

Public Law 102-375
102d Congress

An Act

To amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a 1993 National Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes.

Sept. 30, 1992
[H.R. 2967]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Older Americans Act Amendments of 1992”.

(b) **TABLE OF CONTENTS.**—The table of contents is as follows:

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TITLE I—OBJECTIVES AND DEFINITIONS

SEC. 101. OBJECTIVES.

Section 101(4) of the Older Americans Act of 1965 (42 U.S.C. 3001(4)) is amended by inserting “, including support to family members and other persons providing voluntary care to older individuals needing long-term care services” after “homes”.

SEC. 102. DEFINITIONS.

(a) IN GENERAL.—Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended by adding at the end the following:

“(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).”

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1)(A) Sections 102(2), 201(c)(1), 211, 301(b)(1), 402(a), and 411(b) of the Older Americans Act of 1965 (42 U.S.C. 3002(2), 3011(c)(1), 3020b, 3021(b)(1), 3030bb(a), and 3031(b)) are

amended by striking "Administration on Aging" and inserting "Administration".

(B) Section 503(a) of the Older American Community Service Employment Act (42 U.S.C. 3056a(a)) is amended by striking "of the Administration on Aging".

(2) Section 201(a) of the Older Americans Act of 1965 (42 U.S.C. 3011(a)) is amended in the first sentence by striking—

(A) "(hereinafter in this Act referred to as the 'Administration')"; and

(B) "(hereinafter in this Act referred to as the 'Commissioner')".

(3) Section 302 of the Older Americans Act of 1965 (42 U.S.C. 3022) is amended—

(A) by striking paragraphs (2) through (6), (9), (11), and (14) through (21); and

(B) by redesignating paragraphs (7) and (8) as paragraphs (2) and (3).

(4) Paragraphs (2)(A) and (4) of section 306(a) and sections 307(a)(9), 422(c)(3), 614(a)(6), and 624(a)(7) (42 U.S.C. 3026(a)(2)(A) and (4), 3027(a)(9), 3035a(c)(3), 3057e(a)(6), and 3057j(a)(7)) are amended by striking "information and referral" each place the term appears and inserting "information and assistance".

(5) Section 307(a)(10) of the Older Americans Act of 1965 (42 U.S.C. 3027) is amended by striking "section 342(1)" and inserting "section 342".

(6) Section 341(b) of the Older Americans Act of 1965 (42 U.S.C. 3030h) is amended by striking "caregivers" and inserting "caretakers".

(7) Section 342 of the Older Americans Act of 1965 (42 U.S.C. 3030i) is amended—

(A) by amending the heading to read as follows:

"DEFINITION OF IN-HOME SERVICES";

(B) by striking paragraph (2);

(C) in paragraph (1)—

(i) in subparagraph (E) by striking "; and" and inserting a period; and

(ii) by indenting 2 ems the left margin of subparagraphs (A) through (E) and redesignating such subparagraphs as paragraphs (1) through (5), respectively; and

(D) by striking "part—" and all that follows through "includes—", and inserting "part, the term 'in-home services' includes—".

(8) Section 507(1) of the Older American Community Service Employment Act (42 U.S.C. 3056e(1)) is amended by striking "poverty guidelines established by the Office of Management and Budget" and inserting "poverty line".

(9)(A) Section 211 of the Older Americans Act of 1965 (42 U.S.C. 3020b) is amended by striking "designated under section 305(a)(1)".

(B) Section 305(a)(2) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(2)) is amended by striking "designated under clause (1)".

(C) Section 308(b)(3)(B)(iii) of the Older Americans Act of 1965 (42 U.S.C. 3028(b)(3)(B)(iii)) is amended by striking “designated under section 305”.

(D) Section 426 of the Older Americans Act of 1965 (42 U.S.C. 3035e) is amended by striking “designated under section 305(a)(1)”.

(E) Section 503(a) of the Older Americans Community Service Employment Act (42 U.S.C. 3056a(a)) is amended by striking “on aging designated under section 305(a)(1)”.

(10)(A) Sections 202(a)(18), 307(a)(14), 308(b)(3)(B)(iii), 310(a)(1), 311(d)(1), and 411(a)(2) (42 U.S.C. 3012(a)(18), 3027(a)(14), 3028(b)(3)(B)(iii), 3030(a)(1), 3030a(d)(1), and 3031(a)(2)) are amended by striking “area agencies” and inserting “area agencies on aging”.

(B) Section 305(b)(5)(A) (42 U.S.C. 3025(b)(5)(A)) is amended in the second sentence by striking “area agency” each place the term appears and inserting “area agency on aging”.

(C) Sections 305(c)(2), 306(a)(5)(A)(ii), 306(a)(6)(F), 306(b)(2)(C), 307(a)(13)(B), 307(a)(13)(I), 307(a)(15)(B), and 341(b) (42 U.S.C. 3025(c)(2), 3026(a)(5)(A)(ii), 3026(a)(6)(F), 3026(b)(2)(C), 3027(a)(13)(B), 3027(a)(13)(I), 3027(a)(15)(B), and 3030h(b)) are amended by striking “area agency” and inserting “area agency on aging”.

(D) Section 305(c) (42 U.S.C. 3025(c)) is amended in the first sentence, in the matter following paragraph (5), by striking “area agency” and inserting “area agency on aging”.

(E) Sections 306(a)(6)(N), 307(a)(13)(H), and 307(a)(22) (42 U.S.C. 3026(a)(6)(N), 3027(a)(13)(H), and 3027(a)(22)) are amended by striking “area agency” each place the term appears and inserting “area agency on aging”.

(F) Section 307(a)(1) (42 U.S.C. 3027(a)(1)) is amended by striking “agencies in” and inserting “agencies on aging in”.

(G) Section 362 (42 U.S.C. 3030n) is amended in the section heading by striking “AREA AGENCIES” and inserting “AREA AGENCIES ON AGING”.

(H) Section 411(b)(2) (42 U.S.C. 3031(b)(2)) is amended by striking “State and area agency” and inserting “State agency and area agency on aging”.

(I) Section 412(a)(6) (42 U.S.C. 3032(a)(6)) is amended by striking “State and area agencies” and inserting “State agencies and area agencies on aging”.

TITLE II—ADMINISTRATION

SEC. 201. ADMINISTRATION ON AGING.

(a) LIMITATION ON DELEGATION OF FUNCTIONS.—The last sentence of section 201(a) of the Older Americans Act of 1965 (42 U.S.C. 3011(a)) is amended by inserting “(including the functions of the Commissioner carried out through regional offices)” after “Commissioner” the first place it appears.

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

(1) in subparagraph (B) by inserting “, with particular attention to services provided to Native Americans by the Indian Health Service” after “affecting older Native Americans”;

(2) in subparagraph (F) by inserting “, 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” after “Native Americans”;

(3) in subparagraph (G) by striking “and” at the end;

(4) in subparagraph (H) by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

“(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 Commissioner and programs established under title VI by the Commissioner;

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.”.

(c) OFFICE OF LONG-TERM CARE OMBUDSMAN PROGRAMS.—Section 201 of the Older Americans Act of 1965 (42 U.S.C. 3011) is amended by adding at the end the following:

“(d)(1) There is established in the Administration the Office of Long-Term Care Ombudsman Programs (in this subsection referred to as the ‘Office’).

Establishment.

“(2)(A) The Office shall be headed by an Associate Commissioner for Ombudsman Programs (in this subsection referred to as the ‘Associate Commissioner’) who shall be appointed by the Commissioner from among individuals who have expertise and background in the fields of long-term care advocacy and management. The Associate Commissioner shall report directly to the Commissioner.

“(B) No individual shall be appointed Associate Commissioner 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 compensation 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 Associate Commissioner 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 Commissioner 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 Commissioner 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 Commissioner 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 Commissioner regarding, existing and proposed Federal legislation, regulations, and policies regarding the operation of State Long-Term Care Ombudsman programs;

"(F) make recommendations to the Commissioner 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 nongovernmental 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 Commissioner 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).”.

SEC. 202. FUNCTIONS OF COMMISSIONER.

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

(1) in paragraph (3) by inserting “directly” after “(3)”;

(2) in paragraph (11) by striking “provide for the coordination of” and inserting “coordinate”;

(3) in paragraph (18)—

(A) by inserting “, and service providers,” after “agencies”; and

(B) by striking “the greatest economic or social needs” and inserting “greatest economic need or individuals with greatest social need, with particular attention to and specific objectives for providing services to low-income minority individuals”; and

(4) in paragraph (19)—

(A) in subparagraph (A) by inserting “or activity” after “service” each place it appears; and

(B) in subparagraph (C) by striking “and” at the end.

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

(1) in paragraph (20) by striking the period at the end and inserting a semicolon; and

(2) by adding at the end the following:

“(21)(A) establish and operate the National Ombudsman Resource Center (in this paragraph referred to as the ‘Center’), under the administration of the Associate Commissioner for Ombudsman Programs, that will—

Establishment.

“(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,

Regulations.

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 Commissioner 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 Commissioner 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, 1994, 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 Commissioner by regulation."

Regulations.

(c) COMMUNITY-BASED LONG-TERM CARE PROGRAM.—Section 202(b) of the Older Americans Act of 1965 (42 U.S.C. 3012(b)) is amended—

(1) in paragraph (2) by striking "and" at the end;

(2) in paragraph (3) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(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."

(d) VOLUNTEER SERVICE COORDINATORS.—Section 202(c) of the Older Americans Act of 1965 (42 U.S.C. 3012(c)) is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following:

"(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 Commissioner 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 Commissioner shall provide technical assistance to the area and State volunteer services coordinators."

(e) NATIONAL CENTER ON ELDER ABUSE.—Section 202 of the Older Americans Act of 1965 (42 U.S.C. 3012) is amended by adding at the end the following:

"(d)(1) The Commissioner shall establish and operate the National Center on Elder Abuse (in this subsection referred to as the 'Center').

Establishment.

"(2) In operating the Center, the Commissioner 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.

Grants.
Contracts.

"(3)(A) The Commissioner shall carry out paragraph (2) through grants or contracts.

"(B) The Commissioner 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 Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(C) The Commissioner 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 Commissioner establishes such priorities, publish in the Federal Register for public comment a statement of such proposed priorities.

"(4) The Commissioner 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."

(f) NATIONAL AGING INFORMATION CENTER.—Section 202 of the Older Americans Act of 1965 (42 U.S.C. 3012), as amended by subsection (e) of this section, is amended by adding at the end the following:

Establishment.
Grants.
Contracts.

"(e)(1)(A) The Commissioner 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 demonstration 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 Associate Commissioner on 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 Commissioner at such time, in such manner, and containing such information as the Commissioner 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 Commissioner 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.

Records.

"(B) The Commissioner 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."

(g) OBLIGATION OF FUNDS.—Not later than March 1, 1993, the Commissioner shall obligate, from the funds appropriated under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) for fiscal year 1993—

(1) to carry out section 202(a)(21) of such Act (as added by subsection (b)(2) of this section), not less than the amount made available from appropriations for fiscal year 1990 under such Act for making grants and entering into contracts to establish and operate the National Long-Term Care Ombudsman Resource Center; and

(2) to carry out section 202(d)(4) of such Act (as added by subsection (e) of this section), not less than the amount made available from appropriations for fiscal year 1990 under such Act for making grants and entering into contracts to

establish and operate the National Aging Resource Center on Elder Abuse.

42 USC 3012
note.

(h) DEADLINE FOR DEVELOPMENT OF PROCEDURES.—Not later than 1 year after the date of the enactment of this Act, the data collection procedures required by section 202(a)(29) of the Older Americans Act of 1965 shall be developed by the Commissioner on Aging, jointly with the Assistant Secretary of Planning and Evaluation of the Department of Health and Human Services, after—

(1) requesting advisory information under such Act from State agencies, local governments, area agencies on aging, recipients of grants under title VI of such Act, and local providers of services under such Act; and

(2) considering the data collection systems carried out by State agencies in the States then identified as exemplary by the General Accounting Office.

Reports.

Not later than 1 year after developing such data collection procedures, the Commissioner on Aging shall test such procedures, submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report summarizing the results of such test, and implement such procedures (as modified, if appropriate, to reflect such results).

SEC. 203. FEDERAL AGENCY CONSULTATION.

(a) IN GENERAL.—Section 203(a) of the Older Americans Act of 1965 (42 U.S.C. 3013(a)) is amended to read as follows:

“(a)(1) The Commissioner, 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 administering programs or services substantially related to the objectives of this Act, with respect to such programs or services. In particular, the Commissioner shall coordinate, advise, consult, and cooperate with the Secretary of Labor in carrying out title V and with the ACTION Agency 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 Commissioner 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 Commissioner in carrying out such program. In particular, the Secretary of Labor shall consult and cooperate with the Commissioner in carrying out the Job Training Partnership Act (29 U.S.C. 1501 et seq.).

“(3) The head of each Federal department, agency, or instrumentality of the Federal Government administering programs and services substantially related to the objectives of this Act shall collaborate with the Commissioner in carrying out this Act, and shall develop a written analysis, for review and comment by the Commissioner, 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) RELATED PROGRAMS.—Section 203(b) of the Older Americans Act of 1965 (42 U.S.C. 3013(b)) is amended—

(1) in paragraph (16) by striking “and” at the end;

(2) in paragraph (17) by striking the period at the end and inserting “, and”; and

(3) by adding at the end the following:

“(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. 204. CONSULTATION WITH STATE AGENCIES, AREA AGENCIES ON AGING, AND NATIVE AMERICAN GRANT RECIPIENTS.

The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by inserting after section 203 the following:

“SEC. 203A. CONSULTATION WITH STATE AGENCIES, AREA AGENCIES ON AGING, AND NATIVE AMERICAN GRANT RECIPIENTS.

42 USC 3013a.

“The Commissioner 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.”.

SEC. 205. FEDERAL COUNCIL ON THE AGING.

(a) ESTABLISHMENT.—Section 204(a) of the Older Americans Act of 1965 (42 U.S.C. 3015(a)) is amended—

(1) in paragraph (1)—

(A) in the second sentence by striking “Members shall serve for terms of three years” and inserting “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.”; and

(B) in the third sentence by inserting “from among individuals who have expertise and experience in the field of aging” after “appointed”; and

(2) in paragraph (2) by striking “1984” and inserting “1992”.

(b) TERMS OF APPOINTMENT.—Section 204(b)(1)(A) of the Older Americans Act of 1965 (42 U.S.C. 3015(b)(1)(A)) is amended to read as follows:

“(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.”.

(c) DUTIES OF COUNCIL.—Section 204(d) of the Older Americans Act of 1965 (42 U.S.C. 3015(d)) is amended—

(1) in paragraph (2) by inserting before the semicolon at the end the following: “and of identifying duplication and gaps

among the types of services provided under such programs and activities”;

(2) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(3) by inserting after paragraph (1) the following:

“(2) directly advise the Commissioner on matters affecting the special needs of older individuals for services and assistance under this Act;”.

(d) **REPORTS.**—Section 204(f) of the Older Americans Act of 1965 (42 U.S.C. 3015(f)) is amended by striking “such interim reports as it deems advisable” and inserting “interim reports”.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—Section 204(g) of the Older Americans Act of 1965 (42 U.S.C. 3015(g)) is amended to read as follows:

“(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.”.

SEC. 206. NUTRITION OFFICER.

Section 205(a) of the Older Americans Act of 1965 (42 U.S.C. 3016(a)) is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(2) by inserting “(1)” after “(a)”;

(3) by adding at the end the following:

“(2)(A) The Commissioner 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."

SEC. 207. EVALUATION.

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

(1) in the first sentence of subsection (a) by inserting after "related programs," the following:

"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

(2) by striking subsection (g) and inserting the following:

"(g)(1) Not later than June 30, 1994, the Commissioner, 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.

Establishment.

"(2)(A)(i) The Commissioner 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 Commissioner 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, 1993, the Commissioner, 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, 1994, 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 Commissioner 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."

SEC. 208. REPORTS.

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

(1) in paragraph (3) by striking "and" at the end;

(2) in paragraph (4) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(5) a description of the implementation of the plan required by section 202(a)(17)."

(b) **DEADLINE.**—Section 207(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3018(b)(1)) is amended by striking “January 15” and inserting “March 1”.

(c) **REPORT ON EVALUATIONS.**—Section 207(c) of the Older Americans Act of 1965 (42 U.S.C. 3018(c)) is amended—

(1) in paragraph (3) by striking “and” at the end;

(2) in paragraph (4) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(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.”.

SEC. 209. NUTRITION EDUCATION.

Title II of the Older Americans Act of 1965 (42 U.S.C. 3011–3020d) is amended by adding at the end the following:

“SEC. 214. NUTRITION EDUCATION.

42 USC 3020e.

“The Commissioner 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. 210. AUTHORIZATION OF APPROPRIATIONS.

Title II of the Older Americans Act of 1965 (42 U.S.C. 3011–3020d), as amended by section 209, is amended by adding at the end the following:

“SEC. 215. AUTHORIZATION OF APPROPRIATIONS.

42 USC 3020f.

“(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 Commissioner to provide for not fewer than 300 full-time employees (or the equivalent thereof) in the Administration on Aging.”.

SEC. 211. STUDY OF EFFECTIVENESS OF STATE LONG-TERM CARE OMBUDSMAN PROGRAMS.

42 USC 3001
note.

Not later than January 1, 1994, the Commissioner on Aging shall, in consultation with State agencies, State Long-Term Care Ombudsmen, the National Ombudsman Resource Center established under section 202(a)(21) of the Older Americans Act of 1965 (as added by section 202(b)(2) of this Act), and professional ombudsmen associations, directly, or by grant or contract, conduct a study, and submit a report to the committees specified in section 207(b)(2) of such Act, analyzing separately with respect to each State—

Reports.

(1) the availability of services, and the unmet need for services, under the State Long-Term Care Ombudsman pro-

grams in effect under sections 307(a)(12) and 712 of the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) to residents of long-term care facilities (as defined in section 102 of such Act);

(2) the effectiveness of the programs in providing the services to the residents, including residents of board and care facilities (as defined in section 102 of such Act) and of similar adult care facilities;

(3) the adequacy of Federal and other resources available to carry out the programs on a statewide basis in each State;

(4) compliance and barriers to such compliance of the States in carrying out the programs;

(5) any actual and potential conflicts of interest in the administration and operation of the programs; and

(6) the need for and feasibility of providing ombudsman services to older individuals (as defined in section 102 of such Act) who are not in long-term care facilities and who use long-term care services and other health care services, by analyzing and assessing current State agency practices in programs in which the State Long-Term Care Ombudsmen provide services to older individuals in settings in addition to long-term care facilities, taking into account variations in—

(A) settings where services are provided;

(B) the types of clients served;

(C) the types of complaints and problems handled;

(D) State regulation of long-term care provided in settings other than long-term care facilities; and

(E) possible conflicts of interest between the State Long-Term Care Ombudsman programs under such Act and area agencies on aging (as defined in section 102 of such Act) who provide to older individuals long-term care services both in such settings and in long-term care facilities.

42 USC 3001
note.

SEC. 212. STUDY ON BOARD AND CARE FACILITY QUALITY.

(a) **ARRANGEMENT FOR STUDY COMMITTEE.**—The Secretary of Health and Human Services shall enter into an arrangement, in accordance with subsection (d), to establish a study committee described in subsection (c) to conduct a study through the Institute of Medicine of the National Academy of Sciences on the quality of board and care facilities for older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.)) and the disabled.

(b) **SCOPE OF STUDY.**—The study shall include—

(1) an examination of existing quality, health, and safety requirements for board and care facilities and the enforcement of such requirements for their adequacy and effectiveness, with special attention to their effectiveness in promoting good personal care;

(2) an examination of, and recommendations with respect to, the appropriate role of Federal, State, and local governments in assuring the health and safety of residents of board and care facilities; and

(3) specific recommendations to the Congress and the Secretary, by not later than 20 months after the date of the enactment of this Act, concerning the establishment of minimum national standards for the quality, health, and safety

of residents of such facilities and the enforcement of such standards.

(c) COMPOSITION OF STUDY COMMITTEE.—The study committee shall be composed of members as appointed from among the following:

(1) NATIONAL ACADEMY OF SCIENCES.—The members of the National Academy of Sciences with experience in long-term care. The members so appointed shall include—

(A) physicians;

(B) experts on the administration of drugs to older individuals, and disabled individuals receiving long-term care services; and

(C) experts on the enforcement of life-safety codes in long-term care facilities.

(2) RESIDENTS.—Residents of board and care facilities (including privately owned board and care facilities), and representatives of such residents or of organizations that advocate on behalf of such residents. Members so appointed shall include—

(A) residents of a nonprofit board and care facility;

or

(B) individuals who represent—

(i) residents of nonprofit board and care facilities;

or

(ii) organizations that advocate on behalf of residents of nonprofit board and care facilities.

(3) OPERATORS.—Operators of board and care facilities (including privately owned board and care facilities), and individuals who represent such operators or organizations that represent the interests of such operators. Members so appointed shall include—

(A) operators of a nonprofit board and care facility;

or

(B) individuals who represent—

(i) operators of nonprofit board and care facilities;

or

(ii) organizations that represent the interests of operators of nonprofit board and care facilities.

(4) OFFICERS.—

(A) STATE OFFICERS.—Elected and appointed State officers who have responsibility relating to the health and safety of residents of board and care facilities.

(B) REPRESENTATIVES.—Representatives of such officers or of organizations representing such officers.

(C) OTHER INDIVIDUALS.—Other individuals with relevant expertise.

(d) USE OF INSTITUTE OF MEDICINE.—The Secretary shall request the National Academy of Sciences, through the Institute of Medicine, to establish, appoint, and provide administrative support for the study committee under an arrangement under which the actual expenses incurred by the Academy in carrying out such functions will be paid by the Secretary. If the National Academy of Sciences is willing to do so, the Secretary shall enter into such arrangement with the Academy.

(e) INVOLVEMENT OF OTHERS.—

(1) GOVERNMENT OFFICIALS.—The study committee shall conduct its work in a manner that provides for the consultation

with Members of Congress or their representatives, officials of the Department of Health and Human Services, and officials of State and local governments who are not members of the study committee.

(2) **EXPERTS.**—The study committee may consult with any individual or organization with expertise relating to the issues involved in the activities of the study committee.

(f) **REPORT.**—Not later than 20 months after an arrangement is entered into under subsection (d), the study committee shall submit, to the Secretary, the Speaker of the House of Representatives, and the President pro tempore of the Senate, a report containing the results of the study referred to in subsection (a) and the recommendations made under subsection (b).

(g) **BOARD AND CARE FACILITY DEFINED.**—In this section, the term “board and care facility” means a facility described in section 1616(e) of the Social Security Act (42 U.S.C. 1372e(e)).

(h) **AUTHORIZATION.**—There are authorized to be appropriated to carry out this section \$1,500,000 for fiscal year 1992 and such sums as may be necessary for subsequent fiscal years.

42 USC 3001
note.

SEC. 213. STUDY ON HOME CARE QUALITY.

(a) **ESTABLISHMENT STUDY OF COMMITTEE.**—The Secretary of Health and Human Services shall enter into an arrangement, in accordance with subsection (d), to establish a study committee described in subsection (c) to conduct a study through the Institute of Medicine of the National Academy of Sciences on the quality of home care services for older individuals and disabled individuals.

(b) **SCOPE OF STUDY.**—The study shall include—

(1) an examination of existing quality, health and safety requirements for home care services and the enforcement of such requirements for their adequacy, effectiveness, and appropriateness;

(2) an examination of, and recommendations with respect to, the appropriate role of Federal, State, and local governments in ensuring the health and safety of patients and clients of home care services; and

(3) specific recommendations to the Congress and the Secretary, not later than 20 months after the date of the enactment of this Act, concerning the establishment of minimum national standards for the quality, health, and safety of patients and clients of such services and the enforcement of such standards.

(c) **COMPOSITION OF STUDY COMMITTEE.**—The study committee shall be composed of members appointed from among—

(1) individuals with experience in long-term care, including nonmedical home care services;

(2) patients and clients of home care services (including privately provided home care services and services funded under the Older Americans Act of 1965) or individuals who represent such patients and clients or organizations that advocate on behalf of such patients and clients;

(3) providers of home care services (including privately provided home care services and services funded under the Older Americans Act of 1965) or individuals who represent such providers or organizations that advocate on behalf of such providers;

(4) elected and appointed State officers who have responsibility relating to the health and safety of patients and clients

of home care services, or representatives of such officers or of organizations representing such officers; and
(5) other individuals with relevant expertise.

(d) **USE OF INSTITUTE OF MEDICINE.**—The Secretary shall request the National Academy of Sciences, through the Institute of Medicine, to establish, appoint, and provide administrative support for the committee under an arrangement under which the actual expenses incurred by the Academy in carrying out such functions will be paid by the Secretary. If the National Academy of Sciences is willing to do so, the Secretary shall enter into such arrangement with the Academy.

(e) **INVOLVEMENT OF OTHERS.**—

(1) **MEMBERS AND OFFICIALS.**—The committee shall conduct its work in a manner that provides for consultation with Members of Congress or their representatives, officials of the Department of Health and Human Services, and officials of State and local governments who are not members of the committee.

(2) **INDIVIDUAL OR ORGANIZATION WITH EXPERTISE.**—The committee may consult with any individual or organization with expertise relating to the issues involved in the activities of the committee.

(f) **REPORT.**—Not later than 20 months after an arrangement is entered into under subsection (d), the committee shall submit, to the Secretary, the Speaker of the House of Representatives, and the President pro tempore of the Senate, a report containing the results of the study referred to in subsection (a).

(g) **AUTHORIZATION.**—There are authorized to be appropriated to carry out this section \$1,000,000 for fiscal year 1992 and such sums as may be necessary for subsequent fiscal years.

TITLE III—STATE AND COMMUNITY PROGRAMS ON AGING

SEC. 301. PURPOSE OF GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING.

Section 301(a) of the Older Americans Act of 1965 (42 U.S.C. 3021(a)) is amended to read as follows:

“(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.”.

SEC. 302. DEFINITIONS.

Section 302(1) of the Older Americans Act of 1965 (42 U.S.C. 3022(1)) is amended—

- (1) in subparagraph (B) by striking “and” at the end;
- (2) in subparagraph (C) by striking the period at the end and inserting “; and”;
- (3) by adding at the end the following:
 “(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.”.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS; USES OF FUNDS.**(a) AUTHORIZATION FOR PART B.—**

42 USC 3023. (1) SUPPORTIVE SERVICES AND SENIOR CENTERS.—Section 303(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(1)) is amended by striking “\$379,575,000” and all that follows through “1991”, and inserting “\$461,376,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995”.

42 USC 3023. (2) STATE LONG-TERM CARE OMBUDSMAN PROGRAMS.—Section 303(a)(2) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(2)) is amended to read as follows:

“(2) Funds appropriated under paragraph (1) shall be available to carry out section 712.”.

42 USC 3023. (3) REPEAL RELATING TO OUTREACH.—Section 303(a)(3) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(3)) is repealed.

(b) AUTHORIZATION FOR PART C.—

42 USC 3023. (1) CONGREGATE NUTRITION SERVICES.—Section 303(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3012(b)(1)) is amended by striking “\$414,750,000” and all that follows through “1991”, and inserting “\$505,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995”.

42 USC 3023. (2) HOME-DELIVERED NUTRITION SERVICES.—Section 303(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3012(b)(2)) is amended by striking “\$79,380,000” and all that follows through “1991”, and inserting “\$120,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995”.

(3) AUTHORIZATION OF APPROPRIATIONS FOR SCHOOL-BASED MEALS FOR OLDER INDIVIDUALS AND MULTIGENERATIONAL PROGRAMS.—Section 303(b) of the Older Americans Act of 1965 (42 U.S.C. 3023) is amended by adding at the end the following:

“(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) **AUTHORIZATION FOR PART D (RELATING TO IN-HOME SERVICES).**—Section 303(d) of the Older Americans Act of 1965 (42 U.S.C. 3012(d)) is amended by striking “\$25,000,000” and all that follows through “1991”, and inserting “\$45,388,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.” 42 USC 3023.

(d) **AUTHORIZATION FOR PART E (RELATING TO SPECIAL NEEDS).**—Section 303(e) of the Older Americans Act of 1965 (42 U.S.C. 3012(e)) is amended by striking “Subject to” and all that follows through “1991”, and inserting “There are authorized to be appropriated such sums as may be necessary for the fiscal years 1992, 1993, 1994, and 1995.” 42 USC 3023.

(e) **AUTHORIZATION FOR PART F (RELATING TO DISEASE PREVENTION AND HEALTH PROMOTION).**—Section 303(f) of the Older Americans Act of 1965 (42 U.S.C. 3012(f)) is amended— 42 USC 3023.

(1) by striking “Subject to subsection (h), there” and inserting “There”; and

(2) by striking “\$5,000,000” and all that follows through “1991”, and inserting “\$25,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.”

(f) **AUTHORIZATION FOR PART G (RELATING TO SUPPORTIVE ACTIVITIES FOR CARETAKERS).**—Section 303(g) of the Older Americans Act of 1965 (42 U.S.C. 3023(g)) is amended to read as follows: “(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).”

(g) **REPEAL OF LIMITATION.**—Section 303(h) of the Older Americans Act of 1965 (42 U.S.C. 3023(h)) is repealed.

SEC. 304. ALLOTMENT; FEDERAL SHARE.

(a) **AMOUNT OF ALLOTMENTS.**—Section 304(a) of the Older Americans Act of 1965 (42 U.S.C. 3024(a)) is amended—

(1) in paragraph (2) by striking “1984” and inserting “1987”;

(2) by amending paragraph (3) to read as follows:

“(3) No State shall be allotted, from the amount appropriated under section 303(g), less than \$50,000 for any fiscal year.”; and

(3) in paragraph (4) by striking “satisfactory data available” and inserting “data available from the Bureau of the Census, and other reliable demographic data satisfactory”.

(b) **WITHHOLDING OF ALLOTMENTS.**—Section 304(c) of the Older Americans Act of 1965 (42 U.S.C. 3024(c)) is amended by inserting “or the Commissioner does not approve the funding formula required under section 305(a)(2)(C)” after “requirements of section 307”.

(c) **OUTREACH DEMONSTRATION PROJECTS.**—Section 304(d)(1)(C) of the Older Americans Act of 1965 (42 U.S.C. 3024(d)(1)(C)) is amended to read as follows:

“(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) **VOLUNTEER SERVICES COORDINATORS.**—Section 304 of the Older Americans Act of 1965 (42 U.S.C. 3024) is amended by adding at the end the following:

“(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)).

SEC. 305. ORGANIZATION.

(a) **PLANNING; CONSULTATION; LOW-INCOME MINORITY OBJECTIVES AND FOCUS.**—Section 305(a) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)) is amended—

(1) by amending paragraph (1)(C) to read as follows:

“(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;”;

(2) in paragraph (2)—

(A) by amending subparagraph (C) to read as follows:

“(C) in consultation with area agencies, in accordance with guidelines issued by the Commissioner, 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;”;

(B) in subparagraph (D) by striking “for review and comment” and inserting “for approval”;

(C) in subparagraph (E) by striking “and” at the end;

(D) by amending subparagraph (F) to read as follows:

“(F) provide assurances that the State agency will require use of outreach efforts described in section 307(a)(24); and”;

(E) by adding at the end the following:

“(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) **PROCEDURES; REVIEW OF BOUNDARIES.**—Section 305(b)(5) of the Older Americans Act of 1965 (42 U.S.C. 3025(b)(5)) is amended by adding at the end the following:

“(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 Commissioner.

"(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 Commissioner may affirm or set aside the decision of the State agency. If the Commissioner 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."

SEC. 306. AREA PLANS.

(a) CASE MANAGEMENT SERVICES.—Section 306(a)(2)(A) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(2)(A)), as amended by section 102(b)(4) of this Act, is amended by striking ", and information and assistance" and inserting ", information and assistance, and case management services".

(b) IDENTITY OF FOCAL POINT.—Section 306(a)(3) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(3)) is amended—

(1) by inserting "(A)" after "(3)";

(2) by inserting "(including multipurpose senior centers operated by organizations referred to in paragraph (6)(E)(ii))" after "centers";

(3) by inserting "and" after the semicolon at the end; and

(4) by adding at the end the following:

"(B) specify, in grants, contracts, and agreements implementing the plan, the identity of each focal point so designated;"

(c) OBJECTIVES FOR LOW-INCOME MINORITY INDIVIDUALS.—

(1) INFORMATION AND ASSISTANCE SERVICES.—Section 306(a)(4) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(4)) is amended by inserting before the semicolon at the end the following: ", 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)".

Diseases.
Health and
health care.

(2) **OUTREACH AND INFORMATION.**—Section 306(a)(5) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(5)) is amended—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) by striking “preference will be given to” and inserting “the area agency on aging will set specific objectives for”; and

(II) by striking “with particular attention” and inserting “include specific objectives for providing services”;

(ii) in clause (ii)—

(I) in subclause (I) by striking “and” at the end;

(II) by amending subclause (II) to read as follows:

“(II) to the maximum extent feasible, provide services to low-income minority individuals in accordance with their need for such services; and”; and

(III) by adding at the end the following:

“(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”; and

(iii) in clause (iii)—

(I) by striking “and” at the end of subclause (I); and

(II) by adding at the end the following new subclause:

“(III) provide information on the extent to which the area agency on aging met the objectives described in clause (i).”;

(B) by amending subparagraph (B) to read as follows:

“(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 subclauses (I) through (VI) of clause (i), and the caretakers of such individuals, of the availability of such assistance; and”;

(C) by adding at the end the following:

“(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;”.

(d) COORDINATION; HOUSING ARRANGEMENTS; TELEPHONE LISTING.—Section 306(a)(6) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(6)) is amended—

(1) in subparagraph (B) by inserting “, and timely information in a timely manner,” after “assistance”;

(2) in subparagraph (D) by inserting “(in cooperation with agencies, organizations, and individuals participating in activities under the plan)” after “community by”;

(3) in subparagraph (E)—

(A) by inserting “(i)” after “(E)”;

(B) by inserting “and” after the semicolon at the end; and

(C) by adding at the end the following:

“(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));”;

(4) by amending subparagraph (H) to read as follows:

“(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;”;

(5) in subparagraph (I) by striking “emphasize the development” and all that follows through the semicolon at the end, and inserting “include the development of case management services as a component of the long-term care services;”;

(6) in subparagraph (O) by striking “and” at the end;

(7) by striking subparagraph (P); and

(8) by adding at the end the following:

“(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 Commissioner 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;”.

(e) STATE LONG-TERM CARE OMBUDSMAN PROGRAM.—Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)) is amended—

(1) in paragraph (9) by striking “and” at the end;

(2) in paragraph (10) by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

“(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;”.

(f) VOLUNTEERS TO ASSIST OLDER INDIVIDUALS; PUBLIC DISCLOSURE; RELATIONSHIP WITH PRIVATE SECTOR; ASSURANCES OF COORDINATION AND ACCESS.—Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)), as amended by subsection (e) of this section, is amended by adding at the end the following:

“(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 Commissioner 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 Commissioner 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).”.

(g) **WITHHOLDING OF AREA FUNDS.**—Section 306 of the Older Americans Act of 1965 (42 U.S.C. 3026) is amended by adding at the end the following:

“(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.”.

SEC. 307. STATE PLANS.

(a) **COMPLIANCE WITH TITLE III.**—Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended—

(1) in the first sentence by inserting “the succeeding sentence and” after “provided in”;

(2) by inserting after the first sentence the following:

“If the Commissioner determines, in the discretion of the Commissioner, that a State failed in 2 successive years to comply with the requirements under this title, then the State shall submit to the Commissioner a State plan for a 1-year period that meets such criteria, for subsequent years until the Commissioner deter-

mines that the State is in compliance with such requirements.”; and

(3) in paragraph (3)(A)—

(A) by inserting “and transportation services” after “assistance”; and

(B) by adding at the end the following:

“To conduct the evaluation, the State agency shall use the procedures implemented under section 202(a)(29).”

(b) PROCEDURES.—Section 307(a)(5) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(5)) is amended by adding at the end the following: “The State agency shall establish and publish procedures for requesting and conducting such hearing.”

(c) FISCAL CONTROL AND FUND ACCOUNTING.—Section 307(a)(7) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(7)) is amended—

(1) by inserting “(A)” after “(7)”; and

(2) by adding at the end the following:

“(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 Commissioner—

“(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 Commissioner, 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.”

(d) EVALUATION.—Section 307(a)(8) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(8)) is amended by adding at the end the following:

"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."

(e) **EMPLOYMENT PREFERENCE.**—Section 307(a)(11) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(11)) is amended by striking "governments," and all that follows through "older", and inserting the following:

"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;"

(f) **STATE LONG-TERM CARE OMBUDSMAN PROGRAM.**—Section 307(a)(12) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(12)) is amended to read as follows:

"(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."

(g) **USE OF FUNDS; NUTRITION EDUCATION AND SANITARY HANDLING OF MEALS.**—Section 307(a)(13) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(13)) is amended—

(1) in subparagraph (B) by inserting "(other than under section 303(b)(3))" after "available under this title";

(2) in subparagraph (F)—

(A) by striking "may" and inserting "will"; and

(B) by inserting "dietitians (or individuals with comparable expertise)," after "advice of";

(3) in subparagraph (H) by striking "and" at the end;

(4) in subparagraph (I) by striking the period at the end and inserting a semicolon;

(5) by adding at the end the following:

"(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."

(h) **LEGAL PROBLEMS.**—Section 307(a)(15) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(15)) is amended—

(1) in subparagraph (C) by striking "and" at the end;

(2) in subparagraph (D) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(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.”.

(i) **PROGRAMS FOR PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION.**—Section 307(a)(16) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(16)) is amended in the matter preceding subparagraph (A)—

(1) by striking “that” the first place it appears and inserting a comma; and

(2) by striking “, if funds are not appropriated under section 303(g) for a fiscal year, provide that for such” and inserting “provide for a”.

(j) **LEGAL ASSISTANCE DEVELOPER.**—Section 307(a)(18) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(18)) is amended by inserting “(one of whom shall be known as a legal assistance developer)” after “personnel”.

(k) **EXPENDITURES UNDER STATE LONG-TERM CARE OMBUDSMAN PROGRAM.**—Section 307(a)(21) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(21)) is amended to read as follows:

“(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.”.

(l) **OUTREACH AND INFORMATION.**—Section 307(a)(24) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(24)) is amended to read as follows:

“(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.”.

(m) **ELDER RIGHTS REQUIREMENTS.**—Section 307(a)(30) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(30)) is amended to read as follows:

"(30) The plan shall include the assurances and description required by section 705(a)."

(n) REQUIREMENTS.—Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended by striking paragraph (31) and inserting the following:

"(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 Commissioner 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 Commissioner).

"(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."

(o) APPROVAL OF STATE PLAN.—Section 307(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3017(b)(1)) is amended by inserting before the period at the end the following: ", except the Commissioner may not approve such plan unless the Commissioner determines that the formula submitted under section 305(a)(2)(D) complies with the guidelines in effect under section 305(a)(2)(C)".

42 USC 3027.

(p) DETERMINATION OF DISAPPROVAL.—Section 307(c) of the Older Americans Act of 1965 (42 U.S.C. 3027(c)) is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following:

"(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 Commissioner shall be deemed to be a reference to the Secretary."

(q) REPEAL OF EXPIRED PROVISION.—Section 307(f) of the Older Americans Act of 1965 (42 U.S.C. 3027(f)) is repealed.

(r) PROTECTION OF COMMERCIAL INFORMATION.—Section 307(g) of the Older Americans Act of 1965 (42 U.S.C. 3027(g)) is amended—

(1) by striking “(g)” and inserting “(f)(1)”; and

(2) by adding at the end the following:

“(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.”.

SEC. 308. PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS.

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

(1) in subsection (a)(3) by inserting “been” after “which has”; and

(2) in subsection (b)—

(A) in paragraph (4)—

(i) by inserting “(A)” after “(4)”; and

(ii) in the first sentence—

(I) by inserting “and except as provided in subparagraph (B)” after “this title”; and

(II) by striking “received under section 303(b) (1) and (2), a” and inserting “received by a State and attributable to funds appropriated under paragraph (1) or (2) of section 303(b), the”; and

(III) by striking “a portion of the funds appropriated” and inserting “not more than 30 percent of the funds so received”; and

(iii) by adding at the end the following:

“(B) If a State demonstrates, to the satisfaction of the Commissioner, 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 Commissioner 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.”; and

(B) by striking paragraph (5) and inserting the following:

“(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 Commissioner of any such election.

“(B)(i) If a State demonstrates, to the satisfaction of the Commissioner, 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 Commissioner 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 Commissioner, 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 Commissioner 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 Commissioner 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 Commissioner 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 on 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.”.

SEC. 309. DISASTER RELIEF REIMBURSEMENTS.

Section 310 of the Older Americans Act of 1965 (42 U.S.C. 3030) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by inserting “(and related supplies)” after “supportive services”; and

(B) by adding at the end the following:

“(3) If the Commissioner 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 Commissioner shall provide not less than 75 percent of such amount to such State not later than 5 days after the date of such decision.”; and

(2) in subsections (a)(2) and (b)—

(A) by striking “5 percent” each place it appears and inserting “2 percent”; and

(B) by striking “for carrying out the purposes of section 422” each place it appears and inserting “to carry out title IV”.

SEC. 310. AVAILABILITY OF SURPLUS COMMODITIES.

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

(1) in subsection (a)(4)—

(A) by designating the first sentence as subparagraph (A);

(B) by designating the second and third sentence as subparagraph (B), and indenting accordingly; and

(C) in subparagraph (A), as designated by subparagraph (A) of this paragraph, by striking “shall maintain” and all that follows, and inserting the following:

“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.”; and

(2) in subsection (c)—

(A) in paragraph (1)(A) by striking “\$151,000,000” and all that follows through “1991”, and inserting “\$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”; and

(B) in paragraph (2)—

(i) by striking “(2) In” and inserting “(2)(A) Except as provided in subparagraph (B), in”; and

(ii) by adding at the end the following new subparagraph:

“(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.”.

Claims.

SEC. 311. RIGHTS RELATING TO IN-HOME SERVICES FOR FRAIL OLDER INDIVIDUALS.

Part A of title III of the Older Americans Act of 1965 (42 U.S.C. 3021-3030c) is amended by adding at the end the following:

“SEC. 314. RIGHTS RELATING TO IN-HOME SERVICES FOR FRAIL OLDER INDIVIDUALS. 42 USC 3030c-1.

“(a) **PROMOTION.**—The Commissioner 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.”

SEC. 312. SUPPORTIVE SERVICES.

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

(1) in paragraph (3) by inserting “(including information and assistance services)” after “and services”;

(2) in paragraph (3) by inserting before the semicolon at the end the following: “, including language translation services to assist older individuals with limited-English speaking ability to obtain services under this title”;

(3) in paragraph (4)—

(A) by striking “or (C)” and inserting “(C)”; and

(B) by inserting “; or (D) to receive applications from older individuals for housing under section 202 of the Housing Act of 1959 (12 U.S.C. 1701Q)” before the semicolon at the end;

(4) by amending paragraph (6) to read as follows:

“(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;”;
- (5) in paragraph (7) by striking “physical activity and exercise” and inserting “physical activity, exercise, music therapy, art therapy, and dance-movement therapy”;
- (6) in paragraph (9) by striking “preretirement” and all that follows and inserting “, 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;”;
- (7) in paragraph (11) by inserting before the semicolon the following: “, and of older individuals who provide uncompensated care to their adult children with disabilities”;
- (8) in paragraph (12) by inserting “and second career” after “including job”;
- (9) in paragraph (17) by inserting “, including information concerning prevention, diagnosis, treatment, and rehabilitation of age-related diseases and chronic disabling conditions” before the semicolon at the end;
- (10) in paragraph (18) by striking “or” at the end;
- (11) by redesignating paragraph (19) as paragraph (22);
- and
- (12) by inserting after paragraph (18) the following:
 - “(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”.

SEC. 313. CONGREGATE NUTRITION SERVICES.

Section 331(1) of the Older Americans Act of 1965 (42 U.S.C. 3030e(1)) is amended—

- (1) by inserting “(except in a rural area where such frequency is not feasible (as defined by the Commissioner by regulation) and a lesser frequency is approved by the State agency)” after “week”; and
- (2) by striking “, each of which” and all that follows through “Research Council”.

SEC. 314. HOME DELIVERED NUTRITION SERVICES.

Section 336 of the Older Americans Act of 1965 (42 U.S.C. 3030f) is amended—

- (1) by inserting “(except in a rural area where such frequency is not feasible (as defined by the Commissioner by

regulation) and a lesser frequency is approved by the State agency)" after "week"; and

(2) by striking "each of which" and all that follows through "Research Council".

SEC. 315. CRITERIA.

Section 337 of the Older Americans Act of 1965 (42 U.S.C. 3030g) is amended by inserting "the Dietary Managers Association," after "Dietetic Association,".

SEC. 316. SCHOOL-BASED MEALS FOR VOLUNTEER OLDER INDIVIDUALS AND MULTIGENERATIONAL PROGRAMS.

(a) ESTABLISHMENT OF PROGRAM.—Part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030e et seq.) is amended by adding at the end the following:

"Subpart 3—School-Based Meals for Volunteer Older Individuals
and Multigenerational Programs

"SEC. 338. ESTABLISHMENT.

42 USC
3030g-11.

"(a) IN GENERAL.—The Commissioner shall establish and carry out, under State plans approved under section 307, a program 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.

42 USC
3030g-12.

"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 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891));

"(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 Commissioner 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 projects under section 1015 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2025)).

42 USC
3030g-13.

"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 Commissioner 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 COMMISSIONER.**—Not later than 120 days after the end of a fiscal year for which funds are appropriated to carry out this subpart, the Commissioner 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.”.

(b) **LIMITATION ON ADMINISTRATIVE COSTS.**—Section 303(c) of the Older Americans Act of 1965 (42 U.S.C. 3023(c)) is amended—

(1) by striking “parts B and C” and inserting “part B, and subparts 1 and 2 of part C,”; and

(2) in paragraph (2) by inserting “under subparts 1 and 2 of part C” after “nutrition services”.

SEC. 317. DIETARY GUIDELINES; PAYMENT REQUIREMENT.

Part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030e et seq.), as amended by section 316, is amended by adding at the end the following:

“Subpart 4—General Provisions

“SEC. 339. COMPLIANCE WITH DIETARY GUIDELINES.

42 USC
3030g-21.

“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 33⅓ 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 66⅔ 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.

42 USC
3030g-22.

“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.”.

SEC. 318. IN-HOME SERVICES.

Section 342 of the Older Americans Act of 1965 (42 U.S.C. 3030i), as amended by section 102(b)(7) of this Act, is amended—

(1) in paragraph (4) by striking “and” at the end;

(2) in paragraph (5) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(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.”.

SEC. 319. PREVENTIVE HEALTH SERVICES.

(a) **PROGRAM AUTHORIZED.**—Section 361 of the Older Americans Act of 1965 (42 U.S.C. 3030m) is amended—

(1) by amending subsection (a) to read as follows:

Grants.
Health and
health care.

"(a) The Commissioner 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 Commissioner shall consult with the Directors of the Centers for Disease Control and the National Institute on Aging";

(2) by striking subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

(b) DEFINITION.—Section 363 of the Older Americans Act of 1965 (42 U.S.C. 3030o) is amended to read as follows:

"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 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891); 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.).”.

(c) CONFORMING AMENDMENT.—Part F of title III of the Older Americans Act of 1965 (42 U.S.C. 3030m et seq.) is amended in the part heading by striking “PREVENTIVE HEALTH SERVICES” and inserting “DISEASE PREVENTION AND HEALTH PROMOTION SERVICES”.

SEC. 320. SUPPORTIVE ACTIVITIES FOR CARETAKERS WHO PROVIDE IN-HOME SERVICES TO FRAIL OLDER INDIVIDUALS.

Part G of title III of the Older Americans Act of 1965 (42 U.S.C. 3021–3030p) is amended to read as follows:

“PART G—SUPPORTIVE ACTIVITIES FOR CARETAKERS WHO PROVIDE IN-HOME SERVICES TO FRAIL OLDER INDIVIDUALS

“SEC. 381. PROGRAM AUTHORIZED.

42 USC 3030p.

“The Commissioner 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—

Grants.
Health and
health care.

“(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.

42 USC 3030q.

“For purposes of this part, the term ‘in-home services’ has the meaning given such term in section 342.

“SEC. 383. MAINTENANCE OF EFFORT.

42 USC 3030r.

“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

SEC. 401. STATEMENT OF PURPOSE.

Section 401 of the Older Americans Act of 1965 (42 U.S.C. 3030aa) is amended in the matter preceding paragraph (1) by

inserting "and publicly disseminate the results of the tests, to replicate such programs and services under this Act," after "individuals,".

SEC. 402. PRIORITIES FOR GRANTS AND DISCRETIONARY PROJECTS.

Section 402 of the Older Americans Act of 1965 (42 U.S.C. 3030bb) is amended by adding at the end the following:

Contracts.

"(d) The Commissioner 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 Commissioner 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."

SEC. 403. PURPOSES OF EDUCATION AND TRAINING PROJECTS.

Section 410(3) of the Older Americans Act of 1965 (42 U.S.C. 3030jj(3)) is amended by inserting ", with particular emphasis on attracting minority individuals," after "qualified personnel".

SEC. 404. GRANTS AND CONTRACTS.

(a) IN GENERAL.—Section 411(a) of the Older Americans Act of 1965 (42 U.S.C. 3031(a)) is amended—

(1) in paragraph (1) by inserting "gerontology," after "(including mental health) care,";

(2) in paragraph (2)—

(A) by inserting "and counseling" after "nutrition"; and

(B) by inserting ", with special emphasis on using culturally sensitive practices" before the period; and

(3) by adding at the end the following:

"(5) To provide annually a national meeting to train directors of programs under title VI."

(b) TRAINING OF SERVICE PROVIDERS.—Section 411 of the Older Americans Act of 1965 (42 U.S.C. 3031) is amended by adding at the end the following:

"(e) From amounts appropriated under 431(b), the Commissioner 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.”.

SEC. 405. MULTIDISCIPLINARY CENTERS OF GERONTOLOGY.

Section 412(a) of the Older Americans Act of 1965 (42 U.S.C. 3032(a)) is amended—

(1) in the first sentence by inserting “counseling services,” after “maintenance,”; and

(2) in paragraph (4) by inserting “social work, and psychology,” after “education,”.

SEC. 406. DEMONSTRATION PROJECTS.

Section 422 of the Older Americans Act of 1965 (42 U.S.C. 3035a) is amended—

(1) in subsection (a)(2) by striking “preventive health service programs” and inserting “disease prevention and health promotion programs (including coordinated multidisciplinary research projects on the aging process)”;

(2) in subsection (b)—

(A) in paragraph (8) by striking “and” at the end;

(B) in paragraph (9) by striking “include” and all that follows and inserting the following: “include projects furnishing 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;”;

(C) by adding at the end the following:

“(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 ACTION Agency and will permit older individuals who are volunteers to earn, for services furnished, credits that may be redeemed later for similar volunteer services.”; and

(3) in subsection (d)(2)—

(A) by inserting “(A)” after the paragraph designation; and

(B) by adding at the end the following:

Reports.

“(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 Commissioner 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. 407. SPECIAL PROJECTS IN COMPREHENSIVE LONG-TERM CARE.

(a) IN GENERAL.—Section 423 of the Older Americans Act of 1965 (42 U.S.C. 3035b) is amended to read as follows:

“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 Commissioner 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 specialty 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 specialty' 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 Commissioner.

"(c) PROJECTS.—The Commissioner 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.

Grants.
Contracts.

"(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 Commissioner 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 Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(2) PROJECT APPLICATION.—An entity seeking a grant or contract under subsection (c) shall submit an application to the Commissioner 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 Commissioner 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 Commissioner 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 Commissioner 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.”.

(b) OBLIGATION.—Not later than 60 days after the date of enactment of this Act, the Commissioner shall obligate, from the funds appropriated under section 431(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3037(a)(1)) for fiscal year 1992—

(1) not less than the amount described in section 423(i) of such Act (42 U.S.C. 3035b(i)) for carrying out section 423(b)(1) of such Act; and

(2) such sums as may be necessary for carrying out section 423(c) of such Act.

SEC. 408. OMBUDSMAN AND ADVOCACY DEMONSTRATION PROJECTS.

Section 427(a) of the Older Americans Act of 1965 (42 U.S.C. 3035f(a)) is amended by inserting “, legal assistance agencies,” after “ombudsman program”.

SEC. 409. DEMONSTRATION PROJECTS FOR MULTIGENERATIONAL ACTIVITIES.

42 USC 3035h.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) is amended by adding at the end the following:

“SEC. 429. DEMONSTRATION PROJECTS FOR MULTIGENERATIONAL ACTIVITIES.

“(a) GRANTS AND CONTRACTS.—The Commissioner 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 Commissioner 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 Commissioner at such time, in such manner, and accompanied by such information as the Commissioner 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 Commissioner 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 Commissioner receives the reports described in subsection (f)(2), the Commissioner 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 interven-

tion program, a juvenile delinquency treatment program, or a family support program.”.

SEC. 410. SUPPORTIVE SERVICES IN FEDERALLY ASSISTED HOUSING DEMONSTRATION PROGRAM.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) (as amended by section 409) is amended by adding at the end the following:

“SEC. 429A. SUPPORTIVE SERVICES IN FEDERALLY ASSISTED HOUSING DEMONSTRATION PROGRAM.

42 USC 3035i.

“(a) **GRANTS.**—The Commissioner 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 Commissioner 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 Commissioner at such time, in such manner, and containing such information as the Commissioner 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 Commissioner 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 Commissioner.

"(2) **COMMISSIONER.**—The Commissioner shall, not later than 6 months after the end of the period for which the Commissioner 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. 411. NEIGHBORHOOD SENIOR CARE PROGRAM.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) (as amended by the preceding sections) is amended by adding at the end the following:

42 USC 3035j.

"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 Commissioner 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 Commissioner shall give preference to applicants experienced in operating community programs and programs meeting the independent living needs of older individuals.

"(3) **ADVISORY BOARD.**—The Commissioner 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.

Establishment.

"(4) **APPLICATION.**—To be eligible to receive a grant under this section, an entity shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner 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 Commissioner 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—

Contracts.

"(1) assist the Commissioner 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 Commissioner;

"(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 Commissioner."

SEC. 412. INFORMATION AND ASSISTANCE SYSTEMS DEVELOPMENT PROJECTS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034-3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429C. INFORMATION AND ASSISTANCE SYSTEMS DEVELOPMENT PROJECTS.

42 USC 3035k.

"(a) **GRANTS.**—The Commissioner 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 Commissioner at such time, in such manner, and containing such information as the Commissioner may specify.

“(c) GUIDELINES.—The Commissioner 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 Commissioner 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 Commissioner 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. 413. SENIOR TRANSPORTATION DEMONSTRATION PROGRAM GRANTS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) (as amended by the preceding sections) is amended by adding at the end the following:

“SEC. 429D. SENIOR TRANSPORTATION DEMONSTRATION PROGRAM GRANTS.

“(a) ESTABLISHMENT.—The Commissioner shall establish and carry out senior transportation demonstration programs. In carrying out the programs, the Commissioner 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 Commissioner 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 Commissioner 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 Commissioner at such time, in such manner, and containing such information as the Commissioner 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 Commissioner; and

“(5) such other information as may be required by the Commissioner.

“(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 Commissioner 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 Commissioner 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. 414. RESOURCE CENTERS ON NATIVE AMERICAN ELDERS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429E. RESOURCE CENTERS ON NATIVE AMERICAN ELDERS.

"(a) ESTABLISHMENT.—The Commissioner 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 Commissioner 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 Commissioner 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 Commissioner 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 Commissioner shall consult with the Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging and with national organizations with special expertise in serving Native Americans who are older individuals.

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42 USC 3035m.

"(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 Commissioner, 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. 415. DEMONSTRATION PROGRAMS FOR OLDER INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429F. DEMONSTRATION PROGRAMS FOR OLDER INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

Grants.
42 USC 3035n.

"(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 Commissioner 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 Commissioner at such time, in such manner, and containing such information as the Commissioner may require."

SEC. 416. HOUSING DEMONSTRATION PROGRAMS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429G. HOUSING DEMONSTRATION PROGRAMS.**"(a) HOUSING OMBUDSMAN DEMONSTRATION PROGRAMS.—**

"(1) GRANTS.—The Commissioner 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; and

“(3) AWARD OF GRANTS.—The Commissioner 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 Commissioner at such time, in such manner, and containing such information as the Commissioner 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 Commissioner 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 Commissioner.

“(2) **COMMISSIONER.**—The Commissioner shall, not later than 6 months after the end of the period for which the Commissioner 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. 417. PRIVATE RESOURCE ENHANCEMENT PROJECTS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) (as amended by the preceding sections) is amended by adding at the end the following:

42 USC 3035p.

“SEC. 429H. PRIVATE RESOURCE ENHANCEMENT PROJECTS.

“(a) **GRANTS.**—

“(1) **IN GENERAL.**—The Commissioner 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 Commissioner 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 Commissioner shall give preference to applicants that pro-

vide 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 Commissioner 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. 418. CAREER PREPARATION FOR THE FIELD OF AGING.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) (as amended by the preceding sections) is amended by adding at the end the following:

“SEC. 429I. CAREER PREPARATION FOR THE FIELD OF AGING.

42 USC 3035q.

“(a) GRANTS.—The Commissioner 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. 419. PENSION INFORMATION AND COUNSELING DEMONSTRATION PROJECTS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) (as amended by the preceding sections) is amended by adding at the end the following:

“SEC. 429J. PENSION RIGHTS DEMONSTRATION PROJECTS.

42 USC 3035r.

“(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 (29 U.S.C. 1001 et seq.).

"(b) ESTABLISHMENT.—The Commissioner 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 Commissioner 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 Commissioner 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 Commissioner 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 Commissioner, 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 Commissioner at such time, in such manner, and

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containing such information as the Commissioner 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 Commissioner 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.

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"(3) APPLICATION.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(e) DURATION.—The Commissioner may award grants under subsection (c) or (d) for periods not to exceed 18 months.

"(f) REPORT TO CONGRESS.—

"(1) PREPARATION.—The Commissioner 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 Commissioner 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."

SEC. 420. AUTHORIZATION OF APPROPRIATIONS.

Section 431 of the Older Americans Act of 1965 (42 U.S.C. 3037) is amended by striking subsections (a) and (b) and inserting the following:

"(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."

SEC. 421. PAYMENTS OF GRANTS FOR DEMONSTRATION PROJECTS.

Section 432(c) of the Older Americans Act of 1965 (42 U.S.C. 3037a(c)) is amended by striking "unless the Commissioner" and all that follows and inserting "unless the Commissioner—

"(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."

SEC. 422. RESPONSIBILITIES OF COMMISSIONER.

Section 433 of the Older Americans Act of 1965 (42 U.S.C. 3037b) is amended—

(1) by amending subsection (b) to read as follows:

“(b)(1) Not later than January 1 following each fiscal year, the Commissioner 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.”; and

(2) by adding at the end the following:

“(c)(1) The Commissioner shall establish by regulation and implement a process to evaluate the results of projects and programs carried out under this title.

“(2) The Commissioner 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

SEC. 501. OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM.

Section 502 of the Older American Community Service Employment Act (42 U.S.C. 3056) is amended—

(1) in subsection (a) by inserting “and who have poor employment prospects” after “or older”;

(2) in subsection (b)(1)—

(A) in subparagraph (M) by inserting “, and eligible individuals who have greatest economic need, at least” after “individuals”;

(B) by redesignating subparagraphs (N) and (O) as subparagraphs (O) and (P), respectively; and

(C) by inserting after subparagraph (M) the following:

“(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;”;

(3) in subsection (c)(1)(B) by striking “Director of the Office of Community Services of the Department” and inserting “Secretary”;

(4) in subsection (d)(1) by striking “within a State such organization or program sponsor shall submit to the State agency on aging” and inserting “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”; and

(5) in subsection (e)(2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “Not” and all that follows through “1981, the” and inserting “The”; and

(ii) by inserting “, and amend from time to time,” after “issue”;

(B) in subparagraph (A) by striking “and” at the end;

(C) in subparagraph (B) by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(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).”.

SEC. 502. COORDINATION.

(a) INCREASING JOB OPPORTUNITIES.—Section 503(a) of the Older American Community Service Employment Act (42 U.S.C. 3056a(a)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(2) by inserting “(1)” after the subsection designation; and

(3) by adding at the end the following:

“(2) The Secretary of Labor and the Commissioner 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) COORDINATION OF ADMINISTRATION.—The first sentence of section 503(b)(1) of the Older American Community Service Employment Act (42 U.S.C. 3056a(b)(1)) is amended—

(1) by striking "If" and all that follows through "authorized to", and inserting "The Secretary shall";

(2) by inserting after the first sentence the following: "The Secretary shall coordinate the administration of this title with the administration of titles III, IV, and VI by the Commissioner, 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."; and

(3) by adding at the end the following: "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.".

SEC. 503. INTERAGENCY COOPERATION.

Section 505 of the Older American Community Service Employment Act (42 U.S.C. 3056b) is amended—

42 USC 3056c.

(1) in subsection (a) by striking "of the Administration on Aging"; and

(2) by adding at the end the following:

"(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.)."

SEC. 504. EQUITABLE DISTRIBUTION OF ASSISTANCE.

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(a) ALLOCATION.—Paragraphs (1) and (2) of section 506(a) of the Older American Community Service Employment Act (42 U.S.C. 3056d(a)) are amended to read as follows:

"(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 nonprofit 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)."

(b) APPORTIONMENT WITHIN STATES.—Section 506(c) of the Older American Community Service Employment Act (42 U.S.C. 3056d(c)) is amended—

(1) by striking "and (2)" and inserting "(2)"; and

(2) by inserting before the period at the end the following: ", and (3) the relative distribution of (A) such individuals who are individuals with greatest economic need, (B) such individ-

uals who are minority individuals, and (C) such individuals who are individuals with greatest social need".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 502(c)(1), paragraphs (3) and (4) of section 506(a), and section 507(1) of the Older American Community Service Employment Act (42 U.S.C. 3056(c)(1), 3056d(a) (3) and (4), and 3056e(1)) are amended by striking "per centum" each place the term appears and inserting "percent".

(2) Section 502(e)(1) of the Older American Community Service Employment Act (42 U.S.C. 3056(e)(1)) is amended by striking "506(a)(1)(B)" and inserting "506(a)(2)(A)".

(3) Section 506(a)(4)(B) of the Older American Community Service Employment Act (42 U.S.C. 3056d(a)(4)(B)) is amended by striking "him" and inserting "the Secretary".

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

Section 508(a) of the Older American Community Service Employment Act (42 U.S.C. 3056f(a)) is amended—

(1) by striking paragraph (1) and inserting the following:
 "(1) \$470,671,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993, 1994, and 1995; and";

(2) in paragraph (2) by striking "62,500" and inserting "70,000"; and

(3) by striking "clause" and inserting "paragraph".

SEC. 506. DUAL ELIGIBILITY.

The Older American Community Service Employment Act (42 U.S.C. 3056–3056g) is amended by adding at the end the following:

"SEC. 510. DUAL ELIGIBILITY.

42 USC 3056h.

"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 section 203 of such Act (29 U.S.C. 1603) that are applicable to adults."

SEC. 507. TREATMENT OF ASSISTANCE PROVIDED UNDER THE OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT ACT.

The Older American Community Service Employment Act (42 U.S.C. 3056–3056g), as amended by section 506, is amended by adding at the end the following:

"SEC. 511. TREATMENT OF ASSISTANCE.

42 USC 3056i.

"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

SEC. 601. APPLICATIONS BY TRIBAL ORGANIZATIONS.

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

(1) in paragraph (10) by striking "and" at the end;
 (2) in paragraph (11) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

“(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.”.

SEC. 602. DISTRIBUTION OF FUNDS AMONG TRIBAL ORGANIZATIONS.

Title VI of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) is amended by inserting after section 614 the following:

42 USC 3057e-1.

“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 Commissioner 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 Commissioner 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.”.

SEC. 603. APPLICATIONS BY ORGANIZATIONS SERVING NATIVE HAWAIIANS.

Section 624(a)(3) of the Older Americans Act of 1965 (42 U.S.C. 3057j(a)(3)) is amended by inserting “and with the activities carried out under title III in the same geographical area” before the semicolon at the end.

SEC. 604. DISTRIBUTION OF FUNDS AMONG ORGANIZATIONS.

Title VI of the Older Americans Act of 1965 (42 U.S.C. 3057 et seq.) is amended by inserting after section 624 the following:

42 USC 3057j-1.

“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.”.

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

Section 633 of the Older Americans Act of 1965 (42 U.S.C. 3057n) is amended to read as follows:

“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—VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES

SEC. 701. ALLOTMENTS FOR VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES.

The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by adding at the end the following:

“TITLE VII—ALLOTMENTS FOR VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES

“Subtitle A—State Provisions

“CHAPTER 1—GENERAL STATE PROVISIONS

“SEC. 701. ESTABLISHMENT.

42 USC 3058.

“The Commissioner, 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.

42 USC 3058a.

“(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.

42 USC 3058b.

“(a) IN GENERAL.—

“(1) POPULATION.—In carrying out the program described in section 701, the Commissioner 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 Commissioner 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 Commissioner 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 Commissioner shall make the amount available to a State that the Commissioner 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 Commissioner finds that any State has failed to carry out this title in accordance with the assurances

made and description provided under section 705, the Commissioner shall withhold the allotment of funds to the State. The Commissioner 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.

42 USC 3058c.

"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.

42 USC 3058d.

"(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 Commissioner a report on the evaluations required to be submitted under subparagraph (B); and

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Reports.

"(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.

42 USC 3058e.

"(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."

SEC. 702. OMBUDSMAN PROGRAMS.

Title VII of the Older Americans Act of 1965 (as added by section 701 of this Act) is amended by adding at the end the following:

"CHAPTER 2—OMBUDSMAN PROGRAMS

"SEC. 711. DEFINITIONS.

42 USC 3058f.

"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.

42 USC 3058g.

“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 Commissioner 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 Commissioner; 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

Reports.

"(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 Commissioner, 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 Associate Commissioner for 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—

Public
information.

“(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 Commissioner) 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.

42 USC 3058h.

“SEC. 713. REGULATIONS.

“The Commissioner 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).”.

SEC. 703. PROGRAMS FOR PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.

42 USC 3058i
note.

(a) **PURPOSE.**—The purpose of this section is to assist States in the design, development, and coordination of comprehensive services of the State and local levels to prevent, treat, and remedy elder abuse, neglect, and exploitation.

(b) **PROGRAMS.**—Title VII of the Older Americans Act of 1965 (as added by section 701, and amended by section 702) is amended by adding at the end the following:

“CHAPTER 3—PROGRAMS FOR PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION

42 USC 3058i.

“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.”.

SEC. 704. STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT PROGRAM.

Title VII of the Older Americans Act of 1965 (as added by section 701 and amended by the preceding sections) is amended by adding at the end the following:

“CHAPTER 4—STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT PROGRAM

“SEC. 731. STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT. 42 USC 3058j.

“(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 bene-

fits, 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—

Inter-
governmental
relations.

“(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.”

SEC. 705. OUTREACH, COUNSELING, AND ASSISTANCE PROGRAMS.

(a) PURPOSE.—The purpose of this section is to provide outreach, counseling, and assistance in order to assist older individuals in obtaining benefits under—

42 USC 3058k
note.

(1) public and private health insurance, long-term care insurance, life insurance, and pension plans; and

(2) public programs under which the individuals are entitled to benefits, including benefits under—

(A) the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.);

(B) the medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(C) the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(D) the program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); and

(E) the program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

(b) PROGRAM.—Title VII of the Older Americans Act of 1965 (as added by section 701, and amended by the preceding sections) is amended by adding at the end the following:

“CHAPTER 5—OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM

“SEC. 741. STATE OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM FOR INSURANCE AND PUBLIC BENEFITS.

42 USC 3058k.

“(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 Commissioner.

“(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).”.

SEC. 706. NATIVE AMERICAN ORGANIZATION PROVISIONS.

Title VII of the Older Americans Act of 1965 (as added by section 701, and amended by the preceding sections) is amended by adding at the end the following:

“Subtitle B—Native American Organization Provisions

42 USC 3058aa.

“SEC. 751. NATIVE AMERICAN PROGRAM.

“(a) **ESTABLISHMENT.**—The Commissioner, acting through the Associate Commissioner on 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 Commissioner, at such time, in such manner, and containing such information as the Commissioner 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.”.

SEC. 707. GENERAL PROVISIONS.

Title VII of the Older Americans Act of 1965 (as added by section 701, and amended by the preceding sections) is amended by adding at the end the following:

“Subtitle C—General Provisions

“SEC. 761. DEFINITIONS.

42 USC 3058bb.

“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.

42 USC 3058cc.

“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.

42 USC 3058dd.

“(a) OTHER AGENCIES.—In carrying out the provisions of this title, the Commissioner may request the technical assistance and cooperation of such Federal entities as may be appropriate.

“(b) COMMISSIONER.—The Commissioner 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.

42 USC 3058ee.

“(a) ACCESS.—The Commissioner, the Comptroller General of the United States, and any duly authorized representative of the Commissioner 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.”.

SEC. 708. TECHNICAL AND CONFORMING AMENDMENTS.

(a) OMBUDSMAN PROGRAM.—

(1) SOCIAL SECURITY ACT.—

(A) Section 1819 of the Social Security Act (42 U.S.C. 1395i-3) is amended in subsections (c)(2)(B)(iii)(II) and (g)(5)(B) by striking “established under section 307(a)(12) of the Older Americans Act of 1965” and inserting “established under title III or VII of the Older Americans Act of 1965 in accordance with section 712 of the Act”.

(B) Section 1919 of the Social Security Act (42 U.S.C. 1396r) is amended in subsections (c)(2)(B)(iii)(II) and (g)(5)(B) by striking “established under section 307(a)(12) of the Older Americans Act of 1965” and inserting “established under title III or VII of the Older Americans Act of 1965 in accordance with section 712 of the Act”.

(2) OLDER AMERICANS ACT OF 1965.—

(A) Section 207(b) of the Older Americans Act of 1965 (42 U.S.C. 3018(b)) is amended—

(i) in paragraph (1)(A), by striking “section 307(a)(12)(C)” and inserting “titles III and VII in accordance with section 712(c)”; and

(ii) in paragraph (3)—

(I) by striking “by section 307(a)(12)(H)(i)” and inserting “under titles III and VII in accordance with section 712(h)(1)”; and

(II) by striking subparagraph (E) and inserting the following:

“(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).”.

(B) Section 301(c) of the Older Americans Act of 1965 (42 U.S.C. 3021(c)) is amended by striking “section 307(a)(12), and to individuals designated under such section” and inserting “section 307(a)(12) in accordance with section 712, and to individuals within such programs designated under section 712”.

(C) Section 351(4) of the Older Americans Act of 1965 (42 U.S.C. 3030l(4)) is amended by striking “section 307(a)(12)” and inserting “titles III and VII in accordance with section 712”.

(b) PROGRAMS FOR PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION.—Section 321(15) of the Older Americans Act of 1965 (42 U.S.C. 3030d(15)) is amended by striking “clause (16) of section 307(a)” and inserting “chapter 3 of subtitle A of title VII and section 307(a)(16)”.

(c) OUTREACH PROGRAMS.—

(1) Section 202(a)(20) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(20)) is amended by striking “under section 307(a)(31)”.

(2) Section 207(c) of the Older Americans Act of 1965 (42 U.S.C. 3018(c)) is amended—

(A) in the first sentence, by striking “on the evaluations required to be submitted under section 307(a)(31)(D)” and inserting “on the outreach activities supported under this Act”; and

(B) in paragraph (1), by striking “outreach activities supported under section 306(a)(6)(P)” and inserting “the activities”.

(3) Section 303(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)(1)) is amended by striking “for purposes other than outreach activities and application assistance under section 307(a)(31)”.

(4) Section 307(a)(20)(A) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(20)(A)) is amended by striking “sections 306(a)(2)(A) and 306(a)(6)(P)” and inserting “section 306(a)(2)(A)”.

TITLE VIII—AMENDMENTS TO OTHER LAWS; RELATED MATTERS

Subtitle A—Long-Term Health Care Workers

42 USC 3001
note.

SEC. 801. DEFINITIONS.

As used in this subtitle:

(1) **NURSING HOME NURSE AIDE.**—The term “nursing home nurse aide” means an individual employed at a nursing or convalescent home who assists in the care of patients at such home under the direction of nursing and medical staff.

(2) **HOME HEALTH CARE AIDE.**—The term “home health care aide” means an individual who—

(A) is employed by a government, charitable, nonprofit, or proprietary agency; and

(B) cares for elderly, convalescent, or handicapped individuals in the home of the individuals by performing routine home assistance (such as housecleaning, cooking, and laundry) and assisting in the health care of such individuals under the direction of a physician or nurse.

SEC. 802. INFORMATION REQUIREMENTS.

Reports.

(a) **NATIONAL CENTER FOR HEALTH STATISTICS.**—The Director of the National Center for Health Statistics of the Centers for Disease Control shall collect, and prepare a report containing—

(1) demographic information on home health care aides and nursing home nurse aides, including information on the—

(A) age, race, marital status, education, number of children and other dependents, gender, and primary language, of the aides; and

(B) location of facilities at which the aides are employed in—

(i) rural communities; or

(ii) urban or suburban communities; and

(2) information on the role of the aides in providing institution-based and home-based long-term care.

(b) **DEPARTMENT OF LABOR.**—The Secretary of Labor shall—

(1) collect, and prepare a report containing, information on home health care aides, including—

(A) information on conditions of employment, including—

(i) the length of employment of the aides with the current employer of the aides;

(ii) the number of aides who are—

(I) employed by a for-profit employer;

- (II) employed by a nonprofit private employer;
- (III) employed by a charitable employer;
- (IV) employed by a government employer; or
- (V) independent contractors;

(iii) the number of full-time, part-time, and temporary positions for the aides;

(iv) the ratio of the aides to professional staff;

(v) the types of tasks performed by the aides, the level of skill needed to perform the tasks, and whether the tasks are completed in a institution-based or home-based setting; and

(vi) the average number and range of hours worked each week by the aides; and

(B) information on availability of the employment benefits for home health care aides and a description of the benefits, including—

(i) information on health insurance coverage;

(ii) the type of pension plan coverage;

(iii) the amount of vacation leave;

(iv) wage rates; and

(v) the extent of work-related training provided;

and

(2) collect, and prepare a report containing, information on nursing home nurse aides, including—

(A) the information described in subparagraphs (A) and (B) of paragraph (1); and

(B) information on—

(i) the type of facility of the employer of the aides, such as a skilled nursing facility, as defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i-3(a)), or an intermediate care facility within the meaning of section 1121(a) of the Social Security Act (42 U.S.C. 1320a(a));

(ii) the number of beds at the facility; and

(iii) the ratio of the aides to residents of the facility.

SEC. 803. REPORTS.

(a) REPORTS TO COMMISSIONER ON AGING.—

(1) TRANSMITTAL.—

(A) NATIONAL CENTER FOR HEALTH STATISTICS REPORT.—Not later than March 1, 1994, the Director of the National Center for Health Statistics of the Centers for Disease Control shall transmit to the Commissioner on Aging the report required by section 802(a).

(B) DEPARTMENT OF LABOR REPORTS.—

(i) HOME HEALTH CARE AIDES.—Not later than March 1, 1993, the Secretary of Labor shall transmit to the Commissioner on Aging a plan for the collection of the information described in section 802(b)(1). Not later than March 1, 1995, the Secretary of Labor shall transmit to the Commissioner on Aging the report required by section 802(b)(1).

(ii) NURSING HOME NURSE AIDES.—Not later than March 1, 1994, the Secretary of Labor shall transmit to the Commissioner on Aging the report required by section 802(b)(2).

(2) PREPARATION.—

(A) NATIONAL CENTER FOR HEALTH STATISTICS REPORT.—The report required by section 802(a) shall be prepared and organized in such a manner as the Director of the National Center for Health Statistics may determine to be appropriate.

(B) DEPARTMENT OF LABOR REPORTS.—The reports required by paragraphs (1) and (2) of section 802(b) shall be prepared and organized in such a manner as the Secretary of Labor may determine to be appropriate.

(3) PRESENTATION OF INFORMATION.—The reports required by section 802 shall not identify by name individuals supplying information for purposes of the reports. The reports shall present information collected in the aggregate.

(b) REPORT TO CONGRESS.—The Commissioner on Aging shall review the reports required by section 802 and shall submit to the appropriate committees of Congress a report containing—

(1) the reports required by section 802;

(2) the comments of the Commissioner on the reports; and

(3) additional information, regarding the roles of nursing home nurse aides and home health care aides in providing long-term care, obtained through the State Long-Term Care Ombudsman program established under sections 307(a)(12) and 712 of the Older Americans Act of 1965.

SEC. 804. OCCUPATIONAL CODE.

The Secretary of Labor shall include an occupational code covering nursing home nurse aides and an occupational code covering home health care aides in each wage survey of relevant industries conducted by the Department of Labor that begins after the date of enactment of this Act.

Subtitle B—National School Lunch Act

SEC. 811. MEALS PROVIDED THROUGH ADULT DAY CARE CENTERS.

(a) IN GENERAL.—Section 17(o)(2)(A)(i) of the National School Lunch Act (42 U.S.C. 1766(o)(2)(A)(i)) is amended by inserting “, or a group living arrangement,” after “homes”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if the amendment had been included in the Older Americans Act Amendments of 1987.

42 USC 1766
note.

Subtitle C—Native American Programs

SEC. 821. SHORT TITLE.

This subtitle may be cited as the “Native American Programs Act Amendments of 1992”.

Native
American
Programs Act
Amendments
of 1992.
42 USC 2991
note.

SEC. 822. AMENDMENTS.

The Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.) is amended—

(1) in section 803 (42 U.S.C. 2991b)—

(A) by striking “Secretary” each place the term appears and inserting “Commissioner”; and

(B) in the first sentence of subsection (a)—

(i) by striking "Indian organizations" and inserting "Indian and Alaska Native organizations"; and

(ii) by striking "nonreservation area" and inserting "area that is not an Indian reservation or Alaska Native village";

(2) in section 803A (42 U.S.C. 2991b-1)—

(A) in subsection (a)(1)—

(i) by striking "one agency" and all that follows through "of Native Hawaiians" and inserting "the Office of Hawaiian Affairs of the State of Hawaii (referred to in this section as the 'Office')";

(ii) by striking "5-year"; and

(iii) in subparagraph (A) by striking "such agency or Native Hawaiian organization" and inserting "the Office";

(B) by striking "agency or organization to which a grant is awarded under subsection (a)(1) of this section" each place the term appears and inserting "Office";

(C) by striking "agency or organization" each place the term appears and inserting "Office";

(D) by striking "Secretary" each place the term appears and inserting "Commissioner";

(E) in subsection (a)(2) by inserting before the period at the end the following: "and a requirement that the grantee contribute to the revolving loan fund an amount of non-Federal funds equal to the amount of such grant";

(F) by striking subsection (b)(6);

(G) in subsection (f)(1) by striking "fiscal years 1988, 1989, and 1990 the aggregate amount of \$3,000,000 for all such fiscal years" and inserting "each of the fiscal years 1992, 1993, and 1994, \$1,000,000";

(H) by striking subsection (f)(3); and

(I) by striking subsection (g) and inserting the following:

Reports.

"(g)(1) The Commissioner, in consultation with the Office, shall submit a report to the President pro tempore of the Senate and the Speaker of the House of Representatives not later than January 1 following each fiscal year, regarding the administration of this section in such fiscal year.

"(2) Such report shall include the views and recommendations of the Commissioner with respect to the revolving loan fund established under subsection (a)(1) and with respect to loans made from such fund, and shall—

"(A) describe the effectiveness of the operation of such fund in improving the economic and social self-sufficiency of Native Hawaiians;

"(B) specify the number of loans made in such fiscal year;

"(C) specify the number of loans outstanding as of the end of such fiscal year; and

"(D) specify the number of borrowers who fail in such fiscal year to repay loans in accordance with the agreements under which such loans are required to be repaid.";

(3) after section 803A (42 U.S.C. 2991b-1) by inserting the following:

"ESTABLISHMENT OF ADMINISTRATION FOR NATIVE AMERICANS

"SEC. 803B. (a) There is established in the Department of Health and Human Services (referred to in this title as the 'Department') the Administration for Native Americans (referred to in this title as the 'Administration'), which shall be headed by a Commissioner of the Administration for Native Americans (referred to in this title as the 'Commissioner'). The Administration shall be the agency responsible for carrying out the provisions of this title. 42 USC 2991b-2.

"(b) The Commissioner shall be appointed by the President, by and with the advice and consent of the Senate. President.

"(c) The Commissioner shall—

"(1) provide for financial assistance, loan funds, technical assistance, training, research and demonstration projects, and other activities, described in this title;

"(2) serve as the effective and visible advocate on behalf of Native Americans within the Department, and with other departments and agencies of the Federal Government regarding all Federal policies affecting Native Americans;

"(3) with the assistance of the Intra-Departmental Council on Native American Affairs established by subsection (d)(1), coordinate activities within the Department leading to the development of policies, programs, and budgets, and their administration affecting Native Americans, and provide quarterly reports and recommendations to the Secretary;

"(4) collect and disseminate information related to the social and economic conditions of Native Americans, and assist the Secretary in preparing an annual report to the Congress about such conditions;

"(5) give preference to individuals who are eligible for assistance under this title, in entering into contracts for technical assistance, training, and evaluation under this title; and

"(6) encourage agencies that carry out projects under this title, to give preference to such individuals in hiring and entering into contracts to carry out such projects.

"(d)(1) There is established in the Office of the Secretary the Intra-Departmental Council on Native American Affairs. The Commissioner shall be the chairperson of such Council and shall advise the Secretary on all matters affecting Native Americans that involve the Department. The Director of the Indian Health Service shall serve as vice chairperson of the Council. Establishment.

"(2) The membership of the Council shall be the heads of principal operating divisions within the Department, as determined by the Secretary, and such persons in the Office of the Secretary as the Secretary may designate.

"(3) In addition to the duties described in subsection (c)(3), the Council shall, within 180 days following the date of the enactment of the Native American Programs Act Amendments of 1992, prepare a plan, including legislative recommendations, to allow tribal governments and other organizations described in section 803(a) to consolidate grants administered by the Department and to designate a single office to oversee and audit the grants. Such plan shall be submitted to the committees of the Senate and the House of Representatives having jurisdiction over the Administration for Native Americans.

"(e) The Secretary shall assure that adequate staff and administrative support is provided to carry out the purpose of this title. In determining the staffing levels of the Administration, the Secretary shall consider among other factors the unmet needs of the Native American population, the need to provide adequate oversight and technical assistance to grantees, the need to carry out the activities of the Council, the additional reporting requirements established, and the staffing levels previously maintained in support of the Administration.";

(4) by striking section 804 (42 U.S.C. 2991c) and inserting the following:

"TECHNICAL ASSISTANCE AND TRAINING

"SEC. 804. The Commissioner shall provide, directly or through other arrangements—

"(1) technical assistance to the public and private agencies in planning, developing, conducting, and administering projects under this title;

"(2) short-term in-service training for specialized or other personnel that is needed in connection with projects receiving financial assistance under this title; and

"(3) upon denial of a grant application, technical assistance to a potential grantee in revising a grant proposal.";

(5) in section 805 (42 U.S.C. 2991d) by striking "Secretary" each place the term appears and inserting "Commissioner";

(6) in section 806 (42 U.S.C. 2991d-1) by striking "Secretary" each place the term appears and inserting "Commissioner";

(7) in section 807 (42 U.S.C. 2991e) by striking "Secretary" each place the term appears and inserting "Commissioner";

(8) in section 808 (42 U.S.C. 2991f) by striking "Secretary" each place the term appears and inserting "Commissioner";

(9) in section 809 (42 U.S.C. 2991g) by striking "Secretary" each place the term appears and inserting "Commissioner";

(10) in section 810 (42 U.S.C. 2991h)—

(A) by striking "Secretary" and inserting "Commissioner";

(B) by designating the text as subsection (a); and

(C) by adding at the end the following:

"(b) If an application is rejected on the grounds that the applicant is ineligible or that activities proposed by the applicant are ineligible for funding, the applicant may appeal to the Secretary, not later than 30 days after the date of receipt of notification of such rejection, for a review of the grounds for such rejection. On appeal, if the Secretary finds that an applicant is eligible or that its proposed activities are eligible, such eligibility shall not be effective until the next cycle of grant proposals are considered by the Administration.";

(11) in section 811 (42 U.S.C. 2992)—

(A) by striking "Secretary" each place the term appears and inserting "Commissioner";

(B) in subsection (a)—

(i) by inserting "(1)" after "(a)", and

(ii) by adding at the end the following:

"(2) The projects assisted under this title shall be evaluated in accordance with this section not less frequently than at 3-year intervals.";

(12) after section 811 (42 U.S.C. 2992) by inserting the following:

“ANNUAL REPORT

“SEC. 811A. The Secretary shall, not later than January 31 of each year, prepare and transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives an annual report on the social and economic conditions of American Indians, Native Hawaiians, other Native American Pacific Islanders (including American Samoan Natives), and Alaska Natives, together with such recommendations to Congress as the Secretary considers to be appropriate.”;

42 USC 2992-1.

(13) after section 812 (42 U.S.C. 2992a) by inserting the following:

“STAFF

“SEC. 812A. In all personnel actions of the Administration, preference shall be given to individuals who are eligible for assistance under this title. Such preference shall be implemented in the same fashion as the preference given to veterans referred to in section 2108(3)(C) of title 5, United States Code. The Commissioner shall take such additional actions as may be necessary to promote recruitment of such individuals for employment in the Administration.”;

42 USC 2992a-1.

(14) by striking section 813 (42 U.S.C. 2992b) and inserting the following:

“ADMINISTRATION

“SEC. 813. Nothing in this title shall be construed to prohibit interagency funding agreements made between the Administration and other agencies of the Federal Government for the development and implementation of specific grants or projects.”;

(15) in section 816(a) (42 U.S.C. 2992d(a))—

(A) by striking “1988” and all that follows and inserting “1992, 1993, 1994, and 1995.”; and

(B) by striking “and 803A” and inserting a comma and “803A, subsection (e) of this section, and any other provision of this title for which there is an express authorization of appropriations”;

(16) in section 816(b) (42 U.S.C. 2992d(b)) by striking “and 803A” and inserting a comma and “803A, 804, subsection (e) of this section, and any other provision of this title for which there is an express authorization of appropriations”;

(17) in section 816(c)(1) (42 U.S.C. 2992d(c)(1))—

(A) by striking “(1) Except as provided in paragraph (2), there are” and inserting “There are”; and

(B) by striking “1988, 1989, 1990, and 1991” and inserting “1992, 1993, 1994, and 1995”;

(18) by striking section 816(c)(2) (42 U.S.C. 2992d(c)(2));

(19) in section 816(d) by striking “1991.”;

(20) in section 816 (42 U.S.C. 2992d) by adding at the end the following:

“(e)(1) For fiscal years 1992 and 1993, there are authorized to be appropriated such sums as may be necessary for the purpose of—

“(A) establishing demonstration projects to conduct research related to Native American studies and Indian policy development; and

“(B) continuing the development of a detailed plan, based in part on the results of the projects, for the establishment of a National Center for Native American Studies and Indian Policy Development.

“(2) Such a plan shall be delivered to the Congress not later than 30 days after the date of enactment of this subsection.”; and

(21) in sections 802, 803(a), 806(a)(2), 808, and 815(2) (42 U.S.C. 2991a, 2991b(a), 2991d-1(a)(2), 2991f, and 2992c(2)) by striking “Alaskan Native” each place the term appears and inserting “Alaska Native”.

Subtitle D—White House Conference on Aging

SEC. 831. WHITE HOUSE CONFERENCE ON AGING.

(a) NAME OF CONFERENCE.—The heading of title II of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended to read as follows:

“TITLE II—WHITE HOUSE CONFERENCE ON AGING”

(b) FINDINGS.—Section 201(a) of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in paragraph (1)—

(A) by striking “51,400,000 in 1986” and inserting “52,923,000 in 1990”; and

(B) by striking “101,700,000” and inserting “103,646,000”;

(2) in paragraph (2) by striking “every 6” and inserting “every 8”; and

(3) by amending paragraph (3) to read as follows:

“(3) the out-of-pocket costs to older individuals for health care increased from 12.3 percent in 1977 to 18.2 percent in 1988.”.

SEC. 832. CONFERENCE REQUIRED.

Section 202 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in subsection (a) by striking “The President may call a White House Conference on Aging in 1991” and inserting “Not later than December 31, 1994 the President shall convene the White House Conference on Aging”;

(2) in subsection (c) by striking paragraphs (1) through (6) and inserting the following:

“(1) to increase the public awareness of the interdependence of generations and the essential contributions of older individuals to society for the well-being of all generations;

“(2) to identify the problems facing older individuals and the commonalities of the problems with problems of younger generations;

President.

"(3) to examine the well-being of older individuals, including the impact the wellness of older individuals has on our aging society;

"(4) to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate for maintaining and improving the well-being of the aging;

"(5) to develop recommendations for the coordination of Federal policy with State and local needs and the implementation of such recommendations; and

"(6) to review the status and multigenerational value of recommendations adopted at previous White House Conferences on Aging."; and

(3) in subsection (d)(2) by adding at the end the following: "Delegates shall include individuals who are professionals, individuals who are nonprofessionals, minority individuals, and individuals from low-income families."

SEC. 833. CONFERENCE ADMINISTRATION.

Section 203 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting "(including organizations representing older Indians)" after "appropriate organizations";

(B) in paragraph (3)—

(i) by striking "prepare and"; and

(ii) by inserting ", prepared by the Policy Committee," after "agenda";

(C) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(D) by inserting before paragraph (2), as so redesignated, the following:

"(1) provide written notice to all members of the Policy Committee of each meeting, hearing, or working session of the Policy Committee not later than 48 hours before the occurrence of such meeting, hearing, or working session,";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "assure" and inserting "and as part of the White House Conference on Aging, ensure";

(B) in paragraph (1), by striking "will" and inserting "shall";

(C) by striking paragraphs (2) and (3);

(D) by inserting after paragraph (1) the following:

"(2) the agenda prepared under subsection (a)(4) for the Conference is published in the Federal Register not later than 30 days after such agenda is approved by the Policy Committee, and the Secretary may republish such agenda together with the recommendations of the Secretary regarding such agenda,"; and

(E) by redesignating paragraphs (4) through (6) as paragraphs (3) through (5), respectively; and

(3) by adding at the end the following:

"(c) GIFTS.—The Secretary may accept, on behalf of the United States, gifts (in cash or in kind, including voluntary and uncompensated services), which shall be available to carry out this title.

Federal
Register,
publication.

Gifts of cash shall be available in addition to amounts appropriated to carry out this title.

“(d) RECORDS.—The Secretary shall maintain records regarding—

“(1) the sources, amounts, and uses of gifts accepted under subsection (c); and

“(2) the identity of each person receiving assistance to carry out this title, and the amount of such assistance received by each such person.”.

SEC. 834. POLICY COMMITTEE; RELATED COMMITTEES.

Section 204 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) by amending the heading to read as follows:

“SEC. 204. POLICY COMMITTEE; RELATED COMMITTEES.”;

(2) in subsection (b) by striking “(b) OTHER COMMITTEES.—” and inserting the following:

“(2) OTHER COMMITTEES.—”;

(3) in subsection (a)—

(A) by striking “(a) ADVISORY COMMITTEE.—The Secretary” and inserting “(b) ADVISORY AND OTHER COMMITTEES.—

“(1) IN GENERAL.—The President”; and

(B) by adding at the end the following: “The President shall consider for appointment to the advisory committee individuals recommended by the Policy Committee.”;

(4) by inserting before subsection (b), as so redesignated, the following:

“(a) POLICY COMMITTEE.—

“(1) ESTABLISHMENT.—There is established a Policy Committee comprised of 25 members to be selected, not later than 90 days after the enactment of the Older Americans Act Amendments of 1992, as follows:

“(A) PRESIDENTIAL APPOINTEES.—Thirteen members shall be selected by the President and shall include—

“(i) 3 members who are officers or employees of the United States; and

“(ii) 10 members with experience in the field of aging, who may include representatives of public aging agencies, institution-based organizations, and minority aging organizations.

“(B) HOUSE APPOINTEES.—Four members shall be selected by the Speaker of the House of Representatives, after consultation with the Minority Leader of the House of Representatives, and shall include members of the Committee on Education and Labor of the House of Representatives, the Committee on Ways and Means of the House of Representatives, and the Select Committee on Aging of the House of Representatives. Not more than 3 members selected under this subparagraph may be associated or affiliated with the same political party.

“(C) SENATE APPOINTEES.—Four members shall be selected by the Majority Leader of the Senate, after consultation with the Minority Leader of the Senate, and shall include members of the Committee on Labor and Human Resources of the Senate, the Committee on Finance of the Senate, and the Special Committee on Aging of

President.

the Senate. Not more than 3 members selected under this subparagraph may be associated or affiliated with the same political party.

“(D) JOINT APPOINTEES.—Four members shall be selected jointly by the Speaker of the House of Representatives and the Majority Leader of the Senate, after consultation with the minority leaders of the House and Senate, and shall include representatives with experience in the field of aging, who may include representatives described in subsection (a)(1)(A)(ii). Not more than 2 members selected under this subparagraph may be associated or affiliated with the same political party.

“(2) DUTIES OF THE POLICY COMMITTEE.—The Policy Committee shall initially meet at the call of the Secretary, but not later than 30 days after the last member is selected under subsection (a). Subsequent meetings of the Policy Committee shall be held at the call of the chairperson of the Policy Committee. Through meetings, hearings, and working sessions, the Policy Committee shall—

“(A) make recommendations to the Secretary to facilitate the timely convening of the Conference;

“(B) formulate and approve a proposed agenda for the Conference not later than 60 days after the first meeting of the Policy Committee;

“(C) make recommendations for participants and delegates of the Conference;

“(D) establish the number of delegates to be selected under section 202(d)(2); and

“(E) formulate and approve the initial report of the Conference in accordance with section 205. Reports.

“(3) QUORUM; COMMITTEE VOTING; CHAIRPERSON.—

“(A) QUORUM.—Thirteen members shall constitute a quorum for the purpose of conducting the business of the Policy Committee, except that 17 members shall constitute a quorum for purposes of approving the agenda required by paragraph (2)(B) and the report required by paragraph (2)(E).

“(B) VOTING.—The Policy Committee shall act by the vote of the majority of the members present.

“(C) CHAIRPERSON.—The President shall select a chairperson from among the members of the Policy Committee. The chairperson may vote only to break a tie vote of the other members of the Policy Committee.”; and President.

(5) in the first sentence of subsection (c)—

(A) by striking “Each such committee” and inserting “Each committee established under subsection (b)”;

(B) by inserting “, and individuals who are Native Americans” before the period at the end.

SEC. 835. REPORT OF THE CONFERENCE.

Section 205 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in subsection (a) by striking “60” and inserting “90”;

(2) in subsection (b) by striking “Secretary, not later than 180” and inserting “Policy Committee, not later than 90”;

(3) in subsection (c)—

(A) by striking “(c) FINAL REPORT.—The Secretary” and inserting the following:

“(c) REPORTS.—

“(1) INITIAL REPORT.—The Policy Committee”;

(B) by striking “prepare a final report” and inserting “prepare and approve an initial report”; and

(C) by adding at the end the following:

“(2) Not later than 60 days after such initial report is transmitted by the Policy Committee, the Secretary shall publish such initial report in the Federal Register. The Secretary may republish a final report together with such additional views and recommendations as the Secretary considers to be appropriate.”; and

(4) in subsection (d)—

(A) in the heading of such subsection by striking “SECRETARY” and inserting “POLICY COMMITTEE”; and

(B) by striking “Secretary” and inserting “Policy Committee”.

Federal
Register,
publication.

SEC. 836. AUTHORIZATION OF APPROPRIATIONS.

Section 207 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended to read as follows:

“SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

“(a) AUTHORIZATION.—

“(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for fiscal years 1992 through 1994 to carry out this title.

“(2) CONTRACTS.—Authority to enter into contracts under this title shall be effective only to the extent, or in such amounts as are, provided in advance in appropriations Acts.

“(b) AVAILABILITY OF FUNDS.—

“(1) IN GENERAL.—Except as provided in paragraph (3), funds appropriated to carry out this title and funds received as gifts under section 203(c) shall remain available for obligation or expenditure until June 30, 1995, or the expiration of the one-year period beginning on the date the Conference adjourns, whichever occurs earlier.

“(2) UNOBLIGATED FUNDS.—Except as provided in paragraph (3), any such funds neither expended nor obligated before June 30, 1995, or the expiration of the one-year period beginning on the date the Conference adjourns, whichever occurs earlier, shall be available to carry out the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

“(3) CONFERENCE NOT CONVENED.—If the Conference is not convened before June 30, 1994, such funds neither expended nor obligated before such date shall be available to carry out the Older Americans Act of 1965.”.

SEC. 837. SAVINGS PROVISION.

All personnel assigned or engaged under section 202(b) or section 203(a)(5) of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) as in effect immediately before the date of the enactment of this Act shall continue to be assigned or engaged under such section after such date notwithstanding the amendments made by this subtitle.

42 USC 3001
note.

SEC. 838. SENSE OF THE CONGRESS.

It is the sense of the Congress that the White House Conference on Aging should consider the impact of the earnings test in effect under section 203 of the Social Security Act (42 U.S.C. 403) on older individuals who are employed.

SEC. 839. TECHNICAL AMENDMENTS.

(a) **DEFINITIONS.**—Section 206 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in paragraph (1), by striking “means” and all that follows and inserting “has the meaning given the term in section 102(17) of the Older Americans Act of 1965 (42 U.S.C. 3002(17))”; and

(2) in paragraph (4) by striking “authorized in subsection (b)”.

(b) **TABLE OF CONTENTS.**—The table of contents of the Older Americans Act Amendments of 1987 (42 U.S.C. note) is amended—

(1) by striking the item relating to title II and inserting the following:

“TITLE II—WHITE HOUSE CONFERENCE ON AGING”;

and

(2) by striking the item relating to section 204 and inserting the following:

“Sec. 204. Policy committee; related committees.”.

TITLE IX—GENERAL PROVISIONS

SEC. 901. LIMITATION ON AUTHORITY TO ENTER INTO CONTRACTS.

42 USC 3001
note.

Any authority to enter into contracts under this Act or an amendment made by this Act shall be effective only to the extent or in such amounts as are provided in advance in appropriations Acts.

SEC. 902. REGULATIONS.

42 USC 3001
note.

Except as otherwise specifically provided, the Secretary of Health and Human Services shall, not later than 120 days after the date of the enactment of this Act, issue proposed regulations to carry out the amendments made by titles I through VII.

SEC. 903. SENSE OF CONGRESS.

(a) **IN GENERAL.**—It is the sense of the Congress that a recipient of a grant or other Federal financial assistance awarded under this Act or an amendment made by this Act to assist the recipient in purchasing equipment or products should, in expending the assistance, purchase American-made equipment or products, respectively.

(b) **NOTICE.**—The Secretary of Health and Human Services shall provide procedures to inform such recipients of the sense of the Congress under subsection (a).

SEC. 904. TECHNICAL AMENDMENTS.

(a) The Older Americans Act of 1965 (42 U.S.C. 3001–3057n) is amended—

(1) in section 101(8) by striking “the vulnerable elderly” and inserting “vulnerable older individuals”;

42 USC 3001.

42 USC 3002.

(2) in section 102(2) by striking "Virgin Islands" and inserting "United States Virgin Islands";

42 USC 3011.

(3) in section 201(c)(3)—

(A) in subparagraphs (A)(i), (B), (E), and (G) by inserting "individuals who are" after "older" the first place it appears in each of such subparagraphs;

(B) in subparagraph (B) by striking "older Native Americans" the last place it appears and inserting "such individuals"; and

(C) in subparagraph (E) by striking "the Act" and inserting "this Act";

42 USC 3012.

(4) in section 202—

(A) in subsection (a)—

(i) in paragraph (1) by striking "the elderly" each place it appears and inserting "older individuals";

(ii) in paragraph (15)—

(I) by striking "the elderly" and inserting "older individuals"; and

(II) by striking "older people" and inserting "such individuals"; and

(iii) in paragraphs (13), (15), (16), and (17) by striking "purposes" and inserting "objectives";

(B) in subsection (b)—

(i) in paragraph (1) by striking "with health systems agencies designated under section 1515 of the Public Health Service Act (42 U.S.C. 300l-4),"; and

(ii) in paragraph (3) by striking "the elderly" and inserting "older individuals";

42 USC 3013.

(5) in section 203(b) by striking "purposes" the second place it appears and inserting "objectives";

42 USC 3015.

(6) in section 204—

(A) in subsection (b)(4) by striking "the daily rate specified for grade GS-18 in section 5332" and inserting "the daily equivalent of the rate specified for level V of the Executive Schedule under section 5316"; and

(B) in paragraphs (1), (3), and (4) of subsection (d), as amended by section 205(c), by striking "Americans" and inserting "individuals";

42 USC 3016.

(7) in section 205(a)(1), as so redesignated by section 206—

(A) by striking "purposes" and inserting "objectives"; and

(B) by striking "to:" and inserting "to—";

42 USC 3018.

(8) in section 207(a)(4) by striking "the greatest economic or social needs" and inserting "greatest economic need and older individuals with greatest social need";

42 USC 3020b.

(9) the last sentence of section 211 is amended by striking "purposes" and inserting "objectives";

42 USC 3024.

(10) in section 304(a)(1)—

(A) by striking "aged 60 or older" each place it appears, and inserting "of older individuals";

(B) by striking "Virgin Islands" each place it appears and inserting "United States Virgin Islands"; and

(C) in the last sentence by striking "clause" and inserting "subparagraph";

42 USC 3025.

(11) in section 305—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in subparagraph (D) by striking “the elderly” each place it appears and inserting “older individuals”;

(II) in subparagraph (E) by striking “individuals aged 60 and older” and inserting “older individuals”; and

(III) in subparagraph (E) by striking “Indians” and inserting “individuals who are Indians”; and
(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A) by striking “clause” and inserting “paragraph”;

(II) in subparagraph (D) by striking “subclause” and inserting “subparagraph”; and

(III) in subparagraph (E) by striking “the greatest economic or social needs” and inserting “greatest economic need and older individuals with greatest social need”;

(B) in subsection (b)—

(i) in paragraphs (1) and (4) by striking “clause (1) of subsection (a)” and inserting “subsection (a)(1)”; and

(ii) in paragraph (2) by striking “designated under such clause” and inserting “designated under subsection (a)(1)”; and

(C) in subsection (d) by striking “clause” and inserting “paragraph”;

(12) in section 306—

42 USC 3026.

(A) in subsection (a)—

(i) in paragraph (1) by striking “Indians” and inserting “individuals who are Indians”;

(ii) in paragraph (2)(B) by striking “elderly” and inserting “older individuals who are”; and

(iii) in paragraph (5)(A)(i) by striking “the greatest economic or social needs” and inserting “greatest economic need and older individuals with greatest social need”; and

(iv) in paragraph (6)—

(I) in subparagraph (D) by striking “the elderly” each place it appears and inserting “older individuals”;

(II) in subparagraph (G) by striking “clause” and inserting “paragraph”;

(III) in subparagraph (N) by striking “Indians” the first place it appears and inserting “individuals who are Indians”; and

(IV) in subparagraph (N) by striking “elder Indians in such area and shall inform such older Indians” and inserting “such individuals in such area and shall inform such individuals”; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by inserting “on aging” after “area agency” the first place it appears; and

(II) by striking “clause” each place it appears and inserting “paragraph”; and

(ii) in paragraph (2)(D) by striking “clause” and inserting “paragraph”;

42 USC 3027.

(13) in section 307—

(A) in subsection (a)—

(i) in paragraph (8) by striking “the greatest economic or social needs” and inserting “greatest economic need and older individuals with greatest social need”;

(ii) in paragraph (13)—

(I) in subparagraph (A) by striking “individuals aged 60 or older” and inserting “older individuals”;

(II) in subparagraph (A) by striking “the elderly” and inserting “older individuals”;

(III) in subparagraph (B) by striking “subclause” and inserting “subparagraph”; and

(IV) in subparagraph (I) by striking “elderly participants” and inserting “participating older individuals”;

(iii) in paragraph (14)(D) by striking “clause” and inserting “subparagraph”; and

(iv) in paragraph (16)(B) by striking “clause” and inserting “paragraph”; and

(B) in subsection (b)(2) by striking “clause” and inserting “paragraph”;

42 USC 3028.

(14) in section 308(b)—

(A) in paragraphs (1)(B) and (2)(B) by striking “Virgin Islands” and inserting “United States Virgin Islands”; and

(B) in paragraphs (3)(B)(iii) and (4) by striking “purposes” each place it appears and inserting “objectives”;

42 USC 3030d.

(15) in section 321(a)—

(A) in paragraph (4) by striking “elderly” and inserting “older”;

(B) in paragraph (14)—

(i) by striking “older, poor individuals 60 years of age or older” and inserting “low-income older individuals”; and

(ii) by striking “the older poor” and inserting “low-income older individuals”; and

(C) in paragraph (15) by striking “clause” and inserting “paragraph”;

42 USC 3030bb.

(16) in section 402(b) by striking “Alcohol” and inserting “the Alcohol”;

42 USC 3032.

(17) in section 412(b) by striking “purposes” and inserting “objectives”;

42 USC 3035.

(18) in section 421(a) by striking “purposes” and inserting “objectives”;

42 USC 3035a.

(19) in section 422—

(A) in the second sentence of subsection (a)(1) by striking “the rural elderly” and inserting “older individuals residing in rural areas”;

(B) in subsection (b)—

(i) in paragraph (1) by striking “elderly” and inserting “older individuals who are”;

(ii) in paragraph (2) by striking “the elderly” and inserting “older individuals”;

(iii) in paragraph (6) by striking “the rural elderly” and inserting “older individuals residing in rural areas”; and

(iv) in paragraph (8) by striking “the rural elderly” and inserting “older individuals residing in rural areas”;

(20) in section 602 by striking “older Indians, older Alaskan Natives, and older Native Hawaiians” and inserting “older individuals who are Indians, older individuals who are Alaskan Natives, and older individuals who are Native Hawaiians”;

(21) in section 611(a)— 42 USC 3057b.

(A) in the matter preceding paragraph (1) by inserting “individuals who are” after “older”; and

(B) in paragraph (9) by striking “Indian elderly population” and inserting “population of older individuals who are Indians”;

(22) in section 613 by inserting “individuals who are” after “older”; and 42 USC 3057d.

(23) in section 614(a)— 42 USC 3057e.

(A) in paragraph (7) by striking “Indians aged 60 and older” and inserting “older individuals who are Indians”;

(B) in paragraph (8) by striking “clause” and inserting “paragraph”; and

(C) in paragraphs (1), (6), (8), and (10) by inserting “individuals who are” after “older” each place it appears.

(b) The Older Americans Community Service Employment Act (42 U.S.C. 3056 et seq.) is amended—

(1) in section 502(b)(1)— 42 USC 3056.

(A) in subparagraph (C) by striking “1954” and inserting “1986”; and

(B) in subparagraph (J) by striking “persons” each place it appears and inserting “individuals”; and

(2) in paragraphs (3) and (4)(A) of section 506(a) by striking “Virgin Islands” each place it appears and inserting “United States Virgin Islands”. 42 USC 3056d.

SEC. 905. EFFECTIVE DATES; APPLICATION OF AMENDMENTS.

42 USC 3001
note.

(a) IN GENERAL.—Except as provided in section 811(b), any other provision of this Act (other than this section), and in subsection (b) of this section, this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—

(1) FEDERAL COUNCIL ON AGING.—Incumbent members of the Federal Council on Aging may serve on the Council until their successors are appointed under section 204 of the Older Americans Act of 1965 (42 U.S.C. 3015) as amended by section 205 of this Act.

(2) STATE AND COMMUNITY PROGRAMS ON AGING.—The amendments made by sections 303(a)(2), 303(a)(3), 303(f), 304, 305, 306, 307, 316, 317, and 320 shall not apply with respect to fiscal year 1992.

(3) PROJECT REPORTS.—The amendments made by sections 410, 411, 413, 414, 415, 416, 418, and 419 shall not apply with respect to fiscal year 1992.

(4) COMMUNITY SERVICE EMPLOYMENT.—The amendments made by sections 501, 504, and 506 shall not apply with respect to fiscal year 1992.

(5) INDIAN AND NATIVE HAWAIIAN PROGRAMS.—The amendments made by sections 601 and 603 shall not apply with respect to fiscal year 1992.

(6) VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES.—The amendments made by title VII shall not apply with respect to fiscal year 1992.

Approved September 30, 1992.

LEGISLATIVE HISTORY—H.R. 2967 (S. 243) (S. 3008):

HOUSE REPORTS: No. 102-199 (Comm. on Education and Labor).

SENATE REPORTS: No. 102-151 accompanying S. 243 (Comm. on Labor and Human Resources).

CONGRESSIONAL RECORD:

Vol. 137 (1991): Sept. 12, considered and passed House.

Nov. 12, considered and passed Senate, amended, in lieu of S. 243.

Vol. 138 (1992): Apr. 9, House agreed to Senate amendment with an amendment.

Sept. 15, Senate concurred in House amendment with an amendment.

Sept. 22, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 28 (1992):

Sept. 30, Presidential statement.

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