

106TH CONGRESS  
1ST SESSION

# S. 707

To amend the Older Americans Act of 1965 to establish a national family caregiver support program, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 24, 1999

Mr. GRASSLEY (for himself, Mr. BREAUX, Mr. SANTORUM, Mr. REED, Mrs. LINCOLN, Mr. BRYAN, Mr. DODD, Mr. KOHL, Mr. REID, Ms. MIKULSKI, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Older Americans Act of 1965 to establish a national family caregiver support program, 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. FINDINGS.**

4 Congress finds that—

5 (1) there is no Federal program to support  
6 family caregivers;

7 (2) most older individuals and persons with  
8 mental retardation and related developmental dis-  
9 abilities (as defined in section 102 of the Develop-

★(Star Print)

1 mental Disabilities Assistance and Bill of Rights Act  
2 (42 U.S.C. 6000) (referred to in this section as “de-  
3 velopmental disabilities”)) prefer to receive care in  
4 their homes, rather than in institutions;

5 (3)(A) more than 22,000,000 family caregivers  
6 actively care for aging or ailing older individuals in  
7 the United States;

8 (B) fewer than 2,000,000 older individuals re-  
9 ceive care through nursing homes in the United  
10 States; and

11 (C) therefore, a large portion of the care pro-  
12 vided for the Nation’s older individuals is provided  
13 by family caregivers;

14 (4)(A) there are an estimated 3,170,000 per-  
15 sons with mental retardation and related develop-  
16 mental disabilities in the United States;

17 (B) 1,890,000 of individuals with mental retar-  
18 dation and related developmental disabilities live  
19 with family caregivers;

20 (C) 479,862 of individuals with mental retarda-  
21 tion and related developmental disabilities who are  
22 living at home receive care from caregivers who are  
23 60 years old or older; and

24 (D) like services for the elderly population, a  
25 large portion of supports and care for persons with

1        mental retardation and related developmental dis-  
2        abilities is provided by family caregivers;

3            (5) nearly 75 percent of family caregivers are  
4        women, many of whom have other major responsibil-  
5        ities, such as young children or jobs;

6            (6) the loss in productivity of businesses due to  
7        necessary absences of caregiving employees ranges  
8        from \$11,000,000,000 to \$29,000,000,000 a year;

9            (7) family caregivers offer support that is worth  
10        billions of dollars;

11           (8) without the efforts of family caregivers,  
12        many additional older individuals, and persons with  
13        mental retardation and related developmental dis-  
14        abilities, would receive care services in a hospital,  
15        State facility, intermediate care facility for the men-  
16        tally retarded, or nursing home, or would receive, al-  
17        though less costly, home and community-based waiv-  
18        er services under section 1915(c) of the Social Secu-  
19        rity Act (42 U.S.C. 1396n(c)), such a result being  
20        far more expensive for taxpayers than assisting fam-  
21        ily caregivers since—

22            (A) the Federal medicare and medicaid  
23        programs pay for a large portion of expenses  
24        associated with such institutional care; and

1 (B) such institutional care is more expen-  
2 sive than family caregiving;

3 (9) caregivers, on average, spend \$2,000 per  
4 year for food, medication, and other expenses related  
5 to caregiving;

6 (10)(A) caregiving is physically demanding and  
7 emotionally draining to provide, with as many as 30  
8 percent of caregivers reporting physical or mental  
9 health problems due to caregiving; and

10 (B) caregivers need resources that will support  
11 and help ease the overwhelming burden that the  
12 caregivers are expected to shoulder on a daily basis;  
13 and

14 (11) with millions of baby boomers set to retire  
15 in the near future, it is crucial to begin preparing  
16 today for what will be dramatically increased long-  
17 term care needs of older individuals.

18 **SEC. 2. NATIONAL FAMILY CAREGIVER SUPPORT PRO-**  
19 **GRAM.**

20 (a) ESTABLISHMENT OF PROGRAM.—Part D of title  
21 III of the Older Americans Act of 1965 (42 U.S.C. 3030h  
22 et seq.) is amended to read as follows:

1           **“PART D—NATIONAL FAMILY CAREGIVER**

2                           **SUPPORT PROGRAM**

3                           **“Subpart 1—State Grant Program**

4   **“SEC. 341. PROGRAM AUTHORIZED.**

5           “(a) IN GENERAL.—The Assistant Secretary shall  
6 carry out a program for making grants to States with  
7 State plans approved under section 307, to pay for the  
8 Federal share of the cost of carrying out State programs,  
9 to enable eligible area agencies on aging to provide multi-  
10 faceted systems of support services for family caregivers,  
11 and other caregivers, who are informal providers of in-  
12 home and community care to older individuals.

13           “(b) FAMILY CAREGIVER SUPPORT SERVICES.—In  
14 providing services under this subpart, an area agency on  
15 aging shall provide support services, including providing—

16                   “(1) information to eligible caregivers about  
17 available services;

18                   “(2) assistance to eligible caregivers in gaining  
19 access to the services;

20                   “(3) individual counseling, organization of sup-  
21 port groups, and caregiver training to eligible care-  
22 givers to assist the caregivers in making decisions  
23 and solving problems relating to their caregiving  
24 roles;

1           “(4) respite care to enable eligible caregivers to  
2 be temporarily relieved from their caregiving respon-  
3 sibilities; and

4           “(5) supplemental services, on a limited basis,  
5 to complement the care provided by eligible care-  
6 givers.

7           “(c) ELIGIBILITY AND PRIORITY.—

8           “(1) ELIGIBILITY.—In order for a caregiver of  
9 an older individual to be eligible to receive services  
10 provided by a State program under this subpart, the  
11 State shall—

12                   “(A) find that the caregiver is a caregiver  
13 described in subsection (a); and

14                   “(B) determine that the older individual  
15 meets the condition specified in subparagraph  
16 (A)(i) or (B) of section 102(28).

17           “(2) PRIORITY.—In providing the services, the  
18 State shall give priority for services to older individ-  
19 uals with greatest social need, older individuals with  
20 greatest economic need, and older individuals pro-  
21 viding care and supports to persons with mental re-  
22 tardation and related developmental disabilities (as  
23 defined in section 102 of the Developmental Disabil-  
24 ities Assistance and Bill of Rights Act (42 U.S.C.  
25 6000) (referred to in this part as “developmental

1 disabilities’’) consistent with the requirements of  
2 section 305(a)(2)(E), and their caregivers.

3 “(d) COORDINATION WITH SERVICE PROVIDERS.—

4 In carrying out this subpart, each area agency on aging  
5 shall coordinate the activities of the agency with the activi-  
6 ties of other community agencies and voluntary organiza-  
7 tions providing the types of services described in sub-  
8 section (b).

9 “(e) QUALITY STANDARDS AND MECHANISMS AND  
10 ACCOUNTABILITY.—

11 “(1) QUALITY STANDARDS AND MECHANISMS.—

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

15 “(2) DATA AND RECORDS.—The State shall col-  
16 lect data and maintain records relating to the State  
17 program in a standardized format specified by the  
18 Assistant Secretary. The State shall furnish the  
19 records to the Assistant Secretary, at such time as  
20 the Assistant Secretary may require, in order to en-  
21 able the Assistant Secretary to monitor State pro-  
22 gram administration and compliance, and to evalu-  
23 ate and compare the effectiveness of the State pro-  
24 grams.

1           “(3) REPORTS.—The State shall prepare and  
2 submit to the Assistant Secretary reports on the  
3 data and records required under paragraph (2), in-  
4 cluding information on the services funded under  
5 this subpart, and standards and mechanisms by  
6 which the quality of the services shall be assured.

7           “(f) AVAILABILITY OF FUNDS.—

8           “(1) IN GENERAL.—A State shall use the por-  
9 tion of the State allotment under section 304 that  
10 is from amounts appropriated under section 303(d)  
11 to carry out the State program under this subpart.

12           “(2) USE OF FUNDS FOR ADMINISTRATION OF  
13 AREA PLANS.—Amounts made available to a State to  
14 carry out the State program under this subpart may  
15 be used, in addition to amounts available in accord-  
16 ance with section 303(c)(1), for costs of administra-  
17 tion of area plans.

18           “(3) FEDERAL SHARE.—

19           “(A) IN GENERAL.—Notwithstanding sec-  
20 tion 304(d)(1)(D), the Federal share of the cost  
21 of carrying out a State program under this sub-  
22 part shall be 75 percent.

23           “(B) NON-FEDERAL SHARE.—The non-  
24 Federal share of the costs shall be provided  
25 from State and local sources.



1 **“SEC. 342. MAINTENANCE OF EFFORT.**

2 “Funds made available under this subpart shall sup-  
 3 plement, and not supplant, any Federal, State, or local  
 4 funds expended by a State or unit of general purpose local  
 5 government (including an area agency on aging) to provide  
 6 services described in section 341(b).

7 **“Subpart 2—National Innovation Programs**

8 **“SEC. 346. INNOVATION GRANT PROGRAM.**

9 “(a) IN GENERAL.—The Assistant Secretary shall  
 10 carry out a program for making grants to appropriate en-  
 11 tities on a competitive basis to foster the development and  
 12 testing of new approaches to—

13 “(1) sustaining the efforts of family caregivers  
 14 and other informal caregivers of older individuals;

15 “(2) serving the needs of particular groups of  
 16 caregivers of older individuals, including minority  
 17 caregivers and distant caregivers; and

18 “(3) linking family support programs with the  
 19 State entity or agency that administers or funds  
 20 programs for persons with mental retardation or re-  
 21 lated developmental disabilities and their families.

22 “(b) EVALUATION AND DISSEMINATION OF RE-  
 23 SULTS.—The Assistant Secretary shall provide for evalua-  
 24 tion of the effectiveness of programs and activities funded  
 25 with grants made under this section, and for dissemina-  
 26 tion to States of descriptions and evaluations of the pro-

1 grams and activities, to enable States to incorporate suc-  
2 cessful approaches into their individual State programs  
3 under this part.

4 “(c) AVAILABILITY OF FUNDS.—

5 “(1) IN GENERAL.—The Assistant Secretary  
6 shall reserve not more than 10 percent of the  
7 amount appropriated under section 303(d) for a fis-  
8 cal year to carry out the program of the Assistant  
9 Secretary under this section.

10 “(2) NATIVE AMERICAN PROGRAMS AND AC-  
11 TIVITIES.—Twenty percent of the amount reserved  
12 under paragraph (1) shall be available for programs  
13 and activities under this section for caregivers serv-  
14 ing Indians and Native Hawaiians, as defined in sec-  
15 tion 625.

16 **“SEC. 347. ACTIVITIES OF NATIONAL SIGNIFICANCE.**

17 “(a) IN GENERAL.—The Assistant Secretary shall,  
18 directly or by grant or contract, carry out activities of na-  
19 tional significance to promote quality and continuous im-  
20 provement in the support services provided to family care-  
21 givers and other informal caregivers of older individuals,  
22 through program evaluation, training, technical assist-  
23 ance, and research.

24 “(b) AVAILABILITY OF FUNDS.—The Assistant Sec-  
25 retary shall reserve not more than 2 percent of the amount

1 appropriated under section 303(d) to carry out the activi-  
2 ties under this section.”.

3 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS; ALLOT-**  
4 **MENTS.**

5 (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
6 303(d) of the Older Americans Act of 1965 (42 U.S.C.  
7 3023(d)) is amended to read as follows:

8 “(d) There are authorized to be appropriated  
9 \$125,000,000 for fiscal year 2000, and such sums as may  
10 be necessary for each of fiscal years 2001 through 2004,  
11 to carry out part D (relating to the national family care-  
12 giver support program).”.

13 (b) ALLOTMENTS TO STATES.—Section 304(a)(1) of  
14 the Older Americans Act of 1965 (42 U.S.C. 3024(a)(1))  
15 is amended in the first sentence—

16 (1) in the matter preceding subparagraph (A),  
17 by inserting “, and remaining after reservations of  
18 funds made under sections 346 and 347,” after  
19 “from the sums appropriated under section 303 for  
20 each fiscal year”; and

21 (2) in subparagraphs (A), (B), and (C), by  
22 striking “sum appropriated” and inserting “remain-  
23 ing sums”.

1 **SEC. 4. AVAILABILITY OF FUNDS FOR REALLOTMENT.**

2 Section 304(b) of the Older Americans Act of 1965  
3 (42 U.S.C. 3024(b)) is amended in the first sentence by  
4 striking “part B or C” and inserting “part B or C, or  
5 subpart 1 of part D,”.

6 **SEC. 5. CONFORMING AMENDMENTS.**

7 (a) **RELOCATION OF PROVISIONS CONCERNING IN-**  
8 **HOME SERVICES FOR FRAIL OLDER INDIVIDUALS.**—Sec-  
9 tion 321 of the Older Americans Act of 1965 (42 U.S.C.  
10 3030d) is amended—

11 (1) in subsection (a)(5), by striking “including”  
12 and all that follows and inserting “including—

13 “(A) client assessment, case management  
14 services, and development and coordination of  
15 community services;

16 “(B) in-home services for frail older indi-  
17 viduals (including supportive activities for older  
18 individuals with Alzheimer’s disease and related  
19 disorders with neurological and organic brain  
20 dysfunction) and for the families of the individ-  
21 uals;

22 “(C) supportive activities to meet the spe-  
23 cial needs of caregivers, including caretakers  
24 who provide in-home services to frail older indi-  
25 viduals; and

1           “(D) in-home services and other commu-  
2           nity services, including shopping, escort, reader,  
3           and letterwriting services, and provision of  
4           home-delivered meals and transportation, to as-  
5           sist older individuals to live independently in a  
6           home environment;”;

7           (2) by adding at the end the following:

8           “(c) In this section, the term ‘in-home services’  
9           includes—

10           “(1) homemaker and home health aide services;

11           “(2) visiting and telephone reassurance;

12           “(3) chore maintenance;

13           “(4) in-home respite care for families, and adult  
14           day care as a respite service for families;

15           “(5) minor modification of homes that is nec-  
16           essary to help older individuals remain at home and  
17           that is not available under other programs, except  
18           that not more than \$150 per client may be expended  
19           under this part for the modification;

20           “(6) personal care services; and

21           “(7) other in-home services as defined—

22           “(A) by the State agency in the State plan  
23           submitted in accordance with section 307; and

1           “(B) by the area agency on aging in the  
2           area plan submitted in accordance with section  
3           306.”.

4           (b) REPEAL OF PART G.—Part G (relating to sup-  
5           portive activities for caretakers who provide in-home serv-  
6           ices to frail older individuals) of title III of the Older  
7           Americans Act of 1965 (42 U.S.C. 3030p et seq.) is re-  
8           pealed.

9           (c) OTHER CONFORMING AMENDMENTS.—

10           (1) Section 303 of the Older Americans Act of  
11           1965 (42 U.S.C. 3023) is amended by striking sub-  
12           section (g).

13           (2) Section 304(a) of the Older Americans Act  
14           of 1965 (42 U.S.C. 3024(a)) is amended—

15           (A) in paragraph (1)—

16           (i) in the first sentence, by striking  
17           “Subject to paragraphs (2) and (3)” and  
18           inserting “Subject to paragraph (2),”; and

19           (ii) in the last sentence, by striking  
20           “For the purposes of paragraph (3) and  
21           the exception” and inserting “For the pur-  
22           poses of the exception”; and

23           (B) by striking paragraph (3).

24           (3) Section 306(a)(2) of the Older Americans  
25           Act of 1965 (42 U.S.C. 3026(a)(2)) is amended by

1 striking subparagraph (B) and inserting the fol-  
2 lowing:

3 “(B) in-home services (as defined in sec-  
4 tion 321);”.

5 (4) Section 307(a) of the Older Americans Act  
6 of 1965 (42 U.S.C. 3027(a)) is amended—

7 (A) in paragraph (10), by striking “section  
8 342” and inserting “section 321”;

9 (B) in paragraph (27), by striking “in-  
10 home services under section 341” and inserting  
11 “in-home services under section 321”;

12 (C) by striking paragraph (40); and

13 (D) in paragraph (44), by inserting “(as  
14 defined in section 321)” after “in-home serv-  
15 ices”.

16 (5) Section 422(b)(11)(A)(ii)(III) of the Older  
17 Americans Act of 1965 (42 U.S.C.  
18 3035a(b)(11)(A)(ii)(III)) is amended by striking  
19 “part D” and inserting “part B”.

20 (6) Section 429F(a)(2) of the Older Americans  
21 Act of 1965 (42 U.S.C. 3035n(a)(2)) is amended by  
22 striking “section 342” and inserting “section 321”.

1 **SEC. 6. EFFECTIVE DATE.**

2       The amendments made by this Act take effect on Oc-  
3 tober 1, 1999.

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