

104TH CONGRESS
1ST SESSION

H. R. 2570

To amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1997, 1998, 1999, 2000, and 2001, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 1, 1995

Mr. CUNNINGHAM (for himself, Mr. GOODLING, Mr. GUNDERSON, Mr. CASTLE, Mr. SAM JOHNSON of Texas, Mr. GREENWOOD, Mr. RIGGS, Mr. WELDON of Florida, Mr. SOUDER, Mr. MCINTOSH, Mr. BALLENGER, and Mr. GRAHAM) introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities

A BILL

To amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1997, 1998, 1999, 2000, and 2001, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Older Americans
5 Amendments of 1995”.

6 **SEC. 2. TABLE OF CONTENTS.**

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

Sec. 1. Short title.

Sec. 2. Table of contents.

1 “(B) Not more than 10 percent of each of such
2 grants may be used for administrative costs incurred by
3 a State to carry out this title.

4 “(C) The amount of such grant remaining (if any)
5 after the application of subparagraphs (A) and (B) may
6 be used to pay other employment-related costs relating
7 such individuals, including costs incurred—

8 “(i) to perform the assessment described in
9 subsection (c)(10),

10 “(ii) to provide the training described in sub-
11 section (c)(2),

12 “(iii) to provide counseling to such individuals,

13 “(iv) to provide supportive services to such indi-
14 viduals,

15 “(v) to pay transportation costs,

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

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

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

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

5 “(b) ELIGIBILITY FOR GRANTS.—(1) To be eligible
6 to receive a grant under subsection (a), a State shall sub-
7 mit to the Secretary an application in such form and con-
8 taining such information as the Secretary may require by
9 rule, including an assurance that such grant will be used
10 by the State to carry out projects (excluding projects in-
11 volving the construction, operation, or maintenance of any
12 facility used or to be used as a place for sectarian religious
13 instruction or worship) for the purpose specified in sub-
14 section (a) through agreements that satisfy the require-
15 ments of subsection (c).

16 “(2) Such agreements shall be made by the State
17 with—

18 “(A) the public or nonprofit private agencies or
19 organizations (excluding national organizations),

20 “(B) the agencies of State government, and the
21 political subdivisions of States having elected or duly
22 appointed governing officials (or combinations of
23 such political subdivisions),

24 “(C) the tribal organizations,

25 “(D) the area agencies on aging, and

1 “(E) the State and local affiliates of national
2 organizations,
3 that expended in such State funds received in fiscal year
4 1995 under section 502 of this Act as in effect before the
5 date of the enactment of the Older Americans Amend-
6 ments of 1995.

7 “(3) Agreements made under this subsection by each
8 State shall provide that the grant made under subsection
9 (a) to the State will be distributed to the entities specified
10 in paragraph (2) proportionately among—

11 “(A) the entities specified in subparagraphs
12 (A), (B), (C), and (D) of such paragraph based on
13 their respective shares of the funds appropriated for
14 fiscal year 1995 received by such entities from the
15 Secretary of Labor to carry out this title, and

16 “(B) the affiliates specified in subparagraph
17 (E) of such paragraph based on their respective
18 parts of the shares of the funds appropriated for fis-
19 cal year 1995 received by their national organiza-
20 tions from the Secretary of Labor to carry out this
21 title.

22 “(c) REQUIREMENTS.—Each agreement made under
23 subsection (b) shall provide that no payment shall be made
24 by the State toward the cost of such project unless the

1 State determines that such project, and the entity that
2 carries out such project, will satisfy all of the of following:

3 “(1)(A) The entity that carries out such project
4 will use funds received under such agreement that
5 are attributable to a grant made under subsection
6 (a) to pay not more than 90 percent of the cost of
7 such project.

8 “(B) The non-Federal share of such cost will be
9 contributed in cash or in kind. In determining the
10 amount of the non-Federal share, the Assistant Sec-
11 retary may attribute fair market value to services
12 and facilities contributed from non-Federal sources.

13 “(2) The project will provide employment only
14 for older individuals described in subsection (a), ex-
15 cept for necessary technical, administrative, and su-
16 pervisory personnel, but such personnel shall, to the
17 fullest extent possible, be recruited from among
18 older individuals described in subsection (a).

19 “(3) The project will provide employment for
20 such individuals in the community in which such in-
21 dividuals reside, or in nearby communities.

22 “(4) The project will employ such individuals in
23 services related to publicly owned and operated fa-
24 cilities and projects, or related to projects sponsored
25 by organizations (other than political parties) de-

1 scribed in section 501(c)(3) of the Internal Revenue
2 Code of 1986 that are exempt from taxation under
3 subsection 501(a) of such Code.

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

6 “(6) The project will—

7 “(A) result in an increase in employment
8 opportunities over those opportunities that
9 would otherwise be available,

10 “(B) not result in the displacement of cur-
11 rently employed workers (including partial dis-
12 placement, such as a reduction in the hours of
13 nonovertime work or wages or employment ben-
14 efits), and

15 “(C) not impair existing contracts or result
16 in the substitution of Federal funds for other
17 funds in connection with work that would other-
18 wise be performed.

19 “(7) The project will utilize methods of recruit-
20 ment and selection (including listing of job vacancies
21 with the employment agency operated by any State
22 or political subdivision thereof) that will ensure that
23 the maximum number of older individuals described
24 in subsection (a) will have an opportunity to partici-
25 pate in the project.

1 “(8) The project will include such training as
2 may be necessary to make the most effective use of
3 the skills and talents of such individuals who are
4 participating and assist in their transition into em-
5 ployment for which no financial assistance is pro-
6 vided under this title, and may provide for the pay-
7 ment of the reasonable expenses of such individuals
8 being trained.

9 “(9) The project will be established or adminis-
10 tered with the advice of individuals competent in the
11 field of service in which employment is being pro-
12 vided, and of individuals who are knowledgeable with
13 regard to the needs of older individuals.

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

18 “(11) The project will prepare an assessment
19 of—

20 “(A) the participating older individuals’
21 skills and talents,

22 “(B) their need for supportive services,
23 and

24 “(C) their ability to perform community
25 service employment,

1 except to the extent such project has, for the par-
2 ticular participant involved, an assessment of such
3 skills and talents, such need, or such capabilities
4 prepared recently pursuant to another employment
5 or training program.

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

14 “(13) In providing employment opportunities
15 under the project, such entity will give priority to
16 low-income older individuals described in subsection
17 (a) who are 60 years of age or older.

18 “(d) PREREQUISITE DETERMINATIONS.—(1) To ef-
19 fectively carry out subsection (b), a State that receives a
20 grant under subsection (a) for fiscal year 1996 shall, after
21 consultation with the appropriate area agencies on aging,
22 make a determination,—

23 “(A) identifying the localities in which projects
24 described in subsection (b) are most needed,

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

5 “(C) identifying potential projects and the num-
6 ber and percentage of such individuals in the local
7 population.

8 “(2) The State shall coordinate the projects assisted
9 under this title with—

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

12 “(B) federally supported job training programs,
13 and

14 “(C) other Federal and State employment pro-
15 grams,

16 to increase job opportunities available to older individuals.

17 “(e) PRIOR SUBMISSION OF PROJECT DESCRIP-
18 TION.—Whenever a project entity (other than an area
19 agency on aging for the planning and service area in which
20 the project will be conducted) conducts a project under
21 an agreement made under subsection (b) within a plan-
22 ning and service area, such organization or such entity
23 shall conduct such project in consultation with the area
24 agency on aging designated for the planning and service
25 area and shall submit to the area agency on aging, not

1 less than 30 days before undertaking the project, a de-
2 scription (including the location) of such project.

3 “(f) ALTERNATIVE WORK MODES; TECHNICAL AS-
4 SISTANCE.—The State may develop alternatives for inno-
5 vative work modes and provide technical assistance in cre-
6 ating job opportunities through work sharing and other
7 experimental methods to groups representing business and
8 industry and workers as well as to individual employers,
9 where appropriate.

10 “(g) RULES.—The Secretary shall issue, and amend
11 from time to time, rules that require States that receive
12 grants under subsection (a) to establish, to the maximum
13 extent practicable, for projects carried out under this title
14 the goal of annually placing not less than 20 percent of
15 project participants in employment positions for which no
16 financial assistance is provided under this title.

17 **“SEC. 503. ALLOTMENT OF FUNDS FOR FISCAL YEAR 1996.**

18 “(a) ALLOTMENT.—The amount of funds appro-
19 priated for fiscal year 1996 to carry out this title shall
20 be allotted by the Secretary proportionately among the
21 States based on their respective shares of the funds appro-
22 priated for fiscal year 1995 allotted to the States to carry
23 out this title.

24 “(b) REALLOTMENT.—If any funds allotted to a
25 State for fiscal year 1996 to carry out this title are not

1 distributed to the State for such fiscal year, such funds
2 shall be reallocated under this section for such fiscal year
3 to the remaining States.

4 **“SEC. 504. PARTICIPANTS NOT FEDERAL EMPLOYEES.**

5 “(a) PROJECT PARTICIPANTS.—Older individuals de-
6 scribed in section 502(a) who participate in a project as-
7 sisted under this title shall not be considered to be Federal
8 employees as a result of such participation and shall not
9 be subject to the provisions of part III of title 5 of the
10 United States Code.

11 “(b) CONTRACTS.—No contract shall be entered into
12 under this title with a contractor who is, or whose employ-
13 ees are, under State law, exempted from operation of the
14 State workmen’s compensation law, generally applicable to
15 employees, unless the contractor shall undertake to pro-
16 vide either through insurance by a recognized carrier, or
17 by self-insurance, as authorized by State law, that the in-
18 dividuals employed under the contract shall enjoy work-
19 men’s compensation coverage equal to that provided by
20 law for covered employment.

21 **“SEC. 505. DEFINITIONS.**

22 “For purposes of this title:

23 “(1) COMMUNITY SERVICES.—The term ‘com-
24 munity services’ means—

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

3 “(B) legal and other counseling services
4 and assistance, including tax counseling and as-
5 sistance and financial counseling,

6 “(C) library, recreational, and other simi-
7 lar services,

8 “(D) conservation, maintenance, or res-
9 toration of natural resources,

10 “(E) community betterment or beautifi-
11 cation,

12 “(F) antipollution and environmental qual-
13 ity efforts,

14 “(G) weatherization activities,

15 “(H) economic development, and

16 “(I) such other services essential and nec-
17 essary to the community as the Secretary, by
18 regulation, may require.

19 “(2) LOW-INCOME.—The term ‘low-income’
20 means income that is not more than 125 percent of
21 the poverty line.

22 “(3) OLDER INDIVIDUAL—The term ‘older indi-
23 vidual’ means an individual who is 55 years of age
24 or older.

1 “(4) SECRETARY.—The term ‘Secretary’ means
2 the Secretary of Labor.

3 “(5) STATE.—The term ‘State’ means any of
4 the several States, the District of Columbia, the
5 Commonwealth of Puerto Rico, Guam, American
6 Samoa, the Virgin Islands of the United States, or
7 the Commonwealth of the Northern Mariana Is-
8 lands.

9 **“SEC. 506. AUTHORIZATION OF APPROPRIATIONS.**

10 “‘There is authorized to be appropriated to carry out
11 this title \$350,000,000 for fiscal year 1996.’”.

12 **SEC. 4. AMENDMENT TO THE OLDER AMERICANS ACT OF**
13 **1965.**

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

16 **“SECTION 1. SHORT TITLE.**

17 “‘This Act may be cited as the ‘Older Americans Act
18 of 1995’.

19 **“SEC. 2. TABLE OF CONTENTS.**

20 “‘The table of contents of this Act is as follows:

“Sec. 1. Short title.

“Sec. 2. Table of contents.

“TITLE I—STATEMENT OF PURPOSE; DEFINITIONS

“Sec. 101. Purpose.

“Sec. 102. Definitions.

“TITLE II—ADMINISTRATION

“Sec. 201. Establishment of Administration on Aging.

“Sec. 202. Duties of Assistant Secretary.

“Sec. 203. Federal agency consultation.

- “Sec. 204. Powers of the Assistant Secretary.
- “Sec. 205. Evaluations.
- “Sec. 206. Reports.
- “Sec. 207. Reduction of paperwork
- “Sec. 208. Surplus property eligibility.
- “Sec. 209. Authorization of appropriations.

“TITLE III—GRANTS FOR PROGRAMS ON AGING

“Subtitle A—Grants for State and Community Programs on Aging

“CHAPTER 1—GENERAL PROVISIONS

- “Sec. 301. Administration of programs.
- “Sec. 302. Allotments; Federal share.
- “Sec. 303. Eligibility of States; organization.
- “Sec. 304. State plans.
- “Sec. 305. Area plans.
- “Sec. 306. Planning, coordination, evaluation, and administration of State plans.
- “Sec. 307. Payments.

“CHAPTER 2—SUPPORTIVE SERVICES AND MULTIPURPOSE SENIOR CENTERS

- “Sec. 321. Program authorized.

“CHAPTER 3—NUTRITION SERVICES

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

“CHAPTER 4—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

- “Sec. 351. Short title.
- “Sec. 352. Older American community service employment program.
- “Sec. 353. Participants not Federal employees.

“Subtitle B—Grants for Native American Programs on Aging

- “Sec. 371. Grants for services to Native Americans.
- “Sec. 372. Applications for grants.
- “Sec. 373. Distribution of funds among tribal organizations and Alaska Native organizations.
- “Sec. 374. Surplus educational facilities.
- “Sec. 375. Administration.
- “Sec. 376. Payments.

“Subtitle C—Authorization of Appropriations

- “Sec. 395. Authorization of appropriations.
- “Sec. 396. Additional funds available for nutrition services.

“TITLE IV—NATIONAL SENIOR VOLUNTEER SERVICE CORPS

- “Sec. 401. Statement of purposes.

“Subtitle A—Retired and Senior Volunteer Program

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

“Subtitle B—Foster Grandparent Program

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

“Subtitle C—Senior Companion Volunteer Program

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

“Subtitle D—General Provisions

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

“Sec. 442. Payments.

“Sec. 443. Use of locally generated contributions in national senior volunteer service corps.

“Sec. 444. Adjustments to Federal financial assistance; reports.

“Sec. 445. Multiyear grants or contracts.

“Subtitle E—Administration and Coordination

“Sec. 461. Administrative structure.

“Sec. 462. Political activities.

“Sec. 463. Special limitations.

“Sec. 464. Coordination with other programs.

“Sec. 465. Notice and hearing procedures for suspension and termination of financial assistance.

“Sec. 466. Distribution of benefits between rural and urban areas.

“Sec. 467. Volunteers not Federal employees.

“Sec. 468. Evaluation.

“Sec. 469. Eligibility for other benefits.

“Sec. 470. Legal expenses.

“Subtitle F—Authorization of Appropriations

“Sec. 491. Authorization of appropriations for programs.

1 **“TITLE I—STATEMENT OF**
2 **PURPOSE; DEFINITIONS**

3 **“SEC. 101. PURPOSE.**

4 “It is the purpose of this Act to encourage and assist
5 State agencies and area agencies on aging to concentrate
6 resources in order to develop greater capacity and foster
7 the development and implementation of comprehensive
8 and coordinated systems to serve older individuals by en-
9 tering into cooperative arrangements in each State for the
10 planning and provision of supportive services, nutrition

1 services, multipurpose senior centers, community service
2 employment, and volunteer services, in order to—

3 “(1) secure and maintain maximum independ-
4 ence and dignity in a home environment for older in-
5 dividuals capable of self care with appropriate sup-
6 portive services,

7 “(2) remove individual and social barriers to
8 economic and personal independence for older indi-
9 viduals,

10 “(3) provide a continuum of care for vulnerable
11 older individuals,

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

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

17 “(6) promote employment opportunities and
18 community service, and

19 “(7) empower older individuals to contribute to
20 their communities through volunteer services that
21 enhance the lives of the volunteers and those whom
22 they serve.

23 **“SEC. 102. DEFINITIONS.**

24 “For the purposes of this Act:

1 “(1) ABUSE.—The term ‘abuse’ means (except
2 when such term is used in the phrase ‘drug and al-
3cohol abuse’) the willful—

4 “(A) infliction of injury, unreasonable con-
5finement, intimidation, or cruel punishment
6with resulting physical harm, pain, or mental
7anguish, or

8 “(B) deprivation by a person, including a
9caregiver, of goods or services that are nec-
10essary to avoid physical harm, mental anguish,
11or mental illness.

12 “(2) ADMINISTRATION.—The term ‘Administra-
13tion’ means the Administration on Aging.

14 “(3) ADULT CHILD WITH A DISABILITY.—The
15term ‘adult child with a disability’ means a child
16who—

17 “(A) is 18 years of age or older,

18 “(B) is financially dependent on an older
19individual who is a parent of the child, and

20 “(C) has a disability.

21 “(4) ALASKA NATIVE.—The term ‘Alaska Na-
22tive’ means an Alaska Native who is a member of
23an Alaska Native organization.

24 “(5) ALASKA NATIVE ORGANIZATION.—The
25term ‘Alaska Native organization’ means an Alaska

1 Native village, or an Alaskan Native regional or vil-
2 lage corporation, as defined in or established pursu-
3 ant to the Alaska Native Claims Settlement Act
4 (Public Law 92–203; 85 Stat.688), that is recog-
5 nized as eligible for the special programs and serv-
6 ices provided by the United States to Alaska Natives
7 because of their status as Alaska Natives.

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

13 “(7) ASSISTANT SECRETARY.—The term ‘As-
14 sistant Secretary’ means the Assistant Secretary for
15 Aging.

16 “(8) ASSISTIVE TECHNOLOGY.—The term
17 ‘assistive technology’ means technology, engineering
18 methodologies, or scientific principles appropriate to
19 meet the needs of, and address the barriers con-
20 fronted by, older individuals with functional limita-
21 tions.

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

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

6 “(11) CARETAKER.—The term ‘caretaker’
7 means a family member or other individual who pro-
8 vides (on behalf of such individual or of a public or
9 private agency, organization, or institution) uncom-
10 pensated care to an older individual who needs sup-
11 portive services.

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

14 “(A) means a service provided to an older
15 individual, at the direction of the older individ-
16 ual or a family member of the individual—

17 “(i) by an individual who is trained or
18 experienced in the case management skills
19 that are required to deliver the services
20 and coordination described in subpara-
21 graph (B), and

22 “(ii) to assess the needs, and to ar-
23 range, coordinate, and monitor an opti-
24 mum package of services to meet the
25 needs, of the older individual, and

1 “(B) includes services and coordination
2 such as—

3 “(i) comprehensive assessment of the
4 older individual (including the physical,
5 psychological, and social needs of the indi-
6 vidual),

7 “(ii) development and implementation
8 of a service plan with the older individual
9 to mobilize the formal and informal re-
10 sources and services identified in the as-
11 sessment to meet the needs of the older in-
12 dividual, including coordination of the re-
13 sources and services—

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

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

20 “(iii) coordination and monitoring of
21 formal and informal service delivery, in-
22 cluding coordination and monitoring to en-
23 sure that services specified in the plan are
24 being provided,

1 “(iv) periodic reassessment and re-
2 sion of the status of the older individual
3 with—

4 “(I) the older individual, or

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

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

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

15 “(A) except for purposes of title IV, an in-
16 dividual who is less than 18 years of age, and

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

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

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

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

1 “(B) legal and other counseling services
2 and assistance, including tax counseling and as-
3 sistance and financial counseling,

4 “(C) library, recreational, and other simi-
5 lar services,

6 “(D) conservation, maintenance, or res-
7 toration of natural resources,

8 “(E) community betterment or beautifi-
9 cation,

10 “(F) antipollution and environmental qual-
11 ity efforts,

12 “(G) weatherization activities,

13 “(H) economic development, and

14 “(I) such other services essential and nec-
15 essary to the community as the Secretary, by
16 regulation, may require.

17 “(16) COMPREHENSIVE AND COORDINATED
18 SYSTEM.—The term ‘comprehensive and coordinated
19 system’ means a system for providing all necessary
20 supportive services, including nutrition services, in a
21 manner designed to—

22 “(A) facilitate accessibility to, and utiliza-
23 tion of, all supportive services and nutrition
24 services provided within the geographic area

1 served by such system by any public or private
2 agency or organization,

3 “(B) develop and make the most efficient
4 use of supportive services and nutrition services
5 in meeting the needs of older individuals,

6 “(C) use available resources efficiently and
7 with a minimum of duplication, and

8 “(D) encourage and assist public and pri-
9 vate entities that have unrealized potential for
10 meeting the service needs of older individuals to
11 assist the older individuals on a voluntary basis.

12 “(17) DISABILITY.—The term ‘disability’
13 means (except when such term is used in the phrase
14 ‘severe disability’, ‘developmental disabilities’, ‘phys-
15 ical and mental disabilities’, or ‘physical disabilities’)
16 a disability attributable to mental or physical im-
17 pairment, or a combination of mental and physical
18 impairments, that results in substantial functional
19 limitations in 1 or more of the following areas of
20 major life activity: (A) self-care, (B) receptive and
21 expressive language, (C) learning, (D) mobility, (E)
22 self-direction, (F) capacity for independent living,
23 (G) economic self-sufficiency, (H) cognitive function-
24 ing, and (I) emotional adjustment.

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

3 “(19) ELDER ABUSE, NEGLECT, AND EXPLOI-
4 TATION.—The term ‘elder abuse, neglect, and exploi-
5 tation’ means abuse, neglect, and exploitation, of an
6 older individual.

7 “(20) ELECTION.—When referring to an elec-
8 tion for Federal office, the term ‘election’ has the
9 meaning given such term by section 301(1) of the
10 Federal Election Campaign Act of 1971 (Public Law
11 92–225).

12 “(21) EXPLOITATION.—The term ‘exploitation’
13 means the illegal or improper act or process of an
14 individual, including a caregiver, using the resources
15 of an older individual for monetary or personal bene-
16 fit, profit, or gain.

17 “(22) FEDERAL OFFICE.—The term ‘Federal
18 office’ has the meaning given such term in section
19 301(3) of the Federal Election Campaign Act of
20 1971 (Public Law 92–225).

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

24 “(24) FRAIL.—The term ‘frail’ means, with re-
25 spect to an older individual in a State, that the older

1 individual is determined to be functionally impaired
2 because the individual—

3 “(A)(i) is unable to perform at least two
4 activities of daily living without substantial
5 human assistance, including verbal reminding,
6 physical cueing, or supervision, or

7 “(ii) at the option of the State, is unable
8 to perform at least three such activities without
9 such assistance, or

10 “(B) due to a cognitive or other mental
11 impairment, requires substantial supervision be-
12 cause the individual behaves in a manner that
13 poses a serious health or safety hazard to the
14 individual or to another individual.

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

18 “(26) GREATEST SOCIAL NEED.—The term
19 ‘greatest social need’ means the need caused by non-
20 economic factors that include—

21 “(A) physical and mental disabilities,

22 “(B) language barriers, and

23 “(C) cultural, social, or geographical isola-
24 tion, that—

1 “(i) restricts the ability of an individ-
2 ual to perform normal daily tasks, or

3 “(ii) threatens the capacity of the in-
4 dividual to live independently.

5 “(27) IN-HOME SERVICES.—The term ‘in-home
6 services’ includes—

7 “(A) homemaker and home health aides,

8 “(B) visiting and telephone reassurance,

9 “(C) chore maintenance,

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

12 “(E) minor modification of homes that is nec-
13 essary to facilitate the ability of older individuals to
14 remain at home and that is not available under
15 other programs, except that not more than \$150 per
16 client may be expended under this part for such
17 modification,

18 “(F) personal care services, and

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

20 “(i) by the State agency in the State plan
21 submitted in accordance with section 304, and

22 “(ii) by the area agency on aging in the
23 area plan submitted in accordance with section
24 305.

1 “(28) INDIAN.—The term ‘Indian’ means an
2 Indian who is a member of in Indian tribe.

3 “(29) INDIAN TRIBE.—The term ‘Indian tribe’
4 means any tribe, band, nation, or other organized
5 group or community of Indians that is—

6 “(A) recognized as eligible for the special
7 programs and services provided by the United
8 States to Indians because of their status as In-
9 dians, or

10 “(B) located on, or in proximity to, a Fed-
11 eral or State reservation or rancheria,
12 except that subparagraph (B) shall not apply for
13 purposes of subtitle B of title III.

14 “(30) INFORMATION AND ASSISTANCE SERV-
15 ICE.—The term ‘information and assistance service’
16 means a service for older individuals that—

17 “(A) provides the individuals with current
18 information on opportunities and services avail-
19 able to the individuals within their communities,
20 including information relating to assistive tech-
21 nology,

22 “(B) assesses the problems and capacities
23 of the individuals,

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

1 “(D) to the maximum extent practicable,
2 ensures that the individuals receive the services
3 needed by the individuals, and are aware of the
4 opportunities available to the individuals, by es-
5 tablishing adequate followup procedures, and

6 “(E) serves the entire community of older
7 individuals, particularly—

8 “(i) older individuals with greatest so-
9 cial need, and

10 “(ii) older individuals with greatest
11 economic need.

12 “(31) INFORMATION AND REFERRAL.—The
13 term ‘information and referral’ includes information
14 relating to assistive technology.

15 “(32) LEGAL ASSISTANCE.—The term ‘legal as-
16 sistance’—

17 “(A) means legal advice and representation
18 provided by an attorney to older individuals
19 with economic or social needs, and

20 “(B) includes—

21 “(i) to the extent feasible, counseling
22 or other appropriate assistance by a para-
23 legal or law student under the direct su-
24 pervision of an attorney, and

1 “(ii) counseling or representation by a
2 nonlawyer where permitted by law.

3 “(33) LONG-TERM CARE FACILITY.—The term
4 ‘long-term care facility’ means—

5 “(A) any skilled nursing facility, as defined
6 in section 1819(a) of the Social Security Act
7 (42 U.S.C. 1395i–3(a)),

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

11 “(C) for purposes of section 304(a)(8), a
12 board and care facility, or

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

16 “(34) LOW-INCOME.—The term ‘low-income’
17 means—

18 “(A) for purposes of chapter 4 of title III,
19 income that is not more than 125 percent of
20 the poverty line, and

21 “(B) for purposes of title IV—

22 “(i) income that is not more than 125
23 percent of the poverty line, or

24 “(ii) income that is not more than 100
25 percent of such poverty line, as so adjusted

1 and determined after taking into consider-
2 ation existing poverty guidelines as appro-
3 priate to local situations.

4 “(35) MULTIPURPOSE SENIOR CENTER.—The
5 term ‘multipurpose senior center’ means a commu-
6 nity facility for the organization and provision of a
7 broad spectrum of services, which shall include pro-
8 vision of health (including mental health), social, nu-
9 tritional, and educational services and the provision
10 of facilities for recreational activities for older indi-
11 viduals.

12 “(36) NATIVE AMERICAN.—The term ‘Native
13 American’ means—

14 “(A) an Indian,

15 “(B) an Alaska Native, or

16 “(C) a Native Hawaiian.

17 “(37) NATIVE HAWAIIAN.—The term ‘Native
18 Hawaiian’ means any individual any of whose ances-
19 tors were natives of the area that consists of the Ha-
20 waiian Islands prior to 1778,

21 “(38) NEGLECT.—The term ‘neglect’ means—

22 “(A) the failure to provide for oneself the
23 goods or services that are necessary to avoid
24 physical harm, mental anguish, or mental ill-
25 ness, or

1 “(B) the failure of a caregiver to provide
2 the goods or services.

3 “(39) NONPROFIT.—The term ‘nonprofit’ as
4 applied to any agency, institution, or organization
5 means an agency, institution, or organization that is,
6 or is owned and operated by, one or more corpora-
7 tions or associations no part of the net earnings of
8 which inures, or may lawfully inure, to the benefit
9 of any private shareholder or individual.

10 “(40) OLDER INDIVIDUAL.—The term ‘older in-
11 dividual’ means—

12 “(A) except for purposes of chapter 4 of
13 title III, and title IV, an individual who is 60
14 years of age or older, and

15 “(B) for purposes of chapter 4 of title III,
16 and title IV, an individual who is 55 years of
17 age or older.

18 “(41) PHYSICAL HARM.—The term ‘physical
19 harm’ means bodily injury, impairment, or disease.

20 “(42) PLANNING AND SERVICE AREA.—The
21 term ‘planning and service area’ means an area des-
22 ignated by a State agency under section
23 303(a)(1)(E), including a single planning and serv-
24 ice area described in section 303(b)(1)(E).

1 “(43) POVERTY LINE.—The term ‘poverty line’
2 means the official poverty line (as defined by the Of-
3 fice of Management and Budget, and adjusted by
4 the Secretary in accordance with section 673(2) of
5 the Community Services Block Grant Act (42 U.S.C.
6 9902(2)).

7 “(44) REPRESENTATIVE PAYEE.—The term
8 ‘representative payee’ means a person who is ap-
9 pointed by a governmental entity to receive, on be-
10 half of an older individual who is unable to manage
11 funds by reason of a physical or mental incapacity,
12 any funds owed to such individual by such entity.

13 “(45) SECRETARY.—The term ‘Secretary’
14 means the Secretary of Health and Human Services.

15 “(46) SEVERE DISABILITY.—The term ‘severe
16 disability’ means a severe, chronic disability attrib-
17 utable to mental or physical impairment, or a com-
18 bination of mental and physical impairments, that—

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

20 “(B) results in substantial functional limi-
21 tation in 3 or more of the major life activities
22 specified in subparagraphs (A) through (G) of
23 paragraph (17).

24 “(47) STATE.—The term ‘State’ means any of
25 the several States, the District of Columbia, the Vir-

1 gin Islands of the United States, the Commonwealth
2 of Puerto Rico, Guam, American Samoa, or the
3 Commonwealth of the Northern Mariana Islands.

4 “(48) STATE AGENCY.—The term ‘State agen-
5 cy’ means the agency designated under section
6 303(a)(1).

7 “(49) SUPPORTIVE SERVICE.—The term ‘sup-
8 portive service’ means a service described in section
9 321(a).

10 “(50) TRIBAL ORGANIZATION.—The term ‘trib-
11 al organization’ means—

12 “(A) except for purposes of subtitle B of
13 title III,

14 “(i) the recognized governing body of
15 an Indian tribe, or

16 “(ii) the legally established organiza-
17 tion of Indians that is controlled, sanc-
18 tioned, or chartered by the governing body
19 of an Indian tribe, and

20 “(B) for purposes of subtitle B of title
21 III—

22 “(i) an entity described in clause (i)
23 or (ii) of subparagraph (A), or

24 “(ii) a legally established organization
25 of Indians that is democratically elected by

1 the adult members of the Indian commu-
 2 nity to be served by such organization and
 3 that includes the maximum participation of
 4 Indians in all phases of its activities.

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

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

12 “(B) a tribal organization.

13 **“TITLE II—ADMINISTRATION**

14 **“SEC. 201. ESTABLISHMENT OF ADMINISTRATION ON** 15 **AGING.**

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

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

24 “(c) DESIGNATION RELATING TO MONITORING PRO-
 25 GRAMS AFFECTING NATIVE AMERICANS.—The Assistant

1 Secretary shall designate an individual in the Administra-
2 tion who has expertise with respect to programs and serv-
3 ices affecting Native Americans, to be responsible for mon-
4 itoring the programs, projects, and activities carried out
5 under this Act that affect Native Americans.

6 “(d) DESIGNATION OF OMBUDSMAN FOR OLDER IN-
7 DIVIDUALS IN LONG-TERM CARE FACILITIES.—The As-
8 sistant Secretary shall designate an individual in the Ad-
9 ministration who shall serve as an effective and visible om-
10 budsman on behalf of older individuals who reside in long-
11 term care facilities.

12 “(e) DESIGNATION RELATING TO THE ADMINISTRA-
13 TION OF NUTRITION SERVICES.—The Assistant Secretary
14 shall designate an individual in the Administration who
15 shall be responsible, under the supervision of the Assistant
16 Secretary, for the administration of chapter 3. Such indi-
17 vidual shall—

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

20 “(2)(A) be a registered dietitian,

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

22 “(C) have education and training that is sub-
23 stantially equivalent to the education and training
24 for a registered dietitian or a credentialed nutrition
25 professional.

1 “(f) DESIGNATION RELATING TO THE ADMINISTRA-
2 TION OF VOLUNTEER SERVICE PROGRAMS.—The Assist-
3 ant Secretary shall designate an individual in the Adminis-
4 tration who has experience and expertise in administering
5 volunteer programs for older individuals and who shall be
6 responsible, under the supervision of the Assistant Sec-
7 retary, for the administration of title IV.

8 **“SEC. 202. DUTIES OF ASSISTANT SECRETARY.**

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

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

17 “(2) INFORMATION.—To collect and dissemi-
18 nate information related to problems of older indi-
19 viduals and aging.

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

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

1 “(5) TECHNICAL ASSISTANCE.—To provide
2 technical assistance and consultation to States, and
3 political subdivisions of States, with respect to pro-
4 grams for older individuals and aging.

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

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

16 “(8) PLANNING.—To coordinate, and to assist
17 in, the planning and development by public (includ-
18 ing Federal, State, and local agencies) and private
19 organizations of programs for older individuals to fa-
20 cilitate the establishment of a nationwide network of
21 comprehensive, coordinated services and opportuni-
22 ties for older individuals.

23 “(9) STATISTICAL DATA REGARDING ASSISTED
24 ACTIVITIES.—To collect for each fiscal year, for fis-
25 cal years beginning after September 30, 1996, di-

1 rectly or by contract, statistical data regarding pro-
2 grams, projects, and activities carried out with funds
3 provided under this Act, including—

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

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

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

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

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

15 “(10) UNIFORM DATA COLLECTION PROCE-
16 DURES.—To design and implement, for purposes of
17 compliance with paragraph (9), uniform data collec-
18 tion procedures for use by State agencies, includ-
19 ing—

20 “(A) uniform definitions and nomen-
21 clature,

22 “(B) standardized data collection proce-
23 dures,

24 “(C) procedures for collecting information
25 on gaps in services needed by older individuals,

1 as identified by service providers in assisting
2 clients through the provision of the supportive
3 services, and

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

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

10 **“SEC. 203. FEDERAL AGENCY CONSULTATION.**

11 “The Assistant Secretary, in carrying out the purpose
12 and provisions of this Act, shall coordinate, advise, consult
13 with, and cooperate with the head of each department,
14 agency, or instrumentality of the Federal Government pro-
15 posing or administering programs or services substantially
16 related to the purpose of this Act, with respect to such
17 programs or services. The head of each department, agen-
18 cy, or instrumentality of the Federal Government propos-
19 ing to establish or modify any program or service substan-
20 tially related to the purpose of this Act shall consult with
21 and coordinate with the Assistant Secretary.

22 **“SEC. 204. POWERS OF THE ASSISTANT SECRETARY.**

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

1 “(1) provide consultative services and technical
2 assistance to public or nonprofit private agencies
3 and organizations,

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

6 “(3) conduct research and demonstrations, and

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

11 “(b) AUTHORITY TO MAKE GRANTS.—From funds
12 appropriated under section 209, the Assistant Secretary
13 may make grants to public or nonprofit private agencies,
14 organizations, and institutions, and may enter into con-
15 tracts with agencies, organizations, institutions, and indi-
16 viduals for activities—

17 “(1) to expand the Nation’s knowledge and un-
18 derstanding of older individuals and the aging proc-
19 ess,

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

23 “(3) to help meet the needs for trained person-
24 nel in the field of aging, and

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

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

7 “(B) research and policy analysis to im-
8 prove access to and delivery of services for older
9 individuals,

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

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

16 “(E) technical assistance in planning, de-
17 velopment, implementation, evaluation, and im-
18 provement of programs, projects, and activities
19 under this Act, and

20 “(F) dissemination of information on is-
21 sues related to aging, their impact on individ-
22 uals and society, and relating to services and
23 activities benefiting older individuals.

1 **“SEC. 205. EVALUATIONS.**

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

8 “(b) SOURCES OF EVALUATION INFORMATION.—In
9 carrying out evaluations under subsection (a), the Sec-
10 retary shall—

11 “(1) to the maximum extent practicable, ar-
12 range to obtain the opinions of participants in the
13 programs, projects, and activities being evaluated,
14 and

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

17 **“SEC. 206. REPORTS.**

18 “(a) ANNUAL REPORT.—Not later than 120 days
19 after the end of each fiscal year beginning after September
20 30, 1996, the Assistant Secretary shall prepare and sub-
21 mit to the President and to the Congress a complete report
22 on the programs, projects, and activities carried out under
23 this Act in such fiscal year. Such report shall include—

24 “(1) statistical data reflecting services and ac-
25 tivities provided under this Act to older individuals

1 during the fiscal year for which such report is sub-
2 mitted,

3 “(2) statistical data collected under section
4 202(9), and

5 “(3) statistical data, and an analysis of infor-
6 mation, regarding the effectiveness of the State
7 agency and area agencies on aging in targeting serv-
8 ices to older individuals with greatest economic need
9 and older individuals with greatest social need.

10 **“SEC. 207. REDUCTION OF PAPERWORK**

11 “In order to reduce unnecessary, duplicative, or dis-
12 ruptive demands for information, the Assistant Secretary,
13 in consultation with State agencies and other appropriate
14 agencies and organizations, shall continually review and
15 evaluate all requests by the Administration for informa-
16 tion under this Act and shall take such action as may be
17 necessary to reduce the paperwork required under this
18 Act. The Assistant Secretary shall request only such infor-
19 mation as the Assistant Secretary deems essential to carry
20 out the purpose and provisions of this Act and, in gather-
21 ing such information, shall make use of uniform service
22 definitions to the extent that such definitions are available.

23 **“SEC. 208. SURPLUS PROPERTY ELIGIBILITY.**

24 “Any State or local government agency, and any non-
25 profit organization or institution, that receives funds ap-

1 appropriated for programs for older individuals under this
2 Act, under title IV or title XX of the Social Security Act,
3 under title VIII or X of Public Law 88–452 (commonly
4 known as the Economic Opportunity Act of 1964) or the
5 Community Services Block Grant Act, shall be deemed to
6 be eligible to receive for such programs, property that is
7 declared surplus to the needs of the Federal Government
8 in accordance with laws applicable to surplus property.

9 **“SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

10 “(a) IN GENERAL.—For the expenses (including sala-
11 ries) of the Administration on Aging to carry out this Act
12 (other than title IV), there are authorized to be appro-
13 priated \$15,170,000 for fiscal year 1997 and such sums
14 as may be necessary for fiscal years 1998, 1999, 2000,
15 and 2001.

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

1 **“TITLE III—GRANTS FOR**
2 **PROGRAMS ON AGING**
3 **“Subtitle A—Grants for State and**
4 **Community Programs on Aging**
5 **“CHAPTER 1—GENERAL PROVISIONS**

6 **“SEC. 301. ADMINISTRATION OF PROGRAMS.**

7 “(a) ADMINISTRATION.—To effectively carry out this
8 title, the Assistant Secretary shall administer programs
9 under this title through the Administration.

10 “(b) TECHNICAL ASSISTANCE AND COOPERATION.—

11 In carrying out this title, the Assistant Secretary may re-
12 quest the technical assistance and cooperation of such
13 other Federal agencies as the Assistant Secretary consid-
14 ers to be appropriate.

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

16 “(a) ALLOTMENT OF FUNDS FOR SUPPORTIVE SERV-
17 ICES, MULTIPURPOSE SENIOR CENTERS, AND NUTRITION
18 SERVICES.—

19 “(1) RESERVATION OF FUNDS.—(A) Subject to
20 subparagraphs (B) and (C), the amounts appro-
21 priated under paragraphs (1) and (2) of section
22 395(a), and the amounts made available under sec-
23 tion 396(a), for fiscal years 1997 through 2001 shall
24 be allotted by the Assistant Secretary among the
25 States as follows:

1 “(i) For each of the fiscal years 1997,
2 1998, 1999, and 2000—

3 “**(I)** the product of such amount ap-
4 propriated for such fiscal year and the
5 base percentage rate for such fiscal year
6 shall be allotted among the States propor-
7 tionately based on their respective shares
8 of the funds appropriated for fiscal year
9 1996 allotted to the States to carry out ti-
10 tles III and VII of the Older Americans
11 Act of 1965, and

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

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

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

19 “(iii) Such amount appropriated for fiscal
20 year 2001 shall be allotted among the States
21 proportionately based on the population of indi-
22 viduals 60 years of age or older in the States.

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

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

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

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

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

22 “(D) The number of individuals 60 years of age
23 or older in any State and in all States shall be deter-
24 mined by the Assistant Secretary on the basis of the
25 most recent data available from the Bureau of the

1 Census and other reliable demographic data satisfac-
2 tory to the Assistant Secretary.

3 “(2) EXCESS PORTION OF ALLOTMENT.—(A)
4 Whenever the Assistant Secretary determines that
5 any part of the amount allotted to a State under
6 this subsection for a fiscal year will not be used by
7 the State to carry out the purpose for which the al-
8 lotment was made, the Assistant Secretary shall
9 make such part available to carry out such purpose
10 to 1 or more other States to the extent the Assistant
11 Secretary determines that such other State will be
12 able to use such part to carry out such purpose.

13 “(B) Any funds made available to a State from
14 an appropriation for a fiscal year in accordance with
15 the subparagraph (A) shall, for purposes of chapters
16 2 and 3, be regarded as part of the State’s allotment
17 (as determined under paragraph (1)) for such year,
18 but shall remain available until the end of the suc-
19 ceeding fiscal year.

20 “(3) WITHHOLDING OF FUNDS.—(A) If the As-
21 sistant Secretary finds that a State fails to qualify
22 under the State plan requirements of section 304,
23 the Assistant Secretary shall withhold from the
24 State funds allotted under paragraph (1) for the fis-
25 cal year for which such plan is submitted.

1 “(B) The Assistant Secretary shall disburse the
2 funds so withheld directly to any public or nonprofit
3 private institution or organization, agency, or politi-
4 cal subdivision of the State submitting an approved
5 plan under section 304, that includes an agreement
6 that any such funds so disbursed shall be matched
7 in cash or in kind, from non-Federal sources, to pay
8 the remainder of the cost of carrying out chapters
9 2 and 3 as described in paragraph (4)(A), but not
10 less than 15 percent of such cost.

11 “(4) FEDERAL SHARE.—(A) Funds received by
12 a State from allotments made under this subsection
13 for a fiscal year may be used to pay not more than
14 85 percent of the cost of carrying out chapters 2
15 and 3.

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

21 “(b) ALLOTMENT OF FUNDS FOR COMMUNITY SERV-
22 ICE EMPLOYMENT.—

23 “(1) RESERVATION OF FUNDS FOR TRIBAL OR-
24 GANIZATIONS.—

1 “(A) AMOUNT RESERVED.—Of the amount
2 appropriated under paragraph (3) of section
3 395(a) for each of the fiscal years 1997, 1998,
4 1999, 2000, and 2001, the Assistant Secretary
5 shall reserve not more than 1.3 percent for
6 making grants under chapter 4 to tribal organi-
7 zations.

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

15 “(2) ALLOTMENT OF FUNDS FOR FISCAL YEARS
16 1997–2001.—(A) After reserving funds under para-
17 graph (1), the amount appropriated under para-
18 graph (3) of section 395(a) for fiscal years 1997
19 through 2001 shall be allotted by the Assistant Sec-
20 retary among the States as follows:

21 “(i)(I) For each of the fiscal years 1997,
22 1998, and 1999, the product of the amount ap-
23 propriated for such fiscal year and the base
24 percentage rate for such fiscal year shall be al-
25 lotted among the States proportionately based

1 on their respective shares of the funds appro-
 2 priated for fiscal year 1996 allotted to the
 3 States to carry out title V of the Older Ameri-
 4 cans Act of 1965, and

5 “(II) the balance shall be allotted in ac-
 6 cordance with subparagraph (C).

7 “(ii) After reserving funds under para-
 8 graph (1), the remaining amount appropriated
 9 under paragraph (3) of section 395(a) for each
 10 of the fiscal years 2000 and 2001 shall be allot-
 11 ted in accordance with subparagraph (C).

12 “(B) BASE PERCENTAGE RATES.—For purposes
 13 of subparagraph (A)(i)(I), the base percentage rates
 14 are the following:

“Fiscal year:	Base percentage rate:
1997	75 percent
1998	50 percent
1999	25 percent

15 “(C) ALLOTMENTS BASED ON AGE AND PER
 16 CAPITA INCOME.—Each amount referred to in
 17 clauses (i)(II) and (ii) of subparagraph (A) shall be
 18 allotted as follows:

19 “(i) Subject to clause (ii), each State shall
 20 be allotted the amount that bears the same
 21 ratio to the amount so referred to as the prod-
 22 uct of the number of individuals 55 years of age
 23 or older in the State and the allotment percent-

1 age of the State bears to the sum of the cor-
2 responding products for all the States.

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

7 “(I) Each State shall be allotted $\frac{1}{2}$ of
8 1 percent of the amount appropriated for
9 the fiscal year for which the determination
10 is made.

11 “(II) Guam, American Samoa, the
12 Virgin Islands of the United States, and
13 the Commonwealth of the Northern Mari-
14 ana Islands shall each be allotted not less
15 than $\frac{1}{4}$ of 1 percent of the amount appro-
16 priated for the fiscal year for which the de-
17 termination is made or \$50,000, whichever
18 is greater.

19 “(D) ALLOTMENT PERCENTAGE.—For purposes
20 of subparagraph (c)(i)—

21 “(i) except as provided in clause (ii), the
22 allotment percentage of each State shall be 100
23 percent less that percentage which bears the
24 same ratio to 50 percent as the per capita in-
25 come of the State bears to the per capita in-

1 come of all the States, except that the allotment
2 percentage shall be not more than 75 percent
3 and not less than 33 $\frac{1}{3}$ percent, and

4 “(ii) the allotment percentage for the Dis-
5 trict of Columbia, the Commonwealth of Puerto
6 Rico, Guam, American Samoa, the Virgin Is-
7 lands of the United States, and the Common-
8 wealth of the Northern Mariana Islands shall
9 be 75 percent.

10 “(E) LIMITATION.— For purposes of subpara-
11 graphs (C)(ii)(I) and (D)(i), the term ‘State’ does
12 not include Guam, American Samoa, the Virgin Is-
13 lands of the United States, or Commonwealth of the
14 Northern Mariana Islands.

15 “(F) POPULATION AND PER CAPITA INCOME
16 DETERMINATIONS.—For purposes of this paragraph,
17 the number of individuals 55 years of age or older
18 in each State, and the per capita income of each
19 State, shall be determined by the Assistant Sec-
20 retary on the basis of the most satisfactory data
21 available to the Assistant Secretary.

22 “(G) REALLOTMENT.—If any part of the
23 amount allotted under this paragraph to a State for
24 a fiscal year is not distributed to the State for such
25 fiscal year, such part shall be reallocated under this

1 paragraph for such fiscal year to the remaining
2 States.

3 “(c) PERMITTED USE OF ALLOTMENTS.—

4 “(1) ADMINISTRATION OF STATE PLANS.—(A)
5 Except as provided in subparagraph (B), the greater
6 of 7 percent of the aggregate of the allotments made
7 to a State under subsections (a) and (b), or
8 \$800,000, whichever is greater, shall be available to
9 the State to use in accordance with section 306(a)
10 and for administrative costs incurred by the State to
11 carry out chapter 4.

12 “(B) In the case of allotments made under sub-
13 sections (a) and (b) to Guam, American Samoa, the
14 Virgin Islands of the United States, and the Com-
15 monwealth of the Northern Mariana Islands, 7 per-
16 cent of the aggregate of such allotments or
17 \$120,000, whichever is greater, shall be available to
18 each to use in accordance with section 306(a) and
19 for administrative costs incurred by the State to
20 carry out chapter 4.

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

24 “(i) the State will be unable to fully and
25 effectively administer its State plan and to

1 carry out programs, projects, and activities au-
2 thorized by chapters 2, 3, and 4 unless addi-
3 tional funds are made available by the Assistant
4 Secretary,

5 “(ii) the State is making full and effective
6 use of its allotment under paragraph (1) and of
7 the personnel of the State agency and area
8 agencies designated under section 303(a)(2)(A)
9 in the administration of its State plan in ac-
10 cordance with section 306(a), and

11 “(iii) the State agency and area agencies
12 on aging are carrying out, on a full-time basis,
13 programs, projects, and activities that are in
14 furtherance of the purpose of chapters 2 and 3,
15 then the Assistant Secretary may approve an appli-
16 cation submitted by the State to request permission
17 to use in accordance with section 306(a) a greater
18 percentage of the aggregate of its allotments under
19 subsections (a) and (b).

20 “(B) Subject to subparagraph (C), the Assist-
21 ant Secretary may approve any part of the greater
22 percentage requested in such application that the
23 Assistant Secretary determines is justified in such
24 application.

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

6 “(D) An application submitted under subpara-
7 graph (A) by a State may not be approved unless it
8 contains assurances that no funds received by the
9 State under this subsection will be used to hire any
10 individual to fill a job opening created by the action
11 of the State in laying off or terminating the employ-
12 ment of any regular employee not supported under
13 this Act in anticipation of filling the vacancy so cre-
14 ated by hiring an employee to be supported through
15 use of amounts received under this subsection.

16 “(3) ADDITIONAL USE.—Of the allotments
17 made under subsection (a) to a State for a fiscal
18 year and remaining after the application of para-
19 graph (1), such part as the State agency determines,
20 but not more than 8.5 percent of such remaining
21 amount, may be used to pay such percentage as the
22 State agency determines, but not more than 85 per-
23 cent, of the administrative costs incurred to carry
24 out area plans submitted in accordance with section
25 305.

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

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

4 “(1) the State shall, in accordance with rules is-
5 sued by the Secretary, designate a State agency as
6 the sole State agency to—

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

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

12 “(C) be responsible for the planning, policy
13 development, administration, coordination, pri-
14 ority setting, and evaluation of all State activi-
15 ties related to carrying out chapters 2 and 3,

16 “(D) serve as an effective and visible advo-
17 cate for older individuals by reviewing and com-
18 menting on all State plans, budgets, and poli-
19 cies that affect older individuals, and to provide
20 technical assistance to any agency, organiza-
21 tion, or association representing the needs of
22 older individuals, and

23 “(E) except as provided in subsection (e),
24 divide the State into distinct planning and serv-
25 ice areas or designate the entire State as a sin-
26 gle planning and service area,

1 “(2) the State agency shall—

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

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

7 “(i) the views of recipients of support-
8 ive services, nutrition services, or commu-
9 nity service employment, or

10 “(ii) individuals using multipurpose
11 senior centers,

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

13 “(C) after consultation with area agencies
14 and using the best available data, develop and
15 publish for review and comment a formula for
16 distribution within the State of funds received
17 under chapters 2 and 3 that takes into ac-
18 count—

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

21 “(ii) the distribution among planning
22 and service areas of older individuals with
23 greatest economic need and older individ-
24 uals with greatest social need, and

1 “(D) provide an assurance that preference
2 will be given to providing services to older indi-
3 viduals with greatest economic need and older
4 individuals with greatest social need, and in-
5 clude proposed methods to carry out the pref-
6 erence in the State plan,

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

8 (1) An area agency on aging designated under subsection
9 (a) shall be—

10 “(A) an established office of aging,

11 “(B) any office or agency of a unit of general
12 purpose local government, that is designated to func-
13 tion only for the purpose of serving as an area agen-
14 cy on aging by the chief elected official of such unit,

15 “(C) any office or agency designated by the ap-
16 propriate chief elected officials of any combination of
17 units of general purpose local government to act only
18 on behalf of such combination for such purpose,

19 “(D) any public or nonprofit private agency in
20 a planning and service area, or any separate organi-
21 zational unit within such agency, that is under the
22 supervision or direction for this purpose of the des-
23 ignated State agency and that can and will engage
24 only in the planning or provision of a broad range

1 of supportive services, or nutrition services within
2 the planning and service area, or

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

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

19 “(d) DUE PROCESS.—A State agency shall establish,
20 after consultation with area agencies on aging, procedures
21 to provide due process to affected parties, if the State
22 agency initiates an action or proceeding to change the des-
23 ignation of any designated planning and service area or
24 of any designated area agency on aging.

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

14 **“SEC. 304. STATE PLANS.**

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

22 “(1) UNIFORM AREA PLAN FORMAT.—The plan
23 shall contain assurances that the State plan will be
24 based upon area plans developed by area agencies on
25 aging within the State designated under section

1 303(a)(2)(A) and that the State will prepare and
2 distribute a uniform format for use by area agencies
3 on aging in developing area plans under section 305.

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

9 “(3) EVALUATION OF NEED.—The plan shall
10 provide that the State agency will evaluate the need
11 for supportive services, nutrition services (taking
12 into consideration the comparative need for home-de-
13 livered nutrition services and for congregate nutri-
14 tion services), multipurpose senior centers, and com-
15 munity service employment within the State and de-
16 termine the extent to which existing public or private
17 programs meet such need. To conduct the evalua-
18 tion, the State agency shall use the procedures im-
19 plemented under section 202(10).

20 “(4) HEARINGS.—The plan shall provide that
21 the State agency establish a grievance procedure
22 that will afford an opportunity for a hearing upon
23 request to any agency on aging submitting a plan
24 under this section 305, to any provider of a service
25 under such a plan, or to any applicant to provide a

1 service under such a plan. The State agency shall es-
2 tablish and publish the procedures for requesting
3 and conducting such hearing.

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

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

14 “(i) no individual (appointed or otherwise)
15 involved in the designation of the State agency
16 or an area agency on aging, or in the designa-
17 tion of the head of any subdivision of the State
18 agency or of an area agency on aging, is subject
19 to a conflict of interest prohibited under this
20 subtitle,

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

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

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

6 “(i) maintain the integrity and public pur-
7 pose of services provided, and service providers,
8 under the State plan in all contractual and
9 commercial relationships, and

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

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

22 “(7) LIMITATIONS.—(A) The plan shall provide
23 that no supportive services, nutrition services, or in-
24 home services will be directly provided by the State

1 agency or an area agency on aging, except when, in
2 the judgment of the State agency—

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

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

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

12 “(B) Subparagraph (A) shall not apply with re-
13 spect to information and assistance services, case
14 management services, and outreach.

15 “(8) STATE LONG-TERM CARE OMBUDSMAN
16 PROGRAM.—The plan shall provide assurances that
17 the State agency will carry out a State long-term
18 care ombudsman program that complies with all the
19 following specifications:

20 “(A) DUTIES.—The State agency shall—

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

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

1 “(II) relate to action, inaction, or
2 decisions that may adversely affect
3 the health, safety, welfare, or rights of
4 such residents (including the welfare
5 and rights of such residents with re-
6 spect to the appointment and activi-
7 ties of guardians and representative
8 payees), of providers (or representa-
9 tives of providers) of long-term care
10 services, public agencies, or health
11 and social service agencies,

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

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

19 “(iv) ensure that such residents have
20 regular and timely access to the services
21 provided through the State long-term care
22 ombudsman program and that such resi-
23 dents and complainants receive from pro-
24 gram representatives of the State agency
25 timely responses to complaints,

1 “(v) represent the interests of such
2 residents before governmental agencies and
3 seek administrative, legal, and other rem-
4 edies to protect the health, safety, welfare,
5 and rights of the residents,

6 “(vi) provide administrative and tech-
7 nical assistance to entities designated
8 under subparagraph (F) to assist the enti-
9 ties in participating in the program,

10 “(vii) analyze, comment on, and mon-
11 itor the development and implementation
12 of Federal, State, and local laws, rules,
13 and other governmental policies and ac-
14 tions, that pertain to the health, safety,
15 welfare, and rights of the residents, with
16 respect to the adequacy of long-term care
17 facilities and services in the State,

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

20 “(ix) carry out such other activities as
21 the State agency determines to be appro-
22 priate.

23 “(B) CONTRACTS AND ARRANGEMENTS.—

24 (i) Except as provided in clause (ii), the State
25 agency may carry out the program, directly, or

1 by contract or other arrangement with any pub-
2 lic agency or nonprofit private organization.

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

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

9 “(II) an association (or an affiliate of
10 such an association) of long-term care fa-
11 cilities, or of any other residential facilities
12 for older individuals.

13 “(C) DESIGNATION OF LOCAL OMBUDSMAN
14 ENTITIES AND REPRESENTATIVES.—(i) In car-
15 rying out the duties specified in subparagraph
16 (A), the State agency may designate an entity
17 as a local ombudsman entity, and may des-
18 ignate an individual (including an employee or
19 volunteer) to represent the entity.

20 “(ii) An individual so designated may, in
21 accordance with the policies and procedures es-
22 tablished by the State agency—

23 “(I) provide services to protect the
24 health, safety, welfare, and rights of older

1 individuals who are residents of long-term
2 care facilities,

3 “(II) ensure that residents in the
4 service area of the entity have regular,
5 timely access to representatives of the
6 State long-term care ombudsman program
7 and timely responses to complaints and re-
8 quests for assistance,

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

15 “(IV) represent the interests of such
16 residents before government agencies and
17 seek administrative, legal, and other rem-
18 edies to protect the health, safety, welfare,
19 and rights of such residents,

20 “(V) review, and if necessary, com-
21 ment on existing and proposed laws, rules,
22 and other government policies and actions,
23 that pertain to the rights and well-being of
24 such residents,

1 “(VI) facilitate the ability of the pub-
2 lic to comment on such laws, rules, poli-
3 cies, and actions,

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

6 “(VIII) carry out other activities that
7 the State agency determines to be appro-
8 priate.

9 “(iii)(I) The State agency shall establish
10 policies and procedures for monitoring local om-
11 budsman entities designated to carry out the
12 duties specified in subparagraph (A).

13 “(II) If the entities are grantees, or the
14 representatives are employees, of area agencies
15 on aging, the State agency shall develop the
16 policies after consultation with the area agen-
17 cies on aging. The policies shall provide for par-
18 ticipation and comment by such agencies and
19 for resolution of concerns with respect to case
20 activity.

21 “(III) The State agency shall develop the
22 policies and procedures in accordance with all
23 provisions of this subtitle regarding confiden-
24 tiality and conflict of interest.

1 “(D) PROCEDURES FOR ACCESS.—The
2 State shall ensure, and shall establish proce-
3 dures that ensure, that program representatives
4 of the State agency shall have—

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

7 “(ii)(I) appropriate access to review
8 the medical and social records of a resi-
9 dent, if the representative has the permis-
10 sion of the resident (or the legal represent-
11 ative of the resident), or the resident is un-
12 able to consent to the review and has no
13 legal representative, or

14 “(II) access to such records as is nec-
15 essary to investigate a complaint if a legal
16 guardian of the resident refuses to give the
17 permission, a program representative of
18 the State agency has reasonable cause to
19 believe that the guardian is not acting in
20 the best interests of the resident, and the
21 program representative obtains the ap-
22 proval of the State agency,

23 “(iii) access to the administrative
24 records, policies, and documents, to which

1 the residents have, or the general public
2 has access, of long-term care facilities, and
3 “(iv) access to and, on request, copies
4 of all licensing and certification records
5 maintained by the State with respect to
6 long-term care facilities.

7 “(E) REPORTING SYSTEM.—The State
8 agency shall collect and analyze data relating to
9 complaints and conditions in long-term care fa-
10 cilities and to older individuals who are resi-
11 dents of long-term care facilities, for the pur-
12 pose of identifying and resolving significant
13 problems.

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

20 “(ii) The procedures described in clause (i)
21 shall provide that, subject to clause (iii), the
22 files and records described in clause (i) may be
23 disclosed only at the discretion of the State
24 agency. The procedures described in clause (i)
25 shall prohibit the disclosure of the identity of

1 any complainant, or resident of a long-term
2 care facility, with respect to whom the State
3 agency maintains such files or records unless—

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

8 “(II) the complainant or resident
9 gives consent orally and the consent is doc-
10 umented contemporaneously in writing
11 made by a program representative of the
12 State agency in accordance with such re-
13 quirements as the State agency shall estab-
14 lish, or

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

17 “(G) CONSULTATION.—In planning and
18 operating the State long-term care ombudsman
19 program, the State agency shall consider the
20 views of area agencies on aging, older individ-
21 uals, and providers of long-term care.

22 “(H) CONFLICT OF INTEREST.—The State
23 agency shall develop procedures to prevent con-
24 flicts of interest with respect to individuals and

1 entities that carry out activities under the State
2 long-term care ombudsman program.

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

5 “(i)(I) adequate legal counsel is avail-
6 able and able to provide advice and con-
7 sultation needed to protect the health,
8 safety, welfare, and rights of older individ-
9 uals who are residents of long-term care
10 facilities, and to assist the program rep-
11 resentatives of the State agency in the per-
12 formance of the official duties of the State
13 agency, and

14 “(II) legal representation is provided
15 to any program representative of the State
16 agency against whom suit or other legal
17 action is brought or threatened to be
18 brought in connection with the perform-
19 ance of the official duties of the State
20 agency or such a representative, and

21 “(ii) the State agency pursues admin-
22 istrative, legal, and other appropriate rem-
23 edies on behalf of such residents.

24 “(J) LIABILITY.—The State shall ensure
25 that no program representative of the State

1 agency will be liable under State law for the
2 good faith performance of official duties.

3 “(K) NONINTERFERENCE.—The State
4 shall—

5 “(i) ensure that willful interference
6 with the State agency in the performance
7 of the official duties under the State long-
8 term care ombudsman program shall be
9 unlawful,

10 “(ii) prohibit retaliation and reprisals
11 by a long-term care facility or other entity
12 with respect to any resident, employee, or
13 other person for filing a complaint with,
14 providing information to, or otherwise co-
15 operating with any representative of, the
16 State agency, and

17 “(iii) provide for appropriate sanc-
18 tions with respect to the interference, re-
19 tialiation, and reprisals.

20 “(L) LIMITATION ON EXPENDITURES.—(i)
21 Except as provided in clause (ii), the amount of
22 funds made available under this Act that may
23 be expended by a State in any fiscal year to
24 carry out the State long-term care ombudsman
25 program may not exceed the amount that bears

1 the same ratio to the aggregate amount of
2 funds made available under this Act for such
3 fiscal year to carry out chapter 2 as the amount
4 of funds made available under the Older Ameri-
5 cans Act of 1965 for fiscal year 1995 expended
6 by the State to carry out the State long-term
7 care ombudsman programs under title VII and
8 part B of title III of the Older Americans Act
9 of 1965 bears to the aggregate amount avail-
10 able under such Act for fiscal year 1995 to
11 carry out such title VII and such part B.

12 “(ii)(I) If a State demonstrates, in an ap-
13 plication, to the satisfaction of the Assistant
14 Secretary that the maximum amount subpara-
15 graph (A) permits the State to expend for a fis-
16 cal year to carry out the State long-term care
17 ombudsman program is insufficient to satisfy
18 the need for services provided by such program,
19 then the Assistant Secretary may grant a waiv-
20 er that permits the State to expend for such fis-
21 cal year an amount equal to not more than 105
22 percent of such maximum amount to carry out
23 such program.

24 “(II) At a minimum, the application de-
25 scribed in subclause (I) shall include a descrip-

1 tion of the additional amount requested to be so
2 expended, the purposes for which such amount
3 will be expended, the need for such amount,
4 and the impact so expending such amount will
5 have on the provision of other services provided
6 under chapter 2. The Assistant Secretary shall
7 approve or deny the application in writing.

8 “(10) LEGAL ASSISTANCE.—If a State elects to
9 provide legal assistance, the plan shall contain assur-
10 ances that with respect to legal assistance that area
11 agencies on aging will—

12 “(A) enter into contracts with providers of
13 legal assistance that can demonstrate the expe-
14 rience or capacity to deliver legal assistance,
15 and

16 “(B) attempt to involve the private bar in
17 legal assistance activities authorized under this
18 chapter, including groups within the private bar
19 furnishing services to older individuals on a pro
20 bono and reduced fee basis.

21 “(11) PREVENTION OF ELDER ABUSE, NE-
22 GLECT, AND EXPLOITATION.—If the State elects to
23 provide for a fiscal year for services for the preven-
24 tion of elder abuse, neglect, and exploitation, the
25 plan shall—

1 “(A) contain an assurance that the State
2 has in effect laws relating to elder abuse, ne-
3 glect, and exploitation that include provisions
4 for immunity for persons who report instances
5 of elder abuse, neglect, and exploitation, from
6 prosecution under any State or local law arising
7 out of such reporting,

8 “(B) contain an assurance that individuals
9 who provide services to prevent elder abuse, ne-
10 glect, and exploitation are trained to effectively
11 deal with such reported instances,

12 “(C) contain an assurance that involuntary
13 or coerced participation in such program by al-
14 leged victims, abusers, or members of their
15 households will not be permitted,

16 “(D) contain an assurance that the State
17 requires all information gathered in the course
18 of receiving reports on instances of, and of
19 making referrals relating to elder abuse, ne-
20 glect, and exploitation remain confidential ex-
21 cept—

22 “(i) if all parties to such complaint
23 consent in writing to the release of such
24 information,

1 “(ii) if the release of such information
2 is to a law enforcement agency, public pro-
3 tective service agency, licensing or certifi-
4 cation agency, ombudsman program, or
5 protection or advocacy system, or

6 “(iii) upon court order,

7 “(E) contain an assurance that the State
8 agency will make all reasonable efforts to re-
9 solve any conflicts with other public agencies
10 with respect to confidentiality of the informa-
11 tion described in subparagraph (D),

12 “(F) contain an assurance that the State
13 agency will coordinate its program with law en-
14 forcement officials, courts of competent juris-
15 diction, and other relevant State and local pro-
16 grams, including area agencies on aging and
17 agencies that administer adult protective serv-
18 ices, medicaid fraud and abuse services (includ-
19 ing services provided by a State Medicaid fraud
20 control unit, as defined in section 1903(q) of
21 the Social Security Act (42 U.S.C. 1396b(q)),
22 and victim assistance programs,

23 “(G) contain an assurance that older indi-
24 viduals participate in decisions regarding their
25 welfare, and

1 “(H) specify such other activities that the
2 State agency determines to be beneficial in the
3 prevention of abuse, neglect, or exploitation of
4 older individuals and intends to carry out under
5 such program.

6 “(12) OUTREACH.—The plan shall provide as-
7 surances that the State agency will require outreach
8 efforts that will—

9 “(A) identify individuals eligible for assist-
10 ance under chapters 2 and 3, with special em-
11 phasis on—

12 “(i) older individuals residing in rural
13 areas,

14 “(ii) older individuals with greatest
15 economic need,

16 “(iii) older individuals with greatest
17 social need,

18 “(iv) older individuals with severe dis-
19 abilities,

20 “(v) older individuals with limited
21 English-speaking ability,

22 “(vi) older individuals with Alz-
23 heimer’s disease or related disorders with
24 neurological and organic brain dysfunction

1 (and the caretakers of such individuals),

2 and

3 “(vii) low-income minority individuals,

4 and

5 “(B) inform the older individuals referred

6 to in clauses (i) through (vii) of subparagraph

7 (A), and the caretakers of such individuals, of

8 the availability of such assistance.

9 “(13) OLDER INDIVIDUALS WITH DISABIL-
10 ITIES.—The plan shall provide, with respect to the
11 needs of older individuals with disabilities, assur-
12 ances that the State agency will coordinate planning,
13 identification, assessment of needs, and services for
14 older individuals with disabilities (with particular at-
15 tention to individuals with severe disabilities) with
16 the State agencies with primary responsibility for in-
17 dividuals with disabilities (including severe disabili-
18 ties).

19 “(14) COORDINATION OF COMMUNITY-BASED
20 LONG-TERM CARE SERVICES.—The plan shall pro-
21 vide assurances that area agencies on aging will con-
22 duct efforts to facilitate the coordination of commu-
23 nity-based long-term care services, pursuant to sec-
24 tion 305(a)(6)(G), for older individuals who—

1 “(A) reside at home and are at risk of in-
2 stitutionalization because of limitations on their
3 ability to function independently,

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

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

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

17 “(16) COORDINATION OF SERVICES; PROVISION
18 OF MULTIGENERATIONAL SERVICES.—The plan shall
19 provide assurances that demonstrable efforts will be
20 made—

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

24 “(B) to provide multigenerational activi-
25 ties, such as opportunities for older individuals

1 to serve as mentors or advisers in programs
2 that provide child care, youth day care, edu-
3 cational assistance, at-risk youth intervention,
4 juvenile delinquency treatment, and family sup-
5 port.

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

10 “(18) COST SHARING.—If the State, after con-
11 sultation with area agencies on aging, elects to re-
12 quire cost sharing by recipients of services under the
13 State plan (or to require or permit area agencies on
14 aging to require cost sharing by recipients of serv-
15 ices under area plans), the plan shall—

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

18 “(i) information and assistance serv-
19 ices, outreach, benefits counseling, or case
20 management services, or

21 “(ii) ombudsman or other protective
22 services, or

23 “(B)(i) exempt from cost-sharing require-
24 ments individuals with incomes below a low-in-
25 come threshold set by the State,

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

4 “(iii) provide that the income of older indi-
5 viduals will be determined by self-declaration.

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

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

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

15 “(20) USE OF VOUCHERS TO OBTAIN SERV-
16 ICES.—(A) Subject to subparagraph (B), the plan
17 shall identify each specific supportive service and
18 each nutrition service, if any, the State agency elects
19 to permit area agencies on aging to provide by issu-
20 ing vouchers (redeemable by the State agency or
21 area agency on aging) to older individuals to permit
22 such individuals to obtain such service.

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

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

4 “(ii) an area agency on aging will be per-
5 mitted by the State agency to provide such
6 service by issuing such vouchers, only if the
7 area agency on aging is unable to provide such
8 service by contract with a service provider.

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

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

18 “(2) Not later than 30 days after such final deter-
19 mination, a State dissatisfied with such final determina-
20 tion may appeal such final determination to the Secretary
21 for review. If the State timely appeals such final deter-
22 mination in accordance with subsection (e)(1), the Sec-
23 retary shall dismiss the appeal filed under this paragraph.

24 “(3)(A) If the State is dissatisfied with the decision
25 of the Secretary after review under paragraph (2), the

1 State may appeal such decision not later than 30 days
2 after such decision and in the manner described in sub-
3 section (e).

4 “(B) For purposes of appellate review under subpara-
5 graph (A), a reference in subsection (e) to the Assistant
6 Secretary shall be deemed to be a reference to the Sec-
7 retary.

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

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

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

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

18 the Assistant Secretary shall notify the State agency that
19 no further payments from its allotments under section
20 302(a) will be made to the State (or, in the Assistant Sec-
21 retary’s discretion, that further payments to the State will
22 be limited to projects under or portions of the State plan
23 not affected by such failure), until the Assistant Secretary
24 is satisfied that there will no longer be any failure to com-
25 ply. Until the Assistant Secretary is so satisfied, no fur-

1 ther payments shall be made to the State from its allot-
2 ments under section 302(a) (or payments shall be limited
3 to projects under or portions of the State plan not affected
4 by such failure).

5 “(2)(A) The Assistant Secretary shall, in accordance
6 with rules the Secretary shall issue, disburse the funds so
7 withheld directly to any public or nonprofit private organi-
8 zation or agency or political subdivision of the State sub-
9 mitting an approved plan in accordance with the provi-
10 sions of this section.

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

15 “(e) APPEAL.—(1) A State that is dissatisfied with
16 a final action of the Assistant Secretary under subsection
17 (b), (c), or (d) may appeal to the United States court of
18 appeals for the circuit in which the State is located, by
19 filing a petition with such court within 30 days after such
20 final action. A copy of the petition shall be forthwith
21 transmitted by the clerk of the court to the Assistant Sec-
22 retary, or any officer designated by the Assistant Sec-
23 retary for such purpose. The Assistant Secretary there-
24 upon shall file in the court the record of the proceedings

1 on which the Assistant Secretary's action is based, as pro-
2 vided in section 2112 of title 28, United States Code.

3 “(2) Upon the filing of such petition, the court shall
4 have jurisdiction to affirm the action of the Assistant Sec-
5 retary or to set it aside, in whole or in part, temporarily
6 or permanently, but until the filing of the record, the As-
7 sistant Secretary may modify or set aside the Assistant
8 Secretary's order. The findings of the Assistant Secretary
9 as to the facts, if supported by substantial evidence, shall
10 be conclusive, but the court, for good cause shown may
11 remand the case to the Assistant Secretary to take further
12 evidence, and the Assistant Secretary shall, within 30
13 days, file in the court the record of those further proceed-
14 ings. Such new or modified findings of fact shall likewise
15 be conclusive if supported by substantial evidence. The
16 judgment of the court affirming or setting aside, in whole
17 or in part, any action of the Assistant Secretary shall be
18 final, subject to review by the Supreme Court of the Unit-
19 ed States upon certiorari or certification as provided in
20 section 1254 of title 28, United States Code.

21 “(3) The commencement of proceedings under this
22 subsection shall not, unless so specifically ordered by the
23 court, operate as a stay of the Assistant Secretary's ac-
24 tion.

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

6 **“SEC. 305. AREA PLANS.**

7 “(a) PLAN.—Each area agency on aging designated
8 under section 303(a)(2)(A) shall, in order to be approved
9 by the State agency, prepare and develop an area plan
10 for a planning and service area for a 2-, 3-, or 4-year pe-
11 riod determined by the State agency, with such annual ad-
12 justments as may be necessary. Each such plan shall be
13 based upon a uniform format for area plans within the
14 State. Each such plan shall comply with all of the follow-
15 ing requirements:

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

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

1 “(B) determining the extent of need for
2 supportive services, nutrition services (taking
3 into consideration the comparative need for
4 home-delivered nutrition services and con-
5 gregate nutrition services), and multipurpose
6 senior centers in such area (taking into consid-
7 eration, among other things, the number of
8 older individuals with low incomes residing in
9 such area, the number of older individuals who
10 have greatest economic need residing in such
11 area, the number of older individuals who have
12 greatest social need residing on reservations in
13 such area, and the number of older individuals
14 who are Indians residing in such area, and the
15 efforts of voluntary organizations in the com-
16 munity),

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

19 “(D) entering into agreements with provid-
20 ers of supportive services, nutrition services, or
21 multipurpose senior centers in such area, for
22 the provision of such services or centers to meet
23 such need.

24 “(2) PROMOTION OF INDEPENDENT LIVING.—

25 The plan shall promote independent living through

1 the provision of home- and community-based care,
2 address the nutrition and health-promotion needs of
3 older individuals, provide advocacy for and protect
4 the rights of vulnerable older individuals in both
5 community-based and institutional settings, specify
6 efforts to be undertaken to ensure the quality of
7 supportive services and nutrition services provided in
8 such settings, enhance access to services provided
9 under the plan, and encourage community participa-
10 tion in carrying out the plan.

11 “(3) INFORMATION AND ASSISTANCE SERV-
12 ICES.—The plan shall provide for the establishment
13 and maintenance of information and assistance serv-
14 ices to ensure that older individuals within the plan-
15 ning and service area covered by the plan will have
16 reasonably convenient access to such services, with
17 particular emphasis on linking services available to
18 isolated older individuals and older individuals with
19 Alzheimer’s disease or related disorders with neuro-
20 logical and organic brain dysfunction (and the care-
21 takers of individuals with such disease or disorders).

22 “(5) SPECIFIC OBJECTIVES; OUTREACH.—(A)
23 The plan shall contain assurances that the area
24 agency on aging will set specific objectives for pro-
25 viding services to older individuals with greatest eco-

1 nomic need, older individuals with greatest social
2 need, and older individuals residing in rural areas.

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

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

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

11 “(II) older individuals with greatest
12 economic need,

13 “(III) older individuals with greatest
14 social need,

15 “(IV) older individuals with severe
16 disabilities,

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

19 “(VI) older individuals with Alz-
20 heimer’s disease or related disorders with
21 neurological and organic brain dysfunction
22 (and the caretakers of such individuals),
23 and

24 “(VII) low-income minority individ-
25 uals, and

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

5 “(5) EVALUATIONS; TECHNICAL ASSISTANCE
6 AND INFORMATION; ADVOCACY; ADVISORY COUN-
7 CIL.—The plan shall provide that the area agency on
8 aging will—

9 “(A) furnish appropriate technical assist-
10 ance, and information in a timely manner, to
11 providers of supportive services, nutrition serv-
12 ices, or multipurpose senior centers in the plan-
13 ning and service area covered by the area plan,

14 “(B) take into account in connection with
15 matters of general policy arising in the develop-
16 ment and administration of the area plan, the
17 views of recipients of services under such plan,

18 “(C) serve as the advocate and focal point
19 for older individuals within the community by
20 (in cooperation with agencies, organizations,
21 and individuals participating in activities under
22 the plan) monitoring, evaluating, and comment-
23 ing on all policies, programs, hearings, levies,
24 and community actions that will affect older in-
25 dividuals,

1 “(D) establish an advisory council consist-
2 ing of older individuals who are participants or
3 who are eligible to participate in programs as-
4 sisted under this title, representatives of older
5 individuals, local elected officials, providers of
6 veterans’ health care (if appropriate), and the
7 general public, to advise continuously the area
8 agency on aging on all matters relating to the
9 development of the area plan, the administra-
10 tion of the plan and operations conducted under
11 the plan,

12 “(E) facilitate the coordination of commu-
13 nity-based, long-term care services designed to
14 retain individuals in their homes, thereby defer-
15 ring unnecessary, costly institutionalization,
16 and designed to include the development of case
17 management services as a component of the
18 long-term care services,

19 “(F) facilitate the involvement of long-
20 term care providers in the coordination of com-
21 munity-based long-term care services and work
22 to ensure community awareness of and involve-
23 ment in addressing the needs of residents of
24 long-term care facilities,

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

3 “(i) activities of community-based or-
4 ganizations established for the benefit of
5 older individuals with Alzheimer’s disease
6 or related disorders with neurological and
7 organic brain dysfunction (and the families
8 of such individuals), and

9 “(ii) the mental health services pro-
10 vided by community health centers and by
11 other public agencies and nonprofit private
12 organizations, and

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

16 “(6) VOLUNTEERS.—The plan shall encourage,
17 and enlist the services of, local volunteer groups to
18 provide assistance and services appropriate to the
19 unique needs of older individuals within the planning
20 and service area, including coordination with pro-
21 grams carried out under subtitles A and C of title
22 IV.

23 “(7) PREVENTION OF THE ABUSE, NEGLECT,
24 OR EXPLOITATION OF OLDER INDIVIDUALS.—If the
25 area agency on aging elects to provide a program to

1 prevent the abuse, neglect, or exploitation of older
2 individuals or is required by the State agency to
3 carry out such program, the plan shall—

4 “(A) contain an assurance that the area
5 agency on aging will conduct such a program
6 consistent with the provisions of this subtitle,

7 “(B) contain an assurance that the area
8 agency on aging will provide public education
9 and outreach to identify and prevent abuse, ne-
10 glect, and exploitation of older individuals,

11 “(C) contain an assurance that the area
12 agency on aging—

13 “(i) will establish procedures for re-
14 ceipt of reports of abuse, neglect, and ex-
15 ploitation of older individuals, and

16 “(ii) upon receipt of a report of
17 known or suspected instances of elder
18 abuse, neglect, or exploitation, shall
19 promptly refer to reported matter to the
20 proper authorities for investigation and ac-
21 tion consistent with State law, and

22 “(D) specify such other activities that the
23 area agency determines to be beneficial in the
24 prevention of abuse, neglect, or exploitation of

1 older individuals and intends to carry out under
2 such program.

3 “(8) DESCRIPTION OF ACTIVITIES.—The plan
4 shall—

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

8 “(B) contain an assurance that such activi-
9 ties conform with—

10 “(i) the responsibilities of the area
11 agency on aging, as set forth in this sub-
12 section, and

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

16 “(9) DISCLOSURE OF SOURCES AND EXPENDI-
17 TURES OF FUNDS.—The plan shall contain an assur-
18 ance that the area agency on aging will, on the re-
19 quest of the State and for the purpose of monitoring
20 compliance with this subtitle (including conducting
21 an audit), disclose all sources and expenditures of
22 funds such agency receives or expends to provide
23 services to older individuals.

24 “(10) PROHIBITION ON MISUSE OF FUNDS.—
25 The plan shall contain assurances that funds re-

1 received from allotments under section 302(a) will not
2 be used to pay any part of a cost (including an ad-
3 ministrative cost) incurred by the area agency on
4 aging to carry out a contract or commercial relation-
5 ship that is not carried out to implement chapters
6 2 and 3.

7 “(11) PROHIBITION OF PREFERENCE.—The
8 plan shall contain assurances that preference in re-
9 ceiving services under chapters 2 and 3 will not be
10 given by the area agency on aging to particular older
11 individuals as a result of a contract or commercial
12 relationship that is not carried out to implement
13 such chapters.

14 “(12) CASE MANAGEMENT SERVICES.—The
15 plan shall provide that case management services
16 provided under this chapter through the area agency
17 on aging will—

18 “(A) not duplicate case management serv-
19 ices provided through other Federal and State
20 programs,

21 “(B) be coordinated with services described
22 in subparagraph (A), and

23 “(C) be provided by—

24 “(i) a public agency, or

25 “(ii) a nonprofit private agency that—

1 “(I) does not provide, and does
2 not have a direct or indirect owner-
3 ship or controlling interest in, or a di-
4 rect or indirect affiliation or relation-
5 ship with, an entity that provides,
6 services (other than case management
7 services, outreach, and information
8 and referral) under this title, or

9 “(II) is located in a rural area
10 and obtains a waiver of the require-
11 ment described in subclause (I).

12 “(13) COST SHARING.—The plan shall contain
13 assurances that any requirements for cost sharing
14 by recipients of services provided under the plan will
15 be consistent with those provisions of the State plan
16 that satisfy the requirement specified in section
17 304(a)(18).

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

23 “(c) STATE AUTHORITY TO WITHHOLD FUNDS.—(1)
24 If the head of a State agency finds that an area agency
25 on aging has failed to comply with Federal or State laws,

1 including the area plan requirements of this section, rules,
2 or policies, the State may withhold from the area agency
3 on aging a portion of the funds available under the allot-
4 ment made under section 302(a).

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

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

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

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

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

19 “(3)(A) If a State agency withholds the funds under
20 paragraphs (1) and (2), the State agency may use the
21 funds withheld to directly administer programs under
22 chapters 2 and 3 in the planning and service area served
23 by the area agency on aging for a period not to exceed
24 180 days, except as provided in subparagraph (B).

1 “(D) the provision of short-term training to
2 personnel of public or nonprofit private agencies and
3 organizations engaged in the operation of programs,
4 projects, and activities authorized by chapters 2 and
5 3, and

6 “(E) and the carrying out of demonstration
7 projects of statewide significance relating to the ini-
8 tiation, expansion, or improvement of services and
9 activities provided under chapters 2 and 3.

10 “(2) Any funds available to a State under subsection
11 (b) for part of the cost of the administration of its State
12 plan that the State determines is not needed for such pur-
13 pose may be used by the State to supplement the amount
14 available under section 302(c)(2)(B) to cover part of the
15 cost of the administration of area plans.

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

22 “(4) Any State that is designated under section
23 303(a)(1)(E) a single planning and service area covering
24 all, or substantially all, of the older individuals in the
25 State, as determined by the Assistant Secretary, may elect

1 to pay part of the costs of the administration of State and
2 area plans either out of the amount of funds received
3 under this section or out of the amount of funds made
4 available for the administration of area plans under sec-
5 tion 302(c)(2)(B), but shall not pay such costs out of both
6 such amounts.

7 “(b) AUTHORITY TO TRANSFER FUNDS.—(1)(A)
8 Notwithstanding any other provision of this subtitle and
9 except as provided in subparagraph (B), of the funds re-
10 ceived by a State attributable to funds appropriated under
11 paragraphs (1) and (2) of section 395(a), the State (after
12 consultation with area agencies on aging and with service
13 providers) may elect to transfer not more than 25 percent
14 for any fiscal year between programs under chapter 2 and
15 programs under chapter 3 for use as the State considers
16 appropriate. The State shall notify the Assistant Secretary
17 of any such election.

18 “(B) If a State demonstrates in an application, to
19 the satisfaction of the Assistant Secretary, that funds re-
20 ceived by the State and attributable to funds appropriated
21 under paragraphs (1) and (2) of section 395(a), (including
22 funds transferred under subparagraph (A) without regard
23 to this subparagraph) for any fiscal year are insufficient
24 to satisfy the need for services under chapter 2 or 3, then
25 the Assistant Secretary may grant a waiver that permits

1 the State to transfer under subparagraph (A) to satisfy
2 such need an additional 25 percent of the funds so re-
3 ceived for such fiscal year.

4 “(C) At a minimum, the application described in sub-
5 paragraph (B) shall include a description of the amount
6 to be transferred, the purposes of the transfer, the need
7 for the transfer, and the impact of the transfer on the
8 provision of services from which the funding will be trans-
9 ferred. The Assistant Secretary shall approve or deny the
10 application in writing.

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

15 “(3) The Assistant Secretary shall annually collect,
16 and include in the report required by section 202, data
17 regarding the transfers described in paragraph (1), includ-
18 ing—

19 “(A) the amount of funds involved in the trans-
20 fers, analyzed by State,

21 “(B) in the case of transfers described in para-
22 graph (1), the effect of the transfers on the provi-
23 sion of services provided under—

24 “(i) chapter 2, and

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

3 **“SEC. 307. PAYMENTS.**

4 “Payments of grants, or under contracts, made under
5 chapters 2 and 3 may be made (after necessary adjust-
6 ments resulting from previously made overpayments or
7 underpayments) in advance or by way of reimbursement,
8 and in such installments, as the Assistant Secretary may
9 determine.

10 **“CHAPTER 2—SUPPORTIVE SERVICES AND**
11 **MULTIPURPOSE SENIOR CENTERS**

12 **“SEC. 321. PROGRAM AUTHORIZED.**

13 “(a) SUPPORTIVE SERVICES.—The Assistant Sec-
14 retary shall carry out a program for making grants to
15 States under State plans approved under section 304 for
16 any of the following supportive services that are necessary
17 for the general welfare of older individuals:

18 “(1) Health (including mental health), edu-
19 cation and training, welfare, informational, rec-
20 reational, homemaker, counseling, or referral serv-
21 ices.

22 “(2) Services designed to encourage and assist
23 older individuals to use the facilities and services
24 (including information and assistance services) avail-
25 able to them, including language translation services

1 to assist older individuals with limited-English
2 speaking ability to obtain services under this chap-
3 ter.

4 “(3) Services designed—

5 “(A) to assist older individuals to obtain
6 adequate housing, including residential repair
7 and renovation projects designed to enable older
8 individuals to maintain their homes in conform-
9 ity with minimum housing standards,

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

12 “(C) to prevent unlawful entry into resi-
13 dences of older individuals, through the installa-
14 tion of security devices and through structural
15 modifications or alterations of such residences,
16 or

17 “(D) to receive applications from older in-
18 dividuals for housing under section 202 of the
19 Housing Act of 1959 (12 U.S.C. 1701Q).

20 “(4) Services designed to assist older individ-
21 uals to avoid institutionalization, and services de-
22 signed to assist individuals in long-term care institu-
23 tions who are able to return to their communities,
24 including—

1 “(A) client assessment services, and devel-
2 opment and coordination of community-based
3 services,

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

9 “(C) supportive activities to meet the spe-
10 cial needs of caregivers, including caregivers
11 who provide in-home services to frail older indi-
12 viduals, and

13 “(D) in-home and other community-based
14 services to assist older individuals to live inde-
15 pendently in a home environment, including
16 home health, homemaker, shopping, escort,
17 reader, and letter-writing services.

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

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

24 “(B) representation—

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

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

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

12 “(6) Services designed to enable older individ-
13 uals to attain and maintain physical and mental
14 well-being through programs of regular physical ac-
15 tivity,

16 “(7) Activities designed to promote disease pre-
17 vention and health promotion.

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

24 “(9) Services of an ombudsman to receive, in-
25 vestigate, and act on complaints by older individuals

1 who are residents of long-term care facilities and to
2 advocate for the well-being of such individuals.

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

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

11 “(12) Services for the prevention of abuse of
12 older individuals.

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

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

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

23 “(16) Services designed to provide information
24 and training for individuals who are or may become
25 guardians or representative payees of older individ-

1 uals, including information on the powers and duties
2 of guardians and representative payees and on alter-
3 natives to guardianships.

4 “(17) Services to encourage and facilitate regu-
5 lar interaction between school-age children and older
6 individuals, including visits in long-term care facili-
7 ties, multipurpose senior centers, and other settings.

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

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

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

16 “(21) Any other services.

17 **“CHAPTER 3—NUTRITION SERVICES**

18 **“SEC. 331. PROGRAM AUTHORIZED.**

19 “(a) NUTRITION SERVICES.—The Assistant Sec-
20 retary shall carry out a program for making grants to
21 States under State plans approved under section 304 for
22 the establishment and operation of nutrition projects that
23 5 or more days a week (except in a rural area where such
24 frequency is not feasible) and a lesser frequency when it
25 is approved by the State agency, provide—

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

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

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

7 “(b) REQUIREMENTS.—(1) Meals served to eligible
8 individuals under subsection (a)(3) may be hot, cold, fro-
9 zen, dried, canned, or supplemental foods (with a satisfac-
10 tory storage life).

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

15 **“SEC. 332. ADDITIONAL REQUIREMENTS.**

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

18 “(1) solicit the advice of a dietitian or individ-
19 ual with comparable expertise in the planning of nu-
20 tritional services, and

21 “(2) ensure that the project—

22 “(A) provides meals that—

23 “(i) comply with the Dietary Guide-
24 lines for Americans, published by the Sec-
25 retary and the Secretary of Agriculture,

1 “(ii) provide to each participating
2 older individual—

3 “(I) a minimum of $33\frac{1}{3}$ percent
4 of the daily recommended dietary al-
5 lowances as established by the Food
6 and Nutrition Board of the Institute
7 of Medicine of the National Academy
8 of Sciences, if the project provides 1
9 meal per day,

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

13 “(III) 100 percent of the allow-
14 ances if the project provides 3 meals
15 per day,

16 “(iii) to the maximum extent prac-
17 ticable, are adjusted to meet any special
18 dietary needs of program participants,

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

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

1 “(D) where feasible, encourages arrange-
2 ments with schools and other facilities serving
3 meals to children in order to promote
4 intergenerational meal programs,

5 “(E) provides that meals, other than in-
6 home meals, are provided in settings in as close
7 proximity to the majority of eligible older indi-
8 viduals’ residences as feasible,

9 “(F) ensures that meal providers carry out
10 such project with the advice of dietitians (or in-
11 dividuals with comparable expertise), meal par-
12 ticipants, and other individuals’ knowledgeable
13 with regard to the needs of older individuals,

14 “(G) ensures that each participating area
15 agency on aging establishes procedures that
16 allow nutrition project administrators the op-
17 tion to offer a meal, on the same basis as meals
18 provided to participating older individuals, to
19 individuals providing volunteer services during
20 the meal hours, and to individuals with disabil-
21 ities who reside at home with and accompany
22 older individuals eligible under this chapter,

23 “(H) ensures that nutrition services will be
24 available to older individuals and to their
25 spouses, and may be made available to individ-

1 uals with disabilities who are not older individ-
2 uals but who reside in housing facilities occu-
3 pied primarily by older individuals at which
4 congregate nutrition services are provided, and
5 “(I) where appropriate, provide for nutri-
6 tion education, counseling, and screening.

7 **“CHAPTER 4—COMMUNITY SERVICE**
8 **EMPLOYMENT FOR OLDER AMERICANS**

9 **“SEC. 351. SHORT TITLE.**

10 “This chapter may be cited as the ‘Older American
11 Community Service Employment Act of 1995’.

12 **“SEC. 352. OLDER AMERICAN COMMUNITY SERVICE EM-**
13 **PLOYMENT PROGRAM.**

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

20 “(2)(A) Not less than 85 percent of each grant made
21 under paragraph (1) shall be used to pay wages and bene-
22 fits for older individuals who are employed under agree-
23 ments made under subsection (b).

24 “(B) The amount of such grant remaining (if any)
25 after the application of section 302(c) and subparagraph

1 (A) may be used to pay other employment-related costs
2 relating such individuals, including costs incurred—

3 “(i) to perform the assessment described in
4 subsection (c)(10),

5 “(ii) to provide the training described in sub-
6 section (c)(2),

7 “(iii) to provide counseling to such individuals,

8 “(iv) to provide supportive services to such indi-
9 viduals,

10 “(v) to pay transportation costs,

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

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

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

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

24 “(b) ELIGIBILITY FOR GRANTS.—To be eligible to re-
25 ceive a grant under subsection (a), a State or tribal orga-

1 nization shall submit to the Assistant Secretary an appli-
2 cation in such form and containing such information as
3 the Assistant Secretary may require by rule, including an
4 assurance that such grant will be used by the State or
5 tribal organization to carry out projects (excluding
6 projects involving the construction, operation, or mainte-
7 nance of any facility used or to be used as a place for
8 sectarian religious instruction or worship) for the purpose
9 specified in subsection (a) through the following types of
10 agreements that satisfy the requirements of subsection (c):

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

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

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

18 “(C) tribal organizations,

19 “(D) area agencies on aging, and

20 “(E) State and local affiliates of national
21 organizations that received funds in fiscal year
22 1995 under section 502 of the Older Americans
23 Act of 1965,

24 to pay the cost of providing part-time employment to
25 older individuals described in subsection (a).

1 “(2) At the election of the State or tribal orga-
2 nization, not more than 5 percent of the grant re-
3 ceived under subsection (a) may be used to enter
4 into agreements with businesses (giving special con-
5 sideration to businesses in growth industries) to pay
6 not more than 50 percent of the cost of providing
7 part-time or full-time employment to older individ-
8 uals described in subsection (a).

9 “(c) REQUIREMENTS.—Each agreement made under
10 subsection (b) shall be made on a competitive basis that
11 may include consideration of demonstrated ability of the
12 proponent of the project involved to provide employment
13 to older individuals described in subsection (a) and shall
14 provide that no payment shall be made by the State or
15 tribal organization toward the cost of such project unless
16 the State or tribal organization determines that such
17 project, and the entity that carries out such project, will
18 satisfy all of the of following:

19 “(1)(A) The entity that carries out such project
20 will use funds received under such agreement that
21 are attributable to a grant made under subsection
22 (a) to pay not more than 85 percent of the cost of
23 such project.

24 “(B) The non-Federal share of such cost will be
25 contributed in cash or in kind. In determining the

1 amount of the non-Federal share, the Assistant Sec-
2 retary may attribute fair market value to services
3 and facilities contributed from non-Federal sources.

4 “(2) The project will provide employment only
5 for older individuals described in subsection (a), ex-
6 cept for necessary technical, administrative, and su-
7 pervisory personnel, but such personnel shall, to the
8 fullest extent possible, be recruited from among
9 older individuals described in subsection (a).

10 “(3)(A) If such agreement is made with a
11 State, the project will provide employment for such
12 individuals in the community in which such individ-
13 uals reside, or in nearby communities.

14 “(B) If such agreement is made with a tribal
15 organization, the project will provide employment for
16 such individuals who are Indians residing on an In-
17 dian reservation.

18 “(4) The project (except with respect to an
19 agreement described in subsection (b)(2)) will em-
20 ploy such individuals in services related to publicly
21 owned and operated facilities and projects, or related
22 to projects sponsored by organizations (other than
23 political parties) described in section 501(c)(3) of
24 the Internal Revenue Code of 1986 that are exempt
25 from taxation under subsection 501(a) of such Code.

1 “(5) The project will contribute to the general
2 welfare of the community.

3 “(6) The project will—

4 “(A) result in an increase in employment
5 opportunities over those opportunities that
6 would otherwise be available,

7 “(B) not result in the displacement of cur-
8 rently employed workers (including partial dis-
9 placement, such as a reduction in the hours of
10 nonovertime work or wages or employment ben-
11 efits), and

12 “(C) not impair existing contracts or result
13 in the substitution of Federal funds for other
14 funds in connection with work that would other-
15 wise be performed.

16 “(7) The project will utilize methods of recruit-
17 ment and selection (including listing of job vacancies
18 with the employment agency operated by any State
19 or political subdivision thereof) that will ensure that
20 the maximum number of older individuals described
21 in subsection (a) will have an opportunity to partici-
22 pate in the project.

23 “(8) The project will include such training as
24 may be necessary to make the most effective use of
25 the skills and talents of such individuals who are

1 participating and assist in their transition into em-
2 ployment for which no financial assistance is pro-
3 vided under this chapter, and may provide for the
4 payment of the reasonable expenses of such individ-
5 uals being trained.

6 “(9) The project will be established or adminis-
7 tered with the advice of individuals competent in the
8 field of service in which employment is being pro-
9 vided, and of individuals who are knowledgeable with
10 regard to the needs of older individuals.

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

15 “(11) The project will prepare an assessment
16 of—

17 “(A) the participating older individuals’
18 skills and talents,

19 “(B) their need for supportive services,
20 and

21 “(C) their ability to perform community
22 service employment,

23 except to the extent such project has, for the par-
24 ticular participant involved, an assessment of such
25 skills and talents, such need, or such capabilities

1 prepared recently pursuant to another employment
2 or training program.

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

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

15 “(d) PREREQUISITE DETERMINATION.—(1) To effec-
16 tively carry out subsection (b) and after consultation with
17 the appropriate area agencies on aging and with other or-
18 ganizations that received funds under this chapter in the
19 preceding fiscal year, a State or tribal organization that
20 receives a grant under subsection (a) for a fiscal year shall
21 make a determination—

22 “(A) identifying the localities in the State, or
23 on an Indian reservation in the case of a tribal orga-
24 nization, in which projects described in subsection
25 (b) are most needed,

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

5 “(C) identify potential projects and the number
6 and percentage of such individuals in the local popu-
7 lation.

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

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

12 “(B) federally supported job training programs,
13 and

14 “(C) other Federal and State employment pro-
15 grams,

16 to increase job opportunities available to older individuals.

17 “(3) To the maximum extent practicable, the State
18 shall ensure that entities that carry out projects under
19 agreements made under subsection (b) provide employ-
20 ment under this chapter to older individuals who imme-
21 diately before the effective date of this chapter were em-
22 ployees under an agreement made under 502(b) of the
23 Older Americans Act of 1965.

24 “(e) **EQUITABLE USE OF FUNDS.**—To the maximum
25 extent practicable, the State shall use funds available to

1 carry out this chapter to make agreements under sub-
2 section (b) in an equitable manner, taking into consider-
3 ation the number of eligible older individuals in the var-
4 ious geographical areas and the relative distribution of
5 such individuals among urban and rural areas.

6 “(f) PRIOR SUBMISSION OF PROJECT DESCRIP-
7 TION.—Whenever a project entity (other than an area
8 agency on aging for the planning and service area in which
9 the project will be conducted) conducts a project under
10 an agreement made under subsection (b) within a plan-
11 ning and service area in a State, such organization or such
12 entity shall conduct such project in consultation with the
13 area agency on aging of the planning and service area and
14 shall submit to the area agency on aging, not less than
15 30 days before undertaking the project, a description (in-
16 cluding the location) of such project.

17 “(g) ALTERNATIVE WORK MODES; TECHNICAL AS-
18 SISTANCE.—States and tribal organizations may develop
19 alternatives for innovative work modes and provide tech-
20 nical assistance in creating job opportunities through work
21 sharing and other experimental methods to groups rep-
22 resenting business and industry and workers, as well as
23 to individual employers, where appropriate.

24 “(h) REPORT.—If for a fiscal year a State or tribal
25 organization elects under subsection (b) to make agree-

1 ments described in paragraph (2) of such subsection, the
2 State or tribal organization shall submit to the Assistant
3 Secretary a report describing the projects carried out
4 under such agreements.

5 “(i) RULES.—The Secretary shall issue, and amend
6 from time to time, rules that require States and tribal or-
7 ganizations that receive grants under subsection (a) to es-
8 tablish, to the maximum extent practicable, for projects
9 carried out under this chapter the goal of annually placing
10 not less than 20 percent of project participants in employ-
11 ment positions for which no financial assistance is pro-
12 vided under this chapter.

13 **“SEC. 353. PARTICIPANTS NOT FEDERAL EMPLOYEES.**

14 “(a) PROJECT PARTICIPANTS.—Older individuals de-
15 scribed in section 352(a) who participate in a project as-
16 sisted under this chapter shall not be considered to be
17 Federal employees as a result of such participation and
18 shall not be subject to the provisions of part III of title
19 5 of the United States Code.

20 “(b) CONTRACTS.—No contract shall be entered into
21 under this chapter with a contractor who is, or whose em-
22 ployees are, under State law, exempted from operation of
23 the State workmen’s compensation law, generally applica-
24 ble to employees, unless the contractor shall undertake to
25 provide either through insurance by a recognized carrier,

1 or by self-insurance, as authorized by State law, that the
2 individuals employed under the contract shall enjoy work-
3 men’s compensation coverage equal to that provided by
4 law for covered employment.

5 **“Subtitle B—Grants for Native**
6 **American Programs on Aging**

7 **“SEC. 371. GRANTS FOR SERVICES TO NATIVE AMERICANS.**

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

13 “(b) **ELIGIBILITY OF ORGANIZATIONS.**—An organi-
14 zation is eligible to receive a grant under this subtitle only
15 if the organization is—

16 “(1) a tribal organization that—

17 “(A) represents at least 50 older individ-
18 uals, and

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

21 “(2) an Alaska Native organization that—

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

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

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

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

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

7 **“SEC. 372. APPLICATIONS FOR GRANTS.**

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

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

16 “(A) Indians represented by the such orga-
17 nization if such organization is a tribal organi-
18 zation,

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

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

24 “(2) provide for the use of such methods of ad-
25 ministration as are necessary for the proper and ef-

1 efficient administration of the project to be carried out
2 with such grant,

3 “(3) provide an assurance that such organiza-
4 tion will make such reports in such form and con-
5 taining such information, as the Assistant Secretary
6 may reasonably require, and comply with such re-
7 quirements as the Assistant Secretary may impose
8 to ensure the correctness of such reports,

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

11 “(5) establish objectives toward which such
12 project will be directed, identify obstacles to the at-
13 tainment of such objectives, and indicate the manner
14 in which such organization proposes to overcome
15 such obstacles,

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

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

24 “(8) provide an assurance that, either directly
25 or by way of grant or contract with appropriate enti-

1 ties, nutrition services will be delivered to older indi-
2 viduals who are—

3 “(A) Indians represented by the such orga-
4 nization if such organization is a tribal organi-
5 zation,

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

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

11 and will substantially comply with chapter 2 of sub-
12 title A, except that in any case in which the need of
13 such individuals for nutritional services is already
14 met from other sources, such organization may ex-
15 pend for supportive services the funds otherwise re-
16 quired to be expended under this paragraph,

17 “(9) provide that any legal services or ombuds-
18 man services made available to older individuals who
19 are—

20 “(A) Indians represented by the such orga-
21 nization if such organization is a tribal organi-
22 zation,

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

1 “(C) Native Hawaiians to be served by
2 such organization,
3 will be in substantial compliance with the provisions
4 of subtitle A relating to the furnishing of similar
5 services,

6 “(10) contain satisfactory assurances that fiscal
7 control and fund accounting procedures will be
8 adopted as may be necessary to ensure proper dis-
9 bursement of, and accounting for, Federal funds
10 paid under this subtitle to such organization, includ-
11 ing any funds paid by such organization to a recipi-
12 ent of a grant or contract,

13 “(11) contain assurances that such organization
14 will coordinate services provided under this subtitle
15 with services provided under subtitle A in the same
16 geographical area, and

17 “(12) if the organization elects to solicit vol-
18 untary contributions from older individuals, provide
19 that such organization will ensure that such con-
20 tributions will be—

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

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

1 “(b) POPULATION STATISTICS.—For the purpose of
2 any application submitted under this subsection (a), an
3 eligible organization may develop its own population sta-
4 tistics, with a certification from the Bureau of Indian Af-
5 fairs, in order to establish eligibility to receive a grant
6 under this subtitle.

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

10 “(d) APPLICATION NOT APPROVED.—Whenever the
11 Assistant Secretary determines not to approve an applica-
12 tion submitted under subsection (a) the Assistant Sec-
13 retary shall—

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

16 “(2) provide, to the extent practicable, technical
17 assistance to the organization to overcome such stat-
18 ed objections, and

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

22 “(e) PERIOD FUNDED.—Whenever the Assistant Sec-
23 retary approves an application of a organization under
24 subsection (a), a grant shall be made for a period of not
25 less than 12 months.

1 **“SEC. 373. DISTRIBUTION OF FUNDS AMONG TRIBAL ORGA-**
2 **NIZATIONS AND ALASKA NATIVE ORGANIZA-**
3 **TIONS.**

4 “(a) MAINTENANCE of 1991 AMOUNTS.—Subject to
5 the availability of appropriations to carry out this subtitle,
6 the amount of the grant (if any) made under this subtitle
7 to a tribal organization or an Alaska Native Organization
8 for fiscal year 1997 and for each subsequent fiscal year
9 shall be not less than the amount of the grant made under
10 part A of title VI of the Older Americans Act of 1965
11 to the tribal organization or an Alaska Native organization
12 for fiscal year 1991.

13 “(b) USE OF ADDITIONAL AMOUNTS APPRO-
14 PRIATED.—If the amount appropriated to carry out this
15 subtitle in a fiscal year subsequent to fiscal year 1996 ex-
16 ceeds the amount appropriated to carry out part A of title
17 VI of the Older Americans Act of 1965 in fiscal year 1991,
18 then the amount of the grant (if any) made under this
19 subtitle to a tribal organization or an Alaska Native orga-
20 nization for such subsequent fiscal year shall be—

21 “(1) increased by such amount as the Assistant
22 Secretary considers to be appropriate, in addition to
23 the amount of any increase required by subsection
24 (a), so that the grant equals or more closely ap-
25 proaches the amount of the grant made under part
26 A of title VI of the Older Americans Act of 1965 to

1 the tribal organization or an Alaska Native organi-
2 zation for fiscal year 1980, or

3 “(2) an amount the Assistant Secretary consid-
4 ers to be sufficient if the tribal organization or an
5 Alaska Native Organization did not receive a grant
6 under part A of title VI of the Older Americans Act
7 of 1965 for either fiscal year 1980 or fiscal year
8 1991.

9 **“SEC. 374. SURPLUS EDUCATIONAL FACILITIES**

10 “(a) REQUIREMENT.—Notwithstanding any other
11 provision of law, the Secretary of the Interior, acting
12 through the Bureau of Indian Affairs, shall make available
13 surplus Indian educational facilities and surplus Alaska
14 Native educational facilities to tribal organizations and
15 Alaska Native organizations, and to nonprofit organiza-
16 tions with the approval of the Indian tribe or Alaska Na-
17 tive organization involved, for use as multipurpose senior
18 centers. Such centers may be altered so as to provide ex-
19 tended care facilities, community center facilities, nutri-
20 tion services, adult day care services, child care services,
21 and other supportive services.

22 “(b) APPLICATION.—To request to receive surplus
23 educational facilities made available under subsection (a),
24 a tribal organization or Alaska Native organization shall
25 submit an application to the Secretary of the Interior at

1 such time and such manner, and containing such informa-
2 tion, as the Secretary of the Interior determines to be nec-
3 essary to carry out this section.

4 **“SEC. 375. ADMINISTRATION**

5 “For the purpose of issuing rules to carry out this
6 subtitle, the Assistant Secretary shall consult with the
7 Secretary of the Interior.

8 **“SEC. 376. PAYMENTS**

9 “Payments may be made under this subtitle (after
10 necessary adjustments on account of previously made
11 overpayments or underpayments) in advance or by way of
12 reimbursement in such installments and on such condi-
13 tions as the Assistant Secretary may determine.

14 **“Subtitle C—Authorization of**
15 **Appropriations**

16 **“SEC. 395. AUTHORIZATION OF APPROPRIATIONS.**

17 “(a) AUTHORIZATION OF APPROPRIATIONS FOR SUB-
18 TITLE A.—

19 “(1) SUPPORTIVE SERVICES AND MULTIPUR-
20 POSE SENIOR CENTERS.—There are authorized to be
21 appropriated to carry out chapter 2 of subtitle A
22 \$300,638,000 for fiscal year 1997 and such sums as
23 may be necessary for fiscal years 1998, 1999, 2000,
24 and 2001.

1 “(1) funds appropriated to the Secretary of Ag-
2 riculture for such fiscal year to carry out this sec-
3 tion, and

4 “(2) to the extent such funds are insufficient,
5 from funds available under section 32 of the Act of
6 August 24, 1935 (7 U.S.C. 612c; Public Law 74-
7 320).

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

11 “(1) 98.9 percent of such funds is allotted in
12 accordance with section 302(a) to provide nutrition
13 services under subtitle A, and

14 “(2) the balance is available to make grants
15 under subtitle B to provide nutrition services.

16 “(c) ELECTION TO RECEIVE COMMODITIES IN LIEU
17 OF CASH.—

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

23 “(2) PURCHASE OF COMMODITIES FROM THE
24 SECRETARY OF AGRICULTURE.—If a State or grant
25 recipient makes a timely election under paragraph

1 (1), the Assistant Secretary shall use the amount of
2 such funds designated by the State, or of such grant
3 designated by the grant recipient, to purchase com-
4 modities from the Secretary of Agriculture and to
5 make such commodities available to the State or
6 grant recipient.

7 **“TITLE IV—NATIONAL SENIOR**
8 **VOLUNTEER SERVICE CORPS**

9 **“SEC. 401. STATEMENT OF PURPOSES.**

10 “It is the purpose of—

11 “(1) this title to provide for the National Senior
12 Volunteer Service Corps, comprised of the Retired
13 and Senior Volunteer Program, the Foster Grand-
14 parent Program, and the Senior Companion Pro-
15 gram, that empowers older individuals to contribute
16 to their communities through volunteer service, en-
17 hances the lives of the volunteers and those whom
18 they serve, and provides communities with valuable
19 services,

20 “(2) subtitle A, the Retired and Senior Volun-
21 teer Program, to utilize the vast talents of older in-
22 dividuals willing to share their experiences, abilities,
23 and skills in responding to a wide variety of commu-
24 nity needs,

1 “(3) subtitle B, the Foster Grandparent Pro-
2 gram, to afford low-income older individuals an op-
3 portunity to provide supportive, individualized serv-
4 ices to children with exceptional or special needs,
5 and

6 “(4) subtitle C, the Senior Companion Pro-
7 gram, to afford low-income older individuals the op-
8 portunity to provide personal assistance and com-
9 panionship to other older individuals through volun-
10 teer service.

11 **“Subtitle A—Retired and Senior**
12 **Volunteer Program**

13 **“SEC. 411. GRANTS AND CONTRACTS FOR VOLUNTEER**
14 **SERVICE PROJECTS.**

15 “(a) AUTHORITY TO MAKE GRANTS AND CON-
16 TRACTS.—To carry out a Retired and Senior Volunteer
17 Program under this subtitle to help retired individuals and
18 working older individuals to avail themselves of opportuni-
19 ties for volunteer service in their community, the Assistant
20 Secretary may make grants to State agencies, or grants
21 to or contracts with other public and nonprofit private
22 agencies and organizations, to pay part or all of the costs
23 for the development, operation, or both, of volunteer serv-
24 ice projects under this subtitle, if the Assistant Secretary

1 determines, in accordance with rules the Assistant Sec-
2 retary shall prescribe, the following:

3 “(1) LIMITATION ON REIMBURSEMENT.—Vol-
4 unteers will not be reimbursed for other than trans-
5 portation, meals, and other out-of-pocket expenses
6 incident to providing services under this subtitle.

7 “(2) ELIGIBLE INDIVIDUALS.—Only older indi-
8 viduals will be enrolled, and individuals 60 years of
9 age or older will be given priority for enrollment, as
10 volunteers to provide services under this subtitle (ex-
11 cept for administrative purposes) in the communities
12 where such individuals reside or in nearby commu-
13 nities in either—

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

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

23 “(3) TRAINING.—Such projects include such
24 short-term training as may be necessary to make the
25 most effective use of the skills and talents of partici-

1 pating volunteers and individuals, and provide for
2 the payment of the reasonable expenses of such vol-
3 unteers while undergoing such training, and

4 “(4) ADVICE REQUIRED.—Such projects are
5 being established and will be carried out with the ad-
6 vice of persons competent in the fields of service in-
7 volved, and persons with interest in and knowledge
8 of the needs of older individuals.

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

13 “(1) 10 percent in the 1st year for which such
14 grant or contract is made for such project,

15 “(2) 20 percent in the 2nd year for which such
16 grant or contract is made for such project, and

17 “(3) 30 percent in any subsequent year for
18 which such grant or contract is made for such
19 project,

20 except that the Assistant Secretary may waive all or part
21 of such local contribution in cases of demonstrated need,
22 determined (in accordance with rules which the Assistant
23 Secretary shall issue) on the basis of the financial capabil-
24 ity of a particular recipient of such grant or contract, to
25 permit a lesser local contribution than any required per-

1 centage contribution established by the Assistant Sec-
2 retary in generally applicable rules.

3 “(c) STATE REVIEW OF APPLICATION.—The Assist-
4 ant Secretary shall not make a grant to or contract with
5 any agency or organization under this subtitle for a
6 project in any State unless, if such State has a State agen-
7 cy designated under section 303(a)(1), such State agency
8 is the recipient of the grant or contract, or such State
9 agency has been afforded at least 45 days in which to re-
10 view the project application and make recommendations
11 thereon.

12 “(d) SERVICE NOT DEEMED EMPLOYMENT.—Not-
13 withstanding any other provision of law, volunteer service
14 under this subtitle shall not be deemed to be employment
15 for any purpose which the Assistant Secretary finds is not
16 fully consistent with the provisions, and in furtherance,
17 of the purpose of this subtitle.

18 **“Subtitle B—Foster Grandparent**
19 **Program**

20 **“SEC. 421. GRANTS AND CONTRACTS FOR VOLUNTEER**
21 **SERVICE PROJECTS.**

22 “(a) AUTHORITY TO MAKE GRANTS AND CON-
23 TRACTS.—(1)(A) To carry out a Foster Grandparent Pro-
24 gram under this subtitle, the Assistant Secretary may
25 make grants to or contracts with public and nonprofit pri-

1 vate agencies and organizations to pay part or all of the
2 cost of development and operation of projects (including
3 direct payments to individuals serving under this subtitle)
4 designed to provide opportunities for low-income older in-
5 dividuals to serve as foster grandparents under this sub-
6 title to provide supportive person-to-person services in
7 health, education, welfare, and related settings to children
8 having exceptional needs. Such services may include serv-
9 ices by older individuals serving as foster grandparents
10 under this subtitle to children who are individuals with
11 disabilities, who have chronic health conditions, who are
12 receiving care in hospitals, who are residing in homes for
13 dependent and neglected children, or who are receiving
14 services provided by day-care centers, schools, early inter-
15 vention programs under part H of the Individuals with
16 Disabilities Education Act (20 U.S.C. 1471 et seq.), Head
17 Start agencies under the Head Start Act (20 U.S.C. 9831
18 et seq.), or any of a variety of other programs, establish-
19 ments, and institutions providing services for children with
20 special or exceptional needs. Older individuals serving as
21 foster grandparents under this subtitle may provide per-
22 son-to-person services to one or more children, depending
23 on the needs of the project and local site.

24 “(B) Only older individuals will be enrolled, and indi-
25 viduals 60 years of age or older will be given priority for

1 enrollment as volunteers to provide services under this
2 subtitle.

3 “(2)(A) The Assistant Secretary may provide assist-
4 ance in excess of 90 percent of the cost of the development
5 and operation of such projects only if the Assistant Sec-
6 retary determines, in accordance with rules the Assistant
7 Secretary shall issue establishing objective criteria, that
8 such action is required in furtherance of the purpose of
9 this subtitle.

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

20 “(b) SELECTION OF RECIPIENT CHILDREN.—(1)
21 Any public or nonprofit private agency or organization re-
22 sponsible for providing person-to-person services to a child
23 in a project carried out under subsection (a) shall have
24 the exclusive authority to determine, pursuant to para-
25 graph (2)—

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

3 “(B) the period of time during which such serv-
4 ices shall be continued in the case of each individual
5 child.

6 “(2) If such agency or organization determines that
7 it is in the best interests of a mentally retarded child re-
8 ceiving, and of a particular foster grandparent providing,
9 services in such a project, such relationship may be contin-
10 ued after the child reaches the chronological age of 21 if
11 such child was receiving such services before attaining the
12 chronological age of 21. If the particular foster grand-
13 parent subject to the determination under this paragraph
14 becomes unavailable to serve after such determination is
15 made, such agency or organization may select another fos-
16 ter grandparent.

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

22 “(c) ALLOWANCES, STIPENDS, AND OTHER SUP-
23 PORT.—(1) The Assistant Secretary, in accordance with
24 rules the Assistant Secretary shall issue, may provide to
25 low-income older individuals serving as foster grand-

1 parents under this subtitle, such allowances, stipends, and
2 other support as the Assistant Secretary determines are
3 necessary to carry out the purpose of this subtitle.

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

9 “(A) such stipend or allowance shall not be in-
10 creased as a result of an amendment made to this
11 paragraph unless the funds appropriated for carry-
12 ing out this subtitle are sufficient to maintain for
13 the fiscal year in question a number of participants
14 to serve under this subtitle at least equal to the
15 number of such participants serving during the pre-
16 ceding fiscal year, and

17 “(B) if sufficient appropriations for any fiscal
18 year are not available to increase any such stipend
19 or allowance provided to the minimum hourly rate
20 specified in this paragraph, the Assistant Secretary
21 shall increase the stipend or allowance to such
22 amount as appropriations for such year permit con-
23 sistent with subparagraph (A).

24 “(3) In establishing the amount of, and the effective
25 date for, an adjustment under paragraph (2), the Assist-

1 ant Secretary, in consultation with appropriate Federal
2 agencies, shall consider the effect such adjustment will
3 have on the ability of nonfederally funded volunteer pro-
4 grams similar to the programs under this title to maintain
5 their current level of volunteer hours.

6 “(d) SPECIAL CONSIDERATION.—Older individuals
7 whose income is described in section 102(3)(B)(ii) shall
8 be given special consideration for participation in projects
9 under this subtitle.

10 “(e) VOLUNTEERS WHO ARE NOT LOW-INCOME
11 OLDER INDIVIDUALS.—(1)(A) Except as provided in sub-
12 paragraphs (B) and (C), individuals who are not low-in-
13 come older individuals may serve as volunteers under this
14 subtitle, in accordance with such rules as the Assistant
15 Secretary shall issue, if such individuals serve without re-
16 ceiving any allowance, stipend, or other financial support
17 under this subtitle except reimbursement for transpor-
18 tation, meals, and out-of-pocket expenses incident to serv-
19 ing under this subtitle.

20 “(B) The rules issued by the Assistant Secretary to
21 carry out this subtitle (other than any rules relating to
22 allowances, stipends, and other financial support author-
23 ized by subsection (c) to be paid under this subtitle to
24 low-income older individuals) shall apply to all individuals
25 who provide services under this subtitle, without regard

1 to whether such individuals are eligible to receive a stipend
2 under such subsection.

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

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

10 “(ii) such placement did not occur.

11 “(2)(A) Except as provided in subparagraph (B),
12 each recipient of a grant or contract to carry out a project
13 under this subtitle shall give equal treatment to all individ-
14 uals who provide services under such project, without re-
15 gard to whether such individuals are eligible to receive a
16 stipend under subsection (c).

17 “(B) An individual who is not a low-income older in-
18 dividual may not provide services under this subtitle if al-
19 lowing such individual to provide services under this sub-
20 title would prevent a low-income older individual from be-
21 ginning to participate in providing services under this sub-
22 title or would displace a low-income older individual from
23 providing services under this subtitle.

24 “(3) The Assistant Secretary may not require as a
25 condition of receiving a grant or contract to carry out a

1 project under this subtitle, any applicant for such grant
2 or contract—

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

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

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

13 “(4) Funds appropriated to carry out this subtitle
14 may not be used to pay any cost, including any adminis-
15 trative cost, incurred in connection with volunteers under
16 this subtitle who do not receive a stipend under subsection
17 (d). Such cost incurred with respect to a volunteer may
18 be paid with—

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

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

23 “(C) funds contributed by such volunteer, or

24 “(D) in the discretion of the recipient of a
25 grant or contract under such subsection, locally gen-

1 erated contributions in excess of the amount re-
2 quired by subsection (a) to be contributed to pay the
3 non-Federal cost of the project in which such volun-
4 teer participates.

5 **“Subtitle C—Senior Companion**
6 **Volunteer Program**

7 **“SEC. 431. GRANTS AND CONTRACTS FOR VOLUNTEER**
8 **SERVICE PROJECTS.**

9 “(a) AUTHORITY TO MAKE GRANTS AND CON-
10 TRACTS.—(1) To carry out a Senior Companion Volunteer
11 Program under this subtitle, the Assistant Secretary may
12 make grants to or contracts with public and nonprofit pri-
13 vate agencies and organizations to pay part or all of the
14 cost of development and operation of projects (including
15 direct payments to individuals serving under this subtitle
16 in the same manner as provided in section 421(a)) de-
17 signed to provide opportunities for low-income older indi-
18 viduals to provide services under this subtitle as senior
19 companion volunteers to individuals with exceptional
20 needs.

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

1 “(3) Senior companion volunteers may provide serv-
2 ices designed to help individuals 60 years of age or older
3 who require—

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

8 “(B) services designed to help individuals dein-
9 stitutionalized from mental hospitals, nursing homes,
10 and other institutions, and

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

14 “(b) OTHER PROVISIONS APPLICABLE.—Subsections
15 (a)(2)(A), (c), (d), and (e) of section 421, and such other
16 provisions of subtitle B as the Assistant Secretary may
17 determine to be necessary, shall apply to this subtitle, ex-
18 cept that for purposes of this subtitle any reference to sub-
19 title B in such subsections and such provisions shall be
20 deemed to be a reference to this subtitle.

21 “(c) HOME-BOUND INDIVIDUALS.—The Assistant
22 Secretary may make grants or contracts under subsection
23 (a) for senior companion volunteer projects to assist home-
24 bound individuals 60 years of age or older to remain in

1 their own homes and to enable institutionalized individuals
2 60 years of age or older to return to home-care settings.

3 **“Subtitle D—General Provisions**

4 **“SEC. 441. PROMOTION OF NATIONAL SENIOR VOLUNTEER**
5 **SERVICE CORPS.**

6 “(a) CONSULTATION.—(1) In carrying out this title,
7 the Assistant Secretary shall consult with Federal agen-
8 cies administering related programs with a view to achiev-
9 ing optimal coordination with such other programs, and
10 shall promote the coordination of projects under this title
11 with other public or private programs or projects carried
12 out at State and local levels. Such Federal agencies shall
13 cooperate with the Assistant Secretary in disseminating
14 information about the availability of assistance under this
15 title and in promoting the identification and interest of
16 low-income older individuals and other older individuals
17 whose services may be utilized in projects under this title.

18 “(2) To the maximum extent practicable, the Assist-
19 ant Secretary shall enter into agreements—

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

22 “(ii) to involve retired and senior volunteers
23 and senior companion volunteers in providing serv-
24 ices authorized by title III of this Act, and

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

5 “(B) with the Department of Education to pro-
6 mote intergenerational tutoring and mentoring for
7 at-risk children, and

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

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

16 “(2) The Assistant Secretary shall take appropriate
17 actions to ensure that special efforts are made to publicize
18 the programs established in subtitles A, B, and C, in order
19 to facilitate recruitment efforts, to encourage greater par-
20 ticipation of volunteers, and to emphasize the value of vol-
21 unteering to the health and well-being of volunteers and
22 the communities of such volunteers. Such actions shall in-
23 clude informing recipients of grants and contracts under
24 this title of all informational materials available from the
25 Assistant Secretary.

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

4 **“SEC. 442. PAYMENTS.**

5 “Payments under this title pursuant to a grant or
6 contract may be made (after necessary adjustment, in the
7 case of grants, on account of previously made overpay-
8 ments or underpayments) in advance or by way of reim-
9 bursement, in such installments and on such conditions,
10 as the Assistant Secretary may determine.

11 **“SEC. 443. USE OF LOCALLY GENERATED CONTRIBUTIONS**
12 **IN NATIONAL SENIOR VOLUNTEER SERVICE**
13 **CORPS.**

14 “Whenever locally generated contributions made to
15 volunteer projects for older individuals under this title are
16 in excess of the amount required by the Assistant Sec-
17 retary, the Assistant Secretary may not restrict the man-
18 ner in which contributions are expended if expenditures
19 from locally generated contributions are not inconsistent
20 with the provisions of this title.

21 **“SEC. 444. ADJUSTMENTS TO FEDERAL FINANCIAL ASSIST-**
22 **ANCE; REPORTS.**

23 “(a) ADJUSTMENTS.—(1)(A) In determining the
24 amount of Federal financial assistance to be provided
25 under this title to applicants, the Assistant Secretary shall

1 consider the impact of changes in the Consumer Price
2 Index For All Urban Consumers published by the Bureau
3 of Labor Statistics of the Department of Labor on the
4 administrative costs of operating the projects for which
5 such assistance will be provided.

6 “(B) The Assistant Secretary shall, to the maximum
7 extent practicable, make appropriate adjustments in the
8 amount referred to in subparagraph (A) to ensure the ef-
9 fective administration of such projects.

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

13 “(b) REPORTS.—The Assistant Secretary shall sub-
14 mit, at 2-year intervals, to the Committee on Economic
15 and Educational Opportunities of the House of Represent-
16 atives and the Committee on Labor and Human Resources
17 of the Senate, a report on the extent to which adjustments
18 are made under subsection (a).

19 **“SEC. 445. MULTIYEAR GRANTS OR CONTRACTS.**

20 “(a) COMPLIANCE; FUNDING.—(1) Subject to para-
21 graph (2) and the availability of funds, the Assistant Sec-
22 retary may make a grant or enter into a contract under
23 subtitle A, B, or C for a period not to exceed 3 years.
24 Each applicant who receives a grant, or enters into a con-
25 tract, under such subtitle for a period exceeding 1 year

1 shall comply with such rules as the Assistant Secretary
2 may issue to require such applicant—

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

6 “(B) to provide information to update the appli-
7 cation submitted to obtain such grant or contract.

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

16 “(b) SAVINGS.—The Assistant Secretary shall re-
17 quire each applicant for a multiyear grant or contract
18 under this section, to document or describe in the applica-
19 tion any meaningful administrative savings that will result
20 from such multiyear grant or contract.

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

1 “(d) SIMILAR TREATMENT.—If the Assistant Sec-
2 retary approves an application for a contract or grant to
3 carry out a project for a multiyear period as referred to
4 in subsection (a), the Assistant Secretary shall ensure that
5 such project shall be treated in the same manner as a sin-
6 gle-year contract or grant with respect to—

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

9 “(2) any adjustments to Federal financial as-
10 sistance that may be available under section 444,
11 and

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

14 **“Subtitle E—Administration and**
15 **Coordination**

16 **“SEC. 461. ADMINISTRATIVE STRUCTURE.**

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

1 that are similar to the responsibilities of such offices had
2 under such Act.

3 **“SEC. 462. POLITICAL ACTIVITIES.**

4 “(a) PROHIBITION.—No part of any funds appro-
5 priated to carry out this title shall be used—

6 “(1) to finance, directly or indirectly—

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

11 “(B) any voter registration activity, or

12 “(2) to pay the salary of any officer or em-
13 ployee of the Administration, who engages in any
14 such activity in an official capacity as such an offi-
15 cer or employee.

16 “(b) LIMITATION ON USE OF PERSONNEL.—Pro-
17 grams assisted under this title shall not be carried on in
18 a manner involving the use of funds, the provision of serv-
19 ices, or the employment or assignment of personnel in a
20 manner supporting or resulting in the identification of
21 such programs with—

22 “(1) any partisan or nonpartisan political activ-
23 ity associated with a candidate, or a contending fac-
24 tion or group, in an election for public or party of-
25 fice,

1 “(2) any activity to provide voters or prospec-
2 tive voters with transportation to the polls or similar
3 assistance in connection with any such election, or

4 “(3) any voter registration activity.

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

11 “(1) in any case in which a legislative body, a
12 committee of a legislative body, or a member of a
13 legislative body requests any volunteer in, or em-
14 ployee of, such a program to draft, review, or testify
15 regarding measures or to make representations to
16 such legislative body, committee, or member, or

17 “(2) in connection with an authorization or ap-
18 propriations measure directly affecting the operation
19 of the program.

20 “(d) ENFORCEMENT.—The Assistant Secretary, after
21 consultation with the Office of Personnel Management,
22 shall issue rules to provide for the enforcement of this sec-
23 tion, which shall include provisions for summary suspen-
24 sion of assistance for not more than 30 days until notice
25 and an opportunity to be heard can be provided or other

1 action necessary to permit enforcement on an emergency
2 basis can be taken.

3 **“SEC. 463. SPECIAL LIMITATIONS.**

4 “(a) ISSUANCE OF RULES.—The Assistant Secretary
5 shall issue rules and shall carry out this title so as to en-
6 sure that the service of volunteers assigned, referred, or
7 serving pursuant to grants, contracts, or agreements made
8 under this title is limited to activities that would not other-
9 wise be performed by employed workers and that will not
10 supplant the hiring of or result in the displacement of em-
11 ployed workers, or impair existing contracts for service.

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

17 “(c) PROHIBITION RELATING TO COMPENSATION.—
18 No agency or organization to which volunteers are as-
19 signed under this title, or which operates or supervises any
20 volunteer program under this title, shall request or receive
21 any compensation from such volunteers or from bene-
22 ficiaries for services of such volunteers provided or super-
23 vised by such agency or organization.

24 “(d) PROHIBITION RELATING TO LABOR ACTIV-
25 ITY.—No funds authorized to be appropriated to carry out

1 this title shall be directly or indirectly used to finance
2 labor or anti-labor organization or related activity.

3 “(e) INFORMATION ON VOLUNTEER QUALIFICA-
4 TIONS.—Individuals serving as volunteers under this title
5 shall provide such information concerning their qualifica-
6 tions, including their integrity and their ability to perform
7 their assigned tasks, as the Assistant Secretary shall re-
8 quire and shall be subject to such procedures for selection
9 and approval as the Assistant Secretary determines are
10 necessary to carry out the purposes of this title. The As-
11 sistant Secretary may establish such special procedures
12 for the recruitment, selection, training, and assignment of
13 low-income residents of the area to be served by a program
14 under this title who wish to become volunteers as the As-
15 sistant Secretary determines will carry out the purposes
16 of this title.

17 **“SEC. 464. COORDINATION WITH OTHER PROGRAMS.**

18 “The Assistant Secretary shall take necessary steps
19 to coordinate volunteer programs authorized under this
20 title with one another and shall consult with representa-
21 tives of the head of such programs, with community action
22 programs, and with other related Federal, State, and local
23 programs. The Assistant Secretary shall also consult with
24 the heads of other Federal, State, and local agencies re-
25 sponsible for programs related to the purposes of this title

1 in order to encourage greater use of volunteer services in
2 such programs and establish in connection with such pro-
3 grams systematic procedures for the recruitment, referral,
4 or necessary preservice orientation or training of volun-
5 teers serving pursuant to this title. The Assistant Sec-
6 retary (in consultation with the Assistant Secretary of the
7 Office of Personnel Management, the Secretary of Labor,
8 the Secretary of Commerce, the Secretary of the Treasury,
9 and officials of other appropriate departments and agen-
10 cies) shall take all appropriate steps to encourage State
11 and local governments, charitable and service organiza-
12 tions, and private employers—

13 “(1) to take into account experience in volun-
14 teer work in the consideration of applicants for em-
15 ployment, and

16 “(2) to make provision for the listing and de-
17 scription of volunteer work on all employment appli-
18 cation forms.

19 **“SEC. 465. NOTICE AND HEARING PROCEDURES FOR SUS-**
20 **PENSION AND TERMINATION OF FINANCIAL**
21 **ASSISTANCE.**

22 “(a) **AUTHORITY.**—The Assistant Secretary may, in
23 accordance with this section, suspend or terminate pay-
24 ments under any grant or contract providing assistance
25 under this title, whenever the Assistant Secretary deter-

1 mines there is a material failure to comply with the appli-
2 cable terms and conditions of any such grant or contract.
3 The Assistant Secretary shall establish procedures to en-
4 sure that—

5 “(1) assistance under this title shall not be sus-
6 pended for failure to comply with applicable terms
7 and conditions, except in emergency situations for
8 30 days,

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

12 “(A) notice at least 75 days before the de-
13 nial of such application of the possibility of
14 such denial and the grounds for any such de-
15 nial, and

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

18 “(3) in any case where an application for re-
19 funding is denied for failure to comply with the
20 terms and conditions of the grant or contract, the
21 recipient shall be afforded an opportunity for an in-
22 formal hearing before an impartial hearing officer
23 who has been agreed to by the recipient and the As-
24 sistant Secretary, and

1 and activities authorized by this title, their effectiveness
2 in achieving stated goals in general, and in relation to
3 their cost, their impact on related programs, projects, and
4 activities, and their structure and mechanisms for delivery
5 of services. Evaluations shall be conducted by persons not
6 immediately involved in the administration of the program
7 or project evaluated.

8 “(c) SPECIFIC MATTERS FOR EVALUATION.—The
9 Assistant Secretary may—

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

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

17 “(B) a comparison of the quality of serv-
18 ices provided by such volunteers and the quality
19 of services provided by volunteers who receive a
20 stipend under such subtitles, including the rate
21 of absenteeism and turnover, and

22 “(C) a review of the effect that participa-
23 tion by volunteers who do not receive such sti-
24 pend have on the administration of such pro-
25 grams, projects, and activities, and

1 “(2) submit to the Committee on Economic and
2 Educational Opportunities of the House of Rep-
3 resentatives and the Committee on Labor and
4 Human Resources of the Senate a report summariz-
5 ing in detail the results of the evaluations made
6 under paragraph (1).

7 “(d) PUBLICATION OF SUMMARIES.—The Assistant
8 Secretary shall publish summaries of the results of evalua-
9 tions of program, project, and activity impact and effec-
10 tiveness.

11 “(e) AVAILABILITY OF FUNDS.—The Assistant Sec-
12 retary may to use such sums as are required, but not to
13 exceed 1 percent of the funds appropriated to carry out
14 this title, to conduct program, project, and activity evalua-
15 tions (directly, or by grant or contract) as authorized by
16 this title.

17 **“SEC. 469. ELIGIBILITY FOR OTHER BENEFITS.**

18 “Notwithstanding any other provision of law, no re-
19 imbursement of out-of-pocket expenses made to individ-
20 uals serving pursuant to subtitles A, B, and C shall be
21 subject to any tax or charge or be treated as wages or
22 compensation for the purposes of unemployment, tem-
23 porary disability, retirement, public assistance, workers’
24 compensation or similar benefit payments, or minimum
25 wage laws.

1 **“SEC. 470. LEGAL EXPENSES.**

2 “Notwithstanding any other provision of law and pur-
3 suant to rules which the Assistant Secretary shall issue,
4 counsel may be employed and counsel fees, court costs,
5 bail, and other expenses incidental to the defense of volun-
6 teers may be paid in judicial and administrative proceed-
7 ings to which full-time volunteers (or part-time volunteers
8 if such proceedings arise directly out of the performance
9 of activities pursuant to this title), serving under this title
10 have been made parties.

11 **“Subtitle F—Authorization of**
12 **Appropriations**

13 **“SEC. 491. AUTHORIZATION OF APPROPRIATIONS FOR PRO-**
14 **GRAMS.**

15 “(a) RETIRED AND SENIOR VOLUNTEER PRO-
16 GRAM.—There are authorized to be appropriated to carry
17 out subtitle A, \$39,000,000 for fiscal year 1997 and such
18 sums as may be necessary for each of the fiscal years
19 1998, 1999, 2000, and 2001.

20 “(b) FOSTER GRANDPARENT PROGRAM.—There are
21 authorized to be appropriated to carry out subtitle B,
22 \$62,200,000 for fiscal year 1997 and such sums as may
23 be necessary for each of the fiscal years 1998, 1999, 2000,
24 and 2001.

25 “(c) SENIOR COMPANION PROGRAM.—There are au-
26 thorized to be appropriated to carry out subtitle C,

1 \$31,200,000 for fiscal year 1997, and such sums as may
2 be necessary for each of the fiscal years 1998, 1999, 2000,
3 and 2001.”.

4 **SEC. 5. CONFORMING AMENDMENTS.**

5 (a) CONFORMING AMENDMENTS TO THE DOMESTIC
6 VOLUNTEER SERVICE ACT OF 1973.—The Domestic Vol-
7 unteer Service Act of 1973 (42 U.S.C. 4950–1585) is
8 amended—

9 (1) in the table of contents by striking—

10 (A) the matter relating to title II,

11 (B) the items relating to sections 200
12 through 231, and

13 (C) the items relating to sections 416 and
14 502,

15 (2) by striking title II,

16 (3) in section 416(f)—

17 (A) in paragraph (1) by inserting “and” at
18 the end,

19 (B) by striking paragraph (2), and

20 (C) in paragraph (3)—

21 (i) by striking “paragraphs (1) and
22 (2)” and inserting “paragraph (1)”, and

23 (ii) by redesignating paragraph (3) as
24 paragraph (2),

25 (4) by striking section 418,

1 (5) in section 421—

2 (A) by striking “and,” and all that follows
3 through “Islands”,

4 (B) by striking paragraphs (10), (14),
5 (15), and (18),

6 (6) in section 501(c) by striking “, or under
7 title II,” and

8 (7) by striking section 502.

9 (b) CONFORMING AMENDMENTS TO OTHER LAWS.—

10 (1) Section 416(a) of the Agricultural Act of 1949 (7
11 U.S.C. 1431) is amended by striking “Older Americans
12 Act of 1965” and inserting “Older Americans Act of
13 1995”.

14 (2) Section 1114(a) of the Agriculture and Food Act
15 of 1981 (7 U.S.C. 1431e(a)) is amended—

16 (A) in paragraph (1) by striking “Older Ameri-
17 cans Act of 1965” each place it appears and insert-
18 ing “Older Americans Act of 1995”, and

19 (B) in subparagraphs (C) and (D) of paragraph
20 (2) by striking “311(a)(4) of the Older Americans
21 Act of 1995 (42 U.S.C. 3030a(a)(4))” each place it
22 appears and inserting “chapter 3 of subtitle A of
23 title III of the Older Americans Act of 1995”.

24 (3) Section 509(f)(5)(B) of the Rehabilitation Act of
25 1975 (29 U.S.C. 794e(f)(5)(B)) is amended by striking

1 “Older Americans Act of 1965” and inserting “Older
2 Americans Act of 1995”.

3 (4) The Job Training Partnership Act (29 U.S.C.
4 1501 et seq.) is amended—

5 (A) in section 204(d)—

6 (i) in paragraph (4) by striking “title V of
7 the Older Americans Act of 1965 (42 U.S.C.
8 3056 et seq.)” and inserting “chapter 4 of sub-
9 title A of title III of the Older Americans Act
10 of 1995”, and

11 (ii) in paragraph (5) by striking “title V of
12 the Older Americans Act of 1965 (42 U.S.C.
13 3056 et seq.)” and inserting “chapter 4 of sub-
14 title A of title III of the Older Americans Act
15 of 1995”,

16 (B) by amending section 205(a)(8) to read as
17 follows:

18 “(8) chapter 4 of subtitle A of title III of the
19 Older Americans Act of 1995;”,

20 (C) in section 452(d)(1)(iii) by striking “Older
21 Americans Act of 1965” and inserting “Older Amer-
22 icans Act of 1995”, and

23 (D) in section 455(b) by striking “title V of the
24 Older Americans Act of 1965 (42 U.S.C. 3056 et

1 seq.)” and inserting “chapter 4 of subtitle A of title
2 III of the Older Americans Act of 1995”.

3 (5) The Social Security Act (42 U.S.C. 301 et seq.)
4 is amended—

5 (A) in section 1819—

6 (i) in subsection (b)(4)(C)(ii)(IV) by strik-
7 ing “section 307(a)(12) of the Older Americans
8 Act of 1965” and inserting “section 304(a)(8)
9 of the Older Americans Act of 1995”,

10 (ii) in subsection (c)(2)(B)(iii)(II) by strik-
11 ing “title III or IV of the Older Americans Act
12 of 1965 in accordance with section 712 of the
13 Act” and inserting “section 304(a)(8) of the
14 Older Americans Act of 1995”, and

15 (iii) in subsection (g)(5)(B) by striking
16 “title III or IV of the Older Americans Act of
17 1965 in accordance with section 712 of the
18 Act” and inserting “section 304(a)(8) of the
19 Older Americans Act of 1995”, and

20 (C) in section 1919—

21 (i) in subsection (b)(4)(C)(ii)(IV) by strik-
22 ing “section 307(a)(12) of the Older Americans
23 Act of 1965” and inserting “section 304(a)(8)
24 of the Older Americans Act of 1995”,

1 (ii) in subsection (c)(2)(B)(iii)(II) by strik-
2 ing “title III or IV of the Older Americans Act
3 of 1965 in accordance with section 712 of the
4 Act” and inserting “section 304(a)(8) of the
5 Older Americans Act of 1995”, and

6 (iii) in subsection (g)(5)(B) by striking
7 “title III or IV of the Older Americans Act of
8 1965 in accordance with section 712 of the
9 Act” and inserting “section 304(a)(8) of the
10 Older Americans Act of 1995”.

11 (6) Section 209 of the Housing and Community De-
12 velopment Act of 1974 (42 U.S.C. 1438) is amended by
13 striking “title III of the Older Americans Act of 1965”
14 and inserting “chapter 1 of subtitle A of title III of the
15 Older Americans Act of 1995”.

16 (7) Section 3803(c)(2)(C)(ix) of title 31 of the United
17 States Code is amended by striking “section 336 of the
18 Older Americans Act of 1965” and inserting “chapter 3
19 of subtitle A of title III of the Older Americans Act of
20 1995”.

21 (8) Section 4360(d)(1)(C)(ii) of the Omnibus Budget
22 Reconciliation Act of 1990 (42 U.S.C. 1395b-
23 4(d)(1)(C)(ii)) is amended by inserting “of 1995” after
24 “Older Americans Act”.

1 (9) The National School Lunch Act (42 U.S.C. 1751
2 et seq.) is amended—

3 (A) in section 12(i) by striking “Older Ameri-
4 cans Act of 1965” and inserting “Older Americans
5 Act of 1995”,

6 (B) in section 14—

7 (i) in subsection (a)(1) by striking “title
8 III of the Older Americans Act of 1965 (42
9 U.S.C. 3021 et seq.)” and inserting “subtitle A
10 of title III of the Older Americans Act of
11 1995”, and

12 (ii) in subsection (c) by striking “311(a)(4)
13 of the Older Americans Act of 1965 (42 U.S.C.
14 3030(a)(4)) or for cash payments in lieu of
15 such donations under section 311(b)(1) of such
16 Act (42 U.S.C. 3030(b)(1))” and inserting
17 “chapter 3 of subtitle A of title III of the Older
18 Americans Act of 1995”, and

19 (C) in subsection (o)(4)(B) by striking “part C
20 of title III of the Older Americans Act of 1965” and
21 inserting “chapter 3 of subtitle A of title III of the
22 Older Americans Act of 1995”.

23 (10) Section 2(a) of the Environmental Programs As-
24 sistance Act of 1984 (42 U.S.C. 4368a(a)) is amended by
25 striking “title V of the Older Americans Act of 1965” and

1 inserting “chapter 4 of subtitle A of title III of the Older
2 Americans Act of 1995”.

3 (11) Section 14(g) of the Noise Control Act of 1972
4 (42 U.S.C. 4913(g)) is amended by inserting “of 1995”
5 after “Older Americans Act”.

6 (12) The Developmental Disabilities Assistance and
7 Bill of Rights Act (42 U.S.C. 6000 et seq.) is amended—

8 (A) in section 124(b)(3) by inserting “of 1995”
9 after “Older Americans Act”, and

10 (B) in section 142(a)(2)(D)(ii) by striking
11 “Older Americans Act of 1965” and inserting
12 “Older Americans Act of 1995”.

13 (13) Section 412 of the Energy Conservation in Ex-
14 isting Buildings Act of 1976 (42 U.S.C. 6862) is amended
15 by striking “paragraphs (4), (5), and (6), respectively, of
16 section 102 of the Older Americans Act of 1965” and in-
17 serting “paragraphs (28), (29), and (50), respectively, of
18 the Older Americans Act of 1995”.

19 (14) Section 405(c) of the Congregate Housing Serv-
20 ices Act of 1976 (42 U.S.C. 8004(c)) is amended by strik-
21 ing “Older Americans Act of 1965” each place it appears
22 and inserting “Older Americans Act of 1995”.

23 (15) The Cranston-Gonzalez National Affordable
24 Housing Act (42 U.S.C. 12701 et seq.) is amended—

1 (A) in section 802(d)(2)(B)(i) by striking “title
2 III of the Older Americans Act of 1965” and insert-
3 ing “subtitle A of title III of the Older Americans
4 Act of 1995”, and

5 (B) in section 803(d)(12) by striking “Older
6 Americans Act of 1965” and inserting “Older Amer-
7 icans Act of 1995”.

8 (16) Section 675(c)(5) by striking “Older Americans
9 Act of 1965” and inserting “Older Americans Act of
10 1995”.

11 (17) The Alzheimer’s Disease and Related Dementias
12 Research Act of 1992 (42 U.S.C. 11201 et seq.) is amend-
13 ed—

14 (A) in subsection 934(b)(4) by striking “section
15 305(a) (1) and (2)(A) of the Older Americans Act
16 of 1965 (42 U.S.C. 3025(a)(1) and (2)(A))” and in-
17 serting “section 303(a)(2)(A) of the Older Ameri-
18 cans Act of 1965”, and

19 (B) in section 962—

20 (i) in subsection (a)(1)(A)(iii) by striking
21 “Older Americans Act of 1965” and inserting
22 “Older Americans Act of 1995”, and

23 (ii) in subsection (d) by striking “section
24 305(a)(1) of the Older Americans Act of 1965”
25 and inserting “section 303(a)(1)”.

1 (18) The National and Community Service Act of
2 1990 (42 U.S.C. 12501 et seq.) is amended—

3 (A) in section 179—

4 (i) in subsection (a)(2)(A) by striking “
5 and National Senior Volunteer Corps”,

6 (ii) in subsection (g)(3) by striking “ and
7 National Senior Volunteer Corps”, and

8 (iii) in subsection (i)(9) by striking “ and
9 National Senior Volunteer Corps”,

10 (B) by amending section 194(d) to read as fol-
11 lows:

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

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

23 **SEC. 6. FISCAL YEAR REFERENCES FOR FISCAL YEAR 1997.**

24 Any reference in the Older Americans Act of 1995
25 to “the preceding fiscal year” that applies with respect

1 to funds appropriated to carry out, or to the operation
2 of a program, project, or activity to be carried out under,
3 such Act for fiscal year 1997 shall be deemed to be a ref-
4 erence to funds appropriated to carry out, or to the oper-
5 ation of the corresponding program, project, or activity
6 carried out under, the Older Americans Act of 1965 for
7 fiscal year 1996.

8 **SEC. 7. ISSUANCE OF RULES.**

9 Not later than 180 days after the date of the enact-
10 ment of this Act, the Secretary of Health and Human
11 Services shall issue, and publish in the Federal Register,
12 proposed rules for the administration of the Older Ameri-
13 cans Act of 1995. After allowing a reasonable period for
14 public comment on such proposed rules, and not later than
15 90 days after such publication, the Secretary shall issue
16 rules for the administration of such Act.

17 **SEC. 8. APPLICATION OF AMENDMENTS.**

18 (a) FISCAL YEAR 1996.—(1) The amendment made
19 by section 2 shall apply only with respect to fiscal year
20 1996 and to funds appropriated for such fiscal year to
21 carry out title V of the Older Americans Act of 1965.

22 (2) The authority of the Secretary of Labor to en-
23 force compliance with the requirements applicable to such
24 title with respect to fiscal years beginning before October

1 1, 1996, shall not be affected by the amendment made
2 by section 3.

3 (b) FISCAL YEARS 1997–2001.—(1) The amendment
4 made by section 3 shall not apply with respect to fiscal
5 years beginning before October 1, 1996.

6 (2)(A) On and after October 1, 1996, the Secretary
7 of Health and Human Services shall have the authority
8 to enforce compliance with the requirements applicable to
9 title II of the Domestic Volunteer Service Act of 1975 and
10 to funds made available to carry out such title.

11 **SEC. 9. TRANSFERS; SAVINGS PROVISIONS.**

12 (a) TRANSFERS.—The Director of the Office of Man-
13 agement and Budget shall provide for the transfer to the
14 Administration on Aging for the purpose of implementing
15 title IV of the Older Americans Act of 1995, of personnel,
16 assets, liabilities, grants, contracts, property, records, and
17 unexpended balances of appropriations, authorizations, al-
18 locations, and other funds held, used, arising, available,
19 or to be made available in connection with the implementa-
20 tion of title II of the Domestic Volunteer Service Act of
21 1973 (42 U.S.C. 5000–5028a) by the Corporation for Na-
22 tional and Community Service.

23 (b) SAVINGS PROVISIONS.—(1) An amendment or re-
24 peal made by this Act shall not apply with respect to—

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

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

10 (2) With respect to—

11 (A) the powers, duties, functions, rights, claims,
12 penalties, and obligations applicable to financial as-
13 sistance provided or authorized to be provided before
14 such effective date, and

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

19 under title II of the Domestic Volunteer Service Act of
20 1973 (42 U.S.C. 5000–5028a), a reference to the AC-
21 TION Agency or the Corporation for National and Com-
22 munity Service shall be deemed to be a reference to the
23 Administration on Aging or the Secretary of Health and
24 Human Services, as appropriate.

1 (3) Except as provided in paragraph (2), the rules
2 applicable to financial assistance provided under title II
3 of the Domestic Volunteer Service Act of 1973 (42 U.S.C.
4 5000–5028a) as in effect before October 1, 1996, shall—

5 (A) remain in effect with respect to such assist-
6 ance until such rules are modified or superseded by
7 rules issued by the Secretary of Health and Human
8 Services to carry out title IV of the Older Americans
9 Act of 1995, and

10 (B) apply with respect to financial assistance
11 provided under title IV of the Older Americans Act
12 of 1995 until such rules are modified or superseded
13 by rules issued by the Secretary of Health and
14 Human Services to carry out such title.

15 **SEC. 10. EFFECTIVE DATES.**

16 (a) GENERAL EFFECTIVE DATE.—Except as pro-
17 vided in subsection (b), this Act and the amendments
18 made by this Act shall take effect on the date of the enact-
19 ment of this Act.

20 (b) SPECIAL EFFECTIVE DATES.—(1) The amend-
21 ment made by section 3 shall take effect on October 1,
22 1995.

23 (2) The amendments made by sections 4, 5, and 6
24 shall take effect on October 1, 1996.

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HR 2570 IH—2

HR 2570 IH—3

HR 2570 IH—4

HR 2570 IH—5

HR 2570 IH—6

HR 2570 IH—7

HR 2570 IH—8

HR 2570 IH—9

HR 2570 IH—10

HR 2570 IH—11

HR 2570 IH—12

HR 2570 IH—13