

106TH CONGRESS
2^D SESSION

H. R. 782

IN THE SENATE OF THE UNITED STATES

OCTOBER 25 (legislative day, SEPTEMBER 22), 2000

Received

AN ACT

To amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Older Americans Act
3 Amendments of 2000”.

4 **SEC. 2. TABLE OF CONTENTS.**

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

- Sec. 1. Short title.
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ACT OF 1965

- Sec. 101. Definitions.

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- Sec. 309. Nutrition services incentive program.
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- Sec. 312. Nutrition services.
- Sec. 313. Nutrition requirements.
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- Sec. 315. Definition.
- Sec. 316. National family caregiver support program.

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY
PROJECTS AND PROGRAMS

Sec. 401. Projects and programs

TITLE V—AMENDMENT TO TITLE V OF THE OLDER AMERICANS
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TITLE VI—AMENDMENTS TO TITLE VI OF THE OLDER
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AMERICANS ACT OF 1965

Sec. 701. Authorization of appropriations.

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Sec. 704. State long-term care ombudsman program.

Sec. 705. Prevention of elder abuse, neglect, and exploitation.

Sec. 706. Assistance programs.

Sec. 707. Native american programs.

TITLE VIII—TECHNICAL AND CONFORMING AMENDMENTS

Sec. 801. Technical and conforming amendments.

1 **TITLE I—AMENDMENT TO TITLE**
2 **I OF THE OLDER AMERICANS**
3 **ACT OF 1965**

4 **SEC. 101. DEFINITIONS.**

5 Section 102 of the Older Americans Act of 1965 (42
6 U.S.C. 3002) is amended—

7 (1) in paragraph (3), by striking “the Common-
8 wealth of the Northern Mariana Islands, and the
9 Trust Territory of the Pacific Islands.” and insert-
10 ing “and the Commonwealth of the Northern Mar-
11 iana Islands.”;

12 (2) by striking paragraph (12) and inserting
13 the following:

1 “(12) The term ‘disease prevention and health
2 promotion services’ means—

3 “(A) health risk assessments;

4 “(B) routine health screening, which may
5 include hypertension, glaucoma, cholesterol,
6 cancer, vision, hearing, diabetes, bone density,
7 and nutrition screening;

8 “(C) nutritional counseling and educational
9 services for individuals and their primary care-
10 givers;

11 “(D) health promotion programs, including
12 but not limited to programs relating to preven-
13 tion and reduction of effects of chronic dis-
14 abling conditions (including osteoporosis and
15 cardiovascular disease), alcohol and substance
16 abuse reduction, smoking cessation, weight loss
17 and control, and stress management;

18 “(E) programs regarding physical fitness,
19 group exercise, and music therapy, art therapy,
20 and dance-movement therapy, including pro-
21 grams for multigenerational participation that
22 are provided by—

23 “(i) an institution of higher education;

24 “(ii) a local educational agency, as de-
25 fined in section 14101 of the Elementary

1 and Secondary Education Act of 1965 (20
2 U.S.C. 8801); or

3 “(iii) a community-based organization;

4 “(F) home injury control services, includ-
5 ing screening of high-risk home environments
6 and provision of educational programs on injury
7 prevention (including fall and fracture preven-
8 tion) in the home environment;

9 “(G) screening for the prevention of de-
10 pression, coordination of community mental
11 health services, provision of educational activi-
12 ties, and referral to psychiatric and psycho-
13 logical services;

14 “(H) educational programs on the avail-
15 ability, benefits, and appropriate use of preven-
16 tive health services covered under title XVIII of
17 the Social Security Act (42 U.S.C. 1395 et
18 seq.);

19 “(I) medication management screening and
20 education to prevent incorrect medication and
21 adverse drug reactions;

22 “(J) information concerning diagnosis, pre-
23 vention, treatment, and rehabilitation con-
24 cerning age-related diseases and chronic dis-
25 abling conditions, including osteoporosis, cardio-

1 vascular diseases, diabetes, and Alzheimer’s dis-
2 ease and related disorders with neurological and
3 organic brain dysfunction;

4 “(K) gerontological counseling; and

5 “(L) counseling regarding social services
6 and followup health services based on any of
7 the services described in subparagraphs (A)
8 through (K).

9 The term shall not include services for which pay-
10 ment may be made under titles XVIII and XIX of
11 the Social Security Act (42 U.S.C. 1395 et seq.,
12 1396 et seq.)”;

13 (3) by striking paragraph (18) and redesignig-
14 nating paragraphs (19), (20), (21), and (22) as
15 paragraphs (18), (19), (20), and (21);

16 (4) by striking paragraphs (19) and (20) (as
17 redesignated) and inserting the following:

18 “(19) The term ‘in-home services’ includes—

19 “(A) services of homemakers and home
20 health aides;

21 “(B) visiting and telephone reassurance;

22 “(C) chore maintenance;

23 “(D) in-home respite care for families, and
24 adult day care as a respite service for families;

1 “(E) minor modification of homes that is
2 necessary to facilitate the ability of older indi-
3 viduals to remain at home and that is not avail-
4 able under another program (other than a pro-
5 gram carried out under this Act);

6 “(F) personal care services; and

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

8 “(i) by the State agency in the State
9 plan submitted in accordance with section
10 307; and

11 “(ii) by the area agency on aging in
12 the area plan submitted in accordance with
13 section 306.

14 “(20) The term ‘Native American’ means—

15 “(A) an Indian as defined in paragraph
16 (5); and

17 “(B) a Native Hawaiian, as defined in sec-
18 tion 625.”;

19 (5) by striking paragraph (23) and redesign-
20 nating paragraphs (24) through (35) as paragraphs
21 (22), (23), (24), (25), (26), (27), (28), (29), (30),
22 (31), (32), and (33);

23 (6) by striking paragraph (36) and redesign-
24 nating the remaining paragraphs; and

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

1 “(42) The term ‘family violence’ has the same
2 meaning given the term in the Family Violence Pre-
3 vention and Services Act (42 U.S.C. 10408).

4 “(43) The term ‘sexual assault’ has the mean-
5 ing given the term in section 2003 of the Omnibus
6 Crime Control and Safe Streets Act of 1968 (42
7 U.S.C. 3796gg-2).”.

8 **TITLE II—AMENDMENTS TO**
9 **TITLE II OF THE OLDER**
10 **AMERICANS ACT OF 1965 AND**
11 **THE OLDER AMERICANS ACT**
12 **AMENDMENTS OF 1987**

13 **Subtitle A—Amendments to Title II**
14 **of the Older Americans Act of 1965**

15 **SEC. 201. FUNCTIONS OF ASSISTANT SECRETARY.**

16 Section 202 of the Older Americans Act of 1965 (42
17 U.S.C. 3012) is amended—

18 (1) in subsection (a)—

19 (A) by striking paragraph (9) and redesignig-
20 nating paragraphs (10), (11), and (12) as para-
21 graphs (9), (10), and (11) respectively;

22 (B) by striking paragraphs (13) and (14)
23 and redesignating the remaining paragraphs;

24 (C) in paragraph (15) (as redesignated),
25 by inserting “and older individuals residing in

1 rural areas” after “low-income minority individ-
2 uals”;

3 (D) in paragraph (18)(B) (as redesign-
4 nated), by striking “1990” and inserting
5 “2000”;

6 (E) by striking paragraph (19) (as redesign-
7 nated) and inserting the following:

8 “(19) conduct strict monitoring of State compli-
9 ance with the requirements in effect, under this Act
10 to prohibit conflicts of interest and to maintain the
11 integrity and public purpose of services provided and
12 service providers, under this Act in all contractual
13 and commercial relationships;”;

14 (F) by striking paragraph (21) (as redesign-
15 nated) and inserting the following:

16 “(21) establish information and assistance serv-
17 ices as priority services for older individuals, and de-
18 velop and operate, either directly or through con-
19 tracts, grants, or cooperative agreements, a National
20 Eldercare Locator Service, providing information
21 and assistance services through a nationwide toll-
22 free number to identify community resources for
23 older individuals;”;

24 (G) by striking paragraph (24) (as redesign-
25 nated) and inserting the following:

1 “(24) establish and carry out pension coun-
2 seling and information programs described in section
3 215;” and

4 (H) by striking paragraph (27) and redesi-
5 gnating the remaining paragraphs;

6 (I) by adding a new paragraph (27):

7 “(27) improve the delivery of services to older
8 individuals living in rural areas through—

9 “(A) synthesizing results of research on
10 how best to meet the service needs of older indi-
11 viduals in rural areas;

12 “(B) developing a resource guide on best
13 practices for States, area agencies on aging,
14 and service providers;

15 “(C) providing training and technical as-
16 sistance to States to implement these best prac-
17 tices of service delivery; and

18 “(D) submitting a report on the States’ ex-
19 periences in implementing these best practices
20 and the effect these innovations are having on
21 improving service delivery in rural areas to the
22 relevant committees not later than 36 months
23 after enactment.”;

24 (2) in subsection (d)(4), by striking “1990”
25 and inserting “2000”; and

1 (3) by adding at the end the following:

2 “(f)(1) The Assistant Secretary, in accordance with
3 the process described in paragraph (2), and in collabora-
4 tion with a representative group of State agencies, tribal
5 organizations, area agencies on aging, and providers of
6 services involved in the performance outcome measures
7 shall develop and publish by December 31, 2001, a set
8 of performance outcome measures for planning, managing,
9 and evaluating activities performed and services provided
10 under this Act. To the maximum extent possible, the As-
11 sistant Secretary shall use data currently collected (as of
12 the date of development of the measures) by State agen-
13 cies, area agencies on aging, and service providers through
14 the National Aging Program Information System and
15 other applicable sources of information in developing such
16 measures.

17 “(2) The process for developing the performance out-
18 come measures described in paragraph (1) shall include—

19 “(A) a review of such measures currently in use
20 by State agencies and area agencies on aging (as of
21 the date of the review);

22 “(B) development of a proposed set of such
23 measures that provides information about the major
24 activities performed and services provided under this
25 Act;

1 “(C) pilot testing of the proposed set of such
2 measures, including an identification of resource, in-
3 frastructure, and data collection issues at the State
4 and local levels; and

5 “(D) evaluation of the pilot test and rec-
6 ommendations for modification of the proposed set
7 of such measures.”.

8 **SEC. 202. FEDERAL AGENCY CONSULTATION.**

9 Title II of the Older Americans Act of 1965 (42
10 U.S.C. 3011 et seq.) is amended—

11 (1) in section 203(a)(3)(A), by inserting “and
12 older individuals residing in rural areas” after “low-
13 income minority older individuals”;

14 (2) by striking section 204 and inserting the
15 following:

16 **“SEC. 204. GIFTS AND DONATIONS.**

17 “(a) GIFTS AND DONATIONS.—The Assistant Sec-
18 retary may accept, use, and dispose of, on behalf of the
19 United States, gifts or donations (in cash or in kind, in-
20 cluding voluntary and uncompensated services or prop-
21 erty), which shall be available until expended for the pur-
22 poses specified in subsection (b). Gifts of cash and pro-
23 ceeds of the sale of property shall be available in addition
24 to amounts appropriated to carry out this Act.

1 “(b) USE OF GIFTS AND DONATIONS.—Gifts and do-
2 nations accepted pursuant to subsection (a) may be used
3 either directly, or for grants to or contracts with public
4 or nonprofit private entities, for the following activities:

5 “(1) The design and implementation of dem-
6 onstrations of innovative ideas and best practices in
7 programs and services for older individuals.

8 “(2) The planning and conduct of conferences
9 for the purpose of exchanging information, among
10 concerned individuals and public and private entities
11 and organizations, relating to programs and services
12 provided under this Act and other programs and
13 services for older individuals.

14 “(3) The development, publication, and dissemi-
15 nation of informational materials (in print, visual,
16 electronic, or other media) relating to the programs
17 and services provided under this Act and other mat-
18 ters of concern to older individuals.

19 “(c) ETHICS GUIDELINES.—The Assistant Secretary
20 shall establish written guidelines setting forth the criteria
21 to be used in determining whether a gift or donation
22 should be declined under this section because the accept-
23 ance of the gift or donation would—

24 “(1) reflect unfavorably upon the ability of the
25 Administration, the Department of Health and

1 Human Services, or any employee of the Administra-
2 tion or Department, to carry out responsibilities or
3 official duties under this Act in a fair and objective
4 manner; or

5 “(2) compromise the integrity or the appear-
6 ance of integrity of programs or services provided
7 under this Act or of any official involved in those
8 programs or services.”;

9 (3) in section 205, by striking subsections (c)
10 and (d) and redesignating subsection (e) as sub-
11 section (c);

12 (4) by redesignating section 215 as section 216;
13 and

14 (5) by inserting after section 214 the following:

15 **“SEC. 215. PENSION COUNSELING AND INFORMATION PRO-**
16 **GRAMS.**

17 “(a) DEFINITIONS.—In this section:

18 “(1) PENSION AND OTHER RETIREMENT BENE-
19 FITS.—The term ‘pension and other retirement ben-
20 efits’ means private, civil service, and other public
21 pensions and retirement benefits, including benefits
22 provided under—

23 “(A) the Social Security program under
24 title II of the Social Security Act (42 U.S.C.
25 401 et seq.);

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

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

11 “(D) employee pension benefit plans as de-
12 fined in section 3(2) of the Employee Retirement
13 Income Security Act of 1974 (29 U.S.C.
14 1002(2)).

15 “(2) PENSION COUNSELING AND INFORMATION
16 PROGRAM.—The term ‘pension counseling and infor-
17 mation program’ means a program described in sub-
18 section (b).

19 “(b) PROGRAM AUTHORIZED.—The Assistant Sec-
20 retary shall award grants to eligible entities to establish
21 and carry out pension counseling and information pro-
22 grams that create or continue a sufficient number of pen-
23 sion assistance and counseling programs to provide out-
24 reach, information, counseling, referral, and other assist-
25 ance regarding pension and other retirement benefits, and

1 rights related to such benefits, to individuals in the United
2 States.

3 “(c) ELIGIBLE ENTITIES.—The Assistant Secretary
4 shall award grants under this section to—

5 “(1) State agencies or area agencies on aging;
6 and

7 “(2) nonprofit organizations with a proven
8 record of providing—

9 “(A) services related to retirement of older
10 individuals;

11 “(B) services to Native Americans; or

12 “(C) specific pension counseling.

13 “(d) CITIZEN ADVISORY PANEL.—The Assistant Sec-
14 retary shall establish a citizen advisory panel to advise the
15 Assistant Secretary regarding which entities should re-
16 ceive grant awards under this section. Such panel shall
17 include representatives of business, labor, national senior
18 advocates, and national pension rights advocates. The As-
19 sistant Secretary shall consult such panel prior to award-
20 ing grants under this section.

21 “(e) APPLICATION.—To be eligible to receive a grant
22 under this section, an entity shall submit an application
23 to the Assistant Secretary at such time, in such manner,
24 and containing such information as the Assistant Sec-
25 retary may require, including—

1 “(1) a plan to establish a pension counseling
2 and information program that—

3 “(A) establishes or continues a State or
4 area pension counseling and information pro-
5 gram;

6 “(B) serves a specific geographic area;

7 “(C) provides counseling (including direct
8 counseling and assistance to individuals who
9 need information regarding pension and other
10 retirement benefits) and information that may
11 assist individuals in obtaining, or establishing
12 rights to, and filing claims or complaints re-
13 garding, pension and other retirement benefits;

14 “(D) provides information on sources of
15 pension and other retirement benefits;

16 “(E) establishes a system to make refer-
17 rals for legal services and other advocacy pro-
18 grams;

19 “(F) establishes a system of referral to
20 Federal, State, and local departments or agen-
21 cies related to pension and other retirement
22 benefits;

23 “(G) provides a sufficient number of staff
24 positions (including volunteer positions) to en-
25 sure information, counseling, referral, and as-

1 assistance regarding pension and other retirement
2 benefits;

3 “(H) provides training programs for staff
4 members, including volunteer staff members, of
5 pension and other retirement benefits programs;

6 “(I) makes recommendations to the Ad-
7 ministration, the Department of Labor and
8 other Federal, State and local agencies con-
9 cerning issues for older individuals related to
10 pension and other retirement benefits; and

11 “(J) establishes or continues an outreach
12 program to provide information, counseling, re-
13 ferral and assistance regarding pension and
14 other retirement benefits, with particular em-
15 phasis on outreach to women, minorities, older
16 individuals residing in rural areas and low in-
17 come retirees; and

18 “(2) an assurance that staff members (includ-
19 ing volunteer staff members) have no conflict of in-
20 terest in providing the services described in the plan
21 described in paragraph (1).

22 “(f) CRITERIA.—The Assistant Secretary shall con-
23 sider the following criteria in awarding grants under this
24 section:

1 “(1) Evidence of a commitment by the entity to
2 carry out a proposed pension counseling and infor-
3 mation program.

4 “(2) The ability of the entity to perform effec-
5 tive outreach to affected populations, particularly
6 populations that are identified in need of special out-
7 reach.

8 “(3) Reliable information that the population to
9 be served by the entity has a demonstrable need for
10 the services proposed to be provided under the pro-
11 gram.

12 “(4) The ability of the entity to provide services
13 under the program on a statewide or regional basis.

14 “(g) TRAINING AND TECHNICAL ASSISTANCE PRO-
15 GRAM.—

16 “(1) IN GENERAL.—The Assistant Sec-
17 retary shall award grants to eligible entities to
18 establish training and technical assistance pro-
19 grams that shall provide information and tech-
20 nical assistance to the staffs of entities oper-
21 ating pension counseling and information pro-
22 grams described in subsection (b), and general
23 assistance to such entities, including assistance
24 in the design of program evaluation tools.

1 “(2) ELIGIBLE ENTITIES.—Entities that
2 are eligible to receive a grant under this sub-
3 section include nonprofit private organizations
4 with a record of providing national information,
5 referral, and advocacy in matters related to
6 pension and other retirement benefits.

7 “(3) APPLICATION.—To be eligible to re-
8 ceive a grant under this subsection, an entity
9 shall submit an application to the Assistant
10 Secretary at such time, in such manner, and
11 containing such information as the Assistant
12 Secretary may require.

13 “(h) PENSION ASSISTANCE HOTLINE AND
14 INTRAGENCY COORDINATION.—

15 “(1) HOTLINE.—The Assistant Secretary shall
16 enter into agreements with other Federal agencies to
17 establish and administer a national telephone hotline
18 that shall provide information regarding pension and
19 other retirement benefits, and rights related to such
20 benefits.

21 “(2) CONTENT.—Such hotline described in
22 paragraph (1) shall provide information for individ-
23 uals seeking outreach, information, counseling, refer-
24 ral, and assistance regarding pension and other re-

1 tirement benefits, and rights related to such bene-
2 fits.

3 “(3) AGREEMENTS.—The Assistant Secretary
4 may enter into agreements with the Secretary of
5 Labor and the heads of other Federal agencies that
6 regulate the provision of pension and other retire-
7 ment benefits in order to carry out this subsection.

8 “(i) REPORT TO CONGRESS.—Not later than 30
9 months after the date of the enactment of this section,
10 the Assistant Secretary shall submit to the Committee on
11 Education and the Workforce of the House of Representa-
12 tives and the Committee on Health, Education, Labor and
13 Pensions of the Senate a report that—

14 “(1) summarizes the distribution of funds au-
15 thorized for grants under this section and the ex-
16 penditure of such funds;

17 “(2) summarizes the scope and content of train-
18 ing and assistance provided under a program carried
19 out under this section and the degree to which the
20 training and assistance can be replicated;

21 “(3) outlines the problems that individuals par-
22 ticipating in programs funded under this section en-
23 countered concerning rights related to pension and
24 other retirement benefits; and

1 “(4) makes recommendations regarding the
2 manner in which services provided in programs
3 funded under this section can be incorporated into
4 the ongoing programs of State agencies, area agen-
5 cies on aging, multipurpose senior centers and other
6 similar entities.

7 “(j) ADMINISTRATIVE EXPENSES.—Of the funds ap-
8 propriated under section 216 to carry out this section for
9 a fiscal year, not more than \$100,000 may be used by
10 the Administration for administrative expenses.”.

11 **SEC. 203. EVALUATION.**

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

14 (1) in subsection (a), by inserting “and older
15 individuals residing in rural areas” after “low-in-
16 come minority individuals” each place it appears;

17 (2) in subsection (c), by inserting “, older indi-
18 viduals residing in rural areas” after “minority indi-
19 viduals”;

20 (3) by striking subsection (g); and

21 (4) by redesignating subsection (h) as sub-
22 section (g).

23 **SEC. 204. REPORTS.**

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

1 (1) in subsection (a)(4), by inserting “older in-
2 dividuals residing in rural areas,” after “low-income
3 minority individuals,”; and

4 (2) in subsection (c)(5) by inserting “and older
5 individuals residing in rural areas” after “low-in-
6 come minority individuals” each place it appears.

7 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 216 of the Older Americans Act of 1965 (42
9 U.S.C. 3020f) (as redesignated by section 202) is
10 amended—

11 (1) in subsection (a)—

12 (A) by striking “(a) ADMINISTRATION.—”
13 and inserting “(a) IN GENERAL.—”;

14 (B) by striking “1992” and all that follows
15 through the period and inserting “2001, 2002,
16 2003, 2004, and 2005”; and

17 (C) by inserting “administration, salaries,
18 and expenses of” after “appropriated for”; and

19 (2) by striking subsection (b) and inserting the
20 following:

21 “(b) ELDERCARE LOCATOR SERVICE.—There are au-
22 thorized to be appropriated to carry out section
23 202(a)(24) (relating to the National Eldercare Locator
24 Service) such sums as may be necessary for fiscal year

1 2001, and such sums as may be necessary for each of the
2 4 succeeding fiscal years.

3 “(c) PENSION COUNSELING AND INFORMATION PRO-
4 GRAMS.—There are authorized to be appropriated to carry
5 out section 215, such sums as may be necessary for fiscal
6 year 2001 and for each of the 4 succeeding fiscal years.”.

7 **Subtitle B—Amendments to the**
8 **Older Americans Act Amend-**
9 **ments of 1987**

10 **SEC. 211. WHITE HOUSE CONFERENCE.**

11 Title II of the Older Americans Act Amendments of
12 1987 (42 U.S.C. 3001 note) is amended—

13 (1) by striking section 201;

14 (2) by redesignating sections 202, 203, 204,
15 205, 206, and 207, as sections 201, 202, 203, 204,
16 205, and 206, respectively;

17 (3) in section 201 (as redesignated by para-
18 graph (2))—

19 (A) by striking subsections (a), (b), and (c)
20 and inserting the following:

21 “(a) **AUTHORITY TO CALL CONFERENCE.**—Not later
22 than December 31, 2005, the President shall convene the
23 White House Conference on Aging in order to fulfill the
24 purpose set forth in subsection (c) and to make funda-
25 mental policy recommendations regarding programs that

1 are important to older individuals and to the families and
2 communities of such individuals.

3 “(b) PLANNING AND DIRECTION.—The Conference
4 described in subsection (a) shall be planned and conducted
5 under the direction of the Secretary, in cooperation with
6 the Assistant Secretary for Aging, the Director of the Na-
7 tional Institute on Aging, the Administrator of the Health
8 Care Financing Administration, the Social Security Ad-
9 ministrator, and the heads of such other Federal agencies
10 serving older individuals as are appropriate. Planning and
11 conducting the Conference includes the assignment of per-
12 sonnel.

13 “(c) PURPOSE.—The purpose of the Conference de-
14 scribed in subsection (a) shall be to gather individuals rep-
15 resenting the spectrum of thought and experience in the
16 field of aging to—

17 “(1) evaluate the manner in which the objec-
18 tives of this Act can be met by using the resources
19 and talents of older individuals, of families and com-
20 munities of such individuals, and of individuals from
21 the public and private sectors;

22 “(2) evaluate the manner in which national
23 policies that are related to economic security and
24 health care are prepared so that such policies serve
25 individuals born from 1946 to 1964 and later, as the

1 individuals become older individuals, including an
2 examination of the Social Security, medicare, and
3 medicaid programs carried out under titles II,
4 XVIII, and XIX of the Social Security Act (42
5 U.S.C. 401 et seq., 1395 et seq., and 1396 et seq.)
6 in relation to providing services under this Act, and
7 determine how well such policies respond to the
8 needs of older individuals; and

9 “(3) develop not more than 50 recommenda-
10 tions to guide the President, Congress, and Federal
11 agencies in serving older individuals.”; and

12 (B) in subsection (d)(2), by striking “and
13 individuals from low-income families.” and in-
14 serting “individuals from low-income families,
15 representatives of Federal, State, and local gov-
16 ernments, and individuals from rural areas. A
17 majority of such delegates shall be age 55 or
18 older.”;

19 (4) in section 202 (as redesignated by para-
20 graph (2))—

21 (A) in subsection (a)—

22 (i) by striking paragraph (3); and

23 (ii) by redesignating paragraphs (4),
24 (5), and (6) as paragraphs (3), (4), and
25 (5), respectively;

- 1 (B) in subsection (b)—
- 2 (i) by striking paragraph (1);
- 3 (ii) by redesignating paragraphs (2),
- 4 (3), (4), and (5) as paragraphs (1), (2),
- 5 (3), and (4) respectively;
- 6 (iii) in paragraph (1) (as redesignated
- 7 by clause (ii))—
- 8 (I) by striking “subsection
- 9 (a)(4)” and inserting “subsection
- 10 (a)(3)”; and
- 11 (II) by striking “regarding such
- 12 agenda,” and inserting “regarding
- 13 such agenda, and”; and
- 14 (iv) in paragraph (2) (as redesignated
- 15 by clause (ii)), by striking “subsection
- 16 (a)(6)” and inserting “subsection (a)(5)”;
- 17 and
- 18 (C) in subsection (c), by adding at the end
- 19 “Gifts may be earmarked by the donor or the
- 20 executive committee for a specific purpose.”;
- 21 (5) in section 203(a) (as redesignated by para-
- 22 graph (2))—
- 23 (A) by striking paragraph (1) and insert-
- 24 ing the following:

1 “(1) ESTABLISHMENT.—There is established a
2 Policy Committee comprised of 17 members to be se-
3 lected, not later than 2 years prior to the date on
4 which the Conference convenes, as follows:

5 “(A) PRESIDENTIAL APPOINTEES.—Nine
6 members shall be selected by the President and
7 shall include—

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

10 “(ii) 6 members with experience in the
11 field of aging, including providers and con-
12 sumers of aging services.

13 “(B) HOUSE APPOINTEES.—Two members
14 shall be selected by the Speaker of the House
15 of Representatives, after consultation with the
16 Committee on Education and the Workforce
17 and the Committee on Ways and Means of the
18 House of Representatives, and 2 members shall
19 be selected by the Minority Leader of the
20 House of Representatives, after consultation
21 with such committees.

22 “(C) SENATE APPOINTEES.—Two mem-
23 bers shall be selected by the Majority Leader of
24 the Senate, after consultation with members of
25 the Committee on Health, Education, Labor,

1 and Pensions and the Special Committee on
2 Aging of the Senate, and 2 members shall be
3 selected by the Minority Leader of the Senate,
4 after consultation with members of such com-
5 mittees.”;

6 (B) in paragraph (2)—

7 (i) in subparagraph (B), by striking
8 “Committee” and inserting “Committee
9 for the Secretary”; and

10 (ii) by striking subparagraphs (D)
11 and (E) and inserting the following:

12 “(D) establish the number of delegates to
13 be selected under section 201(d)(2);

14 “(E) establish an executive committee con-
15 sisting of 3 to 5 members, with a majority of
16 such members being age 55 or older, to work
17 with Conference staff; and

18 “(F) establish other committees as needed
19 that have a majority of members who are age
20 55 or older.”; and

21 (C) by striking paragraph (3) and insert-
22 ing the following:

23 “(3) VOTING; CHAIRPERSON.—

24 “(A) VOTING.—The Policy Committee
25 shall act by the vote of a majority of the mem-

1 bers present. A quorum of Committee members
2 shall not be required to conduct Committee
3 business.

4 “(B) CHAIRPERSON.—The President shall
5 select the chairperson from among the members
6 of the Policy Committee. The chairperson may
7 vote only to break a tie vote of the other mem-
8 bers of the Policy Committee.”;

9 (6) by striking section 204 (as redesignated by
10 paragraph (2)) and inserting the following:

11 **“SEC. 204. REPORT OF THE CONFERENCE.**

12 “(a) PRELIMINARY REPORT.—Not later than 100
13 days after the date on which the Conference adjourns, the
14 Policy Committee shall publish and deliver to the chief ex-
15 ecutive officers of the States a preliminary report on the
16 Conference. Comments on the preliminary report of the
17 Conference shall be accepted by the Policy Committee.

18 “(b) FINAL REPORT.—Not later than 6 months after
19 the date on which the Conference adjourns, the Policy
20 Committee shall publish and transmit to the President and
21 to Congress recommendations resulting from the Con-
22 ference and suggestions for any administrative action and
23 legislation necessary to implement the recommendations
24 contained within the report.”; and

1 (7) in section 206 (as redesignated by para-
2 graph (2))—

3 (A) in subsection (a), by striking para-
4 graph (1) and inserting the following:

5 “(1) IN GENERAL.—There are authorized to be
6 appropriated to carry out this section—

7 “(A) such sums as may be necessary for
8 the first fiscal year in which the Policy Com-
9 mittee plans the Conference and for the fol-
10 lowing fiscal year; and

11 “(B) such sums as may be necessary for
12 the fiscal year in which the Conference is
13 held.”; and

14 (B) in subsection (b)—

15 (i) in paragraph (1), by striking “sec-
16 tion 203(c)” and inserting “section
17 202(e)”; and

18 (ii) in paragraph (3), by striking “De-
19 cember 31, 1995” and inserting “Decem-
20 ber 31, 2005”.

1 **TITLE III—AMENDMENTS TO**
2 **TITLE III OF THE OLDER**
3 **AMERICANS ACT OF 1965**

4 **SEC. 301. PURPOSE.**

5 Section 301 of the Older Americans Act of 1965 (42
6 U.S.C. 3021) is amended by adding at the end the fol-
7 lowing:

8 “(d)(1) Any funds received under an allotment as de-
9 scribed in section 304(a), or funds contributed toward the
10 non-Federal share under section 304(d), shall be used only
11 for activities and services to benefit older individuals and
12 other individuals as specifically provided for in this title.

13 “(2) No provision of this title shall be construed as
14 prohibiting a State agency or area agency on aging from
15 providing services by using funds from sources not de-
16 scribed in paragraph (1).”.

17 **SEC. 302. AUTHORIZATION OF APPROPRIATIONS.**

18 Section 303 of the Older Americans Act of 1965 (42
19 U.S.C 3023) is amended—

20 (1) by striking subsection (a)(1) and inserting
21 the following:

22 “(a)(1) There are authorized to be appropriated to
23 carry out part B (relating to supportive services) such
24 sums as may be necessary for fiscal year 2001, and such

1 sums as may be necessary for each of the 4 succeeding
2 fiscal years.”;

3 (2) by striking subsection (b) and inserting the
4 following:

5 “(b)(1) There are authorized to be appropriated to
6 carry out subpart 1 of part C (relating to congregate nu-
7 trition services) such sums as may be necessary for fiscal
8 year 2001, and such sums as may be necessary for each
9 of the 4 succeeding fiscal years.

10 “(2) There are authorized to be appropriated to carry
11 out subpart 2 of part C (relating to home delivered nutri-
12 tion services) such sums as may be necessary for fiscal
13 year 2001, and such sums as may be necessary for each
14 of the 4 succeeding fiscal years.”; and

15 (3) by striking subsections (d) through (g) and
16 inserting the following:

17 “(d) There are authorized to be appropriated to carry
18 out part D (relating to disease prevention and health pro-
19 motion services) such sums as may be necessary for fiscal
20 year 2001, and such sums as may be necessary for each
21 of the 4 succeeding fiscal years.

22 “(e)(1) There are authorized to be appropriated to
23 carry out part E (relating to family caregiver support)
24 \$125,000,000 for fiscal year 2001 if the aggregate amount
25 appropriated under subsection (a)(1) (relating to part B,

1 supportive services), paragraphs (1) (relating to subpart
2 1 of part C, congregate nutrition services) and (2) (relat-
3 ing to subpart 2 of part C, home delivered nutrition serv-
4 ices) of subsection (b), and (d) (relating to part D, disease
5 prevention and health promotion services) of this section
6 for fiscal year 2001 is not less than the aggregate amount
7 appropriated under subsection (a)(1), paragraphs (1) and
8 (2) of subsection (b), and subsection (d) of section 303
9 of the Older Americans Act of 1965 for fiscal year 2000.

10 “(2) There are authorized to be appropriated to carry
11 out part E (relating to family caregiver support) such
12 sums as may be necessary for each of the 4 succeeding
13 fiscal years.

14 “(3) Of the funds appropriated under paragraphs (1)
15 and (2)—

16 “(A) 4 percent of such funds shall be reserved
17 to carry out activities described in section 375; and

18 “(B) 1 percent of such funds shall be reserved
19 to carry out activities described in section 376.”.

20 **SEC. 303. ALLOTMENT; FEDERAL SHARE.**

21 (a) IN GENERAL.—Section 304 of the Older Ameri-
22 cans Act of 1965 (42 U.S.C. 3024) is amended by striking
23 subsection (a) and inserting the following:

24 “(a)(1) From the sums appropriated under sub-
25 sections (a) through (d) of section 303 for each fiscal year,

1 each State shall be allotted an amount which bears the
2 same ratio to such sums as the population of older individ-
3 uals in such State bears to the population of older individ-
4 uals in all States.

5 “(2) In determining the amounts allotted to States
6 from the sums appropriated under section 303 for a fiscal
7 year, the Assistant Secretary shall first determine the
8 amount allotted to each State under paragraph (1) and
9 then proportionately adjust such amounts, if necessary, to
10 meet the requirements of paragraph (3).

11 “(3)(A) No State shall be allotted less than $\frac{1}{2}$ of 1
12 percent of the sum appropriated for the fiscal year for
13 which the determination is made.

14 “(B) Guam and the United States Virgin Islands
15 shall each be allotted not less than $\frac{1}{4}$ of 1 percent of the
16 sum appropriated for the fiscal year for which the deter-
17 mination is made.

18 “(C) American Samoa and the Commonwealth of the
19 Northern Mariana Islands shall each be allotted not less
20 than $\frac{1}{16}$ of 1 percent of the sum appropriated for the fis-
21 cal year for which the determination is made. For the pur-
22 poses of the exception contained in subparagraph (A) only,
23 the term “State” does not include Guam, American
24 Samoa, the United States Virgin Islands, and the Com-
25 monwealth of the Northern Mariana Islands.

1 “(D) No State shall be allotted less than the total
2 amount allotted to the State for fiscal year 2000 and no
3 State shall receive a percentage increase above the fiscal
4 year 2000 allotment that is less than 20 percent of the
5 percentage increase above the fiscal year 2000 allotments
6 for all of the States.

7 “(4) The number of individuals aged 60 or older in
8 any State and in all States shall be determined by the
9 Assistant Secretary on the basis of the most recent data
10 available from the Bureau of the Census, and other reli-
11 able demographic data satisfactory to the Assistant Sec-
12 retary.

13 “(5) State allotments for a fiscal year under this sec-
14 tion shall be proportionally reduced to the extent that ap-
15 propriations may be insufficient to provide the full allot-
16 ments of the prior year.”.

17 (b) AVAILABILITY OF FUNDS FOR REALLOTMENT.—
18 Section 304(b) of the Older Americans Act of 1965 (42
19 U.S.C. 3024(b)) is amended in the first sentence by strik-
20 ing “part B or C” and inserting “part B or C, or subpart
21 1 of part E,”.

22 **SEC. 304. ORGANIZATION.**

23 Section 305(a) of the Older Americans Act of 1965
24 (42 U.S.C. 3025(a)) is amended by—

1 (1) in paragraph (1)(E), by inserting “and
2 older individuals residing in rural areas” after “low-
3 income minority individuals” each place it appears;
4 and

5 (2) in paragraph (2)—

6 (A) in subparagraph (E) by striking “,”
7 and inserting “and older individuals residing in
8 rural areas,” after “low-income minority indi-
9 viduals”;

10 (B) in subparagraph (G)(i) by inserting
11 “and older individuals residing in rural areas”
12 after “low-income minority older individuals”;
13 and

14 (C) in subparagraph (G)(ii) by inserting
15 “and older individuals residing in rural areas”
16 after “low-income minority individuals”.

17 **SEC. 305. AREA PLANS.**

18 (a) IN GENERAL.—Section 306(a) of the Older Amer-
19 icans Act of 1965 (42 U.S.C. 3026(a)) is amended—

20 (1) in paragraph (1), by inserting “and older
21 individuals residing in rural areas” after “low-in-
22 come minority individuals” in each place it appears;

23 (2) in paragraph (2)—

1 (A) in the matter preceding subparagraph
2 (A), by striking “section 307(a)(22)” and in-
3 serting “section 307(a)(2)”;

4 (B) in subparagraph (B), by striking
5 “services (homemaker” and all that follows
6 through “maintenance, and” and inserting
7 “services, including”; and

8 (C) in the matter following subparagraph
9 (C), by striking “and specify annually in such
10 plan, as submitted or as amended,” and insert-
11 ing “and assurances that the area agency on
12 aging will report annually to the State agency”;

13 (3) in paragraph (3)(A), by striking “paragraph
14 (6)(E)(ii)” and inserting “paragraph (6)(C)”;

15 (4)(A) by striking paragraph (4); and

16 (B) by redesignating paragraph (5) as para-
17 graph (4);

18 (5) in paragraph (4)(A)(i) (as redesignated) by
19 inserting “and older individuals residing in rural
20 areas” after “low-income minority individuals”;

21 (6) in paragraph (4)(A)(ii) (as redesignated) by
22 inserting “and older individuals residing in rural
23 areas” after “low-income minority individuals” each
24 place it appears;

1 (7) in paragraph (4)(B)(i) (as redesignated) by
2 inserting “and older individuals residing in rural
3 areas” after “low-income minority individuals” each
4 place it appears;

5 (8) in paragraph (4)(C) (as redesignated) by in-
6 sserting “and older individuals residing in rural
7 areas” after “low-income minority older individuals”;

8 (9) by inserting after paragraph (4) (as redesign-
9 nated by paragraph (3)) the following:

10 “(5) provide assurances that the area agency on
11 aging will coordinate planning, identification, assess-
12 ment of needs, and provision of services for older in-
13 dividuals with disabilities, with particular attention
14 to individuals with severe disabilities, with agencies
15 that develop or provide services for individuals with
16 disabilities;”;

17 (10) in paragraph (6)—

18 (A) by striking subparagraphs (A), (B),
19 (G), (I), (J), (K), (L), (O), (P), (Q), (R), and
20 (S);

21 (B) by redesignating subparagraphs (C),
22 (D), (E), (F), (H), (M), and (N) as subpara-
23 graphs (A), (B), (C), (D), (E), (F), and (G),
24 respectively;

1 (C) in subparagraph (C) (as redesignated
2 by subparagraph (B)), by striking “or adults”
3 and inserting “, assistance to older individuals
4 caring for relatives who are children”;

5 (D) in subparagraph (D) (as redesignated
6 by subparagraph (B)), by inserting “and older
7 individuals residing in rural areas” after “mi-
8 nority individuals”; and

9 (E) in subparagraph (F) (as redesignated
10 by subparagraph (B)), by adding “and” after
11 the semicolon;

12 (11) by striking paragraphs (7) through (13)
13 and inserting the following:

14 “(7) provide that the area agency on aging will
15 facilitate the coordination of community-based, long-
16 term care services designed to enable older individ-
17 uals to remain in their homes, by means including—

18 “(A) development of case management
19 services as a component of the long-term care
20 services, consistent with the requirements of
21 paragraph (8);

22 “(B) involvement of long-term care pro-
23 viders in the coordination of such services; and

1 “(C) increasing community awareness of
2 and involvement in addressing the needs of resi-
3 dents of long-term care facilities;

4 “(8) provide that case management services
5 provided under this title through the area agency on
6 aging will—

7 “(A) not duplicate case management serv-
8 ices provided through other Federal and State
9 programs;

10 “(B) be coordinated with services described
11 in subparagraph (A); and

12 “(C) be provided by a public agency or a
13 nonprofit private agency that—

14 “(i) gives each older individual seek-
15 ing services under this title a list of agen-
16 cies that provide similar services within the
17 jurisdiction of the area agency on aging;

18 “(ii) gives each individual described in
19 clause (i) a statement specifying that the
20 individual has a right to make an inde-
21 pendent choice of service providers and
22 documents receipt by such individual of
23 such statement;

24 “(iii) has case managers acting as
25 agents for the individuals receiving the

1 services and not as promoters for the agen-
2 cy providing such services; or

3 “(iv) is located in a rural area and ob-
4 tains a waiver of the requirements de-
5 scribed in clauses (i) through (iii);

6 “(9) provide assurances that the area agency on
7 aging, in carrying out the State Long-Term Care
8 Ombudsman program under section 307(a)(9), will
9 expend not less than the total amount of funds ap-
10 propriated under this Act and expended by the agen-
11 cy in fiscal year 2000 in carrying out such a pro-
12 gram under this title;

13 “(10) provide a grievance procedure for older
14 individuals who are dissatisfied with or denied serv-
15 ices under this title;

16 “(11) provide information and assurances con-
17 cerning services to older individuals who are Native
18 Americans (referred to in this paragraph as ‘older
19 Native Americans’), including—

20 “(A) information concerning whether there
21 is a significant population of older Native
22 Americans in the planning and service area and
23 if so, an assurance that the area agency on
24 aging will pursue activities, including outreach,
25 to increase access of those older Native Ameri-

1 cans to programs and benefits provided under
2 this title;

3 “(B) an assurance that the area agency on
4 aging will, to the maximum extent practicable,
5 coordinate the services the agency provides
6 under this title with services provided under
7 title VI; and

8 “(C) an assurance that the area agency on
9 aging will make services under the area plan
10 available, to the same extent as such services
11 are available to older individuals within the
12 planning and service area, to older Native
13 Americans; and

14 “(12) provide that the area agency on aging
15 will establish procedures for coordination of services
16 with entities conducting other Federal or federally
17 assisted programs for older individuals at the local
18 level, with particular emphasis on entities conducting
19 programs described in section 203(b) within the
20 planning and service area.”;

21 (12) by redesignating paragraph (14) as para-
22 graph (13);

23 (13) by inserting after paragraph (13) (as re-
24 designated by paragraph (7)) the following:

1 “(14) provide assurances that funds received
2 under this title will not be used to pay any part of
3 a cost (including an administrative cost) incurred by
4 the area agency on aging to carry out a contract or
5 commercial relationship that is not carried out to
6 implement this title; and

7 “(15) provide assurances that preference in re-
8 ceiving services under this title will not be given by
9 the area agency on aging to particular older individ-
10 uals as a result of a contract or commercial relation-
11 ship that is not carried out to implement this title.”;
12 and

13 (14) by striking paragraphs (17) through (20).

14 (b) WAIVERS.—Section 306(b) of the Older Ameri-
15 cans Act of 1965 (42 U.S.C. 3026(b)) is amended—

16 (1) in paragraph (1), by striking “(1)” and in-
17 serting before the period “and had conducted a
18 timely public hearing upon request”; and

19 (2) by striking paragraph (2).

20 **SEC. 306. STATE PLANS.**

21 Section 307(a) of the Older Americans Act of 1965
22 (42 U.S.C. 3027(a)) is amended—

23 (1) by striking paragraphs (1) through (5) and
24 inserting the following:

25 “(1) The plan shall—

1 “(A) require each area agency on aging
2 designated under section 305(a)(2)(A) to de-
3 velop and submit to the State agency for ap-
4 proval, in accordance with a uniform format de-
5 veloped by the State agency, an area plan meet-
6 ing the requirements of section 306; and

7 “(B) be based on such area plans.

8 “(2) The plan shall provide that the State agen-
9 cy will—

10 “(A) evaluate, using uniform procedures
11 described in section 202(a)(29), the need for
12 supportive services (including legal assistance
13 pursuant to 307(a)(11), information and assist-
14 ance, and transportation services), nutrition
15 services, and multipurpose senior centers within
16 the State;

17 “(B) develop a standardized process to de-
18 termine the extent to which public or private
19 programs and resources (including volunteers
20 and programs and services of voluntary organi-
21 zations) that have the capacity and actually
22 meet such need; and

23 “(C) specify a minimum proportion of the
24 funds received by each area agency on aging in
25 the State to carry out part B that will be ex-

1 pended (in the absence of a waiver under sec-
2 tions 306(b) or 316) by such area agency on
3 aging to provide each of the categories of serv-
4 ices specified in section 306(a)(2).

5 “(3) The plan shall—

6 “(A) include (and may not be approved un-
7 less the Assistant Secretary approves) the state-
8 ment and demonstration required by para-
9 graphs (2) and (4) of section 305(d) (con-
10 cerning intrastate distribution of funds); and

11 “(B) with respect to services for older indi-
12 viduals residing in rural areas—

13 “(i) provide assurances that the State
14 agency will spend for each fiscal year, not
15 less than the amount expended for such
16 services for fiscal year 2000;

17 “(ii) identify, for each fiscal year to
18 which the plan applies, the projected costs
19 of providing such services (including the
20 cost of providing access to such services);
21 and

22 “(iii) describe the methods used to
23 meet the needs for such services in the fis-
24 cal year preceding the first year to which
25 such plan applies.

1 “(4) The plan shall provide that the State agen-
2 cy will conduct periodic evaluations of, and public
3 hearings on, activities and projects carried out in the
4 State under this title and title VII, including evalua-
5 tions of the effectiveness of services provided to indi-
6 viduals with greatest economic need, greatest social
7 need, or disabilities, with particular attention to low-
8 income minority individuals and older individuals re-
9 siding in rural areas.

10 “(5) The plan shall provide that the State agen-
11 cy will—

12 “(A) afford an opportunity for a hearing
13 upon request, in accordance with published pro-
14 cedures, to any area agency on aging submit-
15 ting a plan under this title, to any provider of
16 (or applicant to provide) services;

17 “(B) issue guidelines applicable to grievance
18 procedures required by section 306(a)(10);
19 and

20 “(C) afford an opportunity for a public
21 hearing, upon request, by any area agency on
22 aging, by any provider of (or applicant to pro-
23 vide) services, or by any recipient of services
24 under this title regarding any waiver request,
25 including those under section 316.”;

1 (2) in paragraph (7), by striking subparagraph
2 (C);

3 (3) by striking paragraphs (8) and (9) and in-
4 serting the following:

5 “(8)(A) The plan shall provide that no sup-
6 portive services, nutrition services, or in-home serv-
7 ices will be directly provided by the State agency or
8 an area agency on aging in the State, unless, in the
9 judgment of the State agency—

10 “(i) provision of such services by the State
11 agency or the area agency on aging is necessary
12 to assure an adequate supply of such services;

13 “(ii) such services are directly related to
14 such State agency’s or area agency on aging’s
15 administrative functions; or

16 “(iii) such services can be provided more
17 economically, and with comparable quality, by
18 such State agency or area agency on aging.

19 “(B) Regarding case management services, if
20 the State agency or area agency on aging is already
21 providing case management services (as of the date
22 of submission of the plan) under a State program,
23 the plan may specify that such agency is allowed to
24 continue to provide case management services.

1 “(C) The plan may specify that an area agency
2 on aging is allowed to directly provide information
3 and assistance services and outreach.

4 “(9) The plan shall provide assurances that the
5 State agency will carry out, through the Office of
6 the State Long-Term Care Ombudsman, a State
7 Long-Term Care Ombudsman program in accord-
8 ance with section 712 and this title, and will expend
9 for such purpose an amount that is not less than an
10 amount expended by the State agency with funds re-
11 ceived under this title for fiscal year 2000, and an
12 amount that is not less than the amount expended
13 by the State agency with funds received under title
14 VII for fiscal year 2000.”;

15 (4) by striking paragraph (10) and inserting
16 the following:

17 “(10) The plan shall provide assurances that
18 the special needs of older individuals residing in
19 rural areas will be taken into consideration and shall
20 describe how those needs have been met and de-
21 scribe how funds have been allocated to meet those
22 needs.”;

23 (5) by striking paragraphs (11), (12), (13), and
24 (14);

1 (6) by redesignating paragraphs (15) and (16)
2 as paragraphs (11) and (12), respectively;
3 (7) by striking paragraph (17);
4 (8) by redesignating paragraph (18) as para-
5 graph (13);
6 (9) by striking paragraph (19);
7 (10) by redesignating paragraph (20) as para-
8 graph (14);
9 (11) by striking paragraphs (21) and (22);
10 (12) by redesignating paragraphs (23), (24),
11 (25), and (26) as paragraphs (15), (16), (17), and
12 (18), respectively;
13 (13) in paragraph (16) (as redesignated by
14 paragraph (12)), by inserting “and older individuals
15 residing in rural areas” after “low-income minority
16 individuals” each place it appears;
17 (14) in paragraph (17) (as redesignated by
18 paragraph (12)), by inserting “to enhance services”
19 before “and develop collaborative programs”;
20 (15) in paragraph (18) (as redesignated by
21 paragraph (12)), by striking “section 306(a)(6)(I)”
22 and inserting “section 306(a)(7)”;
23 (16) by striking paragraphs (27), (28), (29),
24 and (31);

1 (17) by redesignating paragraphs (30) and (32)
2 as paragraphs (19) and (20), respectively;

3 (18) by striking paragraphs (33), (34), and
4 (35) and inserting the following:

5 “(21) The plan shall—

6 “(A) provide an assurance that the State
7 agency will coordinate programs under this title
8 and programs under title VI, if applicable; and

9 “(B) provide an assurance that the State
10 agency will pursue activities to increase access
11 by older individuals who are Native Americans
12 to all aging programs and benefits provided by
13 the agency, including programs and benefits
14 provided under this title, if applicable, and
15 specify the ways in which the State agency in-
16 tends to implement the activities.”;

17 (19) by redesignating paragraph (36) as para-
18 graph (22);

19 (20) by striking paragraphs (37), (38), (39),
20 (40), and (43);

21 (21) by redesignating paragraphs (41), (42),
22 and (44) as paragraphs (23), (24), and (25), respec-
23 tively; and

24 (22) by adding at the end the following:

1 “(26) The plan shall provide assurances that
2 funds received under this title will not be used to
3 pay any part of a cost (including an administrative
4 cost) incurred by the State agency or an area agency
5 on aging to carry out a contract or commercial rela-
6 tionship that is not carried out to implement this
7 title.”.

8 **SEC. 307. PLANNING, COORDINATION, EVALUATION, AND**
9 **ADMINISTRATION OF STATE PLANS.**

10 Section 308(b) of the Older Americans Act of 1965
11 (42 U.S.C. 3028(b)) is amended—

12 (1) in paragraph (4)—

13 (A) in subparagraph (A)—

14 (i) by striking “in its plan under sec-
15 tion 307(a)(13) regarding Part C of this
16 title,”; and

17 (ii) by striking “30 percent” and in-
18 serting “40 percent”;

19 (B) in subparagraph (B)—

20 (i) by striking “for fiscal year 1993,
21 1994, 1995, or 1996” and inserting “for
22 any fiscal year”; and

23 (ii) by striking “to satisfy such
24 need—” and all that follows and inserting
25 “to satisfy such need an additional 10 per-

1 cent of the funds so received by a State
2 and attributable to funds appropriated
3 under paragraph (1) or (2) of section
4 303(b).”; and

5 (C) by adding at the end the following:

6 “(C) A State’s request for a waiver under subpara-
7 graph (B) shall—

8 “(i) be not more than 1 page in length;

9 “(ii) include a request that the waiver be grant-
10 ed;

11 “(iii) specify the amount of the funds received
12 by a State and attributable to funds appropriated
13 under paragraph (1) or (2) of section 303(b), over
14 the permissible 40 percent referred to in subpara-
15 graph (A), that the State requires to satisfy the
16 need for services under subpart 1 or 2 of part C;
17 and

18 “(iv) not include a request for a waiver with re-
19 spect to an amount if the transfer of the amount
20 would jeopardize the appropriate provision of serv-
21 ices under subpart 1 or 2 of part C.”; and

22 (2) by striking paragraph (5) and inserting the
23 following:

24 “(5)(A)Notwithstanding any other provision of this
25 title, of the funds received by a State attributable to funds

1 appropriated under subsection (a)(1), and paragraphs (1)
2 and (2) of subsection (b), of section 303, the State may
3 elect to transfer not more than 30 percent for any fiscal
4 year between programs under part B and part C, for use
5 as the State considers appropriate. The State shall notify
6 the Assistant Secretary of any such election.

7 “(B) At a minimum, the notification described in
8 subparagraph (A) shall include a description of the
9 amount to be transferred, the purposes of the transfer,
10 the need for the transfer, and the impact of the transfer
11 on the provision of services from which the funding will
12 be transferred.”.

13 **SEC. 308. AVAILABILITY OF DISASTER RELIEF FUNDS TO**
14 **TRIBAL ORGANIZATIONS.**

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

17 (1) in subsection (a)—

18 (A) in paragraph (1)—

19 (i) by inserting “(or to any tribal or-
20 ganization receiving a grant under title
21 VI)” after “any State”; and

22 (ii) by inserting “(or funds used by
23 such tribal organization)” before “for the
24 delivery of supportive services”;

1 (B) in paragraph (2), by inserting “and
2 such tribal organizations” after “States”; and

3 (C) in paragraph (3), by inserting “or such
4 tribal organization” after “State” each place it
5 appears; and

6 (2) in subsections (b)(1) and (c), by inserting
7 “and such tribal organizations” after “States”.

8 **SEC. 309. NUTRITION SERVICES INCENTIVE PROGRAM.**

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

11 (1) in the section heading, by striking “AVAIL-
12 ABILITY OF SURPLUS COMMODITIES” and inserting
13 “NUTRITION SERVICES INCENTIVE PROGRAM”;

14 (2) by redesignating subsections (a), (b), (c),
15 and (d) as subsections (e), (d), (e), and (f), respec-
16 tively;

17 (3) by inserting before subsection (c) (as reded-
18 igned by paragraph (2)) the following:

19 “(a) The purpose of this section is to provide incen-
20 tives to encourage and reward effective performance by
21 States and tribal organizations in the efficient delivery of
22 nutritious meals to older individuals.

23 “(b)(1) The Secretary of Agriculture shall allot and
24 provide in the form of cash or commodities or a combina-
25 tion thereof (at the discretion of the State) to each State

1 agency with a plan approved under this title for a fiscal
2 year, and to each grantee with an application approved
3 under title VI for such fiscal year, an amount bearing the
4 same ratio to the total amount appropriated for such fiscal
5 year under subsection (e) as the number of meals served
6 in the State under such plan approved for the preceding
7 fiscal year (or the number of meals served by the title VI
8 grantee, under such application approved for such pre-
9 ceding fiscal year), bears to the total number of such
10 meals served in all States and by all title VI grantees
11 under all such plans and applications approved for such
12 preceding fiscal year.

13 “(2) For purposes of paragraph (1), in the case of
14 a grantee that has an application approved under title VI
15 for a fiscal year but that did not receive assistance under
16 this section for the preceding fiscal year, the number of
17 meals served by the title VI grantee for the preceding fis-
18 cal year shall be deemed to equal the number of meals
19 that the Assistant Secretary estimates will be served by
20 the title VI grantee in the fiscal year for which the applica-
21 tion was approved.”;

22 (4) in subsection (c) (as redesignated by para-
23 graph (2)), by striking paragraph (4);

24 (5) in subsection (d) (as redesignated by para-
25 graph (2)), by striking “Notwithstanding” through

1 “election” and inserting “In any case in which a
2 State elects to receive cash payments,”;

3 (6) in subsection (d) (as redesignated by para-
4 graph (2)), by adding at the end the following:

5 “(4) Among the commodities delivered under sub-
6 section (c), the Secretary of Agriculture shall give special
7 emphasis to high protein foods. The Secretary of Agri-
8 culture, in consultation with the Assistant Secretary, is
9 authorized to prescribe the terms and conditions respect-
10 ing the donating of commodities under this subsection.”;
11 and

12 (7) by striking subsection (e) (as redesignated
13 by paragraph (2)) and inserting the following:

14 “(e) There are authorized to be appropriated to carry
15 out this section (other than subsection (c)(1)) such sums
16 as may be necessary for fiscal year 2001 and such sums
17 as may be necessary for each of the 4 succeeding fiscal
18 years.”.

19 **SEC. 310. CONSUMER CONTRIBUTIONS AND WAIVERS.**

20 Part A of title III (42 U.S.C. 3021 et seq.) is amend-
21 ed by adding at the end the following:

22 **“SEC. 315. CONSUMER CONTRIBUTIONS.**

23 “(a) COST SHARING.—

24 “(1) IN GENERAL.—Except as provided in para-
25 graphs (2) and (3), a State is permitted to imple-

1 ment cost sharing for all services funded by this Act
2 by recipients of the services.

3 “(2) EXCEPTION.—The State is not permitted
4 to implement the cost sharing described in para-
5 graph (1) for the following services:

6 “(A) Information and assistance, outreach,
7 benefits counseling, or case management serv-
8 ices.

9 “(B) Ombudsman, elder abuse prevention,
10 legal assistance, or other consumer protection
11 services.

12 “(C) Congregate and home delivered
13 meals.

14 “(D) Any services delivered through tribal
15 organizations.

16 “(3) PROHIBITIONS.—A State or tribal organi-
17 zation shall not permit the cost sharing described in
18 paragraph (1) for any services delivered through
19 tribal organizations. A State shall not permit cost
20 sharing by a low-income older individual if the in-
21 come of such individual is at or below the Federal
22 poverty line. A State may exclude from cost sharing
23 low-income individuals whose incomes are above the
24 Federal poverty line. A State shall not consider any
25 assets, savings, or other property owned by older in-

1 individuals when defining low-income individuals who
2 are exempt from cost sharing, when creating a slid-
3 ing scale for the cost sharing, or when seeking con-
4 tributions from any older individual.

5 “(4) PAYMENT RATES.—If a State permits the
6 cost sharing described in paragraph (1), such State
7 shall establish a sliding scale, based solely on indi-
8 vidual income and the cost of delivering services.

9 “(5) REQUIREMENTS.—If a State permits the
10 cost sharing described in paragraph (1), such State
11 shall require each area agency on aging in the State
12 to ensure that each service provider involved, and
13 the area agency on aging, will—

14 “(A) protect the privacy and confidentiality
15 of each older individual with respect to the dec-
16 laration or nondeclaration of individual income
17 and to any share of costs paid or unpaid by an
18 individual;

19 “(B) establish appropriate procedures to
20 safeguard and account for cost share payments;

21 “(C) use each collected cost share payment
22 to expand the service for which such payment
23 was given;

1 “(D) not consider assets, savings, or other
2 property owned by an older individual in deter-
3 mining whether cost sharing is permitted;

4 “(E) not deny any service for which funds
5 are received under this Act for an older indi-
6 vidual due to the income of such individual or
7 such individual’s failure to make a cost sharing
8 payment;

9 “(F) determine the eligibility of older indi-
10 viduals to cost share solely by a confidential
11 declaration of income and with no requirement
12 for verification; and

13 “(G) widely distribute State created writ-
14 ten materials in languages reflecting the read-
15 ing abilities of older individuals that describe
16 the criteria for cost sharing, the State’s sliding
17 scale, and the mandate described under sub-
18 paragraph (E).

19 “(6) WAIVER.—An area agency on aging may
20 request a waiver to the State’s cost sharing policies,
21 and the State shall approve such a waiver if the area
22 agency on aging can adequately demonstrate that—

23 “(A) a significant proportion of persons re-
24 ceiving services under this Act subject to cost
25 sharing in the planning and service area have

1 incomes below the threshold established in
2 State policy; or

3 “(B) cost sharing would be an unreason-
4 able administrative or financial burden upon
5 the area agency on aging.

6 “(b) VOLUNTARY CONTRIBUTIONS.—

7 “(1) IN GENERAL.—Voluntary contributions
8 shall be allowed and may be solicited for all services
9 for which funds are received under this Act provided
10 that the method of solicitation is noncoercive.

11 “(2) LOCAL DECISION.—The area agency on
12 aging shall consult with the relevant service pro-
13 viders and older individuals in agency’s planning and
14 service area in a State to determine the best method
15 for accepting voluntary contributions under this sub-
16 section.

17 “(3) PROHIBITED ACTS.—The area agency on
18 aging and service providers shall not means test for
19 any service for which contributions are accepted or
20 deny services to any individual who does not con-
21 tribute to the cost of the service.

22 “(4) REQUIRED ACTS.—The area agency on
23 aging shall ensure that each service provider will—

1 “(A) provide each recipient with an oppor-
2 tunity to voluntarily contribute to the cost of
3 the service;

4 “(B) clearly inform each recipient that
5 there is no obligation to contribute and that the
6 contribution is purely voluntary;

7 “(C) protect the privacy and confidentiality
8 of each recipient with respect to the recipient’s
9 contribution or lack of contribution;

10 “(D) establish appropriate procedures to
11 safeguard and account for all contributions; and

12 “(E) use all collected contributions to ex-
13 pand the service for which the contributions
14 were given.

15 “(c) PARTICIPATION.—

16 “(1) IN GENERAL.—The State and area agen-
17 cies on aging, in conducting public hearings on State
18 and area plans, shall solicit the views of older indi-
19 viduals, providers, and other stakeholders on imple-
20 mentation of cost-sharing in the service area or the
21 State.

22 “(2) PLANS.—Prior to the implementation of
23 cost sharing under subsection (a), each State and
24 area agency on aging shall develop plans that are
25 designed to ensure that the participation of low-in-

1 come older individuals (with particular attention to
2 low-income minority individuals and older individuals
3 residing in rural areas) receiving services will not de-
4 crease with the implementation of the cost sharing
5 under such subsection.

6 “(d) EVALUATION.—Not later than 1 year after the
7 date of enactment of the Older Americans Act Amend-
8 ments of 2000, and annually thereafter, the Assistant Sec-
9 retary shall conduct a comprehensive evaluation of prac-
10 tices for cost sharing to determine its impact on participa-
11 tion rates with particular attention to low-income and mi-
12 nority older individuals and older individuals residing in
13 rural areas. If the Assistant Secretary finds that there is
14 a disparate impact upon low-income or minority older indi-
15 viduals or older individuals residing in rural areas in any
16 State or region within the State regarding the provision
17 of services, the Assistant Secretary shall take corrective
18 action to assure that such services are provided to all older
19 individuals without regard to the cost sharing criteria.

20 **“SEC. 316. WAIVERS.**

21 “(a) IN GENERAL.—The Assistant Secretary may
22 waive any of the provisions specified in subsection (b) with
23 respect to a State, upon receiving an application by the
24 State agency containing or accompanied by documentation

1 sufficient to establish, to the satisfaction of the Assistant
2 Secretary, that—

3 “(1) approval of the State legislature has been
4 obtained or is not required with respect to the pro-
5 posal for which waiver is sought;

6 “(2) the State agency has collaborated with the
7 area agencies on aging in the State and other orga-
8 nizations that would be affected with respect to the
9 proposal for which waiver is sought;

10 “(3) the proposal has been made available for
11 public review and comment, including the oppor-
12 tunity for a public hearing upon request, within the
13 State (and a summary of all of the comments re-
14 ceived has been included in the application); and

15 “(4) the State agency has given adequate con-
16 sideration to the probable positive and negative con-
17 sequences of approval of the waiver application, and
18 the probable benefits for older individuals can rea-
19 sonably be expected to outweigh any negative con-
20 sequences, or particular circumstances in the State
21 otherwise justify the waiver.

22 “(b) REQUIREMENTS SUBJECT TO WAIVER.—The
23 provisions of this title that may be waived under this sec-
24 tion are—

1 “(1) any provision of sections 305, 306, and
2 307 requiring statewide uniformity of programs car-
3 ried out under this title, to the extent necessary to
4 permit demonstrations, in limited areas of a State,
5 of innovative approaches to assist older individuals;

6 “(2) any area plan requirement described in
7 section 306(a) if granting the waiver will promote
8 innovations or improve service delivery and will not
9 diminish services already provided under this Act;

10 “(3) any State plan requirement described in
11 section 307(a) if granting the waiver will promote
12 innovations or improve service delivery and will not
13 diminish services already provided under this Act;

14 “(4) any restriction under paragraph (5) of sec-
15 tion 308(b), on the amount that may be transferred
16 between programs carried out under part B and part
17 C; and

18 “(5) the requirement of section 309(c) that cer-
19 tain amounts of a State allotment be used for the
20 provision of services, with respect to a State that re-
21 duces expenditures under the State plan of the State
22 (but only to the extent that the non-Federal share
23 of the expenditures is not reduced below any min-
24 imum specified in section 304(d) or any other provi-
25 sion of this title).

1 “(c) DURATION OF WAIVER.—The application by a
2 State agency for a waiver under this section shall include
3 a recommendation as to the duration of the waiver (not
4 to exceed the duration of the State plan of the State). The
5 Assistant Secretary, in granting such a waiver, shall speci-
6 fy the duration of the waiver, which may be the duration
7 recommended by the State agency or such shorter time
8 period as the Assistant Secretary finds to be appropriate.

9 “(d) REPORTS TO SECRETARY.—With respect to each
10 waiver granted under this section, not later than 1 year
11 after the expiration of such waiver, and at any time during
12 the waiver period that the Assistant Secretary may re-
13 quire, the State agency shall prepare and submit to the
14 Assistant Secretary a report evaluating the impact of the
15 waiver on the operation and effectiveness of programs and
16 services provided under this title.”.

17 **SEC. 311. SUPPORTIVE SERVICES AND SENIOR CENTERS.**

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

20 (1) in subsection (a)—

21 (A) in paragraph (2), by striking “or
22 both” and inserting “and services provided by
23 an area agency on aging, in conjunction with
24 local transportation service providers, public
25 transportation agencies, and other local govern-

1 ment agencies, that result in increased provi-
2 sion of such transportation services for older in-
3 dividuals”;

4 (B) in paragraph (4), by striking “or (D)”
5 and all that follows and inserting “or (D) to as-
6 sist older individuals in obtaining housing for
7 which assistance is provided under programs of
8 the Department of Housing and Urban Devel-
9 opment;”;

10 (C) in paragraph (5), by striking “includ-
11 ing” and all that follows and inserting the fol-
12 lowing: “including—

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

16 “(B) supportive activities to meet the spe-
17 cial needs of caregivers, including caretakers
18 who provide in-home services to frail older indi-
19 viduals; and

20 “(C) in-home services and other commu-
21 nity services, including home health, home-
22 maker, shopping, escort, reader, and letter writ-
23 ing services, to assist older individuals to live
24 independently in a home environment;”;

1 (D) in paragraph (12), by inserting before
2 the semicolon the following: “, and including
3 the coordination of the services with programs
4 administered by or receiving assistance from
5 the Department of Labor, including programs
6 carried out under the Workforce Investment
7 Act of 1998 (29 U.S.C. 2801 et seq.)”;

8 (E) in paragraph (21), by striking “or”;

9 (F) by inserting after paragraph (21) the
10 following:

11 “(22) in-home services for frail older individ-
12 uals, including individuals with Alzheimer’s disease
13 and related disorders with neurological and organic
14 brain dysfunction, and their families, including in-
15 home services defined by a State agency in the State
16 plan submitted under section 307, taking into con-
17 sideration the age, economic need, and noneconomic
18 and nonhealth factors contributing to the frail condi-
19 tion and need for services of the individuals de-
20 scribed in this paragraph, and in-home services de-
21 fined by an area agency on aging in the area plan
22 submitted under section 306.”;

23 (G) by redesignating paragraph (22) as
24 paragraph (23); and

1 (H) in paragraph (23) (as redesignated by
2 subparagraph (G)), by inserting “necessary for
3 the general welfare of older individuals” before
4 the semicolon; and

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

6 “(c) In carrying out the provisions of this part, to
7 more efficiently and effectively deliver services to older in-
8 dividuals, each area agency on aging shall coordinate serv-
9 ices described in subsection (a) with other community
10 agencies and voluntary organizations providing the same
11 services. In coordinating the services, the area agency on
12 aging shall make efforts to coordinate the services with
13 agencies and organizations carrying out intergenerational
14 programs or projects.

15 “(d) Funds made available under this part shall sup-
16 plement, and not supplant, any Federal, State, or local
17 funds expended by a State or unit of general purpose local
18 government (including an area agency on aging) to provide
19 services described in subsection (a).”.

20 **SEC. 312. NUTRITION SERVICES.**

21 (a) REPEAL.—Subpart 3 of part C of title III of the
22 Older Americans Act of 1965 (42 U.S.C. 3030g–11 et
23 seq.) is repealed.

1 (b) REDESIGNATION.—Part C of title III of the Older
2 Americans Act of 1965 (42 U.S.C. 3030e et seq.) is
3 amended by redesignating subpart 4 as subpart 3.

4 (c) PROGRAM AUTHORIZED.—Section 331(2) of the
5 Older Americans Act of 1965 (42 U.S.C. 3030e(2)) is
6 amended by inserting “, including adult day care facilities
7 and multigenerational meal sites” before the semi-colon.

8 **SEC. 313. NUTRITION REQUIREMENTS.**

9 Subpart 4 of part C of title III of the Older Ameri-
10 cans Act of 1965 (42 U.S.C. 3030g-21) is amended by
11 striking section 339 and inserting the following:

12 **“SEC. 339. NUTRITION.**

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

15 “(1) solicit the advice of a dietitian or indi-
16 vidual with comparable expertise in the planning of
17 nutritional services, and

18 “(2) ensure that the project—

19 “(A) provides meals that—

20 “(i) comply with the Dietary Guide-
21 lines for Americans, published by the Sec-
22 retary and the Secretary of Agriculture,

23 “(ii) provide to each participating
24 older individual—

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

8 “(II) a minimum of 66 2/3 percent
9 of the allowances if the project pro-
10 vides 2 meals per day, and

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

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

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

20 “(C) encourages providers to enter into
21 contracts that limit the amount of time meals
22 must spend in transit before they are con-
23 sumed,

24 “(D) where feasible, encourages arrange-
25 ments with schools and other facilities serving

1 meals to children in order to promote
2 intergenerational meal programs,

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

7 “(F) comply with applicable provisions of
8 State or local laws regarding the safe and sani-
9 tary handling of food, equipment, and supplies
10 used in the storage, preparation, service, and
11 delivery of meals to an older individual,

12 “(G) ensures that meal providers carry out
13 such project with the advice of dietitians (or in-
14 dividuals with comparable expertise), meal par-
15 ticipants, and other individuals knowledgeable
16 with regard to the needs of older individuals,

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

1 “(I) ensures that nutrition services will be
2 available to older individuals and to their
3 spouses, and may be made available to individ-
4 uals with disabilities who are not older individ-
5 uals but who reside in housing facilities occu-
6 pied primarily by older individuals at which
7 congregate nutrition services are provided, and

8 “(J) provide for nutrition screening and,
9 where appropriate, for nutrition education and
10 counseling.

11 **SEC. 314. IN-HOME SERVICES AND ADDITIONAL ASSIST-**
12 **ANCE.**

13 Title III of the Older Americans Act of 1965 (42
14 U.S.C. 3021 et seq.) is amended—

15 (1) by repealing parts D and E; and

16 (2) by redesignating part F as part D.

17 **SEC. 315. DEFINITION.**

18 Section 363 of the Older Americans Act of 1965 (42
19 U.S.C. 3030o) is repealed.

20 **SEC. 316. NATIONAL FAMILY CAREGIVER SUPPORT PRO-**
21 **GRAM.**

22 Title III of the Older Americans Act of 1965 (42
23 U.S.C. 3021 et seq.) is amended—

24 (1) by repealing part G; and

1 (2) by inserting after part D (as redesignated
2 by section 313(2)) the following:

3 **“PART E—NATIONAL FAMILY CAREGIVER**
4 **SUPPORT PROGRAM**

5 **“SEC. 371. SHORT TITLE.**

6 “‘This part may be cited as the ‘National Family
7 Caregiver Support Act’.

8 **“Subpart 1—Caregiver Support Program**

9 **“SEC. 372. DEFINITIONS.**

10 “‘In this subpart:

11 “(1) CHILD.—The term ‘child’ means an indi-
12 vidual who is not more than 18 years of age.

13 “(2) FAMILY CAREGIVER.—The term ‘family
14 caregiver’ means an adult family member, or an-
15 other individual, who is an informal provider of in-
16 home and community care to an older individual.

17 “(3) GRANDPARENT OR OLDER INDIVIDUAL
18 WHO IS A RELATIVE CAREGIVER.—The term ‘grand-
19 parent or older individual who is a relative caregiver’
20 means a grandparent or stepgrandparent of a child,
21 or a relative of a child by blood or marriage, who is
22 60 years of age or older and—

23 “(A) lives with the child;

24 “(B) is the primary caregiver of the child
25 because the biological or adoptive parents are

1 unable or unwilling to serve as the primary
2 caregiver of the child; and

3 “(C) has a legal relationship to the child,
4 as such legal custody or guardianship, or is
5 raising the child informally.

6 **“SEC. 373. PROGRAM AUTHORIZED.**

7 “(a) IN GENERAL.—The Assistant Secretary shall
8 carry out a program for making grants to States with
9 State plans approved under section 307, to pay for the
10 Federal share of the cost of carrying out State programs,
11 to enable area agencies on aging, or entities that such area
12 agencies on aging contract with, to provide multifaceted
13 systems of support services—

14 “(1) for family caregivers; and

15 “(2) for grandparents or older individuals who
16 are relative caregivers.

17 “(b) SUPPORT SERVICES.—The services provided, in
18 a State program under subsection (a), by an area agency
19 on aging, or entity that such agency has contracted with,
20 shall include—

21 “(1) information to caregivers about available
22 services;

23 “(2) assistance to caregivers in gaining access
24 to the services;

1 “(3) individual counseling, organization of sup-
2 port groups, and caregiver training to caregivers to
3 assist the caregivers in making decisions and solving
4 problems relating to their caregiving roles;

5 “(4) respite care to enable caregivers to be tem-
6 porarily relieved from their caregiving responsibil-
7 ities; and

8 “(5) supplemental services, on a limited basis,
9 to complement the care provided by caregivers.

10 “(c) POPULATION SERVED; PRIORITY.—

11 “(1) POPULATION SERVED.—Services under a
12 State program under this subpart shall be provided
13 to family caregivers, and grandparents and older in-
14 dividuals who are relative caregivers, and who—

15 “(A) are described in paragraph (1) or (2)
16 of subsection (a); and

17 “(B) with regard to the services specified
18 in paragraphs (4) and (5) of subsection (b), in
19 the case of a caregiver described in paragraph
20 (1), is providing care to an older individual who
21 meets the condition specified in subparagraph
22 (A)(i) or (B) of section 102(28).

23 “(2) PRIORITY.—In providing services under
24 this subpart, the State shall give priority for services
25 to older individuals with greatest social and eco-

1 nomic need, (with particular attention to low-income
2 older individuals) and older individuals providing
3 care and support to persons with mental retardation
4 and related developmental disabilities (as defined in
5 section 102 of the Developmental Disabilities Assist-
6 ance and Bill of Rights Act (42 U.S.C. 6001)) (re-
7 ferred to in this subpart as ‘developmental disabili-
8 ties’).

9 “(d) COORDINATION WITH SERVICE PROVIDERS.—
10 In carrying out this subpart, each area agency on aging
11 shall coordinate the activities of the agency, or entity that
12 such agency has contracted with, with the activities of
13 other community agencies and voluntary organizations
14 providing the types of services described in subsection (b).

15 “(e) QUALITY STANDARDS AND MECHANISMS AND
16 ACCOUNTABILITY.—

17 “(1) QUALITY STANDARDS AND MECHANISMS.—
18 The State shall establish standards and mechanisms
19 designed to assure the quality of services provided
20 with assistance made available under this subpart.

21 “(2) DATA AND RECORDS.—The State shall col-
22 lect data and maintain records relating to the State
23 program in a standardized format specified by the
24 Assistant Secretary. The State shall furnish the
25 records to the Assistant Secretary, at such time as

1 the Assistant Secretary may require, in order to en-
2 able the Assistant Secretary to monitor State pro-
3 gram administration and compliance, and to evalu-
4 ate and compare the effectiveness of the State pro-
5 grams.

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

12 “(f) CAREGIVER ALLOTMENT.—

13 “(1) IN GENERAL.—

14 “(A) From sums appropriated under sec-
15 tion 303(e) for fiscal years 2001 through 2005,
16 the Assistant Secretary shall allot amounts
17 among the States proportionately based on the
18 population of individuals 70 years of age or
19 older in the States.

20 “(B) In determining the amounts allotted
21 to States from the sums appropriated under
22 section 303 for a fiscal year, the Assistant Sec-
23 retary shall first determine the amount allotted
24 to each State under subparagraph (A) and then
25 proportionately adjust such amounts, if nec-

1 essary, to meet the requirements of paragraph
2 (2).

3 “(C) The number of individuals 70 years
4 of age or older in any State and in all States
5 shall be determined by the Assistant Secretary
6 on the basis of the most recent data available
7 from the Bureau of the Census and other reli-
8 able demographic data satisfactory to the As-
9 sistant Secretary.

10 “(2) MINIMUM ALLOTMENT.—

11 “(A) The amounts allotted under para-
12 graph (1) shall be reduced proportionately to
13 the extent necessary to increase other allot-
14 ments under such paragraph to achieve the
15 amounts described in subparagraph (B).

16 “(B)(i) Each State shall be allotted $\frac{1}{2}$ of
17 1 percent of the amount appropriated for the
18 fiscal year for which the determination is made.

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

23 “(iii) American Samoa and the Common-
24 wealth of the Northern Mariana Islands shall
25 each be allotted $\frac{1}{16}$ of 1 percent of the amount

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

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

8 “(g) AVAILABILITY OF FUNDS.—

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

15 “(2) FEDERAL SHARE.—

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

20 “(B) NON-FEDERAL SHARE.—The non-
21 Federal share of the cost shall be provided from
22 State and local sources.

23 “(C) LIMITATION.—A State may use not
24 more than 10 percent of the total Federal and
25 non-Federal share available to the State to pro-

1 vide support services to grandparents and older
2 individuals who are relative caregivers.

3 **“SEC. 374. MAINTENANCE OF EFFORT.**

4 “Funds made available under this subpart shall sup-
5 plement, and not supplant, any Federal, State, or local
6 funds expended by a State or unit of general purpose local
7 government (including an area agency on aging) to provide
8 services described in section 373.

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

10 **“SEC. 375. INNOVATION GRANT PROGRAM.**

11 “(a) IN GENERAL.—The Assistant Secretary shall
12 carry out a program for making grants on a competitive
13 basis to foster the development and testing of new ap-
14 proaches to sustaining the efforts of families and other
15 informal caregivers of older individuals, and to serving
16 particular groups of caregivers of older individuals, includ-
17 ing low-income caregivers and geographically distant care-
18 givers and linking family support programs with the State
19 entity or agency that administers or funds programs for
20 persons with mental retardation or related developmental
21 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-

1 tion to States of descriptions and evaluations of such pro-
 2 grams and activities, to enable States to incorporate suc-
 3 cessful approaches into their programs carried out under
 4 this part.

5 “(c) SUNSET PROVISION.—This section shall be ef-
 6 fective for 3 fiscal years after the date of enactment of
 7 the Older Americans Act Amendments of 2000.

8 **“SEC. 376. ACTIVITIES OF NATIONAL SIGNIFICANCE.**

9 “(a) IN GENERAL.—The Assistant Secretary shall,
 10 directly or by grant or contract, carry out activities of na-
 11 tional significance to promote quality and continuous im-
 12 provement in the support provided to family and other in-
 13 formal caregivers of older individuals through program
 14 evaluation, training, technical assistance, and research.

15 “(b) SUNSET PROVISION.—This section shall be ef-
 16 fective for 3 fiscal years after the date of enactment of
 17 the Older Americans Act Amendments of 2000.”.

18 **TITLE IV—TRAINING, RE-**
 19 **SEARCH, AND DISCRE-**
 20 **TIONARY PROJECTS AND**
 21 **PROGRAMS**

22 **SEC. 401. PROJECTS AND PROGRAMS**

23 Title IV of the Older Americans Act of 1965 (42
 24 U.S.C. 3030aa et seq.) is amended to read as follows:

1 **“SEC. 401. PURPOSES.**

2 “The purposes of this title are—

3 “(1) to expand the Nation’s knowledge and un-
4 derstanding of the older population and the aging
5 process;

6 “(2) to design, test, and promote the use of in-
7 novative ideas and best practices in programs and
8 services for older individuals;

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

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

14 **“PART A—GRANT PROGRAMS**

15 **“SEC. 411. PROGRAM AUTHORIZED.**

16 “(a) IN GENERAL.—For the purpose of carrying out
17 this section, the Assistant Secretary may make grants to
18 and enter into contracts with States, public agencies, pri-
19 vate nonprofit agencies, institutions of higher education,
20 and organizations, including tribal organizations, for—

21 “(1) education and training to develop an ade-
22 quately trained workforce to work with and on be-
23 half of older individuals;

24 “(2) applied social research and analysis to im-
25 prove access to and delivery of services for older in-
26 dividuals;

1 “(3) evaluation of the performance of the pro-
2 grams, activities, and services provided under this
3 section;

4 “(4) the development of methods and practices
5 to improve the quality and effectiveness of the pro-
6 grams, services, and activities provided under this
7 section;

8 “(5) the demonstration of new approaches to
9 design, deliver, and coordinate programs and serv-
10 ices for older individuals;

11 “(6) technical assistance in planning, devel-
12 oping, implementing, and improving the programs,
13 services, and activities provided under this section;

14 “(7) coordination with the designated State
15 agency described in section 101(a)(2)(A)(i) of the
16 Rehabilitation Act of 1973 (29 U.S.C.
17 721(a)(2)(A)(i)) to provide services to older individ-
18 uals who are blind as described in such Act;

19 “(8) the training of graduate level professionals
20 specializing in the mental health needs of older indi-
21 viduals; and

22 “(9) any other activities that the Assistant Sec-
23 retary determines will achieve the objectives of this
24 section.

1 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this section
3 such sums as may be necessary for fiscal year 2001, and
4 such sums as may be necessary for subsequent fiscal
5 years.

6 **“SEC. 412. CAREER PREPARATION FOR THE FIELD OF**
7 **AGING.**

8 “(a) GRANTS.—The Assistant Secretary shall make
9 grants to institutions of higher education, historically
10 Black colleges or universities, Hispanic Centers of Excel-
11 lence in Applied Gerontology, and other educational insti-
12 tutions that serve the needs of minority students, to pro-
13 vide education and training to prepare students for careers
14 in the field of aging.

15 “(b) DEFINITIONS.—For purposes of subsection (a):

16 “(1) HISPANIC CENTER OF EXCELLENCE IN AP-
17 PLIED GERONTOLOGY.—The term ‘Hispanic Center
18 of Excellence in Applied Gerontology’ means an in-
19 stitution of higher education with a program in ap-
20 plied gerontology that—

21 “(A) has a significant number of Hispanic
22 individuals enrolled in the program, including
23 individuals accepted for enrollment in the pro-
24 gram;

1 “(B) has been effective in assisting His-
2 panic students of the program to complete the
3 program and receive the degree involved;

4 “(C) has been effective in recruiting His-
5 panic individuals to attend the program, includ-
6 ing providing scholarships and other financial
7 assistance to such individuals and encouraging
8 Hispanic students of secondary educational in-
9 stitutions to attend the program; and

10 “(D) has made significant recruitment ef-
11 forts to increase the number and placement of
12 Hispanic individuals serving in faculty or ad-
13 ministrative positions in the program.

14 “(2) HISTORICALLY BLACK COLLEGE OR UNI-
15 VERSITY.—The term ‘historically Black college or
16 university’ has the meaning given the term ‘part B
17 institution’ in section 322(2) of the Higher Edu-
18 cation Act of 1965 (20 U.S.C. 1061(2)).

19 **“SEC. 413. OLDER INDIVIDUALS’ PROTECTION FROM VIO-**
20 **LENCE PROJECTS.**

21 “(a) PROGRAM AUTHORIZED.—The Assistant Sec-
22 retary shall make grants to States, area agencies on aging,
23 nonprofit organizations, or tribal organizations to carry
24 out the activities described in subsection (b).

1 “(b) ACTIVITIES.—A State, an area agency on aging,
2 a nonprofit organization, or a tribal organization that re-
3 ceives a grant under subsection (a) shall use such grant
4 to—

5 “(1) support projects in local communities, in-
6 volving diverse sectors of each community, to coordi-
7 nate activities concerning intervention in and preven-
8 tion of elder abuse, neglect, and exploitation, includ-
9 ing family violence and sexual assault, against older
10 individuals;

11 “(2) develop and implement outreach programs
12 directed toward assisting older individuals who are
13 victims of elder abuse, neglect, and exploitation (in-
14 cluding family violence and sexual assault, against
15 older individuals), including programs directed to-
16 ward assisting the individuals in senior housing com-
17 plexes, nursing homes, board and care facilities, and
18 senior centers;

19 “(3) expand access to family violence and sex-
20 ual assault programs (including shelters, rape crisis
21 centers, and support groups), including mental
22 health services, safety planning and legal advocacy
23 for older individuals and encourage the use of senior
24 housing, hotels, or other suitable facilities or services
25 when appropriate as emergency short-term shelters

1 for older individuals who are the victims of elder
2 abuse, including family violence and sexual assault;
3 or

4 “(4) promote research on legal, organizational,
5 or training impediments to providing services to
6 older individuals through shelters and other pro-
7 grams, such as impediments to provision of services
8 in coordination with delivery of health care or serv-
9 ices delivered under this Act.

10 “(c) PREFERENCE.—In awarding grants under sub-
11 section (a), the Assistant Secretary shall give preference
12 to a State, an area agency on aging, a nonprofit organiza-
13 tion, or a tribal organization that has the ability to carry
14 out the activities described in this section and title VII
15 of this Act.

16 “(d) COORDINATION.—The Assistant Secretary shall
17 encourage each State, area agency on aging, nonprofit or-
18 ganization, and tribal organization that receives a grant
19 under subsection (a) to coordinate activities provided
20 under this section with activities provided by other area
21 agencies on aging, tribal organizations, State adult protec-
22 tive service programs, private nonprofit organizations, and
23 by other entities receiving funds under title VII of this
24 Act.

1 **“SEC. 414. HEALTH CARE SERVICE DEMONSTRATION**
2 **PROJECTS IN RURAL AREAS.**

3 “(a) **AUTHORITY.**—The Assistant Secretary, after
4 consultation with the State agency of the State involved,
5 shall make grants to eligible public agencies and nonprofit
6 private organizations to pay part or all of the cost of devel-
7 oping or operating model health care service projects (in-
8 cluding related home health care services, adult day health
9 care, outreach, and transportation) through multipurpose
10 senior centers that are located in rural areas and that pro-
11 vide nutrition services under section 331, to meet the
12 health care needs of medically underserved older individ-
13 uals residing in such areas.

14 “(b) **ELIGIBILITY.**—To be eligible to receive a grant
15 under subsection (a), a public agency or nonprofit private
16 organization shall submit to the Assistant Secretary an
17 application containing such information and assurances as
18 the Secretary may require, including—

19 “(1) information describing the nature and ex-
20 tent of the applicant’s—

21 “(A) experience in providing medical serv-
22 ices of the type to be provided in the project for
23 which a grant is requested; and

24 “(B) coordination and cooperation with—

25 “(i) institutions of higher education
26 having graduate programs with capability

1 in public health, the medical sciences, psy-
2 chology, pharmacology, nursing, social
3 work, health education, nutrition, or geron-
4 tology, for the purpose of designing and
5 developing such project; and

6 “(ii) critical access hospitals (as de-
7 fined in section 1861(mm)(1) of the Social
8 Security Act (42 U.S.C. 1395x(mm)(1))
9 and rural health clinics (as defined in sec-
10 tion 1861(aa)(2) of the Social Security Act
11 (42 U.S.C. 1395x(aa)(2)));

12 “(2) assurances that the applicant will carry
13 out the project for which a grant is requested,
14 through a multipurpose senior center located—

15 “(A)(i) in a rural area that has a popu-
16 lation of less than 5,000; or

17 “(ii) in a county that has fewer than 7 in-
18 dividuals per square mile; and

19 “(B) in a State in which—

20 “(i) not less than $33\frac{1}{3}$ of the popu-
21 lation resides in rural areas; and

22 “(ii) not less than 5 percent of the
23 population resides in counties with fewer
24 than 7 individuals per square mile;

1 as defined by and determined in accordance
2 with the most recent data available from the
3 Bureau of the Census; and

4 “(3) assurances that the applicant will submit
5 to the Assistant Secretary such evaluations and re-
6 ports as the Assistant Secretary may require.

7 “(c) REPORTS.—The Assistant Secretary shall pre-
8 pare and submit to the appropriate committees of Con-
9 gress a report that includes summaries of the evaluations
10 and reports required under subsection (b).

11 **“SEC. 415. COMPUTER TRAINING.**

12 “(a) PROGRAM AUTHORIZED.—The Assistant Sec-
13 retary, in consultation with the Assistant Secretary of
14 Commerce for Communications and Information, may
15 award grants or contracts to entities to provide computer
16 training and enhanced Internet access for older individ-
17 uals.

18 “(b) PRIORITY.—If the Assistant Secretary awards
19 grants under subsection (a), the Assistant Secretary shall
20 give priority to an entity that—

21 “(1) will provide services to older individuals
22 living in rural areas;

23 “(2) has demonstrated expertise in providing
24 computer training to older individuals; or

1 “(3) has demonstrated that it has a variety of
2 training delivery methods, including facility-based,
3 computer-based, and Internet-based training, that
4 may facilitate a determination of the best method of
5 training older individuals.

6 “(c) SPECIAL CONSIDERATION.—In awarding grants
7 under this section, the Assistant Secretary shall give spe-
8 cial consideration to applicants that have entered into a
9 partnership with 1 or more private entities providing such
10 applicants with donated information technologies includ-
11 ing software, hardware, or training.

12 “(d) USE OF FUNDS.—An entity that receives a
13 grant or contract under subsection (a) shall use funds re-
14 ceived under such grant or contract to provide training
15 for older individuals that—

16 “(1) relates to the use of computers and related
17 equipment, in order to improve the self-employment
18 and employment-related technology skills of older in-
19 dividuals, as well as their ability to use the Internet;
20 and

21 “(2) is provided at senior centers, housing fa-
22 cilities for older individuals, elementary schools, sec-
23 ondary schools, and institutions of higher education.

1 **“SEC. 416. TECHNICAL ASSISTANCE TO IMPROVE TRANS-**
2 **PORTATION FOR SENIORS.**

3 “(a) IN GENERAL.—The Secretary may award grants
4 or contracts to nonprofit organizations to improve trans-
5 portation services for older individuals.

6 “(b) USE OF FUNDS.—A nonprofit organization re-
7 ceiving a grant or contract under subsection (a) shall use
8 funds received under such grant or contract to provide
9 technical assistance to assist local transit providers, area
10 agencies on aging, senior centers and local senior support
11 groups to encourage and facilitate coordination of Federal,
12 State, and local transportation services and resources for
13 older individuals. Such technical assistance may include—

14 “(1) developing innovative approaches for im-
15 proving access by older individuals to supportive
16 services;

17 “(2) preparing and disseminating information
18 on transportation options and resources for older in-
19 dividuals and organizations serving such individuals
20 through establishing a toll-free telephone number;

21 “(3) developing models and best practices for
22 comprehensive integrated transportation services for
23 older individuals, including services administered by
24 the Secretary of Transportation, by providing ongo-
25 ing technical assistance to agencies providing serv-
26 ices under title III and by assisting in coordination

1 of public and community transportation services;
2 and

3 “(4) providing special services to link seniors to
4 transportation services not provided under title III.

5 **“SEC. 417. DEMONSTRATION PROJECTS FOR**
6 **MULTIGENERATIONAL ACTIVITIES.**

7 “(a) GRANTS AND CONTRACTS.—The Assistant Sec-
8 retary may award grants and enter into contracts with eli-
9 gible organizations to establish demonstration projects to
10 provide older individuals with multigenerational activities.

11 “(b) USE OF FUNDS.—An eligible organization shall
12 use funds made available under a grant awarded, or a con-
13 tract entered into, under subsection (a)—

14 “(1) to carry out a demonstration project that
15 provides multigenerational activities, including any
16 professional training appropriate to such activities
17 for older individuals; and

18 “(2) to evaluate the project in accordance with
19 subsection (f).

20 “(c) PREFERENCE.—In awarding grants and enter-
21 ing into contracts under subsection (a), the Assistant Sec-
22 retary shall give preference to—

23 “(1) eligible organizations with a demonstrated
24 record of carrying out multigenerational activities;
25 and

1 “(2) eligible organizations proposing projects
2 that will serve older individuals with greatest eco-
3 nomic need (with particular attention to low-income
4 minority individuals and older individuals residing in
5 rural areas).

6 “(d) APPLICATION.—To be eligible to receive a grant
7 or enter into a contract under subsection (a), an organiza-
8 tion shall submit an application to the Assistant Secretary
9 at such time, in such manner, and accompanied by such
10 information as the Assistant Secretary may reasonably re-
11 quire.

12 “(e) ELIGIBLE ORGANIZATIONS.—Organizations eli-
13 gible to receive a grant or enter into a contract under sub-
14 section (a) shall be organizations that employ, or provide
15 opportunities for, older individuals in multigenerational
16 activities.

17 “(f) LOCAL EVALUATION AND REPORT.—

18 “(1) EVALUATION.—Each organization receiv-
19 ing a grant or a contract under subsection (a) to
20 carry out a demonstration project shall evaluate the
21 multigenerational activities assisted under the
22 project to determine the effectiveness of the
23 multigenerational activities, the impact of such ac-
24 tivities on child care and youth day care programs,

1 and the impact of such activities on older individuals
2 involved in such project.

3 “(2) REPORT.—The organization shall submit a
4 report to the Assistant Secretary containing the
5 evaluation not later than 6 months after the expira-
6 tion of the period for which the grant or contract is
7 in effect.

8 “(g) REPORT TO CONGRESS.—Not later than 6
9 months after the Assistant Secretary receives the reports
10 described in subsection (f)(2), the Assistant Secretary
11 shall prepare and submit to the Speaker of the House of
12 Representatives and the President pro tempore of the Sen-
13 ate a report that assesses the evaluations and includes,
14 at a minimum—

15 “(1) the names or descriptive titles of the dem-
16 onstration projects funded under subsection (a);

17 “(2) a description of the nature and operation
18 of the projects;

19 “(3) the names and addresses of organizations
20 that conducted the projects;

21 “(4) a description of the methods and success
22 of the projects in recruiting older individuals as em-
23 ployees and volunteers to participate in the projects;

1 “(5) a description of the success of the projects
2 in retaining older individuals involved in the projects
3 as employees and as volunteers; and

4 “(6) the rate of turnover of older individual em-
5 ployees and volunteers in the projects.

6 “(h) DEFINITION.—As used in this section, the term
7 ‘multigenerational activity’ includes an opportunity to
8 serve as a mentor or adviser in a child care program, a
9 youth day care program, an educational assistance pro-
10 gram, an at-risk youth intervention program, a juvenile
11 delinquency treatment program, or a family support pro-
12 gram.

13 **“SEC. 418. NATIVE AMERICAN PROGRAMS.**

14 “(a) ESTABLISHMENT.—

15 “(1) IN GENERAL.—The Assistant Secretary
16 shall make grants or enter into contracts with not
17 fewer than 2 and not more than 4 eligible entities
18 to establish and operate Resource Centers on Native
19 American Elders (referred to in this section as ‘Re-
20 source Centers’). The Assistant Secretary shall make
21 such grants or enter into such contracts for periods
22 of not less than 3 years.

23 “(2) FUNCTIONS.—

24 “(A) IN GENERAL.—Each Resource Center
25 that receives funds under this section shall—

1 “(i) gather information;

2 “(ii) perform research;

3 “(iii) provide for the dissemination of
4 results of the research; and

5 “(iv) provide technical assistance and
6 training to entities that provide services to
7 Native Americans who are older individ-
8 uals.

9 “(B) AREAS OF CONCERN.—In conducting
10 the functions described in subparagraph (A), a
11 Resource Center shall focus on priority areas of
12 concern for the Resource Centers regarding Na-
13 tive Americans who are older individuals, which
14 areas shall be—

15 “(i) health problems;

16 “(ii) long-term care, including in-
17 home care;

18 “(iii) elder abuse; and

19 “(iv) other problems and issues that
20 the Assistant Secretary determines are of
21 particular importance to Native Americans
22 who are older individuals.

23 “(3) PREFERENCE.—In awarding grants and
24 entering into contracts under paragraph (1), the As-
25 sistant Secretary shall give preference to institutions

1 of higher education that have conducted research on,
2 and assessments of, the characteristics and needs of
3 Native Americans who are older individuals.

4 “(4) CONSULTATION.—In determining the type
5 of information to be sought from, and activities to
6 be performed by, Resource Centers, the Assistant
7 Secretary shall consult with the Director of the Of-
8 fice for American Indian, Alaskan Native, and Na-
9 tive Hawaiian Aging and with national organizations
10 with special expertise in serving Native Americans
11 who are older individuals.

12 “(5) ELIGIBLE ENTITIES.—To be eligible to re-
13 ceive a grant or enter into a contract under para-
14 graph (1), an entity shall be an institution of higher
15 education with experience conducting research and
16 assessment on the needs of older individuals.

17 “(6) REPORT TO CONGRESS.—The Assistant
18 Secretary, with assistance from each Resource Cen-
19 ter, shall prepare and submit to the Speaker of the
20 House of Representatives and the President pro
21 tempore of the Senate an annual report on the sta-
22 tus and needs, including the priority areas of con-
23 cern, of Native Americans who are older individuals.

24 “(b) TRAINING GRANTS.—The Assistant Secretary
25 shall make grants and enter into contracts to provide in-

1 service training opportunities and courses of instruction
2 on aging to Indian tribes through public or nonprofit In-
3 dian aging organizations and to provide annually a na-
4 tional meeting to train directors of programs under this
5 title.

6 **“SEC. 419. MULTIDISCIPLINARY CENTERS.**

7 “(a) PROGRAM AUTHORIZED.—The Assistant Sec-
8 retary may make grants to public and private nonprofit
9 agencies, organizations, and institutions for the purpose
10 of establishing or supporting multidisciplinary centers of
11 gerontology, and gerontology centers of special emphasis
12 (including emphasis on nutrition, employment, health (in-
13 cluding mental health), disabilities (including severe dis-
14 abilities), income maintenance, counseling services, sup-
15 portive services, minority populations, and older individ-
16 uals residing in rural areas).

17 “(b) USE OF FUNDS.—

18 “(1) IN GENERAL.—The centers described in
19 subsection (a) shall conduct research and policy
20 analysis and function as a technical resource for the
21 Assistant Secretary, policymakers, service providers,
22 and Congress.

23 “(2) MULTIDISCIPLINARY CENTERS.—The mul-
24 tidisciplinary centers of gerontology described in
25 subsection (a) shall—

1 “(A) recruit and train personnel;

2 “(B) conduct basic and applied research
3 toward the development of information related
4 to aging;

5 “(C) stimulate the incorporation of infor-
6 mation on aging into the teaching of biological,
7 behavioral, and social sciences at colleges and
8 universities;

9 “(D) help to develop training programs in
10 the field of aging at schools of public health,
11 education, social work, and psychology, and
12 other appropriate schools within colleges and
13 universities;

14 “(E) serve as a repository of information
15 and knowledge on aging;

16 “(F) provide consultation and information
17 to public and voluntary organizations, including
18 State agencies and area agencies on aging,
19 which serve the needs of older individuals in
20 planning and developing services provided under
21 other provisions of this Act; and

22 “(G) if appropriate, provide information
23 relating to assistive technology.

24 “(c) DATA.—

1 “(1) IN GENERAL.—Each center that receives a
2 grant under subsection (a) shall provide data to the
3 Assistant Secretary on the projects and activities
4 carried out with funds received under such sub-
5 section.

6 “(2) INFORMATION INCLUDED.—Such data de-
7 scribed in paragraph (1) shall include—

8 “(A) information on the number of per-
9 sonnel trained;

10 “(B) information on the number of older
11 individuals served;

12 “(C) information on the number of schools
13 assisted; and

14 “(D) other information that will facilitate
15 achieving the objectives of this section.

16 **“SEC. 420. DEMONSTRATION AND SUPPORT PROJECTS FOR**
17 **LEGAL ASSISTANCE FOR OLDER INDIVID-**
18 **UALS.**

19 “(a) PROGRAM AUTHORIZED.—The Assistant Sec-
20 retary shall make grants and enter into contracts, in order
21 to—

22 “(1) provide a national legal assistance support
23 system (operated by one or more grantees or con-
24 tractors) of activities to State and area agencies on

1 aging for providing, developing, or supporting legal
2 assistance for older individuals, including—

3 “(A) case consultations;

4 “(B) training;

5 “(C) provision of substantive legal advice
6 and assistance; and

7 “(D) assistance in the design, implementa-
8 tion, and administration of legal assistance de-
9 livery systems to local providers of legal assist-
10 ance for older individuals; and

11 “(2) support demonstration projects to expand
12 or improve the delivery of legal assistance to older
13 individuals with social or economic needs.

14 “(b) ASSURANCES.—Any grants or contracts
15 made under subsection (a)(2) shall contain assurances
16 that the requirements of section 307(a)(11) are met.

17 “(c) ASSISTANCE.—To carry out subsection
18 (a)(1), the Assistant Secretary shall make grants to or
19 enter into contracts with national nonprofit organizations
20 experienced in providing support and technical assistance
21 on a nationwide basis to States, area agencies on aging,
22 legal assistance providers, ombudsmen, elder abuse pre-
23 vention programs, and other organizations interested in
24 the legal rights of older individuals.

1 **“SEC. 421. OMBUDSMAN AND ADVOCACY DEMONSTRATION**
2 **PROJECTS.**

3 “(a) PROGRAM AUTHORIZED.—The Assistant Sec-
4 retary shall award grants to not fewer than 3 and not
5 more than 10 States to conduct demonstrations and evalu-
6 ate cooperative projects between the State long-term care
7 ombudsman program, legal assistance agencies, and the
8 State protection and advocacy systems for individuals with
9 developmental disabilities and individuals with mental ill-
10 ness, established under part C of the Developmental Dis-
11 abilities Assistance and Bill of Rights Act (42 U.S.C.
12 6041 et seq.) and under the Protection and Advocacy for
13 Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et
14 seq.).

15 “(b) REPORT.—The Assistant Secretary shall pre-
16 pare and submit to Congress a report containing the re-
17 sults of the evaluation required by subsection (a). Such
18 report shall contain such recommendations as the Assist-
19 ant Secretary determines to be appropriate.

20 **“PART B—GENERAL PROVISIONS**

21 **“SEC. 431. PAYMENT OF GRANTS.**

22 “(a) CONTRIBUTIONS.—To the extent the Assistant
23 Secretary determines a contribution to be appropriate, the
24 Assistant Secretary shall require the recipient of any grant
25 or contract under this title to contribute money, facilities,

1 or services for carrying out the project for which such
2 grant or contract was made.

3 “(b) PAYMENTS.—Payments under this title pur-
4 suant to a grant or contract may be made (after nec-
5 essary adjustment, in the case of grants, on account of
6 previously made overpayments or underpayments) in ad-
7 vance or by way of reimbursement, and in such install-
8 ments and on such conditions, as the Assistant Secretary
9 may determine.

10 “(c) CONSULTATION.—The Assistant Secretary
11 shall make no grant or contract under this title in any
12 State that has established or designated a State agency
13 for purposes of title III unless the Assistant Secretary—

14 “(1) consults with the State agency prior to
15 issuing the grant or contract; and

16 “(2) informs the State agency of the purposes
17 of the grant or contract when the grant or contract
18 is issued.

19 **“SEC. 432. RESPONSIBILITIES OF ASSISTANT SECRETARY.**

20 “(a) IN GENERAL.—The Assistant Secretary shall be
21 responsible for the administration, implementation, and
22 making of grants and contracts under this title and shall
23 not delegate authority under this title to any other indi-
24 vidual, agency, or organization.

25 “(b) REPORT.—

1 “(1) IN GENERAL.—Not later than January 1
2 following each fiscal year, the Assistant Secretary
3 shall submit, to the Speaker of the House of Rep-
4 resentatives and the President pro tempore of the
5 Senate, a report for such fiscal year that describes
6 each project and each program—

7 “(A) for which funds were provided under
8 this title; and

9 “(B) that was completed in the fiscal year
10 for which such report is prepared.

11 “(2) CONTENTS.—Such report shall contain—

12 “(A) the name or descriptive title of each
13 project or program;

14 “(B) the name and address of the indi-
15 vidual or governmental entity that conducted
16 such project or program;

17 “(C) a specification of the period through-
18 out which such project or program was con-
19 ducted;

20 “(D) the identity of each source of funds
21 expended to carry out such project or program
22 and the amount of funds provided by each such
23 source;

24 “(E) an abstract describing the nature and
25 operation of such project or program; and

1 “(F) a bibliography identifying all pub-
2 lished information relating to such project or
3 program.

4 “(c) EVALUATIONS.—

5 “(1) IN GENERAL.—The Assistant Secretary
6 shall establish by regulation and implement a pro-
7 cess to evaluate the results of projects and programs
8 carried out under this title.

9 “(2) RESULTS.—The Assistant Secretary
10 shall—

11 “(A) make available to the public the re-
12 sults of each evaluation carried out under para-
13 graph (1); and

14 “(B) use such evaluation to improve serv-
15 ices delivered, or the operation of projects and
16 programs carried out, under this Act.”.

17 **TITLE V—AMENDMENT TO TITLE**
18 **V OF THE OLDER AMERICANS**
19 **ACT OF 1965**

20 **SEC. 501. AMENDMENT TO TITLE V OF THE OLDER AMERI-**
21 **CANS ACT OF 1965.**

22 Title V of the Older Americans Act of 1965 (42
23 U.S.C. 3056 et seq.) is amended to read as follows:

1 **“TITLE V—COMMUNITY SERVICE**
2 **EMPLOYMENT FOR OLDER**
3 **AMERICANS**

4 **“SEC. 501. SHORT TITLE.**

5 “This title may be cited as the ‘Older American Com-
6 munity Service Employment Act’.

7 **“SEC. 502. OLDER AMERICAN COMMUNITY SERVICE EM-**
8 **PLOYMENT PROGRAM.**

9 “(a)(1) In order to foster and promote useful part-
10 time opportunities in community service activities for un-
11 employed low-income persons who are 55 years or older
12 and who have poor employment prospects, and in order
13 to foster individual economic self-sufficiency and to in-
14 crease the number of persons who may enjoy the benefits
15 of unsubsidized employment in both the public and private
16 sectors, the Secretary of Labor (hereinafter in this title
17 referred to as the ‘Secretary’) is authorized to establish
18 an older American community service employment pro-
19 gram.

20 “(2) Amounts appropriated to carry out this title
21 shall be used only to carry out the provisions contained
22 in this title.

23 “(b)(1) In order to carry out the provisions of this
24 title, the Secretary is authorized to enter into agreements,
25 subject to section 514, with State and national public and

1 private nonprofit agencies and organizations, agencies of
2 a State government or a political subdivision of a State
3 (having elected or duly appointed governing officials), or
4 a combination of such political subdivisions, or tribal orga-
5 nizations in order to further the purposes and goals of
6 the program. Such agreements may include provisions for
7 the payment of costs, as provided in subsection (c) of this
8 section, of projects developed by such organizations and
9 agencies in cooperation with the Secretary in order to
10 make the program effective or to supplement the program.
11 No payment shall be made by the Secretary toward the
12 cost of any project established or administered by any or-
13 ganization or agency unless the Secretary determines that
14 such project—

15 “(A) will provide employment only for eligible
16 individuals except for necessary technical, adminis-
17 trative, and supervisory personnel, but such per-
18 sonnel shall, to the fullest extent possible, be re-
19 cruited from among eligible individuals;

20 “(B)(i) will provide employment for eligible in-
21 dividuals in the community in which such individuals
22 reside, or in nearby communities; or

23 “(ii) if such project is carried out by a tribal or-
24 ganization that enters into an agreement under this
25 subsection or receives assistance from a State that

1 enters into such an agreement, will provide employ-
2 ment for such individuals, including those who are
3 Indians residing on an Indian reservation, as the
4 term is defined in section 2601(2) of the Energy
5 Policy Act of 1992 (25 U.S.C. 3501(2));

6 “(C) will employ eligible individuals in service
7 related to publicly owned and operated facilities and
8 projects, or projects sponsored by organizations,
9 other than political parties, exempt from taxation
10 under the provisions of section 501(c)(3) of the In-
11 ternal Revenue Code of 1986, except projects involv-
12 ing the construction, operation, or maintenance of
13 any facility used or to be used as a place for sec-
14 tarian religious instruction or worship;

15 “(D) will contribute to the general welfare of
16 the community;

17 “(E) will provide employment for eligible indi-
18 viduals;

19 “(F)(i) will result in an increase in employment
20 opportunities over those opportunities which would
21 otherwise be available;

22 “(ii) will not result in the displacement of cur-
23 rently employed workers (including partial displace-
24 ment, such as a reduction in the hours of non-

1 overtime work or wages or employment benefits);
2 and

3 “(iii) will not impair existing contracts or result
4 in the substitution of Federal funds for other funds
5 in connection with work that would otherwise be per-
6 formed;

7 “(G) will not employ or continue to employ any
8 eligible individual to perform work the same or sub-
9 stantially the same as that performed by any other
10 person who is on layoff;

11 “(H) will utilize methods of recruitment and se-
12 lection (including participating in a one-stop delivery
13 system as established under section 134(c) of the
14 Workforce Investment Act of 1998 (29 U.S.C.
15 2864(c)) and listing of job vacancies with the em-
16 ployment agency operated by any State or political
17 subdivision thereof) which will assure that the max-
18 imum number of eligible individuals will have an op-
19 portunity to participate in the project;

20 “(I) will include such training as may be nec-
21 essary to make the most effective use of the skills
22 and talents of those individuals who are partici-
23 pating, and will provide for the payment of the rea-
24 sonable expenses of individuals being trained, includ-
25 ing a reasonable subsistence allowance;

1 “(J) will assure that safe and healthy condi-
2 tions of work will be provided, and will assure that
3 persons employed in community service and other
4 jobs assisted under this title shall be paid wages
5 which shall not be lower than whichever is the high-
6 est of—

7 “(i) the minimum wage which would be ap-
8 plicable to the employee under the Fair Labor
9 Standards Act of 1938, if section 6(a)(1) of
10 such Act applied to the participant and if the
11 participant were not exempt under section 13
12 thereof;

13 “(ii) the State or local minimum wage for
14 the most nearly comparable covered employ-
15 ment; or

16 “(iii) the prevailing rates of pay for per-
17 sons employed in similar public occupations by
18 the same employer;

19 “(K) will be established or administered with
20 the advice of persons competent in the field of serv-
21 ice in which employment is being provided, and of
22 persons who are knowledgeable with regard to the
23 needs of older persons;

24 “(L) will authorize pay for necessary transpor-
25 tation costs of eligible individuals which may be in-

1 curred in employment in any project funded under
2 this title, in accordance with regulations promul-
3 gated by the Secretary;

4 “(M) will assure that, to the extent feasible,
5 such project will serve the needs of minority, limited
6 English-speaking, and Indian eligible individuals,
7 and eligible individuals who have the greatest eco-
8 nomic need, at least in proportion to their numbers
9 in the State and take into consideration their rates
10 of poverty and unemployment;

11 “(N)(i) will prepare an assessment of the par-
12 ticipants’ skills and talents and their needs for serv-
13 ices, except to the extent such project has, for the
14 participant involved, recently prepared an assess-
15 ment of such skills and talents, and such needs, pur-
16 suant to another employment or training program
17 (such as a program under the Workforce Investment
18 Act of 1998 (29 U.S.C. 2801 et seq.), the Carl D.
19 Perkins Vocational and Technical Education Act of
20 1998 (20 U.S.C. 2301 et seq.), or part A of title IV
21 of the Social Security Act (42 U.S.C. 601 et seq.));

22 “(ii) will provide to eligible individuals training
23 and employment counseling based on strategies that
24 identify appropriate employment objectives and the
25 need for supportive services, developed as a result of

1 the assessment and service strategy provided for in
2 clause (i); and

3 “(iii) will provide counseling to participants on
4 their progress in meeting such objectives and satis-
5 fying their need for supportive services;

6 “(O) will provide appropriate services for par-
7 ticipants through the one-stop delivery system as es-
8 tablished under section 134(c) of the Workforce In-
9 vestment Act of 1998 (29 U.S.C. 2864(c)), and will
10 be involved in the planning and operations of such
11 system pursuant to a memorandum of under-
12 standing with the local workforce investment board
13 in accordance with section 121(c) of such Act (29
14 U.S.C. 2841(c));

15 “(P) will post in such project workplace a no-
16 tice, and will make available to each person associ-
17 ated with such project a written explanation, clari-
18 fying the law with respect to allowable and unallow-
19 able political activities under chapter 15 of title 5,
20 United States Code, applicable to the project and to
21 each category of individuals associated with such
22 project and containing the address and telephone
23 number of the Inspector General of the Department
24 of Labor, to whom questions regarding the applica-
25 tion of such chapter may be addressed;

1 “(Q) will provide to the Secretary the descrip-
2 tion and information described in paragraphs (8)
3 and (14) of section 112(b) of the Workforce Invest-
4 ment Act of 1998; and

5 “(R) will ensure that entities carrying out ac-
6 tivities under the project, including State offices,
7 local offices, subgrantees, subcontractors, or other
8 affiliates of such organization or agency shall receive
9 an amount of the administration cost allocation that
10 is sufficient for the administrative activities under
11 the project to be carried out by such State office,
12 local office, subgrantee, subcontractor, or other affil-
13 iate.

14 “(2) The Secretary is authorized to establish, issue,
15 and amend such regulations as may be necessary to effec-
16 tively carry out the provisions of this title.

17 “(3) The Secretary shall develop alternatives for in-
18 novative work modes and provide technical assistance in
19 creating job opportunities through work sharing and other
20 experimental methods to labor organizations, groups rep-
21 resenting business and industry and workers as well as
22 to individual employers, where appropriate.

23 “(4)(A) An assessment and service strategy provided
24 for an eligible individual under this title shall satisfy any
25 condition for an assessment and service strategy or indi-

1 vidual employment plan for an adult participant under
2 subtitle B of title I of the Workforce Investment Act of
3 1998 (29 U.S.C. 2811 et seq.), in order to determine
4 whether such individual qualifies for intensive or training
5 services described in section 134(d) of such Act (29 U.S.C.
6 2864(d)), in accordance with such Act.

7 “(B) An assessment and service strategy or indi-
8 vidual employment plan provided for an adult participant
9 under subtitle B of title I of the Workforce Investment
10 Act of 1998 (29 U.S.C. 2811 et seq.) shall satisfy any
11 condition for an assessment and service strategy for an
12 eligible individual under this title.

13 “(c)(1) The Secretary is authorized to pay a share,
14 but not to exceed 90 percent of the cost of any project
15 which is the subject of an agreement entered into under
16 subsection (b) of this section, except that the Secretary
17 is authorized to pay all of the costs of any such project
18 which is—

19 “(A) an emergency or disaster project; or

20 “(B) a project located in an economically de-
21 pressed area;

22 as determined by the Secretary in consultation with the
23 Secretary of Commerce and the Secretary of Health and
24 Human Services.

1 “(2) The non-Federal share shall be in cash or in
2 kind. In determining the amount of the non-Federal share,
3 the Secretary is authorized to attribute fair market value
4 to services and facilities contributed from non-Federal
5 sources.

6 “(3) Of the amount for any project to be paid by the
7 Secretary under this subsection, not more than 13.5 per-
8 cent for any fiscal year shall be available for paying the
9 costs of administration for such project, except that—

10 “(A) whenever the Secretary determines that it
11 is necessary to carry out the project assisted under
12 this title, based on information submitted by the
13 grantee with which the Secretary has an agreement
14 under subsection (b), the Secretary may increase the
15 amount available for paying the cost of administra-
16 tion to an amount not more than 15 percent of the
17 cost of such project; and

18 “(B) whenever the grantee with which the Sec-
19 retary has an agreement under subsection (b) dem-
20 onstrates to the Secretary that—

21 “(i) major administrative cost increases
22 are being incurred in necessary program compo-
23 nents, including liability insurance, payments
24 for workers’ compensation, costs associated
25 with achieving unsubsidized placement goals,

1 and other operation requirements imposed by
2 the Secretary;

3 “(ii) the number of employment positions
4 in the project or the number of minority eligible
5 individuals participating in the project will de-
6 cline if the amount available for paying the cost
7 of administration is not increased; or

8 “(iii) the size of the project is so small that
9 the amount of administrative expenses incurred
10 to carry out the project necessarily exceeds 13.5
11 percent of the amount for such project;

12 the Secretary shall increase the amount available for
13 the fiscal year for paying the cost of administration
14 to an amount not more than 15 percent of the cost
15 of such project.

16 “(4) The costs of administration are the costs, both
17 personnel and non-personnel and both direct and indirect,
18 associated with the following:

19 “(A) The costs of performing overall general
20 administrative functions and providing for the co-
21 ordination of functions, such as—

22 “(i) accounting, budgeting, financial, and
23 cash management functions;

24 “(ii) procurement and purchasing func-
25 tions;

1 “(iii) property management functions;
2 “(iv) personnel management functions;
3 “(v) payroll functions;
4 “(vi) coordinating the resolution of find-
5 ings arising from audits, reviews, investigations,
6 and incident reports;
7 “(vii) audit functions;
8 “(viii) general legal services functions; and
9 “(ix) developing systems and procedures,
10 including information systems, required for
11 these administrative functions.

12 “(B) The costs of performing oversight and
13 monitoring responsibilities related to administrative
14 functions.

15 “(C) The costs of goods and services required
16 for administrative functions of the program, includ-
17 ing goods and services such as rental or purchase of
18 equipment, utilities, office supplies, postage, and
19 rental and maintenance of office space.

20 “(D) The travel costs incurred for official busi-
21 ness in carrying out administrative activities or over-
22 all management.

23 “(E) The costs of information systems related
24 to administrative functions (for example, personnel,
25 procurement, purchasing, property management, ac-

1 counting, and payroll systems) including the pur-
2 chase, systems development, and operating costs of
3 such systems.

4 “(5) To the extent practicable, an entity that carries
5 out a project under this title shall provide for the payment
6 of the expenses described in paragraph (4) from non-Fed-
7 eral sources.

8 “(6)(A) Amounts made available for a project under
9 this title that are not used to pay for the cost of adminis-
10 tration shall be used to pay for the costs of programmatic
11 activities, including—

12 “(i) enrollee wages and fringe benefits (includ-
13 ing physical examinations);

14 “(ii) enrollee training, which may be provided
15 prior to or subsequent to placement, including the
16 payment of reasonable costs of instructors, class-
17 room rental, training supplies, materials, equipment,
18 and tuition, and which may be provided on the job,
19 in a classroom setting, or pursuant to other appro-
20 priate arrangements;

21 “(iii) job placement assistance, including job de-
22 velopment and job search assistance;

23 “(iv) enrollee supportive services to assist an
24 enrollee to successfully participate in a project under
25 this title, including the payment of reasonable costs

1 of transportation, health care and medical services,
2 special job-related or personal counseling, incidentals
3 (such as work shoes, badges, uniforms, eyeglasses,
4 and tools), child and adult care, temporary shelter,
5 and followup services; and

6 “(v) outreach, recruitment and selection, intake,
7 orientation, and assessments.

8 “(B) Not less than 75 percent of the funds made
9 available through a grant made under this title shall be
10 used to pay wages and benefits for older individuals who
11 are employed under projects carried out under this title.

12 “(d) Whenever a grantee conducts a project within
13 a planning and service area in a State, such grantee shall
14 conduct such project in consultation with the area agency
15 on aging of the planning and service area and shall submit
16 to the State agency and the area agency on aging a de-
17 scription of such project to be conducted in the State, in-
18 cluding the location of the project, 90 days prior to under-
19 taking the project, for review and public comment accord-
20 ing to guidelines the Secretary shall issue to assure effi-
21 cient and effective coordination of programs under this
22 title.

23 “(e)(1) The Secretary, in addition to any other au-
24 thority contained in this title, shall conduct projects de-
25 signed to assure second career training and the placement

1 of eligible individuals in employment opportunities with
2 private business concerns. The Secretary shall enter into
3 such agreements with States, public agencies, nonprofit
4 private organizations, and private business concerns as
5 may be necessary, to conduct the projects authorized by
6 this subsection to assure that placement and training. The
7 Secretary, from amounts reserved under section 506(a)(1)
8 in any fiscal year, may pay all of the costs of any agree-
9 ments entered into under the provisions of this subsection.
10 The Secretary shall, to the extent feasible, assure equi-
11 table geographic distribution of projects authorized by this
12 subsection.

13 “(2) The Secretary shall issue, and amend from time
14 to time, criteria designed to assure that agreements en-
15 tered into under paragraph (1) of this subsection—

16 “(A) will involve different kinds of work modes,
17 such as flex-time, job sharing, and other arrange-
18 ments relating to reduced physical exertion;

19 “(B) will emphasize projects involving second
20 careers and job placement and give consideration to
21 placement in growth industries in jobs reflecting new
22 technological skills; and

23 “(C) require the coordination of projects carried
24 out under such agreements, with the programs car-

1 ried out under title I of the Workforce Investment
2 Act of 1998.

3 “(f) The Secretary shall, on a regular basis, carry out
4 evaluations of the activities authorized under this title,
5 which may include but are not limited to projects de-
6 scribed in subsection (e).

7 **“SEC. 503. ADMINISTRATION.**

8 “(a) STATE SENIOR EMPLOYMENT SERVICES CO-
9 ORDINATION PLAN.—

10 “(1) GOVERNOR SUBMITS PLAN.—The Gov-
11 ernor of each State shall submit annually to the Sec-
12 retary a State Senior Employment Services Coordi-
13 nation Plan, containing such provisions as the Sec-
14 retary may require, consistent with the provisions of
15 this title, including a description of the process used
16 to ensure the participation of individuals described
17 in paragraph (2).

18 “(2) RECOMMENDATIONS.—In developing the
19 State plan prior to its submission to the Secretary,
20 the Governor shall obtain the advice and rec-
21 ommendations of—

22 “(A) individuals representing the State
23 and area agencies on aging in the State, and
24 the State and local workforce investment boards

1 established under title I of the Workforce In-
2 vestment Act of 1998 (29 U.S.C. 2801 et seq.);

3 “(B) individuals representing public and
4 private nonprofit agencies and organizations
5 providing employment services, including each
6 grantee operating a project under this title in
7 the State; and

8 “(C) individuals representing social service
9 organizations providing services to older individ-
10 uals, grantees under title III of this Act, af-
11 fected communities, underserved older individ-
12 uals, community-based organizations serving
13 the needs of older individuals, business organi-
14 zations, and labor organizations.

15 “(3) COMMENTS.—Any State plan submitted by
16 a Governor in accordance with paragraph (1) shall
17 be accompanied by copies of public comments relat-
18 ing to the plan received pursuant to paragraph (4)
19 and a summary thereof.

20 “(4) PLAN PROVISIONS.—The State Senior Em-
21 ployment Services Coordination Plan shall identify
22 and address—

23 “(A) the relationship that the number of
24 eligible individuals in each area bears to the

1 total number of eligible individuals, respectively,
2 in that State;

3 “(B) the relative distribution of individuals
4 residing in rural and urban areas within the
5 State;

6 “(C) the relative distribution of—

7 “(i) eligible individuals who are indi-
8 viduals with greatest economic need;

9 “(ii) eligible individuals who are mi-
10 nority individuals; and

11 “(iii) eligible individuals who are indi-
12 viduals with greatest social need;

13 “(D) consideration of the employment situ-
14 ations and the type of skills possessed by local
15 eligible individuals;

16 “(E) the localities and populations for
17 which community service projects of the type
18 authorized by this title are most needed; and

19 “(F) plans for facilitating the coordination
20 of activities of grantees in the State under this
21 title with activities carried out in the State
22 under title I of the Workforce Investment Act
23 of 1998.

24 “(5) GOVERNOR’S RECOMMENDATIONS ON
25 GRANT PROPOSALS.—Prior to the submission to the

1 Secretary of any proposal for a grant under this title
2 for any fiscal year, the Governor of each State in
3 which projects are proposed to be conducted under
4 such grant shall be afforded a reasonable oppor-
5 tunity to submit recommendations to the
6 Secretary—

7 “(A) regarding the anticipated effect of
8 each such proposal upon the overall distribution
9 of enrollment positions under this title within
10 the State (including such distribution among
11 urban and rural areas), taking into account the
12 total number of positions to be provided by all
13 grantees within the State;

14 “(B) any recommendations for redistribu-
15 tion of positions to underserved areas as vacan-
16 cies occur in previously encumbered positions in
17 other areas; and

18 “(C) in the case of any increase in funding
19 that may be available for use within the State
20 under this title for any fiscal year, any rec-
21 ommendations for distribution of newly avail-
22 able positions in excess of those available dur-
23 ing the preceding year to underserved areas.

24 “(6) DISRUPTIONS.—In developing plans and
25 considering recommendations under this subsection,

1 disruptions in the provision of community service
2 employment opportunities for current enrollees shall
3 be avoided, to the greatest possible extent.

4 “(7) DETERMINATION; REVIEW.—

5 “(A) DETERMINATION.—In order to effec-
6 tively carry out the provisions of this title, each
7 State shall make available for public comment
8 its senior employment services coordination
9 plan. The Secretary, in consultation with the
10 Assistant Secretary, shall review the plan and
11 public comments received on the plan, and
12 make a written determination with findings and
13 a decision regarding the plan.

14 “(B) REVIEW.—The Secretary may review
15 on the Secretary’s own initiative or at the re-
16 quest of any public or private agency or organi-
17 zation, or an agency of the State government,
18 the distribution of projects and services under
19 this title within the State including the distribu-
20 tion between urban and rural areas within the
21 State. For each proposed reallocation of
22 projects or services within a State, the Sec-
23 retary shall give notice and opportunity for pub-
24 lic comment.

1 “(8) EXEMPTION.—The grantees serving older
2 American Indians under section 506(a)(3) will not
3 be required to participate in the State planning
4 processes described in this section but will collabo-
5 rate with the Secretary to develop a plan for projects
6 and services to older American Indians.

7 “(b)(1) The Secretary of Labor and the Assistant
8 Secretary shall coordinate the programs under this title
9 and the programs under other titles of this Act to increase
10 job opportunities available to older individuals.

11 “(2) The Secretary shall coordinate the program as-
12 sisted under this title with programs authorized under the
13 Workforce Investment Act of 1998, the Community Serv-
14 ices Block Grant Act, the Rehabilitation Act of 1973 (as
15 amended by the Rehabilitation Act Amendments of 1998
16 (29 U.S.C. 701 et seq.)), the Carl D. Perkins Vocational
17 and Technical Education Act of 1998 (20 U.S.C. 2301
18 et seq.), the National and Community Service Act of 1990
19 (42 U.S.C. 12501 et seq.), and the Domestic Volunteer
20 Service Act of 1973 (42 U.S.C. 4950 et seq.). The Sec-
21 retary shall coordinate the administration of this title with
22 the administration of other titles of this Act by the Assist-
23 ant Secretary to increase the likelihood that eligible indi-
24 viduals for whom employment opportunities under this
25 title are available and who need services under such titles

1 receive such services. Appropriations under this title shall
2 not be used to carry out any program under the Workforce
3 Investment Act of 1998, the Community Services Block
4 Grant Act, the Rehabilitation Act of 1973 (as amended
5 by the Rehabilitation Act Amendments of 1998), the Carl
6 D. Perkins Vocational and Technical Education Act of
7 1998, the National and Community Service Act of 1990,
8 or the Domestic Volunteer Service Act of 1973. The pre-
9 ceding sentence shall not be construed to prohibit carrying
10 out projects under this title jointly with programs,
11 projects, or activities under any Act specified in such sen-
12 tence, or from carrying out section 512.

13 “(3) The Secretary shall distribute to grantees under
14 this title, for distribution to program enrollees, and at no
15 cost to grantees or enrollees, informational materials de-
16 veloped and supplied by the Equal Employment Oppor-
17 tunity Commission and other appropriate Federal agencies
18 which the Secretary determines are designed to help en-
19 rollees identify age discrimination and understand their
20 rights under the Age Discrimination in Employment Act
21 of 1967.

22 “(c) In carrying out the provisions of this title, the
23 Secretary is authorized to use, with their consent, the
24 services, equipment, personnel, and facilities of Federal
25 and other agencies with or without reimbursement, and

1 on a similar basis to cooperate with other public and pri-
2 vate agencies and instrumentalities in the use of services,
3 equipment, and facilities.

4 “(d) Payments under this title may be made in ad-
5 vance or by way of reimbursement and in such install-
6 ments as the Secretary may determine.

7 “(e) The Secretary shall not delegate any function of
8 the Secretary under this title to any other department or
9 agency of the Federal Government.

10 “(f)(1) The Secretary shall monitor projects receiving
11 financial assistance under this title to determine whether
12 the grantees are complying with the provisions of and reg-
13 ulations issued under this title, including compliance with
14 the statewide planning, consultation, and coordination
15 provisions under this title.

16 “(2) Each grantee receiving funds under this title
17 shall comply with the applicable uniform cost principles
18 and appropriate administrative requirements for grants
19 and contracts that are applicable to the type of entity re-
20 ceiving funds, as issued as circulars or rules of the Office
21 of Management and Budget.

22 “(3) Each grantee described in paragraph (2) shall
23 prepare and submit a report in such manner and con-
24 taining such information as the Secretary may require re-
25 garding activities carried out under this title.

1 “(4) Each grantee described in paragraph (2) shall
2 keep records that—

3 “(A) are sufficient to permit the preparation of
4 reports required pursuant to this title;

5 “(B) are sufficient to permit the tracing of
6 funds to a level of expenditure adequate to ensure
7 that the funds have not been spent unlawfully; and

8 “(C) contain any other information that the
9 Secretary determines to be appropriate.

10 “(g) The Secretary shall establish by regulation and
11 implement a process to evaluate the performance of
12 projects and services, pursuant to section 513, carried out
13 under this title. The Secretary shall report to Congress
14 and make available to the public the results of each such
15 evaluation and use such evaluation to improve services de-
16 livered, or the operation of projects carried out under this
17 title.

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

19 “(a) Eligible individuals who are employed in any
20 project funded under this title shall not be considered to
21 be Federal employees as a result of such employment and
22 shall not be subject to the provisions of part III of title
23 5, United States Code.

24 “(b) No contract shall be entered into under this title
25 with a contractor who is, or whose employees are, under

1 State law, exempted from operation of the State work-
2 men’s compensation law, generally applicable to employ-
3 ees, unless the contractor shall undertake to provide either
4 through insurance by a recognized carrier or by self-insur-
5 ance, as authorized by State law, that the persons em-
6 ployed under the contract shall enjoy workmen’s com-
7 pensation coverage equal to that provided by law for cov-
8 ered employment.

9 **“SEC. 505. INTERAGENCY COOPERATION.**

10 “(a) The Secretary shall consult with, and obtain the
11 written views of, the Assistant Secretary for Aging in the
12 Department of Health and Human Services prior to the
13 establishment of rules or the establishment of general pol-
14 icy in the administration of this title.

15 “(b) The Secretary shall consult and cooperate with
16 the Director of the Office of Community Services, the Sec-
17 retary of Health and Human Services, and the heads of
18 other Federal agencies carrying out related programs, in
19 order to achieve optimal coordination with such other pro-
20 grams. In carrying out the provisions of this section, the
21 Secretary shall promote programs or projects of a similar
22 nature. Each Federal agency shall cooperate with the Sec-
23 retary in disseminating information relating to the avail-
24 ability of assistance under this title and in promoting the

1 identification and interests of individuals eligible for em-
2 ployment in projects assisted under this title.

3 “(c)(1) The Secretary shall promote and coordinate
4 carrying out projects under this title jointly with pro-
5 grams, projects, or activities under other Acts, especially
6 activities provided under the Workforce Investment Act of
7 1998 (29 U.S.C. 2801 et seq.), including activities pro-
8 vided through one-stop delivery systems established under
9 section 134(c) of such Act (29 U.S.C. 2864(c)), that pro-
10 vide training and employment opportunities to eligible in-
11 dividuals.

12 “(2) The Secretary shall consult with the Secretary
13 of Education to promote and coordinate carrying out
14 projects under this title jointly with workforce investment
15 activities in which eligible individuals may participate that
16 are carried out under the Carl D. Perkins Vocational and
17 Technical Education Act of 1998.

18 **“SEC. 506. DISTRIBUTION OF ASSISTANCE.**

19 “(a) RESERVATIONS.—

20 “(1) RESERVATION FOR PRIVATE EMPLOYMENT
21 PROJECTS.—From sums appropriated under this
22 title for each fiscal year, the Secretary shall first re-
23 serve not more than 1.5 percent of the total amount
24 of such sums for the purpose of entering into agree-

1 ments under section 502(e), relating to improved
2 transition to private employment.

3 “(2) RESERVATION FOR TERRITORIES.—From
4 sums appropriated under this title for each fiscal
5 year, the Secretary shall reserve 0.75 percent of the
6 total amount of such sums, of which—

7 “(A) Guam, American Samoa, and the
8 United States Virgin Islands shall each receive
9 30 percent; and

10 “(B) the Commonwealth of the Northern
11 Mariana Islands shall receive 10 percent.

12 “(3) RESERVATION FOR ORGANIZATIONS.—The
13 Secretary shall reserve such sums as may be nec-
14 essary for national grants with public or nonprofit
15 national Indian aging organizations with the ability
16 to provide employment services to older Indians and
17 with national public or nonprofit Pacific Island and
18 Asian American aging organizations with the ability
19 to provide employment to older Pacific Island and
20 Asian Americans.

21 “(b) STATE ALLOTMENTS.—The allotment for each
22 State shall be the sum of the amounts allotted for national
23 grants in such State under subsection (d) and for the
24 grant to such State under subsection (e).

1 “(c) DIVISION BETWEEN NATIONAL GRANTS AND
2 GRANTS TO STATES.—From the sums appropriated to
3 carry out this title for any fiscal year that remain after
4 amounts are reserved under paragraphs (1), (2), and (3)
5 of subsection (a), the Secretary shall divide the remainder
6 between national grants and grants to States, as follows:

7 “(1) RESERVATION OF FUNDS FOR FISCAL
8 YEAR 2000 LEVEL OF ACTIVITIES.—The Secretary
9 shall reserve the amounts necessary to maintain the
10 fiscal year 2000 level of activities supported by pub-
11 lic and private nonprofit agency and organization
12 grantees that operate under this title under national
13 grants from the Secretary, and the fiscal year 2000
14 level of activities supported by State grantees under
15 this title, in proportion to their respective fiscal year
16 2000 levels of activities. In any fiscal year for which
17 the appropriations are insufficient to provide the full
18 amounts so required, then such amounts shall be re-
19 duced proportionally.

20 “(2) FUNDING IN EXCESS OF FISCAL YEAR 2000
21 LEVEL OF ACTIVITIES.—

22 “(A) UP TO \$35,000,000.—From the
23 amounts remaining after the application of
24 paragraph (1), the portion of such remaining
25 amounts up to the sum of \$35,000,000 shall be

1 divided so that 75 percent shall be provided to
2 State grantees and 25 percent shall be provided
3 to public and private nonprofit agency and or-
4 ganization grantees that operate under this title
5 under national grants from the Secretary.

6 “(B) OVER \$35,000,000.—Any amounts re-
7 maining after the application of subparagraph
8 (A) shall be divided so that 50 percent shall be
9 provided to State grantees and 50 percent shall
10 be provided to public and private nonprofit
11 agency and organization grantees that operate
12 under this title under national grants from the
13 Secretary.

14 “(d) ALLOTMENTS FOR NATIONAL GRANTS.—From
15 the sums provided for national grants under subsection
16 (c), the Secretary shall allot for public and private non-
17 profit agency and organization grantees that operate
18 under this title under national grants from the Secretary
19 in each State, an amount that bears the same ratio to
20 such sums as the product of the number of persons aged
21 55 or over in the State and the allotment percentage of
22 such State bears to the sum of the corresponding product
23 for all States, except as follows:

24 “(1) MINIMUM ALLOTMENT.—No State shall be
25 provided an amount under this subsection that is

1 less than 1/2 of 1 percent of the amount provided
2 under subsection (c) for public and private nonprofit
3 agency and organization grantees that operate under
4 this title under national grants from the Secretary
5 in all of the States.

6 “(2) HOLD HARMLESS.—If the amount pro-
7 vided under subsection (c) is—

8 “(A) equal to or less than the amount nec-
9 essary to maintain the fiscal year 2000 level of
10 activities, allotments for public and private non-
11 profit agency and organization grantees that
12 operate under this title under national grants
13 from the Secretary in each State shall be pro-
14 portional to their fiscal year 2000 level of ac-
15 tivities; or

16 “(B) greater than the amount necessary to
17 maintain the fiscal year 2000 level of activities,
18 no State shall be provided a percentage increase
19 above the fiscal year 2000 level of activities for
20 public and private nonprofit agency and organi-
21 zation grantees that operate under this title
22 under national grants from the Secretary in the
23 State that is less than 30 percent of such per-
24 centage increase above the fiscal year 2000 level
25 of activities for public and private nonprofit

1 agency and organization grantees that operate
2 under this title under national grants from the
3 Secretary in all of the States.

4 “(3) REDUCTION.—Allotments for States not
5 affected by paragraphs (1) and (2)(B) of this sub-
6 section shall be reduced proportionally to satisfy the
7 conditions in such paragraphs.

8 “(e) ALLOTMENTS FOR GRANTS TO STATES.—From
9 the sums provided for grants to States under subsection
10 (c), the Secretary shall allot for the State grantee in each
11 State an amount that bears the same ratio to such sums
12 as the product of the number of persons aged 55 or over
13 in the State and the allotment percentage of such State
14 bears to the sum of the corresponding product for all
15 States, except as follows:

16 “(1) MINIMUM ALLOTMENT.—No State shall be
17 provided an amount under this subsection that is
18 less than $\frac{1}{2}$ of 1 percent of the amount provided
19 under subsection (c) for State grantees in all of the
20 States.

21 “(2) HOLD HARMLESS.—If the amount pro-
22 vided under subsection (c) is—

23 “(A) equal to or less than the amount nec-
24 essary to maintain the fiscal year 2000 level of
25 activities, allotments for State grantees in each

1 State shall be proportional to their fiscal year
2 2000 level of activities; or

3 “(B) greater than the amount necessary to
4 maintain the fiscal year 2000 level of activities,
5 no State shall be provided a percentage increase
6 above the fiscal year 2000 level of activities for
7 State grantees in the State that is less than 30
8 percent of such percentage increase above the
9 fiscal year 2000 level of activities for State
10 grantees in all of the States.

11 “(3) REDUCTION.—Allotments for States not
12 affected by paragraphs (1) and (2)(B) of this sub-
13 section shall be reduced proportionally to satisfy the
14 conditions in such paragraphs.

15 “(f) ALLOTMENT PERCENTAGE.—For the purposes
16 of subsections (d) and (e)—

17 “(1) the allotment percentage of each State
18 shall be 100 percent less that percentage which
19 bears the same ratio to 50 percent as the per capita
20 income of such State bears to the per capita income
21 of the United States, except that (A) the allotment
22 percentage shall in no case be more than 75 percent
23 or less than 33 percent, and (B) the allotment per-
24 centage for the District of Columbia and the Com-
25 monwealth of Puerto Rico shall be 75 percent;

1 “(2) the number of persons aged 55 or over in
2 any State and in all States, and the per capita in-
3 come in any State and in all States, shall be deter-
4 mined by the Secretary on the basis of the most sat-
5 isfactory data available to the Secretary; and

6 “(3) for the purpose of determining the allot-
7 ment percentage, the term ‘United States’ means
8 the 50 States and the District of Columbia.

9 “(g) DEFINITIONS.—In this section:

10 “(1) COST PER AUTHORIZED POSITION.—The
11 term ‘cost per authorized position’ means the sum
12 of—

13 “(A) the hourly minimum wage rate speci-
14 fied in section 6(a)(1) of the Fair Labor Stand-
15 ards Act of 1938 (29 U.S.C. 206(a)(1)) (as
16 amended), multiplied by the number of hours
17 equal to the product of 21 hours and 52 weeks;

18 “(B) an amount equal to 11 percent of the
19 amount specified under subparagraph (A), for
20 the purpose of covering Federal payments for
21 fringe benefits; and

22 “(C) an amount determined by the Sec-
23 retary, for the purpose of covering Federal pay-
24 ments for the remainder of all other program
25 and administrative costs.

1 “(2) FISCAL YEAR 2000 LEVEL OF ACTIVI-
2 TIES.—The term ‘fiscal year 2000 level of activities’
3 means—

4 “(A) with respect to public and private
5 nonprofit agency and organization grantees that
6 operate under this title under national grants
7 from the Secretary, their level of activities for
8 fiscal year 2000, or the amount remaining after
9 the application of section 514(e); and

10 “(B) with respect to State grantees, their
11 level of activities for fiscal year 2000, or the
12 amount remaining after the application of sec-
13 tion 514(f).

14 “(3) GRANTS TO STATES.—The term ‘grants to
15 States’ means grants under this title to the States
16 from the Secretary.

17 “(4) LEVEL OF ACTIVITIES.—The term ‘level of
18 activities’ means the number of authorized positions
19 multiplied by the cost per authorized position.

20 “(5) NATIONAL GRANTS.—The term ‘national
21 grants’ means grants to public and private nonprofit
22 agency and organization grantees that operate under
23 this title under national grants from the Secretary.

24 “(6) STATE.—The term ‘State’ does not include
25 Guam, American Samoa, the Commonwealth of the

1 Northern Mariana Islands, and the United States
2 Virgin Islands.

3 **“SEC. 507. EQUITABLE DISTRIBUTION.**

4 “(a) INTERSTATE ALLOCATION.—The Secretary, in
5 awarding grants and contracts under section 506, shall,
6 to the extent feasible, assure an equitable distribution of
7 activities under such grants and contracts, in the aggregate,
8 among the States, taking into account the needs of
9 underserved States.

10 “(b) INTRASTATE ALLOCATION.—The amount allocated for projects within each State under section 506
11 shall be allocated among areas within the State in an equitable
12 manner, taking into consideration the State priorities set out in the State plan pursuant to section 503(a).

15 **“SEC. 508. REPORT.**

16 “In order to carry out the Secretary’s responsibilities
17 for reporting in section 503(g), the Secretary shall require
18 the State agency for each State receiving funds under this
19 title to prepare and submit a report at the beginning of
20 each fiscal year on such State’s compliance with section
21 507(b). Such report shall include the names and geographic
22 location of all projects assisted under this title and
23 carried out in the State and the amount allocated to each
24 such project under section 506.

1 **“SEC. 509. EMPLOYMENT ASSISTANCE AND FEDERAL HOUS-**
2 **ING AND FOOD STAMP PROGRAMS.**

3 “Funds received by eligible individuals from projects
4 carried out under the program established in this title
5 shall not be considered to be income of such individuals
6 for purposes of determining the eligibility of such individ-
7 uals, or of any other persons, to participate in any housing
8 program for which Federal funds may be available or for
9 any income determination under the Food Stamp Act of
10 1977.

11 **“SEC. 510. ELIGIBILITY FOR WORKFORCE INVESTMENT AC-**
12 **TIVITIES.**

13 “Eligible individuals under this title may be deemed
14 by local workforce investment boards established under
15 title I of the Workforce Investment Act of 1998 to satisfy
16 the requirements for receiving services under such title
17 that are applicable to adults.

18 **“SEC. 511. TREATMENT OF ASSISTANCE.**

19 “Assistance furnished under this title shall not be
20 construed to be financial assistance described in section
21 245A(h)(1)(A) of the Immigration and Nationality Act (8
22 U.S.C. 1255A(h)(1)(A)).

23 **“SEC. 512. COORDINATION WITH THE WORKFORCE INVEST-**
24 **MENT ACT OF 1998.**

25 “(a) PARTNERS.—Grantees under this title shall be
26 one-stop partners as described in subparagraphs (A) and

1 (B)(vi) of section 121(b)(1) of the Workforce Investment
2 Act of 1998 (29 U.S.C. 2841(b)(1)) in the one-stop deliv-
3 ery system established under section 134(c) of such Act
4 (29 U.S.C. 2864(c)) for the appropriate local workforce
5 investment areas, and shall carry out the responsibilities
6 relating to such partners.

7 “(b) COORDINATION.—In local workforce investment
8 areas where more than 1 grantee under this title provides
9 services, the grantees shall coordinate their activities re-
10 lated to the one-stop delivery system, and grantees shall
11 be signatories of the memorandum of understanding es-
12 tablished under section 121(c) of the Workforce Invest-
13 ment Act of 1998 (29 U.S.C. 2841(c)).

14 **“SEC. 513. PERFORMANCE.**

15 “(a) MEASURES.—

16 “(1) ESTABLISHMENT OF MEASURES.—The
17 Secretary shall establish, in consultation with grant-
18 ees, subgrantees±, and host agencies under this title,
19 States, older individuals, area agencies on aging, and
20 other organizations serving older individuals, per-
21 formance measures for each grantee for projects and
22 services carried out under this title.

23 “(2) CONTENT.—

24 “(A) COMPOSITION OF MEASURES.—The
25 performance measures as established by the

1 Secretary and described in paragraph (1) shall
2 consist of indicators of performance and levels
3 of performance applicable to each indicator.
4 The measures shall be designed to promote con-
5 tinuous improvement in performance.

6 “(B) ADJUSTMENT.—The levels of per-
7 formance described in subparagraph (A) appli-
8 cable to a grantee shall be adjusted only with
9 respect to the following factors:

10 “(i) High rates of unemployment, pov-
11 erty, or welfare reciprocity in the areas
12 served by a grantee, relative to other areas
13 of the State or Nation.

14 “(ii) Significant downturns in the
15 areas served by the grantee or in the na-
16 tional economy.

17 “(iii) Significant numbers or propor-
18 tions of enrollees with 1 or more barriers
19 to employment served by a grantee relative
20 to grantees serving other areas of the
21 State or Nation.

22 “(C) PLACEMENT.—For all grantees, the
23 Secretary shall establish a measure of perform-
24 ance of not less than 20 percent (adjusted in
25 accordance with subparagraph (B)) for place-

1 ment of enrollees into unsubsidized public or
2 private employment as defined in subsection
3 (c)(2).

4 “(3) PERFORMANCE EVALUATION OF PUBLIC
5 OR PRIVATE NONPROFIT AGENCIES AND ORGANIZA-
6 TIONS.—The Secretary shall annually establish na-
7 tional performance measures for each public or pri-
8 vate nonprofit agency or organization that is a
9 grantee under this title, which shall be applicable to
10 the grantee without regard to whether such grantee
11 operates the program directly or through contracts,
12 grants, or agreements with other entities. The per-
13 formance of the grantees with respect to such meas-
14 ures shall be evaluated in accordance with section
15 514(e)(1) regarding performance of the grantees on
16 a national basis, and in accordance with section
17 514(e)(3) regarding the performance of the grantees
18 in each State.

19 “(4) PERFORMANCE EVALUATION OF STATES.—
20 The Secretary shall annually establish performance
21 measures for each State that is a grantee under this
22 title, which shall be applicable to the State grantee
23 without regard to whether such grantee operates the
24 program directly or through contracts, grants, or
25 agreements with other entities. The performance of

1 the State grantees with respect to such measures
2 shall be evaluated in accordance with section 514(f).

3 “(5) LIMITATION.—An agreement to be evalu-
4 ated on the performance measures shall be a re-
5 quirement for application for, and a condition of, all
6 grants authorized by this title.

7 “(b) REQUIRED INDICATORS.—The indicators de-
8 scribed in subsection (a) shall include—

9 “(1) the number of persons served, with par-
10 ticular consideration given to individuals with great-
11 est economic need, greatest social need, or poor em-
12 ployment history or prospects, and individuals who
13 are over the age of 60;

14 “(2) community services provided;

15 “(3) placement into and retention in unsub-
16 sidized public or private employment;

17 “(4) satisfaction of the enrollees, employers,
18 and their host agencies with their experiences and
19 the services provided; and

20 “(5) any additional indicators of performance
21 that the Secretary determines to be appropriate to
22 evaluate services and performance.

23 “(c) DEFINITIONS OF INDICATORS.—

24 “(1) IN GENERAL.—The Secretary, after con-
25 sultation with national and State grantees, rep-

1 representatives of business and labor organizations, and
2 providers of services, shall, by regulation, issue defi-
3 nitions of the indicators of performance described in
4 subsection (b).

5 “(2) DEFINITIONS OF CERTAIN TERMS.—In
6 this section:

7 “(A) PLACEMENT INTO PUBLIC OR PRI-
8 VATE UNSUBSIDIZED EMPLOYMENT.—The term
9 ‘placement into public or private unsubsidized
10 employment’ means full- or part-time paid em-
11 ployment in the public or private sector by an
12 enrollee under this title for 30 days within a
13 90-day period without the use of funds under
14 this title or any other Federal or State employ-
15 ment subsidy program, or the equivalent of
16 such employment as measured by the earnings
17 of an enrollee through the use of wage records
18 or other appropriate methods.

19 “(B) RETENTION IN PUBLIC OR PRIVATE
20 UNSUBSIDIZED EMPLOYMENT.—The term ‘re-
21 tention in public or private unsubsidized em-
22 ployment’ means full- or part-time paid employ-
23 ment in the public or private sector by an en-
24 rollee under this title for 6 months after the
25 starting date of placement into unsubsidized

1 employment without the use of funds under this
2 title or any other Federal or State employment
3 subsidy program.

4 “(d) CORRECTIVE EFFORTS.—A State or other
5 grantee that does not achieve the established levels of per-
6 formance on the performance measures shall submit to the
7 Secretary, for approval, a plan of correction as described
8 in subsection (e) or (f) of section 514 to achieve the estab-
9 lished levels of performance.

10 **“SEC. 514. COMPETITIVE REQUIREMENTS RELATING TO**
11 **GRANT AWARDS.**

12 “(a) PROGRAM AUTHORIZED.—In accordance with
13 section 502(b), the Secretary shall award grants to eligible
14 applicants to carry out projects under this title for a pe-
15 riod of 1 year, except that, after the promulgation of regu-
16 lations for this title and the establishment of the perform-
17 ance measures required by section 513(a), the Secretary
18 shall award grants for a period of not to exceed 3 years.

19 “(b) ELIGIBLE APPLICANTS.—An applicant shall be
20 eligible to receive a grant under subsection (a) in accord-
21 ance with section 502(b)(1), and subsections (c) and (d).

22 “(c) CRITERIA.—The Secretary shall select the eligi-
23 ble applicants to receive grants under subsection (a) based
24 on the following:

1 “(1) The applicant’s ability to administer a pro-
2 gram that serves the greatest number of eligible in-
3 dividuals, giving particular consideration to individ-
4 uals with greatest economic need, greatest social
5 need, poor employment history or prospects, and
6 over the age of 60.

7 “(2) The applicant’s ability to administer a pro-
8 gram that provides employment for eligible individ-
9 uals in the communities in which such individuals
10 reside, or in nearby communities, that will con-
11 tribute to the general welfare of the community.

12 “(3) The applicant’s ability to administer a pro-
13 gram that moves eligible individuals into unsub-
14 sidized employment.

15 “(4) The applicant’s ability to move individuals
16 with multiple barriers to employment into unsub-
17 sidized employment.

18 “(5) The applicant’s ability to coordinate with
19 other organizations at the State and local level.

20 “(6) The applicant’s plan for fiscal manage-
21 ment of the program to be administered with funds
22 received under this section.

23 “(7) Any additional criteria that the Secretary
24 deems appropriate in order to minimize disruption
25 for current enrollees.

1 “(d) RESPONSIBILITY TESTS.—

2 “(1) IN GENERAL.—Before final selection of a
3 grantee, the Secretary shall conduct a review of
4 available records to assess the applicant’s overall re-
5 sponsibility to administer Federal funds.

6 “(2) REVIEW.—As part of the review described
7 in paragraph (1), the Secretary may consider any in-
8 formation, including the organization’s history with
9 regard to the management of other grants.

10 “(3) FAILURE TO SATISFY TEST.—The failure
11 to satisfy any 1 responsibility test that is listed in
12 paragraph (4), except for those listed in subpara-
13 graphs (A) and (B) of such paragraph, does not es-
14 tablish that the organization is not responsible un-
15 less such failure is substantial or persistent (for 2 or
16 more consecutive years).

17 “(4) TEST.—The responsibility tests include re-
18 view of the following factors:

19 “(A) Efforts by the organization to recover
20 debts, after 3 demand letters have been sent,
21 that are established by final agency action and
22 have been unsuccessful, or that there has been
23 failure to comply with an approved repayment
24 plan.

1 “(B) Established fraud or criminal activity
2 of a significant nature within the organization.

3 “(C) Serious administrative deficiencies
4 identified by the Secretary, such as failure to
5 maintain a financial management system as re-
6 quired by Federal regulations.

7 “(D) Willful obstruction of the audit proc-
8 ess.

9 “(E) Failure to provide services to appli-
10 cants as agreed to in a current or recent grant
11 or to meet applicable performance measures.

12 “(F) Failure to correct deficiencies
13 brought to the grantee’s attention in writing as
14 a result of monitoring activities, reviews, assess-
15 ments, or other activities.

16 “(G) Failure to return a grant closeout
17 package or outstanding advances within 90
18 days of the grant expiration date or receipt of
19 closeout package, whichever is later, unless an
20 extension has been requested and granted.

21 “(H) Failure to submit required reports.

22 “(I) Failure to properly report and dispose
23 of government property as instructed by the
24 Secretary.

1 “(J) Failure to have maintained effective
2 cash management or cost controls resulting in
3 excess cash on hand.

4 “(K) Failure to ensure that a subrecipient
5 complies with its Office of Management and
6 Budget Circular A-133 audit requirements
7 specified at section 667.200(b) of title 20, Code
8 of Federal Regulations.

9 “(L) Failure to audit a subrecipient within
10 the required period.

11 “(M) Final disallowed costs in excess of 5
12 percent of the grant or contract award if, in the
13 judgment of the grant officer, the disallowances
14 are egregious findings.

15 “(N) Failure to establish a mechanism to
16 resolve a subrecipient’s audit in a timely fash-
17 ion.

18 “(5) DETERMINATION.—Applicants that are de-
19 termined to be not responsible shall not be selected
20 as grantees.

21 “(6) DISALLOWED COSTS.—Interest on dis-
22 allowed costs shall accrue in accordance with the
23 Debt Collection Improvement Act of 1996.

1 “(e) NATIONAL PERFORMANCE MEASURES AND
2 COMPETITION FOR PUBLIC AND PRIVATE NONPROFIT
3 AGENCIES AND ORGANIZATIONS.—

4 “(1) IN GENERAL.—Not later than 120 days
5 after the end of each program year, the Secretary
6 shall determine if each public or private nonprofit
7 agency or organization that is a grantee has met the
8 national performance measures established pursuant
9 to section 513(a)(3).

10 “(2) TECHNICAL ASSISTANCE AND CORRECTIVE
11 ACTION PLAN.—

12 “(A) IN GENERAL.—If the Secretary deter-
13 mines that a grantee fails to meet the national
14 performance measures for a program year, the
15 Secretary shall provide technical assistance and
16 require such organization to submit a corrective
17 action plan not later than 160 days after the
18 end of the program year.

19 “(B) CONTENT.—The plan submitted
20 under subparagraph (A) shall detail the steps
21 the grantee will take to meet the national per-
22 formance measures in the next program year.

23 “(C) AFTER SECOND YEAR OF FAILURE.—
24 If a grantee fails to meet the national perform-
25 ance measures for a second consecutive pro-

1 gram year, the Secretary shall conduct a na-
2 tional competition to award, for the first full
3 program year following the determination
4 (minimizing, to the extent possible, the disrup-
5 tion of services provided to enrollees), an
6 amount equal to 25 percent of the funds award-
7 ed to the grantee for such year.

8 “(D) COMPETITION AFTER THIRD CON-
9 SECUTIVE YEAR OF FAILURE.—If a grantee
10 fails to meet the national performance measures
11 for a third consecutive program year, the Sec-
12 retary shall conduct a national competition to
13 award the amount of the grant remaining after
14 deduction of the portion specified in subpara-
15 graph (C) for the first full program year fol-
16 lowing the determination. The eligible applicant
17 that receives the grant through the national
18 competition shall continue service to the geo-
19 graphic areas formerly served by the grantee
20 that previously received the grant.

21 “(3) COMPETITION REQUIREMENTS FOR PUBLIC
22 AND PRIVATE NONPROFIT AGENCIES AND ORGANIZA-
23 TIONS IN A STATE.—

24 “(A) IN GENERAL.—In addition to the ac-
25 tions required under paragraph (2), the Sec-

1 retary shall take corrective action if the Sec-
2 retary determines at the end of any program
3 year that, despite meeting the established na-
4 tional performance measures, a public or pri-
5 vate nonprofit agency or organization that is a
6 grantee has attained levels of performance 20
7 percent or more below the national performance
8 measures with respect to the project carried out
9 in a State and has failed to meet the perform-
10 ance measures as established by the Secretary
11 for the State grantee in such State, and there
12 are not factors, such as the factors described in
13 section 513(a)(2)(B), or size of the project, that
14 justify the performance.

15 “(B) FIRST YEAR OF FAILURE.—After the
16 first program year of failure to meet the per-
17 formance criteria described in subparagraph
18 (A), the Secretary shall require a corrective ac-
19 tion plan, and may require the transfer of the
20 responsibility for the project to other grantees,
21 provide technical assistance, and take other ap-
22 propriate actions.

23 “(C) SECOND YEAR OF FAILURE.—After
24 the second consecutive program year of failure
25 to meet the performance criteria described in

1 subparagraph (A), the corrective actions to be
2 taken by the Secretary may include the transfer
3 of the responsibility for a portion or all of the
4 project to a State or public or private nonprofit
5 agency or organization, or a competition for a
6 portion or all of the funds to carry out such
7 project among all eligible entities that meet the
8 responsibility tests under section 514(d) except
9 for the grantee that is the subject of the correc-
10 tive action.

11 “(D) THIRD YEAR OF FAILURE.—After the
12 third consecutive program year of failure to
13 meet the performance criteria described in sub-
14 paragraph (A), the Secretary shall conduct a
15 competition for the funds to carry out such
16 project among all eligible entities that meet the
17 responsibility tests under section 514(d) except
18 for the grantee that is the subject of the correc-
19 tive action.

20 “(4) REQUEST BY GOVERNOR.—Upon the re-
21 quest of the Governor of a State for a review of the
22 performance of a public or private nonprofit agency
23 or organization within the State, the Secretary shall
24 undertake such a review in accordance with the cri-
25 teria described in paragraph (3)(A). If the perform-

1 ance of such grantee is not justified under such cri-
2 teria, the Secretary shall take corrective action in
3 accordance with paragraph (3).

4 “(f) PERFORMANCE MEASURES AND COMPETITION
5 FOR STATES.—

6 “(1) IN GENERAL.—Not later than 120 days
7 after the end of the program year, the Secretary
8 shall determine if a State grantee has met the per-
9 formance measures established pursuant to section
10 513(a)(4).

11 “(2) TECHNICAL ASSISTANCE AND CORRECTIVE
12 ACTION PLAN.—If a State that receives a grant fails
13 to meet the performance measures for a program
14 year, the Secretary shall provide technical assistance
15 and require the State to submit a corrective action
16 plan not later than 160 days after the end of the
17 program year.

18 “(3) CONTENT.—The plan described in para-
19 graph (2) shall detail the steps the State will take
20 to meet the standards.

21 “(4) FAILURE TO MEET PERFORMANCE MEAS-
22 URES FOR SECOND AND THIRD YEARS.—

23 “(A) AFTER SECOND YEAR OF FAILURE.—

24 If a State fails to meet the performance meas-
25 ures for a second consecutive program year, the

1 Secretary shall provide for the conduct by the
2 State of a competition to award, for the first
3 full program year following the determination
4 (minimizing, to the extent possible, the disrup-
5 tion of services provided to enrollees), an
6 amount equal to 25 percent of the funds avail-
7 able to the State for such year.

8 “(B) AFTER THIRD YEAR OF FAILURE.—If
9 the State fails to meet the performance meas-
10 ures for a third consecutive program year, the
11 Secretary shall provide for the conduct by the
12 State of a competition to award the funds allo-
13 cated to the State for the first full program
14 year following the Secretary’s determination
15 that the State has not met the performance
16 measures.

17 **“SEC. 515. AUTHORIZATION OF APPROPRIATIONS.**

18 “(a) There is authorized to be appropriated to carry
19 out this title—

20 “(1) \$475,000,000 for fiscal year 2001 and
21 such sums as may be necessary for fiscal year 2002
22 through 2005; and

23 “(2) such additional sums as may be necessary
24 for each such fiscal year to enable the Secretary,
25 through programs under this title, to provide for at

1 least 70,000 part-time employment positions for eli-
2 gible individuals.

3 For purposes of paragraph (2), ‘part-time employment po-
4 sition’ means an employment position within a workweek
5 of at least 20 hours.

6 “(b) Amounts appropriated under this section for any
7 fiscal year shall be available for obligation during the an-
8 nual period which begins on July 1 of the calendar year
9 immediately following the beginning of such fiscal year
10 and which ends on June 30 of the following calendar year.
11 The Secretary may extend the period during which such
12 amounts may be obligated or expended in the case of a
13 particular organization or agency receiving funds under
14 this title if the Secretary determines that such extension
15 is necessary to ensure the effective use of such funds by
16 such organization or agency.

17 “(c) At the end of the program year, the Secretary
18 may recapture any unexpended funds for the program
19 year, and reobligate such funds within the 2 succeeding
20 program years for—

21 “(1) incentive grants;

22 “(2) technical assistance; or

23 “(3) grants or contracts for any other program
24 under this title.

1 **“SEC. 516. DEFINITIONS.**

2 “In this title:

3 “(1) **COMMUNITY SERVICE.**—The term ‘commu-
4 nity service’ means social, health, welfare, and edu-
5 cational services (including literacy tutoring), legal
6 and other counseling services and assistance, includ-
7 ing tax counseling and assistance and financial
8 counseling, and library, recreational, and other simi-
9 lar services; conservation, maintenance, or restora-
10 tion of natural resources; community betterment or
11 beautification; antipollution and environmental qual-
12 ity efforts; weatherization activities; economic devel-
13 opment; and such other services essential and nec-
14 essary to the community as the Secretary, by regula-
15 tion, may prescribe.

16 “(2) **ELIGIBLE INDIVIDUALS.**—The term ‘eligi-
17 ble individuals’ means an individual who is 55 years
18 old or older, who has a low income (including any
19 such individual whose income is not more than 125
20 percent of the poverty guidelines established by the
21 Office of Management and Budget), except that,
22 pursuant to regulations prescribed by the Secretary,
23 any such individual who is 60 years old or older
24 shall have priority for the work opportunities pro-
25 vided for under this title.

1 “(3) PACIFIC ISLAND AND ASIAN AMERICANS.—
2 The term ‘Pacific Island and Asian Americans’
3 means Americans having origins in any of the origi-
4 nal peoples of the Far East, Southeast Asia, the In-
5 dian Subcontinent, or the Pacific Islands.

6 “(4) PROGRAM.—The term ‘program’ means
7 the older American community service employment
8 program established under this title.”.

9 **TITLE VI—AMENDMENTS TO**
10 **TITLE VI OF THE OLDER**
11 **AMERICANS ACT OF 1965**

12 **SEC. 601. ELIGIBILITY.**

13 Section 612 of the Older Americans Act of 1965 (42
14 U.S.C. 3057c) is amended—

15 (1) by redesignating subsection (b) as sub-
16 section (c); and

17 (2) by inserting after subsection (a) the fol-
18 lowing:

19 “(b) An Indian tribe represented by an organization
20 specified in subsection (a) shall be eligible for only 1 grant
21 under this part for any fiscal year. Nothing in this sub-
22 section shall preclude an Indian tribe represented by an
23 organization specified in subsection (a) from receiving a
24 grant under section 631.”.

1 **SEC. 602. APPLICATIONS.**

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

4 (1) in subsection (b), by striking “certification”
5 and inserting “approval”; and

6 (2) in subsection (c)—

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

8 (B) by adding at the end the following:

9 “(2) The Assistant Secretary shall provide waivers
10 and exemptions of the reporting requirements of sub-
11 section (a)(3) for applicants that serve Indian populations
12 in geographically isolated areas, or applicants that serve
13 small Indian populations, where the small scale of the
14 project, the nature of the applicant, or other factors make
15 the reporting requirements unreasonable under the cir-
16 cumstances. The Assistant Secretary shall consult with
17 such applicants in establishing appropriate waivers and
18 exemptions.

19 “(3) The Assistant Secretary shall approve any appli-
20 cation that complies with the provisions of subsection (a),
21 except that in determining whether an application com-
22 plies with the requirements of subsection (a)(8), the As-
23 sistant Secretary shall provide maximum flexibility to an
24 applicant that seeks to take into account subsistence
25 needs, local customs, and other characteristics that are ap-

1 appropriate to the unique cultural, regional, and geographic
2 needs of the Indian populations to be served.

3 “(4) In determining whether an application complies
4 with the requirements of subsection (a)(12), the Assistant
5 Secretary shall require only that an applicant provide an
6 appropriate narrative description of the geographic area
7 to be served and an assurance that procedures will be
8 adopted to ensure against duplicate services being pro-
9 vided to the same recipients.”.

10 **SEC. 603. AUTHORIZATION OF APPROPRIATIONS.**

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

13 **“SEC. 633. AUTHORIZATION OF APPROPRIATIONS.**

14 “There are authorized to be appropriated to carry out
15 this title—

16 “(1) for parts A and B, such sums as may be
17 necessary for fiscal year 2001, and such sums as
18 may be necessary for subsequent fiscal years; and

19 “(2) for part C, \$5,000,000 for fiscal year
20 2001, and such sums as may be necessary for subse-
21 quent fiscal years.”.

22 **SEC. 604. GENERAL PROVISIONS.**

23 Title VI of the Older Americans Act of 1965 (42
24 U.S.C. 3057 et seq.) is amended—

25 (1) by redesignating part C as part D;

1 (2) by redesignating sections 631 through 633
2 as sections 641 through 643, respectively;

3 (3) by inserting after part B the following:

4 **“PART C—NATIVE AMERICAN CAREGIVER**
5 **SUPPORT PROGRAM**

6 **“SEC. 631. PROGRAM.**

7 “(a) IN GENERAL.—The Assistant Secretary shall
8 carry out a program for making grants to tribal organiza-
9 tions with applications approved under parts A and B, to
10 pay for the Federal share of carrying out tribal programs,
11 to enable the tribal organizations to provide multifaceted
12 systems of the support services described in section 373
13 for caregivers described in section 373.

14 “(b) REQUIREMENTS.—In providing services under
15 subsection (a), a tribal organization shall meet the re-
16 quirements specified for an area agency on aging and for
17 a State in the provisions of subsections (c), (d), and (e)
18 of section 373 and of section 374. For purposes of this
19 subsection, references in such provisions to a State pro-
20 gram shall be considered to be references to a tribal pro-
21 gram under this part.”.

1 **TITLE VII—AMENDMENTS TO**
2 **TITLE VII OF THE OLDER**
3 **AMERICANS ACT OF 1965**

4 **SEC. 701. AUTHORIZATION OF APPROPRIATIONS.**

5 Section 702 of the Older Americans Act of 1965 (42
6 U.S.C. 3058a) is amended to read as follows:

7 **“SEC. 702. AUTHORIZATION OF APPROPRIATIONS.**

8 “(a) OMBUDSMAN PROGRAM.—There are authorized
9 to be appropriated to carry out chapter 2, such sums as
10 may be necessary for fiscal year 2001, and such sums as
11 may be necessary for subsequent fiscal years.

12 “(b) PREVENTION OF ELDER ABUSE, NEGLECT, AND
13 EXPLOITATION.—There are authorized to be appropriated
14 to carry out chapter 3, such sums as may be necessary
15 for fiscal year 2001, and such sums as may be necessary
16 for subsequent fiscal years.

17 “(c) LEGAL ASSISTANCE DEVELOPMENT PRO-
18 GRAM.—There are authorized to be appropriated to carry
19 out chapter 4, such sums as may be necessary for fiscal
20 year 2001, and such sums as may be necessary for subse-
21 quent fiscal years.”.

22 **SEC. 702. ALLOTMENT.**

23 Section 703(a)(2)(C) of the Older Americans Act of
24 1965 (42 U.S.C. 3058b(a)(2)(C)) is amended by striking
25 “1991” each place it appears and inserting “2000”.

1 **SEC. 703. ADDITIONAL STATE PLAN REQUIREMENTS.**

2 Section 705(a) of the Older Americans Act of 1965
3 (42 U.S.C. 3058d(a)) is amended—

4 (1) in paragraph (4), by inserting “each of”
5 after “carry out”;

6 (2) in paragraph (6)(C)(iii), by striking the
7 semicolon and inserting “; and”;

8 (3) by striking paragraph (7);

9 (4) by redesignating paragraph (8) as para-
10 graph (7); and

11 (5) in paragraph (7) (as redesignated by para-
12 graph (3)), by striking “paragraphs (1) through
13 (7)” and inserting “paragraphs (1) through (6)”.

14 **SEC. 704. STATE LONG-TERM CARE OMBUDSMAN PROGRAM.**

15 Section 712 of the Older Americans Act of 1965 (42
16 U.S.C. 3058g) is amended—

17 (1) in subsection (a), in paragraph (5)(C)(ii),
18 by inserting “and not stand to gain financially
19 through an action or potential action brought on be-
20 half of individuals the Ombudsman serves” after
21 “interest”; and

22 (2) in subsection (h)—

23 (A) in paragraph (4)—

24 (i) in subparagraph (A)—

25 (I) by striking “(A) not later
26 than 1 year after the date of enact-

1 ment of this title, establish” and in-
2 serting “strengthen and update”; and

3 (II) in clause (iii), by striking
4 “and”;

5 (ii) by striking subparagraph (B);

6 (iii) by redesignating clauses (i)
7 through (iii) as subparagraphs (A) through
8 (C), respectively; and

9 (iv) by redesignating subclauses (I)
10 through (III) as clauses (i) through (iii),
11 respectively;

12 (B) in paragraph (7), by striking “; and”
13 and inserting a semicolon;

14 (C) by redesignating paragraph (8) as
15 paragraph (9); and

16 (D) by inserting after paragraph (7) the
17 following:

18 “(8) coordinate services with State and local
19 law enforcement agencies and courts of competent
20 jurisdiction; and”.

21 **SEC. 705. PREVENTION OF ELDER ABUSE, NEGLECT, AND**
22 **EXPLOITATION.**

23 Section 721 of the Older Americans Act of 1965 (42
24 U.S.C. 3058i) is amended—

25 (1) in subsection (b)—

1 (A) in the matter preceding paragraph (1),
2 by inserting “(including financial exploitation)”
3 after “exploitation”;

4 (B) in paragraph (2), by inserting “, State
5 and local law enforcement systems, and courts
6 of competent jurisdiction” after “service pro-
7 gram”; and

8 (C) in paragraph (5), by inserting “includ-
9 ing caregivers described in part E of title III,”
10 after “individuals,”;

11 (2) in subsection (d)(8)—

12 (A) by inserting “State and local” after
13 “consumer protection and”; and

14 (B) by inserting “, and services provided
15 by agencies and courts of competent jurisdic-
16 tion” before the period; and

17 (3) by adding at the end the following:

18 “(g) STUDY AND REPORT.—

19 “(1) STUDY.—The Secretary, in consultation
20 with the Department of the Treasury and the Attor-
21 ney General of the United States, State attorneys
22 general, and tribal and local prosecutors, shall con-
23 duct a study of the nature and extent of financial
24 exploitation of older individuals. The purpose of this
25 study would be to define and describe the scope of

1 the problem of financial exploitation of the elderly
2 and to provide an estimate of the number and type
3 of financial transactions considered to constitute fi-
4 nancial exploitation faced by older individuals. The
5 study shall also examine the adequacy of current
6 Federal and State legal protections to prevent such
7 exploitation.

8 “(2) REPORT.—Not later than 18 months after
9 the date of enactment of the Older Americans Act
10 Amendments of 2000, the Secretary shall submit to
11 Congress a report, which shall include—

12 “(A) the results of the study conducted
13 under this subsection; and

14 “(B) recommendations for future actions
15 to combat the financial exploitation of older in-
16 dividuals.”.

17 **SEC. 706. ASSISTANCE PROGRAMS.**

18 Subtitle A of title VII of the Older Americans Act
19 of 1965 (42 U.S.C 3058 et seq.) is amended by repealing
20 chapters 4 and 5 and inserting the following:

21 **“CHAPTER 4—STATE LEGAL ASSISTANCE**
22 **DEVELOPMENT PROGRAM**

23 **“SEC. 731. STATE LEGAL ASSISTANCE DEVELOPMENT.**

24 “A State agency shall provide the services of an indi-
25 vidual who shall be known as a State legal assistance de-

1 veloper, and the services of other personnel, sufficient to
2 ensure—

3 “(1) State leadership in securing and maintain-
4 ing the legal rights of older individuals;

5 “(2) State capacity for coordinating the provi-
6 sion of legal assistance;

7 “(3) State capacity to provide technical assist-
8 ance, training, and other supportive functions to
9 area agencies on aging, legal assistance providers,
10 ombudsmen, and other persons, as appropriate;

11 “(4) State capacity to promote financial man-
12 agement services to older individuals at risk of con-
13 servatorship;

14 “(5) State capacity to assist older individuals in
15 understanding their rights, exercising choices, bene-
16 fitting from services and opportunities authorized by
17 law, and maintaining the rights of older individuals
18 at risk of guardianship; and

19 “(6) State capacity to improve the quality and
20 quantity of legal services provided to older individ-
21 uals.”.

22 **SEC. 707. NATIVE AMERICAN PROGRAMS.**

23 Section 751(d) of the Older Americans Act of 1965
24 (42 U.S.C. 3058aa(d)) is amended to read as follows:

1 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated to carry out this section
 3 such sums as may be necessary for fiscal year 2001, and
 4 such sums as may be necessary for subsequent fiscal
 5 years.”.

6 **TITLE VIII—TECHNICAL AND**
 7 **CONFORMING AMENDMENTS**

8 **SEC. 801. TECHNICAL AND CONFORMING AMENDMENTS.**

9 (a) TITLE I.—Section 102(34)(C) of the Older Amer-
 10 icans Act of 1965 (42 U.S.C. 3002(34)(C)) is amended
 11 by striking “307(a)(12)” and inserting “307(a)(9)”.

12 (b) TITLE II.—

13 (1) Section 201(d)(3) of the Older Americans
 14 Act of 1965 (42 U.S.C. 3011(d)(3)) is amended—

15 (A) in subparagraph (C)(ii), by striking
 16 “307(a)(12)” and inserting “307(a)(9)”; and

17 (B) in subparagraph (J), by striking
 18 “307(a)(12)” and inserting “307(a)(9)”.

19 (2) Section 202 of the Older Americans Act of
 20 1965 (42 U.S.C. 3012) is amended—

21 (A) in subsection (a)—

22 (i) in paragraph (19)(C), by striking
 23 “paragraphs (2) and (5)(A) of section
 24 306(a)” and inserting “paragraphs (2) and
 25 (4)(A) of section 306(a)”; and

1 (ii) in paragraph (26), by striking
2 “sections 307(a)(18) and 731(b)(2)” and
3 inserting “section 307(a)(13) and section
4 731”;

5 (B) in subsection (c)—

6 (i) in paragraph (1), by striking
7 “(c)(1)” and inserting “(c)”; and

8 (ii) by striking paragraph (2); and

9 (C) in subsection (e)(1)(A)—

10 (i) by striking clause (i) and inserting
11 the following:

12 “(i) provide information about grants and
13 projects under title IV;” and

14 (ii) in clause (iv), by striking “, and
15 the information provided by the Resource
16 Centers on Native American Elders under
17 section 429E”.

18 (3) Section 205(a)(2)(A) of the Older Ameri-
19 cans Act of 1965 (42 U.S.C. 3016(a)(2)(A)) is
20 amended by striking “subparts 1, 2, and 3” and in-
21 serting “subparts 1 and 2”.

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

24 (A) by striking paragraph (3); and

1 (B) by redesignating paragraphs (4) and
2 (5) as paragraphs (3) and (4), respectively.

3 (5) Section 214 of the Older Americans Act of
4 1965 (42 U.S.C. 3020e) is amended by striking
5 “307(a)(13)(J)” and inserting “339(2)(J)”.

6 (c) TITLE III.—

7 (1) Section 301(c) of the Older Americans Act
8 of 1965 (42 U.S.C. 3021(c)) is amended by striking
9 “307(a)(12)” and inserting “307(a)(9)”.

10 (2) Section 304 of the Older Americans Act of
11 1965 (42 U.S.C. 3024) is amended—

12 (A) in subsection (d)(1)(B), by striking
13 “307(a)(12)” and inserting “307(a)(9)”; and

14 (B) by striking subsection (e).

15 (3) Section 305(a)(2)(F) of the Older Ameri-
16 cans Act of 1965 (42 U.S.C. 3025(a)(2)(F)) is
17 amended by striking “307(a)(24)” and inserting
18 “307(a)(16)”.

19 (4) Section 307 of the Older Americans Act of
20 1965 (42 U.S.C. 3027) is amended—

21 (A) in subsection (a), in paragraph (22)
22 (as redesignated by section 305(19)), by strik-
23 ing “306(a)(20)” and inserting “306(a)(8)”;
24 and

25 (B) in subsection (f)—

1 (i) in paragraph (1), by striking
2 “(f)(1)” and inserting “(f)”; and

3 (ii) by striking paragraph (2).

4 (5) Section 321(a)(15) of the Older Americans
5 Act of 1965 (42 U.S.C. 3030d(a)(15)) is amended
6 by striking “section 307(a)(16)” and inserting “sec-
7 tion 307(a)(12)”.

8 (d) TITLE VI.—Section 614(a) of the Older Ameri-
9 cans Act of 1965 (42 U.S.C. 3057e(a)) is amended—

10 (1) by striking paragraph (9); and

11 (2) by redesignating paragraphs (10) through
12 (12) as paragraphs (9) through (11), respectively.

13 (e) TITLE VII.—

14 (1) Section 703(a)(2)(C) of the Older Ameri-
15 cans Act of 1965 (42 U.S.C. 3058b(a)(2)(C)) is
16 amended—

17 (A) in clause (i), by striking “section
18 702(a)” and inserting “section 702 and made
19 available to carry out chapter 2”; and

20 (B) in clause (ii), by striking “section
21 702(b)” and inserting “section 702 and made
22 available to carry out chapter 3”.

23 (2) Section 712(a)(1) of the Older Americans
24 Act of 1965 (42 U.S.C. 3058g(a)(1)) is amended by

1 striking “section 702(a)” and inserting “section 702
2 and made available to carry out this chapter”.

3 (3) Section 721(a) of the Older Americans Act
4 of 1965 (42 U.S.C. 3058i(a)) is amended by striking
5 “section 702(b)” and inserting “section 702 and
6 made available to carry out this chapter”.

7 (4) Section 761(2) of the Older Americans Act
8 of 1965 (42 U.S.C. 3058bb(2)) is amended by strik-
9 ing “chapter 2, 3, 4, or 5 of this title” and inserting
10 “subtitle A”.

11 (5) Section 762 of the Older Americans Act of
12 1965 (42 U.S.C. 3058cc) is amended, in the matter
13 preceding paragraph (1), by striking “or an entity
14 described in section 751(c)”.

15 (6) Section 764(b) of the Older Americans Act
16 of 1965 (42 U.S.C. 3058ee(b)) is amended by strik-
17 ing “, area agencies on aging, and entities described
18 in section 751(c)” and inserting “and area agencies
19 on aging”.

Passed the House of Representatives October 25,
2000.

Attest:

JEFF TRANDAHL,

Clerk.