—
- [(i) problems relating to State Long-Term Care Ombudsman programs; and
- [(ii) the necessity for, and the progress toward, solving the problems;
- [(E) review, and make recommendations to the Secretary and the Assistant Secretary regarding, existing and proposed Federal legislation, regulations, and policies regarding the operation of State Long-Term Care Ombudsman programs;
- [(F) make recommendations to the Assistant Secretary and the Secretary regarding the policies of the Administration, and coordinate the activities of the Administration with the activities of other Federal entities, State and local entities, and non-governmental entities, relating to State Long-Term Care Ombudsman programs;
- [(G) supervise the activities carried out under the authority of the Administration that relate to State Long-Term Care Ombudsman programs;
- [(H) administer the National Ombudsman Resource Center established under section 202(a)(21) and make recommendations to the Assistant Secretary regarding the operation of the National Ombudsman Resource Center;
- [(I) advocate, monitor, and coordinate Federal and State activities of Long-Term Care Ombudsmen under this Act;

[(J) submit to the Speaker of the House of Representatives and the President pro tempore of the Senate an annual report on the effectiveness of services provided under section 307(a)(12) and section 712;

[(K) have authority to investigate the operation or violation of any Federal law administered by the Department of Health and Human Services that may adversely affect the health, safety, welfare, or rights of older individuals; and

[(L) not later than 180 days after the date of the enactment of the Older Americans Act Amendments of 1992, establish standards applicable to the training required by section 712(h)(4).

FUNCTIONS OF ASSISTANT SECRETARY

[SEC. 202. (a) It shall be the duty and function of the Administration to—

[(1) serve as the effective and visible advocate for older individuals within the Department of Health and Human Services and with other departments, agencies, and instrumentalities of the Federal Government by maintaining active review and commenting responsibilities over all Federal policies affecting older individuals;

[(2) collect and disseminate information related to problems of the aged and aging;

[(3) directly assist the Secretary in all matters pertaining to problems of the aged and aging;

[(4) administer the grants provided by this Act;

[(5) develop plans, conduct and arrange for research in the field of aging, and assist in the establishment and implementation of programs designed to meet the needs of older individuals for supportive services, including nutrition, hospitalization, education and training services (including preretirement training, and continuing education), low-cost transportation and housing, and health (including mental health) services;

[(6) provide technical assistance and consultation to States and political subdivisions thereof with respect to programs for the aged and aging;

[(7) prepare, publish, and disseminate educational materials dealing with the welfare of older individuals;

[(8) gather statistics in the field of aging which other Federal agencies are not collecting, and take whatever action is necessary to achieve coordination of activities carried out or assisted by all departments, agencies, and instrumentalities of the Federal Government with respect to the collection, preparation, and dissemination of information relevant to older individuals;

[(9) stimulate more effective use of existing resources and available services for the aged and aging, including existing legislative protections with particular emphasis on the application of the Age Discrimination in Employment Act of 1967;

[(10) develop basic policies and set priorities with respect to the development and operation of programs and activities conducted under authority of this Act;

[(11) coordinate Federal programs and activities related to such purposes;

[(12) coordinate, and assist in, the planning and development by public (including Federal, State, and local agencies) and private organizations or programs for older individuals with a view to the establishment of a nationwide network of comprehensive, coordinated services and opportunities for such individuals;

[(13) convene conferences of such authorities and officials of public (including Federal, State, and local agencies) and non-profit private organizations concerned with the development and operation of programs for older individuals as the Assistant Secretary deems necessary or proper for the development and implementation of policies related to the objectives of this Act;

[(14) develop and operate programs providing services and opportunities as authorized by this Act which are not otherwise provided by existing programs for older individuals;

[(15) carry on a continuing evaluation of the programs and activities related to the objectives of this Act, with particular attention to the impact of medicare and medicaid, the Age Discrimination in Employment Act of 1967, and the programs of the National Housing Act relating to housing for older individuals and the setting of standards for the licensing of nursing homes, intermediate care homes, and other facilities providing care for such individuals;

[(16) provide information and assistance to private organizations for the establishment and operation by them of programs and activities related to the objectives of this Act;

[(17) develop, in coordination with other agencies, a national plan for meeting the needs for trained personnel in the field of aging, and for training persons for carrying out programs related to the objectives of this Act, and conduct and provide for the conducting of such training;

[(18) consult with national organizations representing minority individuals to develop and disseminate training packages and to provide technical assistance efforts designed to assist State and area agencies on aging, and service providers, in providing services to older individuals with greatest economic need or individuals with greatest social need, with particular attention to and specific objectives for providing services to low-income minority individuals;

[(19) collect for each fiscal year, for fiscal years beginning after September 30, 1988, directly or by contract, statistical data regarding programs and activities carried out with funds provided under this Act, including—

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

[(i) the aggregate amount of such funds expended to provide such service or activity;

[(ii) the number of individuals who received such service or activity; and

[(iii) the number of units of such service or activity provided;

[(B) the number of senior centers which received such funds; and

[(C) the extent to which each area agency on aging designated under section 305(a) satisfied the requirements of paragraphs (2) and (5)(A) of section 306(a);

[(20) obtain from—

[(A) the Department of Agriculture information explaining the requirements for eligibility to receive benefits under the Food Stamp Act of 1977; and

[(B) the Social Security Administration information explaining the requirements for eligibility to receive supplemental security income benefits under title XVI of the Social Security Act (or assistance under a State plan program under title XVI of that Act);

and distribute such information, in written form, to State agencies, for redistribution to area agencies on aging, to carry out outreach activities and application assistance;

[(21)(A) establish and operate the National Ombudsman Resource Center (in this paragraph referred to as the “Center”), under the administration of the Director of the Office of Long-Term Care Ombudsman Programs, that will—

[(i) by grant or contract—

[(I) conduct research;

[(II) provide training, technical assistance, and information to State Long-Term Care Ombudsmen;

[(III) analyze laws, regulations, programs, and practices; and

[(IV) provide assistance in recruiting and retaining volunteers for State Long-Term Care Ombudsman programs by establishing a national program for recruitment efforts that utilizes the organizations that have established a successful record in recruiting and retaining volunteers for ombudsman or other programs; relating to Federal, State, and local long-term care ombudsman policies; and

[(ii) assist State Long-Term Care Ombudsmen in the implementation of State Long-Term Care Ombudsman programs; and

[(B) make available to the Center not less than the amount of resources made available to the Long-Term Care Ombudsman National Resource Center for fiscal year 1990;

[(22) issue regulations, and conduct strict monitoring of State compliance with the requirements in effect, under this Act to prohibit conflicts of interest and to maintain the integrity and public purpose of services provided and service providers, under this Act in all contractual and commercial relationships, and include in such regulations a requirement that as a condition of being designated as an area agency on aging such agency shall—

[(A) disclose to the Assistant Secretary and the State agency involved—

[(i) the identity of each nongovernmental entity with which such agency has a contract or commercial

relationship relating to providing any service to older individuals; and

[(ii) the nature of such contract or such relationship;

[(B) demonstrate that a loss or diminution in the quantity or quality of the services provided, or to be provided, under this Act by such agency has not resulted and will not result from such contract or such relationship;

[(C) demonstrate that the quantity or quality of the services to be provided under this Act by such agency will be enhanced as a result of such contract or such relationship; and

[(D) on the request of the Assistant Secretary or the State, for the purpose of monitoring compliance with this Act (including conducting an audit), disclose all sources and expenditures of funds received or expended to provide services to older individuals;

[(23) encourage, and provide technical assistance to, States and area agencies on aging to carry out outreach to inform older individuals with greatest economic need who may be eligible to receive, but are not receiving, supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) (or assistance under a State plan program under such title), medical assistance under title XIX of such Act (42 U.S.C. 1396 et seq.), and benefits under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), of the requirements for eligibility to receive such benefits and such assistance;

[(24) establish information and assistance services as priority services for older individuals;

[(25) develop guidelines for area agencies on aging to follow in choosing and evaluating providers of legal assistance;

[(26) develop guidelines and a model job description for choosing and evaluating legal assistance developers referred to in sections 307(a)(18) and 731(b)(2);

[(27)(A) conduct a study to determine ways in which Federal funds might be more effectively targeted to low-income minority older individuals, and older individuals residing in rural areas, to better meet the needs of States with a disproportionate number of older individuals with greatest economic need and older individuals with greatest social need;

[(B) conduct a study to determine ways in which Federal funds might be more effectively targeted to better meet the needs of States with disproportionate numbers of older individuals, including methods of allotting funds under title III, using the most recent estimates of the population of older individuals; and

[(C) not later than January 1, 1995, submit a report containing the findings resulting from the studies described in subparagraphs (A) and (B) to the Speaker of the House of Representatives and the President pro tempore of the Senate;

[(28) provide technical assistance, training, and other means of assistance to State agencies, area agencies on aging, and service providers regarding State and local data collection and analysis;

[(29) design and implement, for purposes of compliance with paragraph (19), uniform data collection procedures for use by State agencies, including—

[(A) uniform definitions and nomenclature;

[(B) standardized data collection procedures;

[(C) a participant identification and description system;

[(D) procedures for collecting information on gaps in services needed by older individuals, as identified by service providers in assisting clients through the provision of the supportive services; and

[(E) procedures for the assessment of unmet needs for services under this Act; and

[(30) require that all Federal grants and contracts made under this title and title IV be made in accordance with a competitive bidding process established by the Assistant Secretary by regulation.

[(b) In order to strengthen the involvement of the Administration in the development of policy alternatives in long-term care and to insure that the development of community alternatives is given priority attention, the Assistant Secretary shall—

[(1) develop planning linkages with utilization and quality control peer review organizations under title XI of the Social Security Act, with the Substance Abuse and Mental Health Services Administration and the Administration on Developmental Disabilities;

[(2) participate in all departmental and interdepartmental activities which concern issues of institutional and noninstitutional long-term health care services development;

[(3) review and comment on all departmental regulations and policies regarding community health and social service development for older individuals; and

[(4) participate in all departmental and interdepartmental activities to provide a leadership role for the Administration, State agencies, and area agencies on aging in the development and implementation of a national community-based long-term care program for older individuals.

[(c)(1) In executing the duties and functions of the Administration under this Act and carrying out the programs and activities provided for by this Act, the Assistant Secretary, in consultation with the Corporation for National and Community Service, shall take all possible steps to encourage and permit voluntary groups active in supportive services, including youth organizations active at the high school or college levels, to participate and be involved individually or through representative groups in such programs or activities to the maximum extent feasible, through the performance of advisory or consultative functions, and in other appropriate ways.

[(2)(A) In executing the duties and functions of the Administration under this Act and in carrying out the programs and activities provided for by this Act, the Assistant Secretary shall act to encourage and assist the establishment and use of—

[(i) area volunteer service coordinators, as described in section 306(a)(12), by area agencies on aging; and

[(ii) State volunteer service coordinators, as described in section 307(a)(31), by State agencies.

[(B) The Assistant Secretary shall provide technical assistance to the area and State volunteer services coordinators.

[(d)(1) The Assistant Secretary shall establish and operate the National Center on Elder Abuse (in this subsection referred to as the "Center").

[(2) In operating the Center, the Assistant Secretary shall—

[(A) annually compile, publish, and disseminate a summary of recently conducted research on elder abuse, neglect, and exploitation;

[(B) develop and maintain an information clearinghouse on all programs (including private programs) showing promise of success, for the prevention, identification, and treatment of elder abuse, neglect, and exploitation;

[(C) compile, publish, and disseminate training materials for personnel who are engaged or intend to engage in the prevention, identification, and treatment of elder abuse, neglect, and exploitation;

[(D) provide technical assistance to State agencies and to other public and nonprofit private agencies and organizations to assist the agencies and organizations in planning, improving, developing, and carrying out programs and activities relating to the special problems of elder abuse, neglect, and exploitation; and

[(E) conduct research and demonstration projects regarding the causes, prevention, identification, and treatment of elder abuse, neglect, and exploitation.

[(3)(A) The Assistant Secretary shall carry out paragraph (2) through grants or contracts.

[(B) The Assistant Secretary shall issue criteria applicable to the recipients of funds under this subsection. To be eligible to receive a grant or enter into a contract under subparagraph (A), an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

[(C) The Assistant Secretary shall—

[(i) establish research priorities for making grants or contracts to carry out paragraph (2)(E); and

[(ii) not later than 60 days before the date on which the Assistant Secretary establishes such priorities, publish in the Federal Register for public comment a statement of such proposed priorities.

[(4) The Assistant Secretary shall make available to the Center such resources as are necessary for the Center to carry out effectively the functions of the Center under this Act and not less than the amount of resources made available to the Resource Center on Elder Abuse for fiscal year 1990.

[(e)(1)(A) The Assistant Secretary shall make grants or enter into contracts with eligible entities to establish the National Aging Information Center (in this subsection referred to as the "Center") to—

[(i) provide information about education and training projects established under part A, and research and dem-

onstration projects, and other activities, established under part B, of title IV to persons requesting such information;

[(ii) annually compile, analyze, publish, and disseminate—

[(I) statistical data collected under subsection (a)(19);

[(II) census data on aging demographics; and

[(III) data from other Federal agencies on the health, social, and economic status of older individuals and on the services provided to older individuals;

[(iii) biennially compile, analyze, publish, and disseminate statistical data collected on the functions, staffing patterns, and funding sources of State agencies and area agencies on aging;

[(iv) analyze the information collected under section 201(c)(3)(F) by the Director of the Office for American Indian, Alaskan Native, and Native Hawaiian Aging, and the information provided by the Resource Centers on Native American Elders under section 429E;

[(v) provide technical assistance, training, and other means of assistance to State agencies, area agencies on aging, and service providers, regarding State and local data collection and analysis; and

[(vi) be a national resource on statistical data regarding aging;

[(B) To be eligible to receive a grant or enter into a contract under subparagraph (A), an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

[(C) Entities eligible to receive a grant or enter into a contract under subparagraph (A) shall be organizations with a demonstrated record of experience in education and information dissemination.

[(2)(A) The Assistant Secretary shall establish procedures specifying the length of time that the Center shall provide the information described in paragraph (1) with respect to a particular project or activity. The procedures shall require the Center to maintain the information beyond the term of the grant awarded, or contract entered into, to carry out the project or activity.

[(B) The Assistant Secretary shall establish the procedures described in subparagraph (A) after consultation with—

[(i) practitioners in the field of aging;

[(ii) older individuals;

[(iii) representatives of institutions of higher education;

[(iv) national aging organizations;

[(v) State agencies;

[(vi) area agencies on aging;

[(vii) legal assistance providers;

[(viii) service providers; and

[(ix) other persons with an interest in the field of aging.

[FEDERAL AGENCY CONSULTATION

[SEC. 203. (a)(1) The Assistant Secretary, in carrying out the objectives and provisions of this Act, shall coordinate, advise, consult with, and cooperate with the head of each department, agency, or instrumentality of the Federal Government proposing or admin-

istering programs or services substantially related to the objectives of this Act, with respect to such programs or services. In particular, the Assistant Secretary shall coordinate, advise, consult, and cooperate with the Secretary of Labor in carrying out title V and with the Corporation for National and Community Service in carrying out this Act.

[(2) The head of each department, agency, or instrumentality of the Federal Government proposing to establish programs and services substantially related to the objectives of this Act shall consult with the Assistant Secretary prior to the establishment of such programs and services. To achieve appropriate coordination, the head of each department, agency, or instrumentality of the Federal Government administering any program substantially related to the objectives of this Act, particularly administering any program referred to in subsection (b), shall consult and cooperate with the Assistant Secretary in carrying out such program. In particular, the Secretary of Labor shall consult and cooperate with the Assistant Secretary in carrying out the Job Training Partnership Act (29 U.S.C. 1501 et seq.).

[(3) The head of each department, agency, or instrumentality of the Federal Government administering programs and services substantially related to the objectives of this Act shall collaborate with the Assistant Secretary in carrying out this Act, and shall develop a written analysis, for review and comment by the Assistant Secretary, of the impact of such programs and services on—

[(A) older individuals (with particular attention to low-income minority older individuals) and eligible individuals (as defined in section 507); and

[(B) the functions and responsibilities of State agencies and area agencies on aging.

[(b) For the purposes of subsection (a), programs related to the objectives of this Act shall include—

[(1) the Job Training Partnership Act,

[(2) title II of the Domestic Volunteer Service Act of 1973,

[(3) titles XVI, XVIII, XIX, and XX of the Social Security Act,

[(4) sections 231 and 232 of the National Housing Act,

[(5) the United States Housing Act of 1937,

[(6) section 202 of the Housing Act of 1959,

[(7) title I of the Housing and Community Development Act of 1974,

[(8) title I of the Higher Education Act of 1965 and the Adult Education Act,

[(9) sections 3, 9, and 16 of the Urban Mass Transportation Act of 1964,

[(10) the Public Health Service Act, including block grants under title XIX of such Act,

[(11) the Low-Income Home Energy Assistance Act of 1981,

[(12) part A of the Energy Conservation in Existing Buildings Act of 1976, relating to weatherization assistance for low income persons,

[(13) the Community Services Block Grant Act,

[(14) demographic statistics and analysis programs conducted by the Bureau of the Census under title 13, United States Code,

[(15) parts II and III of title 38, United States Code,

[(16) the Rehabilitation Act of 1973,

[(17) the Developmental Disabilities and Bill of Rights Act, and

[(18) the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, established under part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750–3766b)).

[SEC. 203A. CONSULTATION WITH STATE AGENCIES, AREA AGENCIES ON AGING, AND NATIVE AMERICAN GRANT RECIPIENTS.

[The Assistant Secretary shall consult and coordinate with State agencies, area agencies on aging, and recipients of grants under title VI in the development of Federal goals, regulations, program instructions, and policies under this Act.

[FEDERAL COUNCIL ON THE AGING

[SEC. 204. (a)(1) There is established a Federal Council on the Aging to be composed of 15 members. Except as provided in subsection (b)(1)(A), members shall serve for terms of 3 years, ending on March 31 regardless of the actual date of appointment, without regard to the provisions of title 5, United States Code. Members shall be appointed from among individuals who have expertise and experience in the field of aging by each appointing authority so as to be representative of rural and urban older individuals, national organizations with an interest in aging, business, labor, minorities, Indian tribes, and the general public. At least three of the members appointed by each appointing authority shall be older individuals. No full-time officer or employee of the Federal Government may be appointed as a member of the Council.

[(2) Members appointed to the Federal Council on the Aging established by this section prior to the date of enactment of the Older Americans Act Amendments of 1992 who are serving on such date, shall continue to serve on the Federal Council established by paragraph (1) of this subsection until members are appointed in accordance with subsection (b)(1).

[(b)(1)(A)(i) The initial members of the Federal Council on the Aging shall be appointed on April 1, 1993, as follows:

[(I) 5 members, who shall be referred to as class 1 members, shall be appointed for a term of 1 year;

[(II) 5 members, who shall be referred to as class 2 members, shall be appointed for a term of 2 years; and

[(III) 5 members, who shall be referred to as class 3 members, shall be appointed for a term of 3 years.

[(ii) Members appointed in 1994 and each third year thereafter shall be referred to as class 1 members. Members appointed in 1995 and each third year thereafter shall be referred to as class 2 members. Members appointed in 1996 and each third year thereafter shall be referred to as class 3 members.

[(B)(i) Members of each class shall be appointed in the manner prescribed by this subparagraph.

[(ii) Of the members of class 1, two shall be appointed by the President, two by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader, and one by the Speaker of the House of Representatives upon the recommendation of the Majority Leader and the Minority Leader.

[(iii) Of the members of class 2, two shall be appointed by the President, one by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader, and two by the Speaker of the House of Representatives upon the recommendation of the Majority Leader and the Minority Leader.

[(iv) Of the members of class 3, one shall be appointed by the President, two by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader, and two by the Speaker of the House of Representatives upon the recommendation of the Majority Leader and the Minority Leader.

[(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

[(3) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

[(4) Members of the Council shall, while serving on business of the Council, be entitled to receive compensation at a rate not to exceed the daily equivalent of the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

[(c) The President shall designate the Chairperson from among the members appointed to the Council. The Council shall meet at the call of the Chairperson at least quarterly.

[(d) The Council shall—

[(1) advise and assist the President on matters relating to the special needs of older individuals;

[(2) directly advise the Assistant Secretary on matters affecting the special needs of older individuals for services and assistance under this Act;

[(3) review and evaluate, on a continuing basis, Federal policies regarding the aging and programs and other activities affecting the aging conducted or assisted by all Federal departments and agencies for the purpose of appraising their value and their impact on the lives of older individuals and of identifying duplication and gaps among the types of services provided under such programs and activities;

[(4) serve as a spokesman on behalf of older individuals by making recommendations to the President, to the Secretary, to the Assistant Secretary, and to the Congress with respect to Federal policies regarding the aging and federally conducted or

assisted programs and other activities relating to or affecting them;

[(5) inform the public about the problems and needs of the aging by collecting and disseminating information, conducting or commissioning studies and publishing the results thereof, and by issuing publications and reports; and

[(6) provide public forums for discussing and publicizing the problems and needs of the aging and obtaining information relating thereto by conducting public hearings, and by conducting or sponsoring conferences, workshops, and other such meetings.

[(e) The Council shall have staff personnel, appointed by the Chairperson, to assist it in carrying out its activities. The head of each Federal department and agency shall make available to the Council such information and other assistance as it may require to carry out its activities.

[(f) Beginning with the year 1974 the Council shall make interim reports and an annual report of its findings and recommendations to the President not later than March 31 of each year. The President shall transmit each such report to the Congress together with his comments and recommendations.

[(g) There are authorized to be appropriated to carry out this section \$300,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

【ADMINISTRATION OF THE ACT

【SEC. 205. (a)(1) In carrying out the objectives of this Act, the Assistant Secretary is authorized to—

【(A) provide consultative services and technical assistance to public or nonprofit private agencies and organizations;

【(B) provide short-term training and technical instruction;

【(C) conduct research and demonstrations;

【(D) collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this Act; and

【(E) provide staff and other technical assistance to the Federal Council on the Aging.

【(2)(A) The Assistant Secretary shall designate an officer or employee who shall serve on a full-time basis and who shall be responsible for the administration of the nutrition services described in subparts 1, 2, and 3 of part C of title III and shall have duties that include—

【(i) designing, implementing, and evaluating nutrition programs;

【(ii) developing guidelines for nutrition providers concerning safety, sanitary handling of food, equipment, preparation, and food storage;

【(iii) disseminating information to nutrition service providers about nutrition advancements and developments;

【(iv) promoting coordination between nutrition service providers and community-based organizations serving older individuals;

【(v) developing guidelines on cost containment;

[(vi) defining a long range role for the nutrition services in community-based care systems;

[(vii) developing model menus and other appropriate materials for serving special needs populations and meeting cultural meal preferences; and

[(viii) providing technical assistance to the regional offices of the Administration with respect to each duty described in clauses (i) through (vii).

[(B) The regional offices of the Administration shall be responsible for disseminating, and providing technical assistance regarding, the guidelines and information described in clauses (ii), (iii), and (v) of subparagraph (A) to State agencies, area agencies on aging, and persons that provide nutrition services under part C of title III.

[(C) The officer or employee designated under subparagraph (A) shall—

[(i) have expertise in nutrition and dietary services and planning; and

[(ii)(I) be a registered dietitian;

[(II) be a credentialed nutrition professional; or

[(III) have education and training that is substantially equivalent to the education and training for a registered dietitian or a credentialed nutrition professional.

[(b) In administering the functions of the Administration under this Act, the Assistant Secretary may utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or organization, in accordance with agreements between the Assistant Secretary and the head thereof, and is authorized to pay therefor, in advance or by way of reimbursement, as may be provided in the agreement.

[(c) Not later than 120 days after the date of the enactment of the Older Americans Act Amendments of 1987, the Secretary shall issue and publish in the Federal Register proposed regulations for the administration of this Act. After allowing a reasonable period for public comment on such proposed rules and not later than 90 days after such publication, the Secretary shall issue, in final form, regulations for the administration of this Act.

[(d) Not later than September 1 of each fiscal year, the Assistant Secretary shall make available to the public, for the purpose of facilitating informed public comment, a statement of proposed specific goals to be achieved by implementing this Act in the first fiscal year beginning after the date on which such statement is made available.

[(e) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary.

[EVALUATION

[SEC. 206. (a) The Secretary shall measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, their effectiveness in targeting for services under this Act unserved older individuals with greatest economic need (including low-income minority individuals) and unserved older individuals with greatest social need (including low-

income minority individuals), and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

[(b) The Secretary may not make grants or contracts under title IV of this Act until the Secretary develops and publishes general standards to be used by the Secretary in evaluating the programs and projects assisted under such title. Results of evaluations conducted pursuant to such standards shall be included in the reports required by section 207.

[(c) In carrying out evaluations under this section, the Secretary shall, whenever possible, arrange to obtain the opinions of program and project participants about the strengths and weaknesses of the programs and projects, and conduct, where appropriate, evaluations which compare the effectiveness of related programs in achieving common objectives. In carrying out such evaluations, the Secretary shall consult with organizations concerned with older individuals, including those representing minority individuals and older individuals with disabilities.

[(d) The Secretary shall annually publish summaries and analyses of the results of evaluative research and evaluation of program and project impact and effectiveness, including, as appropriate, health and nutrition education demonstration projects conducted under section 307(f) the full contents of which shall be transmitted to Congress, be disseminated to Federal, State, and local agencies and private organizations with an interest in aging, and be accessible to the public.

[(e) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

[(f) Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this section shall be made available to him, upon request, by the departments and agencies of the executive branch.

[(g)(1) Not later than June 30, 1995, the Assistant Secretary, in consultation with the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services, shall complete an evaluation of nutrition services provided under this Act, to evaluate for fiscal years 1992 and 1993—

[(A) their effectiveness in serving special populations of older individuals;

[(B) the quality of nutrition provided by such services;

[(C) average meal costs (including the cost of food, related administrative costs, and the cost of supportive services relating to nutrition services), taking into account regional differences and size of projects;

[(D) the characteristics of participants;

[(E) the applicability of health, safety, and dietary standards;

[(F) the appraisal of such services by recipients;

[(G) the efficiency of delivery and administration of such services;

[(H) the amount, sources, and ultimate uses of funds transferred under section 308(b)(5) to provide such services;

[(I) the amount, sources, and uses of other funds expended to provide such services, including the extent to which funds received under this Act are used to generate additional funds to provide such services;

[(J) the degree of nutritional expertise used to plan and manage coordination with other State and local services;

[(K) nonfood cost factors incidental to providing nutrition services under this Act;

[(L) the extent to which commodities provided by the Secretary of Agriculture under section 311(a) are used to provide such services;

[(M) and for the 8-year period ending September 30, 1992, the characteristics, and changes in the characteristics, of such nutrition services;

[(N) differences between older individuals who receive nutrition services under section 331 and older individuals who receive nutrition services under section 336, with specific reference to age, income, health status, receipt of food stamp benefits, and limitations on activities of daily living;

[(O) the impact of the increase in nutrition services provided under section 336, the factors that caused such increase, and the effect of such increase on nutrition services authorized under section 336;

[(P) how, and the extent to which, nutrition services provided under this Act generally, and under section 331 specifically, are integrated with long-term care programs;

[(Q) the impact of nutrition services provided under this Act on older individuals, including the impact on their dietary intake and opportunities for socialization;

[(R) the adequacy of the daily recommended dietary allowances described in section 339; and

[(S) the impact of transferring funds under section 308(b)(5) and how funds transferred under such section are expended to provide nutrition services.

[(2)(A)(i) The Assistant Secretary shall establish an advisory council to develop recommendations for guidelines on efficiency and quality in furnishing nutrition services described in subparts 1, 2, and 3 of part C of title III.

[(ii) The council shall be composed of members appointed by the Assistant Secretary from among individuals nominated by the Secretary of Agriculture, the American Dietetic Association, the Dietary Managers Association, the National Association of Nutrition and Aging Service Programs, the National Association of Meal Programs, the National Association of State Units on Aging, the National Association of Area Agencies on Aging, and other appropriate organizations.

[(B) Not later than June 30, 1994, the Assistant Secretary, in consultation with the Secretary of Agriculture and taking into consideration the recommendations of the council, shall publish interim guidelines of the kind described in subparagraph (A)(i).

[(3) Not later than September 30, 1995, the Secretary shall—

[(A) submit to the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate recommendations and final guidelines to improve nutrition services provided under this Act; and

[(B) require the Assistant Secretary to implement such recommendations administratively, to the extent feasible.

[(h) The Secretary may use such sums as may be necessary, but not to exceed \$3,000,000 (of which not to exceed \$1,500,000 shall be available from funds appropriated to carry out title III and not to exceed \$1,500,000 shall be available from funds appropriated to carry out title IV), to conduct directly evaluations under this section. No part of such sums may be reprogrammed, transferred, or used for any other purpose. Funds expended under this subsection shall be justified and accounted for by the Secretary.

【REPORTS

【SEC. 207. (a) Not later than one hundred and twenty days after the close of each fiscal year, the Assistant Secretary shall prepare and submit to the President and to the Congress a full and complete report on the activities carried out under this Act. Such annual reports shall include—

【(1) statistical data reflecting services and activities provided to individuals during the preceding fiscal year;

【(2) statistical data collected under section 202(a)(19);

【(3) an analysis of the information received under section 306(b)(2)(D) by the Assistant Secretary;

【(4) statistical data and an analysis of information regarding the effectiveness of the State agency and area agencies on aging in targeting services to older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority individuals, low-income individuals, and frail individuals (including individuals with any physical or mental functional impairment); and

【(5) a description of the implementation of the plan required by section 202(a)(17).

【(b)(1) Not later than March 1 of each year, the Assistant Secretary shall compile a report—

【(A) summarizing and analyzing the data collected under titles III and VII in accordance with section 712(c) for the then most recently concluded fiscal year;

【(B) identifying significant problems and issues revealed by such data (with special emphasis on problems relating to quality of care and residents' rights);

【(C) discussing current issues concerning the long-term care ombudsman programs of the States; and

【(D) making recommendations regarding legislation and administrative actions to resolve such problems.

【(2) The Assistant Secretary shall submit the report required by paragraph (1) to—

【(A) the Special Committee on Aging of the Senate;

【(B) the Committee on Education and Labor of the House of Representatives; and

【(C) the Committee on Labor and Human Resources of the Senate.

[(3) The Assistant Secretary shall provide the report required by paragraph (1), and make the State reports required under titles III and VII in accordance with section 712(h)(1) available, to—

[(A) the Administrator of the Health Care Finance Administration;

[(B) the Office of the Inspector General of the Department of Health and Human Services;

[(C) the Office of Civil Rights of the Department of Health and Human Services;

[(D) the Secretary of Veterans Affairs; and

[(E) each public agency or private organization designated as an Office of the State Long-Term Care Ombudsman under title III or VII in accordance with section 712(a)(4)(A).

[(c) The Assistant Secretary shall, as part of the annual report submitted under subsection (a), prepare and submit a report on the outreach activities supported under this Act, together with such recommendations as the Assistant Secretary deems appropriate. In carrying out this subsection, the Assistant Secretary shall consider—

[(1) the number of older individuals reached through the activities;

[(2) the dollar amount of the assistance and benefits received by older individuals as a result of such activities;

[(3) the cost of such activities in terms of the number of individuals reached and the dollar amount described in paragraph (2);

[(4) the effect of such activities on supportive services and nutrition services furnished under title III of this Act; and

[(5) the effectiveness of State and local efforts to target older individuals with greatest economic need (including low-income minority individuals) and older individuals with greatest social need (including low-income minority individuals) to receive services under this Act.

[(JOINT FUNDING OF PROJECTS

[(SEC. 208. Pursuant to regulations prescribed by the President and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to any agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

[(ADVANCE FUNDING

[(SEC. 209. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal

year preceding the fiscal year for which they are available for obligation.

[(b) In order to effect a transition to the advance funding method of timing appropriation action, subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

【APPLICATION OF OTHER LAWS

【SEC. 210. (a) The provisions and requirements of the Act of December 5, 1974 (Public Law 93-510; 88 Stat. 1604) shall not apply to the administration of the provisions of this Act or to the administration of any program or activity under this Act.

[(b) No part of the costs of any project under any title of this Act may be treated as income or benefits to any eligible individual (other than any wage or salary to such individual) for the purpose of any other program or provision of Federal or State law.

【REDUCTION OF PAPERWORK

【SEC. 211. In order to reduce unnecessary, duplicative, or disruptive demands for information, the Assistant Secretary, in consultation with State agencies and other appropriate agencies and organizations, shall continually review and evaluate all requests by the Administration for information under this Act and take such action as may be necessary to reduce the paperwork required under this Act. The Assistant Secretary shall request only such information as the Assistant Secretary deems essential to carry out the objectives and provisions of this Act and, in gathering such information, shall make use of uniform service definitions to the extent that such definitions are available.

【CONTRACTING AND GRANT AUTHORITY

【SEC. 212. None of the provisions of this Act shall be construed to prevent a recipient of a grant or a contract from entering into an agreement, subject to the approval of the State agency (or in the case of a grantee under title VI, subject to the recommendation of the Director of the Office for American Indian, Alaskan Native, and Native Hawaiian Aging and the approval of the Assistant Secretary), with a profitmaking organization to carry out the provisions of this Act and of the appropriate State plan.

【SURPLUS PROPERTY ELIGIBILITY

【SEC. 213. Any State or local government agency, and any non-profit organization or institution, which receives funds appropriated for programs for older individuals under this Act, under title IV or title XX of the Social Security Act, or under titles VIII and X of the Economic Opportunity Act of 1964 and the Community Services Block Grant Act, shall be deemed eligible to receive for such programs, property which is declared surplus to the needs of the Federal Government in accordance with laws applicable to surplus property.

[SEC. 214. NUTRITION EDUCATION.

【The Assistant Secretary and the Secretary of Agriculture may provide technical assistance and appropriate material to agencies carrying out nutrition education programs in accordance with section 307(a)(13)(J).

[SEC. 215. AUTHORIZATION OF APPROPRIATIONS.

【(a) ADMINISTRATION.—For purposes of carrying out this Act, there are authorized to be appropriated for the Administration such sums as may be necessary for fiscal years 1992, 1993, 1994, and 1995.

【(b) SALARIES AND EXPENSES.—There are authorized to be appropriated for salaries and expenses of the Administration on Aging—

【(1) \$17,000,000 for fiscal year 1992, \$20,000,000 for fiscal year 1993, \$24,000,000 for fiscal year 1994, and \$29,000,000 for fiscal year 1995; and

【(2) such additional sums as may be necessary for each such fiscal year to enable the Assistant Secretary to provide for not fewer than 300 full-time employees (or the equivalent thereof) in the Administration on Aging.

**[TITLE III—GRANTS FOR STATE AND COMMUNITY
PROGRAMS ON AGING**

[PART A—GENERAL PROVISIONS

[PURPOSE; ADMINISTRATION

【SEC. 301. (a)(1) It is the purpose of this title to encourage and assist State agencies and area agencies on aging to concentrate resources in order to develop greater capacity and foster the development and implementation of comprehensive and coordinated systems to serve older individuals by entering into new cooperative arrangements in each State with the persons described in paragraph (2), for the planning, and for the provision of, supportive services, and multipurpose senior centers, in order to—

【(A) secure and maintain maximum independence and dignity in a home environment for older individuals capable of self care with appropriate supportive services;

【(B) remove individual and social barriers to economic and personal independence for older individuals;

【(C) provide a continuum of care for vulnerable older individuals; and

【(D) secure the opportunity for older individuals to receive managed in-home and community-based long-term care services.

【(2) The persons referred to in paragraph (1) include—

【(A) State agencies and area agencies on aging;

【(B) other State agencies, including agencies that administer home and community care programs;

【(C) Indian tribes, tribal organizations, and Native Hawaiian organizations;

【(D) the providers, including voluntary organizations or other private sector organizations, of supportive services, nutrition services, and multipurpose senior centers; and

[(E) organizations representing or employing older individuals or their families.

[(b)(1) In order to effectively carry out the purpose of this title, the Assistant Secretary shall administer programs under this title through the Administration.

[(2) In carrying out the provisions of this title, the Assistant Secretary may request the technical assistance and cooperation of the Department of Education, the Department of Labor, the Department of Housing and Urban Development, the Department of Transportation, the Office of Community Services, the Department of Veterans Affairs, the Substance Abuse and Mental Health Services Administration, and such other agencies and departments of the Federal Government as may be appropriate.

[(c) The Assistant Secretary shall provide technical assistance and training (by contract, grant, or otherwise) to State long-term care ombudsman programs established under section 307(a)(12) in accordance with section 712, and to individuals within such programs designated under section 712 to be representatives of a long-term care ombudsman, in order to enable such ombudsmen and such representatives to carry out the ombudsman program effectively.

DEFINITIONS

SEC. 302. For the purpose of this title—

[(1) The term “comprehensive and coordinated system” means a system for providing all necessary supportive services, including nutrition services, in a manner designed to—

[(A) facilitate accessibility to, and utilization of, all supportive services and nutrition services provided within the geographic area served by such system by any public or private agency or organization;

[(B) develop and make the most efficient use of supportive services and nutrition services in meeting the needs of older individuals;

[(C) use available resources efficiently and with a minimum of duplication; and

[(D) encourage and assist public and private entities that have unrealized potential for meeting the service needs of older individuals to assist the older individuals on a voluntary basis.

[(2) The term “unit of general purpose local government” means—

[(A) a political subdivision of the State whose authority is general and not limited to only one function or combination of related functions; or

[(B) an Indian tribal organization.

[(3) The term “education and training service” means a supportive service designed to assist older individuals to better cope with their economic, health, and personal needs through services such as consumer education, continuing education, health education, preretirement education, financial planning, and other education and training services which will advance the objectives of this Act.

[AUTHORIZATION OF APPROPRIATIONS; USES OF FUNDS

【SEC. 303. (a)(1) There are authorized to be appropriated \$461,376,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, for the purpose of making grants under part B of this title (relating to supportive services and senior centers).

【(2) Funds appropriated under paragraph (1) shall be available to carry out section 712.

【(b)(1) There are authorized to be appropriated \$505,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, for the purpose of making grants under subpart 1 of part C of this title (relating to congregate nutrition services).

【(2) There are authorized to be appropriated \$120,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, for the purpose of making grants under subpart 2 of part C of this title (relating to home delivered nutrition services).

【(3) There are authorized to be appropriated \$15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, to carry out subpart 3 of part C of this title (relating to school-based meals for volunteer older individuals and multigenerational programs).

【(c) Grants made under part B, and subparts 1 and 2 of part C, of this title may be used for paying part of the cost of—

【(1) the administration of area plans by area agencies on aging designated under section 305(a)(2)(A), including the preparation of area plans on aging consistent with section 306 and the evaluation of activities carried out under such plans; and

【(2) the development of comprehensive and coordinated systems for supportive services, congregate and home delivered nutrition services under subparts 1 and 2 of part C, the development and operation of multipurpose senior centers, and the delivery of legal assistance.

【(d) There are authorized to be appropriated \$45,388,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, for the purpose of making grants under part D of this title (relating to in-home services).

【(e) There are authorized to be appropriated such sums as may be necessary for the fiscal years 1992, 1993, 1994, and 1995, to carry out part E (relating to special needs).

【(f) There are authorized to be appropriated \$25,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, for the purpose of making grants under part F of this title (relating to periodic preventive health, health education, and promotion services).

【(g) There are authorized to be appropriated \$15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, to carry out part G (relating to supportive activities for caretakers).

【ALLOTMENT; FEDERAL SHARE

【SEC. 304. (a)(1) Subject to paragraphs (2) and (3) from the sums appropriated under section 303 for each fiscal year, each State shall be allotted an amount which bears the same ratio to such sums as the population of older individuals in such State bears to the population of older individuals in all States, except that (A) no State shall be allotted less than one-half of 1 percent of the sum appropriated for the fiscal year for which the determination is made; (B) Guam, the United States Virgin Islands, and the Trust Territory of the Pacific Islands, shall each be allotted not less than one-fourth of 1 percent of the sum appropriated for the fiscal year for which the determination is made; and (C) American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than one-sixteenth of 1 percent of the sum appropriated for the fiscal year for which the determination is made. For the purposes of paragraph (3) and the exception contained in subparagraph (A) only, the term "State" does not include Guam, American Samoa, the United States Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

【(2) No State shall be allotted less than the total amount allotted to the State under paragraph (1) of this subsection and section 308 for fiscal year 1987.

【(3) No State shall be allotted, from the amount appropriated under section 303(g), less than \$50,000 for any fiscal year.

【(4) The number of individuals aged 60 or older in any State and in all States shall be determined by the Assistant Secretary on the basis of the most recent data available from the Bureau of the Census, and other reliable demographic data satisfactory to the Assistant Secretary.

【(b) Whenever the Assistant Secretary determines that any amount allotted to a State under part B or C for a fiscal year under this section will not be used by such State for carrying out the purpose for which the allotment was made, the Assistant Secretary shall make such allotment available for carrying out such purpose to one or more other States to the extent the Assistant Secretary determines that such other State will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this title, be regarded as part of such State's allotment (as determined under subsection (a)) for such year, but shall remain available until the end of the succeeding fiscal year.

【(c) If the Assistant Secretary finds that any State has failed to qualify under the State plan requirements of section 307 or the Assistant Secretary does not approve the funding formula required under section 305(a)(2)(C), the Assistant Secretary shall withhold the allotment of funds to such State referred to in subsection (a). The Assistant Secretary shall disburse the funds so withheld directly to any public or private nonprofit institution or organization, agency, or political subdivision of such State submitting an approved plan under section 307, which includes an agreement that any such payment shall be matched in the proportion determined

under subsection (d)(1)(D) for such State, by funds or in-kind resources from non-Federal sources.

[(d)(1) From any State's allotment, after the application of section 308(b), under this section for any fiscal year—

[(A) such amount as the State agency determines, but not more than 10 percent thereof, shall be available for paying such percentage as the agency determines, but not more than 75 percent, of the cost of administration of area plans;

[(B) such amount (excluding any amount attributable to funds appropriated under section 303(a)(3)) as the State agency determines to be adequate for conducting an effective ombudsman program under section 307(a)(12) shall be available for conducting such program;

[(C) not less than \$150,000 and not more than 4 percent of the amount allotted to the State for carrying out part B, shall be available for conducting outreach demonstration projects under section 706; and

[(D) the remainder of such allotment shall be available to such State only for paying such percentage as the State agency determines, but not more than 85 percent of the cost of supportive services, senior centers, and nutrition services under this title provided in the State as part of a comprehensive and coordinated system in planning and service areas for which there is an area plan approved by the State agency.

[(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Assistant Secretary may attribute fair market value to services and facilities contributed from non-Federal sources.

[(e) Grants made from allotments received under this title may be used for paying for the costs of providing for an area volunteer services coordinator (as described in section 306(a)(12)) or a State volunteer services coordinator (as described in section 307(a)(31)).

【ORGANIZATION

【SEC. 305. (a) In order for a State to be eligible to participate in programs of grants to States from allotments under this title—

[(1) the State shall, in accordance with regulations of the Assistant Secretary, designate a State agency as the sole State agency to—

[(A) develop a State plan to be submitted to the Assistant Secretary for approval under section 307;

[(B) administer the State plan within such State;

[(C) be primarily responsible for the planning, policy development, administration, coordination, priority setting, and evaluation of all State activities related to the objectives of this Act;

[(D) serve as an effective and visible advocate for older individuals by reviewing and commenting upon all State plans, budgets, and policies which affect older individuals and providing technical assistance to any agency, organization, association, or individual representing the needs of older individuals; and

[(E) divide the State into distinct planning and service areas (or in the case of a State specified in subsection

(b)(5)(A), designate the entire State as a single planning and service area), in accordance with guidelines issued by the Assistant Secretary, after considering the geographical distribution of older individuals in the State, the incidence of the need for supportive services, nutrition services, multipurpose senior centers, and legal assistance, the distribution of older individuals who have greatest economic need (with particular attention to low-income minority individuals) residing in such areas, the distribution of older individuals who have greatest social need (with particular attention to low-income minority individuals) residing in such areas, the distribution of older individuals who are Indians residing in such areas, the distribution of resources available to provide such services or centers, the boundaries of existing areas within the State which were drawn for the planning or administration of supportive services programs, the location of units of general purpose local government within the State, and any other relevant factors; and

[(2) the State agency shall—

[(A) except as provided in subsection (b)(5), designate for each such area after consideration of the views offered by the unit or units of general purpose local government in such area, a public or private nonprofit agency or organization as the area agency on aging for such area;

[(B) provide assurances, satisfactory to the Assistant Secretary, that the State agency will take into account, in connection with matters of general policy arising in the development and administration of the State plan for any fiscal year, the views of recipients of supportive services or nutrition services, or individuals using multipurpose senior centers provided under such plan;

[(C) in consultation with area agencies, in accordance with guidelines issued by the Assistant Secretary, and using the best available data, develop and publish for review and comment a formula for distribution within the State of funds received under this title that takes into account—

[(i) the geographical distribution of older individuals in the State; and

[(ii) the distribution among planning and service areas of older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority older individuals;

[(D) submit its formula developed under subparagraph (C) to the Assistant Secretary for approval;

[(E) provide assurance that preference will be given to providing services to older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority individuals, and include proposed methods of carrying out the preference in the State plan;

[(F) provide assurances that the State agency will require use of outreach efforts described in section 307(a)(24); and

[(G)(i) set specific objectives, in consultation with area agencies on aging, for each planning and service area for providing services funded under this title to low-income minority older individuals;

[(ii) provide an assurance that the State agency will undertake specific program development, advocacy, and outreach efforts focused on the needs of low-income minority older individuals; and

[(iii) provide a description of the efforts described in clause (ii) that will be undertaken by the State agency.

[(b)(1) In carrying out the requirement of subsection (a)(1), the State may designate as a planning and service area any unit of general purpose local government which has a population of 100,000 or more. In any case in which a unit of general purpose local government makes application to the State agency under the preceding sentence to be designated as a planning and service area, the State agency shall, upon request, provide an opportunity for a hearing to such unit of general purpose local government. A State may designate as a planning and service area under subsection (a)(1) any region within the State recognized for purposes of areawide planning which includes one or more such units of general purpose local government when the State determines that the designation of such a regional planning and service area is necessary for, and will enhance, the effective administration of the programs authorized by this title. The State may include in any planning and service area designated under subsection (a)(1) such additional areas adjacent to the unit of general purpose local government or regions so designated as the State determines to be necessary for, and will enhance the effective administration of the programs authorized by this title.

[(2) The State is encouraged in carrying out the requirement of subsection (a)(1) to include the area covered by the appropriate economic development district involved in any planning and service area designated under subsection (a)(1), and to include all portions of an Indian reservation within a single planning and service area, if feasible.

[(3) The chief executive officer of each State in which a planning and service area crosses State boundaries, or in which an interstate Indian reservation is located, may apply to the Assistant Secretary to request redesignation as an interstate planning and service area comprising the entire metropolitan area or Indian reservation. If the Assistant Secretary approves such an application, the Assistant Secretary shall adjust the State allotments of the areas within the planning and service area in which the interstate planning and service area is established to reflect the number of older individuals within the area who will be served by an interstate planning and service area not within the State.

[(4) Whenever a unit of general purpose local government, a region, a metropolitan area or an Indian reservation is denied designation under the provisions of subsection (a)(1), such unit of general purpose local government, region, metropolitan area, or Indian

reservation may appeal the decision of the State agency to the Assistant Secretary. The Assistant Secretary shall afford such unit, region, metropolitan area, or Indian reservation an opportunity for a hearing. In carrying out the provisions of this paragraph, the Assistant Secretary may approve the decision of the State agency, disapprove the decision of the State agency and require the State agency to designate the unit, region, area, or Indian reservation appealing the decision as a planning and service area, or take such other action as the Assistant Secretary deems appropriate.

[(5)(A) A State which on or before October 1, 1980, had designated, with the approval of the Assistant Secretary, a single planning and service area covering all of the older individuals in the State, in which the State agency was administering the area plan, may after that date designate one or more additional planning and service areas within the State to be administered by public or private nonprofit agencies or organizations as area agencies on aging, after considering the factors specified in subsection (a)(1)(E). The State agency shall continue to perform the functions of an area agency on aging for any area of the State not included in a planning and service area for which an area agency on aging has been designated.

[(B) Whenever a State agency designates a new area agency on aging after the date of enactment of the Older Americans Act Amendments of 1984, the State agency shall give the right to first refusal to a unit of general purpose local government if (i) such unit can meet the requirements of subsection (c), and (ii) the boundaries of such a unit and the boundaries of the area are reasonably contiguous.

[(C)(i) A State agency shall establish and follow appropriate procedures to provide due process to affected parties, if the State agency initiates an action or proceeding to—

[(I) revoke the designation of the area agency on aging under subsection (a);

[(II) designate an additional planning and service area in a State;

[(III) divide the State into different planning and services areas; or

[(IV) otherwise affect the boundaries of the planning and service areas in the State.

[(ii) The procedures described in clause (i) shall include procedures for—

[(I) providing notice of an action or proceeding described in clause (i);

[(II) documenting the need for the action or proceeding;

[(III) conducting a public hearing for the action or proceeding;

[(IV) involving area agencies on aging, service providers, and older individuals in the action or proceeding; and

[(V) allowing an appeal of the decision of the State agency in the action or proceeding to the Assistant Secretary.

[(iii) An adversely affected party involved in an action or proceeding described in clause (i) may bring an appeal described in clause (ii)(V) on the basis of—

[(I) the facts and merits of the matter that is the subject of the action or proceeding; or

[(II) procedural grounds.

[(iv) In deciding an appeal described in clause (ii)(V), the Assistant Secretary may affirm or set aside the decision of the State agency. If the Assistant Secretary sets aside the decision, and the State agency has taken an action described in subclauses (I) through (III) of clause (i), the State agency shall nullify the action.

[(c) An area agency on aging designated under subsection (a) shall be—

[(1) an established office of aging which is operating within a planning and service area designated under subsection (a);

[(2) any office or agency of a unit of general purpose local government, which is designated to function only for the purpose of serving as an area agency on aging by the chief elected official of such unit;

[(3) any office or agency designated by the appropriate chief elected officials of any combination of units of general purpose local government to act only on behalf of such combination for such purpose;

[(4) any public or nonprofit private agency in a planning and service area, or any separate organizational unit within such agency, which is under the supervision or direction for this purpose of the designated State agency and which can and will engage only in the planning or provision of a broad range of supportive services, or nutrition services within such planning and service area; or

[(5) in the case of a State specified in subsection (b)(5), the State agency;

and shall provide assurance, determined adequate by the State agency, that the area agency on aging will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program in accordance with the plan within the planning and service area. In designating an area agency on aging within the planning and service area or within any unit of general purpose local government designated as a planning and service area the State shall give preference to an established office on aging, unless the State agency finds that no such office within the planning and service area will have the capacity to carry out the area plan.

[(d) The publication for review and comment required by paragraph (2)(C) of subsection (a) shall include—

[(1) a descriptive statement of the formula's assumptions and goals, and the application of the definitions of greatest economic or social need,

[(2) a numerical statement of the actual funding formula to be used,

[(3) a listing of the population, economic, and social data to be used for each planning and service area in the State, and

[(4) a demonstration of the allocation of funds, pursuant to the funding formula, to each planning and service area in the State.

[AREA PLANS

[SEC. 306. (a) Each area agency on aging designated under section 305(a)(2)(A) shall, in order to be approved by the State agency, prepare and develop an area plan for a planning and service area for a two-, three-, or four-year period determined by the State agency, with such annual adjustments as may be necessary. Each such plan shall be based upon a uniform format for area plans within the State prepared in accordance with section 307(a)(1). Each such plan shall—

[(1) provide, through a comprehensive and coordinated system, for supportive services, nutrition services, and, where appropriate, for the establishment, maintenance, or construction of multipurpose senior centers, within the planning and service area covered by the plan, including determining the extent of need for supportive services, nutrition services, and multipurpose senior centers in such area (taking into consideration, among other things, the number of older individuals with low incomes residing in such area, the number of older individuals who have greatest economic need (with particular attention to low-income minority individuals) residing in such area, the number of older individuals who have greatest social need (with particular attention to low-income minority individuals) residing in such area, and the number of older individuals who are Indians residing in such area, and the efforts of voluntary organizations in the community), evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of supportive services, nutrition services, or multipurpose senior centers in such area, for the provision of such services or centers to meet such need;

[(2) provide assurances that an adequate proportion, as required under section 307(a)(22), of the amount allotted for part B to the planning and service area will be expended for the delivery of each of the following categories of services—

[(A) services associated with access to services (transportation, outreach, information and assistance, and case management services);

[(B) in-home services (homemaker and home health aides, visiting and telephone reassurance, chore maintenance, and supportive services for families of older individuals who are victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction; and

[(C) legal assistance;

and specify annually in such plan, as submitted or as amended, in detail the amount of funds expended for each such category during the fiscal year most recently concluded;

[(3)(A) designate, where feasible, a focal point for comprehensive service delivery in each community, giving special consideration to designating multipurpose senior centers (including multipurpose senior centers operated by organizations referred to in paragraph (6)(E)(ii)) as such focal point; and

[(B) specify, in grants, contracts, and agreements implementing the plan, the identity of each focal point so designated;

[(4) provide for the establishment and maintenance of information and assistance services in sufficient numbers to assure that all older individuals within the planning and service area covered by the plan will have reasonably convenient access to such services, with particular emphasis on linking services available to isolated older individuals and older individuals with Alzheimer's disease or related disorders with neurological and organic brain dysfunction (and the caretakers of individuals with such disease or disorders);

[(5)(A)(i) provide assurances that the area agency on aging will set specific objectives for providing services to older individuals with greatest economic need and older individuals with greatest social need, include specific objectives for providing services to low-income minority individuals, and include proposed methods of carrying out the preference in the area plan;

[(ii) provide assurances that the area agency on aging will include in each agreement made with a provider of any service under this title, a requirement that such provider will—

[(I) specify how the provider intends to satisfy the service needs of low-income minority individuals in the area served by the provider;

[(II) to the maximum extent feasible, provide services to low-income minority individuals in accordance with their need for such services; and

[(III) meet specific objectives established by the area agency on aging, for providing services to low-income minority individuals within the planning and service area; and

[(iii) with respect to the fiscal year preceding the fiscal year for which such plan is prepared—

[(I) identify the number of low-income minority older individuals in the planning and service area;

[(II) describe the methods used to satisfy the service needs of such minority older individuals; and

[(III) provide information on the extent to which the area agency on aging met the objectives described in clause (i);

[(B) provide assurances that the area agency on aging will use outreach efforts that will—

[(i) identify individuals eligible for assistance under this Act, with special emphasis on—

[(I) older individuals residing in rural areas;

[(II) older individuals with greatest economic need (with particular attention to low-income minority individuals);

[(III) older individuals with greatest social need (with particular attention to low-income minority individuals);

[(IV) older individuals with severe disabilities;

[(V) older individuals with limited English-speaking ability; and

[(VI) older individuals with Alzheimer's disease or related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals); and

[(ii) inform the older individuals referred to in sub-clauses (I) through (VI) of clause (i), and the caretakers of such individuals, of the availability of such assistance; and
 [(C) contain an assurance that the area agency on aging will ensure that each activity undertaken by the agency, including planning, advocacy, and systems development, will include a focus on the needs of low-income minority older individuals;

[(6) provide that the area agency on aging will—

[(A) conduct periodic evaluations of, and public hearings on, activities carried out under the area plan and an annual evaluation of the effectiveness of outreach conducted under paragraph (5)(B);

[(B) furnish appropriate technical assistance, and timely information in a timely manner, to providers of supportive services, nutrition services, or multipurpose senior centers in the planning and service area covered by the area plan;

[(C) take into account in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under such plan;

[(D) serve as the advocate and focal point for older individuals within the community by (in cooperation with agencies, organizations, and individuals participating in activities under the plan) monitoring, evaluating, and commenting upon all policies, programs, hearings, levies, and community actions which will affect older individuals;

[(E)(i) where possible, enter into arrangements with organizations providing day care services for children or adults, and respite for families, so as to provide opportunities for older individuals to aid or assist on a voluntary basis in the delivery of such services to children, adults, and families; and

[(ii) if possible regarding the provision of services under this title, enter into arrangements and coordinate with organizations that have a proven record of providing services to older individuals, that—

[(I) were officially designated as community action agencies or community action programs under section 210 of the Economic Opportunity Act of 1964 (42 U.S.C. 2790) for fiscal year 1981, and did not lose the designation as a result of failure to comply with such Act; or

[(II) came into existence during fiscal year 1982 as direct successors in interest to such community action agencies or community action programs; and that meet the requirements under section 675(c)(3) of the Community Services Block Grant Act (42 U.S.C. 9904(c)(3));

[(F) establish an advisory council consisting of older individuals (including minority individuals) who are partici-

pants or who are eligible to participate in programs assisted under this Act, representatives of older individuals, local elected officials, providers of veterans' health care (if appropriate), and the general public, to advise continuously the area agency on aging on all matters relating to the development of the area plan, the administration of the plan and operations conducted under the plan;

[(G) develop and publish methods by which priority of services is determined, particularly with respect to the delivery of services under paragraph (2);

[(H) establish effective and efficient procedures for coordination of—

[(i) entities conducting programs that receive assistance under this Act within the planning and service area served by the agency; and

[(ii) entities conducting other Federal programs for older individuals at the local level, with particular emphasis on entities conducting programs described in section 203(b), within the area;

[(I) conduct efforts to facilitate the coordination of community-based, long-term care services designed to retain individuals in their homes, thereby deferring unnecessary, costly institutionalization, and designed to include the development of case management services as a component of the long-term care services;

[(J) identify the public and private nonprofit entities involved in the prevention, identification, and treatment of the abuse, neglect, and exploitation of older individuals, and based on such identification, determine the extent to which the need for appropriate services for such individuals is unmet;

[(K) facilitate the involvement of long-term care providers in the coordination of community-based long-term care services and work to ensure community awareness of and involvement in addressing the needs of residents of long-term care facilities;

[(L) coordinate the categories of services specified in paragraph (2) for which the area agency on aging is required to expend funds under part B, with activities of community-based organizations established for the benefit of victims of Alzheimer's disease and the families of such victims;

[(M) coordinate any mental health services provided with funds expended by the area agency on aging for part B with the mental health services provided by community health centers and by other public agencies and nonprofit private organizations;

[(N) if there is a significant population of older individuals who are Indians in the planning and service area of the area agency on aging, the area agency on aging shall conduct outreach activities to identify such individuals in such area and shall inform such individuals of the availability of assistance under this Act;

[(O)(i) compile available information on institutions of higher education in the planning and service area regarding—

[(I) the courses of study offered to older individuals by such institutions; and

[(II) the policies of such institutions with respect to the enrollment of older individuals with little or no payment of tuition, on a space available basis, or on another special basis;

and include in such compilation such related supplementary information as may be necessary; and

[(ii) based on the results of such compilation, make a summary of such information available to older individuals at multipurpose senior centers, congregate nutrition sites, and other appropriate places;

[(P) establish a grievance procedure for older individuals who are dissatisfied with or denied services under this title;

[(Q) enter into voluntary arrangements with nonprofit entities (including public and private housing authorities and organizations) that provide housing (such as housing under section 202 of the Housing Act of 1959 (12 U.S.C. 1701Q)) to older individuals, to provide—

[(i) leadership and coordination in the development, provision, and expansion of adequate housing, supportive services, referrals, and living arrangements for older individuals; and

[(ii) advance notification and nonfinancial assistance to older individuals who are subject to eviction from such housing;

[(R) list the telephone number of the agency in each telephone directory that is published, by the provider of local telephone service, for residents in any geographical area that lies in whole or in part in the service and planning area served by the agency—

[(i) under the name “Area Agency on Aging”;

[(ii) in the unclassified section of the directory; and

[(iii) to the extent possible, in the classified section of the directory, under a subject heading designated by the Assistant Secretary by regulation; and

[(S) identify the needs of older individuals and describe methods the area agency on aging will use to coordinate planning and delivery of transportation services (including the purchase of vehicles) to assist older individuals, including those with special needs, in the area;

[(7) provide assurances that any amount received under part D will be expended in accordance with such part;

[(8) provide assurances that any amount received under part E will be expended in accordance with such part;

[(9) provide assurances that any amount received under part F will be expended in accordance with such part;

[(10) provide assurances that any amount received under part G will be expended in accordance with such part;

[(11) provide assurances that the area agency on aging, in carrying out the State Long-Term Care Ombudsman program under section 307(a)(12), will expend not less than the total amount of funds appropriated under this Act and expended by the agency in fiscal year 1991 in carrying out such a program under this title;

[(12) in the discretion of the area agency on aging, provide for an area volunteer services coordinator, who shall—

[(A) encourage, and enlist the services of, local volunteer groups to provide assistance and services appropriate to the unique needs of older individuals within the planning and service area;

[(B) encourage, organize, and promote the use of older individuals as volunteers to local communities within the area; and

[(C) promote the recognition of the contribution made by volunteers to programs administered under the area plan;

[(13)(A) describe all activities of the area agency on aging, whether funded by public or private funds; and

[(B) provide an assurance that the activities conform with—

[(i) the responsibilities of the area agency on aging, as set forth in this subsection; and

[(ii) the laws, regulations, and policies of the State served by the area agency on aging;

[(14) provide assurances that the area agency on aging will—

[(A) maintain the integrity and public purpose of services provided, and service providers, under this title in all contractual and commercial relationships;

[(B) disclose to the Assistant Secretary and the State agency—

[(i) the identity of each nongovernmental entity with which such agency has a contract or commercial relationship relating to providing any service to older individuals; and

[(ii) the nature of such contract or such relationship;

[(C) demonstrate that a loss or diminution in the quantity or quality of the services provided, or to be provided, under this title by such agency has not resulted and will not result from such contract or such relationship;

[(D) demonstrate that the quantity or quality of the services to be provided under this title by such agency will be enhanced as a result of such contract or such relationship; and

[(E) on the request of the Assistant Secretary or the State, for the purpose of monitoring compliance with this Act (including conducting an audit), disclose all sources and expenditures of funds such agency receives or expends to provide services to older individuals;

[(15) provide assurances that funds received under this title will not be used to pay any part of a cost (including an administrative cost) incurred by the area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this title;

[(16) provide assurances that preference in receiving services under this title will not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement this title;

[(17) provide assurances that projects in the planning and service area will reasonably accommodate participants as described in section 307(a)(13)(G);

[(18) provide assurances that the area agency on aging will, to the maximum extent practicable, coordinate the services it provides under this title with services provided under title VI;

[(19)(A) provide an assurance that the area agency on aging will pursue activities to increase access by older individuals who are Native Americans to all aging programs and benefits provided by the agency, including programs and benefits under this title, if applicable; and

[(B) specify the ways in which the area agency on aging intends to implement the activities; and

[(20) provide that case management services provided under this title through the area agency on aging will—

[(A) not duplicate case management services provided through other Federal and State programs;

[(B) be coordinated with services described in subparagraph (A); and

[(C) be provided by—

[(i) a public agency; or

[(ii) a nonprofit private agency that—

[(I) does not provide, and does not have a direct or indirect ownership or controlling interest in, or a direct or indirect affiliation or relationship with, an entity that provides, services other than case management services under this title; or

[(II) is located in a rural area and obtains a waiver of the requirement described in subclause (I).

[(b)(1) Each State, in approving area agency on aging plans under this section, shall waive the requirement described in paragraph (2) of subsection (a) for any category of services described in such paragraph if the area agency on aging demonstrates to the State agency that services being furnished for such category in the area are sufficient to meet the need for such services in such area.

[(2)(A) Before an area agency on aging requests a waiver under paragraph (1) of this subsection, the area agency on aging shall conduct a timely public hearing in accordance with the provisions of this paragraph. The area agency on aging requesting a waiver shall notify all interested parties in the area of the public hearing and furnish the interested parties with an opportunity to testify.

[(B) The area agency on aging shall prepare a record of the public hearing conducted pursuant to subparagraph (A) and shall furnish the record of the public hearing with the request for a waiver made to the State under paragraph (1).

[(C) Whenever the State agency proposes to grant a waiver to an area agency on aging under this subsection, the State agency shall publish the intention to grant such a waiver together with the jus-

tification for the waiver at least 30 days prior to the effective date of the decision to grant the waiver. An individual or a service provider from the area with respect to which the proposed waiver applies is entitled to request a hearing before the State agency on the request to grant such waiver. If, within the 30-day period described in the first sentence of this subparagraph, an individual or service provider requests a hearing under this subparagraph, the State agency shall afford such individual or provider an opportunity for a hearing.

[(D) If the State agency waives the requirement described in paragraph (2) of subsection (a), the State agency shall provide to the Assistant Secretary—

[(i) a report regarding such waiver that details the demonstration made by the area agency on aging to obtain such waiver;

[(ii) a copy of the record of the public hearing conducted pursuant to subparagraph (A); and

[(iii) a copy of the record of any public hearing conducted pursuant to subparagraph (C).

[(c)(1) Subject to regulations prescribed by the Assistant Secretary, an area agency on aging designated under section 305(a)(2)(A) or, in areas of a State where no such agency has been designated, the State agency, may enter into agreement with agencies administering programs under the Rehabilitation Act of 1973, and titles XIX and XX of the Social Security Act for the purpose of developing and implementing plans for meeting the common need for transportation services of individuals receiving benefits under such Acts and older individuals participating in programs authorized by this title.

[(2) In accordance with an agreement entered into under paragraph (1), funds appropriated under this title may be used to purchase transportation services for older individuals and may be pooled with funds made available for the provision of transportation services under the Rehabilitation Act of 1973, and titles XIX and XX of the Social Security Act.

[(d) An area agency on aging may not require any provider of legal assistance under this title to reveal any information that is protected by the attorney-client privilege.

[(e)(1) If the head of a State agency finds that an area agency on aging has failed to comply with Federal or State laws, including the area plan requirements of this section, regulations, or policies, the State may withhold a portion of the funds to the area agency on aging available under this title.

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

[(B) At a minimum, such procedures shall include procedures for—

[(i) providing notice of an action to withhold funds;

[(ii) providing documentation of the need for such action; and

[(iii) at the request of the area agency on aging, conducting a public hearing concerning the action.

[(3)(A) If a State agency withholds the funds, the State agency may use the funds withheld to directly administer programs under this title in the planning and service area served by the area agency on aging for a period not to exceed 180 days, except as provided in subparagraph (B).

[(B) If the State agency determines that the area agency on aging has not taken corrective action, or if the State agency does not approve the corrective action, during the 180-day period described in subparagraph (A), the State agency may extend the period for not more than 90 days.

【STATE PLANS

【SEC. 307. (a) Except as provided in the succeeding sentence and section 309(a), each State, in order to be eligible for grants from its allotment under this title for any fiscal year, shall submit to the Assistant Secretary a State plan for a two-, three-, or four-year period determined by the State agency, with such annual revisions as are necessary, which meets such criteria as the Assistant Secretary may by regulation prescribe. If the Assistant Secretary determines, in the discretion of the Assistant Secretary, that a State failed in 2 successive years to comply with the requirements under this title, then the State shall submit to the Assistant Secretary a State plan for a 1-year period that meets such criteria, for subsequent years until the Assistant Secretary determines that the State is in compliance with such requirements. Each such plan shall comply with all of the following requirements:

【(1) The plan shall contain assurances that the State plan will be based upon area plans developed by area agencies on aging within the State designated under section 305(a)(2)(A) and that the State will prepare and distribute a uniform format for use by area agencies on aging in developing area plans under section 306.

【(2) The plan shall provide that each area agency on aging designated under section 305(a)(2)(A) will develop and submit to the State agency for approval an area plan which complies with the provisions of section 306.

【(3)(A) The plan shall provide that the State agency will evaluate the need for supportive services (including legal assistance and transportation services), nutrition services, and multipurpose senior centers within the State and determine the extent to which existing public or private programs meet such need. To conduct the evaluation, the State agency shall use the procedures implemented under section 202(a)(29).

【(B) The plan shall provide assurances that the State agency will spend in each fiscal year, for services to older individuals residing in rural areas in the State assisted under this title, an amount equal to not less than 105 percent of the amount expended for such services (including amounts expended under title V and title VII) in fiscal year 1978.

【(4) The plan shall provide for the use of such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Assistant Secretary shall exercise no authority with respect to the selection, tenure of office, or com-

pensation of any individual employed in accordance with such methods) as are necessary for the proper and efficient administration of the plan, and, where necessary, provide for the reorganization and reassignment of functions to assure such efficient administration.

[(5) The plan shall provide that the State agency will afford an opportunity for a hearing upon request to any agency on aging submitting a plan under this title, to any provider of a service under such a plan, or to any applicant to provide a service under such a plan. The State agency shall establish and publish procedures for requesting and conducting such hearing.

[(6) The plan shall provide that the State agency will make such reports, in such form, and containing such information, as the Assistant Secretary may require, and comply with such requirements as the Assistant Secretary may impose to insure the correctness of such reports.

[(7)(A) The plan shall provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this title to the State, including any such funds paid to the recipients of a grant or contract.

[(B) The plan shall provide assurances that—

[(i) no individual (appointed or otherwise) involved in the designation of the State agency or an area agency on aging, or in the designation of the head of any subdivision of the State agency or of an area agency on aging, is subject to a conflict of interest prohibited under this Act;

[(ii) no officer, employee, or other representative of the State agency or an area agency on aging is subject to a conflict of interest prohibited under this Act; and

[(iii) mechanisms are in place to identify and remove conflicts of interest prohibited under this Act.

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

[(i) maintain the integrity and public purpose of services provided, and service providers, under the State plan in all contractual and commercial relationships;

[(ii) disclose to the Assistant Secretary—

[(I) the identity of each nongovernmental entity with which the State agency or area agency on aging has a contract or commercial relationship relating to providing any service to older individuals; and

[(II) the nature of such contract or such relationship;

[(iii) demonstrate that a loss or diminution in the quantity or quality of the services provided, or to be provided, under this Act by such agency has not resulted and will not result from such contract or such relationship;

[(iv) demonstrate that the quantity or quality of the services to be provided under the State plan will be enhanced as a result of such contract or such relationship; and

[(v) on the request of the Assistant Secretary, for the purpose of monitoring compliance with this Act (including conducting an audit), disclose all sources and expenditures of funds the State agency and area agency on aging receive or expend to provide services to older individuals.

[(8) The plan shall provide that the State agency will conduct periodic evaluations of, and public hearings on, activities and projects carried out under the State plan, including an evaluation of the effectiveness of the State agency in reaching older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority individuals. In conducting such evaluations and public hearings, the State agency shall solicit the views and experiences of entities that are knowledgeable about the needs and concerns of low-income minority older individuals.

[(9) The plan shall provide for establishing and maintaining information and assistance services in sufficient numbers to assure that all older individuals in the State who are not furnished adequate information and assistance services under section 306(a)(4) will have reasonably convenient access to such services.

[(10) The plan shall provide that no supportive services, nutrition services, or in-home services (as defined in section 342) will be directly provided by the State agency or an area agency on aging, except where, in the judgment of the State agency, provision of such services by the State agency or an area agency on aging is necessary to assure an adequate supply of such services, or where such services are directly related to such State or area agency on aging's administrative functions, or where such services of comparable quality can be provided more economically by such State or area agency on aging.

[(11) The plan shall provide that subject to the requirements of merit employment systems of State and local governments—

[(A) preference shall be given to older individuals; and

[(B) special consideration shall be given to individuals with formal training in the field of aging (including an educational specialty or emphasis in aging and a training degree or certificate in aging) or equivalent professional experience in the field of aging;

[(for any staff positions (full time or part time) in State and area agencies for which such individuals qualify.

[(12) The plan shall provide assurances that the State agency will carry out, through the Office of the State Long-Term Care Ombudsman, a State Long-Term Care Ombudsman program in accordance with section 712 and this title.

[(13) The plan shall provide with respect to nutrition services that—

[(A) each project providing nutrition services will be available to older individuals and to their spouses, and may be made available to handicapped or disabled individuals who have not attained 60 years of age but who reside in housing facilities occupied primarily by older individuals at which congregate nutrition services are provided;

[(B) primary consideration shall be given to the provision of meals in a congregate setting, except that each area agency on aging (i) may award funds made available under this title (other than under section 303(b)(3)) to organizations for the provision of home delivered meals to older individuals in accordance with the provisions of subpart 2 of part C, based upon a determination of need made by the recipient of a grant or contract entered into under this title, without requiring that such organizations also provide meals to older individuals in a congregate setting; and (ii) shall, in awarding such funds, select such organizations in a manner which complies with the provisions of subparagraph (H);

[(C)(i) each project will permit recipients of grants or contracts to solicit voluntary contributions for meals furnished in accordance with guidelines established by the Assistant Secretary, taking into consideration the income ranges of eligible individuals in local communities and other sources of income of the recipients of a grant or contract; and (ii) such voluntary contributions will be used to increase the number of meals served by the project involved, to facilitate access to such meals, and to provide other supportive services directly related to nutrition services;

[(D) in the case of meals served in a congregate setting, a site for such services and for comprehensive supportive services is furnished in as close proximity to the majority of eligible individuals' residences as feasible, with particular attention upon a multipurpose senior center, a school, a church, or other appropriate community facility, preferably within walking distance where possible, and where appropriate, transportation to such site is furnished;

[(E) each project will establish outreach activities which assure that the maximum number of eligible individuals may have an opportunity to participate;

[(F) each project will establish and administer the nutrition project with the advice of dietitians (or individuals with comparable expertise), persons competent in the field of service in which the nutrition project is being provided, older individuals who will participate in the program, and of persons who are knowledgeable with regard to the needs of older individuals;

[(G) each project will provide special menus, where feasible and appropriate to meet the particular dietary needs arising from the health requirements, religious requirements, or ethnic backgrounds of eligible individuals;

[(H) each area agency on aging will give consideration where feasible, in the furnishing of home delivered meals to the use of organizations which (i) have demonstrated an ability to provide home delivered meals efficiently and reasonably; and (ii) furnish assurances to the area agency on aging that such an organization will maintain efforts to solicit voluntary support and that the funds made available

under this title to the organization will not be used to supplant funds from non-Federal sources;

[(I) each area agency on aging shall establish procedures that will allow nutrition project administrators the option to offer a meal, on the same basis as meals are provided to participating older individuals, to individuals providing volunteer services during the meal hours, and to individuals with disabilities who reside at home with and accompany older individuals who are eligible under this Act;

[(J) each nutrition project shall provide nutrition education on at least a semiannual basis to participants in programs described in part C;

[(K) each project shall comply with applicable provisions of State or local laws regarding the safe and sanitary handling of food, equipment, and supplies used in the storage, preparation, service, and delivery of meals to an older individual;

[(L) the State agency will monitor, coordinate, and assist in the planning of nutritional services, with the advice of a dietitian or an individual with comparable expertise; and

[(M) the State agency will—

[(i) develop nonfinancial criteria for eligibility to receive nutrition services under section 336; and

[(ii) periodically evaluate recipients of such services to determine whether they continue to meet such criteria.

[(14) The plan shall provide, with respect to the acquisition (in fee simple or by lease for 10 years or more), alteration, or renovation of existing facilities (or the construction of new facilities in any area in which there are no suitable structures available, as determined by the State agency, after full consideration of the recommendations made by area agencies on aging, to be a focal point for the delivery of services assisted under this title) to serve as multipurpose senior centers, that—

[(A) the plan contains or is supported by reasonable assurances that (i) for not less than 10 years after acquisition, or not less than 20 years after the completion of construction, the facility will be used for the purpose for which it is to be acquired or constructed, unless for unusual circumstances the Assistant Secretary waives the requirement of this division; (ii) sufficient funds will be available to meet the non-Federal share of the cost of acquisition or construction of the facility; (iii) sufficient funds will be available when acquisition or construction is completed, for effective use of the facility for the purpose for which it is being acquired or constructed; and (iv) the facility will not be used and is not intended to be used for sectarian instruction or as a place for religious worship;

[(B) the plan contains or is supported by reasonable assurances that, in the case of purchase or construction, there are no existing facilities in the community suitable for leasing as a multipurpose senior center;

[(C) the plans and specifications for the facility are in accordance with regulations relating to minimum standards of construction, promulgated with particular emphasis on securing compliance with the requirements of the Act of August 12, 1968, commonly known as the Architectural Barriers Act of 1968;

[(D) the plan contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the facility will be paid wages at rates not less than those prevailing for similar work in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, commonly known as the Davis-Bacon Act), and the Secretary of Labor shall have, with respect to the labor standards specified in this subparagraph, the authority and functions set forth in reorganization plan numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c); and

[(E) the plan contains assurances that the State agency will consult with the Secretary of Housing and Urban Development with respect to the technical adequacy of any proposed alteration or renovation.

[(15) The plan shall provide that with respect to legal assistance—

[(A) the plan contains assurances that area agencies on aging will (i) enter into contracts with providers of legal assistance which can demonstrate the experience or capacity to deliver legal assistance; (ii) include in any such contract provisions to assure that any recipient of funds under division (i) will be subject to specific restrictions and regulations promulgated under the Legal Services Corporation Act (other than restrictions and regulations governing eligibility for legal assistance under such Act and governing membership of local governing boards) as determined appropriate by the Assistant Secretary; and (iii) attempt to involve the private bar in legal assistance activities authorized under this title, including groups within the private bar furnishing services to older individuals on a pro bono and reduced fee basis;

[(B) the plan contains assurances that no legal assistance will be furnished unless the grantee administers a program designed to provide legal assistance to older individuals with social or economic need and has agreed, if the grantee is not a Legal Services Corporation project grantee, to coordinate its services with existing Legal Services Corporation projects in the planning and service area in order to concentrate the use of funds provided under this title on individuals with the greatest such need; and the area agency on aging makes a finding, after assessment, pursuant to standards for service promulgated by the Assistant Secretary, that any grantee selected is the entity best able to provide the particular services;

[(C) the State agency will provide for the coordination of the furnishing of legal assistance to older individuals within the State, and provide advice and technical assistance in the provision of legal assistance to older individuals within the State and support the furnishing of training and technical assistance for legal assistance for older individuals;

[(D) the plan contains assurances, to the extent practicable, that legal assistance furnished under the plan will be in addition to any legal assistance for older individuals being furnished with funds from sources other than this Act and that reasonable efforts will be made to maintain existing levels of legal assistance for older individuals; and

[(E) the plan contains assurances that area agencies on aging will give priority to legal assistance related to income, health care, long-term care, nutrition, housing, utilities, protective services, defense of guardianship, abuse, neglect, and age discrimination.

[(16) The plan shall provide, whenever the State desires to provide for a fiscal year for services for the prevention of abuse of older individuals—

[(A) the plan contains assurances that any area agency on aging carrying out such services will conduct a program consistent with relevant State law and coordinated with existing State adult protective service activities for—

[(i) public education to identify and prevent abuse of older individuals;

[(ii) receipt of reports of abuse of older individuals;

[(iii) active participation of older individuals participating in programs under this Act through outreach, conferences, and referral of such individuals to other social service agencies or sources of assistance where appropriate and consented to by the parties to be referred; and

[(iv) referral of complaints to law enforcement or public protective service agencies where appropriate;

[(B) the State will not permit involuntary or coerced participation in the program of services described in this paragraph by alleged victims, abusers, or their households; and

[(C) all information gathered in the course of receiving reports and making referrals shall remain confidential unless all parties to the complaint consent in writing to the release of such information, except that such information may be released to a law enforcement or public protective service agency.

[(17) The plan shall provide assurances that each State will provide inservice training opportunities for personnel of agencies and programs funded under this Act.

[(18) The plan shall provide assurances that each State will assign personnel (one of whom shall be known as a legal assistance developer) to provide State leadership in developing legal assistance programs for older individuals throughout the State.

[(19) The plan shall provide, with respect to education and training services, assurances that area agencies on aging may enter into grants and contracts with providers of education and training services which can demonstrate the experience or capacity to provide such services (except that such contract authority shall be effective for any fiscal year only to such extent, or in such amounts, as are provided in appropriations Acts).

[(20) The plan shall provide assurances that, if a substantial number of the older individuals residing in any planning and service area in the State are of limited English-speaking ability, then the State will require the area agency on aging for each such planning and service area—

[(A) to utilize in the delivery of outreach services under section 306(a)(2)(A), the services of workers who are fluent in the language spoken by a predominant number of such older individuals who are of limited English-speaking ability; and

[(B) to designate an individual employed by the area agency on aging, or available to such area agency on aging on a full-time basis, whose responsibilities will include—

[(i) taking such action as may be appropriate to assure that counseling assistance is made available to such older individuals who are of limited English-speaking ability in order to assist such older individuals in participating in programs and receiving assistance under this Act; and

[(ii) providing guidance to individuals engaged in the delivery of supportive services under the area plan involved to enable such individuals to be aware of cultural sensitivities and to take into account effectively linguistic and cultural differences.

[(21) The plan shall provide assurances that the State agency, in carrying out the State Long-Term Care Ombudsman program under section 307(a)(12), will expend not less than the total amount expended by the agency in fiscal year 1991 in carrying out such a program under this title.

[(22) The plan shall specify a minimum percentage of the funds received by each area agency on aging for part B that will be expended, in the absence of the waiver granted under section 306(b)(1), by such area agency on aging to provide each of the categories of services specified in section 306(a)(2).

[(23) The plan shall, with respect to the fiscal year preceding the fiscal year for which such plan is prepared—

[(A) identify the number of low-income minority older individuals in the State; and

[(B) describe the methods used to satisfy the service needs of such minority older individuals.

[(24) The plan shall provide assurances that the State agency will require outreach efforts that will—

[(A) identify individuals eligible for assistance under this Act, with special emphasis on—

[(i) older individuals residing in rural areas;

[(ii) older individuals with greatest economic need (with particular attention to low-income minority individuals);

[(iii) older individuals with greatest social need (with particular attention to low-income minority individuals);

[(iv) older individuals with severe disabilities;

[(v) older individuals with limited English-speaking ability; and

[(vi) older individuals with Alzheimer's disease or related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals); and

[(B) inform the older individuals referred to in clauses (i) through (vi) of subparagraph (A), and the caretakers of such individuals, of the availability of such assistance.

[(25) The plan shall provide, with respect to the needs of older individuals with severe disabilities, assurances that the State will coordinate planning, identification, assessment of needs, and service for older individuals with disabilities with particular attention to individuals with severe disabilities with the State agencies with primary responsibility for individuals with disabilities, including severe disabilities, and develop collaborative programs, where appropriate, to meet the needs of older individuals with disabilities.

[(26) The plan shall provide assurances that area agencies on aging will conduct efforts to facilitate the coordination of community-based, long-term care services, pursuant to section 306(a)(6)(I), for older individuals who—

[(A) reside at home and are at risk of institutionalization because of limitations on their ability to function independently;

[(B) are patients in hospitals and are at risk of prolonged institutionalization; or

[(C) are patients in long-term care facilities, but who can return to their homes if community-based services are provided to them.

[(27) The plan shall provide assurances of consultation and coordination in planning and provision of in-home services under section 341 with State and local agencies and private nonprofit organizations which administer and provide services relating to health, social services, rehabilitation, and mental health services.

[(28) The plan shall provide assurances that if the State receives funds appropriated under section 303(e), the State agency and area agencies on aging will expend such funds to carry out part E.

[(29) The plan shall, with respect to the fiscal year preceding the fiscal year for which such plan is prepared, describe the methods used to satisfy the service needs of older individuals who reside in rural areas.

[(30) The plan shall include the assurances and description required by section 705(a).

[(31)(A) If 50 percent or more of the area plans in the State provide for an area volunteer services coordinator, as described in section 306(a)(12), the State plan shall provide for a State volunteer services coordinator, who shall—

[(i) encourage area agencies on aging to provide for area volunteer services coordinators;

[(ii) coordinate the volunteer services offered between the various area agencies on aging;

[(iii) encourage, organize, and promote the use of older individuals as volunteers to the State;

[(iv) provide technical assistance, which may include training, to area volunteer services coordinators; and

[(v) promote the recognition of the contribution made by volunteers to the programs administered under the State plan.

[(B) If fewer than 50 percent of the area plans in the State provide for an area volunteer services coordinator, the State plan may provide for the State volunteer services coordinator described in subparagraph (A).

[(32) The plan shall provide assurances that special efforts will be made to provide technical assistance to minority providers of services.

[(33) The plan—

[(A) shall include the statement and the demonstration required by paragraphs (2) and (4) of section 305(d); and

[(B) may not be approved unless the Assistant Secretary approves such statement and such demonstration.

[(34) The plan shall provide an assurance that the State agency will coordinate programs under this title and title VI, if applicable.

[(35) The plan shall—

[(A) provide an assurance that the State agency will pursue activities to increase access by older individuals who are Native Americans to all aging programs and benefits provided by the agency, including programs and benefits under this title, if applicable; and

[(B) specify the ways in which the State agency intends to implement the activities.

[(36) If case management services are offered to provide access to supportive services, the plan shall provide that the State agency shall ensure compliance with the requirements specified in section 306(a)(20).

[(37) The plan shall identify for each fiscal year, the actual and projected additional costs of providing services under this title, including the cost of providing access to such services, to older individuals residing in rural areas in the State (in accordance with a standard definition of rural areas specified by the Assistant Secretary).

[(38) The plan shall provide assurances that funds received under this title will not be used to pay any part of a cost (including an administrative cost) incurred by the State or an area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this title.

[(39) The plan shall provide assurances that preference in receiving services under this title will not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement this title.

[(40) The plan shall provide assurances that if the State receives funds appropriated under section 303(g) the State agency and area agencies on aging will expend such funds to carry out part G.

[(41) The plan shall provide assurances that demonstrable efforts will be made—

[(A) to coordinate services provided under this Act with other State services that benefit older individuals; and

[(B) to provide multigenerational activities, such as opportunities for older individuals to serve as mentors or advisers in child care, youth day care, educational assistance, at-risk youth intervention, juvenile delinquency treatment, and family support programs.

[(42) The plan shall provide assurances that the State will coordinate public services within the State to assist older individuals to obtain transportation services associated with access to services provided under this title, to services under title VI, to comprehensive counseling services, and to legal assistance.

[(43) The plan shall provide that the State agency shall issue guidelines applicable to grievance procedures required by section 306(a)(6)(P).

[(44) The plan shall include assurances that the State has in effect a mechanism to provide for quality in the provision of in-home services under this title.

[(b)(1) The Assistant Secretary shall approve any State plan which the Assistant Secretary finds fulfills the requirements of subsection (a), except the Assistant Secretary may not approve such plan unless the Assistant Secretary determines that the formula submitted under section 305(a)(2)(D) complies with the guidelines in effect under section 305(a)(2)(C).

[(2) The Assistant Secretary, in approving any State plan under this section, may waive the requirement described in paragraph (3)(B) of subsection (a) if the State agency demonstrates to the Assistant Secretary that the service needs of older individuals residing in rural areas in the State are being met, or that the number of older individuals residing in such rural areas is not sufficient to require the State agency to comply with such requirement.

[(c)(1) The Assistant Secretary shall not make a final determination disapproving any State plan, or any modification thereof, or make a final determination that a State is ineligible under section 305, without first affording the State reasonable notice and opportunity for a hearing.

[(2) Not later than 30 days after such final determination, a State dissatisfied with such final determination may appeal such final determination to the Secretary for review. If the State timely appeals such final determination in accordance with subsection (e)(1), the Secretary shall dismiss the appeal filed under this paragraph.

[(3) If the State is dissatisfied with the decision of the Secretary after review under paragraph (2), the State may appeal such decision not later than 30 days after such decision and in the manner described in subsection (e). For purposes of appellate review under the preceding sentence, a reference in subsection (e) to the Assistant Secretary shall be deemed to be a reference to the Secretary.

[(d) Whenever the Assistant Secretary, after reasonable notice and opportunity for a hearing to the State agency, finds that—

[(1) the State is not eligible under section 305,

[(2) the State plan has been so changed that it no longer complies substantially with the provisions of subsection (a), or

[(3) in the administration of the plan there is a failure to comply substantially with any such provision of subsection (a), the Assistant Secretary shall notify such State agency that no further payments from its allotments under section 304 and section 308 will be made to the State (or, in the Assistant Secretary's discretion, that further payments to the State will be limited to projects under or portions of the State plan not affected by such failure), until the Assistant Secretary is satisfied that there will no longer be any failure to comply. Until the Assistant Secretary is so satisfied, no further payments shall be made to such State from its allotments under section 304 and section 308 (or payments shall be limited to projects under or portions of the State plan not affected by such failure). The Assistant Secretary shall, in accordance with regulations the Assistant Secretary shall prescribe, disburse the funds so withheld directly to any public or nonprofit private organization or agency or political subdivision of such State submitting an approved plan in accordance with the provisions of this section. Any such payment shall be matched in the proportions specified in section 304.

[(e)(1) A State which is dissatisfied with a final action of the Assistant Secretary under subsection (b), (c), or (d) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within 30 days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Assistant Secretary, or any officer designated by the Assistant Secretary for such purpose. The Assistant Secretary thereupon shall file in the court the record of the proceedings on which the Assistant Secretary's action is based, as provided in section 2112 of title 28, United States Code.

[(2) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Assistant Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Assistant Secretary may modify or set aside the Assistant Secretary's order. The findings of the Assistant Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown may remand the case to the Assistant Secretary to take further evidence, and the Assistant Secretary shall, within 30 days, file in the court the record of those further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Assistant Secretary shall be final, subject to review by the Supreme Court of the United States

upon certiorari or certification as provided in section 1254 of title 28, United States Code.

[(3) The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Assistant Secretary's action.

[(f)(1) Neither a State, nor a State agency, may require any provider of legal assistance under this title to reveal any information that is protected by the attorney-client privilege.

[(2) Information disclosed under section 306(a)(14)(B)(i) or subsection (a)(7)(C)(ii)(I) may be disclosed to the public by the State agency or the State only if such information could be disclosed under section 552 of title 5, United States Code, by an agency of the United States.

[PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF
STATE PLANS

[SEC. 308. (a)(1) Amounts available to States under subsection (b)(1) may be used to make grants to States for paying such percentages as each State agency determines, but not more than 75 percent, of the cost of the administration of its State plan, including the preparation of the State plan, the evaluation of activities carried out under such plan, the collection of data and the carrying out of analyses related to the need for supportive services, nutrition services, and multipurpose senior centers within the State, and dissemination of information so obtained, the provision of short-term training to personnel of public or nonprofit private agencies and organizations engaged in the operation of programs authorized by this Act, and the carrying out of demonstration projects of statewide significance relating to the initiation, expansion, or improvement of services assisted under this title.

[(2) Any sums available to a State under subsection (b)(1) for part of the cost of the administration of its State plan which the State determines is not needed for such purposes may be used by the State to supplement the amount available under section 304(d)(1)(A) to cover part of the cost of the administration of area plans.

[(3) Any State which has been designated a single planning and service area under section 305(a)(1)(E) covering all, or substantially all, of the older individuals in such State, as determined by the Assistant Secretary, may elect to pay part of the costs of the administration of State and area plans either out of sums received under this section or out of sums made available for the administration of area plans under section 304(d)(1)(A), but shall not pay such costs out of sums received or allotted under both such sections.

[(b)(1) If for any fiscal year the aggregate amount appropriated under section 303 does not exceed \$800,000,000, then—

[(A) except as provided in clause (ii), the greater of 5 percent of the allotment to a State under section 304(a)(1) or \$300,000; and

[(B) in the case of Guam, American Samoa, the United States Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands, the greater of 5 percent of such allotment or \$75,000;

shall be available to such State to carry out the purposes of this section.

[(2) If for any fiscal year the aggregate amount appropriated under section 303 exceeds \$800,000,000, then—

[(A) except as provided in clause (ii), the greater of 5 percent of the allotment to a State under section 304(a)(1) or \$500,000; and

[(B) in the case of Guam, American Samoa, the United States Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands, the greater of 5 percent of such allotment or \$100,000; shall be available to such State to carry out the purposes of this section.

[(3)(A) If the aggregate amount appropriated under section 303 for a fiscal year does not exceed \$800,000,000, then any State which desires to receive amounts, in addition to amounts allotted to such State under paragraph (1), to be used in the administration of its State plan in accordance with subsection (a) may transmit an application to the Assistant Secretary in accordance with this paragraph. Any such application shall be transmitted in such form, and according to such procedures, as the Assistant Secretary may require, except that such application may not be made as part of, or as an amendment to, the State plan.

[(B) The Assistant Secretary may approve any application transmitted by a State under subparagraph (A) if the Assistant Secretary determines, based upon a particularized showing of need that—

[(i) the State will be unable to fully and effectively administer its State plan and to carry out programs and projects authorized by this title unless such additional amounts are made available by the Assistant Secretary;

[(ii) the State is making full and effective use of its allotment under paragraph (1) and of the personnel of the State agency and area agencies designated under section 305(a)(2)(A) in the administration of its State plan in accordance with subsection (a); and

[(iii) the State agency and area agencies on aging of such State are carrying out, on a full-time basis, programs and activities which are in furtherance of the objectives of this Act.

[(C) The Assistant Secretary may approve that portion of the amount requested by a State in its application under subparagraph (A) which the Assistant Secretary determines has been justified in such application.

[(D) Amounts which any State may receive in any fiscal year under this paragraph may not exceed three-fourths of 1 percent of the sum of the amounts allotted under section 304(a) to such State to carry out the State plan for such fiscal year.

[(E) No application by a State under subparagraph (A) shall be approved unless it contains assurances that no amounts received by the State under this paragraph will be used to hire any individual to fill a job opening created by the action of the State in laying off or terminating the employment of any regular employee not supported under this Act in anticipation of filling the vacancy so

created by hiring an employee to be supported through use of amounts received under this paragraph.

[(4)(A) Notwithstanding any other provision of this title and except as provided in subparagraph (B), with respect to funds received by a State and attributable to funds appropriated under paragraph (1) or (2) of section 303(b), the State may elect in its plan under section 307(a)(13) regarding part C of this title, to transfer not more than 30 percent of the funds so received between subpart 1 and subpart 2 of part C, for use as the State considers appropriate to meet the needs of the area served. The Assistant Secretary shall approve any such transfer unless the Assistant Secretary determines that such transfer is not consistent with the objectives of this Act.

[(B) If a State demonstrates, to the satisfaction of the Assistant Secretary, that funds received by the State and attributable to funds appropriated under paragraph (1) or (2) of section 303(b), including funds transferred under subparagraph (A) without regard to this subparagraph, for fiscal year 1993, 1994, 1995, or 1996 are insufficient to satisfy the need for services under subpart 1 or subpart 2 of part C, then the Assistant Secretary may grant a waiver that permits the State to transfer under subparagraph (A) to satisfy such need—

[(i) an additional 18 percent of the funds so received for fiscal year 1993;

[(ii) an additional 15 percent of the funds so received for each of the fiscal years 1994 and 1995; and

[(iii) an additional 10 percent of the funds so received for fiscal year 1996.

[(5)(A) Notwithstanding any other provision of this title and except as provided in subparagraph (B), of the funds received by a State attributable to funds appropriated under subsection (a)(1), and paragraphs (1) and (2) of subsection (b), of section 303, the State may elect to transfer not more than 30 percent for fiscal year 1993, not more than 25 percent for fiscal year 1994, not more than 25 percent for fiscal year 1995, and not more than 20 percent for fiscal year 1996, between programs under part B and part C, for use as the State considers appropriate. The State shall notify the Assistant Secretary of any such election.

[(B)(i) If a State demonstrates, to the satisfaction of the Assistant Secretary, that funds received by the State and attributable to funds appropriated under part B or part C (including funds transferred under subparagraph (A) without regard to this subparagraph) for fiscal year 1994 or 1995 are insufficient to satisfy the need for services under such part, then the Assistant Secretary may grant a waiver that permits the State to transfer under subparagraph (A) to satisfy such need an additional 5 percent of the funds so received for such fiscal year.

[(ii) If a State demonstrates, to the satisfaction of the Assistant Secretary, that funds received by the State and attributable to funds appropriated under part B or part C (including funds transferred under subparagraph (A) without regard to this subparagraph) for fiscal year 1996 are insufficient to satisfy the need for services under such part, then the Assistant Secretary may grant a waiver that permits the State to transfer under subparagraph (A)

to satisfy such need an additional 8 percent of the funds so received for such fiscal year.

[(C) At a minimum, the application described in subparagraph (A) shall include a description of the amount to be transferred, the purposes of the transfer, the need for the transfer, and the impact of the transfer on the provision of services from which the funding will be transferred. The Assistant Secretary shall approve or deny the application in writing.

[(6) A State agency may not delegate to an area agency on aging or any other entity the authority to make a transfer under paragraph (4)(A) or (5)(A).

[(7) The Assistant Secretary shall annually collect, and include in the report required by section 207(a), data regarding the transfers described in paragraphs (4)(A) and (5)(A), including—

[(A) the amount of funds involved in the transfers, analyzed by State;

[(B) the rationales for the transfers;

[(C) in the case of transfers described in paragraphs (4)(A) and (5)(A), the effect of the transfers of the provision of services, including the effect on the number of meals served, under—

[(i) subpart 1 of part C; and

[(ii) subpart 2 of part C; and

[(D) in the case of transfers described in paragraph (5)(A)—

[(i) in the case of transfers to part B, information on the supportive services, or services provided through senior centers, for which the transfers were used; and

[(ii) the effect of the transfers on the provision of services provided under—

[(I) part B; and

[(II) part C, including the effect on the number of meals served.

[(c) The amounts of any State's allotment under subsection (b) for any fiscal year which the Assistant Secretary determines will not be required for that year for the purposes described in subsection (a)(1) shall be available to provide services under part B or part C, or both, in the State.

[(PAYMENTS

[(SEC. 309. (a) Payments of grants or contracts under this title may be made (after necessary adjustments resulting from previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Assistant Secretary may determine. From a State's allotment for a fiscal year which is available under section 308 the Assistant Secretary may pay to a State which does not have a State plan approved under section 307 such amounts as the Assistant Secretary deems appropriate for the purpose of assisting such State in developing a State plan.

[(b)(1) For each fiscal year, not less than 25 percent of the non-Federal share of the total expenditures under the State plan which is required by section 304(d) shall be met from funds from State or local public sources.

[(2) Funds required to meet the non-Federal share required by section 304(d)(1)(D), in amounts exceeding the non-Federal share required prior to fiscal year 1981, shall be from State sources.

[(c) A State's allotment under section 304 for a fiscal year shall be reduced by the percentage (if any) by which its expenditures for such year from State sources under its State plan approved under section 307 are less than its average annual expenditures from such sources for the period of 3 fiscal years preceding such year.

[DISASTER RELIEF REIMBURSEMENTS

[SEC. 310. (a)(1) The Assistant Secretary may provide reimbursements to any State, upon application for such reimbursement, for funds such State makes available to area agencies on aging in such State for the delivery of supportive services (and related supplies) during any major disaster declared by the President in accordance with the Robert T. Stafford Relief and Emergency Assistance Act.

[(2) Total payments to all States under paragraph (1) in any fiscal year shall not exceed 2 percent of the total amount appropriated and available to carry out title IV.

[(3) If the Assistant Secretary decides, in the 5-day period beginning on the date such disaster is declared by the President, to provide an amount of reimbursement under paragraph (1) to a State, then the Assistant Secretary shall provide not less than 75 percent of such amount to such State not later than 5 days after the date of such decision.

[(b)(1) At the beginning of each fiscal year the Assistant Secretary shall set aside, for payment to States under subsection (a), an amount equal to 2 percent of the total amount appropriated and available to carry out title IV.

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

[(c) Nothing in this section shall be construed to prohibit expenditures by States for disaster relief for older individuals in excess of amounts reimbursable under this section, by using funds made available to them under other sections of this Act or under other provisions of Federal or State law, or from private sources.

[AVAILABILITY OF SURPLUS COMMODITIES

[SEC. 311. (a)(1) Agricultural commodities and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be donated to a recipient of a grant or contract to be used for providing nutrition services in accordance with the provisions of this title.

[(2) The Commodities Credit Corporation shall dispose of food commodities under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) by donating them to a recipient of a grant or contract to be used for providing nutrition services in accordance with the provisions of this title.

[(3) Dairy products purchased by the Secretary of Agriculture under section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a-1) shall be used to meet the requirements of programs pro-

viding nutrition services in accordance with the provisions of this title.

[(4)(A) Subject to the authorization of appropriations specified in subsection (c), in donating commodities under this subsection, the Secretary of Agriculture shall maintain—

[(i) for fiscal year 1992, a level of assistance equal to the greater of—

[(I) a per meal rate equal to the amount appropriated under subsection (c) for fiscal year 1992, divided by the number of meals served in the preceding fiscal year; or

[(II) 61 cents per meal; and

[(ii) for fiscal year 1993 and each subsequent fiscal year, an annually programmed level of assistance equal to the greater of—

[(I) a per meal rate equal to the amount appropriated under subsection (c) for the fiscal year, divided by the number of meals served in the preceding fiscal year; or

[(II) 61 cents per meal, adjusted in accordance with changes in the series for food away from home, of the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor, based on the 12-month period ending on July 1 of the preceding year.

[(B) Among the commodities delivered under this subsection, the Secretary shall give special emphasis to high protein foods, meat, and meat alternates. The Secretary of Agriculture, in consultation with the Assistant Secretary for Aging, is authorized to prescribe the terms and conditions respecting the donating of commodities under this subsection.

[(b)(1) Notwithstanding any other provision of law, a State may, for purposes of the programs authorized by this Act, elect to receive cash payments in lieu of donated foods for all or any portion of its project. In any case in which a State makes such an election, the Secretary of Agriculture shall make cash payments to such State in an amount equivalent in value to the donated foods which the State otherwise would have received if such State had retained its commodity distribution.

[(2) When such payments are made, the State agency shall promptly and equitably disburse any cash it receives in lieu of commodities to recipients of grants or contracts. Such disbursements shall only be used by such recipients of grants or contracts to purchase United States agricultural commodities and other foods for their nutrition projects.

[(3) Nothing in this subsection shall be construed to authorize the Secretary of Agriculture to require any State to elect to receive cash payments under this subsection.

[(c)(1)(A) There are authorized to be appropriated \$250,000,000 for fiscal year 1992, \$310,000,000 for fiscal year 1993, \$380,000,000 for fiscal year 1994, and \$460,000,000 for fiscal year 1995, to carry out the provisions of this section (other than subsection (a)(1)).

[(B) Effective on the first day of the first month beginning after the date of enactment of the Older Americans Act Amendments of 1984, no State may receive reimbursement under the provisions of this section unless the State submits final reimbursement claims

for meals within 90 days after the last day of the quarter for which the reimbursement is claimed.

[(2)(A) Except as provided in subparagraph (B), in any fiscal year in which compliance with subsection (a)(4) of this section costs more than the amounts authorized under paragraph (1) of this subsection for that fiscal year the Secretary of Agriculture shall reduce the cents per meal level determined pursuant to subsection (a)(4) for that fiscal year as necessary to meet the authorization of appropriations for that fiscal year.

[(B) In each fiscal year, the final reimbursement claims shall be adjusted to use the full amount appropriated under this subsection for the fiscal year.

[(d) In each fiscal year, the Secretary of Agriculture and the Secretary of Health and Human Services shall jointly disseminate to State agencies, area agencies on aging, and providers of nutrition services assisted under this title, information concerning—

[(1) the existence of any Federal commodity processing program in which such State agencies, area agencies on aging, and providers may be eligible to participate; and

[(2) the procedures to be followed to participate in the program.

[MULTIPURPOSE SENIOR CENTERS: RECAPTURE OF PAYMENTS

[SEC. 312. If, within 10 years after acquisition, or within 20 years after the completion of construction, of any facility for which funds have been paid under this title—

[(1) the owner of the facility ceases to be a public or non-profit private agency or organization; or

[(2) the facility ceases to be used for the purposes for which it was acquired (unless the Assistant Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so);

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

AUDIT

[SEC. 313. (a) The Assistant Secretary and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to a grant or contract received under this title.

[(b) State agencies and area agencies on aging shall not request information or data from providers which is not pertinent to services furnished pursuant to this Act or a payment made for such services.

[SEC. 314. RIGHTS RELATING TO IN-HOME SERVICES FOR FRAIL OLDER INDIVIDUALS.

[The Assistant Secretary shall require entities that provide in-home services under this title to promote the rights of each older individual who receives such services. Such rights include the following:

[(1) The right—

[(A) to be fully informed in advance about each in-home service provided by such entity under this title and about any change in such service that may affect the well-being of such individual; and

[(B) to participate in planning and changing an in-home service provided under this title by such entity unless such individual is judicially adjudged incompetent.

[(2) The right to voice a grievance with respect to such service that is or fails to be so provided, without discrimination or reprisal as a result of voicing such grievance.

[(3) The right to confidentiality of records relating to such individual.

[(4) The right to have the property of such individual treated with respect.

[(5) The right to be fully informed (orally and in writing), in advance of receiving an in-home service under this title, of such individual's rights and obligations under this title.

[PART B—SUPPORTIVE SERVICES AND SENIOR CENTERS

[PROGRAM AUTHORIZED

[SEC. 321. (a) The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 307 for any of the following supportive services:

[(1) health (including mental health), education and training, welfare, informational, recreational, homemaker, counseling, or referral services;

[(2) transportation services to facilitate access to supportive services or nutrition services, or both;

[(3) services designed to encourage and assist older individuals to use the facilities and services (including information and assistance services) available to them, including language translation services to assist older individuals with limited-English speaking ability to obtain services under this title;

[(4) services designed (A) to assist older individuals to obtain adequate housing, including residential repair and renovation projects designed to enable older individuals to maintain their homes in conformity with minimum housing standards; (B) to adapt homes to meet the needs of older individuals who have physical disabilities; (C) to prevent unlawful entry into residences of older individuals, through the installation of security devices and through structural modifications or alterations of such residences; or (D) to receive applications from older individuals for housing under section 202 of the Housing Act of 1959 (12 U.S.C. 1701Q);

[(5) services designed to assist older individuals in avoiding institutionalization and to assist individuals in long-term care

institutions who are able to return to their communities, including client assessment through case management and integration and coordination of community services such as preinstitution evaluation and screening and home health services, homemaker services, shopping services, escort services, reader services, and letter writing services, through resource development and management to assist such individuals to live independently in a home environment;

[(6) services designed to provide to older individuals legal assistance and other counseling services and assistance, including—

[(A) tax counseling and assistance, financial counseling, and counseling regarding appropriate health and life insurance coverage;

[(B) representation—

[(i) of individuals who are wards (or are allegedly incapacitated); and

[(ii) in guardianship proceedings of older individuals who seek to become guardians, if other adequate representation is unavailable in the proceedings; and

[(C) provision, to older individuals who provide uncompensated care to their adult children with disabilities, of counseling to assist such older individuals with permanency planning for such children;

[(7) services designed to enable older individuals to attain and maintain physical and mental well-being through programs of regular physical activity, exercise, music therapy, art therapy, and dance-movement therapy;

[(8) services designed to provide health screening to detect or prevent illnesses, or both, that occur most frequently in older individuals;

[(9) services designed to provide, for older individuals, pre-retirement counseling and assistance in planning for and assessing future post-retirement needs with regard to public and private insurance, public benefits, lifestyle changes, relocation, legal matters, leisure time, and other appropriate matters;

[(10) services of an ombudsman at the State level to receive, investigate, and act on complaints by older individuals who are residents of long-term care facilities and to advocate for the well-being of such individuals;

[(11) services which are designed to meet the unique needs of older individuals who are disabled, and of older individuals who provide uncompensated care to their adult children with disabilities;

[(12) services to encourage the employment of older workers, including job and second career counseling and, where appropriate, job development, referral, and placement;

[(13) crime prevention services and victim assistance programs for older individuals;

[(14) a program, to be known as “Senior Opportunities and Services”, designed to identify and meet the needs of low-income older individuals in one or more of the following areas: (A) development and provision of new volunteer services; (B) effective referral to existing health, employment, housing,

legal, consumer, transportation, and other services; (C) stimulation and creation of additional services and programs to remedy gaps and deficiencies in presently existing services and programs; and (D) such other services as the Assistant Secretary may determine are necessary or especially appropriate to meet the needs of low-income older individuals and to assure them greater self-sufficiency;

[(15) services for the prevention of abuse of older individuals in accordance with chapter 3 of subtitle A of title VII and section 307(a)(16);

[(16) inservice training and State leadership for legal assistance activities;

[(17) health and nutrition education services, including information concerning prevention, diagnosis, treatment, and rehabilitation of age-related diseases and chronic disabling conditions;

[(18) services designed to enable mentally impaired older individuals to attain and maintain emotional well-being and independent living through a coordinated system of support services;

[(19) services designed to support family members and other persons providing voluntary care to older individuals that need long-term care services;

[(20) services designed to provide information and training for individuals who are or may become guardians or representative payees of older individuals, including information on the powers and duties of guardians and representative payees and on alternatives to guardianships;

[(21) services to encourage and facilitate regular interaction between school-age children and older individuals, including visits in long-term care facilities, multipurpose senior centers, and other settings; or

[(22) any other services;

if such services meet standards prescribed by the Assistant Secretary and are necessary for the general welfare of older individuals. For purposes of paragraph (5), the term "client assessment through case management" includes providing information relating to assistive technology.

[(b)(1) The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 307 for the acquisition, alteration, or renovation of existing facilities, including mobile units, and, where appropriate, construction of facilities to serve as multipurpose senior centers.

[(2) Funds made available to a State under this part may be used for the purpose of assisting in the operation of multipurpose senior centers and meeting all or part of the costs of compensating professional and technical personnel required for the operation of multipurpose senior centers.

【PART C—NUTRITION SERVICE

【Subpart 1—Congregate Nutrition Services

【PROGRAM AUTHORIZED

【SEC. 331. The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 307 for the establishment and operation of nutrition projects—

【(1) which, 5 or more days a week (except in a rural area where such frequency is not feasible (as defined by the Assistant Secretary by regulation) and a lesser frequency is approved by the State agency), provide at least one hot or other appropriate meal per day and any additional meals which the recipient of a grant or contract under this subpart may elect to provide;

【(2) which shall be provided in congregate settings; and

【(3) which may include nutrition education services and other appropriate nutrition services for older individuals.

【Subpart 2—Home Delivered Nutrition Services

【PROGRAM AUTHORIZED

【SEC. 336. The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 307 for the establishment and operation of nutrition projects for older individuals which, 5 or more days a week (except in a rural area where such frequency is not feasible (as defined by the Assistant Secretary by regulation) and a lesser frequency is approved by the State agency), provide at least one home delivered hot, cold, frozen, dried, canned, or supplemental foods (with a satisfactory storage life) meal per day and any additional meals which the recipient of a grant or contract under this subpart may elect to provide.

【CRITERIA

【SEC. 337. The Assistant Secretary, in consultation with organizations of and for the aged, blind, and disabled, and with representatives from the American Dietetic Association, the Dietary Managers Association, the National Association of Area Agencies on Aging, the National Association of Nutrition and Aging Services Programs, the National Association of Meals Programs, Incorporated, and any other appropriate group, shall develop minimum criteria of efficiency and quality for the furnishing of home delivered meal services for projects described in section 336. The criteria required by this section shall take into account the ability of established home delivered meals programs to continue such services without major alteration in the furnishing of such services.

【Subpart 3—School-Based Meals for Volunteer Older Individuals
and Multigenerational Programs

【SEC. 338. ESTABLISHMENT.

【(a) IN GENERAL.—The Assistant Secretary shall establish and carry out, under State plans approved under section 307, a pro-

gram for making grants to States to pay for the Federal share of establishing and operating projects in public elementary and secondary schools (including elementary and secondary schools for Indian children operated with Federal assistance, or operated by the Department of the Interior, and referred to in section 1005(d)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711(d)(2)) that—

[(1) provide hot meals, each of which ensures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences, to volunteer older individuals—

[(A) while such schools are in session;

[(B) during the summer; and

[(C) unless waived by the State involved, on the weekdays in the school year when such schools are not in session;

[(2) provide multigenerational activities in which volunteer older individuals and students interact;

[(3) provide social and recreational activities for volunteer older individuals;

[(4) develop skill banks that maintain and make available to school officials information on the skills and preferred activities of volunteer older individuals, for purposes of providing opportunities for such individuals to serve as tutors, teacher aides, living historians, special speakers, playground supervisors, lunchroom assistants, and in other roles; and

[(5) provide opportunities for volunteer older individuals to participate in school activities (such as classes, dramatic programs, and assemblies) and use school facilities.

[(b) FEDERAL SHARE.—The Federal share of the cost of establishing and operating nutrition and multigenerational activities projects under this subpart shall be 85 percent.

[(SEC. 338A. APPLICATION AND SELECTION OF PROVIDERS.

[(a) CONTENTS OF APPLICATION.—To be eligible to carry out a project under the program established under this subpart, an entity shall submit an application to a State agency. Such application shall include—

[(1) a plan describing the project proposed by the applicant and comments on such plan from the appropriate area agency on aging and the appropriate local educational agency (as defined in section 14101 of the Elementary and Secondary Education Act of 1965);

[(2) an assurance that the entity shall pay not more than 85 percent of the cost of carrying out such project from funds awarded under this subpart;

[(3) an assurance that the entity shall pay not less than 15 percent of such cost, in cash or in kind, from non-Federal sources;

[(4) information demonstrating the need for such project, including a description of—

[(A) the nutrition services and other services currently provided under this part in the geographic area to be served by such project; and

[(B) the manner in which the project will be coordinated with such services; and

[(5) such other information and assurances as the Assistant Secretary may require by regulation.

[(b) SELECTION AMONG APPLICANTS.—In selecting grant recipients from among entities that submit applications under subsection (a) for a fiscal year, the State agency shall—

[(1) give first priority to entities that carried out a project under this subpart in the preceding fiscal year;

[(2) give second priority to entities that carried out a nutrition project under subpart 1 or title VI in the preceding fiscal year; and

[(3) give third priority to entities whose applications include a plan that involves a school with greatest need (as measured by the dropout rate, the level of substance abuse, and the number of children who have limited-English proficiency or who participate in programs under section 1114 of the Elementary and Secondary Education Act of 1965).

[SEC. 338B. REPORTS.

[(a) REPORTS BY STATES.—Not later than 60 days after the end of a fiscal year for which a State receives a grant under this subpart, such State shall submit to the Assistant Secretary a report evaluating the projects carried out under this subpart by such State in such fiscal year. Such report shall include for each project—

[(1) a description of—

[(A) persons served;

[(B) multigenerational activities carried out; and

[(C) additional needs of volunteer older individuals and students; and

[(2) recommendations for any appropriate modifications to satisfy the needs described in paragraph (1)(C).

[(b) REPORTS BY ASSISTANT SECRETARY.—Not later than 120 days after the end of a fiscal year for which funds are appropriated to carry out this subpart, the Assistant Secretary shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report summarizing, with respect to each State, the reports submitted under subsection (a) for such fiscal year.

[Subpart 4—General Provisions

[SEC. 339. COMPLIANCE WITH DIETARY GUIDELINES.

[A State that establishes and operates a nutrition project under this part shall ensure that the meals provided through the project—

[(1) comply with the Dietary Guidelines for Americans, published by the Secretary and the Secretary of Agriculture; and

[(2) provide to each participating older individual—

[(A) a minimum of 33 $\frac{1}{3}$ percent of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences, if the project provides 1 meal per day;

[(B) a minimum of 66 $\frac{2}{3}$ percent of the allowances if the project provides 2 meals per day; and

[(C) 100 percent of the allowances if the project provides 3 meals per day.

[SEC. 339A. PAYMENT REQUIREMENT.

[Payments made by a State agency or an area agency on aging for nutrition services (including meals) provided under part A, B, or C may not be reduced to reflect any increase in the level of assistance provided under section 311.

**[PART D—IN-HOME SERVICES FOR FRAIL OLDER INDIVIDUALS
PROGRAM AUTHORIZED**

[SEC. 341. (a) The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 307 to provide in-home services to frail older individuals, including in-home supportive services for older individuals who are victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction, and to the families of such victims.

[(b) In carrying out the provisions of this part, each area agency on aging shall coordinate with other community agencies and voluntary organizations providing counseling and training for family caretakers and support service personnel in management of care, functional and needs assessment services, assistance with locating, arranging for, and coordinating services, case management, and counseling prior to admission to nursing home to prevent premature institutionalization.

DEFINITION OF IN-HOME SERVICES

[SEC. 342. For purposes of this part, the term "in-home services" includes—

[(1) homemaker and home health aides;

[(2) visiting and telephone reassurance;

[(3) chore maintenance;

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

[(5) minor modification of homes that is necessary to facilitate the ability of older individuals to remain at home and that is not available under other programs, except that not more than \$150 per client may be expended under this part for such modification;

[(6) personal care services; and

[(7) other in-home services as defined—

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

[(B) by the area agency on aging in the area plan submitted in accordance with section 306.

STATE CRITERIA

[SEC. 343. The State agency shall develop eligibility criteria for providing in-home services to frail older individuals which shall take into account—

- [(1) age;
- [(2) greatest economic need;
- [(3) noneconomic factors contributing to the frail condition;
- and
- [(4) noneconomic and nonhealth factors contributing to the need for such services.

MAINTENANCE OF EFFORT

[SEC. 344. Funds made available under this part shall be in addition to, and may not be used to supplant, any funds that are or would otherwise be expended under any Federal, State, or local law by a State or unit of general purpose local government (including area agencies on aging which have in their planning and services areas existing services which primarily serve older individuals who are victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction, and the families of such victims).

[PART E—ADDITIONAL ASSISTANCE FOR SPECIAL NEEDS OF OLDER INDIVIDUALS

PROGRAM AUTHORIZED

[SEC. 351. The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 307 to provide services, consistent with the purpose of this title, designed to satisfy special needs of older individuals. Such services include—

- [(1) transportation associated with services provided under this title;
- [(2) outreach regarding such services;
- [(3) targeting such services to older individuals with greatest economic need or greatest social need;
- [(4) services under the ombudsman program established under titles III and VII in accordance with section 712; and
- [(5) any other service under this title—
 - [(A) for which the State demonstrates to satisfaction of the Assistant Secretary that there is unmet need; and
 - [(B) which is appropriate to improve the quality of life of older individuals, particularly those with greatest economic need and those with greatest social need.

[PART F—DISEASE PREVENTION AND HEALTH PROMOTION SERVICES

PROGRAM AUTHORIZED

[SEC. 361. (a) The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 307 to provide disease prevention and health promotion services and information at multipurpose senior centers, at congregate meal sites, through home delivered meals programs, or at other appropriate sites. In carrying out such program, the Assistant Secretary shall consult with the Directors of the Centers for Disease Control and Prevention and the National Institute on Aging.

[(b) The Assistant Secretary shall, to the extent possible, assure that services provided by other community organizations and agencies are used to carry out the provisions of this part.

DISTRIBUTION TO AREA AGENCIES ON AGING

[SEC. 362. The State agency shall give priority, in carrying out this part, to areas of the State—

[(1) which are medically underserved; and

[(2) in which there are a large number of older individuals who have the greatest economic need for such services.

[SEC. 363. DEFINITION.

[As used in this part, the term “disease prevention and health promotion services” means—

[(1) health risk assessments;

[(2) routine health screening, which may include hypertension, glaucoma, cholesterol, cancer, vision, hearing, diabetes, and nutrition screening;

[(3) nutritional counseling and educational services for individuals and their primary caregivers;

[(4) health promotion programs, including programs relating to chronic disabling conditions (including osteoporosis and cardiovascular disease) prevention and reduction of effects, alcohol and substance abuse reduction, smoking cessation, weight loss and control, and stress management;

[(5) programs regarding physical fitness, group exercise, and music, art, and dance-movement therapy, including programs for multigenerational participation that are provided by—

[(A) an institution of higher education;

[(B) a local educational agency, as defined in section 14101 of the Elementary and Secondary Education Act of 1965; or

[(C) a community-based organization;

[(6) home injury control services, including screening of high-risk home environments and provision of educational programs on injury prevention (including fall and fracture prevention) in the home environment;

[(7) screening for the prevention of depression, coordination of community mental health services, provision of educational activities, and referral to psychiatric and psychological services;

[(8) educational programs on the availability, benefits, and appropriate use of preventive health services covered under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

[(9) medication management screening and education to prevent incorrect medication and adverse drug reactions;

[(10) information concerning diagnosis, prevention, treatment, and rehabilitation of age-related diseases and chronic disabling conditions, including osteoporosis, cardiovascular diseases, and Alzheimer’s disease and related disorders with neurological and organic brain dysfunction;

[(11) gerontological counseling; and

[(12) counseling regarding social services and followup health services based on any of the services described in paragraphs (1) through (11).

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

[PART G—SUPPORTIVE ACTIVITIES FOR CARETAKERS WHO PROVIDE IN-HOME SERVICES TO FRAIL OLDER INDIVIDUALS

[SEC. 381. PROGRAM AUTHORIZED.

[The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 307 to carry out a program to provide supportive activities for caretakers who provide in-home services to frail older individuals (including older individuals who are victims of Alzheimer’s disease or related disorders with neurological and organic brain dysfunction). Such supportive activities may include—

- [(1) providing training and counseling for such caretakers;
- [(2) technical assistance to such caretakers to assist them to form or to participate in support groups;
- [(3) providing information—
 - [(A) to frail older individuals and their families regarding how to obtain in-home services and respite services; and
 - [(B) to caretakers who provide such services, regarding—
 - [(i) how to provide such services; and
 - [(ii) sources of nonfinancial support available to them as a result of their providing such services; and
- [(4) maintaining lists of individuals who provide respite services for the families of frail older individuals.

[SEC. 382. DEFINITIONS.

[For purposes of this part, the term “in-home services” has the meaning given such term in section 342.

[SEC. 383. MAINTENANCE OF EFFORT.

[Section 344 shall apply with respect to funds made available under this part, in the same manner as such section applies to funds made available under part D.

[TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

[STATEMENT OF PURPOSE

[SEC. 401. It is the purpose of this title to expand the Nation’s knowledge and understanding of aging and the aging process, to design and test innovative ideas in programs and services for older individuals, and publicly disseminate the results of the tests, to replicate such programs and services under this Act, and to help meet the needs for trained personnel in the field of aging through—

- [(1) placing a priority on the education and training of personnel to work with and on behalf of older individuals, with

special emphasis on minority individuals, low-income individuals, frail individuals, and individuals with disabilities;

[(2) research and development of effective practices in the field of aging;

[(3) demonstration projects directly related to the field of aging; and

[(4) dissemination of information on aging and the aging process acquired through such programs to public and private organizations or programs for older individuals.

【ADMINISTRATION

【SEC. 402. (a) In order to carry out the provisions of this title effectively, the Assistant Secretary shall administer this title through the Administration.

【(b) In carrying out the provisions of this title, the Assistant Secretary may request the technical assistance and cooperation of the Department of Education, the National Institutes of Health, the Department of Veterans Affairs, the Substance Abuse and Mental Health Services Administration, and such other agencies and departments of the Federal Government as may be appropriate.

【(c) The Assistant Secretary shall ensure that grants and contracts under this title are equitably awarded to agencies, organizations, and institutions representing minorities.

【(d) The Assistant Secretary shall, in developing priorities, consistent with the requirements of this title, for awarding grants and entering into contracts under this title, consult annually with State agencies, area agencies on aging, recipients of grants under title VI, institutions of higher education, organizations representing beneficiaries of services under this Act, and other organizations, and individuals, with expertise in aging issues.

【(e) The Assistant Secretary shall ensure that grants and contracts awarded under this title—

【(1) are evaluated for their benefit to older individuals, and to programs under this Act; and

【(2) comply with the requirements under this Act.

【PART A—EDUCATION AND TRAINING

【PURPOSE

【SEC. 410. The purpose of this part is to improve the quality of service and to help meet critical shortages of adequately trained personnel for programs in the field of aging by—

【(1) identifying both short- and long-range manpower needs in the field of aging;

【(2) providing a broad range of educational and training opportunities to meet those needs;

【(3) attracting a greater number of qualified personnel, with particular emphasis on attracting minority individuals, into the field of aging;

【(4) helping to upgrade personnel training programs to make them more responsive to the need in the field of aging; and

【(5) establishing and supporting multidisciplinary centers of gerontology (including centers of gerontology to improve, en-

hance, and expand minority personnel and training programs) and providing special emphasis that will improve, enhance, and expand existing training programs.

【GRANTS AND CONTRACTS

【SEC. 411. (a) The Assistant Secretary shall make grants and enter into contracts to achieve the purpose of this part. The purposes for which such grants and contracts shall be made include the following:

【(1) To provide comprehensive and coordinated nondegree education, training programs, and curricula at institutions of higher education and at other research, training, or educational organizations, for practitioners in the fields of nutrition, health (including mental health) care, gerontology, supportive services, housing, and long-term care, including the expansion and enhancement of existing inservice education and training programs.

【(2) To provide inservice training opportunities to the personnel of State offices, area agencies on aging, senior centers, and nutrition and counseling programs to strengthen their capacity to remain responsive to the needs of older individuals, with special emphasis on using culturally sensitive practices.

【(3) To provide courses on aging and the dissemination of information about aging to the public through institutions of higher education and other public and nonprofit private organizations and agencies.

【(4) To provide in-service training opportunities and courses of instruction on aging to Indian tribes through public and nonprofit Indian aging organizations.

【(5) To provide annually a national meeting to train directors of programs under title VI.

【(b) To achieve the purpose of this title, the Administration shall conduct both—

【(1) long-term educational activities to prepare personnel for careers in the field of aging; and

【(2) short-term inservice training and continuing education activities for State agency and area agency on aging personnel, and other personnel, in the field of aging or preparing to enter the field of aging.

【(c) In making grants and contracts under this part, the Assistant Secretary shall give special consideration to the recruitment and training of personnel, volunteers, and those individuals preparing for employment in that part of the field of aging which relates to providing services to individuals with disabilities and to individuals with Alzheimer's disease and related disorders with neurological and organic brain dysfunction and providing family respite services with respect to such individuals.

【(d) In making grants or contracts under this part, the Assistant Secretary shall ensure that all projects and activities related to personnel training shall include specific data on the number of individuals to be trained and the number of older individuals to be served through such training activities by public and nonprofit agencies, State and area agencies on aging, institutions of higher education, and other organizations.

[(e) From amounts appropriated under section 431(b), the Assistant Secretary shall make grants and enter into contracts under this part to establish and carry out a program under which service providers (including family physicians, clergy, and other professionals) will receive training—

[(1) comprised of—

[(A) intensive training regarding normal aging, recognition of problems of older individuals, and communication with providers of mental health services; and

[(B) advanced clinical training regarding means of assessing and treating the problems of older individuals;

[(2) provided by—

[(A) faculty and graduate students in programs of human development and family studies at an institution of higher education;

[(B) mental health professionals; and

[(C) nationally recognized consultants with expertise regarding the mental health problems of individuals residing in rural areas; and

[(3) held in public hospitals throughout each State in which the program is carried out.

[MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

[SEC. 412. (a) The Assistant Secretary may make grants to public and private nonprofit agencies, organizations, and institutions for the purpose of establishing or supporting multidisciplinary centers of gerontology, and gerontology centers of special emphasis (including emphasis on nutrition, employment, health (including mental health), disabilities (including severe disabilities), income maintenance, counseling services, supportive services and minority populations). Such centers shall conduct research and policy analysis and function as a technical resource for the Assistant Secretary, policymakers, service providers, and the Congress. Multidisciplinary centers of gerontology shall—

[(1) recruit and train personnel;

[(2) conduct basic and applied research toward the development of information related to aging;

[(3) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges and universities;

[(4) help to develop training programs in the field of aging at schools of public health, education, social work, and psychology, and other appropriate schools within colleges and universities;

[(5) serve as a repository of information and knowledge on aging;

[(6) provide consultation and information to public and voluntary organizations, including State agencies and area agencies on aging, which serve the needs of older individuals in planning and developing services provided under other provisions of this Act; and

[(7) if appropriate, provide information relating to assistive technology.

[(b) Centers supported under this section shall provide data to the Assistant Secretary on the projects and activities for which funds are provided under this title. Such data shall include the number of personnel trained, the number of older individuals served, the number of schools assisted, and other information that will facilitate achieving the objectives of this Act.

[PART B—RESEARCH, DEMONSTRATIONS, AND OTHER ACTIVITIES

[PURPOSE

[SEC. 420. The purpose of this part is to improve the quality and efficiency of programs serving older individuals through research and development projects, and demonstration projects, designed to—

[(1) develop and synthesize knowledge about aging from multidisciplinary perspectives;

[(2) establish an information base of data and practical experience;

[(3) examine effective models of planning and practice that will improve or enhance services provided under other provisions of this Act;

[(4) evaluate the efficacy, quality, efficiency, and accessibility of programs and services for older individuals; and

[(5) develop, implement, and evaluate innovative planning and practice strategies to address the needs, concerns, and capabilities of older individuals.

[RESEARCH AND DEVELOPMENT PROJECTS

[SEC. 421. (a) The Assistant Secretary may make grants to any public or nonprofit private agency, organization, or institution, and may enter into contracts with any agency, organization, institution, or individual to support research and development related to the objectives of this Act, evaluation of the results of such research and development activities, and collection and dissemination of information concerning research findings, demonstration results, and other materials developed in connection with activities assisted under this title, and conducting of conferences and other meetings for purposes of exchange of information and other activities related to the purpose of this title. Appropriate provisions for the dissemination of resulting information shall be a requirement for all grants made under this section.

[(b) Each research and development activity proposal for which funds are requested under subsection (a) shall include a concise policy or practical application statement.

[(c)(1) The Assistant Secretary shall select, to the extent practicable, for assistance under subsection (a) research activities which will, not later than three years after the date of the enactment of the Older Americans Act Amendments of 1984, collectively—

[(A) contribute to the establishment and maintenance of a demographic data base which contains information on the population of older individuals generally and older individuals categorized by age, sex, race, geographical location, and such

other factors as the Assistant Secretary deems useful for the purpose of formulating public policy;

[(B) identify the future needs of older individuals;

[(C) identify the kinds and comprehensiveness of programs required to satisfy such needs; and

[(D) identify the kinds and number of personnel required to carry out such programs.

[(2) The Assistant Secretary shall select, to the extent practicable, for assistance under subsection (a) demonstration projects which test research results and implement innovative ways of satisfying the needs of, and delivering services to, older individuals.

[DEMONSTRATION PROJECTS

[SEC. 422. (a)(1) The Assistant Secretary may, after consultation with the State agency in the State involved, make grants to any public agency or nonprofit private organization or enter into contracts with any agency or organization within such State for paying part or all of the cost of developing or operating nationwide, statewide, regional, metropolitan area, county, city, or community model projects which will demonstrate methods to improve or expand supportive services or nutrition services or otherwise promote the well-being of older individuals. The Assistant Secretary shall give special consideration to the funding of rural area agencies on aging to conduct model projects devoted to the special needs of older individuals residing in rural areas. Such projects shall include alternative health care delivery systems, advocacy and outreach programs, and transportation services.

[(2) The Assistant Secretary may, after consultation with the State agency in the State involved, make grants to or enter into contracts with public or private institutions of higher education having graduate programs with capability in public health, the medical sciences, psychology, pharmacology, nursing, social work, health education, nutrition, or gerontology, for the purpose of designing and developing prototype health education and promotion programs for the use of State and area agencies on aging in implementing disease prevention and health promotion programs (including coordinated multidisciplinary research projects on the aging process).

[(b) In making grants and contracts under subsection (a)(1), the Assistant Secretary shall give special consideration to projects designed to—

[(1) meet the supportive services needs of older individuals who are victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction and their families, including—

[(A) home health care for such victims;

[(B) adult day health care for such victims; and

[(C) homemaker aides, transportation, and in-home respite care for the families, particularly spouses, of such victims;

[(2) meet the special health care needs of older individuals, including—

[(A) the location of older individuals who are in need of mental health services;

- [(B) the provision of, or arrangement for the provision of, medical differential diagnoses of older individuals to distinguish between their need for mental health services and other medical care;
- [(C) the specification of the mental health needs of older individuals, and the mental health and support services required to meet such needs;
- [(D) the provision of—
 - [(i) the mental health and support services specified in subclause (C) in the communities; or
 - [(ii) such services for older individuals in nursing homes and intermediate care facilities, and training of the employees of such homes and facilities in the provision of such services; and
- [(E) the identification and provision of services to older individuals with severe disabilities;
- [(3) assist in meeting the special housing needs of older individuals by—
 - [(A) providing financial assistance to such individuals, who own their own homes, necessary to enable them (i) to make the repairs or renovations to their homes, which are necessary for them to meet minimum standards, and (ii) to install security devices, and to make structural modifications or alterations, designed to prevent unlawful entry; and
 - [(B) studying and demonstrating methods of adapting existing housing, or construction of new housing, to meet the needs of older individuals suffering from physical disabilities;
- [(4) provide education and training to older individuals designed to enable them to lead more productive lives by broadening the education, occupational, cultural, or social awareness of such older individuals;
- [(5) provide preretirement education information and relevant services (including the training of personnel to carry out such programs and the conduct of research with respect to the development and operation of such programs) to individuals planning retirement;
- [(6) meet the special needs of, and improve the delivery of services to, older individuals who are not receiving adequate services under other provisions of this Act, with emphasis on the needs of low-income, minority, Indian, and limited English-speaking individuals and older individuals residing in rural areas;
- [(7) develop or improve methods of coordinating all available supportive services for the homebound elderly, blind, and disabled by establishing demonstration projects in ten States, in accordance with subsection (c);
- [(8) improve transportation systems for older individuals residing in rural areas;
- [(9) provide expanded, innovative volunteer opportunities to older individuals which are designed to fulfill unmet community needs, while at the same time avoiding duplication of existing volunteer programs, which may include projects furnish-

ing multigenerational services by older individuals addressing the needs of children, such as—

- 【(A) tutorial services in elementary and special schools;
- 【(B) after school programs for latchkey children; and
- 【(C) voluntary services for child care and youth day care programs;

【(10) meet the service needs of older individuals who provide uncompensated care to their adult children with disabilities, for supportive services relating to such care, including—

- 【(A) respite services; and
- 【(B) legal advice, information, and referral services to assist such older individuals with permanency planning for such children;

【(11) advance the understanding of the efficacy and benefits of providing music therapy, art therapy, or dance-movement therapy to older individuals through—

- 【(A) projects that—
 - 【(i) study and demonstrate the provision of music therapy, art therapy, or dance-movement therapy to older individuals who are institutionalized or at risk of being institutionalized; and
 - 【(ii) provide music therapy, art therapy, or dance-movement therapy—
 - 【(I) in nursing homes, hospitals, rehabilitation centers, hospices, or senior centers;
 - 【(II) through disease prevention and health promotion services programs established under part F of title III;
 - 【(III) through in-home services programs established under part D of title III;
 - 【(IV) through multigenerational activities described in section 307(a)(41)(B) or subpart 3 of part C of title III;
 - 【(V) through supportive services described in section 321(a)(21); or
 - 【(VI) through disease prevention and health promotion services described in section 363(5); and

【(B) education, training, and information dissemination projects, including—

- 【(i) projects for the provision of gerontological training to music therapists, and education and training of individuals in the aging network regarding the efficacy and benefits of music therapy for older individuals; and
- 【(ii) projects for disseminating to the aging network and to music therapists background materials on music therapy, best practice manuals, and other information on providing music therapy to older individuals; and

【(12)(A) establish, in accordance with subparagraph (B), nationwide, statewide, regional, metropolitan area, county, city, or community model volunteer service credit projects to demonstrate methods to improve or expand supportive services or

nutrition services, or otherwise promote the wellbeing of older individuals;

[(B) for purposes of paying part or all of the cost of developing or operating the projects, in the fiscal year, make not fewer than three and not more than five grants to, or contracts with, public agencies or nonprofit private organizations in such State; and

[(C) ensure that the projects will be operated in consultation with the Corporation for National and Community Service and will permit older individuals who are volunteers to earn, for services furnished, credits that may be redeemed later for similar volunteer services.

[(c) The Assistant Secretary shall consult with the Assistant Secretary of the Rehabilitation Services Administration, the Assistant Secretary of the Social Security Administration, and the Surgeon General of the Public Health Service, to develop procedures for—

[(1) identifying elderly, blind, and disabled individuals who need supportive services;

[(2) compiling a list in each community of all services available to the elderly, blind, and disabled; and

[(3) establishing an information and assistance service within the appropriate community agency to—

[(A) inform those in need of the availability of such services; and

[(B) coordinate the delivery of such services to the elderly, blind, and disabled.

The Assistant Secretary shall establish procedures for administering demonstration projects under subsection (b)(6) not later than 6 months after the effective date of this subsection. The Assistant Secretary shall report to the Congress with respect to the results and findings of the demonstration projects conducted under this section at the completion of the projects.

[(d)(1) Whenever appropriate, grants made and contracts entered into under this section shall be developed in consultation with an appropriate gerontology center.

[(2)(A) Grants made and contracts entered into under this section shall include provisions for the appropriate dissemination of project results.

[(B) An agency or organization that receives a grant or enters into a contract to carry out a project described in subparagraph (A) or (B)(i) of subsection (b)(11) shall submit to the Assistant Secretary a report containing—

[(i) the results, and findings based on the results, of such project; and

[(ii) the recommendations of the agency or organization, if the agency or organization provided music therapy, regarding means by which music therapy could be made available, in an efficient and effective manner, to older individuals who would benefit from the therapy.

[SEC. 423. SPECIAL PROJECTS IN COMPREHENSIVE LONG-TERM CARE.

[(a) DEFINITIONS.—As used in this section:

[(1) PROJECT.—The term “Project” means a Project to Improve the Delivery of Long-Term Care Services.

[(2) RESOURCE CENTER.—The term “Resource Center” means a Resource Center for Long-Term Care.

[(b) RESOURCE CENTERS.—

[(1) GRANTS AND CONTRACTS.—The Assistant Secretary shall award grants to, or enter into contracts with, eligible entities to support the establishment or operation of not fewer than four and not more than seven Resource Centers in accordance with paragraph (2).

[(2) REQUIREMENTS.—

[(A) FUNCTIONS.—Each Resource Center that receives funds under this subsection shall, with respect to subjects within an area of speciality of the Resource Center—

[(i) perform research;

[(ii) provide for the dissemination of results of the research; and

[(iii) provide technical assistance and training to State agencies and area agencies on aging.

[(B) AREA OF SPECIALITY.—For purposes of subparagraph (A) the term “area of speciality” means—

[(i) Alzheimer’s disease and related dementias, and other cognitive impairments;

[(ii) client assessment and case management;

[(iii) data collection and analysis;

[(iv) home modification and supportive services to enable older individuals to remain in their homes;

[(v) consolidation and coordination of services;

[(vi) linkages between acute care, rehabilitative services, and long-term care, facilities and providers;

[(vii) decisionmaking and bioethics;

[(viii) supply, training, and quality of long-term care personnel, including those who provide rehabilitative services;

[(ix) rural issues, including barriers to access to services;

[(x) chronic mental illness;

[(xi) populations with greatest social need and populations with greatest economic need, with particular attention to low-income minorities; and

[(xii) an area of importance as determined by the Assistant Secretary.

[(c) PROJECTS.—The Assistant Secretary shall award grants to, or enter into contracts with, eligible entities to support the entities in establishing and carrying out not fewer than 10 Projects.

[(d) USE OF FUNDS.—

[(1) IN GENERAL.—Except as provided in paragraph (2), an eligible entity may use funds received under a grant or contract—

[(A) described in subsection (b)(1) to pay for part or all of the cost (including startup cost) of establishing and operating a new Resource Center, or of operating a Resource Center in existence on the day before the date of the enactment of the Older Americans Act Amendments of 1992; or

[(B) described in subsection (c) to pay for part or all of the cost (including startup cost) of establishing and carrying out a Project.

[(2) REIMBURSABLE DIRECT SERVICES.—None of the funds may be used to pay for direct services that are eligible for reimbursement under title XVIII, XIX, or XX of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq., or 1397 et seq.).

[(e) PREFERENCE.—In awarding grants, and entering into contracts, under this section, the Assistant Secretary shall give preference to entities that demonstrate that—

[(1) adequate State standards have been developed to ensure the quality of services provided under the grant or contract; and

[(2) the entity has made a commitment to carry out programs under the grant or contract with each State agency responsible for the administration of title XIX or XX of the Social Security Act.

[(f) APPLICATION.—

[(1) IN GENERAL.—To be eligible to receive funds under a grant or contract described in subsection (b)(1) or (c), an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

[(2) PROJECT APPLICATION.—An entity seeking a grant or contract under subsection (c) shall submit an application to the Assistant Secretary containing, at a minimum—

[(A) information identifying and describing gaps, weaknesses, or other problems in the delivery of long-term care services in the State or geographic area to be served by the entity, including—

[(i) duplication of functions in the delivery of such services, including duplication at the State and local level;

[(ii) fragmentation of systems, especially in coordinating services to populations of older individuals and other populations;

[(iii) barriers to access for populations with greatest social need and populations with greatest economic need, including minorities and residents of rural areas;

[(iv) lack of financing for such services;

[(v) lack of availability of adequately trained personnel to provide such services; and

[(vi) lack of a range of chronic care services (including rehabilitative strategies) that promote restoration, maintenance, or improvement of function in older individuals;

[(B) a plan to address the gaps, weaknesses, and problems described in clauses (i) through (v); and

[(C) information describing the extent to which the entity will coordinate with area agencies on aging and service providers in carrying out the proposed Project.

[(g) ELIGIBLE ENTITIES.—

[(1) RESOURCE CENTERS.—Entities eligible to receive grants, or enter into contracts, under subsection (b)(1) shall be—

[(A) institutions of higher education; and

[(B) other public agencies and nonprofit private organizations.

[(2) PROJECTS.—Entities eligible to receive grants, or enter into contracts, under subsection (c) include—

[(A) State agencies; and

[(B) in consultation with State agencies—

[(i) area agencies on aging;

[(ii) institutions of higher education; and

[(iii) other public agencies and nonprofit private organizations.

[(h) REPORT.—The Assistant Secretary shall include in the annual report to the Congress required by section 207, a report on the grants awarded, and contracts entered into, under this section, including—

[(1) an analysis of the relative effectiveness, and recommendations for any changes, of the projects of Resource Centers funded under subsection (b)(1) in the fiscal year for which the Assistant Secretary is preparing the annual report; and

[(2) an evaluation of the needs identified, the agencies utilized, and the effectiveness of the approaches used by projects funded under subsection (c).

[(i) AVAILABILITY OF FUNDS.—The Assistant Secretary shall make available for carrying out subsection (b) for each fiscal year not less than the amount made available in fiscal year 1991 for making grants and entering into contracts to establish and operate Resource Centers under section 423 as in effect on the day before the date of the enactment of the Older Americans Act Amendments of 1992.

[SPECIAL DEMONSTRATION AND SUPPORT PROJECTS FOR LEGAL ASSISTANCE FOR OLDER INDIVIDUALS

[SEC. 424. (a) The Assistant Secretary shall make grants and enter into contracts, in order to—

[(1) provide a national legal assistance support system (operated by one or more grantees or contractors) of activities to State and area agencies on aging for providing, developing, or supporting legal assistance for older individuals, including—

[(A) case consultations;

[(B) training;

[(C) provision of substantive legal advice and assistance;

and

[(D) assistance in the design, implementation, and administration of legal assistance delivery systems to local providers of legal assistance for older individuals; and

[(2) support demonstration projects to expand or improve the delivery of legal assistance to older individuals with social or economic needs.

[(b) Any grants or contracts made under subsection (a)(2) shall contain assurances that the requirements of section 307(a)(15) are met.

[(c) To carry out subsection (a)(1), the Assistant Secretary shall make grants to or enter into contracts with national nonprofit legal assistance organizations experienced in providing support, on a nationwide basis, to local legal assistance providers.

[NATIONAL IMPACT ACTIVITIES

[SEC. 425. (a)(1) The Assistant Secretary may carry out directly or through grants or contracts—

[(A) innovation and development projects and activities of national significance which show promise of having substantial impact on the expansion or improvement of supportive services, nutrition services, or multipurpose senior centers, or otherwise promoting the well-being of older individuals; and

[(B) dissemination of information activities related to such programs.

[(2) The Assistant Secretary shall carry out, directly or through grants or contracts, special training programs and technical assistance designed to improve services to minorities.

[(b) An amount not to exceed 15 percent of any sums appropriated under section 431 may be used for carrying out this section.

[UTILITY AND HOME HEATING COST DEMONSTRATION PROJECTS

[SEC. 426. The Secretary may, after consultation with the appropriate State agency, make grants to pay for part or all of the costs of developing model projects which show promise of relieving older individuals of the excessive burdens of high utility service and home heating costs. Any such project shall give special consideration to projects under which a business concern is engaged in providing home heating oil or utility services to low-income older individuals at a cost which is substantially lower than providing home heating oil or utility services to other individuals.

OMBUDSMAN AND ADVOCACY DEMONSTRATION PROJECTS

[SEC. 427. (a) The Assistant Secretary is authorized to make grants to not less than three nor more than ten States to demonstrate and evaluate cooperative projects between the State long-term care ombudsman program, legal assistance agencies, and the State protection and advocacy systems for developmental disabilities and mental illness, established under part A of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.) and under the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (Public Law 99-319).

[(b) The Assistant Secretary shall prepare and submit to the Congress a report of the study and evaluation required by subsection (a). Such report shall contain such recommendations as the Assistant Secretary deems appropriate.

CONSUMER PROTECTION DEMONSTRATION PROJECTS FOR SERVICES PROVIDED IN THE HOME

[SEC. 428. (a)(1) The Assistant Secretary is authorized to make grants to not fewer than 6 nor more than 10 States to demonstrate and evaluate the effectiveness of consumer protection projects for

services (other than medical services) provided to older individuals in the home that are furnished or assisted with public funds.

[(2) Grants made under this section shall be used to test different approaches to protecting older individuals with regard to services in the home. Such projects may provide consumer protection through State and local ombudsmen, legal assistance agencies, and other community service agencies.

[(b) No grant may be made under this section unless an application is made to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may reasonably require. Each such application shall—

[(1) describe activities for which assistance is sought;

[(2) provide for an evaluation of the activities for which assistance is sought; and

[(3) provide assurances that the applicant will prepare and submit a report to the Assistant Secretary on the activities conducted with assistance under this section and the evaluation of such activities.

[(c) In approving applications under this section, the Assistant Secretary shall assure equitable geographic distribution of assistance.

[(d) The Assistant Secretary shall, as part of the annual report submitted under section 207, prepare and submit a report on the evaluations submitted under this section, together with such recommendations as the Assistant Secretary deems appropriate. In carrying out this section, the Assistant Secretary shall include in the report—

[(1) a description of the demonstration projects assisted under this section;

[(2) an evaluation of the effectiveness of each such project; and

[(3) recommendations of the Assistant Secretary with respect to the desirability and feasibility of carrying out on a nationwide basis a consumer protection program for services in the home.

[(e) Consumer protection projects carried out under this section—

[(1) may include, but are not limited to, consumer education, the use of consumer hotlines, receipt and resolution of consumer complaints, and advocacy; and

[(2) may not address medical services.

[SEC. 429. DEMONSTRATION PROJECTS FOR MULTIGENERATIONAL ACTIVITIES.

[(a) GRANTS AND CONTRACTS.—The Assistant Secretary may award grants and enter into contracts with eligible organizations to establish demonstration projects that provide older individuals with multigenerational activities.

[(b) USE OF FUNDS.—An eligible organization shall use funds made available under a grant awarded, or a contract entered into, under subsection (a)—

[(1) to carry out a demonstration project that provides multigenerational activities, including any professional training appropriate to such activities for older individuals; and

[(2) to evaluate the project in accordance with subsection (f).

[(c) AWARDS.—In awarding grants and entering into contracts under subsection (a), the Assistant Secretary shall give preference to—

[(1) eligible organizations with a demonstrated record of carrying out multigenerational activities; and

[(2) eligible organizations proposing projects that will serve older individuals with greatest economic need (with particular attention to low-income minority individuals).

[(d) APPLICATION.—To be eligible to receive a grant or enter into a contract under subsection (a), an organization shall submit an application to the Assistant Secretary at such time, in such manner, and accompanied by such information as the Assistant Secretary may reasonably require.

[(e) ELIGIBLE ORGANIZATIONS.—Organizations eligible to receive a grant or enter into a contract under subsection (a) shall be organizations that employ, or provide opportunities for, older individuals in multigenerational activities.

[(f) LOCAL EVALUATION AND REPORT.—

[(1) EVALUATION.—Each organization receiving a grant or a contract under subsection (a) to carry out a demonstration project shall evaluate the activities assisted under the project to determine the effectiveness of multigenerational activities, the impact of such activities on child care and youth day care programs, and the impact on older individuals involved in such project.

[(2) REPORT.—The organization shall submit a report to the Assistant Secretary containing the evaluation not later than 6 months after the expiration of the period for which the grant or contract is in effect.

[(g) REPORT TO CONGRESS.—Not later than 6 months after the Assistant Secretary receives the reports described in subsection (f)(2), the Assistant Secretary shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that assesses the evaluations and includes, at a minimum—

[(1) the names or descriptive titles of the demonstration projects funded under subsection (a);

[(2) a description of the nature and operation of the projects;

[(3) the name and address of the individual or governmental entity that conducted the projects;

[(4) a description of the methods and success of the projects in recruiting older individuals as employees and volunteers to participate in the project;

[(5) a description of the success of the projects retaining older individuals involved in the projects as employees and as volunteers; and

[(6) the rate of turnover of older individual employees and volunteers in the projects.

[(h) DEFINITION.—As used in this section, the term “multigenerational activity” includes an opportunity to serve as a mentor or adviser in a child care program, a youth day care program, an educational assistance program, an at-risk youth intervention program, a juvenile delinquency treatment program, or a family support program.

[SEC. 429A. SUPPORTIVE SERVICES IN FEDERALLY ASSISTED HOUSING DEMONSTRATION PROGRAM.

[(a) GRANTS.—The Assistant Secretary shall award grants to eligible agencies to establish demonstration programs to provide services described in subsection (b) to older individuals who are residents in federally assisted housing (referred to in this section as “residents”).

[(b) USE OF GRANTS.—An eligible agency shall use a grant awarded under subsection (a) to conduct outreach and to provide to residents services including—

- [(1)** meal services;
- [(2)** transportation;
- [(3)** personal care, dressing, bathing, and toileting;
- [(4)** housekeeping and chore assistance;
- [(5)** nonmedical counseling;
- [(6)** case management;
- [(7)** other services to prevent premature and unnecessary institutionalization; and
- [(8)** other services provided under this Act.

[(c) AWARD OF GRANTS.—The Assistant Secretary shall award grants under subsection (a) to agencies in a variety of geographic settings, including urban and rural settings.

[(d) APPLICATION.—To be eligible to receive a grant under subsection (a), an agency shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require, including, at a minimum—

- [(1)** information demonstrating a lack of, and need for, services described in subsection (b) in federally assisted housing projects in the geographic area proposed to be served by the applicant;
- [(2)** a comprehensive plan to coordinate with housing facility management to provide services to frail older individuals who are in danger of premature or unnecessary institutionalization;
- [(3)** information demonstrating initiative on the part of the agency to address the supportive service needs of residents;
- [(4)** information demonstrating financial, in-kind, or other support available to the applicant from State or local governments, or from private resources;
- [(5)** an assurance that the agency will participate in the development of the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) and seek funding for supportive services under the Department of Housing and Urban Development or the Farmers Home Administration;
- [(6)** an assurance that the agency will target services to low-income minority older individuals and conduct outreach;
- [(7)** an assurance that the agency will comply with the guidelines described in subsection (f); and
- [(8)** a plan to evaluate the eligibility of older individuals for services under the federally assisted housing demonstration program, which plan shall include a professional assessment committee to identify such individuals.

[(e) ELIGIBLE AGENCIES.—Agencies eligible to receive grants under this section shall be State agencies and area agencies on aging.

[(f) GUIDELINES.—The Assistant Secretary shall issue guidelines for use by agencies that receive grants under this section—

[(1) regarding the level of frailty that older individuals shall meet to be eligible for services under a demonstration program established under this section; and

[(2) for accepting voluntary contributions from residents who receive services under such a program.

[(g) EVALUATIONS AND REPORTS.—

[(1) AGENCIES.—Each agency that receives a grant under subsection (a) to establish a demonstration program shall, not later than 3 months after the end of the period for which the grant is awarded—

[(A) evaluate the effectiveness of the program; and

[(B) submit a report containing the evaluation to the Assistant Secretary.

[(2) ASSISTANT SECRETARY.—The Assistant Secretary shall, not later than 6 months after the end of the period for which the Assistant Secretary awards grants under subsection (a)—

[(A) evaluate the effectiveness of each demonstration program that receives a grant under subsection (a); and

[(B) submit a report containing the evaluation to the Speaker of the House of Representatives and the President pro tempore of the Senate.

[SEC. 429B. NEIGHBORHOOD SENIOR CARE PROGRAM.

[(a) DEFINITIONS.—As used in this section:

[(1) HEALTH AND SOCIAL SERVICES.—The term “health and social services” includes skilled nursing care, personal care, social work services, homemaker services, health and nutrition education, health screening, home health aid services, and specialized therapies.

[(2) VOLUNTEER SERVICES.—The term “volunteer services” includes peer counseling, chore services, help with mail and taxes, transportation, socialization, health and social services, and other similar services.

[(b) SERVICE GRANTS.—

[(1) IN GENERAL.—The Assistant Secretary may award grants to eligible entities to establish neighborhood senior care programs, in order to encourage professionals to provide volunteer services to local residents who are older individuals and who might otherwise have to be admitted to nursing homes and to hospitals.

[(2) PREFERENCE.—In awarding grants under this section, the Assistant Secretary shall give preference to applicants experienced in operating community programs and programs meeting the independent living needs of older individuals.

[(3) ADVISORY BOARD.—The Assistant Secretary shall establish an advisory board to provide guidance to grant recipients regarding the neighborhood senior care programs. Not fewer than two-thirds of the members of the advisory board shall be residents in communities served by the grant recipients.

[(4) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may reasonably require. Each application shall—

[(A) describe the activities in the program for which assistance is sought;

[(B) describe the neighborhood in which volunteer services are to be provided under the program, and a plan for integration of volunteer services within the neighborhood;

[(C)(i) provide assurances that nurses, social workers, and community volunteers providing volunteer services and an outreach coordinator involved with the project live in the neighborhood; or

[(ii)(I) reasons that it is not possible to provide such assurances; and

[(II) assurances that nurses, social workers, community volunteers and the outreach coordinator will be assigned repeatedly to the particular neighborhood; and

[(D) provide for an evaluation of the activities for which assistance is sought.

[(c) TECHNICAL RESOURCE CENTER.—The Assistant Secretary shall, to the extent appropriations are available, enter into a contract with an applicant described in subsection (b)(2) to establish a technical resource center that will—

[(1) assist the Assistant Secretary in developing criteria for, and in awarding grants to communities to establish, neighborhood senior care organizations that will implement neighborhood senior care programs under subsection (b);

[(2) assist communities interested in establishing such a neighborhood senior care program;

[(3) coordinate the neighborhood senior care programs;

[(4) provide ongoing analysis of and collection of data on the neighborhood senior care programs and provide such data to the Assistant Secretary;

[(5) serve as a liaison to State agencies interested in establishing neighborhood senior care programs; and

[(6) take any further actions as required by regulation by the Assistant Secretary.

[SEC. 429C. INFORMATION AND ASSISTANCE SYSTEMS DEVELOPMENT PROJECTS.

[(a) GRANTS.—The Assistant Secretary may—

[(1) make grants to State agencies, and, in consultation with State agencies, to area agencies on aging to support the improvement of information and assistance services, and systems of services, operated at the State and local levels; and

[(2) make grants to organizations to provide training and technical assistance to State agencies, area agencies on aging, and providers of supportive services—

[(A) to support a national telephone access service to inform older individuals, families, and caregivers about State and local information and assistance services funded under this Act; and

[(B) to support the improvement of information and assistance services, and systems of services, operated at the State and local levels.

[(b) APPLICATION.—To be eligible to receive a grant under subsection (a) an agency or organization shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may specify.

[(c) GUIDELINES.—The Assistant Secretary shall establish guidelines for the operation of the national telephone access service described in subsection (a)(2)(A).

[(d) EVALUATION AND REPORT.—

[(1) EVALUATION.—The Assistant Secretary shall conduct an evaluation of the effectiveness of the national telephone service described in subsection (a)(2)(A) in providing information and assistance services to older individuals, families, and caregivers about State and local information and assistance services.

[(2) REPORT.—Not later than January 1, 1995, the Assistant Secretary shall submit the evaluation described in paragraph (1) to the Speaker of the House of Representatives and the President pro tempore of the Senate.

[SEC. 429D. SENIOR TRANSPORTATION DEMONSTRATION PROGRAM GRANTS.

[(a) ESTABLISHMENT.—The Assistant Secretary shall establish and carry out senior transportation demonstration programs. In carrying out the programs, the Assistant Secretary shall award grants to not fewer than five eligible entities for the purpose of improving the mobility of older individuals and transportation services for older individuals (referred to in this section as “senior transportation services”).

[(b) USE OF FUNDS.—Grants made under subsection (a) may be used to—

[(1) develop innovative approaches for improving access by older individuals to supportive services under part B of title III, nutrition services under part C of title III, health care, and other important services;

[(2) develop comprehensive and integrated senior transportation services; and

[(3) leverage additional resources for senior transportation services by—

[(A) coordinating various transportation services; and

[(B) coordinating various funding sources for transportation services, including—

[(i) sources of assistance under—

[(I) sections 9, 16(b)(2), and 18 of the Urban Mass Transportation Act of 1964 (49 U.S.C. App.); and

[(II) titles XIX and XX of the Social Security Act (42 U.S.C. 1396 et seq. and 1397 et seq.); and

[(ii) State and local sources.

[(c) AWARD OF GRANTS.—

[(1) PREFERENCE.—In awarding grants under subsection (a), the Assistant Secretary shall give preference to entities that—

[(A) demonstrate special needs for enhancing senior transportation services and resources for the services within the geographic area served by the entities;

[(B) establish plans to ensure that senior transportation services are coordinated with general public transportation services and other specialized transportation services;

[(C) demonstrate the ability to utilize the broadest range of available transportation and community resources to provide senior transportation services;

[(D) demonstrate the capacity and willingness to coordinate senior transportation services with services provided under title III and with general public transportation services and other specialized transportation services; and

[(E) establish plans for senior transportation demonstration programs designed to serve the special needs of low-income, rural, frail, and other at-risk, transit-dependent older individuals.

[(2) RURAL ENTITIES.—The Assistant Secretary shall award not less than 50 percent of the grants authorized under this section to entities located in, or primarily serving, rural areas.

[(d) APPLICATION.—An entity that seeks a grant under this section shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require, including at a minimum—

[(1) information describing senior transportation services for which the entity seeks assistance;

[(2) a comprehensive strategy for developing a coordinated transportation system or leveraging additional funding resources, to provide senior transportation services;

[(3) information describing the extent to which the applicant intends to coordinate the services of the applicant with the services of other transportation providers;

[(4) a plan for evaluating the effectiveness of the proposed senior transportation demonstration program and preparing a report containing the evaluation to be submitted to the Assistant Secretary; and

[(5) such other information as may be required by the Assistant Secretary.

[(e) ELIGIBLE ENTITIES.—Entities eligible to receive grants under this section shall be—

[(1) State agencies;

[(2) area agencies on aging; and

[(3) other public agencies and nonprofit organizations.

[(f) REPORT.—

[(1) PREPARATION.—The Assistant Secretary shall prepare, either directly or through grants or contracts, annual reports on the senior transportation demonstration programs established under this section. The reports shall contain an assessment of the effectiveness of each demonstration project and recommendations regarding legislative, administrative, and other initiatives needed to improve the access to and effectiveness of transportation services for older individuals.

[(2) SUBMISSION.—The Assistant Secretary shall submit the report described in paragraph (1) to the Speaker of the House

of Representatives and the President pro tempore of the Senate.

[SEC. 429E. RESOURCE CENTERS ON NATIVE AMERICAN ELDERS.

[(a) ESTABLISHMENT.—The Assistant Secretary shall make grants or enter into contracts with not fewer than two and not more than four eligible entities to establish and operate Resource Centers on Native American Elders (referred to in this section as “Resource Centers”). The Assistant Secretary shall make such grants or enter into such contracts for periods of not less than 3 years.

[(b) FUNCTIONS.—

[(1) IN GENERAL.—Each Resource Center that receives funds under this section shall—

[(A) gather information;

[(B) perform research;

[(C) provide for the dissemination of results of the research; and

[(D) provide technical assistance and training to entities that provide services to Native Americans who are older individuals.

[(2) AREAS OF CONCERN.—In conducting the functions described in paragraph (1), a Resource Center shall focus on priority areas of concern for the Resource Centers regarding Native Americans who are older individuals, which areas shall be—

[(A) health problems;

[(B) long-term care, including in-home care;

[(C) elder abuse; and

[(D) other problems and issues that the Assistant Secretary determines are of particular importance to Native Americans who are older individuals.

[(c) PREFERENCE.—In awarding grants and entering into contracts under subsection (a), the Assistant Secretary shall give preference to institutions of higher education that have conducted research on, and assessment of, the characteristics and needs of Native Americans who are older individuals.

[(d) CONSULTATION.—In determining the type of information to be sought from, and activities to be performed by, Resource Centers, the Assistant Secretary shall consult with the Director of the Office for American Indian, Alaskan Native, and Native Hawaiian Aging and with national organizations with special expertise in serving Native Americans who are older individuals.

[(e) ELIGIBLE ENTITIES.—Entities eligible to receive a grant or enter into a contract under subsection (a) shall be institutions of higher education with experience conducting research and assessment on the needs of older individuals.

[(f) REPORT TO CONGRESS.—The Assistant Secretary, with assistance from each Resource Center, shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate an annual report on the status and needs including the priority areas of concern of Native Americans who are older individuals.

[SEC. 429F. DEMONSTRATION PROGRAMS FOR OLDER INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

[(a) DEFINITION.—As used in this section:

[(1) DEVELOPMENTAL DISABILITY.—The term “developmental disability” has the meaning given the term in section 102(5) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(5)).

[(2) IN-HOME SERVICE.—The term “in-home service” has the meaning given the term in section 342.

[(b) ESTABLISHMENT.—The Assistant Secretary shall make grants to State agencies to provide services in accordance with subsection (c).

[(c) USE OF FUNDS.—A State agency may use a grant awarded under subsection (b) to provide services for older individuals with developmental disabilities, and for older individuals with caretaker responsibilities for developmentally disabled children, including—

[(1) child care and youth day care programs;

[(2) programs to integrate the individuals into existing programs for older individuals;

[(3) respite care;

[(4) transportation to multipurpose senior centers and other facilities and services;

[(5) supervision;

[(6) renovation of multipurpose senior centers;

[(7) provision of materials to facilitate activities for older individuals with developmental disabilities, and for older individuals with caretaker responsibilities for developmentally disabled children;

[(8) training of State agency, area agency on aging, volunteer, and multipurpose senior center staff, and other service providers, who work with such individuals; and

[(9) in-home services.

[(d) APPLICATION.—To be eligible to receive a grant under this section, a State agency shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

[SEC. 429G. HOUSING DEMONSTRATION PROGRAMS.

[(a) HOUSING OMBUDSMAN DEMONSTRATION PROGRAMS.—

[(1) GRANTS.—The Assistant Secretary shall award grants to eligible agencies to establish housing ombudsman programs.

[(2) USE OF GRANTS.—An eligible agency shall use a grant awarded under paragraph (1) to—

[(A) provide the services described in subparagraph (B) through—

[(i) professional and volunteer staff to older individuals who are—

[(I) participating in federally assisted and other publicly assisted housing programs; or

[(II) seeking Federal, State, and local housing programs; and

[(ii)(I) the State Long-Term Care Ombudsman program under section 307(a)(12) or section 712;

【(II) a legal services or assistance organization or through an organization that provides both legal and other social services;

【(III) a public or not-for-profit social services agency; or

【(IV) an agency or organization concerned with housing issues but not responsible for publicly assisted housing.

【(B) establish a housing ombudsman program that provides information, advice, and advocacy services including—

【(i) direct assistance, or referral to services, to resolve complaints or problems;

【(ii) provision of information regarding available housing programs, eligibility, requirements, and application processes;

【(iii) counseling or assistance with financial, social, familial, or other related matters that may affect or be influenced by housing problems;

【(iv) advocacy related to promoting—

【(I) the rights of the older individuals who are residents in publicly assisted housing programs; and

【(II) the quality and suitability of housing in the programs; and

【(v) assistance with problems related to housing regarding—

【(I) threats of eviction or eviction notices;

【(II) older buildings;

【(III) functional impairments as the impairments relate to housing;

【(IV) unlawful discrimination;

【(V) regulations of the Department of Housing and Urban Development and the Farmers Home Administration;

【(VI) disability issues;

【(VII) intimidation, harassment, or arbitrary management rules;

【(VIII) grievance procedures;

【(IX) certification and recertification related to programs of the Department of Housing and Urban Development and the Farmers Home Administration; and

【(X) issues related to transfer from one project or program to another;

【(3) AWARD OF GRANTS.—The Assistant Secretary shall award grants under paragraph (1) to agencies in rural, urban, and other settings.

【(4) APPLICATION.—To be eligible to receive a grant under paragraph (1), an agency shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require, including, at a minimum—

[(A) an assurance that the agency will conduct training of professional and volunteer staff who will provide services through the housing ombudsman demonstration program;

[(B) in the case of an application submitted by an area agency on aging, an endorsement of the program by the State agency serving the State in which the program will be established, and an assurance by the State agency that the agency will work with the area agency in carrying out the program; and

[(C) a plan to involve in the demonstration program the Secretary of the Department of Housing and Urban Development, the Administrator of the Farmers Home Administration, any individual or entity described in paragraph (2)(A) through which the agency intends to provide the services, and other agencies involved in publicly assisted housing programs.

[(5) ELIGIBLE AGENCIES.—Agencies eligible to receive grants under this section shall include—

[(A) State agencies;

[(B) area agencies on aging; and

[(C) other nonprofit entities, including providers of services under the State Long-Term Care Ombudsman program and the elder rights and legal assistance development program described in chapters 2 and 4, respectively, of subtitle A of title VII.

[(b) FORECLOSURE AND EVICTION ASSISTANCE AND RELIEF SERVICES DEMONSTRATION PROGRAMS.—

[(1) GRANTS.—The Assistant Secretary shall make grants to States to carry out demonstration programs to develop methods or implement laws—

[(A) to prevent or delay the foreclosure on housing owned and occupied by older individuals or the eviction of older individuals from housing the individuals rent;

[(B) to obtain alternative housing as a result of such foreclosure or eviction; and

[(C) to assist older individuals to understand the rights and obligations of the individuals under laws relating to housing ownership and occupancy.

[(2) NOTIFICATION PROCESS.—A State that receives a grant under paragraph (1) shall establish methods, including a notification process—

[(A) to assist older individuals who are incapable of, or have difficulty in, understanding the circumstances and consequences of foreclosure on or eviction from housing the individuals occupy; and

[(B) to coordinate the program for which such grant is received with the activities of tenant organizations, tenant-landlord mediation organizations, public housing entities, and area agencies on aging, to provide more effectively assistance or referral to services to relocate or prevent eviction of older individuals from housing the individuals occupy.

[(c) EVALUATIONS AND REPORTS.—

[(1) AGENCIES.—Each agency or State that receives a grant under subsection (a) or (b) to establish a demonstration program shall, not later than 3 months after the end of the period for which the grant is awarded—

[(A) evaluate the effectiveness of the program; and

[(B) submit a report containing the evaluation to the Assistant Secretary.

[(2) ASSISTANT SECRETARY.—The Assistant Secretary shall, not later than 6 months after the end of the period for which the Assistant Secretary awards a grant under subsection (a) or (b)—

[(A) evaluate the effectiveness of each demonstration program that receives the grant; and

[(B) submit a report containing the evaluation to the Speaker of the House of Representatives and the President pro tempore of the Senate.

[SEC. 429H. PRIVATE RESOURCE ENHANCEMENT PROJECTS.

[(a) GRANTS.—

[(1) IN GENERAL.—The Assistant Secretary may make grants to, and enter into contracts with, State agencies and area agencies on aging, to carry out demonstration projects that generate non-Federal resources (including cash and in-kind contributions), in order to increase resources available to provide additional services under title III.

[(2) MAINTENANCE OF RESOURCES.—Resources generated with a grant made, or contract entered into, under subsection (a) shall be in addition to, and may not be used to supplant, any resource that is or would otherwise be available under any Federal, State, or local law to a State, State agency, area agency on aging, or unit of general purpose local government (as defined in section 302(2)) to provide such services.

[(3) USE OF RESOURCES.—Resources generated with a grant made, or a contract entered into, under subsection (a) shall be used to provide supportive services in accordance with title III. The requirements under this Act that apply to funds received under title III by States to carry out title III shall apply with respect to such resources.

[(b) AWARD OF GRANTS AND CONTRACTS.—

[(1) REGIONAL DISTRIBUTION.—The Assistant Secretary shall ensure that States and area agencies on aging in all standard Federal regions of the United States, established by the Office of Management and Budget, receive grants and contracts under subsection (a) on an equitable basis.

[(2) DISTRIBUTION BASED ON NEED.—Within such regions, the Assistant Secretary shall give preference to applicants that provide services under title III in geographical areas that contain a large number of older individuals with greatest economic need or older individuals with greatest social need.

[(c) MONITORING.—The Assistant Secretary shall monitor how—

[(1) grants are expended, and contracts are carried out, under subsection (a); and

[(2) resources generated under such grants and contracts are expended,

to ensure compliance with this section.

[SEC. 429I. CAREER PREPARATION FOR THE FIELD OF AGING.

[(a) GRANTS.—The Assistant Secretary shall make grants to institutions of higher education, historically Black colleges or universities, Hispanic Centers of Excellence in Applied Gerontology, and other educational institutions that serve the needs of minority students, to provide education and training to prepare students for careers in the field of aging.

[(b) DEFINITIONS.—For purposes of subsection (a):

[(1) HISPANIC CENTER OF EXCELLENCE IN APPLIED GERONTOLOGY.—The term “Hispanic Center of Excellence in Applied Gerontology” means an institution of higher education with a program in applied gerontology that—

[(A) has a significant number of Hispanic individuals enrolled in the program, including individuals accepted for enrollment in the program;

[(B) has been effective in assisting Hispanic students of the program to complete the program and receive the degree involved;

[(C) has been effective in recruiting Hispanic individuals to attend the program, including providing scholarships and other financial assistance to such individuals and encouraging Hispanic students of secondary educational institutions to attend the program; and

[(D) has made significant recruitment efforts to increase the number and placement of Hispanic individuals serving in faculty or administrative positions in the program.

[(2) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term “historically Black college or university” has the meaning given the term “part B institution” in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

[SEC. 429J. PENSION RIGHTS DEMONSTRATION PROJECTS.

[(a) DEFINITIONS.—As used in this section:

[(1) PENSION RIGHTS INFORMATION PROGRAM.—The term “pension rights information program” means a program described in subsection (c).

[(2) PENSION AND OTHER RETIREMENT BENEFITS.—The term “pension and other retirement benefits” means private, civil service, and other public pensions and retirement benefits, including benefits provided under—

[(A) the Social Security program under title II of the Social Security Act (42 U.S.C. 401 et seq.);

[(B) the railroad retirement program under the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.);

[(C) the government retirement benefits programs under the Civil Service Retirement System set forth in chapter 83 of title 5, United States Code, the Federal Employees Retirement System set forth in chapter 84 of title 5, United States Code, or other Federal retirement systems; or

[(D) the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

[(b) ESTABLISHMENT.—The Assistant Secretary shall establish and carry out pension rights demonstration projects.

[(c) PENSION RIGHTS INFORMATION PROGRAMS.—

[(1) USE OF FUNDS.—In carrying out the projects specified in subsection (b), the Assistant Secretary shall, to the extent appropriations are available, award grants to six eligible entities to establish programs to provide outreach, information, counseling, referral, and assistance regarding pension and other retirement benefits, and rights related to such benefits.

[(2) AWARD OF GRANTS.—

[(A) TYPE OF ENTITY.—The Assistant Secretary shall award under this subsection—

[(i) four grants to State agencies or area agencies on aging; and

[(ii) two grants to nonprofit organizations with a proven record of providing—

[(I) services related to retirement of older individuals; or

[(II) specific pension rights counseling.

[(B) PANEL.—In awarding grants under this subsection, the Assistant Secretary shall use a citizen advisory panel that shall include representatives of business, labor, national senior advocates, and national pension rights advocates.

[(C) CRITERIA.—In awarding grants under this subsection, the Assistant Secretary, in consultation with the panel, shall use as criteria—

[(i) evidence of commitment of an agency or organization to carry out a proposed pension rights information program;

[(ii) the ability of the agency or organization to perform effective outreach to affected populations, particularly populations identified as in need of special outreach; and

[(iii) reliable information that the population to be served by the agency or organization has a demonstrable need for the services proposed to be provided under the program.

[(3) APPLICATION.—

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

[(i) a plan for the establishment of a pension rights information program to serve a specific geographic area; and

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

[(B) PLAN.—The plan described in paragraph (1) shall provide for a program that—

[(i) establishes a State or area pension rights information center;

[(ii) provides counseling (including direct counseling and assistance to individuals needing information) and information that may assist individuals in establishing

rights to, obtaining, and filing claims or complaints related to, pension and other retirement benefits;

[(iii) provides information on sources of pension and other retirement benefits, including the benefits under programs described in subsection (a)(1);

[(iv) makes referrals to legal services and other advocacy programs;

[(v) establishes a system of referral to State, local, and Federal departments or agencies related to pension and other retirement benefits;

[(vi) provides a sufficient number of staff positions (including volunteer positions) to ensure information, counseling, referral, and assistance regarding pension and other retirement benefits;

[(vii) provides training programs for staff members, including volunteer staff members of the programs described in subsection (a)(1);

[(viii) makes recommendations to the Administration, the Department of Labor and other local, State, and Federal agencies concerning issues for older individuals related to pension and other retirement benefits; and

[(ix) establishes an outreach program to provide information, counseling, referral, and assistance regarding pension and other retirement benefits, with particular emphasis on outreach to women, minorities, and low-income retirees.

[(d) TRAINING PROGRAM.—

[(1) USE OF FUNDS.—In carrying out the projects described in subsection (b), the Assistant Secretary shall, to the extent appropriations are available, award a grant to an eligible entity to establish a training program to provide—

[(A) information to the staffs of entities operating pension rights information programs; and

[(B) assistance to the entities and assist such entities in the design of program evaluation tools.

[(2) ELIGIBLE ENTITY.—Entities eligible to receive grants under this subsection include nonprofit private organizations with records of providing national information, referral, and advocacy in matters related to pension and other retirement benefits.

[(3) APPLICATION.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

[(e) DURATION.—The Assistant Secretary may award grants under subsection (c) or (d) for periods not to exceed 18 months.

[(f) REPORT TO CONGRESS.—

[(1) PREPARATION.—The Assistant Secretary shall prepare a report that—

[(A) summarizes the distribution of funds authorized for grants under this section and the expenditure of such funds;

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

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

[(D) makes recommendations regarding the manner in which services provided in programs funded under this section can be incorporated into the ongoing programs of State agencies, area agencies on aging, multipurpose senior centers, and other similar entities.

[(2) SUBMISSION.—Not later than 30 months after the date of the enactment of this section, the Assistant Secretary shall submit the report described in paragraph (1) to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

[(g) ADMINISTRATIVE EXPENSES.—Of the funds appropriated under section 431(a)(1) to carry out this section for a fiscal year, not more than \$100,000 may be used by the Administration for administrative expenses in carrying out this section.

【PART C—GENERAL PROVISIONS

AUTHORIZATION OF APPROPRIATIONS

【SEC. 431. (a)(1) There are authorized to be appropriated to carry out the provisions of this title (other than the provision specified in subsection (b)) \$72,000,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

[(2) Not less than 1 percent of the amount appropriated under paragraph (1) for each fiscal year shall be made available to carry out section 202(d).

[(b) There are authorized to be appropriated to carry out section 411(e), \$450,000 for each of fiscal years 1992, 1993, 1994, and 1995.

[(c) No funds appropriated under this title—

[(1) may be transferred to any office or other authority of the Federal Government which is not directly responsible to the Assistant Secretary;

[(2) may be used for any program or activity which is not specifically authorized by this title; or

[(3) may be combined with funds appropriated under any other Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated under this title are separately identified in such grant or payment and are used for the purposes of this title.

【PAYMENTS OF GRANTS

【SEC. 432. (a) To the extent the Assistant Secretary deems it appropriate, the Assistant Secretary shall require the recipient of any grant or contract under this title to contribute money, facilities, or

services for carrying out the project for which such grant or contract was made.

[(b) Payments under this title pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Assistant Secretary may determine.

[(c) The Assistant Secretary shall make no grant or contract under this title in any State which has established or designated a State agency for purposes of title III unless the Assistant Secretary—

[(1) consults with the State agency prior to issuing the grant or contract; and

[(2) informs the State agency of the purposes of the grant or contract when the grant or contract is issued.

【RESPONSIBILITIES OF ASSISTANT SECRETARY

【SEC. 433. (a) The Assistant Secretary shall be responsible for the administration, implementation, and making of grants and contracts under this title and shall not delegate authority under this title to any other individual, agency, or organization.

[(b)(1) Not later than January 1 following each fiscal year, the Assistant Secretary shall submit, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report for such fiscal year that describes each project and each program—

[(A) for which funds were provided under this title; and

[(B) that was completed in the fiscal year for which such report is prepared.

[(2) Such report shall contain—

[(A) the name or descriptive title of each project or program;

[(B) the name and address of the individual or governmental entity that conducted such project or program;

[(C) a specification of the period throughout which such project or program was conducted;

[(D) the identity of each source of funds expended to carry out such project or program and the amount of funds provided by each such source;

[(E) an abstract describing the nature and operation of such project or program; and

[(F) a bibliography identifying all published information relating to such project or program.

[(c)(1) The Assistant Secretary shall establish by regulation and implement a process to evaluate the results of projects and programs carried out under this title.

[(2) The Assistant Secretary shall—

[(A) make available to the public each evaluation carried out under paragraph (1); and

[(B) use such evaluation to improve services delivered, or the operation of projects and programs carried out, under this Act.

【TITLE V—COMMUNITY SERVICE EMPLOYMENT FOR
OLDER AMERICANS

【SHORT TITLE

【SEC. 501. This title may be cited as the “Older American Community Service Employment Act”.

【OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

【SEC. 502. (a) In order to foster and promote useful part-time opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor (hereinafter in this title referred to as the “Secretary”) is authorized to establish an older American community service employment program.

【(b)(1) In order to carry out the provisions of this title, the Secretary is authorized to enter into agreements with public or private nonprofit agencies or organizations, including national organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or tribal organizations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement the program. No payment shall be made by the Secretary toward the cost of any project established or administered by any such organization or agency unless the Secretary determines that such project—

【(A) will provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

【(B) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities;

【(C) will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by organizations, other than political parties, exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1986, except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

【(D) will contribute to the general welfare of the community;

【(E) will provide employment for eligible individuals;

【(F)(i) will result in an increase in employment opportunities over those opportunities which would otherwise be available; (ii) will not result in the displacement of currently employed workers (including partial displacement, such as a reduction in the hours of nonovertime work or wages or employment benefits); and (iii) will not impair existing contracts or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed;

[(G) will not employ or continue to employ any eligible individual to perform work the same or substantially the same as that performed by any other person who is on layoff;

[(H) will utilize methods of recruitment and selection (including listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

[(I) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

[(J) will assure that safe and healthy conditions of work will be provided, and will assure that individuals employed in community service jobs assisted under this title shall be paid wages which shall not be lower than whichever is the highest of (i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if the participant were not exempt under section 13 thereof, (ii) the State or local minimum wage for the most nearly comparable covered employment, or (iii) the prevailing rates of pay for individuals employed in similar public occupations by the same employer;

[(K) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

[(L) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this title, in accordance with regulations promulgated by the Secretary;

[(M) will assure, that to the extent feasible, such project will serve the needs of minority, limited English-speaking, and Indian eligible individuals, and eligible individuals who have greatest economic need, at least in proportion to their numbers in the State and take into consideration their rates of poverty and unemployment;

[(N)(i) will prepare an assessment of—

[(I) the participants' skills and talents;

[(II) their need for supportive services; and

[(III) their physical capabilities;

except to the extent such project has, for the particular participant involved, an assessment of such skills and talents, such need, or such capabilities prepared recently pursuant to another employment or training program (such as a program under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) or the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.));

[(ii) will provide to eligible individuals training and employment counseling based on strategies that identify appropriate employment objectives and the need for supportive services, developed as a result of the assessment provided for in clause (i); and

[(iii) will provide counseling to participants on their progress in meeting such objectives and satisfying their need for supportive services;

[(O) will authorize funds to be used, to the extent feasible, to include individuals participating in such project under any State unemployment insurance plan; and

[(P) will post in such project workplace a notice, and will make available to each person associated with such project a written explanation, clarifying the law with respect to allowable and unallowable political activities under chapter 15 of title 5, United States Code, applicable to the project and to each category of individuals associated with such project and containing the address and telephone number of the Inspector General of the Department of Labor, to whom questions regarding the application of such chapter may be addressed.

[(2) The Secretary is authorized to establish, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title.

[(3) The Secretary shall develop alternatives for innovative work modes and provide technical assistance in creating job opportunities through work sharing and other experimental methods to prime sponsors, labor organizations, groups representing business and industry and workers as well as to individual employers, where appropriate.

[(4) The Secretary may enter into an agreement with the Administrator of the Environmental Protection Agency to establish a Senior Environmental Employment Corps.

[(c)(1) The Secretary is authorized to pay not to exceed 90 percent of the cost of any project which is the subject of an agreement entered into under subsection (b), except that the Secretary is authorized to pay all of the costs of any such project which is (A) an emergency or disaster project, or (B) a project located in an economically depressed area, as determined by the Secretary in consultation with the Secretary of Commerce and the Secretary of Health and Human Services.

[(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

[(3) Of the amount for any project to be paid by the Secretary under this subsection, not more than 13.5 percent for fiscal year 1987 and each fiscal year thereafter shall be available for paying the costs of administration for such project, except that—

[(A) whenever the Secretary determines that it is necessary to carry out the project assisted under this title, based on information submitted by the public or private nonprofit agency or organization with which the Secretary has an agreement under subsection (b), the Secretary may increase the amount available for paying the cost of administration to an amount not more than 15 percent of the cost of such project; and

[(B) whenever the public or private nonprofit agency or organization with which the Secretary has an agreement under subsection (b) demonstrates to the Secretary that—

[(i) major administrative cost increases are being incurred in necessary program components, including liability insurance, payments for workers' compensation, costs associated with achieving unsubsidized placement goals, and other operation requirements imposed by the Secretary;

[(ii) the number of employment positions in the project or the number of minority eligible individuals participating in the project will decline if the amount available for paying the cost of administration is not increased; or

[(iii) the size of the project is so small that the amount of administrative expenses incurred to carry out the project necessarily exceed 13.5 percent of the amount for such project;

the Secretary shall increase the amount available for the fiscal year for paying the cost of administration to an amount not more than 15 percent of the cost of such project.

[(d)(1) Whenever a national organization or other program sponsor conducts a project within a planning and service area in a State such organization or program sponsor shall conduct such project in consultation with the area agency on aging of the planning and service area and shall submit to the State agency and the area agency on aging a description of such project to be conducted in the State, including the location of the project, 30 days prior to undertaking the project, for review and comment according to guidelines the Secretary shall issue to assure efficient and effective coordination of programs under this title.

[(2) The Secretary shall review on his own initiative or at the request of any public or private nonprofit agency or organization, or an agency of the State government, the distribution of programs under this title within the State including the distribution between urban and rural areas within the State. For each proposed reallocation of programs within a State, the Secretary shall give notice and opportunity for a hearing on the record by all interested individuals and make a written determination of his findings and decision.

[(e)(1) The Secretary, in addition to any other authority contained in this title, shall conduct experimental projects designed to assure second career training and the placement of eligible individuals in employment opportunities with private business concerns. The Secretary shall enter into such agreements with States, public agencies, nonprofit private organizations and private business concerns as may be necessary to conduct the experimental projects authorized by this subsection. The Secretary from amounts reserved under section 506(a)(2)(A) in any fiscal year, may pay all of the costs of any agreements entered into under the provisions of this subsection. The Secretary shall, to the extent feasible, assure equitable geographic distribution of projects authorized by this subsection.

[(2) The Secretary shall issue, and amend from time to time, criteria designed to assure that agreements entered into under paragraph (1) of this subsection—

[(A) will involve different kinds of work modes, such as flex-time, job sharing, and other arrangements relating to reduced physical exertion;

[(B) will emphasize projects involving second careers and job placement and give consideration to placement in growth industries and in jobs reflecting new technological skills; and

[(C) require the coordination of projects carried out under such agreements, with the programs carried out under section 124 of the Job Training Partnership Act (29 U.S.C. 1534).

[(3)(A) The Secretary shall carry out an evaluation of the second career training and job placement projects authorized by this subsection.

[(B) The evaluation shall include but not be limited to the projects described in paragraph (2).

[(C) The Secretary shall prepare and submit, not later than one year after the enactment of the Older Americans Act Amendments of 1981, to the Congress an interim report describing the agreements entered into under paragraph (1) and the design for the evaluation required by this paragraph. The Secretary shall prepare and submit to the President and the Congress a final report on the evaluation required by this paragraph. The Secretary shall prepare and submit to the President and the Congress a final report on the evaluation required by this paragraph not later than February 1, 1984, together with his findings and such recommendations, including recommendations for additional legislation, as the Secretary deems appropriate.

[(D) The Secretary shall make the final report submitted under subparagraph (C) available to interested private business concerns.

[(4) For the purpose of this subsection, "eligible individual" means any individual who is 55 years of age or older and who has an income equal to or less than the intermediate level retired couples budget as determined annually by the Bureau of Labor Statistics.

[ADMINISTRATION

[SEC. 503. (a)(1) In order to effectively carry out the provisions of this title, the Secretary shall, through the Assistant Secretary for Aging, consult with the State agency and the appropriate area agencies on aging established under section 305(a)(2) with regard to—

[(A) the localities in which community service projects of the type authorized by this title are most needed;

[(B) consideration of the employment situations and the type of skills possessed by available local individuals who are eligible to participate; and

[(C) potential projects and the number and percentage of eligible individuals in the local population.

[(2) The Secretary of Labor and the Assistant Secretary for Aging shall coordinate the programs under this title and the programs under titles III, IV, and VI to increase job opportunities available to older individuals.

[(b)(1) The Secretary shall coordinate the program assisted under this title with programs authorized under the Job Training Partnership Act, the Community Services Block Grant Act, and the

Vocational Education Act of 1984. The Secretary shall coordinate the administration of this title with the administration of titles III, IV, and VI by the Assistant Secretary for Aging, to increase the likelihood that eligible individuals for whom employment opportunities under this title are available and who need services under such titles receive such services. Appropriations under this Act may not be used to carry out any program under the Job Training Partnership Act, the Community Services Block Grant Act, or the Vocational Education Act of 1984. The preceding sentence shall not be construed to prohibit carrying out projects under this title jointly with programs, projects, or activities under any Act specified in such sentence.

[(2) The Secretary shall distribute to grantees under this title, for distribution to program enrollees, and at no cost to grantees or enrollees, information materials developed and supplied by the Equal Employment Opportunity Commission and other appropriate Federal agencies which the Secretary determines are designed to help enrollees identify age discrimination and understand their rights under the Age Discrimination in Employment Act of 1967.

[(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities.

[(d) Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

[(e) The Secretary shall not delegate any function of the Secretary under this title to any other department or agency of the Federal Government.

[(f) In carrying out the provisions of this title, the Secretary may fund and expand projects concerning the Senior Environmental Employment Corps and energy conservation from sums appropriated under section 508 for such fiscal year.

[(PARTICIPANTS NOT FEDERAL EMPLOYEES

[SEC. 504. (a) Eligible individuals who are employed in any project funded under this title shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

[(b) No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self-insurance, as authorized by State law, that the persons employed under the contract shall enjoy workmen's compensation coverage equal to that provided by law for covered employment.

[(INTERAGENCY COOPERATION

[SEC. 505. (a) The Secretary shall consult with, and obtain the written views of, the Assistant Secretary for Aging prior to the es-

establishment of rules or the establishment of general policy in the administration of this title.

[(b) The Secretary shall consult and cooperate with the Director of the Office of Community Services, the Secretary of Health and Human Services, and the heads of other Federal agencies carrying out related programs, in order to achieve optimal coordination with such other programs. In carrying out the provisions of this section, the Secretary shall promote programs or projects of a similar nature. Each Federal agency shall cooperate with the Secretary in disseminating information relating to the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects assisted under this title.

[(c) In administering projects under this title concerning the Senior Environmental Employment Corps and energy conservation, the Secretary shall consult with the Administrator of the Environmental Protection Agency and the Secretary of Energy and shall enter into an agreement with the Administrator and the Secretary of Energy to coordinate programs conducted by them with such projects.

[(d)(1) The Secretary shall promote and coordinate carrying out projects under this title jointly with programs, projects, or activities under other Acts that provide training and employment opportunities to eligible individuals.

[(2) The Secretary shall consult with the Secretary of Education to promote and coordinate carrying out projects under this title jointly with employment and training programs in which eligible individuals may participate that are carried out under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

[EQUITABLE DISTRIBUTION OF ASSISTANCE

[SEC. 506. (a)(1)(A) Subject to subparagraph (B) and paragraph (2), from sums appropriated under this title for each fiscal year, the Secretary shall first reserve such sums as may be necessary for national grants or contracts with public agencies and public or non-profit private organizations to maintain the level of activities carried on under such grants or contracts at least at the level of such activities supported under this title and under any other provision of Federal law relating to community service employment programs for older Americans in fiscal year 1978.

[(B)(i)(I) For each fiscal year in which the sums appropriated under this title exceed the amount appropriated under this title for fiscal year 1978, the Secretary shall reserve not more than 45 percent of such excess, except as provided in subclause (II), to carry out clauses (ii), (iii), and (v).

[(II) The Secretary shall reserve a sum sufficient to carry out clauses (iii) and (v).

[(III) The Secretary in awarding grants and contracts under this paragraph from the sum reserved under this paragraph shall, to the extent feasible, assure an equitable distribution of activities under such grants and contracts designed to achieve the allotment among the States described in paragraph (3) of this subsection.

[(ii) The Secretary shall reserve such sums as may be necessary for national grants or contracts with public or nonprofit national Indian aging organizations with the ability to provide employment services to older Indians and with national public or nonprofit Pacific Island and Asian American aging organizations with the ability to provide employment services to older Pacific Island and Asian Americans.

[(iii) If the amount appropriated under this title for a fiscal year exceeds 102 percent of the amount appropriated under this title for fiscal year 1991, for each fiscal year described in clause (iv), the Secretary shall reserve for recipients of national grants and contracts under this paragraph such portion of the excess amount as the Secretary determines to be appropriate and is—

[(I) at least 25 percent of the excess amount; or

[(II) the portion required to increase the amount made available under this paragraph to each of the recipients so that the amount equals 1.3 percent of the amount appropriated under this title for fiscal year 1991.

[(iv) From the portion reserved under clause (iii), the Secretary shall increase the amount made available under this paragraph to each of the recipients—

[(I) for each fiscal year before the fiscal year described in subclause (II), so that such amount equals, or more closely approaches, such 1.3 percent; and

[(II) for the first fiscal year for which the portion is sufficient to make available under this paragraph to each of the recipients the amount equal to such 1.3 percent, so that such amount is not less than such 1.3 percent.

[(v) For each fiscal year after the fiscal year described in clause (iv)(II), the Secretary shall make available under this paragraph to each of the recipients an amount not less than such 1.3 percent.

[(C) Preference in awarding grants and contracts under this paragraph shall be given to national organizations, and agencies, of proven ability in providing employment services to eligible individuals under this program and similar programs. The Secretary, in awarding grants and contracts under this section, shall, to the extent feasible, assure an equitable distribution of activities under such grants and contracts, in the aggregate, among the States, taking into account the needs of underserved States, subject to subparagraph (B)(i)(III).

[(2)(A) From sums appropriated under this title for each fiscal year after September 30, 1978, the Secretary shall reserve an amount which is at least 1 percent and not more than 3 percent of the amount appropriated in excess of the amount appropriated for fiscal year 1978 for the purpose of entering into agreements under section 502(e), relating to improved transition to private employment.

[(B) After the Secretary makes the reservations required by paragraph (1)(B) and subparagraph (A), the remainder of such excess shall be allotted to the appropriate public agency of each State pursuant to paragraph (3).

[(3) The Secretary shall allot to the State agency on aging of each State the remainder of the sums appropriated for any fiscal year under section 508 so that each State will receive an amount

which bears the same ratio to such remainder as the product of the number of persons aged fifty-five or over in the State and the allotment percentage of such State bears to the sum of the corresponding product for all States, except that (A) no State shall be allotted less than one-half of 1 percent of the remainder of the sums appropriated for the fiscal year for which the determination is made, or \$100,000, whichever is greater, and (B) Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount which is not less than one-fourth of 1 percent of the remainder of the sums appropriated for the fiscal year for which the determination is made, or \$50,000, whichever is greater. For the purpose of the exception contained in this paragraph the term "State" does not include Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and the Trust Territory of the Pacific Islands.

[(4) For the purpose of this subsection—

[(A) the allotment percentage of each State shall be 100 percent less that percentage which bears the same ratio to 50 percent as the per capita income of such State bears to the per capita income of the United States, except that (i) the allotment percentage shall in no case be more than 75 percent or less than $33\frac{1}{3}$ percent, and (ii) the allotment percentage for the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands shall be 75 percent;

[(B) the number of persons aged fifty-five or over in any State and in all States, and the per capita income in any State and in all States, shall be determined by the Secretary on the basis of the most satisfactory data available to the Secretary; and

[(C) for the purpose of determining the allotment percentage, the term "United States" means the fifty States and the District of Columbia.

[(b) The amount allotted for projects within any State under subsection (a) for any fiscal year which the Secretary determines will not be required for such year shall be reallocated, from time to time and on such dates during such year as the Secretary may fix, to projects within other States in proportion to the original allotments to projects within such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates that projects within such State need and will be able to use for such year; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

[(c) The amount apportioned for projects within each State under subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration (1) the proportion which eligible individuals in each such area bears to the

total number of such individuals, respectively, in that State, (2) the relative distribution of such individuals residing in rural and urban areas within the State, and (3) the relative distribution of (A) such individuals who are individuals with greatest economic need, (B) such individuals who are minority individuals, and (C) such individuals who are individuals with greatest social need.

[(d) The Secretary shall require the State agency for each State receiving funds under this title to report at the beginning of each fiscal year on such State's compliance with subsection (c). Such report shall include the names and geographic location of all projects assisted under this title and carried out in the State and the amount allotted to each such project.

【DEFINITIONS

【SEC. 507. As used in this title—

【(1) the term “eligible individual” means an individual who is fifty-five years old or older, who has a low income (including any such individual whose income is not more than 125 percent of the poverty line), except that, pursuant to regulations prescribed by the Secretary, any such individual who is sixty years old or older shall have priority for the work opportunities provided for under this title;

【(2) the term “community service” means social, health, welfare, and educational services (particularly literacy tutoring), legal and other counseling services and assistance, including tax counseling and assistance and financial counseling, and library, recreational, and other similar services; conservation, maintenance, or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; weatherization activities; economic development; and such other services essential and necessary to the community as the Secretary, by regulation, may prescribe;

【(3) the term “program” means the older American community service employment program established under this title; and

【(4) the term “Pacific Island and Asian Americans” means Americans having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.

【AUTHORIZATION OF APPROPRIATIONS

【SEC. 508. (a) There is authorized to be appropriated to carry out this title—

【(1) \$470,671,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993, 1994, and 1995; and

【(2) such additional sums as may be necessary for each such fiscal year to enable the Secretary, through programs under this title, to provide for at least 70,000 part-time employment positions for eligible individuals.

For purposes of paragraph (2), “part-time employment position” means an employment position within a workweek of at least 20 hours.

[(b) Amounts appropriated under this section for any fiscal year shall be used during the annual period which begins on July 1 of the calendar year immediately following the beginning of such fiscal year and which ends on June 30 of the following calendar year. The Secretary may extend the period during which such amounts may be obligated or expended in the case of a particular organization or agency receiving funds under this title if the Secretary determines that such extension is necessary to ensure the effective use of such funds by such organization or agency. Any such extension shall be for a period of not more than 60 days after the end of such annual period.]

EMPLOYMENT ASSISTANCE AND FEDERAL HOUSING AND FOOD STAMP PROGRAMS

[SEC. 509. Funds received by eligible individuals from projects carried out under the program established in this title shall not be considered to be income of such individuals for purposes of determining the eligibility of such individuals, or of any other persons, to participate in any housing program for which Federal funds may be available or for any income determination under the Food Stamp Act of 1977.]

[SEC. 510. DUAL ELIGIBILITY.]

[In the case of projects under this title carried out jointly with programs carried out under the Job Training Partnership Act, eligible individuals shall be deemed to satisfy the requirements of sections 203 and 204(d)(5)(A) of such Act (29 U.S.C. 1603, 1604(d)(5)(A)) that are applicable to adults.]

[SEC. 511. TREATMENT OF ASSISTANCE.]

[Assistance furnished under this title shall not be construed to be financial assistance described in section 245A(h)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(1)(A)).]

[TITLE VI—GRANTS FOR NATIVE AMERICANS

STATEMENT OF PURPOSE

[SEC. 601. It is the purpose of this title to promote the delivery of supportive services, including nutrition services to American Indians, Alaskan Natives, and Native Hawaiians that are comparable to services provided under title III.]

SENSE OF CONGRESS

[SEC. 602. It is the sense of the Congress that older individuals who are Indians, older individuals who are Alaskan Natives, and older individuals who are Native Hawaiians are a vital resource entitled to all benefits and services available and that such services and benefits should be provided in a manner that preserves and restores their respective dignity, self-respect, and cultural identities.]

[PART A—INDIAN PROGRAM

FINDINGS

[SEC. 611. (a) The Congress finds that the older individuals who are Indians of the United States—

- [(1) are a rapidly increasing population;
- [(2) suffer from high unemployment;
- [(3) live in poverty at a rate estimated to be as high as 61 percent;
- [(4) have a life expectancy between 3 and 4 years less than the general population;
- [(5) lack sufficient nursing homes, other long-term care facilities, and other health care facilities;
- [(6) lack sufficient Indian area agencies on aging;
- [(7) frequently live in substandard and over-crowded housing;
- [(8) receive less than adequate health care;
- [(9) are served under this title at a rate of less than 19 percent of the total national population of older individuals who are Indians living on Indian reservations; and
- [(10) are served under title III at a rate of less than 1 percent of the total participants under that title.

ELIGIBILITY

[SEC. 612. (a) A tribal organization of an Indian tribe is eligible for assistance under this part only if—

- [(1) the tribal organization represents at least 50 individuals who are 60 years of age or older; and
- [(2) the tribal organization demonstrates the ability to deliver supportive services, including nutritional services.

[(b) For the purposes of this part the terms “Indian tribe” and “tribal organization” have the same meaning as in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

GRANTS AUTHORIZED

[SEC. 613. The Assistant Secretary may make grants to eligible tribal organizations to pay all of the costs for delivery of supportive services and nutrition services for older individuals who are Indians.

APPLICATIONS

[SEC. 614. (a) No grant may be made under this part unless the eligible tribal organization submits an application to the Assistant Secretary which meets such criteria as the Assistant Secretary may by regulation prescribe. Each such application shall—

- [(1) provide that the eligible tribal organization will evaluate the need for supportive and nutrition services among older individuals who are Indians to be represented by the tribal organizations;
- [(2) provide for the use of such methods of administration as are necessary for the proper and efficient administration of the program to be assisted;
- [(3) provide that the tribal organization will make such reports in such form and containing such information, as the Assistant Secretary may reasonably require, and comply with such requirements as the Assistant Secretary may impose to assure the correctness of such reports;

[(4) provide for periodic evaluation of activities and projects carried out under the application;

[(5) establish objectives consistent with the purposes of this part toward which activities under the application will be directed, identify obstacles to the attainment of such objectives, and indicate the manner in which the tribal organization proposes to overcome such obstacles;

[(6) provide for establishing and maintaining information and assistance services to assure that older individuals who are Indians to be served by the assistance made available under this part will have reasonably convenient access to such services;

[(7) provide a preference for older individuals who are Indians for full or part-time staff positions whenever feasible;

[(8) provide assistance that either directly or by way of grant or contract with appropriate entities nutrition services will be delivered to older individuals who are Indians represented by the tribal organization substantially in compliance with the provisions of part C of title III, except that in any case in which the need for nutritional services for older individuals who are Indians represented by the tribal organization is already met from other sources, the tribal organization may use the funds otherwise required to be expended under this paragraph for supportive services;

[(9) contain assurance that the provisions of sections 307(a)(14)(A) (i) and (iii), 307(a)(14)(B), and 307(a)(14)(C) will be complied with whenever the application contains provisions for the acquisition, alteration, or renovation of facilities to serve as multipurpose senior centers;

[(10) provide that any legal or ombudsman services made available to older individuals who are Indians represented by the tribal organization will be substantially in compliance with the provisions of title III relating to the furnishing of similar services;

[(11) provide satisfactory assurance that fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the tribal organization, including any funds paid by the tribal organization to a recipient of a grant or contract; and

[(12) contain assurances that the tribal organization will coordinate services provided under this part with services provided under title III in the same geographical area.

[(b) For the purpose of any application submitted under this part, the tribal organization may develop its own population statistics, with certification from the Bureau of Indian Affairs, in order to establish eligibility.

[(c) The Assistant Secretary shall approve any application which complies with the provisions of subsection (a).

[(d) Whenever the Assistant Secretary determines not to approve an application submitted under subsection (a) the Assistant Secretary shall—

[(1) state objections in writing to the tribal organization within 60 days after such decision;

[(2) provide to the extent practicable technical assistance to the tribal organization to overcome such stated objections; and

[(3) provide the tribal organization with a hearing, under such rules and regulations as the Assistant Secretary may prescribe.

[(e) Whenever the Assistant Secretary approves an application of a tribal organization under this part, funds shall be awarded for not less than 12 months.

[SEC. 614A. DISTRIBUTION OF FUNDS AMONG TRIBAL ORGANIZATIONS.

[(a) MAINTENANCE OF 1991 AMOUNTS.—Subject to the availability of appropriations to carry out this part, the amount of the grant (if any) made under this part to a tribal organization for fiscal year 1992 and for each subsequent fiscal year shall be not less than the amount of the grant made under this part to the tribal organization for fiscal year 1991.

[(b) USE OF ADDITIONAL AMOUNTS APPROPRIATED.—If the funds appropriated to carry out this part in a fiscal year subsequent to fiscal year 1991 exceed the funds appropriated to carry out this part in fiscal year 1991, then the amount of the grant (if any) made under this part to a tribal organization for the subsequent fiscal year shall be—

[(1) increased by such amount as the Assistant Secretary considers to be appropriate, in addition to the amount of any increase required by subsection (a), so that the grant equals or more closely approaches the amount of the grant made under this part to the tribal organization for fiscal year 1980; or

[(2) an amount the Assistant Secretary considers to be sufficient if the tribal organization did not receive a grant under this part for either fiscal year 1980 or fiscal year 1991.

SURPLUS EDUCATIONAL FACILITIES

[SEC. 615. (a) Notwithstanding any other provision of law, the Secretary of the Interior through the Bureau of Indian Affairs shall make available surplus Indian educational facilities to tribal organizations, and nonprofit organizations with tribal approval, for use as multipurpose senior centers. Such centers may be altered so as to provide extended care facilities, community center facilities, nutrition services, child care services, and other supportive services.

[(b) Each eligible tribal organization desiring to take advantage of such surplus facilities shall submit an application to the Secretary of the Interior at such time and such manner, and containing or accompanied by such information, as the Secretary of the Interior determines to be necessary to carry out the provisions of this section.

[PART B—NATIVE HAWAIIAN PROGRAM

FINDINGS

[SEC. 621. The Congress finds the older Native Hawaiians—

[(1) have a life expectancy 10 years less than any other ethnic group in the State of Hawaii;

[(2) rank lowest on 9 of 11 standard health indicies for all ethnic groups in Hawaii;

- [(3) are often unaware of social services and do not know how to go about seeking such assistance; and
- [(4) live in poverty at a rate of 34 percent.

ELIGIBILITY

[SEC. 622. A public or nonprofit private organization having the capacity to provide services under this part for Native Hawaiians is eligible for assistance under this part only if—

- [(1) the organization will serve at least 50 individuals who have attained 60 years of age or older; and
- [(2) the organization demonstrates the ability to deliver supportive services, including nutrition services.

GRANTS AUTHORIZED

[SEC. 623. The Assistant Secretary may make grants to public and nonprofit private organizations to pay all of the costs for the delivery of supportive services and nutrition services to older Native Hawaiians.

APPLICATION

[SEC. 624. (a) No grant may be made under this part unless the public or nonprofit private organization submits an application to the Assistant Secretary which meets such criteria as the Assistant Secretary may by regulation prescribe. Each such application shall—

- [(1) provide that the organization will evaluate the need for supportive and nutrition services among older Native Hawaiians to be represented by the organization;
- [(2) provide for the use of such methods of administration as are necessary for the proper and efficient administration of the program to be assisted;
- [(3) provide assurances that the organization will coordinate its activities with the State agency on aging and with the activities carried out under title III in the same geographical area;
- [(4) provide that the organization will make such reports in such form and containing such information as the Assistant Secretary may reasonably require, and comply with such requirements as the Assistant Secretary may impose to ensure the correctness of such reports;
- [(5) provide for periodic evaluation of activities and projects carried out under the application;
- [(6) establish objectives, consistent with the purpose of this title, toward which activities described in the application will be directed, identify obstacles to the attainment of such objectives, and indicate the manner in which the organization proposes to overcome such obstacles;
- [(7) provide for establishing and maintaining information and assistance services to assure that older Native Hawaiians to be served by the assistance made available under this part will have reasonably convenient access to such services;

[(8) provide a preference for Native Hawaiians 60 years of age and older for full or part-time staff positions wherever feasible;

[(9) provide that any legal or ombudsman services made available to older Native Hawaiians represented by the nonprofit private organization will be substantially in compliance with the provisions of title III relating to the furnishing and similar services; and

[(10) provide satisfactory assurance that the fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the nonprofit private organization, including any funds paid by the organization to a recipient of a grant or contract.

[(b) The Assistant Secretary shall approve any application which complies with the provisions of subsection (a).

[(c) Whenever the Assistant Secretary determines not to approve an application submitted under subsection (a) the Assistant Secretary shall—

[(1) state objections in writing to the nonprofit private organization within 60 days after such decision;

[(2) provide to the extent practicable technical assistance to the nonprofit private organization to overcome such stated objections; and

[(3) provide the organization with a hearing under such rules and regulations as the Assistant Secretary may prescribe.

[(d) Whenever the Assistant Secretary approves an application of a nonprofit private or public organization under this part funds shall be awarded for not less than 12 months.

[SEC. 624A. DISTRIBUTION OF FUNDS AMONG ORGANIZATIONS.

[Subject to the availability of appropriations to carry out this part, the amount of the grant (if any) made under this part to an organization for fiscal year 1992 and for each subsequent fiscal year shall be not less than the amount of the grant made under this part to the organization for fiscal year 1991.

DEFINITION

[SEC. 625. For the purpose of this part, the term “Native Hawaiian” means any individual any of whose ancestors were natives of the area which consists of the Hawaiian Islands prior to 1778.

[PART C—GENERAL PROVISIONS

ADMINISTRATION

[SEC. 631. In establishing regulations for the purpose of part A the Assistant Secretary shall consult with the Secretary of the Interior.

PAYMENTS

[SEC. 632. Payments may be made under this title (after necessary adjustments, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of re-

imbursement in such installments and on such conditions as the Assistant Secretary may determine.

AUTHORIZATION OF APPROPRIATIONS

[SEC. 633. (a) There are authorized to be appropriated \$30,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, to carry out this title (other than section 615).

[(b) Of the amount appropriated under subsection (a) for each fiscal year—

- [(1)** 90 percent shall be available to carry out part A; and
- [(2)** 10 percent shall be available to carry out part B.

[TITLE VII—ALLOTMENTS FOR VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES

[Subtitle A—State Provisions

[CHAPTER 1—GENERAL STATE PROVISIONS

[SEC. 701. ESTABLISHMENT.

[The Assistant Secretary, acting through the Administration, shall establish and carry out a program for making allotments to States to pay for the cost of carrying out vulnerable elder rights protection activities.

[SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

[(a) OMBUDSMAN PROGRAM.—There are authorized to be appropriated to carry out chapter 2, \$40,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

[(b) PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.—There are authorized to be appropriated to carry out chapter 3, \$15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

[(c) STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT PROGRAM.—There are authorized to be appropriated to carry out chapter 4, \$10,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

[(d) OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM.—There are authorized to be appropriated to carry out chapter 5, \$15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

[SEC. 703. ALLOTMENT.

[(a) IN GENERAL.—

[(1) POPULATION.—In carrying out the program described in section 701, the Assistant Secretary shall initially allot to each State, from the funds appropriated under section 702 for each fiscal year, an amount that bears the same ratio to the funds as the population of older individuals in the State bears to the population of older individuals in all States.

[(2) MINIMUM ALLOTMENTS.—

[(A) IN GENERAL.—After making the initial allotments described in paragraph (1), the Assistant Secretary shall adjust the allotments on a pro rata basis in accordance with subparagraphs (B) and (C).

[(B) GENERAL MINIMUM ALLOTMENTS.—

[(i) MINIMUM ALLOTMENT FOR STATES.—No State shall be allotted less than one-half of 1 percent of the funds appropriated under section 702 for the fiscal year for which the determination is made.

[(ii) MINIMUM ALLOTMENT FOR TERRITORIES.—Guam, the United States Virgin Islands, and the Trust Territory of the Pacific Islands, shall each be allotted not less than one-fourth of 1 percent of the funds appropriated under section 702 for the fiscal year for which the determination is made. American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than one-sixteenth of 1 percent of the sum appropriated under section 702 for the fiscal year for which the determination is made.

[(C) MINIMUM ALLOTMENTS FOR OMBUDSMAN AND ELDER ABUSE PROGRAMS.—

[(i) OMBUDSMAN PROGRAM.—No State shall be allotted for a fiscal year, from the funds appropriated under section 702(a), less than the amount allotted to the State under section 304 in fiscal year 1991 to carry out the State Long-Term Care Ombudsman program under title III.

[(ii) ELDER ABUSE PROGRAMS.—No State shall be allotted for a fiscal year, from the funds appropriated under section 702(b), less than the amount allotted to the State under section 304 in fiscal year 1991 to carry out programs with respect to the prevention of elder abuse, neglect, and exploitation under title III.

[(D) DEFINITION.—For the purposes of this paragraph, the term “State” does not include Guam, American Samoa, the United States Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

[(b) REALLOTMENT.—

[(1) IN GENERAL.—If the Assistant Secretary determines that any amount allotted to a State for a fiscal year under this section will not be used by the State for carrying out the purpose for which the allotment was made, the Assistant Secretary shall make the amount available to a State that the Assistant Secretary determines will be able to use the amount for carrying out the purpose.

[(2) AVAILABILITY.—Any amount made available to a State from an appropriation for a fiscal year in accordance with paragraph (1) shall, for purposes of this subtitle, be regarded as part of the allotment of the State (as determined under subsection (a)) for the year, but shall remain available until the end of the succeeding fiscal year.

[(c) WITHHOLDING.—If the Assistant Secretary finds that any State has failed to carry out this title in accordance with the assurances made and description provided under section 705, the Assistant Secretary shall withhold the allotment of funds to the State. The Assistant Secretary shall disburse the funds withheld directly to any public or nonprofit private institution or organization, agency, or political subdivision of the State submitting an approved plan containing the assurances and description.

[SEC. 704. ORGANIZATION.

[In order for a State to be eligible to receive allotments under this subtitle—

[(1) the State shall demonstrate eligibility under section 305;

[(2) the State agency designated by the State shall demonstrate compliance with the applicable requirements of section 305; and

[(3) each area agency on aging designated by the State agency and participating in such a program shall demonstrate compliance with the applicable requirements of section 305.

[SEC. 705. ADDITIONAL STATE PLAN REQUIREMENTS.

[(a) ELIGIBILITY.—In order to be eligible to receive an allotment under this subtitle, a State shall include in the State plan submitted under section 307—

[(1) an assurance that the State, in carrying out any chapter of this subtitle for which the State receives funding under this subtitle, will establish programs in accordance with the requirements of the chapter and this chapter;

[(2) an assurance that the State will hold public hearings, and use other means, to obtain the views of older individuals, area agencies on aging, recipients of grants under title VI, and other interested persons and entities regarding programs carried out under this subtitle;

[(3) an assurance that the State, in consultation with area agencies on aging, will identify and prioritize statewide activities aimed at ensuring that older individuals have access to, and assistance in securing and maintaining, benefits and rights;

[(4) an assurance that the State will use funds made available under this subtitle for a chapter in addition to, and will not supplant, any funds that are expended under any Federal or State law in existence on the day before the date of the enactment of this subtitle, to carry out the vulnerable elder rights protection activities described in the chapter;

[(5) an assurance that the State will place no restrictions, other than the requirements referred to in clauses (i) through (iv) of section 712(a)(5)(C), on the eligibility of entities for designation as local Ombudsman entities under section 712(a)(5);

[(6) an assurance that, with respect to programs for the prevention of elder abuse, neglect, and exploitation under chapter 3—

[(A) in carrying out such programs the State agency will conduct a program of services consistent with relevant State law and coordinated with existing State adult protective service activities for—

[(i) public education to identify and prevent elder abuse;

[(ii) receipt of reports of elder abuse;

[(iii) active participation of older individuals participating in programs under this Act through outreach, conferences, and referral of such individuals to other social service agencies or sources of assistance if appropriate and if the individuals to be referred consent; and

[(iv) referral of complaints to law enforcement or public protective service agencies if appropriate;

[(B) the State will not permit involuntary or coerced participation in the program of services described in subparagraph (A) by alleged victims, abusers, or their households; and

[(C) all information gathered in the course of receiving reports and making referrals shall remain confidential except—

[(i) if all parties to such complaint consent in writing to the release of such information;

[(ii) if the release of such information is to a law enforcement agency, public protective service agency, licensing or certification agency, ombudsman program, or protection or advocacy system; or

[(iii) upon court order;

[(7) an assurance that the State agency—

[(A) from funds appropriated under section 702(d) for chapter 5, will make funds available to eligible area agencies on aging to carry out chapter 5 and, in distributing such funds among eligible area agencies, will give priority to area agencies on aging based on—

[(i) the number of older individuals with greatest economic need, and older individuals with greatest social need, residing in their respective planning and service areas; and

[(ii) the inadequacy in such areas of outreach activities and application assistance of the type specified in chapter 5;

[(B) will require, as a condition of eligibility to receive funds to carry out chapter 5, an area agency on aging to submit an application that—

[(i) describes the activities for which such funds are sought;

[(ii) provides for an evaluation of such activities by the area agency on aging; and

[(iii) includes assurances that the area agency on aging will prepare and submit to the State agency a report of the activities conducted with funds provided under this paragraph and the evaluation of such activities;

[(C) will distribute to area agencies on aging—

[(i) the eligibility information received under section 202(a)(20) from the Administration; and

[(ii) information, in written form, explaining the requirements for eligibility to receive medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

[(D) will submit to the Assistant Secretary a report on the evaluations required to be submitted under subparagraph (B); and

[(8) a description of the manner in which the State agency will carry out this title in accordance with the assurances described in paragraphs (1) through (7).

[(b) PRIVILEGE.—Neither a State, nor a State agency, may require any provider of legal assistance under this subtitle to reveal any information that is protected by the attorney-client privilege.

[SEC. 706. DEMONSTRATION PROJECTS.

[(a) ESTABLISHMENT.—From amounts made available under section 304(d)(1)(C) after September 30, 1992, each State may provide for the establishment of at least one demonstration project, to be conducted by one or more area agencies on aging within the State, for outreach to older individuals with greatest economic need with respect to—

[(1) benefits available under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) (or assistance under a State program established in accordance with such title);

[(2) medical assistance available under title XIX of such Act (42 U.S.C. 1396 et seq.); and

[(3) benefits available under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

[(b) BENEFITS.—Each outreach project carried out under subsection (a) shall—

[(1) provide to older individuals with greatest economic need information and assistance regarding their eligibility to receive the benefits and assistance described in paragraphs (1) through (3) of subsection (a);

[(2) be carried out in a planning and service area that has a high proportion of older individuals with greatest economic need, relative to the aggregate number of older individuals in such area; and

[(3) be coordinated with State and local entities that administer benefits under such titles.

[CHAPTER 2—OMBUDSMAN PROGRAMS

[SEC. 711. DEFINITIONS.

[As used in this chapter:

[(1) OFFICE.—The term “Office” means the office established in section 712(a)(1)(A).

[(2) OMBUDSMAN.—The term “Ombudsman” means the individual described in section 712(a)(2).

[(3) LOCAL OMBUDSMAN ENTITY.—The term “local Ombudsman entity” means an entity designated under section 712(a)(5)(A) to carry out the duties described in section 712(a)(5)(B) with respect to a planning and service area or other substate area.

[(4) PROGRAM.—The term “program” means the State Long-Term Care Ombudsman program established in section 712(a)(1)(B).

[(5) REPRESENTATIVE.—The term “representative” includes an employee or volunteer who represents an entity designated under section 712(a)(5)(A) and who is individually designated by the Ombudsman.

[(6) RESIDENT.—The term “resident” means an older individual who resides in a long-term care facility.

[SEC. 712. STATE LONG-TERM CARE OMBUDSMAN PROGRAM.

[(a) ESTABLISHMENT.—

[(1) IN GENERAL.—In order to be eligible to receive an allotment under section 703 from funds appropriated under section 702(a), a State agency shall, in accordance with this section—

[(A) establish and operate an Office of the State Long-Term Care Ombudsman; and

[(B) carry out through the Office a State Long-Term Care Ombudsman program.

[(2) OMBUDSMAN.—The Office shall be headed by an individual, to be known as the State Long-Term Care Ombudsman, who shall be selected from among individuals with expertise and experience in the fields of long-term care and advocacy.

[(3) FUNCTIONS.—The Ombudsman shall serve on a full-time basis, and shall, personally or through representatives of the Office—

[(A) identify, investigate, and resolve complaints that—

[(i) are made by, or on behalf of, residents; and

[(ii) relate to action, inaction, or decisions, that may adversely affect the health, safety, welfare, or rights of the residents (including the welfare and rights of the residents with respect to the appointment and activities of guardians and representative payees), of—

[(I) providers, or representatives of providers, of long-term care services;

[(II) public agencies; or

[(III) health and social service agencies;

[(B) provide services to assist the residents in protecting the health, safety, welfare, and rights of the residents;

[(C) inform the residents about means of obtaining services provided by providers or agencies described in subparagraph (A)(ii) or services described in subparagraph (B);

[(D) ensure that the residents have regular and timely access to the services provided through the Office and that the residents and complainants receive timely responses from representatives of the Office to complaints;

[(E) represent the interests of the residents before governmental agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents;

[(F) provide administrative and technical assistance to entities designated under paragraph (5) to assist the entities in participating in the program;

[(G)(i) analyze, comment on, and monitor the development and implementation of Federal, State, and local laws, regulations, and other governmental policies and actions, that pertain to the health, safety, welfare, and rights of the residents, with respect to the adequacy of long-term care facilities and services in the State;

[(ii) recommend any changes in such laws, regulations, policies, and actions as the Office determines to be appropriate; and

[(iii) facilitate public comment on the laws, regulations, policies, and actions;

[(H)(i) provide for training representatives of the Office;

[(ii) promote the development of citizen organizations, to participate in the program; and

[(iii) provide technical support for the development of resident and family councils to protect the well-being and rights of residents; and

[(I) carry out such other activities as the Assistant Secretary determines to be appropriate.

[(4) CONTRACTS AND ARRANGEMENTS.—

[(A) IN GENERAL.—Except as provided in subparagraph (B), the State agency may establish and operate the Office, and carry out the program, directly, or by contract or other arrangement with any public agency or nonprofit private organization.

[(B) LICENSING AND CERTIFICATION ORGANIZATIONS; ASSOCIATIONS.—The State agency may not enter into the contract or other arrangement described in subparagraph (A) with—

[(i) an agency or organization that is responsible for licensing or certifying long-term care services in the State; or

[(ii) an association (or an affiliate of such an association) of long-term care facilities, or of any other residential facilities for older individuals.

[(5) DESIGNATION OF LOCAL OMBUDSMAN ENTITIES AND REPRESENTATIVES.—

[(A) DESIGNATION.—In carrying out the duties of the Office, the Ombudsman may designate an entity as a local Ombudsman entity, and may designate an employee or volunteer to represent the entity.

[(B) DUTIES.—An individual so designated shall, in accordance with the policies and procedures established by the Office and the State agency—

[(i) provide services to protect the health, safety, welfare and rights of residents;

[(ii) ensure that residents in the service area of the entity have regular, timely access to representatives of the program and timely responses to complaints and requests for assistance;

[(iii) identify, investigate, and resolve complaints made by or on behalf of residents that relate to action, inaction, or decisions, that may adversely affect the health, safety, welfare, or rights of the residents;

[(iv) represent the interests of residents before government agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents;

[(v)(I) review, and if necessary, comment on any existing and proposed laws, regulations, and other government policies and actions, that pertain to the rights and well-being of residents; and

[(II) facilitate the ability of the public to comment on the laws, regulations, policies, and actions;

[(vi) support the development of resident and family councils; and

[(vii) carry out other activities that the Ombudsman determines to be appropriate.

[(C) ELIGIBILITY FOR DESIGNATION.—Entities eligible to be designated as local Ombudsman entities, and individuals eligible to be designated as representatives of such entities, shall—

[(i) have demonstrated capability to carry out the responsibilities of the Office;

[(ii) be free of conflicts of interest;

[(iii) in the case of the entities, be public or non-profit private entities; and

[(iv) meet such additional requirements as the Ombudsman may specify.

[(D) POLICIES AND PROCEDURES.—

[(i) IN GENERAL.—The State agency shall establish, in accordance with the Office, policies and procedures for monitoring local Ombudsman entities designated to carry out the duties of the Office.

[(ii) POLICIES.—In a case in which the entities are grantees, or the representatives are employees, of area agencies on aging, the State agency shall develop the policies in consultation with the area agencies on aging. The policies shall provide for participation and comment by the agencies and for resolution of concerns with respect to case activity.

[(iii) CONFIDENTIALITY AND DISCLOSURE.—The State agency shall develop the policies and procedures in accordance with all provisions of this subtitle regarding confidentiality and conflict of interest.

[(b) PROCEDURES FOR ACCESS.—

[(1) IN GENERAL.—The State shall ensure that representatives of the Office shall have—

[(A) access to long-term care facilities and residents;

[(B)(i) appropriate access to review the medical and social records of a resident, if—

[(I) the representative has the permission of the resident, or the legal representative of the resident; or

[(II) the resident is unable to consent to the review and has no legal representative; or

[(ii) access to the records as is necessary to investigate a complaint if—

[(I) a legal guardian of the resident refuses to give the permission;

[(II) a representative of the Office has reasonable cause to believe that the guardian is not acting in the best interests of the resident; and

[(III) the representative obtains the approval of the Ombudsman;

[(C) access to the administrative records, policies, and documents, to which the residents have, or the general public has access, of long-term care facilities; and

[(D) access to and, on request, copies of all licensing and certification records maintained by the State with respect to long-term care facilities.

[(2) PROCEDURES.—The State agency shall establish procedures to ensure the access described in paragraph (1).

[(c) REPORTING SYSTEM.—The State agency shall establish a statewide uniform reporting system to—

[(1) collect and analyze data relating to complaints and conditions in long-term care facilities and to residents for the purpose of identifying and resolving significant problems; and

[(2) submit the data, on a regular basis, to—

[(A) the agency of the State responsible for licensing or certifying long-term care facilities in the State;

[(B) other State and Federal entities that the Ombudsman determines to be appropriate;

[(C) the Assistant Secretary; and

[(D) the National Ombudsman Resource Center established in section 202(a)(21).

[(d) DISCLOSURE.—

[(1) IN GENERAL.—The State agency shall establish procedures for the disclosure by the Ombudsman or local Ombudsman entities of files maintained by the program, including records described in subsection (b)(1) or (c).

[(2) IDENTITY OF COMPLAINANT OR RESIDENT.—The procedures described in paragraph (1) shall—

[(A) provide that, subject to subparagraph (B), the files and records described in paragraph (1) may be disclosed only at the discretion of the Ombudsman (or the person designated by the Ombudsman to disclose the files and records); and

[(B) prohibit the disclosure of the identity of any complainant or resident with respect to whom the Office maintains such files or records unless—

[(i) the complainant or resident, or the legal representative of the complainant or resident, consents to the disclosure and the consent is given in writing;

[(ii)(I) the complainant or resident gives consent orally; and

[(II) the consent is documented contemporaneously in a writing made by a representative of the Office in accordance with such requirements as the State agency shall establish; or

[(iii) the disclosure is required by court order.

[(e) CONSULTATION.—In planning and operating the program, the State agency shall consider the views of area agencies on aging, older individuals, and providers of long-term care.

[(f) CONFLICT OF INTEREST.—The State agency shall—

[(1) ensure that no individual, or member of the immediate family of an individual, involved in the designation of the Ombudsman (whether by appointment or otherwise) or the designation of an entity designated under subsection (a)(5), is subject to a conflict of interest;

[(2) ensure that no officer or employee of the Office, representative of a local Ombudsman entity, or member of the immediate family of the officer, employee, or representative, is subject to a conflict of interest;

[(3) ensure that the Ombudsman—

[(A) does not have a direct involvement in the licensing or certification of a long-term care facility or of a provider of a long-term care service;

[(B) does not have an ownership or investment interest (represented by equity, debt, or other financial relationship) in a long-term care facility or a long-term care service;

[(C) is not employed by, or participating in the management of, a long-term care facility; and

[(D) does not receive, or have the right to receive, directly or indirectly, remuneration (in cash or in kind) under a compensation arrangement with an owner or operator of a long-term care facility; and

[(4) establish, and specify in writing, mechanisms to identify and remove conflicts of interest referred to in paragraphs (1) and (2), and to identify and eliminate the relationships described in subparagraphs (A) through (D) of paragraph (3), including such mechanisms as—

[(A) the methods by which the State agency will examine individuals, and immediate family members, to identify the conflicts; and

[(B) the actions that the State agency will require the individuals and such family members to take to remove such conflicts.

[(g) LEGAL COUNSEL.—The State agency shall ensure that—

[(1)(A) adequate legal counsel is available, and is able, without conflict of interest, to—

[(i) provide advice and consultation needed to protect the health, safety, welfare, and rights of residents; and

[(ii) assist the Ombudsman and representatives of the Office in the performance of the official duties of the Ombudsman and representatives; and

[(B) legal representation is provided to any representative of the Office against whom suit or other legal action is brought or threatened to be brought in connection with the performance of the official duties of the Ombudsman or such a representative; and

[(2) the Office pursues administrative, legal, and other appropriate remedies on behalf of residents.

[(h) ADMINISTRATION.—The State agency shall require the Office to—

[(1) prepare an annual report—

[(A) describing the activities carried out by the Office in the year for which the report is prepared;

[(B) containing and analyzing the data collected under subsection (c);

[(C) evaluating the problems experienced by, and the complaints made by or on behalf of, residents;

[(D) containing recommendations for—

[(i) improving quality of the care and life of the residents; and

[(ii) protecting the health, safety, welfare, and rights of the residents;

[(E)(i) analyzing the success of the program including success in providing services to residents of board and care facilities and other similar adult care facilities; and

[(ii) identifying barriers that prevent the optimal operation of the program; and

[(F) providing policy, regulatory, and legislative recommendations to solve identified problems, to resolve the complaints, to improve the quality of care and life of residents, to protect the health, safety, welfare, and rights of residents, and to remove the barriers;

[(2) analyze, comment on, and monitor the development and implementation of Federal, State, and local laws, regulations, and other government policies and actions that pertain to long-term care facilities and services, and to the health, safety, welfare, and rights of residents, in the State, and recommend any changes in such laws, regulations, and policies as the Office determines to be appropriate;

[(3)(A) provide such information as the Office determines to be necessary to public and private agencies, legislators, and other persons, regarding—

[(i) the problems and concerns of older individuals residing in long-term care facilities; and

[(ii) recommendations related to the problems and concerns; and

[(B) make available to the public, and submit to the Assistant Secretary, the chief executive officer of the State, the State legislature, the State agency responsible for licensing or certifying long-term care facilities, and other appropriate governmental entities, each report prepared under paragraph (1);

[(4)(A) not later than 1 year after the date of the enactment of this title, establish procedures for the training of the representatives of the Office, including unpaid volunteers, based on model standards established by the Director of the Office of Long-Term Care Ombudsman Programs, in consultation with representatives of citizen groups, long-term care providers, and the Office, that—

[(i) specify a minimum number of hours of initial training;

[(ii) specify the content of the training, including training relating to—

[(I) Federal, State, and local laws, regulations, and policies, with respect to long-term care facilities in the State;

[(II) investigative techniques; and

[(III) such other matters as the State determines to be appropriate; and

[(iii) specify an annual number of hours of in-service training for all designated representatives; and

[(B) require implementation of the procedures not later than 21 months after the date of the enactment of this title;

[(5) prohibit any representative of the Office (other than the Ombudsman) from carrying out any activity described in subparagraphs (A) through (G) of subsection (a)(3) unless the representative—

[(A) has received the training required under paragraph (4); and

[(B) has been approved by the Ombudsman as qualified to carry out the activity on behalf of the Office;

[(6) coordinate ombudsman services with the protection and advocacy systems for individuals with developmental disabilities and mental illnesses established under—

[(A) part A of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.); and

[(B) the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.);

[(7) coordinate, to the greatest extent possible, ombudsman services with legal assistance provided under section 306(a)(2)(C), through adoption of memoranda of understanding and other means; and

[(8) permit any local Ombudsman entity to carry out the responsibilities described in paragraph (1), (2), (3), (6), or (7).

[(i) **LIABILITY.**—The State shall ensure that no representative of the Office will be liable under State law for the good faith performance of official duties.

[(j) **NONINTERFERENCE.**—The State shall—

[(1) ensure that willful interference with representatives of the Office in the performance of the official duties of the representatives (as defined by the Assistant Secretary) shall be unlawful;

[(2) prohibit retaliation and reprisals by a long-term care facility or other entity with respect to any resident, employee, or other person for filing a complaint with, providing information to, or otherwise cooperating with any representative of, the Office; and

[(3) provide for appropriate sanctions with respect to the interference, retaliation, and reprisals.

[SEC. 713. REGULATIONS.

[(The Assistant Secretary shall issue and periodically update regulations respecting—

[(1) conflicts of interest by persons described in paragraphs (1) and (2) of section 712(f); and

[(2) the relationships described in subparagraphs (A) through (D) of section 712(f)(3).

**[CHAPTER 3—PROGRAMS FOR PREVENTION OF ELDER
ABUSE, NEGLECT, AND EXPLOITATION**

[SEC. 721. PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.

[(a) ESTABLISHMENT.—In order to be eligible to receive an allotment under section 703 from funds appropriated under section 702(b), a State agency shall, in accordance with this section, and in consultation with area agencies on aging, develop and enhance programs for the prevention of elder abuse, neglect, and exploitation.

[(b) USE OF ALLOTMENTS.—The State agency shall use an allotment made under subsection (a) to carry out, through the programs described in subsection (a), activities to develop, strengthen, and carry out programs for the prevention and treatment of elder abuse, neglect, and exploitation, including—

[(1) providing for public education and outreach to identify and prevent elder abuse, neglect, and exploitation;

[(2) ensuring the coordination of services provided by area agencies on aging with services instituted under the State adult protection service program;

[(3) promoting the development of information and data systems, including elder abuse reporting systems, to quantify the extent of elder abuse, neglect, and exploitation in the State;

[(4) conducting analyses of State information concerning elder abuse, neglect, and exploitation and identifying unmet service, enforcement, or intervention needs;

[(5) conducting training for individuals, professionals, and paraprofessionals, in relevant fields on the identification, prevention, and treatment of elder abuse, neglect, and exploitation, with particular focus on prevention and enhancement of self-determination and autonomy;

[(6) providing technical assistance to programs that provide or have the potential to provide services for victims of elder abuse, neglect, and exploitation and for family members of the victims;

[(7) conducting special and on-going training, for individuals involved in serving victims of elder abuse, neglect, and exploitation, on the topics of self-determination, individual rights, State and Federal requirements concerning confidentiality, and other topics determined by a State agency to be appropriate; and

[(8) promoting the development of an elder abuse, neglect, and exploitation system—

[(A) that includes a State elder abuse, neglect, and exploitation law that includes provisions for immunity, for persons reporting instances of elder abuse, neglect, and exploitation, from prosecution arising out of such reporting, under any State or local law;

[(B) under which a State agency—

[(i) on receipt of a report of known or suspected instances of elder abuse, neglect, or exploitation, shall promptly initiate an investigation to substantiate the accuracy of the report; and

[(ii) on a finding of elder abuse, neglect, or exploitation, shall take steps, including appropriate referral, to protect the health and welfare of the abused, neglected, or exploited older individual;

[(C) that includes, throughout the State, in connection with the enforcement of elder abuse, neglect, and exploitation laws and with the reporting of suspected instances of elder abuse, neglect, and exploitation—

[(i) such administrative procedures;

[(ii) such personnel trained in the special problems of elder abuse, neglect, and exploitation prevention and treatment;

[(iii) such training procedures;

[(iv) such institutional and other facilities (public and private); and

[(v) such related multidisciplinary programs and services,

as may be necessary or appropriate to ensure that the State will deal effectively with elder abuse, neglect, and exploitation cases in the State;

[(D) that preserves the confidentiality of records in order to protect the rights of older individuals;

[(E) that provides for the cooperation of law enforcement officials, courts of competent jurisdiction, and State agencies providing human services with respect to special problems of elder abuse, neglect, and exploitation;

[(F) that enables an older individual to participate in decisions regarding the welfare of the older individual, and makes the least restrictive alternatives available to an older individual who is abused, neglected, or exploited; and

[(G) that includes a State clearinghouse for dissemination of information to the general public with respect to—

[(i) the problems of elder abuse, neglect, and exploitation;

[(ii) the facilities described in subparagraph (C)(iv); and

[(iii) prevention and treatment methods available to combat instances of elder abuse, neglect, and exploitation.

[(c) APPROACH.—In developing and enhancing programs under subsection (a), the State agency shall use a comprehensive approach, in consultation with area agencies on aging, to identify and assist older individuals who are subject to abuse, neglect, and exploitation, including older individuals who live in State licensed facilities, unlicensed facilities, or domestic or community-based settings.

[(d) COORDINATION.—In developing and enhancing programs under subsection (a), the State agency shall coordinate the programs with other State and local programs and services for the protection of vulnerable adults, particularly vulnerable older individuals, including programs and services such as—

[(1) area agency on aging programs;

[(2) adult protective service programs;

[(3) the State Long-Term Care Ombudsman program established in chapter 2;

[(4) protection and advocacy programs;

[(5) facility and long-term care provider licensure and certification programs;

[(6) medicaid fraud and abuse services, including services provided by a State medicaid fraud control unit, as defined in section 1903(q) of the Social Security Act (42 U.S.C. 1396b(q));

[(7) victim assistance programs; and

[(8) consumer protection and law enforcement programs, as well as other State and local programs that identify and assist vulnerable older individuals.

[(e) REQUIREMENTS.—In developing and enhancing programs under subsection (a), the State agency shall—

[(1) not permit involuntary or coerced participation in such programs by alleged victims, abusers, or members of their households;

[(2) require that all information gathered in the course of receiving a report described in subsection (b)(8)(B)(i), and making a referral described in subsection (b)(8)(B)(ii), shall remain confidential except—

[(A) if all parties to such complaint or report consent in writing to the release of such information;

[(B) if the release of such information is to a law enforcement agency, public protective service agency, licensing or certification agency, ombudsman program, or protection or advocacy system; or

[(C) upon court order; and

[(3) make all reasonable efforts to resolve any conflicts with other public agencies with respect to confidentiality of the information described in paragraph (2) by entering into memoranda of understanding that narrowly limit disclosure of information, consistent with the requirement described in paragraph (2).

[(f) DESIGNATION.—The State agency may designate a State entity to carry out the programs and activities described in this chapter.

[CHAPTER 4—STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT PROGRAM

[SEC. 731. STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT.

[(a) ESTABLISHMENT.—

[(1) IN GENERAL.—In order to be eligible to receive an allotment under section 703 from funds appropriated under section 702(c), a State agency shall, in accordance with this section and in consultation with area agencies on aging, establish a program to provide leadership for improving the quality and quantity of legal and advocacy assistance as a means for ensuring a comprehensive elder rights system.

[(2) COORDINATION AND ASSISTANCE.—In carrying out the program established under this chapter, the State agency shall coordinate, and provide assistance to, area agencies on aging

and other entities in the State that assist older individuals in—

- [(A) understanding the rights of the older individuals;
- [(B) exercising choice;
- [(C) benefiting from services and opportunities authorized by law;
- [(D) maintaining the rights of the older individuals and, in particular, of the older individuals with reduced capacity; and
- [(E) solving disputes.

[(b) FUNCTIONS.—In carrying out this chapter, the State agency shall—

[(1) establish a focal point for elder rights policy review, analysis, and advocacy at the State level, including such issues as guardianship, age discrimination, pension and health benefits, insurance, consumer protection, surrogate decisionmaking, protective services, public benefits, and dispute resolution;

[(2) provide an individual who shall be known as a State legal assistance developer, and other personnel, sufficient to ensure—

[(A) State leadership in securing and maintaining legal rights of older individuals;

[(B) State capacity for coordinating the provision of legal assistance;

[(C) State capacity to provide technical assistance, training and other supportive functions to area agencies on aging, legal assistance providers, ombudsmen, and other persons as appropriate; and

[(D) State capacity to promote financial management services for older individuals at risk of conservatorship;

[(3)(A) develop, in conjunction with area agencies on aging and legal assistance providers, statewide standards for the delivery of legal assistance to older individuals; and

[(B) provide technical assistance to area agencies on aging and legal assistance providers to enhance and monitor the quality and quantity of legal assistance to older individuals, including technical assistance in developing plans for targeting services to reach the older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority individuals;

[(4) provide consultation to, and ensure, the coordination of activities with the legal assistance provided under title III, services provided by the Legal Service Corporation, and services provided under chapters 2, 3, and 5, as well as other State or Federal programs administered at the State and local levels that address the legal assistance needs of older individuals;

[(5) provide for the education and training of professionals, volunteers, and older individuals concerning elder rights, the requirements and benefits of specific laws, and methods for enhancing the coordination of services;

[(6) promote, and provide as appropriate, education and training for individuals who are or might become guardians or representative payees of older individuals, including information on—

- [(A) the powers and duties of guardians or representative payees; and
- [(B) alternatives to guardianship;
- [(7) promote the development of, and provide technical assistance concerning, pro bono legal assistance programs, State and local bar committees on aging, legal hot lines, alternative dispute resolution, programs and curricula, related to the rights and benefits of older individuals, in law schools and other institutions of higher education, and other methods to expand access by older individuals to legal assistance and advocacy and vulnerable elder rights protection activities;
- [(8) provide for periodic assessments of the status of elder rights in the State, including analysis—
 - [(A) of the unmet need for assistance in resolving legal problems and benefits-related problems, methods for expanding advocacy services, the status of substitute decisionmaking systems and services (including systems and services regarding guardianship, representative payeeship, and advance directives), access to courts and the justice system, and the implementation of civil rights and age discrimination laws in the State; and
 - [(B) of problems and unmet needs identified in programs established under title III and other programs; and
- [(9) for the purpose of identifying vulnerable elder rights protection activities provided by the entities under this chapter, and coordinating the activities with programs established under title III and chapters 2, 3, and 5, develop working agreements with—
 - [(A) State entities, including the consumer protection agency, the court system, the attorney general, the State equal employment opportunity commission, and other State agencies; and
 - [(B) Federal entities, including the Social Security Administration, Health Care Financing Administration, and the Department of Veterans' Affairs, and other entities.

[CHAPTER 5—OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM

[SEC. 741. STATE OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM FOR INSURANCE AND PUBLIC BENEFITS.

[(a) DEFINITIONS.—As used in this section:

- [(1) INSURANCE BENEFIT.—The term “insurance benefit” means a benefit under—
 - [(A) the medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);
 - [(B) the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);
 - [(C) a public or private insurance program;
 - [(D) a medicare supplemental policy; or
 - [(E) a pension plan.
- [(2) MEDICARE SUPPLEMENTAL POLICY.—The term “medicare supplemental policy” has the meaning given the term in section 1882(g)(1) of the Social Security Act (42 U.S.C. 1395ss(g)(1)).

[(3) PENSION PLAN.—The term “pension plan” means an employee pension benefit plan, as defined in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)).

[(4) PUBLIC BENEFIT.—The term “public benefit” means a benefit under—

[(A) the Federal Old-Age, Survivors, and Disability Insurance Benefits programs under title II of the Social Security Act (42 U.S.C. 401 et seq.);

[(B) the medicare program established under title XVIII of the Social Security Act, including benefits as a qualified medicare beneficiary, as defined in section 1905(p) of the Social Security Act;

[(C) the medicaid program established under title XIX of the Social Security Act;

[(D) the program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

[(E) the program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.);

[(F) the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.); or

[(G) a program determined to be appropriate by the Assistant Secretary.

[(5) STATE INSURANCE ASSISTANCE PROGRAM.—The term “State insurance assistance program” means the program established under subsection (b)(1).

[(6) STATE PUBLIC BENEFIT ASSISTANCE PROGRAM.—The term “State public benefit assistance program” means the program established under subsection (b)(2).

[(b) ESTABLISHMENT.—In order to receive an allotment under section 703 from funds appropriated under section 702(d), a State agency shall, in coordination with area agencies on aging and in accordance with this section, establish—

[(1) a program to provide to older individuals outreach, counseling, and assistance related to obtaining insurance benefits; and

[(2) a program to provide outreach, counseling, and assistance to older individuals who may be eligible for, but who are not receiving, public benefits.

[(c) INSURANCE AND PUBLIC BENEFITS.—The State agency shall—

[(1) in carrying out a State insurance assistance program—

[(A) provide information and counseling to assist older individuals—

[(i) in filing claims and obtaining benefits under title XVIII and title XIX of the Social Security Act;

[(ii) in comparing medicare supplemental policies and in filing claims and obtaining benefits under such policies;

[(iii) in comparing long-term care insurance policies and in filing claims and obtaining benefits under such policies;

[(iv) in comparing other types of health insurance policies not described in clause (iii) and in filing claims and obtaining benefits under such policies;

[(v) in comparing life insurance policies and in filing claims and obtaining benefits under such policies;

[(vi) in comparing other forms of insurance policies not described in clause (v), in comparing pension plans, and in filing claims and obtaining benefits under such policies and plans as the State agency may determine to be necessary; and

[(vii) in comparing current and future health and post-retirement needs related to pension plans, and the relationship of benefits under such plans to insurance benefits and public benefits;

[(B) establish a system of referrals to appropriate providers of legal assistance, and to appropriate agencies of the Federal or State government regarding the problems of older individuals related to health insurance benefits, other insurance benefits, and public benefits;

[(C) give priority to providing assistance to older individuals with greatest economic need;

[(D) ensure that services provided under the program will be coordinated with programs established under chapters 2, 3, and 4, and under title III;

[(E) provide for adequate and trained staff (including volunteers) necessary to carry out the program;

[(F) ensure that staff (including volunteers) of the agency and of any agency or organization described in subsection (d) will not be subject to a conflict of interest in providing services under the program;

[(G) provide for the collection and dissemination of timely and accurate information to staff (including volunteers) related to insurance benefits and public benefits;

[(H) provide for the coordination of information on insurance benefits between the staff of departments and agencies of the State government and the staff (including volunteers) of the program; and

[(I) make recommendations related to consumer protection that may affect individuals eligible for, or receiving, health or other insurance benefits; and

[(2) in carrying out a State public benefits assistance program—

[(A) carry out activities to identify older individuals with greatest economic need who may be eligible for, but who are not receiving, public benefits;

[(B) conduct outreach activities to inform older individuals of the requirements for eligibility to receive such benefits;

[(C) assist older individuals in applying for such benefits;

[(D) establish a system of referrals to appropriate providers of legal assistance, or to appropriate agencies of the Federal or State government regarding the problems of older individuals related to public benefits;

[(E) comply with the requirements specified in subparagraphs (C) through (F) of paragraph (1) with respect to the State public benefits assistance program;

[(F) provide for the collection and dissemination of timely and accurate information to staff (including volunteers) related to public benefits;

[(G) provide for the coordination of information on public benefits between the staff of State entities and the staff (including volunteers) of the State public benefits assistance program; and

[(H) make recommendations related to consumer protection that may affect individuals eligible for, or receiving, public benefits.

[(d) ADMINISTRATION.—The State agency may operate the State insurance assistance program and the State public benefits assistance program directly, in cooperation with other State agencies, or under an agreement with a statewide nonprofit organization, an area agency on aging, or another public or nonprofit agency or organization.

[(e) MAINTENANCE OF EFFORT.—Any funds appropriated for the activities under this chapter shall supplement, and shall not supplant, funds that are expended for similar purposes under any Federal, State, or local program providing insurance benefits or public benefits.

[(f) COORDINATION.—A State that receives an allotment under section 703 and receives a grant to provide services under section 4360 of the Omnibus Reconciliation Act of 1990 (42 U.S.C. 1395b–4) shall coordinate the services with activities provided by the State agency through the programs described in paragraphs (1) and (2) of subsection (b).

[Subtitle B—Native American Organization Provisions

[SEC. 751. NATIVE AMERICAN PROGRAM.

[(a) ESTABLISHMENT.—The Assistant Secretary, acting through the Director of the Office for American Indian, Alaskan Native, and Native Hawaiian Aging, shall establish and carry out a program for—

[(1) assisting eligible entities in prioritizing, on a continuing basis, the needs of the service population of the entities relating to elder rights; and

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

[(b) APPLICATION.—In order to be eligible to receive assistance under this subtitle, an entity shall submit an application to the Assistant Secretary, at such time, in such manner, and containing such information as the Assistant Secretary may require.

[(c) ELIGIBLE ENTITY.—An entity eligible to receive assistance under this section shall be—

[(1) an Indian tribe; or

[(2) a public agency, or a nonprofit organization, serving older individuals who are Native Americans.

[(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, \$5,000,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

[Subtitle C—General Provisions

[SEC. 761. DEFINITIONS.

[As used in this title:

[(1) ELDER RIGHT.—The term “elder right” means a right of an older individual.

[(2) VULNERABLE ELDER RIGHTS PROTECTION ACTIVITY.—The term “vulnerable elder rights protection activity” means an activity funded under chapter 2, 3, 4, or 5 of this title.

[SEC. 762. ADMINISTRATION.

[A State agency or an entity described in section 751(c) may carry out vulnerable elder rights protection activities either directly or through contracts or agreements with public or nonprofit private agencies or organizations, such as—

[(1) other State agencies;

[(2) area agencies on aging;

[(3) county governments;

[(4) institutions of higher education;

[(5) Indian tribes; or

[(6) nonprofit service providers or volunteer organizations.

[SEC. 763. TECHNICAL ASSISTANCE.

[(a) OTHER AGENCIES.—In carrying out the provisions of this title, the Assistant Secretary may request the technical assistance and cooperation of such Federal entities as may be appropriate.

[(b) ASSISTANT SECRETARY.—The Assistant Secretary shall provide technical assistance and training (by contract, grant, or otherwise) to persons and entities that administer programs established under this title.

[SEC. 764. AUDITS.

[(a) ACCESS.—The Assistant Secretary, the Comptroller General of the United States, and any duly authorized representative of the Assistant Secretary or the Comptroller shall have access, for the purpose of conducting an audit or examination, to any books, documents, papers, and records that are pertinent to financial assistance received under this title.

[(b) LIMITATION.—State agencies, area agencies on aging, and entities described in section 751(c) shall not request information or data from providers that is not pertinent to services furnished under this title or to a payment made for the services.]

SECTION 1. SHORT TITLE.

This Act may be cited as the “Older Americans Act of 1996”.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

- Sec. 1. *Short title.*
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 Sec. 305. *Area plans.*
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 Sec. 307. *Payments.*

CHAPTER 2—SUPPORTIVE SERVICES AND MULTIPURPOSE SENIOR CENTERS

- Sec. 321. *Program authorized.*

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- Sec. 331. *Program authorized.*
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CHAPTER 4—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

- Sec. 351. *Short title.*
 Sec. 352. *Older American Community Service Employment Program.*
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 Sec. 354. *Treatment of employment assistance for purposes of Federal housing and food stamp programs.*

Subtitle B—Authorization of Appropriations

- Sec. 381. *Authorization of appropriations.*
 Sec. 382. *Additional funds available for nutrition services.*

TITLE IV—NATIONAL SENIOR VOLUNTEER SERVICE CORPS

- Sec. 401. *Statement of purposes.*

*Subtitle A—Retired and Senior Volunteer Program**Sec. 411. Grants and contracts for volunteer service projects.**Subtitle B—Foster Grandparent Program**Sec. 421. Grants and contracts for volunteer service projects.**Subtitle C—Senior Companion Volunteer Program**Sec. 431. Grants and contracts for volunteer service projects.**Subtitle D—General Provisions**Sec. 441. Promotion of National Senior Volunteer Service Corps.**Sec. 442. Payments.**Sec. 443. Use of locally generated contributions in National Senior Volunteer Service Corps.**Sec. 444. Adjustments to Federal financial assistance; reports.**Sec. 445. Multiyear grants or contracts.**Subtitle E—Administration and Coordination**Sec. 461. Administrative structure.**Sec. 462. Political activities.**Sec. 463. Special limitations.**Sec. 464. Coordination with other programs.**Sec. 465. Notice and hearing procedures for suspension and termination of financial assistance.**Sec. 466. Distribution of benefits between rural and urban areas.**Sec. 467. Volunteers not Federal employees.**Sec. 468. Evaluation.**Sec. 469. Eligibility for other benefits.**Sec. 470. Legal expenses.**Subtitle F—Authorization of Appropriations**Sec. 491. Authorization of appropriations for programs.***TITLE I—GENERAL PROVISIONS*****Subtitle A—Statement of Purpose;
Definitions*****SEC. 101. PURPOSE.**

It is the purpose of this Act to encourage and assist State agencies, area agencies on aging, and tribal organizations to concentrate resources in order to develop greater capacity and foster the development and implementation of comprehensive and coordinated systems to serve older individuals by entering into cooperative arrangements in each State for the planning and provision of supportive services, nutrition services, multipurpose senior centers, community service employment, and volunteer services, in order to—

(1) secure and maintain maximum independence and dignity in a home environment for older individuals capable of self care with appropriate supportive services,

(2) remove individual and social barriers to economic and personal independence for older individuals,

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

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

(5) ensure that older individuals will be protected against abuse, neglect, and exploitation,

(6) promote employment opportunities and community service, and

(7) empower older individuals to contribute to their communities through volunteer services that enhance the lives of the volunteers and those whom they serve.

SEC. 102. DEFINITIONS.

For the purposes of this Act:

(1) **ABUSE.**—The term “abuse” means (except when such term is used in the phrase “drug and alcohol abuse”) the willful—

(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish, or

(B) deprivation by a person, including a caregiver, of goods or services that are necessary to avoid physical harm, mental anguish, or mental illness.

(2) **ADMINISTRATION.**—The term “Administration” means the Administration on Aging.

(3) **ADULT CHILD WITH A DISABILITY.**—The term “adult child with a disability” means a child who—

(A) is 18 years of age or older,

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

(C) has a disability.

(4) **ALASKA NATIVE.**—The term “Alaska Native” means an Alaska Native who is a member of an Alaska Native organization.

(5) **ALASKA NATIVE ORGANIZATION.**—The term “Alaska Native organization” means an Alaska Native village, or an Alaskan Native regional or village corporation, as defined in or established pursuant to the Alaska Native Claims Settlement Act (Public Law 92–203; 85 Stat. 688), that is recognized as eligible for the special programs and services provided by the United States to Alaska Natives because of their status as Alaska Natives.

(6) **AREA AGENCY ON AGING.**—The term “area agency on aging” means an area agency on aging designated under section 303(a)(2)(A) or a State agency performing the functions of an area agency on aging under section 303(a)(1)(E).

(7) **ASSISTANT SECRETARY.**—The term “Assistant Secretary” means the Assistant Secretary for Aging.

(8) **ASSISTIVE TECHNOLOGY.**—The term “assistive technology” means technology, engineering methodologies, or scientific principles appropriate to meet the needs of, and address the barriers confronted by, older individuals with functional limitations.

(9) **BOARD AND CARE FACILITY.**—The term “board and care facility” means an institution regulated by a State pursuant to section 1616(e) of the Social Security Act (42 U.S.C. 1382e(e)).

(10) **CAREGIVER.**—The term “caregiver” means an individual who has the responsibility for the care of an older individual, either voluntarily, by contract, by receipt of payment for care, or as a result of the operation of law.

(11) *CARETAKER.*—The term “caretaker” means a family member or other individual who provides (on behalf of such individual or of a public or private agency, organization, or institution) uncompensated care to an older individual who needs supportive services.

(12) *CASE MANAGEMENT SERVICE.*—The term “case management service”—

(A) means a service provided to an older individual, at the direction of the older individual or a family member of the individual—

(i) by an individual who is trained or experienced in the case management skills that are required to deliver the services and coordination described in subparagraph (B), and

(ii) to assess the needs, and to arrange, coordinate, and monitor an optimum package of services to meet the needs, of the older individual, and

(B) includes services and coordination such as—

(i) comprehensive assessment of the older individual (including the physical, psychological, and social needs of the individual),

(ii) development and implementation of a service plan with the older individual to mobilize the formal and informal resources and services identified in the assessment to meet the needs of the older individual, including coordination of the resources and services—

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

(II) with the information and assistance services provided under this Act,

(iii) coordination and monitoring of formal and informal service delivery, including coordination and monitoring to ensure that services specified in the plan are being provided,

(iv) periodic reassessment and revision of the status of the older individual with—

(I) the older individual, or

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

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

(13) *CHILD.*—Except when it appears as part of the term “adult child with a disability”, the term “child” means—

(A) except for purposes of title IV, an individual who is less than 18 years of age, and

(B) for purposes of title IV, an individual who is less than 21 years of age.

(14) *CLIENT ASSESSMENT.*—The term “client assessment” includes providing information relating to assistive technology.

(15) *COMMUNITY SERVICES.*—The term “community services” means—

(A) social, health, welfare, and educational services (particularly literacy tutoring),

(B) legal and other counseling services and assistance, including tax counseling and assistance and financial counseling,

(C) library, recreational, and other similar services,

(D) conservation, maintenance, or restoration of natural resources,

(E) community betterment or beautification,

(F) antipollution and environmental quality efforts,

(G) weatherization activities,

(H) economic development, and

(I) such other services essential and necessary to the community as the Secretary, by regulation, may require.

(16) **COMPREHENSIVE AND COORDINATED SYSTEM.**—The term “comprehensive and coordinated system” means a system for providing all necessary supportive services, including nutrition services, in a manner designed to—

(A) facilitate accessibility to, and utilization of, all supportive services and nutrition services provided within the geographic area served by such system by any public or private agency or organization,

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

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

(D) encourage and assist public and private entities that have unrealized potential for meeting the service needs of older individuals to assist the older individuals on a voluntary basis.

(17) **DISABILITY.**—The term “disability” means (except when such term is used in the phrase “severe disability”, “developmental disabilities”, “physical and mental disabilities”, or “physical disabilities”) a disability attributable to mental or physical impairment, or a combination of mental and physical impairments, that results in substantial functional limitations in 1 or more of the following areas of major life activity: (A) self-care, (B) receptive and expressive language, (C) learning, (D) mobility, (E) self-direction, (F) capacity for independent living, (G) economic self-sufficiency, (H) cognitive functioning, and (I) emotional adjustment.

(18) **ELDER ABUSE.**—The term “elder abuse” means abuse of an older individual.

(19) **ELDER ABUSE, NEGLECT, AND EXPLOITATION.**—The term “elder abuse, neglect, and exploitation” means abuse, neglect, and exploitation, of an older individual.

(20) **ELECTION.**—When referring to an election for Federal office, the term “election” has the meaning given such term by section 301(1) of the Federal Election Campaign Act of 1971 (Public Law 92-225).

(21) **EXPLOITATION.**—The term “exploitation” means the illegal or improper act or process of an individual, including a

caregiver, using the resources of an older individual for monetary or personal benefit, profit, or gain.

(22) *FEDERAL OFFICE*.—The term “Federal office” has the meaning given such term in section 301(3) of the Federal Election Campaign Act of 1971 (Public Law 92–225).

(23) *FOCAL POINT*.—The term “focal point” means an entity that maximizes the collocation and coordination of services for older individuals.

(24) *FRAIL*.—The term “frail” means, with respect to an older individual in a State, that the older individual is determined to be functionally impaired because the individual—

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

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

(B) due to a cognitive or other mental impairment, requires substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to the individual or to another individual.

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

(26) *GREATEST SOCIAL NEED*.—The term “greatest social need” means the need caused by noneconomic factors that include—

(A) physical and mental disabilities,

(B) language barriers, and

(C) cultural, social, or geographical isolation caused by racial or ethnic status, that—

(i) restricts the ability of an individual to perform normal daily tasks, or

(ii) threatens the capacity of the individual to live independently.

(27) *IN-HOME SERVICES*.—The term “in-home services” includes—

(A) homemaker and home health aides,

(B) visiting and telephone reassurance,

(C) chore maintenance,

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

(E) minor modification of homes that is necessary to facilitate the ability of older individuals to remain at home and that is not available under other programs, except that not more than \$150 per client may be expended under this part for such modification,

(F) personal care services, and

(G) other in-home services as defined—

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

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

(28) *INDIAN*.—The term “Indian” means an Indian who is a member of an Indian tribe.

(29) *INDIAN TRIBE.*—The term “Indian tribe” means any tribe, band, nation, or other organized group or community of Indians that is—

(A) recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or

(B) located on, or in proximity to, a Federal or State reservation or rancheria,
except that subparagraph (B) shall not apply for purposes of title II.

(30) *INFORMATION AND ASSISTANCE SERVICE.*—The term “information and assistance service” means a service for older individuals that—

(A) provides the individuals with current information on opportunities and services available to the individuals within their communities, including information relating to assistive technology,

(B) assesses the problems and capacities of the individuals,

(C) links the individuals to the opportunities and services that are available,

(D) to the maximum extent practicable, ensures that the individuals receive the services needed by the individuals, and are aware of the opportunities available to the individuals, by establishing adequate followup procedures, and

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

(i) older individuals with greatest social need, and

(ii) older individuals with greatest economic need.

(31) *INFORMATION AND REFERRAL.*—The term “information and referral” includes information relating to assistive technology.

(32) *LEGAL ASSISTANCE.*—The term “legal assistance”—

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

(B) includes—

(i) to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the direct supervision of an attorney, and

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

(33) *LONG-TERM CARE FACILITY.*—The term “long-term care facility” means—

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

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

(C) for purposes of section 304(a)(8), a board and care facility, or

(D) any other adult care home similar to a facility or institution described in subparagraph (A), (B), or (C).

(34) *LOW-INCOME.*—The term “low-income” means—

- (A) for purposes of chapter 4 of subtitle A of title III, income that is not more than 125 percent of the poverty line, and
- (B) for purposes of title IV—
- (i) income that is not more than 125 percent of the poverty line, or
 - (ii) income that is not more than 100 percent of such poverty line, as so adjusted and determined after taking into consideration existing poverty guidelines as appropriate to local situations.
- (35) **MULTIPURPOSE SENIOR CENTER.**—The term “multipurpose senior center” means a community facility for the organization and provision of a broad spectrum of services, which shall include provision of health (including mental health), social, nutritional, and educational services and the provision of facilities for recreational activities for older individuals.
- (36) **NATIVE AMERICAN.**—The term “Native American” means—
- (A) an Indian,
 - (B) an Alaska Native, or
 - (C) a Native Hawaiian.
- (37) **NATIVE HAWAIIAN.**—The term “Native Hawaiian” means any individual any of whose ancestors were natives of the area that consists of the Hawaiian Islands prior to 1778,
- (38) **NEGLECT.**—The term “neglect” means—
- (A) the failure to provide for oneself the goods or services that are necessary to avoid physical harm, mental anguish, or mental illness, or
 - (B) the failure of a caregiver to provide the goods or services.
- (39) **NONPROFIT.**—The term “nonprofit” as applied to any agency, institution, or organization means an agency, institution, or organization that is, or is owned and operated by, one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.
- (40) **OLDER INDIVIDUAL.**—The term “older individual” means—
- (A) except for purposes of chapter 4 of subtitle A of title III, and title IV, an individual who is 60 years of age or older, and
 - (B) for purposes of chapter 4 of subtitle A of title III, and title IV, an individual who is 55 years of age or older.
- (41) **PHYSICAL HARM.**—The term “physical harm” means bodily injury, impairment, or disease.
- (42) **PLANNING AND SERVICE AREA.**—The term “planning and service area” means an area designated by a State agency under section 303(a)(1)(E), including a single planning and service area described in section 303(b)(1)(E).
- (43) **POVERTY LINE.**—The term “poverty line” means the official poverty line (as defined by the Office of Management and Budget, and adjusted by the Secretary in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))).

(44) *REPRESENTATIVE PAYEE.*—The term “representative payee” means a person who is appointed by a governmental entity to receive, on behalf of an older individual who is unable to manage funds by reason of a physical or mental incapacity, any funds owed to such individual by such entity.

(45) *SECRETARY.*—The term “Secretary” means the Secretary of Health and Human Services.

(46) *SEVERE DISABILITY.*—The term “severe disability” means a severe, chronic disability attributable to mental or physical impairment, or a combination of mental and physical impairments, that—

(A) is likely to continue indefinitely, and

(B) results in substantial functional limitation in 3 or more of the major life activities specified in subparagraphs (A) through (G) of paragraph (17).

(47) *STATE.*—The term “State” means any of the several States, the District of Columbia, the Virgin Islands of the United States, the Commonwealth of Puerto Rico, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands.

(48) *STATE AGENCY.*—The term “State agency” means the agency designated under section 303(a)(1).

(49) *SUPPORTIVE SERVICE.*—The term “supportive service” means a service described in section 321(a).

(50) *TRIBAL ORGANIZATION.*—The term “tribal organization” means—

(A) except for purposes of title II and chapter 4 of subtitle A of title III,

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

(ii) the legally established organization of Indians that is controlled, sanctioned, or chartered by the governing body of an Indian tribe,

(B) for purposes of title II—

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

(ii) a legally established organization of Indians that is democratically elected by the adult members of the Indian community to be served by such organization and that includes the maximum participation of Indians in all phases of its activities, and

(C) for purposes of chapter 4 of subtitle A of title III, a public or nonprofit private organization that is primarily controlled by, and comprised of, Indians or Indian tribes.

(51) *UNIT OF GENERAL PURPOSE LOCAL GOVERNMENT.*—The term “unit of general purpose local government” means—

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

(B) a tribal organization.

Subtitle B—Administration

SEC. 111. ESTABLISHMENT OF ADMINISTRATION ON AGING.

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

(b) *ASSISTANT SECRETARY.*—The Assistant Secretary shall be appointed by the President by and with the advice and consent of the Senate.

(c) *DESIGNATION RELATING TO ADMINISTRATION OF PROGRAMS AFFECTING NATIVE AMERICANS.*—The Assistant Secretary—

(1) may establish an Office on Native Americans within the Administration; and

(2) shall designate an individual in the Administration who has expertise with respect to programs and services affecting Native Americans, who shall be responsible, under the supervision of the Assistant Secretary, for the administration of title II and for coordination of other programs, projects, and activities carried out under this Act that affect Native Americans.

(d) *DESIGNATION RELATING TO THE ADMINISTRATION OF STATE LONG-TERM CARE OMBUDSMAN PROGRAMS.*—The Assistant Secretary shall designate an individual in the Administration who shall be responsible, under the supervision of the Assistant Secretary, for the Federal administrative activities relating to State long-term care ombudsman programs.

(e) *DESIGNATION RELATING TO THE ADMINISTRATION OF NUTRITION SERVICES.*—The Assistant Secretary shall designate an individual in the Administration who shall be responsible, under the supervision of the Assistant Secretary, for the administration of chapter 3 of subtitle A of title III. Such individual shall—

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

(2)(A) be a registered dietitian,

(B) be a credentialed nutrition professional, or

(C) have education and training that is substantially equivalent to the education and training for a registered dietitian or a credentialed nutrition professional.

(f) *DESIGNATION RELATING TO THE ADMINISTRATION OF VOLUNTEER SERVICE PROGRAMS.*—The Assistant Secretary shall designate an individual in the Administration who has experience and expertise in administering volunteer programs for older individuals and who shall be responsible, under the supervision of the Assistant Secretary, for the administration of title IV.

SEC. 112. DUTIES OF ASSISTANT SECRETARY.

The duties of the Assistant Secretary are as follows:

(1) *ADVOCACY.*—To serve as the effective and visible advocate for older individuals, within the Department of Health and Human Services and with other departments, agencies, and instrumentalities of the Federal Government by maintaining active review of and commenting on responsibilities of all Federal policies affecting older individuals.

(2) *INFORMATION.*—To collect and disseminate information related to problems of older individuals and aging.

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

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

(5) *TECHNICAL ASSISTANCE.*—To provide technical assistance and consultation to States, and political subdivisions of States, with respect to programs for older individuals and aging.

(6) *EDUCATIONAL MATERIALS.*—To prepare, publish, and disseminate educational materials dealing with the welfare of older individuals.

(7) *STATISTICS.*—To gather statistics in the field of aging that other Federal agencies are not collecting, and to take whatever action is necessary to achieve coordination of activities carried out or assisted by all departments, agencies, and instrumentalities of the Federal Government with respect to the collection, preparation, and dissemination of information relevant to older individuals.

(8) *PLANNING.*—To coordinate, and to assist in, the planning and development by public (including Federal, State, and local agencies) and private organizations of programs for older individuals to facilitate the establishment of a nationwide network of comprehensive, coordinated services and opportunities for older individuals.

(9) *STATISTICAL DATA REGARDING ASSISTED ACTIVITIES.*—To collect for each fiscal year, for fiscal years beginning after September 30, 1996, directly or by contract, statistical data regarding programs, projects, and activities carried out with funds provided under this Act, including—

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

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

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

(iii) the number of units of such service or activity provided,

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

(10) *UNIFORM DATA COLLECTION PROCEDURES.*—To design and implement, for purposes of compliance with paragraph (9), uniform data collection procedures for use by State agencies, including—

(A) uniform definitions and nomenclature,

(B) standardized data collection procedures,

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

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

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

(12) *INFORMATION ON COMMUNITY RESOURCES.*—To establish and operate, directly or by grant or contract, nationwide a toll-free telephone line by which individuals may obtain information and assistance to locate community resources that may be available to older individuals and their caregivers.

SEC. 113. FEDERAL AGENCY CONSULTATION.

The Assistant Secretary, in carrying out the purpose and provisions of this Act, shall coordinate, advise, consult with, and cooperate with the head of each department, agency, or instrumentality of the Federal Government proposing or administering programs or services substantially related to the purpose of this Act, with respect to such programs or services. The head of each department, agency, or instrumentality of the Federal Government proposing to establish or modify any program or service substantially related to the purpose of this Act shall consult with and coordinate with the Assistant Secretary.

SEC. 114. POWERS OF THE ASSISTANT SECRETARY.

(a) *POWERS.*—In carrying out this Act, the Assistant Secretary may—

- (1) provide consultative services and technical assistance to public or nonprofit private agencies and organizations,
- (2) provide short-term training and technical instruction,
- (3) conduct research and demonstrations, and
- (4) collect, prepare, publish, and disseminate special educational or informational materials, including reports on programs, projects, and activities for which funds are provided under this Act.

(b) *AUTHORITY TO MAKE GRANTS.*—From funds appropriated under section 120(a)(3), the Assistant Secretary may make grants to public or nonprofit private agencies, organizations, and institutions, and to tribal organizations, and may enter into contracts with agencies, organizations, institutions, and individuals for activities—

- (1) to expand the Nation's knowledge and understanding of older individuals and the aging process,
- (2) to design, to test, and to promote utilization of innovative ideas and best practices in programs and services for older individuals,
- (3) to help meet the needs for trained personnel in the field of aging, and
- (4) to increase the awareness of citizens of all ages of the need to assume personal responsibility for their own aging through—
 - (A) education and training to develop an adequately trained workforce to work with and on behalf of older individuals,
 - (B) research and policy analysis to improve access to and delivery of services for older individuals,
 - (C) development of methods and practices to improve quality and effectiveness of such services,

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

(E) technical assistance in planning, development, implementation, evaluation, and improvement of programs, projects, and activities under this Act, and

(F) dissemination of information on issues related to aging, their impact on individuals and society, and relating to services and activities benefiting older individuals.

SEC. 115. EVALUATIONS.

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

(b) *SOURCES OF EVALUATION INFORMATION.*—In carrying out evaluations under subsection (a), the Secretary shall—

(1) to the maximum extent practicable, arrange to obtain the opinions of participants in the programs, projects, and activities being evaluated, and

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

SEC. 116. REPORTS.

Not later than 120 days after the end of each fiscal year beginning after September 30, 1996, the Assistant Secretary shall prepare and submit to the President and to the Congress a complete report on the programs, projects, and activities carried out under this Act in such fiscal year. Such report shall include—

(1) statistical data reflecting services and activities provided under this Act to older individuals during the fiscal year for which such report is submitted,

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

(3) statistical data, and an analysis of information, regarding the effectiveness of the State agency and area agencies on aging in targeting services to older individuals with greatest economic need and older individuals with greatest social need.

SEC. 117. REDUCTION OF PAPERWORK.

In order to reduce unnecessary, duplicative, or disruptive demands for information, the Assistant Secretary, in consultation with State agencies and other appropriate agencies and organizations, shall continually review and evaluate all requests by the Administration for information under this Act and shall take such action as may be necessary to reduce the paperwork required under this Act. The Assistant Secretary shall request only such information as the Assistant Secretary deems essential to carry out the purpose and provisions of this Act and, in gathering such information, shall make use of uniform service definitions to the extent that such definitions are available.

SEC. 118. SURPLUS PROPERTY ELIGIBILITY.

Any State or local government agency, and any nonprofit organization or institution, that receives funds appropriated for programs for older individuals under this Act, under title IV or title XX of the

Social Security Act, under title VIII or X of Public Law 88-452 (commonly known as the Economic Opportunity Act of 1964) or the Community Services Block Grant Act, shall be deemed to be eligible to receive for such programs, property that is declared surplus to the needs of the Federal Government in accordance with laws applicable to surplus property.

SEC. 119. BENEFIT TREATMENT UNDER OTHER LAWS.

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

SEC. 120. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—(1) For the expenses (including salaries) of the Administration on Aging to carry out this Act (other than section 114(b) and title IV), there are authorized to be appropriated \$17,069,000 for fiscal year 1997 and such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.

(2) Of the amount appropriated under paragraph (1) for each fiscal year, not more than \$1,000,000 shall be available to carry out section 112(12).

(3) There are authorized to be appropriated to carry out section 114(b) \$26,500,000 for fiscal year 1997 and such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.

(b) TITLE IV.—For the expenses (including salaries) of the Administration on Aging to carry out title IV, there are authorized to be appropriated \$24,000,000 for fiscal year 1997 and such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.

TITLE II—GRANTS FOR NATIVE AMERICAN PROGRAMS ON AGING

SEC. 201. GRANTS FOR SERVICES TO NATIVE AMERICANS.

(a) AUTHORITY TO MAKE GRANTS.—The Assistant Secretary may make grants to eligible organizations to pay all of the costs for delivery of supportive services and nutrition services for older individuals who are Native Americans.

(b) ELIGIBILITY OF ORGANIZATIONS.—An organization is eligible to receive a grant under this title only if the organization is—

- (1) a tribal organization that—*
 - (A) represents at least 50 older individuals, and*
 - (B) demonstrates the ability to deliver supportive services and nutritional services,*
- (2) an Alaska Native organization that—*
 - (A) represents at least 50 older individuals, and*
 - (B) demonstrates the ability to deliver supportive services and nutritional services, or*
- (3) a public or nonprofit private organization that—*
 - (A) will serve at least 50 older individuals who are Native Hawaiians, and*
 - (B) demonstrates the ability to deliver supportive services and nutrition services.*

SEC. 202. APPLICATIONS FOR GRANTS.

(a) **REQUIREMENT.**—A grant may not be made under this title unless an eligible organization submits an application to the Assistant Secretary that meets such criteria as the Assistant Secretary may establish by rule. Each such application shall—

(1) provide that such organization shall evaluate the need for supportive and nutrition services among older individuals who are—

(A) Indians represented by the such organization if such organization is a tribal organization,

(B) Alaska Natives represented by such organization if such organization is an Alaska Native organization, or

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

(2) provide for the use of such methods of administration as are necessary for the proper and efficient administration of the project to be carried out with such grant,

(3) provide an assurance that such organization will make such reports in such form and containing such information, as the Assistant Secretary may reasonably require, and comply with such requirements as the Assistant Secretary may impose to ensure the correctness of such reports,

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

(5) establish objectives toward which such project will be directed, identify obstacles to the attainment of such objectives, and indicate the manner in which such organization proposes to overcome such obstacles,

(6) provide for establishing and maintaining information and assistance services to ensure that older individuals who are served by such project will have reasonably convenient access to the services and activities provided by such project,

(7) provide that a preference for older individuals who are Native Americans for full- or part-time staff positions will be given whenever feasible,

(8) provide an assurance that, either directly or by way of grant or contract with appropriate entities, nutrition services will be delivered to older individuals who are—

(A) Indians represented by the such organization if such organization is a tribal organization,

(B) Alaska Natives represented by such organization if such organization is an Alaska Native organization, or

(C) Native Hawaiians to be served by such organization, and will substantially comply with chapter 2 of subtitle A of title III, except that in any case in which the need of such individuals for nutritional services is already met from other sources, such organization may expend for supportive services the funds otherwise required to be expended under this paragraph,

(9) provide that any legal services or ombudsman services made available to older individuals who are—

(A) Indians represented by the such organization if such organization is a tribal organization,

(B) Alaska Natives represented by such organization if such organization is an Alaska Native organization, or

(C) *Native Hawaiians to be served by such organization, will be in substantial compliance with the provisions of subtitle A of title III relating to the furnishing of similar services,*

(10) *contain satisfactory assurances that fiscal control and fund accounting procedures will be adopted as may be necessary to ensure proper disbursement of, and accounting for, Federal funds paid under this title to such organization, including any funds paid by such organization to a recipient of a grant or contract,*

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

(12) *if the organization elects to solicit voluntary contributions from older individuals, provide that such organization will ensure that such contributions will be—*

(A) *based on the ability of the older individuals to make such contributions, and*

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

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

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

(d) **APPLICATION NOT APPROVED.**—*Whenever the Assistant Secretary determines not to approve an application submitted under subsection (a) the Assistant Secretary shall—*

(1) *state objections in writing to the organization within 60 days after such determination,*

(2) *provide, to the extent practicable, technical assistance to the organization to overcome such stated objections, and*

(3) *provide the organization with a hearing, under such rules as the Assistant Secretary may issue.*

(e) **PERIOD FUNDED.**—*Whenever the Assistant Secretary approves an application of an organization under subsection (a), a grant shall be made for a period of not less than 12 months.*

SEC. 203. DISTRIBUTION OF FUNDS AMONG TRIBAL ORGANIZATIONS, ALASKA NATIVE ORGANIZATIONS, AND ORGANIZATIONS SERVING NATIVE HAWAIIANS.

(a) **MAINTENANCE OF 1991 AMOUNTS.**—*Subject to the availability of appropriations to carry out this title, the amount of the grant (if any) made under this title to a tribal organization, an Alaska Native organization, or an organization serving Native Hawaiians for fiscal year 1997 and for each subsequent fiscal year shall be not less than the amount of the grant made under title VI of the Older Americans Act of 1965 to the tribal organization, the Alaska Native organization, or the organization serving Native Hawaiians for fiscal year 1991.*

(b) **USE OF ADDITIONAL AMOUNTS APPROPRIATED.**—*If the amount appropriated to carry out this title in a fiscal year subsequent to fiscal year 1996 exceeds the amount appropriated to carry out title VI of the Older Americans Act of 1965 in fiscal year 1991, then the*

amount of the grant (if any) made under this title to a tribal organization, an Alaska Native organization, or an organization serving Native Hawaiians for such subsequent fiscal year shall be—

(1) increased by such amount as the Assistant Secretary considers to be appropriate, in addition to the amount of any increase required by subsection (a), so that the grant equals or more closely approaches the amount of the grant made under title VI of the Older Americans Act of 1965 to the tribal organization or the Alaska Native organization for fiscal year 1980, or to the organization serving Native Hawaiians for fiscal year 1995, or

(2) an amount the Assistant Secretary considers to be sufficient if the tribal organization, the Alaska Native organization, or the organization serving Native Hawaiians did not receive a grant under title VI of the Older Americans Act of 1965 for either fiscal year 1980 or fiscal year 1991.

SEC. 204. SURPLUS EDUCATIONAL FACILITIES.

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

(1) acting through the Bureau of Indian Affairs, shall make available surplus Indian educational facilities and surplus Alaska Native educational facilities to tribal organizations and Alaska Native organizations, and to nonprofit organizations with the approval of the Indian tribe or Alaska Native organization involved, and

(2) shall make available to organizations described in section 201(b)(3) any other surplus educational facilities located in the State of Hawaii that are under the control of the Secretary of the Interior,

for use as multipurpose senior centers. Such centers may be altered so as to provide extended care facilities, community center facilities, nutrition services, adult day care services, child care services, and other supportive services.

(b) **APPLICATION.**—To request to receive surplus educational facilities made available under subsection (a), a tribal organization, an Alaska Native organization, or an organization described in section 201(b)(3) shall submit an application to the Secretary of the Interior at such time and such manner, and containing such information, as the Secretary of the Interior determines to be necessary to carry out this section.

SEC. 205. ADMINISTRATION.

For the purpose of issuing rules to carry out this title, the Assistant Secretary shall consult with the Secretary of the Interior.

SEC. 206. PAYMENTS.

Payments may be made under this title (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement in such installments and on such conditions as the Assistant Secretary may determine.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title \$17,460,000 for fiscal year 1997 and such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.

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.

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

SEC. 302. ALLOTMENTS; FEDERAL SHARE.

(a) ALLOTMENT OF FUNDS FOR SUPPORTIVE SERVICES, MULTIPURPOSE SENIOR CENTERS, AND NUTRITION SERVICES.—

(1) RESERVATION OF FUNDS.—(A) Subject to subparagraphs (B) and (C), the amounts appropriated under subsections (a) and (b) of section 381 for fiscal years 1997 through 2001 shall be allotted by the Assistant Secretary among the States as follows:

(i) For each of the fiscal years 1997, 1998, 1999, and 2000—

(I) the product of such amount appropriated for such fiscal year and the base percentage rate for such fiscal year shall be allotted among the States proportionately based on their respective shares of the funds appropriated for fiscal year 1996 allotted to the States to carry out titles III and VII of the Older Americans Act of 1965, and

(II) the balance of the such amount appropriated for such fiscal year shall be allotted among the State proportionately based on the population of individuals 60 years of age or older in the States.

(ii) For purposes of clause (i), the base percentage rates are the following:

Fiscal year:	Base percentage rate:
1997	80 percent
1998	60 percent
1999	40 percent
2000	20 percent

(iii) Such amount appropriated for fiscal year 2001 shall be allotted among the States proportionately based on the population of individuals 60 years of age or older in the States.

(B) The amounts allotted under subparagraph (A) shall be reduced proportionately to the extent necessary to increase other allotments under such subparagraph to achieve the following:

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

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

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

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

(D) The number of individuals 60 years of age or older in any State and in all States shall be determined by the Assistant Secretary on the basis of the most recent data available from the Bureau of the Census and other reliable demographic data satisfactory to the Assistant Secretary.

(2) WITHHOLDING OF FUNDS.—(A) If the Assistant Secretary finds that a State fails to qualify under the State plan requirements of section 304, the Assistant Secretary shall withhold from the State funds allotted under paragraph (1) for the fiscal year for which such plan is submitted.

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

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

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

(b) ALLOTMENT OF FUNDS FOR COMMUNITY SERVICE EMPLOYMENT.—

(1) RESERVATION OF FUNDS FOR TRIBAL ORGANIZATIONS.—

(A) AMOUNT RESERVED.—Of the amount appropriated under subsection (c) of section 381 for each of the fiscal years 1997, 1998, 1999, 2000, and 2001, the Assistant Secretary shall reserve not more than 1.3 percent for making grants under chapter 4 to tribal organizations.

(B) ADMINISTRATIVE COSTS.—Of the amounts reserved under subparagraph (A) for grants to tribal organizations, such part of such grants as the Secretary determines, but not more than 7 percent, may be used by tribal organizations for administrative costs incurred by the tribal organizations to carry out chapter 4.

(2) ALLOTMENT OF FUNDS FOR FISCAL YEARS 1997–2001.—(A) After reserving funds under paragraph (1), the amount appropriated under subsection (c) of section 381 for fiscal years 1997 through 2001 shall be allotted by the Assistant Secretary among the States as follows:

(i) For each of the fiscal years 1997, 1998, 1999, 2000, and 2001, such amount appropriated for such fiscal year, to the extent such amount does not exceed the amount appropriated for fiscal year 1996 to carry out title V of the Older Americans Act of 1965, shall be allotted among the States proportionately based on the sum of—

(I) their respective shares of the funds appropriated for fiscal year 1996 allotted to the States to carry out such title V, and

(II) the amount of such funds appropriated for fiscal year 1996 expended by national organizations in the States, respectively.

(ii) If such amount appropriated for any of such fiscal years exceeds the amount appropriated for fiscal year 1996 to carry out title V, the excess amount shall be allotted in accordance with subparagraph (B).

(B) ALLOTMENTS BASED ON AGE AND PER CAPITA INCOME.—Each amount referred to in subparagraph (A)(ii) shall be allotted as follows:

(i) Subject to clause (ii), each State shall be allotted the amount that bears the same ratio to the amount so referred to as the product of the number of individuals 55 years of age or older in the State and the allotment percentage of the State bears to the sum of the corresponding products for all the States.

(ii) The amounts allotted under clause (i) shall be reduced proportionately to the extent necessary to increase other allotments under such clause to achieve the following:

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

(II) Guam, American Samoa, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than $\frac{1}{4}$ of 1 percent of the amount appropriated for the fiscal year for which the determination is made or \$50,000, whichever is greater.

(C) ALLOTMENT PERCENTAGE.—For purposes of subparagraph (B)(i)—

(i) except as provided in clause (ii), the allotment percentage of each State shall be 100 percent less that percentage which bears the same ratio to 50 percent as the per capita income of the State bears to the per capita income of all the States, except that the allotment percentage shall be not more than 75 percent and not less than $33\frac{1}{3}$ percent, and

(ii) the allotment percentage for the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands shall be 75 percent.

(D) LIMITATION.—For purposes of subparagraphs (B)(ii)(I) and (C)(i), the term “State” does not include Guam, American Samoa, the Virgin Islands of the United States, or Commonwealth of the Northern Mariana Islands.

(E) *POPULATION AND PER CAPITA INCOME DETERMINATIONS.*—*For purposes of this paragraph, the number of individuals 55 years of age or older in each State, and the per capita income of each State, shall be determined by the Assistant Secretary on the basis of the most satisfactory data available to the Assistant Secretary on the basis of the most satisfactory data available to the Assistant Secretary.*

(c) *PERMITTED USE OF ALLOTMENTS.*—

(1) *ADMINISTRATION OF STATE PLANS.*—(A) *Except as provided in subparagraph (B), the greater of 7 percent of the aggregate of the allotments made to a State under subsections (a) and (b), or \$800,000, whichever is greater, shall be available to the State to use in accordance with section 306(a) and for administrative costs incurred by the State to carry out chapter 4.*

(B) *In the case of allotments made under subsections (a) and (b) to Guam, American Samoa, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands, 7 percent of the aggregate of such allotments or \$120,000, whichever is greater, shall be available to each to use in accordance with section 306(a) and for administrative costs incurred by the State to carry out chapter 4.*

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

(i) the State will be unable to fully and effectively administer its State plan and to carry out programs, projects, and activities authorized by chapters 2, 3, and 4 unless additional funds are made available by the Assistant Secretary,

(ii) the State is making full and effective use of its allotment under paragraph (1) and of the personnel of the State agency and area agencies designated under section 303(a)(2)(A) in the administration of its State plan in accordance with section 306(a), and

(iii) the State agency and area agencies on aging are carrying out, on a full-time basis, programs, projects, and activities that are in furtherance of the purpose of chapters 2 and 3,

then the Assistant Secretary may approve an application submitted by the State to request permission to use in accordance with section 306(a) a greater percentage of the aggregate of its allotments under subsections (a) and (b).

(B) *Subject to subparagraph (C), the Assistant Secretary may approve any part of the greater percentage requested in such application that the Assistant Secretary determines is justified in such application.*

(C) *The aggregate amount available under this subsection to a particular State in any fiscal year may not exceed $\frac{3}{4}$ of 1 percent of the aggregate of the allotments made under subsections (a) and (b) for such fiscal year.*

(D) *An application submitted under subparagraph (A) by a State may not be approved unless it contains assurances that no funds received by the State under this subsection will be used to hire any individual to fill a job opening created by the action of the State in laying off or terminating the employment*

of any regular employee not supported under this Act in anticipation of filling the vacancy so created by hiring an employee to be supported through use of amounts received under this subsection.

(3) **ADDITIONAL USES.**—(A) *Of the allotments made under subsection (a) to a State for a fiscal year and remaining after the application of paragraph (1), such part as the State agency determines, but not more than 10 percent of such remaining amount, may be used to pay such percentage as the State agency determines, but not more than 85 percent, of the administrative costs incurred to carry out area plans submitted in accordance with section 305.*

(B)(i) *Of the allotments made under subsection (a) to a State for a fiscal year and remaining after the application of paragraph (1) and subparagraph (A), such part as the State agency determines, but not more than 5 percent of such remaining amount or \$500,000 (whichever is less), may be reserved by the State until June 30 for distribution to area agencies on aging in such State for the delivery of supportive services (and related supplies) during any major disaster declared by the President in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act.*

(ii) *Any amount reserved under clause (i) that is not distributed in accordance with such clause shall be used as if this subparagraph were not in effect.*

SEC. 303. ELIGIBILITY OF STATES; ORGANIZATION.

(a) **ELIGIBILITY OF STATES.**—*For a State to be eligible to receive funds allotted under section 302(a)—*

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

(A) *develop a State plan to be submitted to the Assistant Secretary for approval under section 304,*

(B) *administer the State plan within the State,*

(C) *be responsible for the planning, policy development, administration, coordination, priority setting, and evaluation of all State activities related to carrying out chapters 2 and 3,*

(D) *serve as an effective and visible advocate for older individuals by reviewing and commenting on all State plans, budgets, and policies that affect older individuals, and to provide technical assistance to any agency, organization, or association representing the needs of older individuals, and*

(E) *except as provided in subsection (e), divide the State into distinct planning and service areas or designate the entire State as a single planning and service area,*

(2) *the State agency shall—*

(A) *designate an area agency on aging for each planning and service area,*

(B) *take into account in the development and administration of the State plan for any fiscal year—*

(i) *the views of recipients of supportive services, nutrition services, or community service employment, or*

(ii) *individuals using multipurpose senior centers,*

as the case may be, provided under such plan,

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

(i) the geographical distribution of older individuals in the State, and

(ii) the distribution among planning and service areas of older individuals with greatest economic need and older individuals with greatest social need, and

(D) provide an assurance that preference will be given to providing services to older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority individuals, and include proposed methods to carry out the preference in the State plan.

(b) *DESIGNATION OF AREA AGENCIES ON AGING.*—(1) An area agency on aging designated under subsection (a) shall be—

(A) an established office of aging,

(B) any office or agency of a unit of general purpose local government, that is designated to function only for the purpose of serving as an area agency on aging by the chief elected official of such unit,

(C) any office or agency designated by the appropriate chief elected officials of any combination of units of general purpose local government to act only on behalf of such combination for such purpose,

(D) any public or nonprofit private agency in a planning and service area, or any separate organizational unit within such agency, that is under the supervision or direction for this purpose of the designated State agency and that can and will engage only in the planning or provision of a broad range of supportive services, or nutrition services within the planning and service area, or

(E) in the case of a State designated under subsection (a)(1)(E) as a single planning and service area, the State agency,

and shall provide assurance, determined adequate by the State agency, that the area agency on aging will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program in accordance with the plan within the planning and service area.

(2) In designating an area agency on aging within the planning and service area or within any unit of general purpose local government designated as a planning and service area, the State shall give preference to an established office on aging, unless the State agency finds that no such office within the planning and service area will have the capacity to carry out the area plan.

(c) *DUE PROCESS.*—A State agency shall establish, after consultation with area agencies on aging, procedures to provide due process to affected parties, if the State agency initiates an action or proceeding to change the designation of any designated planning and service area or of any designated area agency on aging.

(d) *GRANDFATHER PROVISION.*—A State that on or before October 1, 1980, had designated, with the approval of the Commissioner on Aging, a single planning and service area covering all of the older individuals in the State, in which the State agency was administering the area plan, may after that date designate one or more additional planning and service areas within the State to be administered by public or nonprofit private agencies or organizations as area agencies on aging. The State agency shall continue to perform the functions of an area agency on aging for any area of the State not included in a planning and service area for which an area agency on aging has been designated.

SEC. 304. STATE PLANS.

(a) *PLAN.*—Each State, in order to be eligible for grants from its allotment under section 302(a) for any fiscal year, shall submit to the Assistant Secretary a State plan for a 2-, 3-, or 4-year period determined by the State agency, with such annual revisions as are necessary. Each such plan shall comply with all of the following requirements:

(1) *UNIFORM AREA PLAN FORMAT.*—The plan shall contain assurances that the State plan will be based upon area plans developed by area agencies on aging within the State designated under section 303(a)(2)(A) and that the State will prepare and distribute a uniform format for use by area agencies on aging in developing area plans under section 305.

(2) *APPROVAL OF AREA PLAN.*—The plan shall provide that each area agency on aging designated under section 303(a)(2)(A) will develop and submit to the State agency for approval an area plan that complies with section 305.

(3) *EVALUATION OF NEED.*—The plan shall provide that the State agency will evaluate the need for supportive services, nutrition services (taking into consideration the comparative need for home-delivered nutrition services and for congregate nutrition services), multipurpose senior centers, and community service employment within the State and determine the extent to which existing public or private programs meet such need. To conduct the evaluation, the State agency shall use the procedures implemented under section 112(10).

(4) *HEARINGS.*—The plan shall provide that the State agency establish a grievance procedure that will afford an opportunity for a hearing upon request to any agency on aging submitting a plan under section 305, to any provider of a service under such a plan, or to any applicant to provide a service under such a plan. The State agency shall establish and publish the procedures for requesting and conducting such hearing.

(5) *FISCAL CONTROL AND FUND ACCOUNTING; CONFLICTS OF INTEREST.*—(A) The plan shall provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, funds received from allotments made under section 302(a) to the State, including any such funds paid to the recipients of a grant or contract.

(B) The plan shall provide assurances that—

(i) no individual (appointed or otherwise) involved in the designation of the State agency or an area agency on aging,

or in the designation of the head of any subdivision of the State agency or of an area agency on aging, is subject to a conflict of interest prohibited under this subtitle,

(ii) no officer, employee, or other representative of the State agency or an area agency on aging is subject to a conflict of interest prohibited under this subtitle, and

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

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

(i) maintain the integrity and public purpose of services provided, and service providers, under the State plan in all contractual and commercial relationships, and

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

(6) INFORMATION AND ASSISTANCE SERVICES.—The plan shall provide for establishing and maintaining information and assistance services in sufficient numbers to ensure, to the maximum extent practicable, that all older individuals in the State who are not furnished adequate information and assistance services under section 305(a)(3) will have reasonably convenient access to such services.

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

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

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

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

(B)(i) Subparagraph (A) shall apply to case management services only if such services are provided through an agency (other than the State agency) designated to provide case management services under another law.

(ii) Subparagraph (A) shall not apply with respect to information and assistance services and to outreach.

(8) STATE LONG-TERM CARE OMBUDSMAN PROGRAM.—Subject to subsection (g), the plan shall provide assurances that the State agency will carry out a State long-term care ombudsman program that complies with all the following specifications:

(A) DUTIES.—The State agency shall—

(i) identify, investigate, and resolve complaints that—

(I) are made by or on behalf of older individuals who are residents of long-term care facilities, and

(II) relate to action, inaction, or decisions that may adversely affect the health, safety, welfare, or rights of such residents (including the welfare and rights of such residents with respect to the appoint-

ment and activities of guardians and representative payees), of providers (or representatives of providers) of long-term care services, public agencies, or health and social service agencies,

(ii) provide services to assist such residents in protecting the health, safety, welfare, and rights of such residents,

(iii) inform such residents about means of obtaining services provided by providers or agencies described in clause (i)(II) or services described in clauses (i),

(iv) ensure that such residents have regular and timely access to the services provided through the State long-term care ombudsman program and that such residents and complainants receive from program representatives of the State agency timely responses to complaints,

(v) represent the interests of such residents before governmental agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents,

(vi) provide administrative and technical assistance to entities designated under subparagraph (F) to assist the entities in participating in the program,

(vii) analyze, comment on, and monitor the development and implementation of Federal, State, and local laws, rules, and other governmental policies and actions, that pertain to the health, safety, welfare, and rights of the residents, with respect to the adequacy of long-term care facilities and services in the State,

(viii) provide for training program representatives of the State agency, and

(ix) carry out such other activities as the State agency determines to be appropriate.

(B) **CONTRACTS AND ARRANGEMENTS.**—(i) Except as provided in clause (ii), the State agency may carry out the program, directly, or by contract or other arrangement with any public agency or nonprofit private organization.

(ii) The State agency may not enter into a contract or other arrangement described in clause (i) with—

(I) an agency or organization that is responsible for licensing or certifying long-term care services in the State, or

(II) an association (or an affiliate of such an association) of long-term care facilities, or of any other residential facilities for older individuals.

(C) **DESIGNATION OF LOCAL OMBUDSMAN ENTITIES AND REPRESENTATIVES.**—(i) In carrying out the duties specified in subparagraph (A), the State agency may designate an entity as a local ombudsman entity, and may designate an individual (including an employee or volunteer) to represent the entity.

(ii) An individual so designated may, in accordance with the policies and procedures established by the State agency—

(I) provide services to protect the health, safety, welfare, and rights of older individuals who are residents of long-term care facilities,

(II) ensure that residents in the service area of the entity have regular, timely access to representatives of the State long-term care ombudsman program and timely responses to complaints and requests for assistance,

(III) identify, investigate, and resolve complaints made by or on behalf of such residents that relate to action, inaction, or decisions, that may adversely affect the health, safety, welfare, or rights of such residents,

(IV) represent the interests of such residents before government agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of such residents,

(V) review, and if necessary, comment on existing and proposed laws, rules, and other government policies and actions, that pertain to the rights and well-being of such residents,

(VI) facilitate the ability of the public to comment on such laws, rules, policies, and actions,

(VII) support the development of resident and family councils, and

(VIII) carry out other activities that the State agency determines to be appropriate.

(iii)(I) The State agency shall establish policies and procedures for monitoring local ombudsman entities designated to carry out the duties specified in subparagraph (A).

(II) If the entities are grantees, or the representatives are employees, of area agencies on aging, the State agency shall develop the policies after consultation with the area agencies on aging. The policies shall provide for participation and comment by such agencies and for resolution of concerns with respect to case activity.

(III) The State agency shall develop the policies and procedures in accordance with all provisions of this subtitle regarding confidentiality and conflict of interest.

(D) PROCEDURES FOR ACCESS.—The State shall ensure, and shall establish procedures that ensure, that program representatives of the State agency shall have—

(i) access to long-term care facilities and residents,

(ii)(I) appropriate access to review the medical and social records of a resident, if the representative has the permission of the resident (or the legal representative of the resident), or the resident is unable to consent to the review and has no legal representative, or

(II) access to such records as is necessary to investigate a complaint if a legal guardian of the resident refuses to give the permission, a program representative of the State agency has reasonable cause to believe that the guardian is not acting in the best interests of

the resident, and the program representative obtains the approval of the State agency,

(iii) access to the administrative records, policies, and documents, to which the residents have, or the general public has access, of long-term care facilities, and

(iv) access to and, on request, copies of all licensing and certification records maintained by the State with respect to long-term care facilities.

(E) *REPORTING SYSTEM.*—The State agency shall collect and analyze data relating to complaints and conditions in long-term care facilities and to older individuals who are residents of long-term care facilities, for the purpose of identifying and resolving significant problems.

(F) *DISCLOSURE.*—(i) The State agency shall establish procedures for the disclosure by the State agency or local ombudsman entities of files maintained by the State long-term care ombudsman program, including records and data described in subparagraphs (D) and (E).

(ii) The procedures described in clause (i) shall provide that, subject to clause (iii), the files and records described in clause (i) may be disclosed only at the discretion of the State agency. The procedures described in clause (i) shall prohibit the disclosure of the identity of any complainant, or resident of a long-term care facility, with respect to whom the State agency maintains such files or records unless—

(I) the complainant or resident, or the legal representative of the complainant or resident, consents to the disclosure and the consent is given in writing,

(II) the complainant or resident gives consent orally and the consent is documented contemporaneously in writing made by a program representative of the State agency in accordance with such requirements as the State agency shall establish, or

(III) the disclosure is required by court order.

(G) *CONSULTATION.*—In planning and operating the State long-term care ombudsman program, the State agency shall consider the views of area agencies on aging, older individuals, and providers of long-term care.

(H) *CONFLICT OF INTEREST.*—The State agency shall develop procedures to prevent conflicts of interest with respect to individuals and entities that carry out activities under the State long-term care ombudsman program.

(I) *LEGAL COUNSEL.*—The State agency shall ensure that—

(i)(I) adequate legal counsel is available and able to provide advice and consultation needed to protect the health, safety, welfare, and rights of older individuals who are residents of long-term care facilities, and to assist the program representatives of the State agency in the performance of the official duties of the State agency, and

(II) *legal representation is provided to any program representative of the State agency against whom suit or other legal action is brought or threatened to be brought in connection with the performance of the official duties of the State agency or such a representative, and*

(ii) *the State agency pursues administrative, legal, and other appropriate remedies on behalf of such residents.*

(J) *LIABILITY.—The State shall ensure that no program representative of the State agency will be liable under State law for the good faith performance of official duties.*

(K) *NONINTERFERENCE.—The State shall—*

(i) *ensure that willful interference with the State agency in the performance of the official duties under the State long-term care ombudsman program shall be unlawful,*

(ii) *prohibit retaliation and reprisals by a long-term care facility or other entity with respect to any resident, employee, or other person for filing a complaint with, providing information to, or otherwise cooperating with any representative of, the State agency, and*

(iii) *provide for appropriate sanctions with respect to the interference, retaliation, and reprisals.*

(9) *LEGAL ASSISTANCE.—If a State elects to provide legal assistance, the plan shall contain assurances that with respect to legal assistance that area agencies on aging will—*

(A) *enter into contracts with providers of legal assistance that can demonstrate the experience or capacity to deliver legal assistance, and*

(B) *attempt to involve the private bar in legal assistance activities authorized under this chapter, including groups within the private bar furnishing services to older individuals on a pro bono and reduced fee basis.*

(10) *PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.—Subject to subsection (g), and if the State elects to provide for a fiscal year for services for the prevention of elder abuse, neglect, and exploitation, the plan shall—*

(A) *contain an assurance that the State has in effect laws relating to elder abuse, neglect, and exploitation that include provisions for immunity for persons who report, in good faith, instances of elder abuse, neglect, and exploitation, from prosecution under any State or local law arising out of such reporting,*

(B) *contain an assurance that individuals who provide services to prevent elder abuse, neglect, and exploitation are trained to effectively deal with such reported instances,*

(C) *contain an assurance that involuntary or coerced participation in such program by alleged victims, abusers, or members of their households will not be permitted,*

(D) *contain an assurance that the State requires all information gathered in the course of receiving reports on instances of, and of making referrals relating to elder abuse, neglect, and exploitation remain confidential except—*

(i) if all parties to such complaint consent in writing to the release of such information,

(ii) if the release of such information is to a law enforcement agency, public protective service agency, licensing or certification agency, ombudsman program, or protection or advocacy system, or

(iii) upon court order,

(E) contain an assurance that the State agency will make all reasonable efforts to resolve any conflicts with other public agencies with respect to confidentiality of the information described in subparagraph (D),

(F) contain an assurance that the State agency will coordinate its program with law enforcement officials, courts of competent jurisdiction, and other relevant State and local programs, including area agencies on aging and agencies that administer adult protective services, medicaid fraud and abuse services (including services provided by a State Medicaid fraud control unit, as defined in section 1903(q) of the Social Security Act (42 U.S.C. 1396b(q)), and victim assistance programs,

(G) contain an assurance that older individuals participate in decisions regarding their welfare, and

(H) specify such other activities that the State agency determines to be beneficial in the prevention of abuse, neglect, or exploitation of older individuals and intends to carry out under such program.

(11) *OUTREACH.*—The plan shall provide assurances that the State agency will require outreach efforts that will—

(A) identify individuals eligible for assistance under chapters 2 and 3, with special emphasis on—

(i) older individuals residing in rural areas,

(ii) older individuals with greatest economic need,

(iii) older individuals with greatest social need,

(iv) older individuals with severe disabilities,

(v) older individuals with limited English-speaking ability,

(vi) older individuals with Alzheimer's disease or related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals), and

(vii) low-income minority individuals, and

(B) inform the older individuals referred to in clauses (i) through (vii) of subparagraph (A), and the caretakers of such individuals, of the availability of such assistance.

(12) *OLDER INDIVIDUALS WITH DISABILITIES.*—The plan shall provide, with respect to the needs of older individuals with disabilities, assurances that the State agency will coordinate planning, identification, assessment of needs, and services for older individuals with disabilities (with particular attention to individuals with severe disabilities) with the State agencies with primary responsibility for individuals with disabilities (including severe disabilities).

(13) *COORDINATION OF COMMUNITY-BASED LONG-TERM CARE SERVICES.*—The plan shall provide assurances that area agen-

cies on aging will conduct efforts to facilitate the coordination of community-based long-term care services, pursuant to section 305(a)(6)(G), for older individuals who—

(A) reside at home and are at risk of institutionalization because of limitations on their ability to function independently,

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

(C) are patients in long-term care facilities, but who can return to their homes if community-based services are provided to them.

(14) **PROHIBITION ON MISUSE OF FUNDS.**—The plan shall provide assurances that funds received from allotments under section 302(a) will not be used to pay any part of a cost (including an administrative cost) incurred by the State or an area agency on aging to carry out a contract or commercial relationship that is not carried out to implement chapter 2 or 3.

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

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

(B) to provide multigenerational activities, such as opportunities for older individuals to serve as mentors or advisers in programs that provide child care, youth day care, educational assistance, at-risk youth intervention, juvenile delinquency treatment, and family support.

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

(17) **COST SHARING.**—If the State, after consultation with area agencies on aging, elects to require cost sharing by recipients of services under the State plan (or to require or permit area agencies on aging to require cost sharing by recipients of services under area plans), the plan shall—

(A) provide that no cost sharing shall be required for—

(i) information and assistance services, outreach, benefits counseling, or case management services, or

(ii) ombudsman or other protective services, or

(B)(i) exempt from cost-sharing requirements individuals with incomes below a low-income threshold set by the State that is not lower than 125 percent of the poverty line,

(ii) set cost-sharing rates for individuals with incomes above such threshold on a sliding-fee scale based on income,

(iii) provide that the income of older individuals will be determined by self-declaration, and

(C) provide that individuals will not be denied a service under the plan because of the inability of such individual to pay a share of the cost of such service.

(18) **SOLICITATION OF VOLUNTARY CONTRIBUTIONS.**—The plan shall provide that the State will permit area agencies on aging

to permit service providers to solicit for services provided under the plan voluntary contributions that—

(A) are based on the ability of older individuals to make such contributions, and

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

(19) *USE OF VOUCHERS TO OBTAIN SERVICES.*—(A) Subject to subparagraph (B), the plan shall identify each specific supportive service and each nutrition service, if any, the State agency elects to permit area agencies on aging to provide by issuing vouchers (redeemable by the State agency or area agency on aging) to older individuals to permit such individuals to obtain such service.

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

(i) such service provided in exchange for vouchers will provide meals that satisfy the requirements specified in section 332(2)(A), and

(ii) an area agency on aging will be permitted by the State agency to provide such service by issuing such vouchers, only if the area agency on aging is unable to provide such service by contract with a service provider.

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

(c) *DISAPPROVAL OF STATE PLAN.*—(1) The Assistant Secretary shall not make a final determination disapproving any State plan, or any modification thereof, or make a final determination that a State is ineligible under section 303, without first affording the State reasonable notice and opportunity for a hearing.

(2) Not later than 30 days after such final determination, a State dissatisfied with such final determination may appeal such final determination to the Secretary for review. If the State timely appeals such final determination in accordance with subsection (e)(1), the Secretary shall dismiss the appeal filed under this paragraph.

(3)(A) If the State is dissatisfied with the decision of the Secretary after review under paragraph (2), the State may appeal such decision not later than 30 days after such decision and in the manner described in subsection (e).

(B) For purposes of appellate review under subparagraph (A), a reference in subsection (e) to the Assistant Secretary shall be deemed to be a reference to the Secretary.

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

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

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

(C) in the administration of the plan there is a failure to comply substantially with any provision of subsection (a), the Assistant Secretary shall notify the State agency that no further payments from its allotments under section 302(a) will be made to the State (or, in the Assistant Secretary's discretion, that further

payments to the State will be limited to projects under or portions of the State plan not affected by such failure), until the Assistant Secretary is satisfied that there will no longer be any failure to comply. Until the Assistant Secretary is so satisfied, no further payments shall be made to the State from its allotments under section 302(a) (or payments shall be limited to projects under or portions of the State plan not affected by such failure).

(2)(A) The Assistant Secretary shall, in accordance with rules the Secretary shall issue, disburse the funds so withheld directly to any public or nonprofit private organization or agency or political subdivision of the State submitting an approved plan in accordance with the provisions of this section.

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

(e) APPEAL.—(1) A State that is dissatisfied with a final action of the Assistant Secretary under subsection (b), (c), or (d) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within 30 days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Assistant Secretary, or any officer designated by the Assistant Secretary for such purpose. The Assistant Secretary thereupon shall file in the court the record of the proceedings on which the Assistant Secretary's action is based, as provided in section 2112 of title 28, United States Code.

(2) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Assistant Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Assistant Secretary may modify or set aside the Assistant Secretary's order. The findings of the Assistant Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown may remand the case to the Assistant Secretary to take further evidence, and the Assistant Secretary shall, within 30 days, file in the court the record of those further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Assistant Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(3) The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Assistant Secretary's action.

(f) PRESERVATION OF ATTORNEY-CLIENT PRIVILEGE.—Neither a State, nor a State agency, may require any provider of legal assistance under this chapter to reveal any information that is protected by the attorney-client privilege.

(g) LIMITATION ON EXPENDITURES.—(1) Except as provided in paragraph (2), the aggregate amount of funds made available under this Act that may be expended by a State in any fiscal year—

(A) to carry out the State long-term care ombudsman program described in subsection (a)(8), and

(B) to provide services for the prevention of elder abuse, neglect, and exploitation, described in subsection (a)(10),

may not exceed the amount that bears the same ratio to the aggregate amount of funds made available under this Act for such fiscal year to carry out chapter 2 as the amount of funds made available under the Older Americans Act of 1965 for fiscal year 1995 expended by the State to carry out the State long-term care ombudsman programs, and programs with respect to the prevention of elder abuse, neglect, and exploitation, under title VII and part B of title III of the Older Americans Act of 1965 bears to the aggregate amount of funds made available under such Act for fiscal year 1995 to carry out such title VII and such part B.

(2)(A) If a State demonstrates, in an application, to the satisfaction of the Assistant Secretary that the maximum amount paragraph (1) permits the State to expend for a fiscal year—

(i) to carry out the State long-term care ombudsman program described in subsection (a)(8), and

(ii) to provide services for the prevention of elder abuse, neglect, and exploitation, described in subsection (a)(10), is insufficient to satisfy the need for services provided under paragraphs (8) and (10) of subsection (a), then the Assistant Secretary may grant a waiver that permits the State to expend for such fiscal year an amount equal to not more than 150 percent of such maximum amount to provide services under such paragraphs.

(B) At a minimum, the application described in subparagraph (A) shall include a description of the additional amount requested to be so expended, the purposes for which such amount will be expended, the need for such amount, and the impact so expending such amount will have on the provision of other services provided under chapter 2. The Assistant Secretary shall approve or deny the application in writing.

SEC. 305. AREA PLANS.

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

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

(A) supportive services, nutrition services (including in-home meals and congregate nutrition services), and, where appropriate, for the establishment or maintenance of multipurpose senior centers, within the planning and service area covered by the plan,

(B) determining the extent of need for supportive services, nutrition services (taking into consideration the comparative need for home-delivered nutrition services and congregate nutrition services), and multipurpose senior centers in such area (taking into consideration, among other things, the number of older individuals with low incomes residing in such area, the number of older individuals who have greatest economic need residing in such area, the number of older individuals who have greatest social need residing in such area, the number of older individuals re-

siding on reservations in such area, and the number of older individuals who are Indians residing in such area, and the efforts of voluntary organizations in the community),

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

(D) entering into agreements with providers of supportive services, nutrition services, or multipurpose senior centers in such area, for the provision of such services or centers to meet such need.

(2) *PROMOTION OF INDEPENDENT LIVING.*—The plan shall promote independent living through the provision of home- and community-based care, address the nutrition and health-promotion needs of older individuals, provide advocacy for and protect the rights of vulnerable older individuals in both community-based and institutional settings, specify efforts to be undertaken to ensure the quality of supportive services and nutrition services provided in such settings, enhance access to services provided under the plan, and encourage community participation in carrying out the plan.

(3) *INFORMATION AND ASSISTANCE SERVICES.*—The plan shall provide for the establishment and maintenance of information and assistance services to ensure that older individuals within the planning and service area covered by the plan will have reasonably convenient access to such services, with particular emphasis on linking services available to isolated older individuals and older individuals with Alzheimer's disease or related disorders with neurological and organic brain dysfunction (and the caretakers of individuals with such disease or disorders).

(4) *SPECIFIC OBJECTIVES; OUTREACH.*—(A) The plan shall contain assurances that the area agency on aging will set specific objectives for providing services to older individuals with greatest economic need, older individuals with greatest social need, and older individuals residing in rural areas.

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

(i) identify individuals eligible for assistance under chapters 2 and 3, with special emphasis on—

(I) older individuals residing in rural areas,

(II) older individuals with greatest economic need,

(III) older individuals with greatest social need,

(IV) older individuals with severe disabilities,

(V) older individuals with limited English-speaking ability,

(VI) older individuals with Alzheimer's disease or related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals), and

(VII) low-income minority individuals, and

(ii) inform the older individuals referred to in subclauses (I) through (VII) of clause (i), and the caretakers of such individuals, of the availability of such assistance.

(5) *EVALUATIONS; TECHNICAL ASSISTANCE AND INFORMATION; ADVOCACY; ADVISORY COUNCIL.*—The plan shall provide that the area agency on aging will—

(A) furnish appropriate technical assistance, and information in a timely manner, to providers of supportive services, nutrition services, or multipurpose senior centers in the planning and service area covered by the area plan,

(B) take into account in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under such plan,

(C) serve as the advocate and focal point for older individuals within the community by (in cooperation with agencies, organizations, and individuals participating in activities under the plan) monitoring, evaluating, and commenting on all policies, programs, hearings, levies, and community actions that will affect older individuals,

(D) establish an advisory council consisting of older individuals who are participants or who are eligible to participate in programs assisted under this title, representatives of older individuals, local elected officials, providers of veterans' health care (if appropriate), and the general public, to advise continuously the area agency on aging on all matters relating to the development of the area plan, the administration of the plan and operations conducted under the plan,

(E) facilitate the coordination of community-based, long-term care services designed to retain individuals in their homes, thereby deferring unnecessary, costly institutionalization, and designed to include the development of case management services as a component of the long-term care services,

(F) facilitate the involvement of long-term care providers in the coordination of community-based long-term care services and work to ensure community awareness of and involvement in addressing the needs of residents of long-term care facilities,

(G) coordinate services and activities carried out under the area plan with—

(i) activities of community-based organizations established for the benefit of older individuals with Alzheimer's disease or related disorders with neurological and organic brain dysfunction (and the families of such individuals), and

(ii) the mental health services provided by community health centers and by other public agencies and nonprofit private organizations, and

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

(6) *VOLUNTEERS.*—The plan shall encourage, and enlist the services of, local volunteer groups to provide assistance and services appropriate to the unique needs of older individuals

within the planning and service area, including coordination with programs carried out under subtitles A and C of title IV.

(7) *PREVENTION OF THE ABUSE, NEGLECT, OR EXPLOITATION OF OLDER INDIVIDUALS.—If the area agency on aging elects to provide a program to prevent the abuse, neglect, or exploitation of older individuals or is required by the State agency to carry out such program, the plan shall—*

(A) contain an assurance that the area agency on aging will conduct such program consistent with the provisions of this subtitle,

(B) contain an assurance that the area agency on aging will provide public education and outreach to identify and prevent abuse, neglect, and exploitation of older individuals,

(C) contain an assurance that the area agency on aging—
(i) will establish procedures for receipt of reports of abuse, neglect, and exploitation of older individuals, and
(ii) upon receipt of a report of known or suspected instances of elder abuse, neglect, or exploitation, shall promptly refer to reported matter to the proper authorities for investigation and action consistent with State law, and

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

(8) *DESCRIPTION OF ACTIVITIES.—The plan shall—*

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

(B) contain an assurance that such activities conform with—

(i) the responsibilities of the area agency on aging, as set forth in this subsection, and

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

(9) *DISCLOSURE OF SOURCES AND EXPENDITURES OF FUNDS.—The plan shall contain an assurance that the area agency on aging will, on the request of the State and for the purpose of monitoring compliance with this subtitle (including conducting an audit), disclose all sources and expenditures of funds such agency receives or expends to provide services to older individuals.*

(10) *PROHIBITION ON MISUSE OF FUNDS.—The plan shall contain assurances that funds received from allotments under section 302(a) will not be used to pay any part of a cost (including an administrative cost) incurred by the area agency on aging to carry out a contract or commercial relationship that is not carried out to implement chapters 2 and 3.*

(11) *PROHIBITION OF PREFERENCE.—The plan shall contain assurances that preference in receiving services under chapters 2 and 3 will not be given by the area agency on aging to par-*

ticular older individuals as a result of a contract or commercial relationship that is not carried out to implement such chapters.

(12) *CASE MANAGEMENT SERVICES.—The plan shall provide that case management services provided under this chapter through the area agency on aging will—*

(A) not duplicate case management services provided through other Federal and State programs,

(B) be coordinated with services described in subparagraph (A),

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

(D) be provided in a manner that gives a consumer the right to choose a provider of preference, and

(E) be provided by—

(i) a public agency, or

(ii) a nonprofit private agency that—

(I) does not provide, and does not have a direct or indirect ownership or controlling interest in, or a direct or indirect affiliation or relationship with, an entity that provides, services (other than case management services, outreach, and information and referral) under this title,

(II) is located in a rural area and obtains a waiver of the requirement described in subclause (I), or

(III) is a community-based organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986, that is exempt from taxation under section 501(a) of such Code, and that is located in a planning and service area in which an area agency on aging made a contract with 1 or more nonprofit private agencies to provide case management services in fiscal year 1992 under the Older Americans Act of 1965.

(13) *COST SHARING.—The plan shall contain assurances that any requirements for cost sharing by recipients of services provided under the plan will be consistent with those provisions of the State plan that satisfy the requirement specified in section 304(a)(17).*

(14) *OLDER INDIVIDUALS WITH DISABILITIES.—The plan shall provide, with respect to the needs of older individuals with disabilities, assurances that the area agency will coordinate planning, identification, assessment of needs, and services for older individuals with disabilities (with particular attention to individuals with severe disabilities) with the State agency.*

(15) *TELEPHONE LISTING.—The plan shall contain an assurance that the area agency on aging will list the telephone number of such agency in each telephone directory that is published, by the provider of local telephone service, for residents in any geographical area that lies in whole or in part in the service and planning area served by such agency—*

(A) under the name “Area Agency on Aging”,

(B) in the unclassified section of the directory, and

(C) to the extent possible, in the classified section of the directory, under a subject heading designated by the Assistant Secretary by regulation.

(b) **PRESERVATION OF ATTORNEY-CLIENT PRIVILEGE.**—An area agency on aging may not require any provider of legal assistance under this chapter to reveal any information that is protected by the attorney-client privilege.

(c) **STATE AUTHORITY TO WITHHOLD FUNDS.**—(1) If the head of a State agency finds that an area agency on aging has failed to comply with Federal or State laws, including the area plan requirements of this section, rules, or policies, the State may withhold from the area agency on aging a portion of the funds available under the allotment made under section 302(a).

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

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

- (i) providing notice of an action to withhold funds,
- (ii) providing documentation of the need for such action, and
- (iii) at the request of the area agency on aging, conducting a public hearing concerning such action.

(3)(A) If a State agency withholds the funds under paragraphs (1) and (2), the State agency may use the funds withheld to directly administer programs under chapters 2 and 3 in the planning and service area served by the area agency on aging for a period not to exceed 180 days, except as provided in subparagraph (B).

(B) If the State agency determines that the area agency on aging has not taken corrective action, or if the State agency does not approve the corrective action, during the 180-day period described in subparagraph (A), the State agency may extend the period for not more than 90 days.

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

(a) **GRANTS FOR STATE ACTIVITIES.**—(1) Amounts available to States under section 302(c)(1) may be used to make grants to States to pay such percentage as each State agency determines, but not more than 85 percent, of the cost of the administration of its State plan, including—

- (A) the preparation of the State plan,
- (B) the evaluation of activities carried out under such plan,
- (C) the collection of data and the carrying out of analyses related to the need for supportive services, nutrition services (taking into consideration the comparative need for home-delivered nutrition services and for congregate nutrition services), multipurpose senior centers, and community service employment within the State, and dissemination of information so obtained,
- (D) the provision of short-term training to personnel of public or nonprofit private agencies and organizations engaged in the operation of programs, projects, and activities authorized by chapters 2 and 3, and

(E) and the carrying out of demonstration projects of statewide significance relating to the initiation, expansion, or im-

provement of services and activities provided under chapters 2 and 3.

(2) Any funds available to a State under subsection (b) for part of the cost of the administration of its State plan that the State determines is not needed for such purpose may be used by the State to supplement the amount available under section 302(c)(3)(A) to cover part of the cost of the administration of area plans.

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

(4) Any State that is designated under section 303(a)(1)(E) a single planning and service area covering all, or substantially all, of the older individuals in the State, as determined by the Assistant Secretary, may elect to pay part of the costs of the administration of State and area plans either out of the amount of funds received under this section or out of the amount of funds made available for the administration of area plans under section 302(c)(3)(A), but shall not pay such costs out of both such amounts.

(b) AUTHORITY TO TRANSFER FUNDS.—(1)(A) Notwithstanding any other provision of this subtitle and except as provided in subparagraph (B), of the funds received by a State attributable to funds appropriated under subsections (a) and (b) of section 381, the State (after consultation with area agencies on aging and with service providers) may elect to transfer not more than 25 percent for any fiscal year between programs under chapter 2 and programs under chapter 3 for use as the State considers appropriate. The State shall notify the Assistant Secretary of any such election.

(B) If a State demonstrates in an application, to the satisfaction of the Assistant Secretary, that funds received by the State and attributable to funds appropriated under subsections (a) and (b) of section 381, (including funds transferred under subparagraph (A) without regard to this subparagraph) for any fiscal year are insufficient to satisfy the need for services under chapter 2 or 3, then the Assistant Secretary may grant a waiver that permits the State to transfer under subparagraph (A) to satisfy such need an additional 25 percent of the funds so received for such fiscal year.

(C) At a minimum, the application described in subparagraph (B) shall include a description of the amount to be transferred, the purposes of the transfer, the need for the transfer, and the impact of the transfer on the provision of services from which the funding will be transferred. The Assistant Secretary shall approve or deny the application in writing.

(2) After consultation with service providers, a State agency may delegate to an area agency on aging or any other entity the authority to make a transfer under paragraph (1).

(3) The Assistant Secretary shall annually collect, and include in the report required by section 116, data regarding the transfers described in paragraph (1), including—

(A) the amount of funds involved in the transfers, analyzed by State,

(B) in the case of transfers described in paragraph (1), the effect of the transfers on the provision of services provided under—

- (i) chapter 2, and
- (ii) chapter 3, including the effect on the number of meals served.

SEC. 307. PAYMENTS.

Payments of grants, or under contracts, made under chapters 2 and 3 may be made (after necessary adjustments resulting from previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Assistant Secretary may determine.

**CHAPTER 2—SUPPORTIVE SERVICES AND
MULTIPURPOSE SENIOR CENTERS**

SEC. 321. PROGRAM AUTHORIZED.

(a) *SUPPORTIVE SERVICES.*—The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 304 for any of the following supportive services that are necessary for the general welfare of older individuals:

(1) Health (including mental health), education and training, welfare, informational, recreational, homemaker, counseling, or referral services.

(2) Services designed to encourage and assist older individuals to use the facilities and services (including information and assistance services) available to them, including language translation services to assist older individuals with limited-English speaking ability to obtain services under this chapter.

(3) Services designed—

(A) to assist older individuals to obtain adequate housing, including residential repair and renovation projects designed to enable older individuals to maintain their homes in conformity with minimum housing standards,

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

(C) to prevent unlawful entry into residences of older individuals, through the installation of security devices and through structural modifications or alterations of such residences, or

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

(4) Services designed to assist older individuals to avoid institutionalization, and services designed to assist individuals in long-term care institutions who are able to return to their communities, including—

(A) client assessment services, and development and coordination of community-based services,

(B) in-home services for frail older individuals, including services for older individuals with Alzheimer's disease and related disorders with neurological and organic brain dysfunction (and for families of such individuals),

- (C) *supportive activities to meet the special needs of caregivers, including caregivers who provide in-home services to frail older individuals, and*
- (D) *in-home and other community-based services to assist older individuals to live independently in a home environment, including home health, homemaker, shopping, escort, reader, and letter-writing services.*
- (5) *Services designed to provide to older individuals legal assistance and other counseling services and assistance, including—*
- (A) *tax counseling and assistance, financial counseling, and counseling regarding appropriate health and life insurance coverage,*
- (B) *representation—*
- (i) *of individuals who are wards (or are allegedly incapacitated), and*
- (ii) *in guardianship proceedings of older individuals who seek to become guardians, if other adequate representation is unavailable in the proceedings, and*
- (C) *provision, to older individuals who provide uncompensated care to their adult children with disabilities, of counseling to assist such older individuals with permanency planning for such children.*
- (6) *Services designed to enable older individuals to attain and maintain physical and mental well-being through programs of regular physical activity,*
- (7) *Activities designed to promote disease prevention and health promotion.*
- (8) *Services designed to provide, for older individuals, pre-retirement counseling and assistance in planning for and assessing future post-retirement needs with regard to public and private insurance, public benefits, lifestyle changes, relocation, legal matters, leisure time, and other appropriate matters.*
- (9) *Services of an ombudsman to receive, investigate, and act on complaints by older individuals who are residents of long-term care facilities and to advocate for the well-being of such individuals.*
- (10) *Services that are designed to meet the unique needs of older individuals who are disabled, and of older individuals who provide uncompensated care to their adult children with disabilities.*
- (11) *Services to encourage the employment of older individuals, including job and second career counseling and, where appropriate, job development, referral, and placement.*
- (12) *Services for the prevention of abuse, neglect, or exploitation of older individuals.*
- (13) *Crime prevention services and victim assistance programs for older individuals.*
- (14) *Health and nutrition education services, including information concerning prevention, diagnosis, treatment, and rehabilitation of age-related diseases and chronic disabling conditions.*
- (15) *Services designed to enable mentally impaired older individuals to attain and maintain emotional well-being and inde-*

pendent living through a coordinated system of supportive services.

(16) Services designed to provide information and training for individuals who are or may become guardians or representative payees of older individuals, including information on the powers and duties of guardians and representative payees and on alternatives to guardianships.

(17) Services to encourage and facilitate regular interaction between school-age children and older individuals, including visits in long-term care facilities, multipurpose senior centers, and other settings.

(18) Services to assist in the operation of multipurpose senior centers.

(19) Services that provide reasonable opportunities for older individuals to participate on a voluntary basis in multigenerational activities.

(20) Transportation services to facilitate access to the services authorized by this subsection to be provided.

(21) Any other services.

CHAPTER 3—NUTRITION SERVICES

SEC. 331. PROGRAM AUTHORIZED.

(a) *NUTRITION SERVICES.*—The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 304 for the establishment and operation of nutrition projects that 5 or more days a week (except in a rural area where such frequency is not feasible) and a lesser frequency when it is approved by the State agency, provide—

(1) meals to eligible individuals in congregate meals settings,

(2) meals to eligible individuals in their homes, and

(3) meals to eligible individuals in adult day care settings.

(b) *REQUIREMENTS.*—(1) Meals served to eligible individuals under subsection (a)(3) may be hot, cold, frozen, dried, canned, or supplemental foods (with a satisfactory storage life).

(2) Meal providers shall provide eligible older individuals with at least 1 meal per day and any additional meals per day that the recipient of a grant or contract under this chapter may elect to provide.

SEC. 332. ADDITIONAL REQUIREMENTS.

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

(1) solicit the advice of a dietitian or individual with comparable expertise in the planning of nutritional services, and

(2) ensure that the project—

(A) provides meals that—

(i) comply with the Dietary Guidelines for Americans, published by the Secretary and the Secretary of Agriculture,

(ii) provide to each participating older individual—

(I) a minimum of 33¹/₃ percent of the daily recommended dietary allowances as established by the Food and Nutrition Board of the Institute of

Medicine of the National Academy of Sciences, if the project provides 1 meal per day,

(II) a minimum of 66²/₃ percent of the allowances if the project provides 2 meals per day, and

(III) 100 percent of the allowances if the project provides 3 meals per day, and

(iii) to the maximum extent practicable, are adjusted to meet any special dietary needs of program participants,

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

(C) encourages providers to enter into contracts that limit the amount of time meals must spend in transit before they are consumed,

(D) where feasible, encourages arrangements with schools and other facilities serving meals to children in order to promote intergenerational meal programs,

(E) provides that meals, other than in-home meals, are provided in settings in as close proximity to the majority of eligible older individuals' residences as feasible,

(F) ensures that meal providers carry out such project with the advice of dietitians (or individuals with comparable expertise), meal participants, and other individuals' knowledgeable with regard to the needs of older individuals,

(G) ensures that each participating area agency on aging establishes procedures that allow nutrition project administrators the option to offer a meal, on the same basis as meals provided to participating older individuals, to individuals providing volunteer services during the meal hours, and to individuals with disabilities who reside at home with and accompany older individuals eligible under this chapter,

(H) ensures that nutrition services will be available to older individuals and to their spouses, and may be made available to individuals with disabilities who are not older individuals but who reside in housing facilities occupied primarily by older individuals at which congregate nutrition services are provided, and

(I) provide for nutrition screening and, where appropriate, for nutrition education and counseling.

CHAPTER 4—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

SEC. 351. SHORT TITLE.

This chapter may be cited as the "Older American Community Service Employment Act of 1996".

SEC. 352. OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM.

(a) AUTHORITY FOR PROGRAM.—(1) With funds allotted under section 302(b), the Assistant Secretary shall make grants to eligible States and tribal organizations for the purpose of providing to unemployed low-income older individuals who have poor employment

prospects, employment opportunities in providing community services.

(2)(A) Not less than 85 percent of each grant made under paragraph (1) shall be used to pay wages and benefits for older individuals who are employed under agreements made under subsection (b).

(B) The amount of such grant remaining (if any) after the application of section 302(c) and subparagraph (A) may be used to pay other employment-related costs relating to such individuals, including costs incurred—

- (i) to perform the assessment described in subsection (c)(2)(K),
- (ii) to provide the training described in subsection (c)(2)(H),
- (iii) to provide counseling to such individuals,
- (iv) to provide supportive services to such individuals,
- (v) to pay transportation costs,
- (vi) to evaluate such individuals for continued participation in such employment,
- (vii) to pay incidental costs of attire and tools for such individuals, necessarily incurred to enable such individuals to participate in a project carried out under an agreement made under subsection (b), and
- (viii) to provide physical examinations to such individuals.

(C) To the maximum extent practicable, an entity that carries out a project under an agreement made under subsection (b) shall provide for the payment of the costs described in subparagraph (B) from non-Federal sources.

(b) **ELIGIBILITY FOR GRANTS.**—To be eligible to receive a grant under subsection (a), a State or tribal organization shall submit to the Assistant Secretary an application in such form and containing such information as the Assistant Secretary may require by rule, including an assurance that such grant will be used by the State or tribal organization to carry out projects (excluding projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship) for the purpose specified in subsection (a) through the following types of agreements that satisfy the requirements of subsection (c) and that provide for meeting specifications and performance goals the State or tribal organization shall establish:

(1) Agreements may be made by the State or tribal organization with—

- (A) public or nonprofit private agencies or organizations,
- (B) political subdivisions of States having elected or duly appointed governing officials (or combinations of such political subdivisions),
- (C) tribal organizations,
- (D) area agencies on aging, and
- (E) national organizations, and State and local affiliates of national organizations, that received funds in fiscal year 1995 under section 502 of the Older Americans Act of 1965, to pay the cost of providing part-time employment to older individuals described in subsection (a).

(2) At the election of the State or tribal organization, not more than 5 percent of the grant received under subsection (a) may be used to make agreements with businesses (giving special con-

sideration to businesses in growth industries) to pay not more than 50 percent of the cost of providing part-time or full-time employment to older individuals described in subsection (a).

(c) **REQUIREMENTS.**—Subject to subsection (d) this subsection shall apply to agreements made under subsection (b).

(1) Each such agreement shall be made on a competitive basis and after consideration of the following, as demonstrated by the entity that proposes to carry out a project to provide employment to older individuals described in subsection (a):

(A) The ability of such entity to provide community service employment and to satisfy the requirements of this chapter.

(B) The ability to meet applicable specifications and performance goals referred to in subsection (b).

(C) The ability to provide supportive services to assist older individuals described in subsection (a) to participate in employment provided by the project.

(D) The effective use of funds to be received under such agreement, to pay administrative costs of the project and to pay wages and benefits for such individuals who are participating in employment provided by the project.

(2) Each such agreement shall provide that no payment shall be made by the State or tribal organization toward the cost of the project unless the State or tribal organization determines that the project, and the entity that carries out the project, will satisfy all of the following:

(A)(i) The entity that carries out the project will use funds received under such agreement that are attributable to a grant made under subsection (a) or any other Federal law, to pay not more than 85 percent of the cost of the project.

(ii) The non-Federal share of such cost will be contributed in cash or in kind. In determining the amount of the non-Federal share, the Assistant Secretary may attribute fair market value to services and facilities contributed from non-Federal sources.

(B) The project will provide employment only for older individuals described in subsection (a), except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among older individuals described in subsection (a).

(C)(i) If such agreement is made with a State, the project will provide employment for such individuals in the community in which such individuals reside, or in nearby communities.

(ii) If such agreement is made with a tribal organization, the project will provide employment for such individuals who are Indians residing on or near an Indian reservation.

(D) The project (except with respect to an agreement described in subsection (b)(2)) will employ such individuals in services related to publicly owned and operated facilities and projects, or related to projects sponsored by organizations (other than political parties) described in section

501(c)(3) of the Internal Revenue Code of 1986 that are exempt from taxation under section 501(a) of such Code.

(E) The project will contribute to the general welfare of the community.

(F) The project will—

(i) result in an increase in employment opportunities over those opportunities that would otherwise be available,

(ii) not result in the displacement of currently employed workers (including partial displacement, such as a reduction in the hours of nonovertime work or wages or employment benefits), and

(iii) not impair existing contracts or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed.

(G) The project will utilize methods of recruitment and selection (including listing of job vacancies with the employment agency operated by any State or political subdivision thereof) that will ensure that the maximum number of older individuals described in subsection (a) will have an opportunity to participate in the project.

(H)(i) The project will include such training as may be necessary to make the most effective use of the skills and talents of such individuals who are participating and assist in their transition into employment for which no financial assistance is provided under this chapter, and may provide for the payment of the reasonable expenses of such individuals being trained.

(ii) Unless the number of such individuals in need of the training required by clause (i) is sufficient to justify the establishment of a training program by the project, such training shall be provided, to the maximum extent practicable, by the project by placing such individuals in training programs for which Federal or State funds are provided under another law. Such individuals who participate in such training programs shall be deemed to have received the training required by clause (i).

(I) The project will be established or administered with the advice of individuals competent in the field of service in which employment is being provided, and of individuals who are knowledgeable with regard to the needs of older individuals.

(J) The project may authorize payment for reasonable transportation costs of older individuals described in subsection (a) that may be incurred in employment in the project.

(K) The project will prepare an assessment of—

(i) the participating older individuals' skills and talents,

(ii) their need for supportive services, and

(iii) their ability to perform community service employment,

except to the extent the project has, for the particular participant involved, an assessment of such skills and talents,

such need, or such capabilities prepared recently pursuant to another employment or training program.

(L) The entity that carries out the project will post in the project workplace a notice, and will make available to each individual associated with the project a written explanation, clarifying the law with respect to allowable and unallowable political activities under chapter 15 of title 5, United States Code, applicable to the project and to each category of individuals associated with the project.

(M) In providing employment opportunities under the project, such entity will give priority to low-income individuals who are 60 years of age or older.

(d) SPECIAL CONSIDERATION.—(1) For purposes of making agreements under subsection (b)(1), the State or tribal organization shall give special consideration to entities that received funds under 502(b) of the Older Americans Act of 1965 for fiscal year 1995 and that demonstrate effectiveness in carrying out projects in fiscal year 1995 under title V of such Act to provide employment opportunities for older individuals.

(2) For purposes of paragraph (1), such effectiveness shall be deemed to be demonstrated if such entity demonstrates that it has—

(A) in existence coordination agreements or other effective linkages between such entity and Federal, State, and local employment and training programs,

(B) in existence effective linkages between such entity and private entities that promote employment and training opportunities for older individuals,

(C) a record of successfully placing such individuals in employment positions for which no financial assistance is provided under this chapter, and

(D) a record of successfully meeting the need for community service employment in the community served by such entity in such community.

(e) PREREQUISITE DETERMINATION.—(1) To effectively carry out subsection (b) and after consultation with the appropriate area agencies on aging and with other organizations that received funds under this chapter in the preceding fiscal year, a State or tribal organization that receives a grant under subsection (a) for a fiscal year shall make a determination—

(A) identifying the localities in the State, or on an Indian reservation in the case of a tribal organization, in which projects described in subsection (b) are most needed,

(B) in making such determination, consider the local employment situations and the types of skills possessed by available local older individuals described in subsection (a), and

(C) identify potential projects and the number and percentage of such individuals in the local population.

(2) The State or tribal organization shall coordinate the projects assisted under this chapter with—

(A) other programs, projects, and activities carried out under this Act,

(B) federally supported job training programs, and

(C) other Federal and State employment programs,

to increase employment opportunities available to older individuals.

(3) *To the maximum extent practicable, the State shall ensure that entities that carry out projects under agreements made under subsection (b) provide employment under this chapter to older individuals who immediately before the effective date of this chapter were employees under an agreement made under section 502(b) of the Older Americans Act of 1965.*

(f) *EQUITABLE USE OF FUNDS.—To the maximum extent practicable, the State shall use funds available to carry out this chapter to make agreements under subsection (b) in an equitable manner, taking into consideration the number of eligible older individuals in the various geographical areas and the relative distribution of such individuals among urban and rural areas.*

(g) *PRIOR SUBMISSION OF PROJECT DESCRIPTION.—Whenever an entity (other than an area agency on aging for the planning and service area in which the project will be conducted) conducts a project under an agreement made under subsection (b) within a planning and service area in a State, such entity shall conduct the project in consultation with the area agency on aging of the planning and service area and shall submit to the area agency on aging, not less than 30 days before undertaking the project, a description (including the location) of the project.*

(h) *ALTERNATIVE WORK MODES; TECHNICAL ASSISTANCE.—States and tribal organizations may develop alternatives for innovative work modes and provide technical assistance in creating employment opportunities through work sharing and other experimental methods to groups representing business and industry and workers, as well as to individual employers, where appropriate.*

(i) *REPORT.—If for a fiscal year a State or tribal organization elects under subsection (b) to make agreements described in paragraph (2) of such subsection, the State or tribal organization shall submit to the Assistant Secretary a report describing the projects carried out under such agreements.*

(j) *RULES.—The Secretary shall issue, and amend from time to time, rules that require States and tribal organizations that receive grants under subsection (a) to establish, to the maximum extent practicable, for projects carried out under this chapter the goal of annually placing not less than 20 percent of project participants in employment positions for which no financial assistance is provided under this chapter.*

SEC. 353. PARTICIPANTS NOT FEDERAL EMPLOYEES.

(a) *PROJECT PARTICIPANTS.—Older individuals described in section 352(a) who participate in a project assisted under this chapter shall not be considered to be Federal employees as a result of such participation and shall not be subject to the provisions of part III of title 5 of the United States Code.*

(b) *CONTRACTS.—No contract shall be entered into under this chapter with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self-insurance, as authorized by State law, that the individuals employed under the contract shall enjoy workmen's compensation coverage equal to that provided by law for covered employment.*

SEC. 354. TREATMENT OF EMPLOYMENT ASSISTANCE FOR PURPOSES OF FEDERAL HOUSING AND FOOD STAMP PROGRAMS.

Funds received by eligible older individuals from participation in projects carried out under this chapter shall not be considered to be income of such individuals for purposes of determining the eligibility of such individuals, or of any other individuals, to participate in any housing program for which Federal funds may be available or for any income determination under the Food Stamp Act of 1977.

Subtitle B—Authorization of Appropriations

SEC. 381. AUTHORIZATION OF APPROPRIATIONS.

(a) *SUPPORTIVE SERVICES AND MULTIPURPOSE SENIOR CENTERS.*—There are authorized to be appropriated to carry out chapter 2 of subtitle A \$300,638,000 for fiscal year 1997 and such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.

(b) *NUTRITION SERVICES.*—There are authorized to be appropriated to carry out chapter 3 of subtitle A \$461,111,000 for fiscal year 1997 and such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.

(c) *COMMUNITY SERVICE EMPLOYMENT.*—There are authorized to be appropriated to carry out chapter 4 of subtitle A \$350,000,000 for fiscal year 1997 and such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.

SEC. 382. ADDITIONAL FUNDS AVAILABLE FOR NUTRITION SERVICES.

(a) *FUNDS AVAILABLE.*—In addition to the amount appropriated under section 381(b), and to provide nutrition services under subtitle A and title II for each of the fiscal years 1997, 1998, 1999, 2000, and 2001, the amount appropriated under subsection (e) for such fiscal year shall be made available to the Assistant Secretary by the Secretary of Agriculture.

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

- (1) 98.9 percent of such funds is allotted in accordance with subsection (c) to provide nutrition services under subtitle A, and
- (2) the balance is available to make grants under title II to provide nutrition services.

(c) *ALLOTMENT BASED ON MEALS SERVED.*—

(1) *IN GENERAL.*—In providing funds for nutrition services under subsection (b)(1) for a fiscal year, the Assistant Secretary shall allot such funds among States based on number of meals served, as specified in paragraph (2).

(2) *CALCULATION.*—The Assistant Secretary shall allot to each State for a fiscal year the amount that bears the same ratio to such 98.9 percent as the number of meals served in the State under this section or under section 311 of the Older Americans Act of 1965 (as in effect immediately before the effective date of this section), as appropriate, for the preceding fiscal year bears to the number of meals served in all States under this section or such section 311, as appropriate, for such preceding fiscal year.

(d) *ELECTION TO RECEIVE COMMODITIES IN LIEU OF CASH.*—

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

(2) *PURCHASE OF COMMODITIES FROM THE SECRETARY OF AGRICULTURE.*—If a State or grant recipient makes a timely election under paragraph (1), the Assistant Secretary shall use the amount of such funds designated by the State, or of such grant designated by the grant recipient, to purchase commodities from the Secretary of Agriculture and to make such commodities available to the State or grant recipient.

(e) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to carry out this section \$154,950,000 for fiscal year 1997 and such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.

TITLE IV—NATIONAL SENIOR VOLUNTEER SERVICE CORPS

SEC. 401. STATEMENT OF PURPOSES.

It is the purpose of—

(1) *this title to provide for the National Senior Volunteer Service Corps, comprised of the Retired and Senior Volunteer Program, the Foster Grandparent Program, and the Senior Companion Program, that empowers older individuals to contribute to their communities through volunteer service, enhances the lives of the volunteers and those whom they serve, and provides communities with valuable services,*

(2) *subtitle A, the Retired and Senior Volunteer Program, to utilize the vast talents of older individuals willing to share their experiences, abilities, and skills in responding to a wide variety of community needs,*

(3) *subtitle B, the Foster Grandparent Program, to afford low-income older individuals an opportunity to provide supportive, individualized services to children with exceptional or special needs, and*

(4) *subtitle C, the Senior Companion Program, to afford low-income older individuals the opportunity to provide personal assistance and companionship to other older individuals through volunteer service.*

Subtitle A—Retired and Senior Volunteer Program

SEC. 411. GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS.

(a) *AUTHORITY TO MAKE GRANTS AND CONTRACTS.*—To carry out a Retired and Senior Volunteer Program under this subtitle to help retired individuals and working older individuals to avail themselves of opportunities for volunteer service in their community, the Assistant Secretary may make grants to State agencies, or grants to or contracts with other public and nonprofit private agencies and

organizations, to pay part or all of the costs for the development, operation, or both, of volunteer service projects under this subtitle, if the Assistant Secretary determines, in accordance with rules the Assistant Secretary shall prescribe, the following:

(1) *LIMITATION ON REIMBURSEMENT.*—Volunteers will not be reimbursed for other than transportation, meals, and other out-of-pocket expenses incident to providing services under this subtitle.

(2) *ELIGIBLE INDIVIDUALS.*—Only older individuals will be enrolled, and individuals 60 years of age or older will be given priority for enrollment, as volunteers to provide services under this subtitle (except for administrative purposes) in the communities where such individuals reside or in nearby communities in either—

(A) publicly owned and operated facilities or projects, or

(B) local projects sponsored by nonprofit private agencies and organizations (other than political parties), other than projects involving the construction, operation, or maintenance of so much of any facility as is used, or is to be used for sectarian instruction or as a place for religious worship,

(3) *TRAINING.*—Such projects include such short-term training as may be necessary to make the most effective use of the skills and talents of participating volunteers and individuals, and provide for the payment of the reasonable expenses of such volunteers while undergoing such training, and

(4) *ADVICE REQUIRED.*—Such projects are being established and will be carried out with the advice of persons competent in the fields of service involved, and persons with interest in and knowledge of the needs of older individuals.

(b) *LOCAL CONTRIBUTION.*—The required local contribution (including any in-kind contribution) to the cost of a project for which a grant or contract is made under this section shall be—

(1) 10 percent in the 1st year for which such grant or contract is made for such project,

(2) 20 percent in the 2nd year for which such grant or contract is made for such project, and

(3) 30 percent in any subsequent year for which such grant or contract is made for such project,

except that the Assistant Secretary may waive all or part of such local contribution in cases of demonstrated need, determined (in accordance with rules which the Assistant Secretary shall issue) on the basis of the financial capability of a particular recipient of such grant or contract, to permit a lesser local contribution than any required percentage contribution established by the Assistant Secretary in generally applicable rules.

(c) *STATE REVIEW OF APPLICATION.*—The Assistant Secretary shall not make a grant to or contract with any agency or organization under this subtitle for a project in any State unless, if such State has a State agency designated under section 303(a)(1), such State agency is the recipient of the grant or contract, or such State agency has been afforded at least 45 days in which to review the project application and make recommendations thereon.

(d) *SERVICE NOT DEEMED EMPLOYMENT.*—Notwithstanding any other provision of law, volunteer service under this subtitle shall not

be deemed to be employment for any purpose which the Assistant Secretary finds is not fully consistent with the provisions, and in furtherance, of the purpose of this subtitle.

Subtitle B—Foster Grandparent Program

SEC. 421. GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS.

(a) *AUTHORITY TO MAKE GRANTS AND CONTRACTS.*—(1)(A) To carry out a Foster Grandparent Program under this subtitle, the Assistant Secretary may make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of development and operation of projects (including direct payments to individuals serving under this subtitle) designed to provide opportunities for low-income older individuals to serve as foster grandparents under this subtitle to provide supportive person-to-person services in health, education, welfare, and related settings to children having exceptional needs. Such services may include services by older individuals serving as foster grandparents under this subtitle to children who are individuals with disabilities, who have chronic health conditions, who are receiving care in hospitals, who are residing in homes for dependent and neglected children, or who are receiving services provided by day-care centers, schools, early intervention programs under part H of the Individuals with Disabilities Education Act (20 U.S.C. 1471 et seq.), Head Start agencies under the Head Start Act (20 U.S.C. 9831 et seq.), or any of a variety of other programs, establishments, and institutions providing services for children with special or exceptional needs. Older individuals serving as foster grandparents under this subtitle may provide person-to-person services to one or more children, depending on the needs of the project and local site.

(B) Only older individuals will be enrolled, and individuals 60 years of age or older will be given priority for enrollment as volunteers to provide services under this subtitle.

(2)(A) The Assistant Secretary may provide assistance in excess of 90 percent of the cost of the development and operation of such projects only if the Assistant Secretary determines, in accordance with rules the Assistant Secretary shall issue establishing objective criteria, that such action is required in furtherance of the purpose of this subtitle.

(B) In the case of any project with respect to which, before September 19, 1972, a grant or contract has been made under section 611(a) of the Older Americans Act of 1965, as in effect before that date or with respect to any project under the Foster Grandparent program in effect before September 17, 1969, contributions in cash or in kind from the Bureau of Indian Affairs of the Department of the Interior toward the cost of the project may be counted as part of the cost thereof which is met from non-Federal sources.

(b) *SELECTION OF RECIPIENT CHILDREN.*—(1) Any public or nonprofit private agency or organization responsible for providing person-to-person services to a child in a project carried out under subsection (a) shall have the exclusive authority to determine, pursuant to paragraph (2)—

(A) which children may receive supportive person-to-person services under such project, and

(B) the period of time during which such services shall be continued in the case of each individual child.

(2) If such agency or organization determines that it is in the best interests of a mentally retarded child receiving, and of a particular foster grandparent providing, services in such a project, such relationship may be continued after the child reaches the chronological age of 21 if such child was receiving such services before attaining the chronological age of 21. If the particular foster grandparent subject to the determination under this paragraph becomes unavailable to serve after such determination is made, such agency or organization may select another foster grandparent.

(3) Any determination made by a public or nonprofit private agency or organization under paragraphs (1) and (2) shall be made through mutual agreement by all parties involved with respect to the provision of services to the child involved.

(c) ALLOWANCES, STIPENDS, AND OTHER SUPPORT.—(1) The Assistant Secretary, in accordance with rules the Assistant Secretary shall issue, may provide to low-income older individuals serving as foster grandparents under this subtitle, such allowances, stipends, and other support as the Assistant Secretary determines are necessary to carry out the purpose of this subtitle.

(2) Any stipend or allowance provided under this section shall be not less than \$2.45 per hour and shall be adjusted once before December 31, 1997, to account for inflation, as determined by the Assistant Secretary and rounded to the nearest 5 cents, except that—

(A) such stipend or allowance shall not be increased as a result of an amendment made to this paragraph unless the funds appropriated for carrying out this subtitle are sufficient to maintain for the fiscal year in question a number of participants to serve under this subtitle at least equal to the number of such participants serving during the preceding fiscal year, and

(B) if sufficient appropriations for any fiscal year are not available to increase any such stipend or allowance provided to the minimum hourly rate specified in this paragraph, the Assistant Secretary shall increase the stipend or allowance to such amount as appropriations for such year permit consistent with subparagraph (A).

(3) In establishing the amount of, and the effective date for, an adjustment under paragraph (2), the Assistant Secretary, in consultation with appropriate Federal agencies, shall consider the effect such adjustment will have on the ability of nonfederally funded volunteer programs similar to the programs under this title to maintain their current level of volunteer hours.

(d) SPECIAL CONSIDERATION.—Older individuals whose income is described in section 102(4)(B)(ii) shall be given special consideration for participation in projects under this subtitle.

(e) VOLUNTEERS WHO ARE NOT LOW-INCOME OLDER INDIVIDUALS.—(1)(A) Except as provided in subparagraphs (B) and (C), individuals who are not low-income older individuals may serve as volunteers under this subtitle, in accordance with such rules as the Assistant Secretary shall issue, if such individuals serve without re-

ceiving any allowance, stipend, or other financial support under this subtitle except reimbursement for transportation, meals, and out-of-pocket expenses incident to serving under this subtitle.

(B) The rules issued by the Assistant Secretary to carry out this subtitle (other than any rules relating to allowances, stipends, and other financial support authorized by subsection (c) to be paid under this subtitle to low-income older individuals) shall apply to all individuals who provide services under this subtitle, without regard to whether such individuals are eligible to receive a stipend under such subsection.

(C) Individuals who are not low-income older individuals may not serve as volunteers under this subtitle in any community in which there are volunteers serving under subtitle A unless—

- (i) such individuals were referred previously for possible placement as volunteers under subtitle A, and
- (ii) such placement did not occur.

(2)(A) Except as provided in subparagraph (B), each recipient of a grant or contract to carry out a project under this subtitle shall give equal treatment to all individuals who provide services under such project, without regard to whether such individuals are eligible to receive a stipend under subsection (c).

(B) An individual who is not a low-income older individual may not provide services under this subtitle if allowing such individual to provide services under this subtitle would prevent a low-income older individual from beginning to participate in providing services under this subtitle or would displace a low-income older individual from providing services under this subtitle.

(3) The Assistant Secretary may not require as a condition of receiving a grant or contract to carry out a project under this subtitle, any applicant for such grant or contract—

- (A) to accept or to recruit individuals who are not low-income older individuals to provide services under this subtitle, or
- (B) to solicit locally generated contributions, in cash or in kind, to support such individuals.

The Assistant Secretary may not coerce any applicant for or recipient of such grant or contract to engage in conduct described in subparagraph (A) or (B), and may not take into consideration whether such applicant or such recipient engages in such conduct.

(4) Funds appropriated to carry out this subtitle may not be used to pay any cost, including any administrative cost, incurred in connection with volunteers under this subtitle who do not receive a stipend under subsection (d). Such cost incurred with respect to a volunteer may be paid with—

- (A) funds received by the Assistant Secretary as unrestricted gifts,
- (B) funds received by the Assistant Secretary as gifts to pay such cost,
- (C) funds contributed by such volunteer, or
- (D) in the discretion of the recipient of a grant or contract under such subsection, locally generated contributions in excess of the amount required by subsection (a) to be contributed to pay the non-Federal cost of the project in which such volunteer participates.

Subtitle C—Senior Companion Volunteer Program

SEC. 431. GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS.

(a) *AUTHORITY TO MAKE GRANTS AND CONTRACTS.*—(1) *To carry out a Senior Companion Volunteer Program under this subtitle, the Assistant Secretary may make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of development and operation of projects (including direct payments to individuals serving under this subtitle in the same manner as provided in section 421(a)) designed to provide opportunities for low-income older individuals to provide services under this subtitle as senior companion volunteers to individuals with exceptional needs.*

(2) *Only older individuals will be enrolled, and individuals 60 years of age or older will be given priority for enrollment, as volunteers to provide services under this subtitle.*

(3) *Senior companion volunteers may provide services designed to help individuals 60 years of age or older who require—*

(A) *long-term care, including services to such individuals who receive home health care, nursing care, and home-delivered nutrition services or other nutritional services,*

(B) *services designed to help individuals deinstitutionalized from mental hospitals, nursing homes, and other institutions, and*

(C) *services designed to assist individuals who have developmental disabilities and other special needs for companionship.*

(b) *OTHER PROVISIONS APPLICABLE.*—*Subsections (a)(2)(A), (c), (d), and (e) of section 421, and such other provisions of subtitle B as the Assistant Secretary may determine to be necessary, shall apply to this subtitle, except that for purposes of this subtitle any reference to subtitle B in such subsections and such provisions shall be deemed to be a reference to this subtitle.*

(c) *HOME-BOUND INDIVIDUALS.*—*The Assistant Secretary may make grants or contracts under subsection (a) for senior companion volunteer projects to assist homebound individuals 60 years of age or older to remain in their own homes and to enable institutionalized individuals 60 years of age or older to return to home-care settings.*

Subtitle D—General Provisions

SEC. 441. PROMOTION OF NATIONAL SENIOR VOLUNTEER SERVICE CORPS.

(a) *CONSULTATION.*—(1) *In carrying out this title, the Assistant Secretary shall consult with Federal agencies administering related programs with a view to achieving optimal coordination with such other programs, and shall promote the coordination of projects under this title with other public or private programs or projects carried out at State and local levels. Such Federal agencies shall cooperate with the Assistant Secretary in disseminating information*

about the availability of assistance under this title and in promoting the identification and interest of low-income older individuals and other older individuals whose services may be utilized in projects under this title.

(2) To the maximum extent practicable, the Assistant Secretary shall enter into agreements—

(A)(i) to involve retired and senior volunteers and foster grandparents in Head Start programs,

(ii) to involve retired and senior volunteers and senior companion volunteers in providing services authorized by titles II and III, and

(iii) to promote the recognition of such volunteers who are qualified to provide in-home services for reimbursement under title XVIII of the Social Security Act for providing such services,

(B) with the Department of Education to promote intergenerational tutoring and mentoring for at-risk children, and

(C) with the Environmental Protection Agency to support conservation efforts.

(b) **EFFORTS TO EXPAND PARTICIPATION.**—(1) In carrying out this title, the Assistant Secretary shall encourage and facilitate the efforts of private organizations to promote the programs established in subtitles A, B, and C and the involvement of older individuals as volunteers in such programs.

(2) The Assistant Secretary shall take appropriate actions to ensure that special efforts are made to publicize the programs established in subtitles A, B, and C, in order to facilitate recruitment efforts, to encourage greater participation of volunteers, and to emphasize the value of volunteering to the health and well-being of volunteers and the communities of such volunteers. Such actions shall include informing recipients of grants and contracts under this title of all informational materials available from the Assistant Secretary.

(3) From funds appropriated under section 491, the Assistant Secretary shall expend not less than \$375,000 in each fiscal year to carry out paragraph (2).

SEC. 442. PAYMENTS.

Payments under this title pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions, as the Assistant Secretary may determine.

SEC. 443. USE OF LOCALLY GENERATED CONTRIBUTIONS IN NATIONAL SENIOR VOLUNTEER SERVICE CORPS.

Whenever locally generated contributions made to volunteer projects for older individuals under this title are in excess of the amount required by the Assistant Secretary, the Assistant Secretary may not restrict the manner in which contributions are expended if expenditures from locally generated contributions are not inconsistent with the provisions of this title.

SEC. 444. ADJUSTMENTS TO FEDERAL FINANCIAL ASSISTANCE; REPORTS.

(a) **ADJUSTMENTS.**—(1)(A) *In determining the amount of Federal financial assistance to be provided under this title to applicants, the Assistant Secretary shall consider the impact of changes in the Consumer Price Index For All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor on the administrative costs of operating the projects for which such assistance will be provided.*

(B) *The Assistant Secretary shall, to the maximum extent practicable, make appropriate adjustments in the amount referred to in subparagraph (A) to ensure the effective administration of such projects.*

(2) *The Assistant Secretary shall take reasonable actions to inform applicants for such assistance that such adjustments may be available.*

(b) **REPORTS.**—*The Assistant Secretary shall submit, at 2-year intervals, to the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report on the extent to which adjustments are made under subsection (a).*

SEC. 445. MULTIYEAR GRANTS OR CONTRACTS.

(a) **COMPLIANCE; FUNDING.**—(1) *Subject to paragraph (2) and the availability of funds, the Assistant Secretary may make a grant or enter into a contract under subtitle A, B, or C for a period not to exceed 3 years. Each applicant who receives a grant, or enters into a contract, under such subtitle for a period exceeding 1 year shall comply with such rules as the Assistant Secretary may issue to require such applicant—*

(A) *to demonstrate that such applicant is in compliance with such subtitle and with the terms and conditions of such grant or contract, and*

(B) *to provide information to update the application submitted to obtain such grant or contract.*

(2) *If the amount appropriated for any fiscal year to carry out subtitle A, B, or C in a period during which multiyear grants or contracts are in effect under such subtitle is less than the amount appropriated to carry out such subtitle in the first fiscal year in such period, then the amounts payable under all such grants and contracts in effect in such period under such part shall be reduced pro rata.*

(b) **SAVINGS.**—*The Assistant Secretary shall require each applicant for a multiyear grant or contract under this section, to document or describe in the application any meaningful administrative savings that will result from such multiyear grant or contract.*

(c) **ALTERNATIVE CONSIDERATION.**—*If an applicant does not receive a multiyear grant or contract under this section, the Assistant Secretary shall consider such applicant for a single-year grant or contract.*

(d) **SIMILAR TREATMENT.**—*If the Assistant Secretary approves an application for a contract or grant to carry out a project for a multiyear period as referred to in subsection (a), the Assistant Secretary shall ensure that such project shall be treated in the same manner as a single-year contract or grant with respect to—*

- (1) the overall level of funding for such project,
- (2) any adjustments to Federal financial assistance that may be available under section 444, and
- (3) the renewal of funding on the expiration of the term of such contract or grant.

Subtitle E—Administration and Coordination

SEC. 461. ADMINISTRATIVE STRUCTURE.

To administer this title, the Assistant Secretary shall establish in the Administration an organizational structure that, to the maximum extent practicable, retains the organizational structure that existed to carry out title II of the Domestic Volunteer Service Act of 1973 as in effect immediately before the effective date of this Act. Such structure shall include State offices, and multistate regional offices, that have responsibilities under this title that are similar to the responsibilities of such offices had under such Act.

SEC. 462. POLITICAL ACTIVITIES.

(a) **PROHIBITION.**—No part of any funds appropriated to carry out this title shall be used—

(1) to finance, directly or indirectly—

(A) any activity designed to influence the outcome of any election to Federal office or the outcome of any election to any State or local public office, or

(B) any voter registration activity, or

(2) to pay the salary of any officer or employee of the Administration, who engages in any such activity in an official capacity as such an officer or employee.

(b) **LIMITATION ON USE OF PERSONNEL.**—Programs assisted under this title shall not be carried on in a manner involving the use of funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such programs with—

(1) any partisan or nonpartisan political activity associated with a candidate, or a contending faction or group, in an election for public or party office,

(2) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or

(3) any voter registration activity.

(c) **PROHIBITION OF CERTAIN ACTIVITIES RELATING TO LEGISLATION.**—No funds appropriated to carry out this title shall be used by any program assisted under this title in any activity for the purpose of influencing the passage or defeat of legislation or proposals by initiative petition, except—

(1) in any case in which a legislative body, a committee of a legislative body, or a member of a legislative body requests any volunteer in, or employee of, such a program to draft, review, or testify regarding measures or to make representations to such legislative body, committee, or member, or

(2) in connection with an authorization or appropriations measure directly affecting the operation of the program.

(d) *ENFORCEMENT.*—The Assistant Secretary, after consultation with the Office of Personnel Management, shall issue rules to provide for the enforcement of this section, which shall include provisions for summary suspension of assistance for not more than 30 days until notice and an opportunity to be heard can be provided or other action necessary to permit enforcement on an emergency basis can be taken.

SEC. 463. SPECIAL LIMITATIONS.

(a) *ISSUANCE OF RULES.*—The Assistant Secretary shall issue rules and shall carry out this title so as to ensure that the service of volunteers assigned, referred, or serving pursuant to grants, contracts, or agreements made under this title is limited to activities that would not otherwise be performed by employed workers and that will not supplant the hiring of or result in the displacement of employed workers, or impair existing contracts for service.

(b) *COST REQUIREMENT.*—All support, including transportation provided to volunteers under this title, shall be furnished at the lowest possible cost consistent with the effective operation of volunteer programs assisted under this title.

(c) *PROHIBITION RELATING TO COMPENSATION.*—No agency or organization to which volunteers are assigned under this title, or which operates or supervises any volunteer program under this title, shall request or receive any compensation from such volunteers or from beneficiaries for services of such volunteers provided or supervised by such agency or organization.

(d) *PROHIBITION RELATING TO LABOR ACTIVITY.*—No funds authorized to be appropriated to carry out this title shall be directly or indirectly used to finance labor or anti-labor organization or related activity.

(e) *INFORMATION ON VOLUNTEER QUALIFICATIONS.*—Individuals serving as volunteers under this title shall provide such information concerning their qualifications, including their integrity and their ability to perform their assigned tasks, as the Assistant Secretary shall require and shall be subject to such procedures for selection and approval as the Assistant Secretary determines are necessary to carry out the purposes of this title. The Assistant Secretary may establish such special procedures for the recruitment, selection, training, and assignment of low-income residents of the area to be served by a program under this title who wish to become volunteers as the Assistant Secretary determines will carry out the purposes of this title.

SEC. 464. COORDINATION WITH OTHER PROGRAMS.

The Assistant Secretary shall take necessary steps to coordinate volunteer programs authorized under this title with one another and shall consult with representatives of the head of such programs, with community action programs, and with other related Federal, State, and local programs. The Assistant Secretary shall also consult with the heads of other Federal, State, and local agencies responsible for programs related to the purposes of this title in order to encourage greater use of volunteer services in such programs and establish in connection with such programs systematic procedures for the recruitment, referral, or necessary preservice orientation or training of volunteers serving pursuant to this title. The Assistant

Secretary (in consultation with the Director of the Office of Personnel Management, the Secretary of Labor, the Secretary of Commerce, the Secretary of the Treasury, and officials of other appropriate departments and agencies) shall take all appropriate steps to encourage State and local governments, charitable and service organizations, and private employers—

- (1) to take into account experience in volunteer work in the consideration of applicants for employment, and
- (2) to make provision for the listing and description of volunteer work on all employment application forms.

SEC. 465. NOTICE AND HEARING PROCEDURES FOR SUSPENSION AND TERMINATION OF FINANCIAL ASSISTANCE.

(a) **AUTHORITY.**—The Assistant Secretary may, in accordance with this section, suspend or terminate payments under any grant or contract providing assistance under this title, whenever the Assistant Secretary determines there is a material failure to comply with the applicable terms and conditions of any such grant or contract. The Assistant Secretary shall establish procedures to ensure that—

(1) assistance under this title shall not be suspended for failure to comply with applicable terms and conditions, except in emergency situations for 30 days,

(2) an application for refunding under this title may not be denied unless the recipient has been given—

(A) notice at least 75 days before the denial of such application of the possibility of such denial and the grounds for any such denial, and

(B) opportunity to show cause why such action should not be taken,

(3) in any case where an application for refunding is denied for failure to comply with the terms and conditions of the grant or contract, the recipient shall be afforded an opportunity for an informal hearing before an impartial hearing officer who has been agreed to by the recipient and the Assistant Secretary, and

(4) assistance under this title shall not be terminated for failure to comply with applicable terms and conditions unless the recipient has been afforded reasonable notice and opportunity for a full and fair hearing.

(b) **LOCATION OF HEARING.**—In order to assure equal access to all recipients, such hearings or other meetings as may be necessary to fulfill the requirements of this section shall be held at locations convenient to the recipient agency.

SEC. 466. DISTRIBUTION OF BENEFITS BETWEEN RURAL AND URBAN AREAS.

The Assistant Secretary shall establish appropriate administrative measures to ensure that the benefits of and services under this title will be distributed equitably between residents of rural areas and residents of urban areas.

SEC. 467. VOLUNTEERS NOT FEDERAL EMPLOYEES.

Volunteers under this title shall not be considered to be Federal employees and shall not be subject to the provisions of law relating to officers and employees of the Federal Government and to Federal employment.

SEC. 468. EVALUATION.

(a) *EVALUATION.*—The Assistant Secretary may measure and evaluate the impact of all programs, projects, and activities authorized by this title, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, projects, and activities, and their structure and mechanisms for delivery of services. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

(b) *SPECIFIC MATTERS FOR EVALUATION.*—The Assistant Secretary may—

(1) evaluate the impact that volunteers who participate without receiving a stipend in programs, projects, and activities under subtitles B and C, have on such programs, projects, and activities, and shall include in such evaluation—

(A) information on administrative costs associated with such volunteers,

(B) a comparison of the quality of services provided by such volunteers and the quality of services provided by volunteers who receive a stipend under such subtitles, including the rate of absenteeism and turnover, and

(C) a review of the effect that participation by volunteers who do not receive such stipend have on the administration of such programs, projects, and activities, and

(2) submit to the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report summarizing in detail the results of the evaluations made under paragraph (1).

(c) *PUBLICATION OF SUMMARIES.*—The Assistant Secretary shall publish summaries of the results of evaluations of program, project, and activity impact and effectiveness.

(d) *AVAILABILITY OF FUNDS.*—The Assistant Secretary may use such sums as are required, but not to exceed 1 percent of the funds appropriated to carry out this title, to conduct program, project, and activity evaluations (directly, or by grant or contract) as authorized by this title.

SEC. 469. ELIGIBILITY FOR OTHER BENEFITS.

Notwithstanding any other provision of law, no reimbursement of out-of-pocket expenses made to individuals serving pursuant to subtitles A, B, and C shall be subject to any tax or charge or be treated as wages or compensation for the purposes of unemployment, temporary disability, retirement, public assistance, workers' compensation or similar benefit payments, or minimum wage laws.

SEC. 470. LEGAL EXPENSES.

Notwithstanding any other provision of law and pursuant to rules which the Assistant Secretary shall issue, counsel may be employed and counsel fees, court costs, bail, and other expenses incidental to the defense of volunteers may be paid in judicial and administrative proceedings to which full-time volunteers (or part-time volunteers if such proceedings arise directly out of the performance of activities pursuant to this title), serving under this title have been made parties.

Subtitle F—Authorization of Appropriations

SEC. 491. AUTHORIZATION OF APPROPRIATIONS FOR PROGRAMS.

(a) *RETIRED AND SENIOR VOLUNTEER PROGRAM.*—There are authorized to be appropriated to carry out subtitle A, \$40,300,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998, 1999, 2000, and 2001.

(b) *FOSTER GRANDPARENT PROGRAM.*—There are authorized to be appropriated to carry out subtitle B, \$64,300,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998, 1999, 2000, and 2001.

(c) *SENIOR COMPANION PROGRAM.*—There are authorized to be appropriated to carry out subtitle C, \$32,200,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998, 1999, 2000, and 2001.

DOMESTIC VOLUNTEER SERVICE ACT OF 1973

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Domestic Volunteer Service Act of 1973”.

(b) **TABLE OF CONTENTS.**—The table of contents is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Volunteerism policy.

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【TITLE II—NATIONAL SENIOR VOLUNTEER CORPS

【Sec. 200. Statement of purposes.

【PART A—RETIRED AND SENIOR VOLUNTEER PROGRAM

【Sec. 201. Grants and contracts for volunteer service projects.

【PART B—FOSTER GRANDPARENT PROGRAM

【Sec. 211. Grants and contracts for volunteer service projects.

【PART C—SENIOR COMPANION PROGRAM

【Sec. 213. Grants and contracts for volunteer service projects.

【PART D—GENERAL PROVISIONS

【Sec. 221. Promotion of National Senior Volunteer Corps.

【Sec. 222. Payments.

【Sec. 223. Minority group participation.

【Sec. 224. Use of locally generated contributions in National Senior Volunteer Corps.

【Sec. 225. Programs of national significance.

【Sec. 226. Adjustments to Federal financial assistance.

【Sec. 227. Multiyear grants or contracts.

【PART E—DEMONSTRATION PROGRAMS

【Sec. 231. Authority of Director.】

TITLE IV—ADMINISTRATION AND COORDINATION

Sec. 403. Political activities.

Sec. 404. Special limitations.

Sec. 406. Labor standards.

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【Sec. 418. Eligibility for other benefits.】

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TITLE V—AUTHORIZATION OF APPROPRIATIONS

Sec. 501. National volunteer antipoverty programs.

【Sec. 502. National Senior Volunteer Corps.】

Sec. 504. Administration and coordination.

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【TITLE II—NATIONAL SENIOR VOLUNTEER CORPS

【STATEMENT OF PURPOSES

【SEC. 200. It is the purpose of—

【(1) this title to provide for National Senior Volunteer Corps, comprised of the Retired and Senior Volunteer Program, the foster grandparent program, and the senior companion program, that empower older individuals to contribute to their communities through volunteer service, enhance the lives of the volunteers and those whom they serve, and provide communities with valuable services;

【(2) part A, the Retired and Senior Volunteer Program, to utilize the vast talents of older individuals willing to share their experiences, abilities, and skills in responding to a wide variety of community needs;

【(3) part B, the foster grandparent program, to afford low-income older individuals an opportunity to provide supportive, individualized services to children with exceptional or special needs; and

【(4) part C, the senior companion program, to afford low-income older individuals the opportunity to provide personal assistance and companionship to other older individuals through volunteer service.

【PART A—RETIRED AND SENIOR VOLUNTEER PROGRAM

【GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS

【SEC. 201. (a) In order to help retired individuals and working older individuals to avail themselves of opportunities for volunteer service in their community, the Director is authorized to make grants to State agencies (established or designated pursuant to section 305(a)(1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3025(a)(1))) or grants to or contracts with other public and nonprofit private agencies and organizations to pay part or all of the costs for the development or operation, or both, of volunteer service projects under this section, if the Director determines, in accordance with regulations the Director shall prescribe, that—

【(1) volunteers will not be reimbursed for other than transportation, meals, and other out-of-pocket expenses incident to the provision of services under this part;

【(2) only individuals 55 years of age or older will be enrolled, and individuals 60 years of age or older will be given priority for enrollment, as volunteers to provide services under this part (except for administrative purposes), and such services will be performed in the community where such individuals reside or in nearby communities either (A) on publicly owned and

operated facilities or projects, or (B) on local projects sponsored by private nonprofit organizations (other than political parties), other than projects involving the construction, operation, or maintenance of so much of any facility used or to be used for sectarian instruction or as a place for religious worship;

[(3) the project includes such short-term training as may be necessary to make the most effective use of the skills and talents of participating volunteers and individuals, and provide for the payment of the reasonable expenses of such volunteers while undergoing such training; and

[(4) the project is being established and will be carried out with the advice of persons competent in the field of service involved, and or persons with interest in and knowledge of the needs of older persons.

[(b) In no event shall the required proportion of the local contribution (including in-kind contributions) for a grant or contract made under this section be more than 10 per centum in the first year of assistance under this section, 20 per centum in the second such year, 30 per centum in any subsequent such years: Provided, however, That the Director may make exceptions in cases of demonstrated need, determined (in accordance with regulations which the Director shall prescribe) on the basis of the financial capability of a particular recipient of assistance under this section, to permit a lesser local contribution proportion than any required contribution proportion established by the Director in generally applicable regulations.

[(c) The Director shall not award any grant or contract under this part for a project in any State to any agency or organization unless, if such State has a State agency established or designated pursuant to section 305(a)(1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3025(a)(1)), such agency itself is the recipient of the award or such agency has been afforded at least forty-five days in which to review the project application and make recommendations thereon.

[(d) Notwithstanding any other provision of law, volunteer service under this part shall not be deemed employment for any purpose which the Director finds is not fully consistent with the provisions and in furtherance of the purpose of this part.

【PART B—FOSTER GRANDPARENT PROGRAM

【GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS

【SEC. 211. (a) The Director is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of development and operation of projects (including direct payments to individuals serving under this part) designed for the purpose of providing opportunities for low-income persons aged sixty or over to provide supportive person-to-person services in health, education, welfare, and related settings to children having exceptional needs. Such services may include services by individuals serving as foster grandparents to children who are individuals with disabilities, who have chronic health conditions, who are receiving care in hospitals, who are residing in homes for dependent and neglected children, or who are receiving

services provided by day care centers, schools, early intervention programs under part H of the Individuals with Disabilities Education Act (20 U.S.C. 1471 et seq.), Head Start agencies under the Head Start Act, or any of a variety of other programs, establishments, and institutions providing services for children with special or exceptional needs. Individual foster grandparents may provide person-to-person services to one or more children, depending on the needs of the project and local site. The Director may approve assistance in excess of 90 per centum of the costs of the development and operation of such projects only if the Director determines, in accordance with regulations the Director shall prescribe establishing objective criteria, that such action is required in furtherance of the purpose of this section. Provision for such assistance shall be effective as of September 19, 1972. In the case of any project with respect to which, prior to such date, a grant or contract has been made under section 611(a) of the Older Americans Act of 1965, as amended (42 U.S.C. 3044(b) or with respect to any project under the Foster Grandparent program in effect prior to September 17, 1969, contributions in cash or in kind from the Bureau of Indian Affairs, Department of the Interior, toward the cost of the project may be counted as part of the cost thereof which is met from non-Federal sources.

[(b)(1) Any public or private nonprofit agency or organization responsible for providing person-to-person services to a child in a project carried out under subsection (a) of this section shall have the exclusive authority to determine, pursuant to the provisions of paragraph (2) of this subsection—

[(A) which children may receive supportive person-to-person services under such project; and

[(B) the period of time during which such services shall be continued in the case of each individual child.

[(2) In the event that such an agency or organization determines that it is in the best interests of a mentally retarded child receiving, and of a particular foster grandparent providing, services in such a project, such relationship may be continued after the child reaches the chronological age of 21: *Provided*, That such child was receiving such services prior to attaining the chronological age of 21. If the particular foster grandparent subject to the determination under this paragraph becomes unavailable to serve after such determination is made, the agency or organization may select another foster grandparent.

[(3) Any determination made by a public or nonprofit private agency or organization under paragraphs (1) and (2) of this subsection shall be made through mutual agreement by all parties involved with respect to the provision of services to the child involved.

[(c) For the purposes of this section, the terms “child” and “children” mean any individual or individuals who are less than 21 years of age.

[(d) The Director, in accordance with regulations the Director shall prescribe, may provide to low-income persons serving as volunteers under this part, such allowances, stipends, and other support as the Director determines are necessary to carry out the purpose of this part. Any stipend or allowance provided under this sec-

tion shall not be less than \$2.45 per hour on and after October 1, 1993, and shall be adjusted once prior to December 31, 1997, to account for inflation, as determined by the Director and rounded to the nearest five cents, except that (1) such stipend or allowance shall not be increased as a result of an amendment made to this sentence unless the funds appropriated for carrying out this part are sufficient to maintain for the fiscal year in question a number of participants to serve under this part at least equal to the number of such participants serving during the preceding fiscal year, and (2) in the event that sufficient appropriations for any fiscal year are not available to increase any such stipend or allowance provided to the minimum hourly rate specified in this sentence, the Director shall increase the stipend or allowance to such amount as appropriations for such year permit consistent with clause (1) of this exception. In establishing the amount of, and the effective date for, such adjustment, the Director, in consultation with the State Commissions on National and Community Service (as established under section 178 of the National and Community Service Act of 1990) and the heads of the State offices established under section 195 of such Act, shall consider the effect such adjustment will have on the ability of non-federally funded volunteer programs similar to the programs under this title to maintain their current level of volunteer hours.

[(e) For purposes of this part, the terms “low-income person” and “person of low income” mean—

[(1) any person whose income is not more than 125 per centum of the poverty line defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) and adjusted by the Director in the manner described in such section; and

[(2) any person whose income is not more than 100 per centum of such poverty line, as so adjusted and determined by the Director after taking into consideration existing poverty guidelines as appropriate to local situations.

Persons described in paragraph (2) shall be given special consideration for participation in projects under this part.

[(f)(1)(A) Except as provided in subparagraphs (B) and (C), individuals who are not low-income persons may serve as volunteers under this part, in accordance with such regulations as the Director shall issue, if such individuals serve without receiving any allowance, stipend, or other financial support under this part except reimbursement for transportation, meals, and out-of-pocket expenses incident to serving under this part.

[(B) The regulations issued by the Director to carry out this part (other than any regulations relating to allowances, stipends, and other financial support authorized by subsection (d) to be paid under this part to low-income persons) shall apply to all volunteers under this part, without regard to whether such volunteers are eligible to receive a stipend under subsection (d).

[(C) Individuals who are not low-income persons may not serve as volunteers under this part in any community in which there are volunteers serving under part A of this title unless such individuals have been referred previously for possible placement as volunteers under part A and such placement did not occur.

[(2)(A) Except as provided in subparagraph (B), each recipient of a grant or contract to carry out a project under this part shall give equal treatment to all volunteers who participate in such project, without regard to whether such volunteers are eligible to receive a stipend under subsection (d).

[(B) An individual who is not a low-income person may not become a volunteer under this part if allowing such individual to become a volunteer under this part would prevent a low-income individual from becoming a volunteer under this part or would displace a low-income person from being such a volunteer.

[(3) The Director may not take into consideration or require as a condition of receiving a grant or contract to carry out a project under this part, any applicant for such grant or contract—

[(A) to accept or recruit individuals who are not low-income persons to serve as volunteers under this part; or

[(B) to solicit locally generated contributions, in cash or in kind, to support such individuals.

The Director may not coerce any applicant for, or recipient of, such grant or contract to engage in conduct described in subparagraph (A) or (B).

[(4) Funds appropriated to carry out this part may not be used to pay any cost, including any administrative cost, incurred in connection with volunteers under this part who do not receive a stipend under subsection (d). Such cost incurred with respect to a volunteer may be paid with—

[(A) funds received by the Director as unrestricted gifts;

[(B) funds received by the Director as gifts to pay such cost;

[(C) funds contributed by such volunteer; or

[(D) locally generated contributions in excess of the amount required to be contributed under subsection (a), in the discretion of the recipient of a grant or contract under such subsection.

[PART C—SENIOR COMPANION PROGRAM

[GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS

[SEC. 213. (a) The Director is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of development and operation of projects (including direct payments to individuals serving under this part in the same manner as provided in section 211(a)) designed for the purpose of providing opportunities for low-income persons aged 60 or over to serve as “senior companions” to persons with exceptional needs. Senior companions may provide services designed to help older persons requiring long-term care, including services to persons receiving home health care, nursing care, home-delivered meals or other nutritional services; services designed to help persons deinstitutionalized from mental hospitals, nursing homes, and other institutions; and services designed to assist persons having developmental disabilities and other special needs for companionship.

[(b) Subsections (d), (e), and (f) of section 211, and such other provisions of part B as the Director determines to be necessary, shall apply to this part, except that for purposes of this part any

reference in such subsections and such provisions to part B shall be deemed to be a reference to this part.

[(c)(1) The Director is authorized to make grants or contracts after subsection (a) for senior companion projects to assist homebound elderly individuals to remain in their own homes and to enable institutionalized elderly individuals to return to home care settings.

[(2)(A) The Director is authorized to recruit, subject to subparagraph (B), senior companion volunteer trainers who on the basis of experience (such as, doctors, nurses, home economists, social workers) will be used to train senior companion volunteers to participate in and monitor initial and continuing needs assessments and appropriate in-home services for senior companion volunteer recipients. The needs assessments and in-home services shall be coordinated with and supplement existing community based home health and long-term care systems. The Director may also use senior companion volunteer leaders, who on the basis of experience as volunteers, special skills, and demonstrated leadership abilities may spend time in the program (in addition to their regular assignment) to assist newer senior companion volunteers in performing their assignments and in coordinating activities of such volunteers.

[(B) Senior companion volunteer trainers recruited under subparagraph (A) of this paragraph shall not be paid stipends.

【PART D—GENERAL PROVISIONS

【PROMOTION OF NATIONAL SENIOR VOLUNTEER CORPS

【SEC. 221. (a)(1) In carrying out this title, the Director shall consult with the Departments of Labor and Health and Human Services, and any other Federal agencies administering relevant programs with a view to achieving optimal coordination with such other programs, and shall promote the coordination of projects under this title with other public or private programs or projects carried out at State and local levels. Such Federal agencies shall cooperate with the Director in disseminating information about the availability of assistance under this title and in promoting the identification and interest of low-income and other older persons whose services may be utilized in projects under this title.

[(2) To the maximum extent practicable, the Director shall enter into agreements with—

[(A) the Department of Health and Human Services to—

[(i) involve retired and senior volunteers, and foster grandparents, in Head Start programs;

[(ii) involve retired and senior volunteers, and senior companions, in providing services authorized by title III of the Older Americans Act of 1965; and

[(iii) promote the recognition of such volunteers who are qualified to provide in-home services for reimbursement under title XVIII of the Social Security Act for providing such services;

[(B) the Department of Education to promote intergenerational tutoring and mentoring for at-risk children; and

[(C) the Environmental Protection Agency to support conservation efforts.

[(b)(1) In carrying out this title, the Director shall encourage and facilitate the efforts of private organizations to promote the programs established in parts A, B, and C and the involvement of older individuals as volunteers in such programs.

[(2) The Director shall take appropriate actions to ensure that special efforts are made to publicize the programs established in parts A, B, and C, in order to facilitate recruitment efforts, to encourage greater participation of volunteers, and to emphasize the value of volunteering to the health and well-being of volunteers and the communities of such volunteers. Such actions shall include informing recipients of grants and contracts under this title of all informational materials available from the Director.

[(3) From funds appropriated under section 502, the Director shall expend not less than \$375,000 in each fiscal year to carry out paragraph (2).

[PAYMENTS

[SEC. 222. Payments under this title pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions, as the Director may determine.

[MINORITY GROUP PARTICIPATION

[SEC. 223. The Director shall take appropriate steps to insure that special efforts are made to recruit, select, and assign qualified individuals sixty years and older from minority groups to serve as volunteers under this title.

[USE OF LOCALLY GENERATED CONTRIBUTIONS IN NATIONAL SENIOR VOLUNTEER CORPS

[SEC. 224. Whenever locally generated contributions made to National Senior Volunteer Corps projects under this title are in excess of the amount required by the Director, the Director may not restrict the manner in which contributions are expended if expenditures from locally generated contributions are not inconsistent with the provisions of this Act.

[PROGRAMS OF NATIONAL SIGNIFICANCE

[SEC. 225. (a)(1) With not less than one-third of the funds made available under subsection (d) in each fiscal year, the Director shall make grants under the programs authorized in parts A, B, and C to support programs that address national problems of local concern.

[(2) Except as provided in paragraph (3), the Director may make such grants—

[(A) under the program authorized in part A, to support programs that address the national problems specified in subsection (b);

[(B) under the program authorized in part B, to support programs that address the national problems specified in sub-

section (b), other than paragraphs (10), (12), (15), and (16) of such subsection; and

[(C) under the program authorized in part C, to support programs that address the national problems referred to in paragraphs (1), (2), (5), (6), and (10) of subsection (b).

[(3) Each program for which a grant is received under this subsection shall be carried out in accordance with the requirements applicable to the program under part A, B, or C under which the program supported by such grant is to be carried out.

[(b) The Director shall make grants under subsection (a) to support one or more of the following programs to address problems that concern the Nation:

[(1) Programs that assist individuals with chronic and debilitating illnesses, such as acquired immune deficiency syndrome.

[(2) Programs designed to decrease drug and alcohol abuse.

[(3) Programs that work with teenage parents.

[(4) Programs that match volunteer mentors with youth who need guidance.

[(5) Programs that provide adult and school-based literacy assistance.

[(6) Programs that provide respite care, including care for frail elderly individuals and for disabled or chronically ill children living at home.

[(7) Programs that provide before- and after-school activities that are sponsored by organizations, such as libraries, that serve children of working parents.

[(8) Programs that work with boarder babies.

[(9) Programs that serve children who are enrolled in child care programs, giving priority to such programs that serve children with special needs.

[(10) Programs that provide care to developmentally disabled adults who reside at home and in community-based settings, including programs that, when appropriate, involve older developmentally disabled individuals as volunteers under this title.

[(11) Programs that provide volunteer tutors to assist educationally disadvantaged children, on a one-to-one basis, to improve the basic skills of such children.

[(12) Programs that address environmental needs.

[(13) Programs that reach out to organizations (such as labor unions and profitmaking organizations) not previously involved in addressing national problems of local concern.

[(14) Programs that provide for outreach to increase participation of members of ethnic groups who have limited English proficiency.

[(15) Programs that support criminal justice activities and juvenile justice activities.

[(16) Programs that involve older volunteers working with young people in apprenticeship programs.

[(17) Programs that support the community integration of individuals with disabilities.

[(18) Programs that provide health, education, and welfare services that augment the activities of State and local agencies, to be carried out in a fiscal year for which the aggregate

amount of funds available to such agencies is not less than the annual average aggregate amount of funds available to such agencies for the period of 3 fiscal years preceding such fiscal year.

[(c)(1) In order for an applicant to be eligible to receive a grant under subsection (a), such applicant shall demonstrate to the Director that such grant will be used to increase the total number of volunteers supported by such applicant.

[(2) Funds made available under subsection (d) shall be used to supplement and not supplant the number of volunteers engaged in activities under parts A, B, and C (without regard to this section) addressing the problem for which such funds are awarded unless such sums are an extension of funds previously provided under this section.

[(d)(1) Except as provided in paragraph (2), from the amounts appropriated under subsection (a), (b), (c), or (d) of section 502, for each fiscal year there shall be available to the Director such sums as may be necessary to make grants under subsection (a).

[(2) No funds shall be available to the Director to make grants under subsection (a) for a fiscal year unless the amounts appropriated under subsections (a), (b), and (c) of section 502 and available for such fiscal year to carry out parts A, B, and C (without regard to this section) are sufficient to maintain the number of projects and volunteers funded under parts A, B, and C, respectively, in the preceding fiscal year.

[(e) The Director shall disseminate information on grants that may be made under subsection (a) to field personnel of the Corporation and to community volunteer organizations that request such information.

【ADJUSTMENTS TO FEDERAL FINANCIAL ASSISTANCE

【SEC. 226. (a)(1) In determining the amount of Federal financial assistance to be provided under this title to applicants, the Director shall consider the impact of changes in the Consumer Price Index For All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor on the administrative costs of operating the projects for which such assistance will be provided.

[(2) The Director shall, to the fullest extent practicable, make appropriate adjustments in the amount referred to in paragraph (1) to ensure the effective administration of such projects.

[(b) The Director shall take reasonable actions to inform applicants for such assistance that such adjustments may be available.

【MULTIYEAR GRANTS OR CONTRACTS

【SEC. 227. (a)(1) Subject to paragraph (2) and the availability of funds, the Director may make a grant or enter into a contract under part A, B, or C for a period not to exceed 3 years. Each applicant who receives a grant, or enters into a contract, under such part for a period exceeding 1 year shall comply with such regulations as the Director may issue to require such applicant—

[(A) to demonstrate that such applicant is in compliance with such part and with the terms and conditions of such grant or contract; and

[(B) to provide information to update the application submitted to obtain such grant or contract.

[(2) If the amount appropriated for any fiscal year to carry out part A, B, or C in a period during which multiyear grants or contracts are in effect under such part is less than the amount appropriated to carry out such part in the first fiscal year in such period, then the amounts payable under all such grants and contracts in effect in such period under such part shall be reduced pro rata.

[(b) The Director shall require each applicant for a multiyear grant or contract under this section, to document or describe in the application any meaningful administrative savings that will result from such multiyear grant or contract.

[(c) If an applicant does not receive a multiyear grant or contract under this section, the Director shall consider such applicant for a single-year grant or contract.

[(d) If the Director approves an application for a contract or grant to carry out a project for a multiyear period as referred to in subsection (a), the Director shall ensure that such project shall be treated in the same manner as a single-year contract or grant with respect to—

[(1) the overall level of funding for such project;

[(2) any adjustments to Federal financial assistance that may be available under section 226; and

[(3) the renewal of funding on the expiration of the term of such contract or grant.

[PART E—DEMONSTRATION PROGRAMS

[SEC. 231. AUTHORITY OF DIRECTOR.

[(a) IN GENERAL.—The Director is authorized to make grants to or enter into contracts with public or nonprofit organizations, including organizations funded under part A, B, or C, for the purposes of demonstrating innovative activities involving older Americans as volunteers. The Director may support under this part both volunteers receiving stipends and volunteers not receiving stipends.

[(b) ACTIVITIES.—An organization that receives a grant or enters into a contract under subsection (a) may use funds made available through the grant or contract for activities such as—

[(1) linking youth groups and older American organizations in volunteer activities;

[(2) involving older volunteers in programs and activities different from programs and activities supported in the community; and

[(3) testing whether older American volunteer programs may contribute to new objectives or certain national priorities.

[SEC. 232. PROHIBITION.

[The Director may not reduce the activities, projects, or volunteers funded under the other parts of this title in order to support projects under this part.]

TITLE IV—ADMINISTRATION AND COORDINATION

* * * * *

EVALUATION

SEC. 416. (a) * * *

* * * * *

(f) Not later than December 31, 1988, the Director shall—

(1) evaluate the impact of Corporation programs carried out under title II that relate to services that assist families caring for frail and disabled adult family members and shall include in such evaluation information on—

(A) the range and extent of service needs of, and the services provided to, family caregivers assisted by volunteers;

(B) the characteristics of volunteers and the skills, training, and supervision necessary to provide various types of volunteer assistance to family caregivers;

(C) administrative costs, including recruitment, training, and supervision costs, associated with volunteer assistance to family caregivers; and

(D) such other issues as may be relevant to provide services to assist family caregivers; *and*

[(2) evaluate the impact that volunteers who participate in programs under parts B and C of title II without receiving a stipend have on such programs and shall include in such evaluation—

[(A) information on administrative costs associated with such volunteers;

[(B) a comparison of the quality of services provided by such volunteers and the quality of services provided by volunteers who receive a stipend under such parts, including the rate of absenteeism and turnover; and

[(C) a review of the effect that participation by volunteers who do not receive such stipend have on the administration of such programs; and

[(3)] (2) submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report summarizing in detail the results of the evaluations made under [paragraphs (1) and (2)] *paragraph (1)*.

* * * * *

[ELIGIBILITY FOR OTHER BENEFITS

[SEC. 418. Notwithstanding any other provision of law, no payment for supportive services or reimbursement of out-of-pocket expenses made to persons serving pursuant to title II of this Act shall be subject to any tax or charge or be treated as wages or compensation for the purposes of unemployment, temporary disability, retirement, public assistance, workers' compensation or similar benefit payments, or minimum wage laws. This section shall become effective with respect to all payments made after the effective date of this Act.]

* * * * *

DEFINITIONS

SEC. 421. For the purposes of this Act—

(1) * * *

(2) the terms “United States” and “States” mean the several States, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, the American Samoa [and, for the purposes of title II of this Act, the Trust Territory of the Pacific Islands];

* * * * *

[(10) the term “Foster Grandparent Program” means the program established under part B of title II;]

* * * * *

[(14) the term “National Senior Volunteer Corps” means the programs established under parts A, B, C, and E of title II;

[(15) the term “Retired and Senior Volunteer Program” means the program established under part A of title II;]

* * * * *

[(18) the term “Senior Companion Program” means the program established under part C of title II;]

* * * * *

TITLE V—AUTHORIZATION OF APPROPRIATIONS

SEC. 501. NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS.

(a) * * *

* * * * *

(c) LIMITATION.—No part of the funds appropriated to carry out part A of title I may be used to provide volunteers or assistance to any program or project authorized under part B or C of title I, or under title II, unless the program or project meets the anti-poverty criteria of part A of title I.

* * * * *

SEC. 502. NATIONAL SENIOR VOLUNTEER CORPS.

[(a) RETIRED AND SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out part A of title II, \$45,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

[(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out part B of title II, \$85,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

[(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out part C of title II, \$40,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

[(d) DEMONSTRATION PROGRAMS.—There are authorized to be appropriated to carry out part E of title II, such sums as may be necessary for each of the fiscal years 1994 through 1996.]

* * * * *



SECTION 416 OF THE AGRICULTURAL ACT OF 1949

SEC. 416. (a) In order to prevent the waste of commodities whether in private stocks or acquired through price-support operations by the Commodity Credit Corporation before they can be disposed of in normal domestic channels without impairment of the price-support program or sold abroad at competitive world prices, the Commodity Credit Corporation is authorized, on such terms and under such regulations as the Secretary may deem in the public interest: (1) upon application, to make such commodities available to any Federal agency for use in making payment for commodities not produced in the United States; (2) to barter or exchange such commodities for strategic or other materials as authorized by law; (3) in the case of food commodities to donate such commodities to the Bureau of Indian Affairs and to such State, Federal, or private agency or agencies as may be designated by the proper State or Federal authority and approved by the Secretary, for use in the United States in nonprofit school-lunch programs, in nonprofit summer camps for children, in the assistance of needy persons, and in charitable institutions, including hospitals and facilities, to the extent that they serve needy persons (including infants and children). In the case of (3) the Secretary shall obtain such assurance as he deems necessary that the recipients thereof will not diminish their normal expenditures for food by reason of such donation. In order to facilitate the appropriate disposal of such commodities, the Secretary may from time to time estimate and announce the quantity of such commodities which he anticipates will become available for distribution under (3). The Commodity Credit Corporation may pay, with respect to commodities disposed of under this subsection, reprocessing, packaging, transporting, handling, and other charges accruing up to the time of their delivery to a Federal agency or to the designated State or private agency. In addition, in the case of food commodities disposed of under this subsection, the Commodity Credit Corporation may pay the cost of processing such commodities into a form suitable for home or institutional use, such processing to be accomplished through private trade facilities to the greatest extent possible. For the purpose of this subsection the terms "State" and "United States" include the District of Columbia and any Territory or possession of the United States.

Dairy products acquired by the Commodity Credit Corporation through price support operations may, insofar as they can be used in the United States in nonprofit school lunch and other nonprofit child feeding programs, in the assistance of needy persons, and in charitable institutions, including hospitals, to the extent that needy persons are served, be donated for any such use prior to any other use or disposition. Notwithstanding any other provision of law, such dairy products may be donated for distribution to needy households in the United States and to meet the needs of persons receiving nutrition assistance under the [Older Americans Act of 1965] *Older Americans Act of 1996*.

* * * * *

**SECTION 1114 OF THE AGRICULTURE AND FOOD ACT OF
1981**

DISTRIBUTION OF SURPLUS COMMODITIES; SPECIAL NUTRITION
PROJECTS

SEC. 1114. (a)(1) Notwithstanding any other provision of law, whenever Government stocks of commodities are acquired under the price support programs and are not likely to be sold by the Commodity Credit Corporation or otherwise used in programs of commodity or distribution, such commodities shall be made available without charge or credit to nutrition projects under the authority of the **【Older Americans Act of 1965】** *Older Americans Act of 1996* (42 U.S.C. 3001 et seq.), to child nutrition programs providing food service, and to food banks participating in the special nutrition projects established under section 211 of the Agricultural Act of 1980. Such distribution may include bulk distribution to congregate nutrition sites and to providers of home delivered meals under the **【Older Americans Act of 1965】** *Older Americans Act of 1996*. The Commodity Credit Corporation is authorized to use available funds to operate the program under this subsection and to further process products to bonus commodity use. Commodities made available under this section shall include, but not be limited to, dairy products, wheat or the products thereof, rice, honey, and cornmeal.

(2)(A) * * *

* * * * *

(C) Whenever commodities are made available to agencies pursuant to **【section 311(a)(4) of the Older Americans Act of 1965 (42 U.S.C. 3030a(a)(4))** *chapter 3 of subtitle A of title III of the Older Americans Act of 1996*, the Secretary shall encourage access to processed end products containing the commodities when in the Secretary's judgment it is cost effective. The requirements of this subparagraph shall be met in the most efficient and effective way possible. The Secretary may, among other alternatives, use direct purchase, State option contracts authorized under section 3A of the Commodity Distribution Reform Act and WIC Amendments of 1987 (Public Law 100-237; 7 U.S.C. 612c note), State processing programs, and (beginning in fiscal year 1994) agreements with private companies operated as a part of the national commodity processing program.

(D) In each of fiscal years 1992, 1993, and 1994, the Secretary shall conduct a pilot project in not more than three States under which any commodity made available to agencies pursuant to **【section 311(a)(4) of the Older Americans Act of 1965 (42 U.S.C. 3030a(a)(4))** *chapter 3 of subtitle A of title III of the Older Americans Act of 1996* that the Secretary determines to be appropriate for reprocessing is made available to the agencies as reprocessed end products. The reprocessing shall be performed pursuant to agreements with private companies, at the expense of the agencies, and operated as part of the national commodity processing program established under subparagraph (A). In determining the appropriateness of the commodities to be reprocessed under the pilot

project, the Secretary shall consider the common needs of the agencies and the availability of processors.

* * * * *

SECTION 509 OF THE REHABILITATION ACT OF 1975

SEC. 509. PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.

(a) * * *

* * * * *

(f) APPLICATION.—In order to receive assistance under this section, an eligible system shall submit an application to the Commissioner, at such time, in such form and manner, and containing such information and assurances as the Commissioner determines necessary to meet the requirements of this section, including assurances that the eligible system will—

(1) * * *

* * * * *

(5) develop a statement of objectives and priorities on an annual basis, and provide to the public, including individuals with disabilities and, as appropriate, their representatives, an opportunity to comment on the objectives and priorities established by, and activities of, the system including—

(A) the objectives and priorities for the activities of the system for each year and the rationale for the establishment of such objectives and priorities; and

(B) the coordination of programs provided through the system under this section with the advocacy programs of the client assistance program under section 112, the State long-term care ombudsman program established under the [Older Americans Act of 1965] *Older Americans Act of 1996* (42 U.S.C. 3001 et seq.), the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.), and the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.);

* * * * *

JOB TRAINING PARTNERSHIP ACT

* * * * *

TITLE II—TRAINING SERVICES FOR THE DISADVANTAGED

PART A—ADULT TRAINING PROGRAM

* * * * *

SEC. 204. PROGRAM DESIGN.

(a) * * *

* * * * *

(d) SERVICES FOR OLDER INDIVIDUALS.—

(1) * * *

* * * * *

(4) COORDINATION.—In providing the services required by this subsection, the Governor shall make efforts to coordinate the delivery of such services with the delivery of services under [title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.)] chapter 4 of subtitle A of title III of the Older Americans Act of 1996.

(5) ELIGIBILITY.—

(A) ECONOMICALLY DISADVANTAGED.—Except as provided in subparagraph (B), an individual shall be eligible to participate in a job training program under this subsection only if the individual is economically disadvantaged and is an older individual.

(B) SPECIAL RULE.—

(i) INDIVIDUALS FACING SERIOUS BARRIERS TO EMPLOYMENT.—An individual who is not economically disadvantaged as described in subparagraph (A) shall be eligible to participate in a job training program under this subsection if the individual faces serious barriers to employment, is an older individual, and meets income eligibility requirements under [title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.)] chapter 4 of subtitle A of title III of the Older Americans Act of 1996 subject to clause (ii).

(ii) LIMITATION.—Not more than 10 percent of all participants in a program assisted under this subsection shall be individuals who are not economically disadvantaged.

* * * * *

SEC. 205. LINKAGES.

(a) IN GENERAL.—In conducting the program assisted under this part, service delivery areas shall establish appropriate linkages with other Federal programs. Such programs shall include, where feasible, programs assisted under—

(1) * * *

* * * * *

[(8) title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.);]

(8) chapter 4 of subtitle A of title III of the Older Americans Act of 1996;

* * * * *

TITLE IV—FEDERALLY ADMINISTERED PROGRAMS

* * * * *

PART D—NATIONAL ACTIVITIES

* * * * *

RESEARCH, DEMONSTRATION, AND EVALUATION

SEC. 452. (a) * * *

* * * * *

(d) EVALUATION.—

(1) PROGRAMS.—

(A) JOB TRAINING PROGRAMS.—The Secretary shall provide for the continuing evaluation of programs conducted under this Act, including the cost effectiveness of the program in achieving the purposes of this Act.

(B) OTHER PROGRAMS.—The Secretary may conduct evaluations of other federally funded employment-related activities including programs administered under—

- (i) the Wagner-Peyser Act (29 U.S.C. 49 et seq.);
- (ii) the National Apprenticeship Act (29 U.S.C. 50 et seq.);
- (iii) the [Older Americans Act of 1965] *Older Americans Act of 1996* (42 U.S.C. 3001 et seq.);

* * * * *

UNIFORM REPORTING REQUIREMENTS

SEC. 455. (a) * * *

(b) DATA ELEMENTS.—The Secretaries of Labor, Education, and Health and Human Services, in consultation with other appropriate departments and with the National Occupational Information Coordinating Committee, shall identify a core set of consistently defined data elements for employment and training programs, including those funded under titles II, III, and IV of this Act, the Wagner-Peyser Act (29 U.S.C. 49 et seq.), the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), the JOBS program, and [title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.)] *chapter 4 of subtitle A of title III of the Older Americans Act of 1996.*

* * * * *

SOCIAL SECURITY ACT

* * * * *

TITLE XVIII—HEALTH INSURANCE FOR THE AGED AND DISABLED

* * * * *

PART A—HOSPITAL INSURANCE BENEFITS FOR THE AGED AND DISABLED

* * * * *

REQUIREMENTS FOR, AND ASSURING QUALITY OF CARE IN, SKILLED NURSING FACILITIES

SEC. 1819. (a) * * *

(b) REQUIREMENTS RELATING TO PROVISION OF SERVICES.—

(1) * * *
 * * * * *

(4) PROVISION OF SERVICES AND ACTIVITIES.—

(A) * * *

* * * * *

(C) REQUIRED NURSING CARE.—

(i) * * *

(ii) EXCEPTION.—To the extent that clause (i) may be deemed to require that a skilled nursing facility engage the services of a registered professional nurse for more than 40 hours a week, the Secretary is authorized to waive such requirement if the Secretary finds that—

(I) * * *

* * * * *

(IV) the Secretary provides notice of the waiver to the State long-term care ombudsman (established under [section 307(a)(12) of the Older Americans Act of 1965] *section 304(a)(8) of the Older Americans Act of 1996*) and the protection and advocacy system in the State for the mentally ill and the mentally retarded, and

* * * * *

(c) REQUIREMENTS RELATING TO RESIDENTS' RIGHTS.—

(1) * * *

(2) TRANSFER AND DISCHARGE RIGHTS.—

(A) * * *

(B) PRE-TRANSFER AND PRE-DISCHARGE NOTICE.—

(i) * * *

* * * * *

(iii) ITEMS INCLUDED IN NOTICE.—Each notice under clause (i) must include—

(I) for transfers or discharges effected on or after October 1, 1990, notice of the resident's right to appeal the transfer or discharge under the State process established under subsection (e)(3); and

(II) the name, mailing address, and telephone number of the State long-term care ombudsman (established under [title III or VII of the Older Americans Act of 1965 in accordance with section 712 of the Act] *section 304(a)(8) of the Older Americans Act of 1996*).

* * * * *

(g) SURVEY AND CERTIFICATION PROCESS.—

(1) * * *

* * * * *

(5) DISCLOSURE OF RESULTS OF INSPECTIONS AND ACTIVITIES.—

(A) * * *

(B) NOTICE TO OMBUDSMAN.—Each State shall notify the State long-term care ombudsman (established under [title III or VII of the Older Americans Act of 1965 in accordance with section 712 of the Act] *section 304(a)(8) of the Older Americans Act of 1996*) of the State’s findings of non-compliance with any of the requirements of subsections (b), (c), and (d), or of any adverse action taken against a skilled nursing facility under paragraph (1), (2), or (4) of subsection (h), with respect to a skilled nursing facility in the State.

* * * * *

TITLE XIX—GRANTS TO STATES FOR MEDICAL ASSISTANCE PROGRAMS

* * * * *

REQUIREMENTS FOR NURSING FACILITIES

SEC. 1919. (a) * * *

(b) REQUIREMENTS RELATING TO PROVISION OF SERVICES.—

(1) * * *

* * * * *

(4) PROVISION OF SERVICES AND ACTIVITIES.—

(A) * * *

* * * * *

(C) REQUIRED NURSING CARE; FACILITY WAIVERS.—

(i) * * *

(ii) WAIVER BY STATE.—To the extent that a facility is unable to meet the requirements of clause (i), a State may waive such requirements with respect to the facility if—

(I) * * *

* * * * *

(IV) the State agency granting a waiver of such requirements provides notice of the waiver to the State long-term care ombudsman (established under [section 307(a)(12) of the Older Americans Act of 1965] *section 304(a)(8) of the Older Americans Act of 1996*) and the protection and advocacy system in the State for the mentally ill and the mentally retarded, and

* * * * *

(c) REQUIREMENTS RELATING TO RESIDENTS’ RIGHTS.—

(1) * * *

(2) TRANSFER AND DISCHARGE RIGHTS.—

(A) * * *

(B) PRE-TRANSFER AND PRE-DISCHARGE NOTICE.—

(i) * * *

* * * * *

(iii) ITEMS INCLUDED IN NOTICE.—Each notice under clause (i) must include—

(I) for transfers or discharges effected on or after October 1, 1989, notice of the resident's right to appeal the transfer or discharge under the State process established under subsection (e)(3);

(II) the name, mailing address, and telephone number of the State long-term care ombudsman (established under [title III or VII of the Older Americans Act of 1965 in accordance with section 712 of the Act] *section 304(a)(8) of the Older Americans Act of 1996*);

* * * * *

(g) SURVEY AND CERTIFICATION PROCESS.—

(1) * * *

* * * * *

(5) DISCLOSURE OF RESULTS OF INSPECTIONS AND ACTIVITIES.—

(A) * * *

(B) NOTICE TO OMBUDSMAN.—Each State shall notify the State long-term care ombudsman (established under [title III or VII of the Older Americans Act of 1965 in accordance with section 712 of the Act] *section 304(a)(8) of the Older Americans Act of 1996*) of the State's findings of non-compliance with any of the requirements of subsections (b), (c), and (d), or of any adverse action taken against a nursing facility under paragraphs (1), (2), or (3) of subsection (h), with respect to a nursing facility in the State.

* * * * *

SECTION 209 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974

LOW-INCOME HOUSING FOR THE ELDERLY OR HANDICAPPED

SEC. 209. The Secretary shall consult the Secretary of Health and Human Services to insure that special projects for elderly or disabled families authorized pursuant to the United States Housing Act of 1937 shall meet acceptable standards of design and shall provide quality services and management consistent with the needs of the occupants. Such projects shall be specifically designed and equipped with such "related facilities" (as defined in section 202(d)(8) of the Housing Act of 1959) as may be necessary to accommodate the special environmental needs of the intended occupants and shall be in support of and supported by the applicable State plans for comprehensive services pursuant to section 134 of the Mental Retardation Facilities and Community Mental Health Center Construction Act of 1963 or State and area plans pursuant to [title III of the Older Americans Act of 1965] *chapter 1 of subtitle A of title III of the Older Americans Act of 1996*.

SECTION 3803 OF TITLE 31, UNITED STATES CODE

§ 3803. Hearing and determinations

(a) * * *

* * * * *

(c)(1) * * *

(2)(A) * * *

* * * * *

(C) For purposes of this subsection, the term “benefits” means—

(i) * * *

* * * * *

(ix) benefits under the Black Lung Benefits Act;

(x) benefits under the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966;

(xi) benefits under [section 336 of the Older Americans Act] chapter 3 of subtitle A of title III of the Older Americans Act of 1996;

* * * * *

SECTION 4360 OF THE OMNIBUS BUDGET RECONCILIATION ACT OF 1990

SEC. 4360. HEALTH INSURANCE INFORMATION, COUNSELING, AND ASSISTANCE GRANTS.

(a) * * *

* * * * *

(d) CRITERIA FOR ISSUING GRANTS.—In issuing a grant under this section, the Secretary shall consider—

(1) the commitment of the State to carrying out the health insurance information, counseling, and assistance program described in subsection (b)(2), including the level of cooperation demonstrated—

(A) * * *

* * * * *

(C) departments and agencies of such State responsible for—

(i) administering funds under title XIX of the Social Security Act, and

(ii) administering funds appropriated under the Older Americans Act of 1996;

* * * * *

NATIONAL SCHOOL LUNCH ACT

MISCELLANEOUS PROVISIONS AND DEFINITIONS

SEC. 12. (a) * * *

* * * * *

(i) Facilities, equipment, and personnel provided to a school food authority for a program authorized under this Act or the Child Nutrition Act of 1966 may be used, as determined by a local educational agency, to support a nonprofit nutrition program for the elderly, including a program funded under the [Older Americans Act of 1965] *Older Americans Act of 1996*.

* * * * *

COMMODITY DISTRIBUTION PROGRAM

SEC. 14. (a) Notwithstanding any other provision of law, the Secretary, during the period beginning July 1, 1974, and ending September 30, 1998, shall—

(1) use funds available to carry out the provisions of section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) which are not expended or needed to carry out such provisions, to purchase (without regard to the provisions of existing law governing the expenditure of public funds) agricultural commodities and their products of the types customarily purchased under such section (which may include domestic seafood commodities and their products), for donation to maintain the annually programmed level of assistance for programs carried on under this Act, the Child Nutrition Act of 1966, and title III of the [Older Americans Act of 1965] *Older Americans Act of 1996*; and

* * * * *

(c) The Secretary may use funds appropriated from the general fund of the Treasury to purchase agricultural commodities and their products of the types customarily purchased for donation under [section 311(a)(4) of the Older Americans Act of 1965 (42 U.S.C. 3030(a)(4)) or for cash payments in lieu of such donations under section 311(b)(1) of such Act (42 U.S.C. 3030(b)(1))] *chapter 3 of subtitle A of title III of the Older Americans Act of 1996*. There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this subsection.

* * * * *

(o)(1) * * *

* * * * *

(3)(A) * * *

(B) The guidelines shall contain provisions designed to assure that reimbursement under this subsection shall not duplicate reimbursement under [part C of title III of the Older Americans Act of 1965] *chapter 3 of subtitle A of title III of the Older Americans Act of 1996*, for the same meal served.

(4) For the purpose of establishing eligibility for free or reduced price meals or supplements under this subsection, income shall include only the income of an eligible person and, if any, the spouse and dependents with whom the eligible person resides.

* * * * *



SECTION 2 OF THE ENVIRONMENTAL PROGRAMS ASSISTANCE ACT OF 1984

ENVIRONMENTAL PROGRAMS

SEC. 2. (a) Notwithstanding any other provision of law relating to Federal grants and cooperative agreements, the Administrator of the Environmental Protection Agency is authorized to make grants to, or enter into cooperative agreements with, private nonprofit organizations designated by the Secretary of Labor under [title V of the Older Americans Act of 1965] *chapter 4 of subtitle A of title III of the Older Americans Act of 1996* to utilize the talents of older Americans in programs authorized by other provisions of law administered by the Administrator (and consistent with such provisions of law) in providing technical assistance to Federal, State, and local environmental agencies for projects of pollution prevention, abatement, and control. Funding for such grants or agreements may be made available from such programs or through [title V of the Older Americans Act of 1965] *chapter 4 of subtitle A of title III of the Older Americans Act of 1996* and title IV of the Job Training Partnership Act.

* * * * *

SECTION 14 OF THE NOISE CONTROL ACT OF 1972

QUIET COMMUNITIES, RESEARCH, PUBLIC INFORMATION

SEC. 14. To promote the development of effective State and local noise control programs, to provide an adequate Federal noise control research program designed to meet the objectives of this Act, and to otherwise carry out the policy of this Act, the Administrator shall, in cooperation with other Federal agencies and through the use of grants, contracts, and direct Federal actions—

(a) * * *

* * * * *

(g) provide for the maximum use in programs assisted under this section of senior citizens and persons eligible for participation in programs under the Older Americans Act of 1996.

DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT

TITLE I—PROGRAMS FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

* * * * *

PART B—FEDERAL ASSISTANCE TO STATE DEVELOPMENTAL DISABILITIES COUNCILS

* * * * *

SEC. 124. STATE DEVELOPMENTAL DISABILITIES COUNCILS AND DESIGNATED STATE AGENCIES.

(a) * * *

(b) COUNCIL MEMBERSHIP.—

(1) * * *

* * * * *

(3) REPRESENTATION OF AGENCIES AND ORGANIZATIONS.— Each Council shall at all times include representatives of the principal State agencies (including the State agencies that administer funds provided under the Rehabilitation Act of 1973, the Individuals with Disabilities Education Act, the Older Americans Act of 1996, and title XIX of the Social Security Act), institutions of higher education, each university affiliated program in the State established under part D, the State protection and advocacy system established under part C, and local agencies, nongovernmental agencies, and private nonprofit groups concerned with services for individuals with developmental disabilities in the State in which such agencies and groups are located. Such representatives shall—

(A) have sufficient authority to engage in policy planning and implementation on behalf of the department, agency, or program such representatives represent; and

(B) recuse themselves from any discussion of grants or contracts for which such representatives' departments, agencies, or programs are grantees or applicants and comply with the conflict of interest policies required under section 122(c)(5)(C).

* * * * *

PART C—PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS

* * * * *

SEC. 142. SYSTEM REQUIRED.

(a) SYSTEM REQUIRED.—In order for a State to receive an allotment under part B—

(1) the State must have in effect a system to protect and advocate the rights of individuals with developmental disabilities;

(2) such system must—

(A) * * *

* * * * *

(D) on an annual basis, provide to the public, including individuals with developmental disabilities attributable to either physical impairment, mental impairment, or a combination of physical or mental impairments, and their representatives, as appropriate, non-State agency representatives of the State Developmental Disabilities Council, and the university affiliated program (if applicable within a State), an opportunity to comment on—

(i) the objectives and priorities established by the system and the rationale for the establishment of such objectives; and

(ii) the activities of the system, including the coordination with the advocacy programs under the Rehabilitation Act of 1973, the [Older Americans Act of 1965] *Older Americans Act of 1996*, and the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and with other related programs, including the parent training and information centers, education ombudsman programs and assistive technology projects;

* * * * *

SECTION 412 OF THE ENERGY CONSERVATION IN EXISTING BUILDINGS ACT OF 1976

DEFINITIONS

SEC. 412. As used in this part:

(1) * * *

* * * * *

(6) The terms "Indian", "Indian tribe", and "tribal organization" have the meanings prescribed for such terms by [paragraphs (4), (5), and (6), respectively, of section 102 of the Older Americans Act of 1965] *paragraphs (28), (29), and (50), respectively, of the Older Americans Act of 1996*.

* * * * *

SECTION 405 OF THE CONGREGATE HOUSING SERVICES ACT OF 1978

CONGREGATE SERVICES PROGRAM

SEC. 405. (a) * * *

* * * * *

(c) A public housing agency or nonprofit corporation applying for assistance to provide congregate services to elderly residents shall consult with the Area Agency on Aging (or, where no Area Agency on Aging exists, with the appropriate State agency under the [Older Americans Act of 1965] *Older Americans Act of 1996*) in determining the means of providing services under this title and in identifying alternative available sources of funding for such services.

(d) Prior to the submission of a final application for either new or renewed funding under this title for the provision of congregate services to elderly residents, a public housing agency and a nonprofit corporation shall present a copy of a proposed application to the Area Agency on Aging (or, where no Area Agency on Aging exists, to the appropriate State agency under the [Older Americans Act of 1965] *Older Americans Act of 1996*) for review and comment. Such agency and nonprofit corporation shall consider such review

and comment in the development of any final application for either new or renewed funding under this title.

* * * * *

CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT

* * * * *

TITLE VIII—HOUSING FOR PERSONS WITH SPECIAL NEEDS

* * * * *

SEC. 802. REVISED CONGREGATE HOUSING SERVICES PROGRAM.

(a) * * *

* * * * *

(d) ELIGIBLE ACTIVITIES.—

(1) * * *

(2) MEAL SERVICES.—Congregate services programs assisted under this section shall include meal service adequate to meet at least one-third of the daily nutritional needs of eligible project residents, as follows:

(A) * * *

(B) PREFERENCE FOR NUTRITION PROVIDERS.—In contracting for or otherwise providing for meal services under this paragraph, each congregate services program shall give preference to any provider of meal services who—

(i) receives assistance under title III of the [Older Americans Act of 1965] *Older Americans Act of 1996*; or

* * * * *

SEC. 803. HOPE FOR ELDERLY INDEPENDENCE.

(a) * * *

* * * * *

(d) APPLICATIONS.—An application under this section shall be submitted by a public housing agency in such form and in accordance with such procedures as the Secretary shall establish. The Secretary shall require that an application contain at a minimum—

(1) * * *

* * * * *

(12) a statement that the application has been developed in consultation with the area agency on aging under title III of the [Older Americans Act of 1965] *Older Americans Act of 1996* and that the public housing agency will periodically consult with the area agency during the demonstration.

* * * * *

SECTION 675 OF THE COMMUNITY SERVICES BLOCK GRANT ACT

APPLICATIONS AND REQUIREMENTS

SEC. 675. (a) * * *

* * * * *

(c) As part of the annual application required by subsection (a), the chief executive officer of each State shall certify that the State agrees to—

(1) * * *

* * * * *

(5) provide assurances that the State may transfer funds, but not to exceed 5 percent of its allotment under section 674, for the provisions set forth in this subtitle to services under the **[Older Americans Act of 1965]** *Older Americans Act of 1996*, the Head Start program under subchapter B of chapter 8 of subtitle A of this title, the energy crisis intervention program under title XXVI of this Act (relating to low-income home energy assistance), or the Emergency Food Assistance Act of 1983;

* * * * *

ALZHEIMER'S DISEASE AND RELATED DEMENTIAS RESEARCH ACT OF 1992

* * * * *

TITLE IX—ALZHEIMER'S DISEASE AND RELATED DEMENTIAS RESEARCH

PART A—GENERAL PROVISIONS

SHORT TITLE

SEC. 901. This title may be cited as the “Alzheimer’s Disease and Related Dementias Research Act of 1992”.

* * * * *

PART D—RESEARCH RELATING TO SERVICES FOR INDIVIDUALS WITH ALZHEIMER'S DISEASE AND RELATED DEMENTIAS AND THEIR FAMILIES

* * * * *

Subpart 2—Responsibilities of the Agency for Health Care Policy and Research

SEC. 934. RESEARCH PROGRAM.

(a) * * *

(b) **RESEARCH SUBJECTS.**—The Administrator of the Agency for Health Care Policy and Research shall ensure that research conducted under subsection (a) shall include research—

(1) * * *

* * * * *

(4) conducted in consultation with the Director of the National Institute on Aging and the Commissioner of the Administration on Aging, concerning the role of physicians in caring for persons with Alzheimer's disease and related dementias and for their families, including the role of a physician in connecting such persons with appropriate health care and supportive services, including those supported through State and area agencies on aging designated under [section 305(a) (1) and (2)(A) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(1) and (2)(A))] *section 303(a)(2)(A) of the Older Americans Act of 1996*; and

* * * * *

SEC. 962. EDUCATION OF THE PUBLIC, INDIVIDUALS WITH ALZHEIMER'S DISEASE AND THEIR FAMILIES, AND HEALTH AND LONG-TERM CARE PROVIDERS.

(a) TRAINING MODELS GRANTS.—

(1) GRANTS.—The Director of the National Institute on Aging may award grants to eligible entities to assist the entities in developing and evaluating model training programs—

(A) for—

- (i) health care professionals, including mental health professionals;
- (ii) health care paraprofessionals;
- (iii) personnel, including information and referral, case management, and in-home services personnel (including personnel receiving support under the [Older Americans Act of 1965] *Older Americans Act of 1996* (42 U.S.C. 3001 et seq.)), providing supportive services to the elderly and the families of the elderly;

* * * * *

(d) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Director of the National Institute on Aging at such time, in such manner, and containing or accompanied by such information, as the Director may reasonably require, including, at a minimum, an assurance that the entity will coordinate programs provided under this section with the State agency designated under [section 305(a)(1) of the Older Americans Act of 1965] *section 303(a)(1) of the Older Americans Act of 1996*, in the State in which the entity will provide such programs.

* * * * *

NATIONAL AND COMMUNITY SERVICE ACT OF 1990

* * * * *

TITLE I—NATIONAL AND COMMUNITY SERVICE STATE GRANT PROGRAM

* * * * *

Subtitle F—Administrative Provisions

* * * * *

SEC. 179. EVALUATION.

(a) IN GENERAL.—The Corporation shall provide, through grants or contracts, for the continuing evaluation of programs that receive assistance under the national service laws, including evaluations that measure the impact of such programs, to determine—

(1) the effectiveness of various program models in achieving stated goals and the costs associated with such;

(2) with respect to the programs authorized under subtitle C, the impact of such programs, in each State in which a program is conducted, on the ability of—

(A) the VISTA [and National Senior Volunteer Corps programs] *program* (established under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 4950 et seq.));

* * * * *

(g) PROGRAM OBJECTIVES.—The Corporation shall ensure that programs that receive assistance under subtitle C are evaluated to determine their effectiveness in—

(1) * * *

* * * * *

(3) encouraging each participant to engage in public and community service after completion of the program based on career choices and service in other service programs such as the Volunteers in Service to America Program [and National Senior Volunteer Corps programs] established under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.), the Peace Corps (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)), the military, and part-time volunteer service;

* * * * *

(9) attracting a greater number of citizens to public service, including service in the active and reserve components of the Armed Forces, the National Guard, the Peace Corps (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)), and the VISTA [and National Senior Volunteer Corps] programs established under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

* * * * *

Subtitle G—Corporation for National and Community Service

* * * * *

SEC. 194. OFFICERS.

(a) * * *

* * * * *

[(d) ASSISTANT DIRECTORS FOR VISTA AND NATIONAL SENIOR VOLUNTEER CORPS.—

[(1) APPOINTMENT.—One of the Managing Directors appointed under subsection (a) shall, in accordance with applicable provisions of title 5, United States Code, appoint 4 Assistant Directors who shall report directly to such Managing Director, of which—

[(A) 1 Assistant Director shall be responsible for programs carried out under parts A and B of title I of the Domestic Volunteer Service Act of 1973 (the Volunteers in Service to America (VISTA) program) and other anti-poverty programs under title I of that Act;

[(B) 1 Assistant Director shall be responsible for programs carried out under part A of title II of that Act (relating to the Retired Senior Volunteer Program);

[(C) 1 Assistant Director shall be responsible for programs carried out under part B of title II of that Act (relating to the Foster Grandparent Program); and

[(D) 1 Assistant Director shall be responsible for programs carried out under part C of title II of that Act (relating to the Senior Companion Program).

[(2) EFFECTIVE DATE FOR EXERCISE OF AUTHORITY.—Each Assistant Director appointed pursuant to paragraph (1) may exercise the authority assigned to each such Director only after the effective date of section 203(c)(2) of the National and Community Service Trust Act of 1993.]

(d) ASSISTANT DIRECTOR FOR VISTA.—One of the Managing Directors appointed under subsection (a) shall, in accordance with applicable provisions of title 5, United States Code, appoint 1 Assistant Director who shall report directly to such Managing Director and who shall be responsible for programs carried out under parts A and B of title I of the Domestic Volunteer Service Act of 1973 (the Volunteers in Service to America (VISTA) program) and other anti-poverty programs under title I of that Act.

* * * * *

Subtitle H—Investment for Quality and Innovation

SEC. 198. ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE.

(a) * * *

* * * * *

[(r) ASSISTANCE FOR HEAD START.—The Corporation may make grants to, and enter into contracts and cooperative agreements with, public or nonprofit private agencies and organizations that receive grants or contracts under the Foster Grandparent Program (part B of title II of the Domestic Volunteer Service Act of 1973 (29 U.S.C. 5011 et seq.)), for projects of the type described in section 211(a) of such Act (29 U.S.C. 5011) operating under memoranda of agreement with the Corporation, for the purpose of increasing the number of low-income individuals who provide services under such

program to children who participate in Head Start programs under
the Head Start Act (42 U.S.C 9831 et seq).】

* * * * *

MINORITY VIEWS

INTRODUCTION

Since its passage in 1965, the Older Americans Act ("OAA") has consistently proven that locally operated programs that reach out to all senior citizens through well-managed senior citizen centers are the most viable. In addition, OAA reauthorizations by the Congress over the past three decades have always built upon the strongest aspects of the local programs to enable localities to continue to expand programs and program components.

When the OAA was last reauthorized by the 102nd Congress, that reauthorization bill enjoyed wide, bipartisan support in both Houses of the Congress. Program practitioners and participants were encouraged to participate in the process. Hearings were held across the country to ensure that Members and staff of the Committee on Education and Labor had a thorough opportunity to understand the various programs authorized under the Act, in all their strengths and weaknesses.¹ In addition, those hearings enabled local seniors, not just those who earn their living operating those programs, to provide their input and to have a direct effect on the process. That was especially true once the proposed reauthorization bill was actually introduced. Public hearings allowed the bill's sponsors, as well as those who questioned the wisdom of certain proposals, to better articulate their view and to ascertain the public's perceptions. This open process led to well-conceived, balanced legislation.

In contrast, during the Congress the new Republican Majority has crafted its bill (H.R. 2570) in relative seclusion, releasing it only shortly before the subcommittee mark-up. Although a few oversight hearings were held, the Republican Majority held only one legislative hearing on a bill that bears little resemblance to the bill that was ultimately reported out of full Committee. That restrictive consideration of H.R. 2570 has denied those persons most affected by the OAA an opportunity to provide useful input to the Congress.² Significant differences of opinion concerning major changes proposed by H.R. 2570 to current law were never addressed at hearings. We believe that an open process might well have enabled Members on both sides to compromise on more of the central issues presented by this reauthorization. Instead, the Republican Majority has produced a bill devoid of any real bipartisan flavor, that is regrettable.

¹In fact, during that Congress the Democratic Majority held nine hearings on the OAA reauthorization, in addition to a joint hearing with the Select Committee on Aging.

²Fortunately, some discussions between Majority and Minority staffs did take place, and those discussions were somewhat successful in improving the bill as it moved from subcommittee to full committee. However, such staff-level meetings are not substitute for careful, informed, and public deliberation.

Central areas of disagreement remain between the Majority and Minority with respect to H.R. 2570. Each is discussed separately below. An overriding philosophical concern relates to the basic approach the Majority has taken with respect to the OAA. Our Republican colleagues seem to think that the OAA creates nothing other than anti-poverty programs, and that the nutrition programs, in particular, are economic welfare programs.³ In our view, that perspective is myopic. Just as the National School Lunch Program was designed to ensure that school age children receive balanced nutritious meals while in school, similarly the senior nutrition programs were designed to provide nutritious meals to seniors that would help them maintain healthy lifestyles. In addition to providing meals either in a congregate setting or in a home-delivered program (where the elderly person is house-bound), these nutrition programs provide information to seniors on the benefits of proper nutrition. All available data has shown that these programs improve health, reduce health care costs, and, overall, make America a healthier society. In short, OAA programs are not “welfare” programs. They are wellness programs and should be regarded, reviewed, and modified as such.

SPECIFIC CONCERNS

H.R. 2570 WOULD HARM THE SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

The bill would significantly revamp the Senior Community Service Employment Program (SCSEP), which is designed to provide unemployed low-income older Americans with part-time employment in useful community service activities. We support transferring responsibility for administering the SCSEP from the Department of Labor to the Department of Health and Human Services because we are confident that consolidating aging programs under the authority of a single agency will provide a more comprehensive approach in addressing the needs of the elderly.

However, we strongly disagree with the second major change to the SCEP proposed by the Republican Majority. H.R. 2570 would eliminate grants to the 10 national sponsors (including Green Thumb, The National Council of Senior Citizens, and the Americans Association of Retired Persons (AARP)) in favor of block grants to the States. The national sponsors have made unique and significant contributions to the SCSEP. Combined, they have over 200 years experience in administering the SCSEP. These organizations have demonstrated an exceptional ability to reach out to the grassroots levels of communities, serving some of the most disadvantaged members of our society in terms of educational attainment, economic status, and outmoded work skills. In addition, their performance in placing participants in unsubsidized employment has consistently exceeded the performance of State-administered programs.

The Majority’s decision to eliminate grants to the national sponsors is seemingly driven by a flawed 1995 General Accounting Of-

³Similarly, this same bias led the Republican Majority to attempt to radically alter the National School Lunch program within the context of so-called “welfare reform.”

rice (GAO) report. In its report, GAO claims that administrative costs for most national sponsors exceed the amount allowed under the OAA. Current law requires that any amount exceeding FY 1978 appropriations be distributed in a ratio that is 55 percent to the States and 45 to national sponsors.⁴ The Act provides that 75 percent of grant money must be used for wages and benefits of enrollees. The remaining 25 percent is divided between “administrative expenses” (13.5%), and “other enrollee cost (OEC)” (11.5%). “Other enrollee cost” are those expenses that enhance a participant’s ability to get and maintain a job, including, resume writing, employment counseling, job training, equipment, transportation to interviews, uniforms, physical examinations, and other expenses incidental to employment. In determining whether an expense is an administrative expense or an OEC, GAO insists that DoL’s 1976 regulations should govern. However, from 1985 through the first half of 1995, program sponsors relied on grants provisions that incorporated proposed 1985 draft regulations which expanded the definition of OEC to permit several categories of costs that the 1976 regulations did not permit. These regulations were finalized in June 1995. The Republican Majority was certainly aware of the classification discrepancy, but chose to ignore the fact that the national sponsors actions were in accordance with DoL’s guidance and were entirely consistent with the classification of such costs under other employment and training programs administered by DoL. They further ignored the audits of other creditable accounting firms, as well as more than 20 years of audits conducted by DoL’s Inspector General. These respected authorities have concluded that the national sponsors operate SCSEP efficiently and have not exceeded the administrative cost ceiling. Additionally, a March 1996 evaluation of the program by the Urban Institute, at the request of DoL, found “substantial support for the program and very little criticism of how it currently operates.”

We are convinced that shifting the complete administration of SCSEP to the States will potentially cause major harm to SCSEP, including, disruption of lives of current enrollees; loss of expertise provided by national sponsors; program vulnerability to State patronage decisionmaking; decline in unsubsidized placements; decline in total number of enrollees; and a decrease in the overall quality and classification of jobs offered to enrollees.

During the committee mark-up, we supported the amendment offered by our colleague Representative Dale Kildee (D-MI). The Kildee amendment was a reasonable compromise that would have restructured the SCSEP program by (1) transferring federal administration of the program from the Department of Labor to the Department of Health and Human Services (Administration on Aging); (2) increasing the distribution of funds to States over a three-year period; and (3) requiring both national sponsors and States to meet performance standards. The Kildee amendment was fair because, even if some legitimate criticism could be raised against some of the national sponsors, the total elimination of all national sponsors from the SCSEP is unwarranted. Unfortunately,

⁴Incidentally, appropriations bills have overridden that provision in each succeeding year to require only 22% for States and 78% for national sponsors.

the very reasonable Kildee compromise amendment was rejected by Committee Republicans.

IT IS UNNECESSARY TO MOVE THE NATIONAL SENIOR SERVICE CORPS
FROM THE CORPORATION FOR NATIONAL SERVICE

The Foster Grandparents Program (FGP), Senior Companions Program (SCP), and Retired and Senior Volunteer Program (RSVP) are federally-funded National Senior Service Corps programs administered by the Corporation for National and Community Service ("Corporation"). We strongly oppose provisions in H.R. 2570 which would move administration for the FGP, SCP, and RSVP from the Corporation to the Administration of Aging (AoA). We believe such a move is unnecessary and would undermine the outstanding track record of these highly successful volunteer efforts.

The Majority's purported motivation for moving these programs to OAA—namely, that it will facilitate cooperation and coordination—belies the evidence that such coordination and cooperation currently exists in communities throughout the nation. In cities, towns, counties, and rural areas across the United States, squads of Senior Companion volunteers provide in-home services to frail older people who are being served by OAA resources. Thousands of RSVP volunteers serve in OAA-funded home-delivered meal and center-based nutrition programs.

Maintaining senior volunteers as part of the overall national volunteer service effort helps promote intergenerational cooperation. The current structure and administration of these senior volunteer programs is cost-effective and efficient.

Through their present administrative structure, FGP, SCP, and RSVP have used Federal dollars to leverage local resources of a magnitude unheard of in Federal activities. The three programs yield 68 cents for every dollar committed by the Federal government.

We think that these programs as initiatives which only serve the elderly (an unfortunate view our Republican colleagues seem to hold) ignore the true nature of these programs. For, in fact, the beneficiaries of FGP, SCP, and RSVP services are people of all ages. Only one-quarter of local program sponsors are organizations dedicated to providing services solely to older people who need them. The majority of service recipients include school districts, community action agencies, counseling services, universities and community colleges, local governments, action centers, Catholic Charities, Lutheran Social Services, and children's services agencies.

The more enlightened attitude, that volunteer service is inclusive of all ages, has long enjoyed bipartisan recognition. Volunteerism knows no race, genera, or age barriers. During the Committee mark-up, we supported an amendment offered by Representative Tom Sawyer (D-OH) that would have allowed the National Senior Service Corps to remain with the Corporation. Quite frankly, it is "ageist" to segregate senior volunteers from other volunteer efforts; and yet by rejecting the Sawyer amendment, the Republican Majority did just that.

In conclusion, we suspect that the real motive behind the Majority's interest in removing these senior volunteer programs from the

aegis of the Corporation is their conspicuous disdain for President Clinton's initiative. We reject such political gamesmanship with the volunteer opportunities afforded to more than a half million senior citizens.

ELIMINATION OF MINORITY TARGETING THREATENS THE WELL-BEING
OF MINORITY SENIORS

Among the most compelling features of the OAA nutrition and supportive service programs is the targeting of services to low-income minority seniors. In 1984, Congress amended the OAA to require program sponsors to target older Americans with greatest economic and social needs, with particular attention paid to low-income minority older Americans. Twenty years of experience under the Act had shown that the absence of such targeting resulted in repeated and regular neglect of that particularly vulnerable population. Currently, State and area agencies are required to set specific objectives for serving low-income minority older persons, including developing intrastate funding formulas to assure those objectives are met. Paradoxically, H.R. 2570 eliminates these requirements and merely requires State and area agencies to conduct outreach activities for a number of special groups of elderly, including low-income minority older persons.

The OAA is the primary Federal resource developed specifically to help the elderly remain self-sufficient. The nutrition and other supportive services provided under the Act are especially important to low-income minority seniors, given their many disadvantages. According to 1990 U.S. Census data, nearly 45% of low income minority seniors were living alone in 1990, compared with only 25% of the total population of persons age 60 and older. Additionally, the National Center for Health Statistics reports that the incidence of restricted activity days for older African-Americans is nearly 41 percent higher than that for elderly whites. They are confined to bed, on average, approximately 58% more than their white peers.

Without the minority targeting provisions, our nation will retreat to an era when those most in need (primarily because throughout the course of their lives they were denied access to a wide range of benefits) will again have little or no access to services otherwise available to the elderly. During the Committee mark-up, we supported an amendment offered by Representative Donald Payne (D-NJ) that would have retained the vital minority targeting requirement. The anti-affirmative action zeal of the Republican Majority led them to oppose the Payne amendment.

MANDATORY VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES
SHOULD BE RETAINED

The uncertainty caused by proposed radical changes (and cuts) in the OAA, Medicare, heating assistance (LIHEAP), and other government assistance will increase the anxiety and the need for legal assistance among the elderly. With so much approaching flux, there are bound to be intended and unintended disruptions in benefits provided to millions of seniors. The most vulnerable of these seniors are those who cannot, on their own, navigate the maze of red tape that will confront them as they pursue their rightful bene-

fits. Access to legal services will be even more critical to these seniors.

Other seniors will need help in understanding their rights under radically reshaped programs. For example, those seniors who might have to transfer to managed health care under proposed Medicare changes will face an entirely new appeals process when they believe service is improperly denied or billed. They will need legal services to assist them in resolving these claims. So, at a time when the need for legal assistance to the elderly is likely to be more compelling than ever before, it is nonsensical for the Majority to propose eliminating the current law's mandate of legal assistance for the elderly.

Similarly, the bill eliminates the requirement for elder abuse, neglect and exploitation education programs. This too is wholly unreasonable and unconscionable, given the rising incidence of crimes committed against seniors. According to the U.S. Department of Health and Human Services, an estimated one and one-half to two million elderly Americans are abused annually. The social isolation, physical conditions, and debilitating illnesses facing many senior citizens, make them easy prey for telecommunications scam artists, violent criminals, and abusive and predatory family members. We recognize the vulnerability of senior citizens and the steady increase in domestic and criminal activity committed against them. Therefore, we are appalled that the Majority would weaken the Federal commitment to elder abuse education and prevention programs.

During the committee mark-up, Representative Robert (Bobby) Scott (D-VA) offered amendments to restore the legal assistance and elder abuse program requirements, and to establish required minimum levels of expenditure for these programs. However, the Republican Majority rejected these amendments, preferring to lump these types of assistance on a menu of miscellaneous programs from which the States area agencies may make their own selections, at their option. We oppose such random availability of services for the elderly.

The Ombudsman Program uses community trained volunteers to assist residents of nursing homes, board and care homes, and other long-term care facilities on issues ranging from inadequate care, to inappropriate denial of services, to abuse and exploitation. While H.R. 2570 authorizes the Long Term Care Ombudsman program, States would not be required to spend any funds from that program. Further, should a State spend money on the program, the bill establishes a ceiling on funding, based on the FY 1995 appropriation for that program. We supported an amendment in Committee offered by our colleague, Representative Scott, that established a floor for what must be spent on this critical program. We believe a minimum amount of funding should be mandated. Our Republican colleagues do not.

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JACK REED.
CHAKA FATTAH.
GENE GREEN.
GEORGE MILLER.
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MAJOR OWENS.
TOM SAWYER.
XAVIER BECERRA.
ROBERT E. ANDREWS.
DALE E. KILDEE.
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ADDITIONAL VIEWS

UNFAIR INTERSTATE FUNDING FORMULA

We oppose the provisions in H.R. 2570 which would change the formula used to allocate funds to the States for the Title III nutrition and supportive service programs. Currently the Older Americans Act ("OAA") allocates funds based on a State's population of persons aged 60 years and older, but States are also guaranteed to receive a certain base amount (a hold harmless formula). H.R. 2570 would change the formula to one based strictly on population (over a five-year period) and eliminate the hold harmless provision altogether. Some contend that it is only logical to have the funds follow the senior population, but we disagree with the notion that population should be the sole determinant. In fact, a strictly population-based formula runs contrary to, and would actually undermine, the targeting emphasis provisions of the OAA. Title III currently requires that services be targeted to those persons with greatest economic or social need. Ironically, even though H.R. 2570 would retain targeting for greatest economic or social need, this new formula for title III totally disregards social or economic need.

While the OAA is intended to help the elderly live independently by removing barriers to independent living, this proposed method of funding will not consider those elderly persons most at risk of confronting barriers to independent living. According to the Administration on Aging (AoA) 1994 program data, more than half of the participants in the nutrition programs have incomes at or below the Federal poverty line. Under the proposed formula, a substantial number of at-risk persons will no longer receive meals because States with high concentrations of older persons with the greatest need for services will be underfunded. We think that it is penny-wise and pound foolish to reallocate larger slices of a dwindling pie to wealthy States at the expense of more needy States. Substantial numbers of elder citizens will be denied services under the OAA in States as diverse as Iowa, New York, and Illinois.

During the Committee markup, we supported an amendment offered by Rep. Eliot Engel (D-NY) which would have ensured a minimum base amount to each State. The interstate funding distribution provisions of the bill remain unfair and inequitable, and should be improved as H.R. 2570 moves forward.

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