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OLDER AMERICANS ACT AMENDMENTS OF 2006

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Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, submitted the following

R E P O R T

[To accompany S. 3570]

The Committee on Health, Education, Labor, and Pensions, to which was referred the bill (S. 3570) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill (as amended) do pass.

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I. BACKGROUND AND NEED FOR LEGISLATION

OVERVIEW AND HISTORY

Congress created the Older Americans Act (OAA) in 1965 in response to concern by policymakers about a lack of community social services for older persons. The original legislation established authority for grants to States for community planning and social services, research and development projects, and personnel training in the field of aging. The law also established the Administration on Aging (AoA) within the then-Department of Health, Education, and Welfare (DHEW) to administer the newly created grant programs

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and to serve as the Federal focal point on matters concerning older persons.

Although older persons may receive services under many other Federal programs, today the act is considered to be the major vehicle for the organization and delivery of social and nutrition services to this group. It authorizes a wide array of service programs through a nationwide network of 57 State agencies on aging and 655 area agencies on aging; community service employment for low-income older Americans; training, research, and demonstration activities in the field of aging; grants to assist Native American older persons; and vulnerable elder rights protection activities.

Prior to 1965, older persons were eligible for limited social services through some Federal programs and State programs. However, with the recognition that older persons were becoming an increasing proportion of the population and that their needs were not being formally addressed through existing programs, many groups began advocating on their behalf. Their actions led President Truman to initiate the first National Conference on Aging in 1950. Conferees called for government and voluntary agencies to accept greater responsibility for the problems and welfare of older persons. Further interest in the field of aging led President Eisenhower to create the Federal Council on Aging in 1956 to coordinate the activities of the various units of the Federal Government related to aging.

The beginning of a major thrust toward legislation along the lines of the later-enacted Older Americans Act was made at the 1961 White House Conference on Aging. The Conferees called for a Federal coordinating agency in the field of aging to be set up on a statutory basis, with adequate funding for coordinating Federal efforts in aging, as well as a Federal program of grants for community services specifically for the elderly.[1]

In response to the White House Conference on Aging recommendations, legislation was introduced in 1962 to establish an independent U.S. Committee on Aging to cut across the responsibilities of many departments and agencies, and a program of grants for social services, research, and training that would benefit older persons.

As introduced in 1965, the Older Americans Act was intended to provide resources necessary for public and private social service providers to meet the social service needs of the elderly. The act received wide bipartisan support and was signed into law by President Johnson on July 14, 1965. In addition to creating AoA, the act authorized grants to States for community planning and services programs, as well as for research, demonstration, and training projects in the field of aging. In his remarks upon signing the bill, the President indicated that the legislation would provide

> "an orderly, intelligent, and constructive program to help us meet the new dimensions of responsibilities which lie ahead in the remaining years of this century. Under this program every State and every community can now move toward a coordi-

[1] U.S. Department of Health Education and Welfare, Special Staff on Aging, *The Nation and Its Older People, Report of the White House Conference on Aging, Jan. 9–12, 1961*, Washington, Apr. 1961.

nated program of services and opportunities for our older citizens."[2]

MAJOR AMENDMENTS TO THE OLDER AMERICANS ACT

The Older Americans Act has been amended 14 times since the original legislation was enacted (either through reauthorization legislation or other amendments). The first amendments to the act in 1967 extended authorization for the State grant program and for research, demonstration, and training programs created in 1965. In 1969, Congress added authority for a program of area-wide model projects to test new and varied approaches to meeting the social service needs of the elderly. The 1969 amendments also authorized the foster grandparent and retired senior volunteer programs to provide part-time volunteer opportunities for the elderly. (Authority for volunteer programs was subsequently repealed and these programs were reauthorized under the Domestic Volunteer Service Act of 1973.)

Major amendments to the act occurred in 1972 with the creation of the national nutrition program for the elderly, and in 1973, with the establishment of substate area agencies on aging. The 1973 amendments represented a major change because for the first time Federal law authorized the creation of local agencies whose purpose is to plan and coordinate services for older persons and to act as advocates for programs on their behalf. These amendments also created legislative authority for the community service employment program for older Americans which had previously operated as a demonstration initiative under the Economic Opportunity Act. In 1975, Congress extended the Older Americans Act through 1978 and specified certain services to receive funding priority under the State and area agency on aging program.

The 1978 amendments represented a major structural change to the act when the separate grant programs for social services, nutrition services, and multipurpose senior center facilities were consolidated into one program under the authority of State and area agencies on aging. The intent of these amendments was to improve coordination among the various service programs under the act. Among other changes were requirements for establishing State long-term care ombudsman programs and a new Title VI authorizing grants to Indian tribal organizations for social and nutrition services to older Indians.

The 1981 amendments made modifications to give State and area agencies on aging more flexibility in the administration of their service programs. These amendments also emphasized the transition of participants to private sector employment under the community service employment program. In 1984, Congress enacted a number of provisions, including adding responsibilities for AoA; adding provisions designed to target services on low-income minority older persons; giving more flexibility to States regarding service funds allocations; and giving priority to the needs of Alzheimer's victims and their families.

The 1987 amendments expanded certain service components of the State and area agency program to address the special needs of

[2] Public Papers of the Presidents of the United States, *Lyndon B. Johnson*, vol. 2, Washington, 1965, p. 744.

certain populations. Congress approved six additional distinct authorizations of appropriations for services: in-home services for the frail elderly; long-term care ombudsman services; assistance for special needs: health education and promotion services; services to prevent abuse, neglect and exploitation of older individuals; and outreach activities for persons who may be eligible for benefits under the supplemental security income (SSI), Medicaid and food stamp programs. Among other changes were provisions designed to give special attention to the needs of older Native Americans and persons with disabilities, emphasize targeting of services to those most in need, elevate the status of AoA within the Department of Health and Human Services (DHHS), and liberalize eligibility of community service employment participants for other Federal programs.

The 1992 amendments restructured some of the act's programs. A new title VII, Vulnerable Elder Rights Protection Activities, was created to consolidate and expand certain programs that focus on protection of the rights of older persons. Title VII incorporated separate authorizations of appropriations for the long-term care ombudsman program; program for the prevention of elder abuse, neglect, and exploitation; elder rights and legal assistance development program; and outreach, counseling, and assistance for insurance and public benefit programs. In addition, provisions were included to strengthen requirements related to targeting of title III services on special population groups. Other amendments authorized programs for assistance to caregivers of the frail elderly; clarified the role of title III agencies in working with the for-profit sector; and required improvements in AoA data collection.

The latest amendments were enacted in 2000 after 6 years of congressional debate on reauthorization. P.L. 106–501 extended the act's programs through fiscal year 2005. These amendments authorized the National Family Caregiver Support Program under title III; required the Secretary of the Department of Labor (DoL) to establish performance measures for the senior community service employment program; allowed States to impose cost-sharing for certain title III services older persons receive while retaining authority for voluntary contributions by older persons toward the costs of services; clarified that the title III formula allocation is to be based on the most recent population data, while stipulating that no State will receive less than it received in fiscal year 2000; and consolidated a number of previously separately authorized programs.

SUMMARY OF OLDER AMERICANS ACT TITLES

Title I. Declaration of Objectives

Title I of the act sets out broad social policy objectives oriented toward improving the lives of all older Americans, including adequate income in retirement, the best possible physical and mental health, opportunity for employment, and comprehensive long-term care services, among other things.

Title II. Administration on Aging

Title II establishes the Administration on Aging within DHHS as the chief Federal agency advocate for older persons and sets out

the responsibilities of AoA and the Assistant Secretary for Aging. The Assistant Secretary is appointed by the President with the advice and consent of the Senate. Title II requires that AoA establish the National Eldercare Locator Service to provide nationwide information through a toll-free telephone number to identify community resources for older persons. It also requires AoA to establish the National Long-Term Care Ombudsman Resource Center, the National Center on Elder Abuse, the National Aging Information Center, and the Pension Counseling and Information Program.

Title III. Grants for State and Community Programs on Aging

Title III authorizes grants to State and area agencies on aging to act as advocates on behalf of, and to coordinate programs for, older persons. The program, which supports State agencies on aging, about 655 area agencies on aging, and more than 29,000 service providers, authorizes six separate service programs (operating in 50 States, the District of Columbia, Puerto Rico and the territories). States receive separate allotments of funds for supportive services and centers, family caregiver support, congregate and home-delivered nutrition services, nutrition services incentive grants, and disease prevention and health promotion services.

Title III services are available to all persons aged 60 and over, but are targeted to those with the greatest economic and social need, particularly low-income and minority persons and older persons residing in rural areas. Means testing is prohibited.

Participants are encouraged to make voluntary contributions for services they receive. States are allowed to implement cost-sharing policies for certain services on a sliding fee scale basis, but older persons must not be denied services due to failure to make cost-sharing payments.

AoA allots funds for supportive services, congregate and home-delivered nutrition services, and disease prevention/health promotion services to States based on each State's relative share of the total population aged 60 years and over. Funds for nutrition services incentive grants are allotted to States based on a formula that takes into account the number of meals served by each State's nutrition program the prior year. Funds for the family caregiver program are allotted to States based on each State's relative share of the total population aged 70 years and over (although persons under age 70 are eligible to receive caregiver services).

People who are 60 years of age or older, and their spouses of any age, may participate in the nutrition program. The law also allows the following groups to receive meals: people under 60 years with disabilities who reside in housing facilities occupied primarily by the elderly where congregate meals are served; people with disabilities who reside at home with, and accompany, older individuals; and volunteers who provide services during the meal hours.

The National Family Caregiver Support Program was added to title III by the 2000 amendments (P.L. 106–501). The legislation authorizes the following services: information and assistance to caregivers about available services; individual counseling; organization of support groups and caregiver training; respite services to provide families temporary relief from caregiving responsibilities; and supplemental services (such as adult day care or home care

services, for example), on a limited basis, that would complement care provided by family and other informal caregivers.

Caregivers may receive information and assistance, individual counseling, access to support groups, and training. Services that tend to be more individualized, such as respite, home care, and adult day care, are to be directed to persons who have specific care needs. These are defined in the law as persons who are unable to perform at least two activities of daily living (ADLs) without substantial human assistance, including verbal reminding, or supervision; or, due to a cognitive or other mental impairment, require substantial supervision because of behavior that poses a serious health or safety hazard to the individual or other individuals. ADLs include bathing, dressing, toileting, transferring from a bed or a chair, eating, and getting around inside the home. The law allows States to establish cost-sharing policies for individuals who receive respite and supplemental services provided under the program.

Title IV. Training, Research, and Discretionary Projects and Programs

Title IV authorizes the Assistant Secretary for Aging to award funds for training, research, and demonstration projects in the field of aging. Funds are to be used to expand knowledge about aging and the aging process and to test innovative ideas about services and programs for older persons. Over the years title IV has supported a wide range of research and demonstration projects, including those related to income, health, housing, retirement, long-term care, as well as projects on career preparation and continuing education for personnel in the field of aging.

Title V. Community Service Employment for Older Americans

The community service employment program for older Americans (also known as the Senior Community Service Employment Program, or SCSEP) has as its purpose the promotion of useful part-time opportunities in community service activities for unemployed low-income persons who are 55 years or older and who have poor employment prospects. Enrollees are paid no less than the highest of the Federal minimum wage, the States or local minimum wage, or the prevailing wage paid by the same employer for similar public occupations. Persons eligible to participate in the program are those who are 55 years of age or older, whose income does not exceed 125 percent of the DHHS poverty level. Funds to operate the program are distributed to national organizations and State agency grantees.

Title VI. Grants for Services for Native Americans

Title VI authorizes funds for supportive, nutrition services, and family caregiver services to older Native Americans. Funds are awarded directly by AoA to Indian tribal organizations, Native Alaskan organizations, and non-profit groups representing Native Hawaiians. To be eligible for funding, a tribal organization must represent at least 50 Native American elders age 60 or older.

Title VII. Vulnerable Elder Rights Protection Activities

Title VII authorizes the long-term care ombudsman program and elder abuse, neglect and exploitation prevention programs. Two other programs are authorized, but not funded—legal assistance development and the Native American elder rights program.

Funding for ombudsman and elder abuse prevention activities is allotted to States based on the States' relative share of the total population age 60 and older. State agencies on aging may award funds for these activities to a variety of organizations for administration, including other State agencies, area agencies on aging, county governments, nonprofit service providers, or volunteer organizations.

Most title VII funding is directed at the long-term care ombudsman program. The purpose of the program is to investigate and resolve complaints of residents of nursing facilities, board and care facilities, and other adult care homes. It is the only Older Americans Act program that focuses solely on the needs of institutionalized persons. Complaints may relate to action, inaction or decisions of long-term care providers or their representatives and other actions that adversely affect the health, safety, welfare or rights of residents. Among their responsibilities, ombudsmen are required to provide services to assist in protection of residents, inform them about how to obtain services, and represent their interests before government agencies.

II. Legislative History and Committee Action

Beginning on May 17, 2005 the Retirement Security and Aging Subcommittee held 3 hearings, 1 roundtable, and received testimony from over 25 witnesses on topics that related to the reauthorization of the Older Americans Act (OAA). The first hearing presented the subcommittee members with the Administration's recommendations for the OAA reauthorization, focusing on the National Family Caregiver Support Program, primary long-term care issues, and the aging population and workforce. Subsequent subcommittee hearings covered related aging issues, including: general stakeholder recommendations to reauthorization (roundtable), February 14, 2006; senior community service employment, March 28, 2006; and Naturally Occurring Retirement Communities (NORCS), May 16, 2006. Throughout this process, subcommittee members held a series of listening sessions for over 30 stakeholder groups to obtain recommendations for OAA reauthorization.

A bipartisan bill, S. 3570, the Older Americans Act Amendments of 2006, was introduced on June 27, 2006, by Senator Enzi, Senator Kennedy, Senator DeWine, and Senator Mikulski. The bill was referred to the Committee on Health, Education, Labor, and Pensions. S. 3570 was considered in an executive session of the committee held on Wednesday, June 28, 2006 and was unanimously adopted by voice vote, ordered to be reported with an amendment in the nature of a substitute, and favorably reported to the full Senate.

No further action on S. 3570 was taken. On September 30, 2006, the Senate passed H.R. 6197, which became Public Law 109–365.

III. Committee Views

Through the Older Americans Act Amendments of 2006 (OAA), the committee intends to strengthen the Older Americans Act in preparation for the changing demographic in the United States and in preparation for the 77 million Baby Boomers who are aging. On July 1, 2004, 12 percent of all Americans were 65 and over. By 2050, people 65 and older will comprise 21 percent of the U.S. population, according to the Census Bureau. The number of people 65 and over in the United States is currently 36.3 million. The projected number of people 65 and over in the year 2050 is 86.7 million. This is a 147 percent projected increase. Thirteen percent, or 4.6 million people 65 and over, are still employed. However, there is a 10.2 percent poverty rate among this population. It is essential to build on the programs of the Older Americans Act to ensure that older individuals are fed, housed, able to get where they need to go, active and engaged in their communities and safe from abuse. The committee is committed to OAA programs and strongly encourages the Appropriations Committee to increase appropriations levels for programs throughout the Act and to move toward the authorized funding levels in this bill as expeditiously as possible.

Title II. Administration on Aging (AoA)

Civic engagement

The committee recognizes that during the 2005 White House Conference on Aging, the 1,200 delegates approved two resolutions, highlighting civic engagement activities, to send to the President and Congress. These resolutions focused on the need for expanding and promoting civic engagement and volunteer activities for current and future older adults. In recognition of these resolutions, the committee highlights the need for increased civic activities, multigenerational activities, and volunteerism throughout the bill.

The committee directs the Assistant Secretary to consult with the Chief Executive Officer of the Corporation for National and Community Service to encourage and permit volunteer groups that are comprised of or for older individuals to participate and be involved in supportive services as defined in this bill, and other civic engagement programs or activities.

Office of Elder Abuse Prevention and Services

The committee establishes an Office of Elder Abuse Prevention and Services to be administered by the Assistant Secretary. Older Americans are abused, neglected or exploited every day in every part of the country, yet the incidence of elder abuse is often undetected and unreported. Studies of the prevalence of elder abuse have varied greatly. It is estimated that between 500,000 and five million older individuals are abused every year. Yet, based on the "iceberg theory," it is generally recognized that as many as 84 percent of the instances of elder abuse go unreported. Victims of elder abuse are not only subject to injury from mistreatment and neglect, they are also 3.1 times at greater risk of dying.

Elder abuse is a combination of public health, social service and law enforcement issues that requires a multi-faceted solution. Many offices in HHS play a role in elder justice issues. AoA receives funding through Title VII of the Older Americans Act to

fund activities related to addressing elder abuse, neglect and exploitation. However, funding has been sparse, currently less than $5 million annually. Both the executive branch and Congress have engaged in efforts to bring the issue of elder abuse, neglect and exploitation to light. Unlike other difficult family issues, elder abuse has not received sustained Federal attention and resources. Creation of an Office of Elder Abuse Prevention and Services will assure that the issue receives high level attention in the agency, and combined with an infusion of resources, will revitalize these efforts in a consistent and sustainable way. Because so many of the HHS components have a role to play in elder justice issues, it is vital that the intra-agency steering committee be headed from an office that can assure a high degree of coordination among those many offices. At the same time, the new programmatic elder justice functions will reside in the AoA that coordinates the already-existing programmatic functions. The Office of Elder Abuse Prevention and Services will use the existing AoA infrastructure with regard to grants, contracts and other administrative operations and thereby avoid unnecessary duplication of resources.

Specifically, the office will develop priorities and a long-term plan for carrying out elder justice programs, including training, improvement of the elder justice system in the United States, annual collection and dissemination of data, in consultation with the Attorney General and experts from the Department of Justice, research with experts, technical assistance to States, and will conduct a comprehensive, national incidence and prevalence study of the extent of elder abuse, neglect, and exploitation.

National Center on Senior Benefits Outreach and Enrollment

The committee is aware that older Americans who are eligible for important public benefits are not always receiving them. Those who are most in need are frequently those accessing available benefits the least. We are aware that an estimated 47 percent of the elderly are eligible for Supplemental Security Income, 70 percent of seniors are eligible for food stamps, 67 percent of people eligible for Qualified Medicare Beneficiary protections, and 87 percent of those eligible for Specified Low-Income Medicare Beneficiary protections are not participating in these programs. The aging network has shared in the responsibility of aiding seniors in accessing available benefits, including current efforts to enroll seniors in the new Medicare prescription drug benefit. In light of this information, it is the committee's view that the aging network should continue to help to ensure that eligible beneficiaries age 65 and older receive support in accessing the full range of public and private services and assistance for which they are eligible. S. 3570 provides for a National Center on Senior Benefits Outreach and Enrollment to support efforts to inform and enroll limited income older individuals who may be eligible to participate, but who are not participating, in Federal and State programs for which they are eligible. The provision has the potential to significantly boost efforts to find and enroll additional low-income seniors in the Medicare prescription drug discount program, as well as other programs of vital importance to older Americans.

Long-term care and State long-term care systems

The committee acknowledges and encourages the Administration's commitment toward a long-term care systems change as it moves toward a consumer directed long-term care model. It is the intent of the committee to assist the Administration in moving toward a consumer-driven long-term care model while promoting the awareness of and the need for planning for one's long-term care. The committee encourages individuals to receive long-term care services in their home or community in order to prevent the individual from being placed in an institution. The committee understands the importance of institutional care when necessary but encourages individuals to work with relevant health and senior service agencies to assess their needs and preferences with respect to long-term care.

The committee requires relevant State and Federal agencies be actively involved in the strategizing and planning for the long-term care of an individual to ensure numerous benefits and options, related to long-term care, are presented to the individual. This coordinated assessment should produce a cost-effective, need and preference-based long-term care strategy that is specific to the individual.

Older individuals with limited English proficiency

Historically, OAA has catered to those older individuals with the greatest social and economic need. Current law requires States and local area agencies on aging to pay particular attention to low-income, minority and rural populations, since these populations can be harder to serve. The committee recognizes that individuals with limited English proficiency (LEP) may have difficulty accessing services due to a language barrier. According to the U.S. Census, 4.4 million people age 65 or older spoke a language other than English at home. It is the committee's intent to include individuals with limited English proficiency in the hard to serve population, which receives additional attention from the States and local area agencies on aging.

Aging and Disability Resource Center

The committee encourages and supports a consumer-driven long-term care model that provides options which allow an individual to remain in a home or community-based setting when feasible. In order to help an individual make informed choices, the Committee authorizes the establishment of Aging and Disability Resource Centers (ADRC) in each State and Puerto Rico. ADRC's provide personalized information on the full range of long-term care options that are available in the State, including information on public and private financing for institutional and home and community-based care. ADRC's offer access to all publicly funded long-term care options so that an individual can obtain all the long-term care information they need in one location. Additionally, ADRC's assist individuals in accessing and understanding their health insurance, health benefits as well as their future long-term care needs.

Interagency coordination

Current law authorizes the Assistant Secretary to "coordinate, advise, consult with, and cooperate with the head of each depart-

ment, agency or instrumentality of the Federal Government proposing or administering programs or services substantially related to the objectives of this Act." Moreover, current law requires the heads of each department, agency or instrumentality of the Federal Government with programs substantially related to the objectives of this Act to consult and collaborate with the Assistant Secretary. A committee review to determine whether congressional intent was carried out in this regard determined that there was little coordination activity among various Federal departments and agencies on matters relating to older individuals. As a result, the committee seeks to strengthen the requirements to focus on coordination of agencies with respect to aging issues. To that end, the committee establishes an interagency coordinating committee with the chairmanship rotating every 2 years between the Secretary of the Department of Health and Human Services and the Secretary of the Department of Housing and Urban Development. The interagency coordinating committee will monitor, evaluate and recommend improvements in programs intended to assist older individuals and provide recommendations on facilitating aging in place, reduce duplication of programs by Federal agencies, ensure collaboration, include input from the States, identify model programs, collect and disseminate data. This will be accomplished through the compilation of an annual report to the President and to Congress that will be guided by an executive director appointed by the Secretary of Health and Human Services, in consultation with the Secretary of Housing and Urban Development.

Health literacy

The committee promotes the use of evidence-based research when conducting outreach and disseminating information on healthy living especially in areas such as nutrition, diet, and physical activity.

Payment for services

The OAA aging service provider network has useful skills and services that are needed by a range of older adults both within and outside the scope of OAA. Current law has been interpreted in such a way that prohibits area agencies on aging, as well as other service providers, from using OAA funds to serve a population with the monetary means to pay for the services provided. Since the aging service provider network already has the skills to serve individuals outside of the OAA population, the committee clarifies the original intent of the law to allow these providers to serve private pay customers. It is the intent of the committee that all funds acquired through private pay contracts be funneled back into the same OAA program that has been accessed. No private pay customer shall be served at the expense of a needy individual. The committee recognizes and places an emphasis on the fact that the aging network providers should first and foremost target and assist those hardest to serve individuals including low-income, minority-limited English proficiency, and rural populations.

Funds to the Assistant Secretary on Aging for evaluation

Under current law, the Assistant Secretary may use a limited amount of funds to conduct evaluations of programs and services

funded by the Act. This is amended in S. 3570 to limit the total amount of funding that may be used for evaluation to an amount that does not exceed ½ percent of title III appropriations.

Title III. Grants for State and Community Programs on Aging

Baby boomers

The committee realizes the important place that baby boomers have in our population. Their contributions to society have been incalculable. However, as the first baby boomers turn 60 this year, many communities are unprepared to handle the demands of the changing population. The age of 60 makes baby boomers eligible for Older Americans Act services. The aging network must quickly become prepared to handle the aging population we, as a nation, are facing. Further, as never before, we have a population expected to live longer than older Americans before them. Continually more Americans will live beyond the age of 85, thus ensuring greater need for Older Americans Act services and supports. S. 3570 requires additional planning for the changing needs of communities handling baby boomer needs as they age. This Act also provides funding for such planning should overall funding levels increase 110 percent or more over the amounts appropriated in 2006.

The committee is also aware of the social and work needs of baby boomers as they age. As an active generation, it is expected that baby boomers will want to remain in the workforce and active in their communities past the age of retirement. The Older Americans Act Amendments of 2006 encourages and supports such participation.

Single planning and service areas

The Administration informed the committee that the Commonwealth of Puerto Rico had experienced problems maintaining multiple area agencies on aging and requested the ability to be designated as a single planning and service area. With the Assistant Secretary's approval, the committee will not prevent the Commonwealth of Puerto Rico from being designated as a single planning and service area.

Area agencies on aging plans (emergency preparedness)

The committee recognizes that there is a need for better planning and coordination of services for senior citizens during natural disasters and public health emergencies at the local, State and Federal level. Older Americans are disproportionately vulnerable during disasters because they are more likely to have chronic illnesses; functional limitations; and sensory, physical, and cognitive disabilities than younger individuals.

It is the committee's intent to foster greater communication and coordination between area agencies on aging and local and State emergency response agencies, relief organizations, local and State governments, and any other institutions that have responsibility for disaster relief service delivery to develop a long range-emergency plan for the older individuals they serve.

State plans (emergency preparedness)

The committee recognizes that there is a need for better planning and coordination of services for senior citizens during natural disasters and public health emergencies at the local, State and Federal level. Older Americans are disproportionately vulnerable during disasters because they are more likely to have chronic illnesses; functional limitations; and sensory, physical, and cognitive disabilities than younger individuals.

It is the committee's intent to foster greater communication and coordination between States and local area agencies on aging, local emergency response agencies, relief organizations, local governments and any other institutions that have responsibility for disaster relief service delivery to develop a long range-emergency plan for the older individuals they serve. The committee also recognizes the need to include leaders in a State aging services network in the development and implementation of statewide emergency response plans. These leaders have expertise in serving older individuals and should be included in all aspects of disaster/emergency preparedness planning.

Nutrition Services Incentive Program (NSIP)

The committee recognizes that the purpose of the Nutrition Services Incentive Program (NSIP) is to provide incentives to encourage and reward effective performances by states and tribal organizations in the efficient delivery of nutritious meals to older individuals. The committee continues to support the ability of states to use either cash or commodities through NSIP. The committee also recognizes that because of the volume of commodity food usage through the program many states are entitled to bonus food items. The bill clarifies current law to include such bonus commodities.

Air quality

The committee supports the Assistant Secretary working with "qualified experts" to improve the air quality inside buildings where older individuals congregate.

National Family Caregiver Support Program authorization of appropriation

The committee notes the increased authorization of appropriations for the program over the next 5 years. The increased funding is vital for the program to serve more family caregivers with information, resources and respite care. The committee strongly urges the appropriations committee to fully fund this important initiative incrementally over the next 5 years as detailed in the bill.

National Family Caregiver Support Program

Today, there are more than 22.4 million informal caregivers who provide unpaid help to persons aged 50 and over. These caregivers include spouses, adult children, and other relatives and friends. In 2004 the value of the care provided by family caregivers was moderately estimated to be $306 billion. Over 50 percent of all caregivers are employed on a full-time basis. And, caregivers of individuals aged 65 and over, most often adult children, spend an average of 20 hours per week providing care.

Family caregivers face substantial stresses and burdens as a consequence of care giving obligations. Services that help sustain a caregiver's role and maintain their emotional and physical health is an important part of our countries long-term care system.

Under current law the program provides caregiver support to relative caregivers of individuals age 60 and over, and to grandparents who are the primary caregiver of grandchildren up to age 18. S. 3570 modifies eligibility for caregiver support by decreasing from 60 to 55 the age of eligibility for grandparent participation. The legislation provides support to grandparents who care for an adult child with a disability. The legislation also clarifies the committee's intent to provide support to a grandparent who is taking care of a child who is related by blood, marriage or adoption.

S. 3570 also modifies eligibility for caregiver support by providing caregiver services to individuals with Alzheimer's disease or a related disorder with neurological and organic brain dysfunction who are 50 years of age or older. A 2006 Alzheimer's Association report estimates that there are between 220,000 and 640,000 people with early onset (diagnosed before age 65) Alzheimer's or related dementia in the United States today. It is the committee's intent to provide caregiver services to these individuals who are not eligible under the current law due to the 60 and over age requirement. It is also the committee's intent that a State shall give priority for family caregiver services to family caregivers who provide care for older individuals.

It is the committee's intent that caregiver support services include counseling and other services to assist caregivers in the areas of health, nutrition, financial literacy, and in making decisions and solving problems relating to their caregiving role.

To expand caregiver services the bill requires Area Agencies on Aging to make use of trained volunteers. Area Agencies on Aging are encouraged to work with entities carrying out volunteer programs including programs administered by the Corporation for National and Community Service.

Activities and programs of national significance

S. 3570 continues ongoing research and demonstration grants awarded competitively by the Assistant Secretary to support multigenerational programs, programs providing support and information to families who have a child with a disability or chronic illness, Alzheimer's programs and family caregivers programs.

Title IV. Research, Training, and Discretionary Projects and Programs

Assistive technology

The capacity to live safely and independently is greatly enhanced through Assistive Technology. No where is this more promising than among Seniors, people with long-term illnesses and/or people with disabilities who want to remain in their homes or move out of a more restrictive living environment. Assistive Technology eases many otherwise difficult functions and makes a home inherently safer.

AT and Information Technology are powerful tools for many elders, people with long-term illnesses and/or people with disabilities.

AT and/or IT make employment, community living and socialization possible for individuals who would otherwise remain underemployed and isolated. The net effect is a stronger economy and a population of seniors who live more independently and cost effectively in their own homes.

Personal Care Services are in high demand and available in limited supply across America. AT and IT, when used effectively, make the work of Personal Care Attendants more efficient and therefore more readily available to seniors who need this assistance. New technologies offer the promise of prevention regarding late life disabilities. The committee recognizes the importance of these developments and their importance to our ability as a Nation to meet the needs of the growing population of elders and encourages these applications.

Multigenerational activities and civic engagement activities

The committee acknowledges the significance of encouraging older adults to become actively involved in their communities, and promoting programs that bring older people together with younger people in both paid and unpaid positions.

The committee requires the Assistant Secretary to provide grants to organizations to establish new projects as well as support existing projects that provide older adults with both multigenerational and civic engagement opportunities. The bill contains provisions for research, including cost-benefit analysis; and demonstration, evaluation and coordination of multigenerational and civic engagement initiatives. These provisions will result in significant long-term gains for America's older population and American communities.

The bill allows for grants to organizations to create multigenerational coordinators. These coordinators are intended to build organizational capacity to develop meaningful new roles and assignments, which use the time, skills, and experience of older individuals to serve public and nonprofit organizations. A portion of the grants may also be used to train older adults so that their talents are best utilized in each project placement.

The bill also allows for grants to develop a national agenda and blueprint for creating civic engagement positions for older individuals within public and nonprofit organizations in order to increase the capacity of these organizations to meet community needs. A national blueprint is intended to outline how best to tap older individuals as a source of social capitol to address critical local needs of national concern. The blueprint may include recommendations for public policy changes. A portion of the grants may also be used to support national nonprofit and public organizations through the dissemination of information and communication resources designed to help recruit and retain experienced adults into roles that are of high need in communities.

It is the committee's intent that priority be given to organizations with a demonstrated record in either multigenerational activities or civic engagement activities. The Assistant Secretary is also directed to give preference to those organizations that will serve older adults with the greatest economic need giving specific attention to minority populations, those with limited English proficiency, and older individuals in rural areas.

The committee recognizes Family and Friends, Civic Ventures, Experience Corps, Generations United, and the National Council on Aging as organizations with the capacity to meet the requirements of Section 417 and encourages the Assistant Secretary to work with these organizations.

Career preparation for the field of aging

The committee encourages the Assistant Secretary to make higher education grants to institutions such as "Black colleges or universities, Hispanic-serving institutions, Hispanic Centers of Excellence in Applied Gerontology, and other educational institutions that serve the needs of minority students" in order to educate and prepare students for careers in the field of aging.

Mental Health

The committee recognizes that nearly 20 percent of seniors experience mental health disorders. And it is anticipated that the number of seniors with mental and behavioral health problems will almost quadruple, from 4 million in 1970 to 15 million in 2030.

Among the most prevalent mental health concerns older adults encounter are anxiety, depression, and cognitive impairment. Research indicates that 50 to 70 percent of all primary care medical visits by seniors are related to psychological factors such as anxiety, depression, and stress. These conditions, if left untreated, can have severe physical and psychological implications. Even mild depression lowers immunity and may compromise a person's ability to fight infections and cancers. Depression also has a powerful negative impact on ability to function, resulting in high rates of disability. In fact, older adults have the highest rates of suicide in our country and depression is the foremost risk factor. Despite this, many older Americans do not receive the services they need to address mental health concerns.

The committee recognizes that during the 2005 White House Conference on Aging, the 1,200 delegates approved a resolution, highlighting the mental health needs of seniors, to send to the President and Congress. This resolution focused on the need to improve the recognition, assessment, and treatment of mental illnesses and depression among older adults. In recognition of this resolution, the committee highlights the need for increased focus on "Positive Aging" through appropriate mental health screening and treatment and the integration of mental health services in primary care settings throughout the bill.

The committee acknowledges the critical importance that mental health plays in the overall health of our Nation's older adults. The legislation requires the Secretary to provide grants for the development and operation of multidisciplinary systems for the delivery of mental health screening and treatment services for older individuals who lack access to such services. The legislation also authorizes grants for programs to increase public awareness regarding the benefits of prevention and treatment of mental disorders in older individuals and to reduce the stigma and age-related prejudice and discrimination regarding mental disorders in older individuals.

It is the committee's intent that these services be coordinated and integrated with the social service, mental health, and health

care services in an area in order to improve patient outcomes and help ensure the continuing independence of older individuals.

Innovative transportation services

The committee notes that aging Americans are reluctant to adopt alternative forms of transportation that require them to forego the freedom of mobility that their private automobiles allow them to enjoy. Innovative programs already in existence have shown how seniors can be provided with this freedom of mobility, using private automobiles dispatched on a demand-responsive basis, 24 hours a day, 7 days a week. A key to the success of these programs has been the ability of seniors to transfer their private automobiles in exchange for transportation services.

The committee expects the Agency to build upon the success of these innovative transportation programs. The bill includes language amending section 416 of the act providing the Agency with the authority to award grants or contracts to nonprofit organizations to demonstrate the effectiveness of these innovative programs. The committee believes that our Nation cannot meet the mobility needs of our aging population without the innovative use of private resources, in addition to public resources, and for that reason the bill limits the availability of such awards to programs which provide transportation services that are economically sustainable, as defined.

Aging in place initiative

The committee acknowledges the need to expand aging in place initiatives. AARP's 2005 State of 50+ America Survey details that 89 percent of older individuals polled wanted to stay in their homes for as long as possible. During the June 28, 2006 Subcommittee on Aging hearing on Naturally Occurring Retirement Communities (NORC) aging service providers agreed that aging in place initiatives like NORC's provide necessary supportive services to seniors that allow them to remain independent and stay in their homes longer.

The committee requires the Secretary to provide grants to organizations to establish, develop or carry out model aging in place projects that permit aging in place for older individuals, including individuals who reside in Naturally Occurring Retirement Communities. The bill requires grantees to provide comprehensive and coordinated health and social services through projects in communities.

The bill also gives the Assistant Secretary the option to administer the grant program or award a competitive technical assistance grant to an eligible nonprofit organization to administer the program. Eligible organizations include nonprofit organizations and partnerships of nonprofit organizations that have experience in providing technical assistance to a range of entities serving older individuals and demonstrated knowledge and expertise in community-based health and social services.

The bill requires grantees to provide community-based health and social services to eligible older adults. Services must include case management, case assistance, and social work services, healthcare management and health care assistance, education, socialization and recreational activities.

The Assistant Secretary is directed to give preference to organizations that operate or locate projects and services in or in close proximity to locations where large concentrations of older individuals have aged in place and reside, such as Naturally Occurring Retirement Communities, and that serve communities of low-income individuals.

The bill further requires the Assistant Secretary to report findings resulting from the evaluation of grant projects, a description of recommended best practices, and recommendations for future legislative or administration action.

Title V. Community Service Employment for Older Americans

Senior Community Service Employment Program

The Senior Community Service Employment Program (SCSEP) authorized by title V of the Older Americans Act is the Nation's only employment and training program aimed exclusively at low-income older persons. According to a study by the Center for Labor Market Studies at Northeastern University, the number of older persons aged 55 to 74 with income below 125 percent of poverty will increase from 6 million in 2005 to over 8 million in 2015.

The committee recognizes that the SCSEP is a successful program that provides essential opportunities for employment of older Americans. In 2005, the program supported 61,000 jobs and served 92,000 people. Employment through this program provides these workers with needed economic support.

But this program does much more than that. It keeps older individuals active and involved in their communities, not isolated at home. It provides them with the opportunity to make important contributions to their communities and to learn new skills. The SCSEP also enhances their sense of dignity and self-esteem.

When Congress created this program it did so with this dual purpose in mind. Congress recognized that older Americans are especially valuable assets to the communities in which they live. Through community service older adults are exposed to the job training they need to become self-sufficient in the workforce.

Today older Americans provide 45 million hours of valuable service to their communities, particularly in senior centers, public libraries, and nutrition programs. These organizations rely on the services provided by older adults to run their programs efficiently and effectively.

The committee recognizes the importance of community service opportunities provided through the SCSEP and the Sense of the Senate language as well as the additional requirement that applicants for grants must demonstrate their ability to administer a program that provides community service reflects the committee's intent to maintain and strengthen the community service nature of the program.

Competition

The committee acknowledges the Department of Labor's request to openly compete the National SCSEP grants and the bill language creates a 4-year cycle for this open competition. It is the committee's intent that no competition shall be held outside of the 4-year cycle. In addition, the Secretary is prohibited from pub-

lishing a notice announcing a grant competition and soliciting proposals until the later of (1) the date when the Secretary implements all required performance indicators, and (2) January 1, 2010. The bill language reflects the committee's intent that every competition must emphasize meeting performance measures.

In addition, it is the intent of the committee that the Secretary shall not promulgate rules or regulations that would compromise the ability of grantees in areas with a substantial population of minority individuals to serve their targeted population. The committee feels strongly that those individuals with limited English proficiency or cultural differences should be fully served after all competitions. Applicants applying to serve these areas must prove their ability to meet the needs of the targeted population.

After competitions, many organizations struggle to build their infrastructures and networks. The committee recognizes that the success of SCSEP services depends on relationships built at the local level. It takes time to build that infrastructure and network and trust with participants, community-based organizations, and businesses.

The committee recognizes that competitions can be extremely disruptive to the older adults served through the program, and we require that the Secretary look closely at every applicant's ability to minimize disruption in services for project participants.

Participant time-limit

The committee recognizes the importance of moving an individual into unsubsidized employment to allow the individual the chance to earn a greater income. To assist an individual in gaining employment, the committee established a 36-month time limit for an individual serving in SCSEP. We recognize that some individuals may be harder to place in unsubsidized employment than other individuals, therefore we allow grantees a 20 percent exemption for hard-to-serve individuals such as the frail elderly, individuals with a disability, individuals with limited English proficiency, individuals in rural areas, individuals in areas of high unemployment, individuals at risk for homelessness and individuals who cannot be served through the Workforce Investment Act of 1998.

A grantee may petition for a waiver of the 36-month limit if the grantee serves a high concentration of individuals who are hard-to-serve because they have more than one barrier to employment, including a grantee that operates a project in an area where at least 60 percent of the counties are rural counties (as defined by the Economic Research Service of the Department of Agriculture).

Underemployed and determination of low-income

The committee supports allowing those individuals who are underemployed as well as those individuals who have a low-income to gain access to the services provided under title V of OAA. Currently, an individual is eligible for the SCSEP services if they are 55 years of age or older and have a low-income. We encourage individuals with part-time or seasonal work to use SCSEP to obtain a permanent position or a position that offers more consistent work with a greater salary. Many of the SCSEP candidates were turned away because they had part-time employment that prevented them from qualifying as an eligible SCSEP participant. The committee

supports allowing individuals with part-time employment, who are interested in obtaining an alternate means of employment, to gain access to the SCSEP services.

Additionally, to adequately serve the population at need, the committee amended the requirements for determining income eligibility. The committee supports not counting the following benefits as a source of income when determining eligibility: unemployment compensation, Veterans benefits, Social Security benefits or 25% of the old-age and survivors' insurance benefits under Social Security. The committee feels that by reducing restrictions and allowing underemployed and low-income individuals access to the SCSEP services, the aging population will be better served.

Collaboration with the Administration on Aging

The committee believes there is need for greater collaboration with the Administration on Aging. In the last reauthorization, Congress directed the Department of Labor to define a series of performance measures on which the SCSEP grantees would be measured. DoL chose a subset, but not all of the required indicators to measure the performance of the grantees. Congress directs the Assistant Secretary to provide written recommendations to the Secretary to facilitate the establishment and implementation of these performance measures. The Assistant Secretary will provide the necessary expertise on older workers to develop these measures to best serve the SCSEP participants.

Title VI. Grants for Native Americans

Tribal clarification

The committee seeks to allow any tribe that was formerly a recipient of a grant as part of a consortium to reapply as a separate consortium at the start of the next grant cycle as an originally grandfathered entity.

Title VII. Allotments for Vulnerable Elder Rights Protection Activities

The committee establishes a new grant program for States and Indian tribes to strengthen long-term care and elder justice programs. HHS shall provide and assist in the development of a series of grants, studies, and demonstration projects to be conducted through States and Indian tribes to assist in preventing, detecting, treating, intervening in and, where appropriate, prosecuting elder abuse, neglect and exploitation. Elder abuse, neglect and exploitation are a complex area to quantify and address—an amalgamation of numerous distinct, but overlapping phenomena. These include: physical and psychological/emotional abuse and neglect by family and other in-home caregivers; physical and psychological/emotional abuse and neglect of residents in institutional and other residential care facilities; elder sexual abuse; domestic violence in later life; financial fraud and exploitation; and self neglect. Each of these issues or sub-issues should be studied, along and in relationship to other factors. Such research will enhance understanding of the phenomena, and provide important information about how best to prevent, intervene in, treat and, if appropriate, prosecute elder abuse, neglect and exploitation. HHS will have authority and flexi-

bility to create and design the necessary studies and demonstrations under this section. Given the paucity of research in this field, the evidence-based knowledge is meager. The projects outlined in the legislation are intended to lay a foundation for addressing elder abuse, neglect and exploitation. Many of the provisions are modeled on efforts in other areas such as child abuse prevention and violence against women. Others are adapted to the special needs in the field of elder abuse.

Specifically, the committee provides for multidisciplinary or interdisciplinary team approaches to addressing elder abuse; establishment of coordinating councils; training and technical assistance; elder fatality and serious injury review teams; studies for the benefit of elders living in rural locations, minority populations or who are low-income elders; demonstrations to provide incentives for individuals to train for, seek and maintain employment in long-term care facilities; and other innovative methods of addressing elder abuse. The funds are intended to supplement, not supplant, current funds. Moreover, the committee mandates evaluations of the grants to ensure the quality and usefulness of those studies. Finally, the committee establishes an authorization of funding to carry out the section and strongly encourages the Appropriations Committee to fully fund this section as soon as practicable.

Further, the committee outlines the process for the Assistant Secretary to follow in collecting, maintaining and disseminating data on elder abuse at a national level. It requires the Assistant Secretary to collaborate with the Department of Justice not later than 1 year after the date of enactment to develop a method for collecting national data and develop uniform national data reporting forms adapted to collect data through the states in an effort to collect data from relevant entities and disciplines (such as health, public safety, social and protective services, and law enforcement). During the second year, the committee directs that the methodology and forms be tested in six States and further refined. In the third year after enactment, the committee intends that the Assistant Secretary begin providing incentive grants to States to collect the data that will be compiled at the national level. The committee is persuaded, based on the 2003 findings of the National Research Council in its publication entitled Elder Mistreatment: Abuse, Neglect and Exploitation in an Aging America, that population-based data is required before the field of research can move forward. Currently, there is inadequate information on elder abuse, both in community dwellings and institutions. The committee encourages the Appropriations Committee to give priority to the design and implementation of a data collection process and provide full funding that if we are to position toward developing a coordinated, national response to elder abuse, neglect and exploitation.

Finally, the committee includes a rule of construction to respect the rights of individuals to practice their religion and withhold medical treatment without an automatic conclusion and finding of elder abuse.

IV. Cost Estimate

Due to time constraints the Congressional Budget Office estimate was not included in the report. When received by the committee, it will appear in the Congressional Record at a later time.

V. Regulatory Impact Statement

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the committee has determined that the bill will not have a significant regulatory impact.

VI. Application of Law to the Legislative Branch

The committee has determined that there is no impact of this law on the legislative branch.

VI. Section-by-Section Analysis

Title I. Declaration of Objectives; Definitions

Section 1. Short title

Section 1 cites the bill as the Older Americans Act Amendments of 2006.

Section 2. Definitions

Section 2 modifies definitions for the following terms: information and assistance; long-term care facility; exploitation; and neglect.

Section 2 defines the following terms: evidence-based health promotion programs; self-neglect; Aging and Disability Resource Center (ADRC); at risk of institutional placement; Hispanic-serving institution; long-term care; self-directed care; State system for long-term care.

Title II. Administration on Aging (AoA)

Section 3. Office of Elder Abuse Prevention and Services

Section 3 authorizes the Secretary of Health and Human Services (HHS) to establish or designate within the AoA an Office of Elder Abuse Prevention and Services. The Assistant Secretary on Aging, through the head of the Office of Elder Abuse Prevention and Services, is required to:

- develop objectives, priorities, policy, and a long-term plan to carry out elder justice programs and activities related to elder abuse, prevention, detection, treatment, intervention, and response, among other activities;
- implement the overall policy and a strategy to carry out the plan; and
- provide advice to the Secretary on elder justice issues and administer such programs relating to elder abuse, neglect, and exploitation as the Secretary determines to be appropriate.

The Secretary may issue regulations as necessary to carry out elder justice programs established by the bill.

Section 4. Functions of the Assistant Secretary

Section 4 requires the Assistant Secretary on Aging in HHS to consult and coordinate activities with the Centers for Medicare and Medicaid Services (CMS) to implement and build awareness of programs providing new benefits affecting older individuals.

Section 4 establishes a new section requiring the Assistant Secretary to provide technical assistance and support for outreach and benefits enrollment assistance to older individuals with greatest

economic need. The section authorizes the Assistant Secretary to make grants, in cooperation with Federal partners, to establish a National Center on Senior Benefits Outreach and Enrollment to provide benefit enrollment supports, services, and strategies to inform low-income older individuals about the full range of benefits for which they may be eligible, and create and support efforts for ADRCs and other organizations, including faith-based organizations, to serve as benefit enrollment centers, among other activities.

This section eliminates the requirement for AoA to implement data collection procedures for collecting information on gaps in services needed by older individuals, and instead, requires data collection procedures on services needed, including long-term care services in home and community-based settings.

Section 4 also establishes a new requirement that AoA provide states with information and technical assistance to support the provision of evidence-based disease prevention and health promotion services.

Section 4 modifies AoA's role in long-term care that, among other things, requires the Assistant Secretary to:

- collaborate, coordinate, and consult with other Federal agencies and departments responsible for formulating and implementing programs, benefits, and services related to providing long-term care, and authorizes the Assistant Secretary to make grants, contracts, and agreements with funds received from those other Federal agencies and departments;
- conduct research and demonstration projects to identify innovative, cost-effective strategies for modifying State systems of long-term care;
- facilitate, in coordination with CMS, the provision of home and community-based long-term care, and models for self-directed care;
- provide for AoA to play a lead role with respect to issues concerning home and community-based long-term care;
- promote enhanced public awareness for advance planning for long-term care and the availability of information and resources to assist in advance planning;
- implement in each State an Aging and Disability Resource Center (ADRC) which is to serve as a visible and trusted source of information on the full range of options for long-term care, including institutional and home and community-based care that are available in the State; provide personalized and consumer-friendly assistance to empower individuals to make informed decisions about their long-term care options; provide coordinated and streamlined access to all publicly funded long-term care options so that consumers can obtain the care they need through a single intake, assessment and eligibility determination process; help individuals plan ahead for their long-term care needs; and assist Medicare beneficiaries and prospective beneficiaries in understanding and accessing prescription drug and preventive health benefits under provisions of, and amendments made by, the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, in coordination with the entity carrying out the health insurance information,

counseling and assistance program (under Section 4360 of the Omnibus Reconciliation Act of 1990) in the state;

- establish, either directly or through grants or contracts, a national technical assistance program to assist state agencies, area agencies on aging, and community-based service providers funded under the Older Americans Act in implementing home and community-based long-term care systems, including evidence-based programs;
- develop, in collaboration with CMS, performance standards and measures for long-term care for use by states to determine the extent to which their systems of long-term care fulfill the objectives described in this requirement; and
- conduct other activities as the Assistant Secretary determines to be appropriate.

Section 4 also requires the Assistant Secretary, in consultation with the Corporation for National and Community Service, to encourage and permit voluntary groups active in supportive service and civic engagement to participate in supportive service and civic engagement programs; and to develop a strategy for utilizing older individuals to address critical local needs of national concern, and encourage other community capacity building initiatives involving older individuals.

Section 5. Federal agency consultation

Section 5 requires that Federal departments and agencies collaborate with the Assistant Secretary to analyze the impact of Federal programs and services with particular attention to low-income older individuals, including older individuals with limited English proficiency.

Section 5 requires AoA to coordinate, advise, and consult with the heads of numerous Federal agencies and programs, including those responsible for sections 4 and 5 of the Assistive Technology Act of 1998 (29 U.S.C. 3003–3004).

The section also requires the Secretary of HHS, in collaboration with the Secretary of Housing and Urban Development (HUD) and with the heads of other Federal agencies, to establish an Interagency Coordinating Committee to focus on the coordination of Federal agencies with respect to aging issues, particularly related to demographic changes and housing needs among older individuals. Among other things, Section 5 requires the Secretary of HHS to serve as the first chairperson of the committee for an initial period of 2 years. After that initial period, the Secretary of HUD and the Secretary of HHS are to alternate as chairpersons of the committee, each serving as chairperson for a period of 2 years. Among other things, the committee is required to:

- review all Federal programs and services that assist older individuals in finding and affording housing, health care, and other services;
- monitor, evaluate, and recommend improvements in programs and services administered, funded, or financed by Federal, State, and local agencies;
- recommend ways to facilitate aging in place; reduce program and service duplication by Federal agencies; ensure collaboration among Federal agencies; work with States to provide better housing, health care and other services; identify

model programs; collect and disseminate information about older individuals and the programs and services available, and work with the Federal Interagency Forum on Aging-Related Statistics, the Bureau of the Census, and member agencies to collect and maintain data relating to housing, health care, and other service needs and to identify and address unmet data needs;

- make recommendations to guide policy and program development across Federal agencies; and
- actively seek input and consult with all appropriate and interested parties, including public health interest and research groups and foundations about the activities described above.

Section 5 requires the committee to prepare and submit an annual report to the President, the committee on Financial Services, the committee on Education and the Workforce of the House of Representatives, and the committee on Banking, Housing, and Urban Affairs, the committee on Health, Education, Labor, and Pensions, and the Special Committee on Aging of the Senate. The section requires the Secretary of HHS, after consultation with the Secretary of HUD, to appoint an executive director of the committee and at the request of the committee, detail Federal staff to the committee.

Section 6. Administration

Section 6 requires that the responsibilities of AoA's nutrition project officer include designing, implementing, and evaluating evidence-based programs to support improved nutrition and regular physical activity for older individuals, and to conduct outreach and dissemination of evidence-based information to nutrition service providers, including the most current Dietary Guidelines for Americans, the Food Guide Pyramid, and advances in nutrition science. The section amends the responsibilities of the AoA nutrition project officer to include disseminating guidance that describes strategies for improving the nutritional quality of meals provided under title III. Section 6 also requires the AoA nutrition project officer to have expertise in nutrition and meal planning.

Section 7. Evaluation

Section 7 authorizes the Secretary of HHS to use up to .5 of 1 percent of title III funds for evaluation (which in fiscal year 2004 would equal $6.2 million). This provision replaces the current law provision that allows the Secretary to use up to $3 million for evaluation (up to $1.5 million from title III and up to $1.5 million from title IV).

Section 8. Reports

Section 8 updates the references for submittal of the AoA annual report to refer to the Committee on Education and the Workforce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate.

Section 9. Contracting and grant authority

Section 9 stipulates that none of the provisions of the Act are to be construed to prevent a recipient of a grant or contract from entering into agreements:

- under which funds provided under a grant or contract are used to pay part or all of a cost incurred by such recipient to carry out a contract or commercial relationship for the benefit of older individuals or their family caregivers, whether such contract or relationship is carried out to implement a provision of this Act or to conduct activities inherently associated with implementing such provision; or
- under which any individual, regardless of age or income, who seeks to receive 1 or more services may pay voluntarily, at their own private expense, to receive such services based on the fair market value of such services.

Section 9 further stipulates that an agreement with a profit making organization or other arrangements stipulated above may not—

- be made without prior approval of the State agency (or in the case of title VI grantees, without the prior recommendation of the Director of the Office for American Indian, Alaska Native, and Native Hawaiian Aging, and the prior approval of the Assistant Secretary);
- directly or indirectly provide for, or have the effect of, paying, reimbursing, or otherwise compensating an entity under such an agreement in an amount that exceeds the fair market value of the goods or services furnished by the entity under the agreement;
- result in the displacement of services otherwise available to older individuals with either greatest social need, greatest economic need, or at risk for institutional placement; or
- in any other way compromise, undermine, or be inconsistent with the objective of serving the needs of older individuals.

Section 10. Nutrition education

Section 10 requires the Assistant Secretary, in consultation with the Secretary of Agriculture, to conduct outreach and provide technical assistance to agencies and organizations that serve older individuals to assist them in carrying out integrated health promotion and disease prevention programs that are designed for older individuals and include:

- nutrition education;
- physical activity; and
- other activities to modify behavior and to improve health literacy, including providing information on optimal nutrient intake, through education and counseling.

Section 11. Pension counseling and information programs

Section 11 requires an applicant for pension counseling and information funds to include, as part of the grant application, a plan to provide information, counseling, referral, and assistance regarding pension and other retirement benefits to older individuals with limited English proficiency. Section 11 further stipulates that the Assistant Secretary consider, among the criteria in awarding pension counseling program grants, the applicant's ability to perform

effective outreach to populations with limited English proficiency. Section 11 adds a requirement that the content of the pension assistance national telephone hotline include information for individuals with limited English proficiency seeking outreach, information, counseling, referral, and assistance.

Section 12. Authorization of appropriations

Section 12 authorizes such sums as may be necessary for AoA administration, salaries and expenses, the National Elder Locator Service, and Pension Counseling and Information Programs for fiscal years 2007–2011.

Title III. Grants for State and Community Programs on Aging

Section 13. Purpose

Section 13 adds as one of the purposes of title III that State and area agencies on aging enter into cooperative agreements with organizations with experience in providing senior volunteer services, such as Federal volunteer programs administered by the Corporation for National and Community Service, designed to provide training, placement and stipends for volunteers in community service settings.

Section 14. Authorization of appropriations

Section 14 authorizes such sums as may be necessary for fiscal years 2007–2011 for supportive, congregate and home-delivered nutrition and disease prevention and health promotion services programs.

The bill authorizes $169 million for fiscal year 2007; $170 million in fiscal year 2008; $180 million in fiscal year 2009; $190 million in fiscal year 2010; and $200 million in fiscal year 2011 for the National Family Caregiver Support Program.

Section 15. Allotments

Section 15 provides that an additional 1 percent of State allotments may be used by area agencies on aging to carry out activities regarding assessment of the needs of the growing elderly population. (This amount would be in addition to the amounts made available under current law for area plan administration but in an amount not to exceed 10 percent of State allotments.) This increase could occur only when appropriations for title III supportive services, nutrition services, and disease prevention and health promotion services exceed 110 percent of the fiscal year 2006 appropriations level for these programs.

Section 16. Organization

Section 16 requires State agencies, when dividing the State into planning and service areas, to consider the distribution of persons with limited English proficiency.

It also requires that State agencies on aging promote the development and implementation of a comprehensive, coordinated system in the State for providing long-term care in home, and community-based settings, in a manner that is responsive to the needs and preferences of older individuals and their families by:

- collaborating, coordinating, and consulting with other agencies responsible for formulating, implementing and administering programs, benefits and services related to long-term care;
- participating in State government activities regarding long-term care;
- conducting analysis and making recommendations with respect to strategies for modifying the State's long-term care system; and
- providing for distribution of information on the need to plan in advance for long-term care and on the range of available public and private long-term care programs, options, and resources.

Section 16 also allows the Commonwealth of Puerto Rico to designate a single planning and service area, with the approval of the Assistant Secretary.

Section 17. Area plans

Section 17 requires area plans on aging to develop a comprehensive and coordinated system for supportive, nutrition, and multipurpose senior centers, taking into consideration the needs and the numbers of older individuals with limited English proficiency. It also requires area plans on aging to consider the number of older individuals at risk for institutional placement residing in the area in developing the system.

It requires that area agencies provide assurances that an adequate proportion of title III funds be spent on services associated with access services, including health services (including mental health). It also specifies that information and assistance may include information and assistance to consumers on availability of title III B supportive services and how to receive benefits under, and participate in, publicly supported programs for which the consumer may be eligible.

The bill requires that area agencies set objectives, consistent with State policy, for providing services to individuals at risk of institutional placement and individuals with limited English proficiency. The bill also requires area agencies on aging to include in provider agreements they make with service providers, a requirement that providers specify how they intend to serve the needs of older individuals with limited English proficiency. The bill requires area agencies to use outreach efforts that will identify older individuals with limited English proficiency and older individuals at risk for institutional placement. Area agencies are also required to coordinate planning, identification, assessment of needs, and provision of services for individuals at risk of institutional placement.

The bill requires area agencies to make use of trained volunteers in providing direct services to older individuals and individuals with disabilities in need of services and, if possible, work in coordination with volunteer programs (including programs administered by the Corporation for National Service) designed to provide training, placement and stipends for volunteers in community service settings.

The bill adds to the membership of area agency advisory councils, family caregivers of older individuals who receive services or

who are eligible to receive services, service providers, and representatives of the business community.

It requires area agencies, in coordinating mental health services, to include mental health screening.

It requires area agencies to facilitate the area-wide development and implementation of a comprehensive, coordinated system for providing long-term care in home and community-based settings, in a manner that is responsive to the needs and preferences of older individuals and their families by:

- collaborating, coordinating and consulting with other local public and private agencies responsible for administering programs, benefits and services regarding long-term care;
- conducting analyses and making recommendations with respect to strategies for modifying the local long-term care system to better respond to the needs and preferences of older individuals and family caregivers;
- facilitating provision of home and community-based care;
- targeting services to those at risk of institutional placement;
- implementing through the agency or service providers evidence-based programs to assist older individuals and their family caregivers in learning about and making behavioral changes to reduce the risk of injury, disease, and disability; and
- providing for the availability and distribution (through public education campaigns and ADRCs) of information on the need to plan in advance for long-term care and on the range of available public and private long-term care programs, options, and resources.

Section 17 also clarifies that area agencies provide assurance that title III funds are used to provide services to older individuals, giving priority to older individuals with greatest economic and social need, those at risk for institutional placement, low-income minority individuals, and individuals residing in rural areas. Funds are to be used in a manner that complies with section 306(a)(13) (maintaining the integrity and public purpose of services and service providers in all contractual and commercial relationships, among other requirements) and the limitations specified in section 212(b) (ensuring appropriate use of funds).

The bill requires area plans on aging to furnish services under the Act consistent with self-directed care, to the maximum extent feasible.

The bill requires area plans to include information detailing how the area agency will coordinate activities and develop long-range emergency plans with local and State emergency response agencies, relief organizations, local and State governments, and any other institutions that have responsibility for disaster relief service delivery.

The bill authorizes area agencies on aging to include in their area plans, an assessment of how prepared the planning and service area is for any anticipated change in the number of older individuals, including the 10-year period following the fiscal year for which the plan is submitted. The assessment may include:

- the projected change in the number of older individuals in the planning and service area;

- an analysis of how this change may affect older individuals, including those with low-income, greatest economic need, minority older individuals, those residing in rural areas, and those with limited English proficiency;
- an analysis of how the programs, policies, and services provided by the area agency can be improved, and how resource levels can be adjusted to meet the needs of the changing population of older individuals in the planning and service area; and
- an analysis of how the change in the number of persons age 85 and older is expected to affect the need for supportive services.

The bill authorizes area agencies on aging, in cooperation with governmental officials, State agencies, tribal organizations or local entities, to make recommendations to government officials in the planning and service area and the State, on actions to build the capacity to meet the needs of older individuals for:

- health and human services;
- land use;
- housing;
- transportation;
- public safety;
- workforce and economic development;
- recreation;
- education;
- civic engagement;
- emergency preparedness; and
- and any other service as determined by the area agency.

Section 18. State plans on aging

Section 18 requires State agencies to conduct periodic evaluations and public hearings on State activities and projects, including evaluations of the effectiveness of service provided to older individuals with limited English proficiency.

The bill requires State plans to identify the number of low-income minority older individuals in the State, including the number of low-income-minority older individuals with limited English proficiency, and describe the methods used to satisfy their service needs. The bill also requires State agencies to use outreach efforts that will identify low-income-minority older individuals with limited English proficieny.

The bill requires State plans on aging to furnish services under the act consistent with self-directed care, to the extent feasible.

The bill requires State agencies on aging, at the election of the State, to include an assessment of how prepared the State is, under its statewide service delivery model, for a change in the number of older individuals during the 10-year period following the fiscal year for which the plan is submitted.

The assessment may include:

- the projected change in the number of older individuals in the State;
- an analysis of how this change may affect older individuals, including those with low-income, greatest economic need, minority older individuals, those residing in rural areas, and those with limited English proficiency;

- an analysis of how the programs, policies, and services provided by the State can be improved, including coordinating with area agencies on aging, and how resource levels can be adjusted to meet the needs of the changing population of older individuals in the State; and
- an analysis of how the change in the number of persons age 85 years and older is expected to affect the need for supportive services.

The bill requires State plans to include information detailing how the State will coordinate activities, and develop long-range emergency preparedness plans, with area agencies on aging, local emergency response agencies, relief organizations, local governments, and any other institutions that have responsibility for disaster relief service delivery. The plan is to include information describing the involvement of the head of the State agency in the development, revision, and implementation of emergency preparedness plans, including the State Public Health Emergency Preparedness and Response Plan.

Section 19. Payments

Section 19 clarifies that funds required to meet the non-federal share for title III funds be from State sources.

Section 20. Nutrition services incentive program

Section 20 requires that additional bonus commodities are to be donated or used by recipients of title III nutrition funds for nutrition services to older individuals.

The bill authorizes such sums as may be necessary for fiscal year 2007–fiscal year 2011 for the nutrition services incentive program.

Section 21. Consumer contributions

Section 21 clarifies that voluntary contributions are allowed and may be solicited if the method of solicitation is noncoercive. It also adds a provision that contributions shall be encouraged for individuals whose self-declared income is at or above 200 percent of the poverty line, at contribution levels based on the actual cost of services. It also requires that all contributions collected are to be used to supplement (not supplant) funds provided under the act.

Section 21 adds reference to older individuals with limited English proficiency to the current law provision requiring State and area agencies to develop plans to ensure that participation of certain older individuals receiving services will not decrease with cost-sharing requirements. It also adds reference to these individuals to the current law provision requiring the Assistant Secretary to conduct a study of the impact of cost-sharing requirements on older individuals.

Section 22. Supportive services and senior centers

The bill adds as allowable supportive services:

- mental health screening, and referral to mental health services;
- assistive technology devices and assistive technology services; and
- services designed to support States, area agencies on aging, and local service providers in carrying out and coordi-

nating activities regarding mental health services, including outreach, education, screening, and referral for treatment of older individuals.

Section 23. Nutrition services

Section 23 adds a new purpose to title III, Nutrition Services, as follows: It is the purpose of this part to promote socialization and the health and well-being of older individuals by assisting such individuals to gain access to nutrition services to delay the onset of adverse health conditions.

Section 24. Congregate nutrition program

Section 24 requires nutrition projects to provide nutrition counseling and other nutrition services, as appropriate, based on the needs of meal participants.

Section 25. Home-delivered services

Section 25 specifies that nutrition projects may include fresh food and deletes the reference to satisfactory storage life when projects provide supplemental foods. It also requires nutrition projects to provide nutrition counseling, and other nutrition services, as appropriate, based on the needs of meal participants.

Section 26. Criteria

Section 26 specifies that the Assistant Secretary, in consultation with recognized experts in the fields of nutrition science, dietetics, meal planning and food service management, and aging, develop criteria for efficiency and quality of home-delivered meals. This section eliminates reference to particular organizations that is contained in current law.

Section 27. Nutrition

Section 27 specifies that States, in establishing and operating nutrition projects, are to solicit the advise of a dietitian or other individual with equivalent education and training in nutrition science, or another individual with education and training in nutrition science; that meals comply with the most recent Dietary Guidelines for Americans; and that intergenerational meals program arrangements are to be done jointly with schools. It also specifies that meal providers are to solicit the advice and expertise of a dietitian, other individuals with education and training in nutrition science, or individuals with comparable expertise in planning of nutrition services. It also requires nutrition projects to provide nutrition counseling and other nutrition services, as appropriate, based on the needs of meal participants.

Section 27 also encourages individuals who distribute home-delivered meals to homebound older individuals, to distribute available medical information approved by health care professionals, such as informational brochures and information on how to get vaccines, including those for influenza, pneumonia, and shingles.

Section 28. Study of nutrition projects

Section 28 requires the Assistant Secretary to use funds that are set aside for evaluation to enter into a contract with the Food and Nutrition Board of the Institute of Medicine of the National Acad-

emies to establish an independent panel of experts to conduct an evidence-based study of the nutrition program.

The study is to include, to the extent data are available:

- an evaluation of the effect of nutrition projects on improvement of health status, including nutritional status of participants; prevention of hunger and food insecurity; and continuation of the ability of participants to live independently;
- a cost-benefit analysis of nutrition projects including their potential to affect Medicaid costs; and
- an analysis of how nutrition projects may be modified to improve health status, prevent hunger, and enable participants to live independently, including by improving the nutritional quality of meals, and by other potential strategies to improve nutrition status.

The panel is required to submit to the Assistant Secretary a report containing the results of the evidence-based study, including recommendations. The Assistant Secretary is required to submit the report to the House Committee on Education and the Workforce and the Senate Committee on Health, Education, Labor, and Pensions.

The Institute of Medicine is required to establish a panel of experts within 90 days of the bill's enactment. The panel is required to submit the report to the Assistant Secretary within 24 months of enactment.

Section 29. Improving indoor air quality in buildings where older individuals congregate

Section 29 requires the Assistant Secretary to work in consultation with qualified experts to provide information on methods to improve the indoor air quality in buildings where older individuals congregate.

Section 30. Caregiver support program definitions

Section 30 amends definitions for the national family caregiver program as follows:

- child is amended to include an adult child with mental retardation or a related developmental disability;
- family caregiver is amended to include caregivers of older individuals or individuals with Alzheimer's disease, or a related disorder with neurological and organic brain dysfunction, who are 50 years of age or older;
- grandparent or older individual who is a relative caregiver is amended to specify that a child of a grandparent or stepgrandparent caregiver includes an adult child with mental retardation or a related developmental disability. It also includes a child who is adopted. Grandparent or older individual relative caregiver of a child is amended to refer to individuals age 55 and older, rather than 60 years and older as in current law.

The bill adds a definition of developmental disability and refers to the definition in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.

Section 31. Caregiver support program

Section 31 specifies that caregiver support services include counseling and other services to assist caregivers in the areas of health,

nutrition, and financial literacy and in making decisions and solving problems relating to their caregiving roles. The bill also clarifies that in providing services for family caregivers, the State is required to give priority for services to family caregivers who provide care to older individuals.

Section 31 also revises the current law section relating to coordination of the caregiver program with other organizations and specifies that each area agency is required to make use of trained volunteers to expand caregiver services and, if possible, work in coordination with entities carrying out volunteer programs (including programs administered by the Corporation for National and Community Service) designed to provide training, placement, and stipends for volunteers in community service settings.

It also requires that the State reports on the caregiver program, which are submitted to the Assistant Secretary, must describe any mechanisms used in the State to provide information about and access to various services to family caregivers, or to grandparents or older individuals who are relative caregivers so that they can better carry out their care responsibilities.

The bill specifies that funds to be allotted to States under the National Family Caregiver Program are from appropriations for fiscal year 2007–fiscal year 2011.

Section 32. Activities and programs of national significance

Section 32 amends the current law section on "Activities of National Significance" to allow, rather than require, the Assistant Secretary to carry out research and programs that include:

- multigenerational programs, including programs that provide supports for grandparents and other older individuals who are relative caregivers raising children (such as kinship navigator programs), and programs that sustain and replicate innovative multigenerational family support programs involving volunteers who are older individuals;
- programs providing support and information to families who have a child with a disability or chronic illness, and to other families in need of family support programs;
- programs addressing unique issues faced by rural caregivers;
- programs focusing on the needs of older individuals with Alzheimer's disease and related dementia and their caregivers; and
- programs supporting caregivers in the roles they carry out in health promotion and disease prevention.

Title IV. Research, Training, and Demonstration Projects and Programs

Section 33. Grant programs

Section 33 authorizes the Assistant Secretary to make grants to, and enter into contracts with, States, public agencies, private nonprofit agencies, institutions of higher education, and tribal organizations for the following new activities:

- planning activities to prepare communities for the aging of the population; and

- development, implementation, and assessment of technology-based service models and best practices to support the use of health monitoring and assessment technologies, communication devices, assistive technologies, and other technologies that may remotely connect family and professional caregivers to frail elderly residing in home and community-based settings or rural areas.

Section 34. Career preparation for the field of aging

Section 34 requires the Assistant Secretary to make grants to Hispanic-serving institutions to provide for education and training to prepare students in the field of aging.

Section 35. Health care service demonstration project in rural areas

Section 35 requires the Assistant Secretary, after consultation with State agencies, to make grants to eligible organizations to pay part or all of the cost of developing or operating model health care service projects in rural areas, including mental health care.

Section 36. Technical assistance and innovation to improve transportation for older individuals

Section 36 stipulates that a nonprofit organization that receives a grant or contract under this section is required to use these funds to carry out an innovative transportation demonstration project to create transportation services for older individuals, in addition to providing technical assistance to assist local transit providers, area agencies on aging, senior centers, and local senior groups, as defined in current law. In carrying out the demonstration project or technical assistance activities the organization may develop innovative approaches for improving access by older individuals to transportation services, including volunteer driver programs, economically sustainable transportation programs, and programs that allow older individuals to transfer their automobiles to a transportation provider in exchange for services, among other things. This section also defines the term economically sustainable transportation.

Section 37. Community planning for the aging population

Section 37 authorizes the Secretary to establish, either directly or through grants or contracts, a national technical assistance program to assist States and area agencies on aging in planning efforts to prepare communities for the aging of the population.

Section 38. Demonstration, support, and research projects for multigenerational activities and civic engagement activities

Section 38 amends the title of Section 417, as follows "Section 417. Demonstration, Support, and Research Projects for Multigenerational Activities and Civic Engagement Activities".

Grants and Contracts. Section 38 requires the Assistant Secretary to award grants and enter into contracts with eligible organizations to conduct the following activities—

- conduct productivity and cost-benefit research to determine the effectiveness of engaging older individuals in paid and unpaid positions with public and nonprofit organizations;
- develop a national agenda and blueprint for creating paid and unpaid positions with public and nonprofit organizations;

- carry out demonstrations and support projects to provide older individuals with multigenerational and civic engagement activities; and
- carry out demonstration projects to coordinate multigenerational and civic engagement activities.

Use of Funds. Section 38 requires, among other things, that funds made available under a grant or contract must be used to carry out the specified activities as well as to evaluate the project involved.

Preference. The bill requires the Assistant Secretary to give preference to:

- organizations with a demonstrated record of carrying out multigenerational or civic engagement activities;
- organizations proposing multigenerational or civic engagement activity service projects that will serve older individuals and communities with the greatest need; and
- organizations with the capacity to develop meaningful roles and assignments that use the time, skills, and experience of older individuals to serve public and nonprofit organizations.

Section 38 requires that organizations submit an application to the Assistant Secretary, as required, to be eligible to receive a grant. Section 38 also defines eligible organizations, and requires an evaluation of the multigenerational and civic engagement activities undertaken, requires a report to Congress. It also defines the following terms: civic engagement activity, multigenerational activity, and multigenerational coordinator.

Section 39. Native American programs

Section 39 amends Section 418 to stipulate that each Resource Center for Native American Elders that receives funds focus on priority areas of concern for Native American older individuals, including, among other things, mental health problems.

Section 40. Multidisciplinary centers and multidisciplinary systems

Section 40 renames Section 419 and adds a new subsection requiring the Assistant Secretary to make competitive grants to States for the development and operation of service delivery systems for mental health screening and treatment services and related programs for older individuals who lack access to such services. It requires programs to:

- increase public awareness regarding the benefits of prevention and treatment of mental disorders in older individuals;
- reduce the stigma associated with mental disorders in older individuals and other barriers to the diagnosis and treatment of the disorders; and
- reduce age-related prejudice and discrimination regarding mental disorders in older individuals.

In awarding grants, Section 40 requires that a State agency that receives funds through a grant, allocate the funds to area agencies on aging to carry out multidisciplinary health services in planning and service areas in the State. In allocating the funds, the State agency is required to give priority to planning and service areas that are medically underserved and in which there are a large number of older individuals. It also requires each area agency on aging to coordinate mental health and treatment services with

other organizations and integrate outreach and educational activities with existing health care and social service providers, to the greatest extent practicable. Funds made available under this part are to supplement and not supplant any Federal, State, and local funds expended by a State. This section defines the term mental health screening and treatment services.

Section 41. Community Innovations for Aging in Place

Section 41 adds a new Section 422 to Title IV, Community Innovations for Aging in Place. It defines the following terms: eligible entity, and Naturally Occurring Retirement Community (NORC).

Grants. Section 41 requires the Assistant Secretary to make grants to eligible entities for developing or carrying out model aging in place projects for older individuals, including individuals who reside in NORCs. Grants are to be for 3-year periods.

Applications. The bill requires entities to submit an application, as required by the Assistant Secretary, and sets forth application requirements.

Use of Funds. Section 41 further stipulates that entities use grant funds to provide a comprehensive and coordinated array of community-based health and social services, which may include mental health services. Specifically, the bill requires that eligible entities provide the following services:

- case management, case assistance, and social work services;
- health care management and health care assistance, including disease prevention and health promotion services;
- education, socialization, and recreational activities;
- volunteer opportunities for project participants; and
- coordination of the services provided under Title III for eligible older individuals served by the project.

Section 41 requires an eligible entity, to the extent practicable, to serve communities of low-income individuals and locate services in, or in close proximity to, locations where large concentrations of older individuals have aged in place, such as NORCs. The bill requires that funds made available to an eligible entity supplement and not supplant any Federal, State, or other funds otherwise available to the entity.

Competitive Grants for Technical Assistance. Section 41 requires the Assistant Secretary to award grants to eligible organizations to provide technical assistance to aging in place grant recipients and carry out other duties as determined by the Assistant Secretary. To be eligible to receive a grant, an organization is required to be a nonprofit organization (including a partnership of nonprofit organizations) that has experience and expertise in providing technical assistance to a range of entities serving older individuals, and experience in evaluating and reporting on programs; and has demonstrated knowledge of and expertise in community-based health and social services.

Section 41 also specifies that to be eligible to receive a grant under this subsection, an organization (including a partnership of nonprofit organizations) shall submit an application. It also sets forth application requirements, including an assurance that the organization will submit evaluations and reports as required by the Assistant Secretary.

Reports. The Assistant Secretary is further required annually to prepare and submit a report to Congress that includes:

- an evaluation of the aging in place model projects;
- recommended best practices for carrying out projects for older individuals aging in place; and
- recommendations for legislative or administrative actions.

Section 42. Choices for Independence Demonstration Project

Section 42 adds a new section 423 of Title IV, Choices for Independence Demonstration Projects. It defines the following terms: consumer, high-risk individual, qualified expenditures, and service coordination.

Authority. Section 42 requires the Assistant Secretary to make grants on a competitive basis to States to enable them to pay for the Federal share of the cost of modifying their long-term care systems to promote and facilitate:

- the choice and control of older individuals and their families in securing long-term care;
- the coordination and cost-effectiveness of State systems of long-term care;
- the provision of long-term care in home and community-based settings; and
- the ability of individuals receiving long-term care to remain as independent and self-sufficient as possible.

Applications by States. For a State to be eligible to receive a grant under this section, the Governor must submit an application, as required by the Assistant Secretary.

Use of Funds by States. Section 42 requires that a State use funds to carry out a demonstration project, either directly or by contract, by integrating into the State's system of long-term care: public education efforts, Healthy Lifestyle Choices programs, ADRCs, and Community Living Incentives programs.

Public education

Public education efforts are to help ensure that consumers are aware of the need to plan in advance for long-term care and of available public and private long-term care options, including private long-term care insurance and sources of information and resources, including ADRCs.

Healthy Lifestyle Choices

Health Lifestyle Choices programs are to provide low-cost, community-level, evidence-based prevention programs and related tools to help older individuals and their family caregivers learn about and make behavioral changes intended to reduce the risk of injury, disease, and disability among older individuals.

ADRCs

States are required to establish ADRCs that provide:

- comprehensive information on available public and private long-term care programs, options, and resources;
- personal counseling and service coordination to assist consumers in assessing their existing or anticipated long-term care needs and circumstances, and developing and imple-

menting a plan for long- term care designed to meet their specific needs and circumstances;

• a convenient point of entry to the range of publicly supported long-term care programs for which an individual may be eligible, including Medicaid, and to such other public benefit programs as the state determines to be appropriate;

• a single process for consumer intake, assessment, and applications for benefits programs, including, where appropriate and feasible, facilitating the determination of an individual's eligibility by collaborating with the appropriate programmatic offices; and

• the ability to respond immediately to a request for assistance from an individual or a family member, in the event of a crisis situation that could result in placement in an institutional care setting; and to provide (or coordinate the provision of), such available short-term assistance as would be necessary and appropriate to temporarily preclude the need for such institutional placement, until a plan for home and community-based long-term care can be developed and implemented.

Section 42 further specifies that in providing for ADRCs, the State is required to ensure that staff are appropriately trained to understand the interactions between private long-term care insurance (especially insurance through long-term care partnership policies) and eligibility for benefits under Medicaid.

Community Living Incentives

Community Living Incentives programs are to help States provide home and community-based long-term care to individuals at high-risk of placement in institutional care. The State is required to ensure that individuals at greatest risk for becoming eligible for benefits under the Medicaid program receive priority for home and community-based long-term care. In addition, Community Living Incentives programs are to carry out the following activities:

• *Long-Term Care Plan.* Provide for assessments of the needs and preferences o high-risk individuals with respect to long-term care and, based on such assessments, develop with individuals and their family, caregivers, or legal representatives a plan for long-term care for such individuals, specifying the types of support, providers, budget, and, if the State elects, cost-sharing contributions involved.

• *Allocation of Funds Based on Individual Budgets.* Ensure that funding for Community Living Incentives programs be allocated among, and disbursed for, the budgets of high-risk individuals under their individually developed long-term care plans.

• *Option to Provide Consumer-Directed Care.* Provide high-risk individuals with the option to receive home and community-based long-term care in a manner that permits individuals to direct and control, in conjunction with a service coordinator, the selection, planning, budgeting, and purchasing of such care (including the amount, duration, scope, providers, and location of such care), to the extent determined appropriate and feasible under the long-term care plan developed. The service coordinator is required to assist the high-risk individuals in purchasing from a qualified provider, a range of long-term care

services or supplies, not otherwise available or eligible for payment through a Federal or State program or a similar third party, that are delivered in home and community-based settings and in a manner that best meets the individuals' needs and respects the individuals' preferences to remain in the least restrictive setting possible.

Federal Share. The bill sets the Federal share for the cost of demonstration projects at not more than 75 percent of the cost (calculated on an annual basis as the State's qualified expenditures for program modifications in the respective fiscal year).

Special Provisions Relating to ADRCs. Section 42 further stipulates that a State ensure that any ADRC:

- coordinate its activities with any State health insurance information, counseling, and assistance program (SHIP) receiving funding (under Section 4360 of the Omnibus Reconciliation Act of 1990);
- be subject to such controls, as determined by the Assistant Secretary, to ensure there is not a conflict of interest with respect to any referrals, for information or otherwise, made by the ADRC for individuals' receiving services through the Center; and
- provide no long-term care services or supplies, with the exception of case management services provided through the area agencies on aging.

Special Provision Relating to Option To Provide Consumer-Directed Care. Payments made for high-risk individuals are not to be included in an individual's gross income for the purposes of the Internal Revenue Code of 1986 and not to be treated as income, assets, or benefits, or otherwise to be taken into account for purposes of determining the individual's eligibility or cost-sharing for any other Federal or State program, other than the program carried out under this section.

Technical Assistance to States. The bill requires the Assistant Secretary, directly or by grant or contract, to provide for technical assistance and oversight of States carrying out demonstration projects, for the purpose of administration, quality assurance, and quality improvement.

Evaluation and Report. Section 42 requires the Assistant Secretary, directly or by grant or contract, to provide for an evaluation of the demonstration projects and report the findings to the President no later than 6 months after termination of the demonstration projects.

Section 43. Responsibilities of Assistant Secretary

Section 43 clarifies the requirement that the Assistant Secretary use the evaluation to improve services delivered, or the operation of projects and programs carried out under this act, including preparing an analysis of such services, projects, and programs, and of how the evaluation related to improvements in such services, projects, and programs, and in the strategic plan of the Administration.

Title V. Community Service Employment for Older Americans

Section 44. Older American Community Service Employment Program

Section 44 specifies that for purposes of a title V participant's eligibility, an underemployed person shall be considered to be an unemployed person. It also requires title V projects to serve the needs of eligible individuals with limited English proficiency.

The bill specifies that an eligible individual may participate in title V projects for a period of not more than 36 months (whether or not consecutive) in the aggregate. A grantee may extend the period of participation for up to 20 percent of the project participants. In selecting participants for the extended period, the grantee is to give priority to: participants age 65 and older or frail older individuals, and individuals who have more than one of the following barriers to employment: a disability; limited English proficiency or low literacy skills; rural residence; residence in an area of high employment; homelessness, or a situation that puts the individual at risk for homelessness; and failure to find employment after using services under Title I of the Workforce Investment Act of 1998 (WIA).

A grantee may petition for a waiver of the 36-month limit if the grantee serves a high concentration of individuals who are hard-to-serve because they have more than one barrier to employment, including a grantee that operates a project in an area where at least 60 percent of the counties are rural counties (as defined by the Economic Research Service of the Department of Agriculture).

Section 44 expresses the sense of the Senate that: the Older American Community Service Employment Program was created with the intent of placing older individuals in community service positions to provide job training placements; and, placing older individuals in community service positions strengthens the ability of individuals to become self-sufficient, provides much-needed volunteer support to organizations that benefit significantly from increased civic engagement, and strengthens the communities that are served by such organizations.

Section 45. Performance

Section 45 requires the Secretary of Labor to establish and implement performance measures, after consultation with the Assistant Secretary for Aging (and others listed in current law). The bill also requires the Assistant Secretary to provide recommendations to the Secretary on establishment and implementation of performance measures.

Section 45 requires that the levels of performance (applicable to indicators of performance) are to be adjusted with respect to factors in current law and the following additional factors specified by the bill: not less than 60 percent of counties in areas served by grantees are rural, as defined by the Economic Research Service of the Department of Agriculture; the areas served by the grantee comprise a difficult-to-serve territory due to limited economies of scale.

The bill requires the Secretary to establish and implement performance measures, including all required indicators, not later than 1 year after the date of enactment of the bill. The Secretary is prohibited from publishing a notice announcing a grant competition and soliciting proposals until the later of (1) the date when the

Secretary implements all required performance indicators, and (2) January 1, 2010. In implementing a performance measure, the Secretary is prohibited from reducing a score on the performance measures of a grantee that receives a waiver to extend the period for enrollee participation if the grantee serves a high concentration of hard-to-serve individuals and, if a grantee extends the enrollee participation time period for more than 20 percent of participants for priority participants, as specified by the bill.

Section 46. Competitive requirements

Section 46 eliminates the requirement that grants be awarded for a period of 1 year, except that, after promulgation of regulations and establishment of performance standards, for a period not to exceed 3 years. Instead, the bill requires the Secretary to award grants to eligible applicants to carry out projects for a 4-year period, through a competitive process that emphasizes meeting performance measures. The Secretary is prohibited from conducting a grant competition until the later of (1) the date when the Secretary implements all required performance indicators, and (2) January 1, 2010.

Section 46 also stipulates than an applicant is eligible to receive a grant according to criteria in current law, and adds the following criteria:

- the applicant's performance on the required indicators specified by the bill (in the case of prior recipients), and the applicant's ability to meet the required indicators (in the case of new applicants);
- the applicant's ability to administer a program that provides community service;
- the applicant's ability to minimize disruption in services for participants and employers; and
- and any additional criteria specified by the Secretary.

The bill deletes the requirement stipulating that if a grantee fails to meet the national performance measures for a second consecutive year, the Secretary is required to conduct a national competition to award 25 percent of the grantee's funds for the following year. It also deletes the requirement stipulating that if a grantee fails to meet the national performance standards for a third consecutive year, the Secretary is required to conduct a national competition to award the remainder of funds (after the 25 percent deduction specified above) for use for the following year. The bill also deletes the requirement that the Secretary take corrective action if the Secretary determines that a project operated by a national grantee in a State has attained performance levels 20 percent or more below the national performance measures, and has failed to meet national performance measures. Instead, the bill requires the Secretary to provide technical assistance to the grantee. It also deletes provisions that specify circumstances that are to occur regarding the first, second and third years of failure of a grantee in a State.

The bill adds the following groups to the definition of individuals with barriers to employment: minority and Indian individuals, individuals with limited English proficiency, and individuals with greatest economic need.

It also specifies that in areas where a substantial population of individuals with barriers to employment exists, a grantee that receives a national grant shall, in selecting subgrantees, give special consideration to selecting organizations (including former recipients of national grants) with demonstrated expertise in serving individuals with barriers to employment.

The bill prohibits the Secretary from promulgating rules affecting grantees in areas where a substantial population of minority individuals exist that would significantly compromise the ability of grantees to serve their targeted populations.

Section 47. Definitions

The bill excludes as income: unemployment compensation, Supplemental Security Income (SSI) benefits, 25 percent of benefits received under Title II of the Social Security Act, and payments made to or on behalf of veterans or former members of the Armed Forces under laws administered by the Secretary of Veterans Affairs.

Title VI. Grants for Native Americans

Section 48. Clarification of maintenance requirement

Section 48 defines the term covered year as fiscal year 2006 or a subsequent fiscal year, for purposes of distribution of funds to tribal organizations.

Section 48 also clarifies current law provisions for the distribution of funds among tribal organizations. It specifies that if a tribal organization received a grant for fiscal year 1991 as part of a consortium, the Assistant Secretary is required to consider the tribal organization to have received a grant for the purposes of the distribution of funds among tribal organizations (related to maintenance of fiscal year 1991 and prior year funds and additional amounts appropriated). This section further specifies that these provisions are to be applied to the tribal organization for each covered year for which it submits an application, even if the application is submitted separate from the consortium or as one of the remaining members of the consortium. Section 48 stipulates that this provision takes effect on October 1, 2005.

Section 49. Native Americans Caregiver Support Program

Section 49 authorizes for the Native American Caregiver Support Program, $6.5 million for fiscal year 2007, $7.0 million for fiscal year 2008, $7.5 million for fiscal year 2009, $8.0 million for fiscal year 2010, and $8.5 million for fiscal year 2011.

Title VII. Allotments for Vulnerable Elder Rights Protection Activities

Section 50. Vulnerable elder rights protection activities

Section 50 authorizes such sums as may be necessary for the long-term care ombudsman, the elder abuse prevention, and the legal assistance development program for fiscal year 2007 and subsequent fiscal years.

Section 51. Elder abuse, neglect, and exploitation prevention amendment

Section 51 adds a new provision specifying that States are required to use their allotments to provide for public education and outreach to promote financial literacy and prevent identity theft and financial exploitation of older individuals.

Section 52. Native American organization provisions

Section 52 authorizes such sums as may be necessary for fiscal year 2007 and subsequent fiscal years for the elder rights programs for Native Americans.

Section 53. Elder Justice Programs

Section 53 establishes the purposes of the Elder Justice Programs (added by the bill as Title VII Subpart B) as follows:

- to assist States and Indian tribes in developing a comprehensive multidisciplinary approach to elder justice;
- to promote research and data collection that will fill gaps in knowledge about elder abuse, neglect, and exploitation;
- to support innovative and effective activities of service providers and programs that are designed to address issues relating to elder abuse, neglect, and exploitation;
- to assist States, tribes, and local service providers in the development of short- and long-term strategic plans for the development and coordination of elder justice research, programs, studies, training, and other efforts; and
- to promote collaborative efforts and diminish overlap and gaps in efforts in developing the important field of elder justice.

Section 53 amends title VII of the act to add a new Subtitle B, Elder Justice Programs.

Section 53 defines the following terms: caregiver; direct care; elder; elder justice; eligible entity; fiduciary; grant; law enforcement; long-term care; loss of capacity for self-care; long-term care facility; nursing facility; State legal assistance developer; and State long-term care ombudsman.

Section 53 authorizes the Assistant Secretary to award grants to States and tribes to strengthen long-term care and provide assistance for elder justice programs. To be eligible to receive a grant, a State or tribal organization is required to submit an application as required by the Assistant Secretary.

Use of Funds. A State or tribe that receives a grant may use the funds to award grants to eligible entities:

- for the prevention, detection, assessment, and treatment of, intervention in, investigation of, and response to elder abuse, neglect, and exploitation;
- to examine various types of elder shelters (safe havens), and to test various models for establishing safe havens (at home or elsewhere);
- to establish or continue volunteer programs that focus on the issues of elder abuse, neglect, and exploitation, or to provide related services;
- to support multidisciplinary elder justice activities by, among other things, supporting and studying team approaches for bringing a multidisciplinary response to elder abuse, ne-

glect, and exploitation; establishing a State or tribal coordinating council; providing training, technical assistance and other methods of support; and broadening and studying various models for elder fatality and serious injury review teams;

• to provide training for individuals with respect to issues of elder abuse, neglect, and exploitation;

• to address underserved populations of elders, such as elders living in rural locations, elders in minority populations, or low-income elders;

• to provide incentives for individuals to train for, seek, and maintain employment providing direct care in a long-term care facility;

• to encourage the establishment of eligible partnerships to develop collaborative and innovative approaches to improve the quality of long-term care, including preventing abuse, neglect, and exploitation; or

• to establish multidisciplinary panels to address and develop best practices concerning methods of improving the quality of long-term care and addressing abuse, including resident-to-resident abuse, in long-term care.

Administrative Expenses. A State or tribe that receives a grant is required to use no more than 5 percent of the funds made available through the grant to pay for administrative expenses.

Supplement Not Supplant. Funds made available through grants must be used to supplement, and not supplant, other Federal, State and local (including tribal) funds expended to carry out the grant activities.

Maintenance of Effort. The State or tribe, in using the proceeds of a grant received, is required to maintain its expenditures for elder justice programs at a level not less than the level they spent for the fiscal year prior to receiving the grant under Subtitle B.

Accountability Measures. The Assistant Secretary is required to develop accountability measures to ensure the effectiveness of the activities conducted using funds through these grants, including accountability measures to ensure that incentives for individuals to train for, seek, and maintain employment providing direct care in a long-term care facility benefit eligible employees and increase the stability of the long-term care workforce.

Evaluating Programs. The Assistant Secretary is required to evaluate the activities conducted using funds made available through Subtitle B grants, and to use the results of such evaluation to determine the activities for which grant funds may be used.

Compliance With Applicable Laws. An entity receiving funds is required to comply with all applicable laws, regulations, and guidelines.

Eligible Partnerships. The bill defines eligible partnerships as a multidisciplinary community partnership consisting of eligible entities or appropriate individuals, such as a partnership consisting of representatives in a community of nursing facility providers, State legal assistance developers, advocates for residents of long-term care facilities, State long-term care ombudsmen, surveyors, the State agency with responsibility for adult protective services, the State agency with responsibility for licensing long-term care facilities, law enforcement agencies, courts, family councils, residents,

certified nurse aides, registered nurses, physicians, and other eligible entities and appropriate individuals.

Authorization of Appropriations. The bill authorizes such sums as may be necessary for each of fiscal year 2005–fiscal year 2008 to carry out grants authorized to states and tribes to strengthen long-term care and provide assistance for elder justice programs.

Section 53 also establishes uniform collection, maintenance and dissemination of national data on elder abuse, neglect, and exploitation.

Purpose. To improve, streamline, and promote uniform collection, maintenance, and dissemination of national data relating to the various types of elder abuse, neglect, and exploitation.

Phase I. The Assistant Secretary, acting through the head of the Office of Elder Abuse Prevention and Services, after consultation with the Attorney General and working with experts in relevant disciplines from the Bureau of Justice Statistics of the Office of Justice Programs of the Department of Justice, is required, not later than 1 year after enactment, to:

- develop a method for collecting national data regarding elder abuse, neglect, and exploitation; and
- develop uniform national data reporting forms adapted to each relevant entity or discipline (such as health, public safety, social and protective services, and law enforcement) reflecting: the distinct manner in which each entity or discipline receives and maintains information; and the sequence and history of reports to or involvement of different entities or disciplines, independently, or the sequence and history of reports from one entity or discipline to another over time.

The national data reporting forms are required to incorporate the definitions of Elder Justice Programs as defined by the bill, for use in determining whether an event is reportable. In addition, the Secretary is required to ensure the protection of individual health privacy consistent with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996, and State and local privacy regulations (as applicable).

Phase II. The Secretary (or the Secretary's designee) is required to ensure that the national data reporting forms and data collection methods are pilot tested in six States selected by the Secretary. This is to take place no later than 1 year after Phase I activities are completed. The Secretary is also required to adjust the national data reporting forms and data collection methods as necessary, after considering the results of the pilot testing and consulting with the Attorney General and relevant experts.

Phase III. After completion of the adjustment to the national data reporting forms, the Secretary is required to submit the national data reporting forms, along with instructions, to the heads of the relevant components of HHS, the Department of Justice, and the Department of the Treasury, and such other Federal entities as may be appropriate, and to each Governor's office for data collection from all relevant State entities, including health care, social services, and law enforcement.

Data Collection Grants to States. The Secretary is authorized to award grants to States to improve data collection activities relating to elder abuse, neglect, and exploitation. To be eligible to receive a grant, a State is required to submit an application, as required,

to the Secretary. Each State receiving a grant for a fiscal year is required to report data for the calendar year that begins during that fiscal year, using the national data reporting forms.

Funding of Data Collection Grants. The Secretary is required initially to distribute 50 percent of the grant funds. The remaining funds are to be distributed at the end of the calendar year that begins during that fiscal year, if the Secretary determines that the state has properly reported required data for the calendar year. Submitted reports are required to indicate the State and year in which each event occurred; and identify the total number of events and the type of each event that occurred in each State during the year.

Report. The Secretary, not later than 1 year after the date of enactment of the bill and annually thereafter, is required to prepare and submit a report regarding activities conducted under this section to the appropriate committees of Congress, including the Committee on Health, Education, Labor, and Pensions and the Special Committee on Aging of the Senate.

Authorization of Appropriations. The bill authorizes such sums as may be necessary to carry out the collection of uniform data on elder abuse, neglect, and exploitation for each of fiscal years 2007–2011.

Section 54. Rule of construction

Section 54 specifies that nothing in title VII of the act is to be construed to interfere with or abridge the right of an older individual to practice his/her religion through reliance on prayer alone for healing, in a case in which a decision to practice the religion:

- is contemporaneously expressed by the older individual—either orally or in writing with respect to a specific illness or injury that the older individual has at the time of the decision and when the older individual is competent to make the decision;
- is set forth prior to the occurrence of the illness or injury in a living will, health care proxy, or other advance directive document that is validly executed and applied under state law; or
- may be unambiguously deduced from the older individual's life history.

VIII. Changes in Existing Law

In compliance with rule XXVI paragraph 12 of the Standing Rules of the Senate, the following provides a print of the statute or the part or section thereof to be amended or replaced (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

OLDER AMERICANS ACT OF 1965

SEC. 101. * * *

* * * * * * *

DEFINITIONS

SEC. 102. For the purposes of this Act—

(1) * * *

* * * * * * *

(12) The term "disease prevention and health promotion services" means—

(A) health risk assessments;

(B) * * *

(C) * * *

[(D) health promotion programs, including but not limited to programs relating to prevention and reduction of effects of chronic disabling conditions (including osteoporosis and cardiovascular disease), alcohol and substance abuse reduction, smoking cessation, weight loss and control, and stress management;]

(D) evidence-based health promotion programs, including programs related to the prevention and mitigation of the effects of chronic disease (including osteoporosis, hypertension, obesity, diabetes, and cardiovascular disease), alcohol and substance abuse reduction, smoking cessation, weight loss and control, stress management, falls prevention, physical activity, and improved nutrition;

(13) The term "abuse" means the willful—

(A) * * *

* * * * * * *

(23) The term "elder abuse, neglect, and exploitation" mean abuse, neglect, and exploitation, of an older individual.

[(24) The term "exploitation" means the illegal or improper act or process of an individual, including a caregiver, using the resources of an older individual for monetary or personal benefit, profit, or gain.]

(24) The term "exploitation" means the fraudulent or otherwise illegal, unauthorized, or improper act or process of an individual, including a caregiver or fiduciary (as such terms are defined in section 751), that uses the resources of an older individual for monetary or personal benefit, profit, or gain, or that results in depriving an older individual of rightful access to, or use of, benefits, resources, belongings, or assets.

* * * * * * *

(29) The term "information and assistance service" means a service for older individuals that—

(A) * * *

* * * * * * *

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

(i) older individuals with greatest social need; [and]

(ii) older individuals with greatest economic need[.]*; and*

(iii) older individuals at risk for institutional placement.

* * * * * * *

(32) The term "long-term care facility" means—

(A) * * *

* * * * * * *

(D) any other adult care home*, including an assisted living facility,* similar to a facility or institution describe in subparagraphs (A) through (C).

* * * * * * *

[(34) The term "neglect" means—

(A) the failure to provide for oneself the goods or services that are necessary to avoid physical harm, mental anguish, or mental illness; or

(B) the failure of a caregiver to provide the goods or services.]

(34)(A) The term "neglect" means—

(i) the failure of a caregiver or fiduciary (as such terms are defined in section 751) to provide the goods or services that are necessary to maintain the health or safety of an older individual; or

(ii) self-neglect.

(B) The term "self-neglect" means an adult's inability, due to physical or mental impairment or diminished capacity, to perform essential self-care tasks including—

(i) obtaining essential food, clothing, shelter, and medical care;

(ii) obtaining goods and services necessary to maintain physical health, mental health, or general safety; or

(iii) managing one's own financial affairs.

* * * * * * *

(43) The term "sexual assault" has the meaning given the term in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

(44) The term "Aging and Disability Resource Center" means a center established by a State as part of the State system of long-term care, to provide a coordinated system for providing—

(A) comprehensive information on available public and private long-term care programs, options, and resources;

(B) personal counseling to assist individuals in assessing their existing or anticipated long-term care needs, and developing and implementing a plan for long-term care designed to meet their specific needs and circumstances; and

(C) consumer access to the range of publicly-supported long-term care programs for which consumers may be eligible, by serving as a convenient point of entry for such programs.

(45) The term "at risk for institutional placement" means, with respect to an older individual, that such individual is unable to perform at least 2 activities of daily living without substantial assistance (including verbal reminding, physical cuing, or supervision), including such an older individual that is determined by the State involved to be in need of placement in a long-term care facility.

(46) The term "Hispanic-serving institution" has the meaning given the term in section 502 of the Higher Education Act of 1965 (20 D.S.C. 1101a).

(47) Except as provided in section 751, the term "long-term care" means any services, care, or items (including assistive devices) that are—

(A) intended to assist individuals in coping with, and to the extent practicable compensating for, functional impairments in carrying out activities of daily living;

(B) furnished at home, in a community care setting (including a small community care setting as defined in subsection (g)(l), and a large community care setting as defined in subsection (h)(l), of section 1929 of the Social Security Act (42 D.S.C. 1396t)), or in a long-term care facility; and

(C) not furnished to diagnose, treat, or cure a medical disease or condition.

(48) The term "self-directed care" means an approach to providing services (including programs, benefits, supports, and technology) under this Act intended to assist an older individual with activities of daily living, in which—

(A) such services (including the amount, duration, scope, provider, and location of such services) are planned, budgeted, and purchased under the direction and control of such individual;

(B) such individual is provided with such information and assistance as is necessary and appropriate to enable such individual to make informed decisions about the individual's service options;

(C) the needs, capabilities, and preferences of such individual with respect to such services, and such individual's ability to direct and control the individual's receipt of such services, are assessed by the area agency on aging involved or the local provider agency;

(D) based on the assessment made under subparagraph (C), upon request, the area agency on aging assists such individual and the individual's family, caregiver, or legal representative in developing—

(i) a plan of services for such individual that specifies which services such individual will be responsible for directing;

(ii) a determination of the role of family members (and others whose participation is sought by such individual) in providing services under such plan; and

(iii) a budget for such services; and

(E) the area agency on aging or State agency involved provides for oversight of such individual's self-directed receipt of services, including steps to ensure the quality of services provided and the appropriate use of funds under this Act.

(49) The term "State system of long-term care" means the Federal, State, and local programs and activities administered by a State that provide, support, or facilitate access to long-term care to individuals in such State.

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TITLE II—ADMINISTRATION ON AGING

ESTABLISHMENT OF ADMINISTRATION ON AGING

SEC. 201. (a) * * *

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(d)(1) * * *

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(e)(1) In this subsection, the terms defined in section 751 shall have the meanings given those terms in that section.

(2) The Secretary is authorized to establish or designate within the Administration (as defined in section 102) an Office of Elder Abuse Prevention and Services.

(3) It shall be the duty of the Assistant Secretary, acting through the head of the Office of Elder Abuse Prevention and Services to—

(A) develop objectives, priorities, policy, and a long-term plan for—

(i) carrying out elder justice programs and activities relating to—

(I) elder abuse prevention, detection, treatment, intervention, and response;

(II) training of individuals regarding the matters described in subclause (I); and

(III) the improvement of the elder justice system in the United States;

(ii) annually collecting, maintaining, and disseminating data relating to the abuse, neglect, and exploitation of elders (and, in the discretion of the Secretary, vulnerable adults), including collecting, maintaining, and disseminating such data under section 753 after consultation with the Attorney General and working with experts from the Department of Justice described in section 753(b)(1);

(iii) disseminating information concerning best practices regarding, and providing training on, carrying out activities related to abuse, neglect, and exploitation of elders (and, in the discretion of the Secretary, vulnerable adults);

(iv) in conjunction with the necessary experts, conducting research related to abuse, neglect, and exploitation of elders (and, in the discretion of the Secretary, vulnerable adults);

(v) providing technical assistance to States and other eligible entities that provide or fund the provision of the services described in subtitle B of title VII; and

(vi) carrying out a study to determine the national incidence and prevalence of elder abuse, neglect, and exploitation in all settings;

(B) implement the overall policy and a strategy to carry out the plan described in subparagraph (A); and

(C) provide advice to the Secretary on elder justice issues and administer such program relating to elder abuse, neglect, and exploitation as the Secretary determines to be appropriate.

(4) The Secretary, acting through the Assistant Secretary, may issue such regulations as may be necessary to carry out this subsection and subtitle B of title VII.

* * * * * * *

FUNCTIONS OF ASSISTANT SECRETARY

SEC. 202. (a) It shall be the duty and function of the Administration to—

(1) * * *

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(11) * * *

(12)(A) consult and coordinate activities with the Administrator of the Centers for Medicare & Medicaid Services to implement and build awareness of programs providing new benefits affecting older individuals; and

[(12) carry on**]** *(B) carry on* a continuing evaluation of the programs and activities related to the objectives of this Act, with particular attention to the impact of medicare and medicaid, the Age Discrimination in Employment Act of 1967, and the programs of the National Housing Act relating to housing for older individuals and the setting of standards for the licensing of nursing homes, intermediate care homes, and other facilities providing care for such individuals;

* * * * * * *

[(20) encourage, and provide technical assistance to, States and area agencies on aging to carry out outreach to inform older individuals with greatest economic need who may be eligible to receive, but are not receiving, supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) (or assistance under a State plan program under such title), medical assistance under title XIX of such Act (42 U.S.C. 1396 et seq.), and benefits under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), of the requirements for eligibility to receive such benefits and such assistance;**]**

(20)(A) provide technical assistance and support for outreach and benefits enrollment assistance to support efforts—

(i) to inform older individuals with greatest economic need, who may be eligible to participate, but who are not participating, in Federal and State programs for which the individuals are eligible, about the programs; and

(ii) to enroll the individuals in the programs;

(B) in cooperation with related Federal agency partners administering the Federal programs, make a grant to or enter into a contract with a qualified, experienced entity to establish a National Center on Senior Benefits Outreach and Enrollment, which shall—

(i) maintain and update web-based decision support and enrollment tools, and integrated, person-centered systems, designed to inform older individuals about the full range of benefits for which the individuals may be eligible under Federal and State programs;

(ii) utilize cost-effective strategies to find older individuals with greatest economic need and enroll the individuals in the programs;

(iii) create and support efforts for Aging and Disability Resource Centers, and other public and private State and community-based organizations, including faith-based or-

ganizations and coalitions, to serve as benefits enrollment centers for the programs;

(iv) develop and maintain an information clearinghouse on best practices and the most cost-effective methods for finding and enrolling older individuals with greatest economic need in the programs; and

(v) provide, in collaboration with related Federal agency partners administering the Federal programs, training and technical assistance on the most effective outreach, screening, enrollment, and follow-up strategies for the Federal and State programs.

* * * * * * *

(26) design and implement, for purposes of compliance with paragraph (19), uniform data collection procedures for use by State agencies, including—

(A) uniform definitions and nomenclature;

(B) standardized data collection procedures;

(C) a participant identification and description system;

(D) procedures for collecting information on [gaps in] services needed by older individuals *including services that would permit such individuals to receive long-term care in home and community-based settings)*, as identified by service providers in assisting clients through the provision of the supportive services; and

(E) procedures for the assessment of unmet needs for services under this Act; [and]

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

(A) * * *

* * * * * * *

(D) submitting a report on the States' experiences in implementing these best practices and the effect these innovations are having on improving service delivery in rural areas to the relevant committees not later than 36 months after enactment[.]*; and*

(28) make available to States information and technical assistance to support the provision of evidence-based disease prevention and health promotion services.

* * * * * * *

[(b) In order to strengthen the involvement of the Administration in the development of policy alternatives in long-term care and to insure that the development of community alternatives is given priority attention, the Assistant Secretary shall—

[(1) develop planning linkages with utilization and quality control peer review organizations under title XI of the Social Security Act, with the substance Abuse and Mental Health Services Administration and the Administration on Developmental Disabilities;

[(2) participate in all departmental and interdepartmental activities which concern issues of institutional and noninstitutional long-term health care services development;

[(3) review and comment on all departmental regulations and policies regarding community health and social service development for older individuals; and

[(4) participate in all departmental and interdepartmental activities to provide a leadership role for the Administration, State agencies, and area agencies on aging in the development and implementation of a national community-based long-term care program for older individuals.]

[(c) In executing the duties and functions of the Administration under this Act and carrying out the programs and activities provided for by this Act, the Assistant Secretary, in consultation with the Corporation for National and Community Service, shall take all possible steps to encourage and permit voluntary groups active in supportive services, including youth organizations active at the high school or college levels, to participate and be involved individually or through representative groups in such programs or activities to the maximum extent feasible, through the performance of advisory or consultative functions, and in other appropriate ways.]

(b) To promote the development and implementation of comprehensive, coordinated systems at Federal, State, and local levels that enable older individuals to receive long-term care in home and community-based settings, in a manner responsive to the needs and preferences of the older individuals and their family caregivers, the Assistant Secretary shall, consistent with the applicable provisions of this title—

(1) collaborate, coordinate, and consult with other Federal agencies and departments (other than the Administration on Aging) responsible for formulating and implementing programs, benefits, and services related to providing long-term care, and may make grants, contracts, and cooperative agreements with funds received from those other Federal agencies and departments;

(2) conduct research and demonstration projects to identify innovative, cost-effective strategies for modifying State systems of long-term care to—

(A) respond to the needs and preferences of older individuals and family caregivers;

(B) target services to individuals at risk for institutional placement, to permit such individuals to remain in home and community-based settings; and

(C) establish criteria for and promote the implementation (through area agencies on aging, service providers, and such other entities as the Assistant Secretary determines to be appropriate) of evidence-based programs to assist older individuals and their family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease, and disability among older individuals;

(3) facilitate, in coordination with the Administrator of the Centers for Medicare & Medicaid Services, the provision of such care through self-directed care models that—

(A) provide for the assessment of the needs and preferences of an individual at risk for institutional placement to help such individual avoid unnecessary institutional placement and depletion of income and assets to qualify for

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

(B) respond to the needs and preferences of such individual and provide the option—

(i) for the individual to direct and control the receipt of supportive services provided; or

(ii) as appropriate, for a person who was appointed by the individual, or is legally acting on the individual's behalf, in order to represent or advise the individual in financial or service coordination matters (referred to in this paragraph as a "representative" of the individual), to direct and control the receipt of those services; and

(C) assist an older individual (or, as appropriate, a representative of the individual) to develop a plan for long-term support, including selecting, budgeting for, and purchasing home and community-based long-term care and supportive services;

(4) provide for the Administration to play a lead role with respect to issues concerning home and community-based long-term care, including—

(A) directing (as the Secretary or the President determines to be appropriate) or otherwise participating in departmental and inter-departmental activities concerning long-term care; and

(B) reviewing and commenting on departmental rules, regulations, and policies related to providing long-term care; and

(C) making recommendations to the Secretary with respect to home and community-based long-term care, including recommendations based on findings made through projects conducted under paragraph (2);

(5) promote, in coordination with other appropriate Federal agencies—

(A) enhanced awareness by the public of the importance of planning in advance for long-term care; and

(B) the availability of information and resources to assist in such planning;

(6) implement in each State an Aging and Disability Resource Center—

(A) to serve as a visible and trusted source of information on the full range of options for long-term care, including both institutional and home- and community-based care, that are available in the State;

(B) to provide personalized and consumer-friendly assistance to empower individuals to make informed decisions about their long-term care options;

(C) to provide coordinated and streamlined access to all publicly funded long-term care options so that consumers can obtain the care they need through a single intake, assessment, and eligibility determination process;

(D) to help individuals to plan ahead for their long-term care needs; and

(E) to assist, in coordination with the entity carrying out the health insurance information, counseling, and assist-

ance program (receiving funding under section 4360 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1395b–4)) in the State, beneficiaries, and prospective beneficiaries, under the Medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) in understanding and accessing prescription drug and preventative health benefits under the provisions of, and amendments made by, the Medicare Prescription Drug, Improvement, and Modernization Act of 2003;

(7) establish, either directly or through grants or contracts, a national technical assistance program to assist State agencies, area agencies on aging, and community-based service providers funded under this Act in implementing home and community-based long-term care systems, including evidence-based programs;

(8) develop, in collaboration with the Administrator of the Centers for Medicare & Medicaid Services, performance standards and measures for use by States to determine the extent to which their State systems of long-term care fulfill the objectives described in this subsection; and

(9) conduct such other activities as the Assistant Secretary determines to be appropriate.

(c) The Assistant Secretary, after consultation with the Chief Executive Officer of the Corporation for National and Community Service, shall—

(1) encourage and permit volunteer groups (including organizations carrying out national service programs and including organizations of youth in secondary or postsecondary school) that are active in supportive services and civic engagement to participate and be involved individually or through representative groups in supportive service and civic engagement programs or activities to the maximum extent feasible;

(2) develop a comprehensive strategy for utilizing older individuals to address critical local needs of national concern; and

(3) encourage other community capacity-building initiatives involving older individuals.

* * * * * * *

(e)(1)(A) * * *

(i) * * *

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(vi) be a national resource on statistical data regarding aging**[**;**]**.

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FEDERAL AGENCY CONSULTATION

SEC. 203. (a)(1) * * *

* * * * * * *

(3) The head of each department, agency, or instrumentality of the Federal Government administering programs and services substantially related to the objectives of this Act shall collaborate with the Assistant Secretary in carrying out this Act, and shall develop a written analysis, for review and comment by the Assistant Secretary, of the impact of such programs and services on—

(A) older individuals [(with particular attention to low-income minority older individuals and older individuals residing in rural areas)] *(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)* and eligible individuals (as defined in [section 507] *section 516)*; and

* * * * * * *

(b) For the purposes of subsection (a), programs related to the objectives of this Act shall include—

(1) * * *

* * * * * * *

(17) the Developmental Disabilities Assistance and Bill of Rights Act of 2000, [and]

(18) the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, established under part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750–3766b))[.]*; and*

(19) sections 4 and 5 of the Assistive Technology Act of 1998 (29 U.S.C. 3003, 3004).

(c)(1) The Secretary, in collaboration with the Secretary of Housing and Urban Development and with the other Federal officials specified in paragraph (2), shall establish an interagency coordinating committee (referred to in this subsection as the "Committee") focusing on the coordination of agencies with respect to aging issues, particularly issues related to demographic changes and housing needs among older individuals.

(2) The officials referred to in paragraph (1) are the Secretary of Labor, the Secretary of Housing and Urban Development, the Attorney General, the Secretary of Transportation, the Secretary of the Treasury, the Secretary of Agriculture, the Commissioner of Social Security, the Surgeon General, the Administrator of the Centers for Medicare & Medicaid Services, the Director of the Centers for Disease Control and Prevention, the Director of the National Institutes of Health, the Assistant Secretary for Children and Families, the Administrator of the National Highway Traffic Safety Administration, and such other Federal officials as the Secretary of Health and Human Services determines to be appropriate.

(3) The Secretary of Health and Human Services shall serve as the first chairperson of the Committee, for an initial period of 2 years. After that initial period, the Secretary of Housing and Urban Development and the Secretary of Health and Human Services shall alternate as chairpersons of the Committee, each serving as chairperson for a period of 2 years.

(4) The Committee shall—

(A) review all Federal programs and services that assist older individuals in finding and affording housing, health care, and other services, including those Federal programs and services that assist older individuals in accessing health care, transportation, supportive services, and assistance with daily activities, at the place or close to the place where the older individuals live;

(B) monitor, evaluate, and recommend improvements in programs and services administered, funded, or financed by Fed-

eral, State, and local agencies to assist older individuals in meeting their housing, health care, and other service needs and make any recommendations about how the agencies can better carry out and provide the programs and services to house and serve older individuals;

(C) recommend ways to—

(i) facilitate aging in place of older individuals, by identifying and making available the programs and services necessary to enable older individuals to remain in their homes as the individuals age;

(ii) reduce duplication by Federal agencies of programs and services to assist older individuals in meeting their housing, health care, and other service needs;

(iii) ensure collaboration among and within agencies in providing and making available the programs and services so that older individuals are able to easily access needed programs and services;

(iv) work with States to better provide housing, health care, and other services to older individuals by—

(I) holding individual meetings with State representatives;

(II) providing ongoing technical assistance to States about better meeting the needs of older individuals; and

(III) working with States to designate State liaisons for the Committee;

(v) identify model programs and services to assist older individuals in meeting their housing, health care, and other service needs, including model—

(I) programs linking housing, health care, and other services;

(II) financing products offered by government, quasi-government, and private sector entities; and

(III) innovations in technology applications that give older individuals access to information on available services or that help in providing services to older individuals;

(vi) collect and disseminate information about older individuals and the programs and services available to the individuals to ensure that the individuals can access comprehensive information; and

(vii) work with the Federal Interagency Forum on Aging-Related Statistics, the Bureau of the Census, and member agencies—

(I) to collect and maintain data relating to the housing, health care, and other service needs of older individuals so that all such data can be accessed in 1 place on a designated website; and

(II) to identify and address unmet data needs;

(D) make recommendations to guide policy and program development across Federal agencies with respect to demographic changes among older individuals; and

(E) actively seek input from and consult with all appropriate and interested parties, including public health interest and re-

search groups and foundations about the activities described in subparagraphs (A) through (D).

(5) Each year, the Committee shall prepare and submit to the President, the Committee on Financial Services of the House of Representatives, the Committee on Education and the Workforce of the House of Representatives, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Special Committee on Aging of the Senate, a report that—

(A) describes the activities and accomplishments of the Committee in working with Federal, State, and local governments, and private organizations, in coordinating programs and services to meet the requirements of paragraph (4);

(B) assesses the level of Federal assistance required to meet the needs described in paragraph (4);

(C) incorporates an analysis from the head of each agency that is a member of the interagency coordinating committee established under paragraph (1) that describes the barriers and impediments, including barriers and impediments in statutory and regulatory law, to the access and use by older individuals of programs and services administered by such agency; and

(D) makes recommendations for appropriate legislative and administrative actions to meet the needs described in paragraph (4) and for coordinating programs and services designed to meet those needs.

(6)(A) The Secretary of Health and Human Services, after consultation with the Secretary of Housing and Urban Development, shall appoint an executive director of the Committee.

(B) On the request of the Committee, any Federal Government employee may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

* * * * * * *

ADMINISTRATION OF THE ACT

SEC. 205.(a)(1) In carrying out the objectives of this Act, the Assistant Secretary is authorized to—

(A) provide consultative services and technical assistance to public or nonprofit private agencies and organizations;

(B) provide short-term training and technical instruction;

(C) conduct research and demonstrations; *and*

(D) collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this act**[**; and**]**.

[(E) provide staff and other technical assistance to the Federal Council on the Aging.**]**

(2)(A) The Assistant Secretary shall designate an officer or employee who shall serve on a full-time basis and who shall be responsible for the administration of the nutrition services described in subparts 1 and 2 of part C of title III and shall have duties that include—

[(i) designing, implementing, and evaluating nutrition programs:**]**

(i) designing, implementing, and evaluating evidence-based programs to support improved nutrition and regular physical activity for older individuals;

(ii) * * *

[(iii) disseminating information to nutrition service providers about nutrition advancements and developments;]

(iii) conducting outreach and disseminating evidence-based information to nutrition service providers about the benefits of healthful diets and regular physical activity, including information about the most current Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341), the Food Guide Pyramid published by the Secretary of Agriculture, and advances in nutrition science;

(iv) * * *

(v) * * *

(vi) * * *

(vii) developing model menus and other appropriate materials for serving special needs populations and meeting cultural meal preferences; [and]

[(viii) providing technical assistance to the regional offices of the Administration with respect to each duty described in clauses (i) through (vii).]

(viii) disseminating guidance that describes strategies for improving the nutritional quality of meals provided under title III; and

(ix) providing technical assistance to the regional offices of the Administration with respect to each duty described in clauses (i) through (viii).

* * * * * * *

(C) The officer or employee designated under subparagraph (A) shall—

[have expertise in nutrition and dietary services and planning; and]

* * * * * * *

(i) have expertise in nutrition and meal planning; and

* * * * * * *

EVALUATION

SEC. 206. (a) * * *

* * * * * * *

(g) [The Secretary may use such sums as may be necessary, but not to exceed $3,000,000 (of which not to exceed $1,500,000 shall be available from funds appropriated to carry out title III and not to exceed $1,500,000 shall be available from funds appropriated to carry out title IV), to conduct directly evaluations under this section.] *From the total amount appropriated for each fiscal year to carry out title III, the Secretary may use such sums as may be necessary, but not more than ½ of 1 percent of such amount, for purposes of conducting evaluations under this section, either directly or by grant or contract.* No part of such sums may be reprogrammed, transferred, or used for any other purpose. Funds expended under

this subsection shall be justified and accounted for by the Secretary.

* * * * * * *

REPORTS

SEC. 207. (a) Not later than one hundred and twenty days after the close of each fiscal year, the Assistant Secretary shall prepare and submit to the President and to the Congress a full and complete report on the activities carried out under this Act. Such annual reports shall include—

(1) * * *

* * * * * * *

(b)(1) Not later than March 1 of each year, the Assistant Secretary shall compile a report—

(A) * * *

* * * * * * *

(2) The Assistant Secretary shall submit the report required by paragraph (1) to—

(A) the Special Committee on Aging of the Senate;

(B) the Committee on Education and [Labor] *the Workforce* of the House of Representatives; and

(C) the Committee on [Labor and Human Resources] *Health, Education, Labor, and Pensions* of the Senate.

* * * * * * *

[CONTRACTING AND GRANT AUTHORITY

[SEC. 212. None of the provisions of this Act shall be construed to prevent a recipient of a grant or a contract from entering into an agreement, subject to the approval of the State agency (or in the case of a grantee under title VI, subject to the recommendation of the Director of the Office for American Indian, Alaskan Native, and Native Hawaiian Aging and the approval of the Assistant Secretary), with a profitmaking organization to carry out the provisions of this Act and of the appropriate State plan.]

SEC. 212. CONTRACTING AND GRANT AUTHORITY; PRIVATE PAY RELATIONSHIPS; APPROPRIATE USE OF FUNDS.

(a) IN GENERAL.—Subject to subsection (b), this Act shall not be construed to prevent a recipient of a grant or a contract under this Act from entering into an agreement—

(1) with a profitmaking organization;

(2) under which funds provided under such grant or contract are used to pay part or all of a cost (including an administrative cost) incurred by such recipient to carry out a contract or commercial relationship for the benefit of older individuals or their family caregivers, whether such contract or relationship is carried out to implement a provision of this Act or to conduct activities inherently associated with implementing such provision; or

(3) under which any individual, regardless of age or income (including the family caregiver of such individual), who seeks to receive 1 or more services may voluntarily pay, such individ-

ual's own private expense, to receive such services based on the fair market value of such services.

(b) ENSURING APPROPRIATE USE OF FUNDS.—An agreement described in subsection (a) may not—

(1) be made without the prior approval of the State agency (or, in the case of a grantee under title VI, without the prior recommendation of the Director of the Office for American Indian, Alaska Native, and Native Hawaiian Aging and the prior approval of the Assistant Secretary);

(2) directly or indirectly provide for, or have the effect of, paying, reimbursing, or otherwise compensating an entity under such agreement in an amount that exceeds the fair market value of the goods or services furnished by such entity under such agreement;

(3) result in the displacement of services otherwise available to an older individual with greatest social need, an older individual with greatest economic need, or an older individual who is at risk for institutional placement; or

(4) in any other way compromise, undermine, or be inconsistent with the objective of serving the needs of older individuals, as determined by the Assistant Secretary.

* * * * * * *

[SEC. 214. NUTRITION EDUCATION.]

[The Assistant Secretary and the Secretary of Agriculture may provide technical assistance and appropriate material to agencies carrying out nutrition education programs in accordance with section 339(2)(J).]

SEC. 214. NUTRITION EDUCATION.

The Assistant Secretary, in consultation with the Secretary of Agriculture, shall conduct outreach and provide technical assistance to agencies and organizations that serve older individuals to assist such agencies and organizations to carry out integrated health promotion and disease prevention programs that—

(1) are designed for older individuals; and

(2) include—

(A) nutrition education;

(B) physical activity; and

(C) other activities to modify behavior and to improve health literacy, including providing information on optimal nutrient intake, through education and counseling in accordance with section 339(2)(J).

* * * * * * *

SEC. 215. PENSION COUNSELING AND INFORMATION PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) PENSION AND OTHER RETIREMENT BENEFITS.— * * *

* * * * * * *

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

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

(A) * * *

* * * * * * *

(J) establishes or continues an outreach program to provide information, counseling, referral and assistance regarding pension and other retirement benefits, with particular emphasis on outreach to women, minorities, older individuals residing in rural areas [and low income retirees] *, low-income retirees, and older individuals with limited English proficiency*; and

* * * * * * *

(f) CRITERIA.—The Assistant Secretary shall consider the following criteria in awarding grants under this section:

(1) Evidence of a commitment by the entity to carry out a proposed pension counseling and information program.

[(2) The ability of the entity to perform effective outreach to affected populations, particularly populations that are identified in need of special outreach.]

(2) The ability of the entity to perform effective outreach to affected populations, particularly populations with limited English proficiency and other populations that are identified as in need of special outreach.

* * * * * * *

(h) PENSION ASSISTANCE HOTLINE AND INTRAGENCY COORDINATION.—

(1) HOTLINE.— * * *

(2) CONTENT.—Such hotline described in paragraph (1) shall provide information for individuals *(including individuals with limited English proficiency)* seeking outreach, information, counseling, referral, and assistance regarding pension and other retirement benefits, and rights related to such benefits.

* * * * * * *

SEC. 216. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—For purposes of carrying out this Act, there are authorized to be appropriated for administration, salaries, and expenses of the Administration such sums as may be necessary for fiscal years [2001, 2002, 2003, 2004, and 2005] *2007, 2008, 2009, 2010, and 2011.*

(b) ELDERCARE LOCATOR SERVICE.—There are authorized to be appropriated to carry out section 202(a)(24) (relating to the National Eldercare Locator Service) such sums as may be necessary for fiscal [year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years] *years 2007, 2008, 2009, 2010, and 2011.*

(c) PENSION COUNSELING AND INFORMATION PROGRAMS.—There are authorized to be appropriated to carry out section 215, such sums as may be necessary for fiscal [year 2001 and for each of the 4 succeeding fiscal years] *years 2007, 2008, 2009, 2010, and 2011.*

* * * * * * *

TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

PART A—GENERAL PROVISIONS

PURPOSE; ADMINISTRATION

SEC. 301. (a)(1) It is the purpose of this title to encourage and assist State agencies and area agencies on aging to concentrate resources in order to develop greater capacity and foster the development and implementation of comprehensive and coordinated systems to serve older individuals by entering into new cooperative arrangements in each State with the persons described in paragraph (2), for the planning, and for the provision of, supportive services, and multipurpose senior centers, in order to—

(A) * * *

* * * * * * *

(2) The persons referred to in paragraph (1) include—

(A) * * *

* * * * * * *

(D) the providers, including voluntary organizations or other private sector organizations, of supportive services, nutrition services, and multipurpose senior centers; [and]

(E) organizations representing or employing older individuals or their families[.]*; and*

(F) organizations with experience in providing senior volunteer services, such as Federal volunteer programs administered by the Corporation for National and Community Service and designed to provide training, placement, and stipends for volunteers in community service settings.

* * * * * * *

AUTHORIZATION OF APPROPRIATIONS; USES OF FUNDS

SEC. 303. (a)(1) There are authorized to be appropriated to carry out part B (relating to supportive services) such sums as may be necessary for fiscal [year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years] *years 2007, 2008, 2009, 2010, and 2011.*

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

(b)(1) There are authorized to be appropriated to carry out subpart 1 of part C (relating to congregate nutrition services) such sums as may be necessary for fiscal [year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years] *years 2007, 2008, 2009, 2010, and 2011.*

(2) There are authorized to be appropriated to carry out subpart 2 of part C (relating to home delivered nutrition services) such sums as may be necessary for fiscal [year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years] *years 2007, 2008, 2009, 2010, and 2011.*

* * * * * * *

(d) There are authorized to be appropriated to carry out part D (relating to disease prevention and health promotion services) such

sums as may be necessary for fiscal [year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years] *years 2007, 2008, 2009, 2010, and 2011.*

(e)(1) There are authorized to be appropriated to carry out part E (relating to family caregiver support [$125,000,000 for fiscal year 2001 if the aggregate amount appropriated under subsection (a)(1) (relating to part B, supportive services), paragraphs (1) (relating to subpart 1 of part C, congregate nutrition services) and (2) (relating to subpart 2 of part C, home delivered nutrition services) of subsection (b), and (d) (relating to part D, disease prevention and health promotion services) of this section for fiscal year 2001 is not less than the aggregate amount appropriated under subsection (a)(1), paragraphs (1) and (2) of subsection (b), and subsection (d) of section 303 of the Older Americans Act of 1965 for fiscal year 2000.] *$160,000,000 for fiscal year 2007.*

(2) There are authorized to be appropriated to carry out part E (relating to family caregiver support) [such sums as may be necessary for each of the 4 succeeding fiscal years.] *$170,000,000 for fiscal year 2008, $180,000,000 for fiscal year 2009, $190,000,000 for fiscal year 2010, and $200,000,000 for fiscal year 2011.*

* * * * * * *

ALLOTMENT; FEDERAL SHARE

SEC. 304. (a)(1) * * *

* * * * * * *

(d)(1) From any State's allotment, after the application of section 308(b), under this section for any fiscal year—

[(A) such amount as the State agency determines, but not more than 10 percent thereof, shall be available for paying such percentage as the agency determines, but not more than 75 percent, of the cost of administration of area plans;]

(A)(i) such amount as the State agency determines, but not more than 10 percent thereof, shall be available for paying such percentage as the agency determines, but not more than 75 percent, of the cost of administration of area plans; and

(ii) in addition to that amount, for any fiscal year among fiscal years 2007 through 2011 for which the amount appropriated under subsections (a) through (d) of section 303 is not less than 110 percent of that appropriated amount for fiscal year 2006, an amount equal to 1 percent of the State's allotment shall be used by the area agencies on aging in the State to carry out the assessment described in section 306(b);

* * * * * * *

ORGANIZATION

SEC. 305. (a) In order for a State to be eligible to participate in programs of grants to States from allotments under this title—

(1) * * *

(A) * * *

* * * * * * *

(E) divide the State into distinct planning and service areas (or in the case of a State specified in subsection

(b)(5)(A), designate the entire State as a single planning and service area), in accordance with guidelines issued by the Assistant Secretary, after considering the geographical distribution of older individuals in the State, the incidence of the need for supportive services, nutrition services, multipurpose senior centers, and legal assistance, the distribution of older individuals who have greatest economic need [(with particular attention to low-income minority individuals and older individuals residing in rural areas)] *(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)* residing in such areas, the distribution of older individuals who have greatest social need [(with particular attention to low-income minority individuals and older individuals residing in rural areas)] particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas) residing in such areas, the distribution of older individuals who are Indians residing in such areas, the distribution of resources available to provide such services or centers, the boundaries of existing areas within the State which were drawn for the planning or administration of supportive services programs, the location of units of general purpose local government within the State, and any other relevant factors; [and]

(2) the State agency shall—

(A) * * *

* * * * * * *

(E) provide assurance that preference will be given to providing services to older individuals with greatest economic need and older individuals with greatest social need[, with particular attention to low-income minority individuals and older individuals residing in rural areas]*(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)*, and include proposed methods of carrying out the preference in the State plan;

(F) * * *

(G)(i) set specific objectives in consultation with area agencies on aging, for each planning and service area for providing services funded under this title to low-income minority older individuals and older individuals residing in rural areas;

(ii) * * *

(iii) provide a description of the efforts described in clause (ii) that will be undertaken by the State agency[.]*; and*

(3) the State agency shall, consistent with this section, promote the development and implementation of a State system of long-term care that is a comprehensive, coordinated system that enables older individuals to receive long-term care in home and

community-based settings, in a manner responsive to the needs and preferences of the older individuals and their family caregivers, by—

(A) collaborating, coordinating, and consulting with other agencies in such State responsible for formulating, implementing, and administering programs, benefits, and services related to providing long-term care;

(B) participating in any State government activities concerning long-term care, including reviewing and commenting on any State rules, regulations, and policies related to long-term care;

(C) conducting analyses and making recommendations with respect to strategies for modifying the State system of long-term care to better—

(i) respond to the needs and preferences of older individuals and family caregivers;

(ii) facilitate the provision, by service providers, of long-term care in home and community-based settings;

(iii) target services to older individuals at risk for institutional placement, to permit such individuals to remain in home and community-based settings; and

(iv) implement (through area agencies on aging, service providers, and such other entities as the State determines to be appropriate) programs to assist older individuals and their family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease, and disability among older individuals; and

(D) providing for the availability and distribution (through public education campaigns, Aging and Disability Resource Centers, area agencies on aging, and other appropriate means) of information relating to—

(i) the need to plan in advance for long-term care; and

(ii) the range of available public and private long-term care programs, options, and resources.

(b)(1) * * *

* * * * * * *

(6) Nothing in this section shall prevent the Commonwealth of Puerto Rico from designating, with the approval of the Assistant Secretary, a single planning and service area to cover all the older individuals in the Commonwealth.

* * * * * * *

AREA PLANS

SEC. 306. (a) * * *

(1) provide, through a comprehensive and coordinated system, for supportive services, nutrition services, and, where appropriate, for the establishment, maintenance, or construction of multipurpose senior centers, within the planning and service area covered by the plan, including determining the extent of need for supportive services, nutrition services, and multipurpose senior centers in such area (taking into consideration, among other things, the number of older individuals with low

incomes residing in such area, the number of older individuals who have greatest economic need ⟦(with particular attention to low-income minority individuals and older individuals residing in rural areas)⟧ *(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)* residing in such area, the number of older individuals who have greatest social need ⟦(with particular attention to low-income older individuals)⟧ *(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)* residing in such area, *the number of older individuals at risk for institutional placement residing in such area,* and the number of older individuals who are Indians residing in such area, and the efforts of voluntary organizations in the community), evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of supportive services, nutrition services, or multipurpose senior centers in such area, for the provision of such services or centers to meet such need;

(2) provide assurances that an adequate proportion, as required under section 307(a)(2), of the amount allotted for part B to the planning and service area will be expended for the delivery of each of the following categories of services—

(A) services associated with access to services (transportation, *health services (including mental health services),* outreach, information and assistance *(which may include information and assistance to consumers on availability of services under part B and how to receive benefits under and participate in publicly supported programs for which the consumer may be eligible)*, and case management services);

* * * * * * *

(4)(A)⟦(i) provide assurances that the area agency on aging will set specific objectives for providing services to older individuals with greatest economic need and older individuals with greatest social need, include specific objectives for providing services to low-income minority individuals residing in rural areas, and include proposed methods of carrying out the preference in the area plan;⟧ *(i) provide assurances that the area agency on aging will—*

(I) set specific objectives, consistent with State policy, for providing services to older individuals with greatest economic need, older individuals with greatest social need, and older individuals at risk for institutional placement;

(II) include specific objectives for providing services to low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas; and

(III) include in the area plan proposed methods to achieve such objectives;

(ii) provide assurances that the area agency on aging will include in each agreement made with a provider of any service under this title, a requirement that such provider will—

(I) specify how the provider intends to satisfy the service needs of low-income minority individuals *(including older individuals with limited English proficiency)* and older individuals residing in rural areas in the area served by the provider;

(II) to the maximum extent feasible, provide services to low-income minority individuals *(including older individuals with limited English proficiency)* and older individuals residing in rural areas in accordance with their need for such services; and

(III) meet specific objectives established by the area agency on aging, for providing services to low-income minority individuals *(including older individuals with limited English proficiency)* and older individuals residing in rural areas within the planning and service area; and

* * * * * * *

(B) provide assurances that the area agency on aging will use outreach efforts that will—

(i) identify individuals eligible for assistance under this Act, with special emphasis on—

(I) older individuals residing in rural areas;

(II) older individuals with greatest economic need (with particular attention to low-income minority individuals and older individuals residing in rural areas);

(III) older individuals with greatest social need (with particular attention to low-income minority individuals and older individuals residing in rural areas);

(IV) older individuals with severe disabilities;

(V) older Individuals [with limited English-speaking ability; and] *with limited English proficiency;*

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

(VII) older individuals at risk for institutional placement; and

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

* * * * * * *

(5) provide assurances that the area agency on aging will coordinate planning, identification, assessment of needs, and provision of services for older individuals with disabilities, with particular attention to individuals with severe disabilities *and individuals at risk for institutional placement*, with agencies that develop or provide services for individuals with disabilities;

(6) provide that the area agency on aging will—

(A) * * *

* * * * * * *

(C)(i) where possible, enter into arrangements with organizations providing day care services for children, assistance to older individuals caring for relatives who are children, and respite for families, so as to provide opportunities for older individuals to aid or assist on a voluntary basis in the delivery of such services to children, adults, and families; **[**and**]**

(ii) if possible regarding the provision of services under this title, enter into arrangements and coordinate with organizations that have a proven record of providing services to older individuals, that—

(I) * * *

(II) came into existence during fiscal year 1982 as direct successors in interest to such community action agencies or community action programs;

and that meet the requirements under section 676B of the Community Services Block Grant Act; *(and*

(iii) make use of trained volunteers in providing direct services delivered to older individuals and individuals with disabilities needing such services and, if possible, work in coordination with entities arrying out volunteer programs (including programs administered by the Corporation for National and Community Services) designed to provide training, placement, and stipends for volunteers in community service settings;

(D) establish an advisory council consisting of older individuals (including minority individuals and older individuals residing in rural areas) who are participants or who are eligible to participate in programs assisted under this Act, *family caregivers of such individuals,* representatives of older individuals, *service providers, representatives of the business community,* local elected officials, providers of veterans' health care if appropriate), and the general public, to advise continuously the area agency on aging on all matters relating to the development of the area plan, the administration of the plan and operations conducted under the plan;

* * * * * * *

(F) coordinate any mental health services *(including mental health screening)* provided with funds expended by the area agency on aging for part B with the mental health service *including (mental health screening)* provided by community health centers and by other public agencies and nonprofit private organizations; and

* * * * * * *

[(7) provide that the area agency on aging will facilitate the coordination of community-based, long-term care services designed to enable older individuals to remain in their homes, by means including—

[(A) development of case management services as a component of the long-term care services, consistent with the requirements of paragraph (8);

[(B) involvement of long-term care providers in the coordination of such services; and

[(C) increasing community awareness of and involvement in addressing the needs of residents of long-term care facilities;]

(7) provide that the area agency on aging shall, consistent with this section, facilitate the area-wide development and implementation of a comprehensive, coordinated system that enables older individuals to receive long-term care in home and community-based settings, in a manner responsive to the needs and preferences of the older individuals and their family caregivers, by—

(A) collaborating, coordinating, and consulting with other local public and private agencies and organizations responsible for administering programs, benefits, and services related to providing long-term care;

(B) conducting analyses and making recommendations with respect to strategies for modifying the local system of long-term care to better—

(i) respond to the needs and preferences of older individuals and family caregivers;

(ii) facilitate the provision, by service providers, of long-term care in home and community-based settings;

(iii) target services to older individuals at risk for institutional placement, to permit such individuals to remain in home and community-based settings; and

(iv) implement (through the agency or service providers), evidence-based programs to assist older individuals and their family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease, and disability among older individuals; and

(C) providing for the availability and distribution (through public education campaigns, Aging and Disability Resource Centers, and other appropriate means) of information relating to—

(i) the need to plan in advance for long-term care; and

(ii) the range of available public and private long-term care programs, options, and resources.

* * * * * * *

[(15) provide assurances that preference in receiving services under this title will not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement this title.]

[(15) provide assurances that funds received under this title will not be used to pay any part of a cost (including an administrative cost) incurred by the area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this title;]

[(16)] *(15)* provide assurances that preference in receiving services under this title will not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement this title;

(16) provide assurances that funds received under this title will be used—

(A) to provide benefits and services to older individuals giving priority to older individuals identified in paragraph (4)(A)(i); and

(B) in compliance with the assurances specified in paragraph (13) and the limitations specified in section 212(b);

(17) provide, to the extent feasible, for the furnishing of services under this Act, consistent with self-directed care; and

(18) include information detailing how the area agency on aging will coordinate activities, and develop long-range emergency plans, with local and State emergency response agencies, relief organizations, local and State governments, and any other institutions that have responsibility for disaster relief service delivery.

* * * * * * *

(b)(1) In any fiscal year, an area agency on aging may include in the area plan an assessment of how prepared the area agency on aging and service providers in the planning and service area are for a change in the number of older individuals during the 10-year period following the fiscal year for which the plan is submitted. In a fiscal year described in section 304(d)(1)(A)(ii), an area agency on aging shall include the assessment in the area plan.

(2) Such assessment may include—

(A) the projected change in the number of older individuals in the planning and service area;

(B) an analysis of how such change may affect such individuals, including individuals with low incomes, individuals with greatest economic need, minority older individuals, older individuals residing in rural areas, and older individuals with limited English proficiency;

(C) an analysis of how the programs, policies, and services provided by such area agency can be improved, and how resource levels can be adjusted to meet the needs of the changing population of older individuals in the planning and service area; and

(D) an analysis of how the change in the number of individuals age 85 and older in the planning and service area is expected to affect the need for supportive services.

(3) An area agency on aging, in cooperation with government officials, State agencies, tribal organizations, or local entities, may make recommendations to government officials in the planning and service area ,and the State, on actions determined by the area agency to build the capacity in the planning and service area to meet the needs of older individuals for—

(A) health and human services;

(B) land use;

(C) housing;

(D) transportation;

(E) public safety;

(F) workforce and economic development;
(G) recreation;
(H) education;
(I) civic engagement;
(J) emergency preparedness; and
(K) any other service as determined by such agency.

* * * * * * *

[(b)**]** *(c)* Each State, in approving area agency on aging under this section, shall waive the requirement described in paragraph (2) of subsection (a) for any category of services described in such paragraph if the area agency on aging demonstrates to the State agency that services being furnished for such category in the area are sufficient to meet the need for such services in such area and had conducted a timely public hearing upon request.

[(c)**]** *(d)(1)* Subject to regulations prescribed by the Assistant Secretary, an area agency on aging designated under section 305(a)(2)(A) or, in areas of a State where no such agency has been designated, the State agency, may enter into agreement with agencies administering programs under the Rehabilitation Act of 1973, and titles XIX and XX of the Social Security Act for the purpose of developing and implementing plans for meeting the common need for transportation services of individuals receiving benefits under such Acts and older individuals participating in programs authorized by this title.

* * * * * * *

[(d)**]** *(e)* An area agency on aging may not require any provider of legal assistance under this title to reveal any information that is protected by the attorney-client privilege.

[(e)**]** *(f)(1)* If the head of a State agency finds that an area agency on aging has failed to comply with Federal or State laws, including the area plan requirements of this section, regulations, or policies, the State may withhold a portion of the funds to the area agency on aging available under this title.

* * * * * * *

STATE PLANS

Sec. 307. (a) * * *

(1) The plan shall—

(A) * * *

* * * * * * *

(2) The plan shall provide that the State agency will—

(A) * * *

* * * * * * *

(C) specify a minimum proportion of the funds received by each area agency on aging in the State to carry out part B that will be expended (in the absence of a waiver under **[**section 306(b)**]** *section 306(c)* or 316) by such area agency on aging to provide each of the categories of services specified in section 306(a)(2).

* * * * * * *

(4) The plan shall provide that the State agency will conduct periodic evaluations of, and public hearings on, activities and

projects carried out in the State under this title and title VII, including evaluations of the effectiveness of services provided to individuals with greatest economic need, greatest social need, or disabilities[, with particular attention to low-income minority individuals and older individuals residing in rural areas]. *(with particular attention to low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)*

* * * * * * *

(13) The plan shall provide assurances that each State will assign personnel (one of whom shall be known as a legal assistance developer) to provide State leadership in developing legal assistance programs for older individuals throughout the State.

(14) The plan shall, with respect to the fiscal year preceding the fiscal year for which such plan is prepared—

(A) identify the number of low-income minority older individuals in the State, including the number of low-income minority older individuals with limited English proficiency; and

(B) describe the methods used to satisfy the service needs of the low-income minority older individuals described in subparagraph (A), including the plan to meet the needs of low-income minority older individuals with limited English proficiency.

[(15) The plan shall, with respect to the fiscal year preceding the fiscal year for which such plan is prepared—

[(A) identify the number of low-income minority older individuals in the State; and

[(B) describe the methods used to satisfy the service needs of such minority older individuals.]

[(14)] *(15)* The plan shall provide assurances that, if a substantial number of the older individuals residing in any planning and service area in the State are of limited English-speaking ability, then the State will require the area agency on aging for each such planning and service area—

(A) * * *

* * * * * * *

(16) The plan shall provide assurances that the State agency will require outreach efforts that will—

(A) identify individuals eligible for assistance under this Act, with special emphasis on—

(i) older individuals residing in rural areas;

(ii) older individuals with greatest economic need [(with particular attention to low-income minority individuals and older individuals residing in rural areas)] *(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)*;

(iii) older individuals with greatest social need [(with particular attention to low-income minority individuals and older individuals residing in rural areas)] *(with particular attention to low-income older*

individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas);

* * * * * * *

(26) * * *

(27) The plan shall provide assurances that area agencies on aging will provide, to the extent feasible, for the furnishing of services under this Act, consistent with self-directed care.

(28)(A) The plan shall include, at the election of the State, an assessment of how prepared the State is, under the State's statewide service delivery model, for a change in the number of older individuals during the 10- year period following the fiscal year for which the plan is submitted.

(B) Such assessment may include—

(i) the projected change in the number of older individuals in the State;

(ii) an analysis of how such change may affect such individuals, including individuals with low incomes, individuals with great economic need, minority older individuals, older individuals residing in rural areas, and older individuals with limited English proficiency;

(iii) an analysis of how the programs, policies, and services provided by the State can be improved, including coordinating with area agencies on aging, and how resource levels can be adjusted to meet the needs of the changing population of older individuals in the State; and

(iv) an analysis of how the change in the number of individuals age 85 and older in the State is expected to affect the need for supportive services.

(29) The plan shall include information detailing how the State will coordinate activities, and develop long-range emergency preparedness plans, with area agencies on aging, local emergency response agencies, relief organizations, local governments, State agencies responsible for emergency preparedness, and any other institutions that have responsibility for disaster relief service delivery.

(30) The plan shall include information describing the involvement of the head of the State agency in the development, revision, and implementation of emergency preparedness plans, including the State Public Health Emergency Preparedness and Response Plan.

* * * * * * *

PAYMENTS

SEC. 309. (a) * * *

(b)(1) * * *

(2) Funds required to meet the non-Federal share required by section 304(d)(1)(D), in amounts exceeding [the non-Federal share required prior to fiscal year 1981] *10 percent of the cost of the services specified in section 304(d)(1)(D)*, shall be from State sources.

* * * * * * *

NUTRITION SERVICES INCENTIVE PROGRAM

SEC. 311. (a) The purpose of this section is to provide incentives to encourage and reward effective performance by States and tribal organizations in the efficient delivery of nutritious meals to older individuals.

(b)(1) * * *

* * * * * * * *

(3) Each State agency and grantee under title VI shall promptly and equitably disburse amounts received under this subsection to recipients of grants and contracts.

(c)(1) Agricultural commodities*, including bonus commodities,* and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be donated to a recipient of a grant or contract to be used for providing nutrition services in accordance with the provisions of this title.

(2) The Commodities Credit Corporation shall dispose of food commodities, *including bonus commodities,* under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) by donating them to a recipient of a grant or contract to be used for providing nutrition services in accordance with the provisions of this title.

(3) Dairy products*, including bonus commodities,* purchased by the Secretary of Agriculture under section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a–1) shall be used to meet-the requirements of programs providing nutrition services in accordance with the provisions of this title.

(d)(1) Each State agency and each grantee under title VI shall be entitled to use all or any part of amounts allotted under subsection (b) to obtain from the Secretary of Agriculture commodities available through any Federal food commodity processing program, at the rates at which such commodities are valued for purposes of such program.

(2) * * *

* * * * * * *

(4) Each State agency *and grantee under title VI* shall promptly and equitably disburse amounts received under this subsection to recipients of grants and contracts. Such disbursements shall only be used by such recipients of grants or contracts to purchase United States agricultural commodities and other foods for their nutrition projects.

* * * * * * *

(e) There are authorized to be appropriated to carry out this section (other than subsection (c)(1)) such sums as may be necessary for fiscal year **[**2001**]** *2007* and such sums as may be necessary for each of the 4 succeeding fiscal years.

* * * * * * *

SEC. 315. CONSUMER CONTRIBUTIONS.

(a) COST SHARING.—

(1) IN GENERAL.—* * *

* * * * * * *

(b) VOLUNTARY CONTRIBUTIONS.—

(1) IN GENERAL.—Voluntary contributions shall be allowed and may be solicited for all services for which funds are received under this Act [provided that] *if* the method of solicitation is noncoercive. Such contributions shall be encouraged for individuals whose self-declared income is at or above 200 percent of the poverty line, at contribution levels based on the actual cost of services.

* * * * * * *

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

(A) * * *

* * * * * *

(E) use all collected contributions to expand the service for which the contributions were given *and to supplement (not supplant) funds received under this Act*.

(c) PARTICIPATION.—

(1) IN GENERAL.—* * *

(2) PLANS.—Prior to the implementation of cost sharing under subsection (a), each State and area agency on aging shall develop plans that are designed to ensure that the participation of low-income older individuals [(with particular attention to low-income minority individuals and older individuals residing in rural areas)] *(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)* receiving services will not decrease with the implementation of the cost sharing under such subsection.

(d) EVALUATION.—Not later than 1 year after the date of the enactment of the Older Americans Act Amendments of 2000, and annually thereafter, the Assistant Secretary shall conduct a comprehensive evaluation of practices for cost sharing to determine its impact on participation rates [with particular attention to low-income and minority older individuals and older individuals residing in rural areas] *(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)*. If the Assistant Secretary finds that there is a disparate impact upon low-income or minority older individuals or older individuals residing in rural areas in any State or region within the State regarding the provision of services, the Assistant Secretary shall take corrective action to assure that such services are provided to all older individuals without regard to the cost sharing criteria.

* * * * * * *

PART B—SUPPORTIVE SERVICES AND SENIOR CENTERS

PROGRAM AUTHORIZED

SEC. 321. (a) The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 307 for any of the following supportive services:

(1) * * *

* * * * * * *

(8) services designed to provide-health screening (*including mental health screening*) to detect or prevent illnesses, or both, that occur most frequently in older individuals;

* * * * * * *

(11) **[**services**]** *provision of devices and services (including provision of assistive technology devices and assistive technology services)* which are designed to meet the unique needs of older individuals who are disabled, and of older individuals who provide uncompensated care to their adult children with disabilities;

* * * * * * *

(14) a program, to be known as "Senior Opportunities and Services", designed to identify and meet the needs of low-income older individuals in one or more of the following areas: (A) development and provision of new volunteer services; (B) effective referral to existing health *(including mental health)*, employment, housing, legal, consumer, transportation, and other services; (C) stimulation and creation of additional services and programs to remedy gaps and deficiencies in presently existing services and programs; and (D) such other services as the Assistant Secretary may determine are necessary or especially appropriate to meet the needs of low-income older individuals and to assure them greater self-sufficiency;

* * * * * * *

(22) in-home services for frail older individuals, including individuals with Alzheimer's disease and related disorders with neurological and organic brain dysfunction, and their families, including in-home services defined by a State agency in the State plan submitted under section 307, taking into consideration the age, economic need, and noneconomic and nonhealth factors contributing to the frail condition and need for services of the individuals described in this paragraph, and in-home services defined by an area agency on aging in the area plan submitted under section 306**[**.**]***;*

(23) *services designed to support States, area agencies on aging, and local service providers in carrying out and coordinating activities for older individuals with respect to mental health services, ineluding outreach for, education concerning, and screening or such services, and referral to such services for treatment; and*

* * * * * * *

[(23)**]** *(24)* any other services necessary for the general welfare of older individuals;

if such services meet standards prescribed by the Assistant Secretary and are necessary for the general welfare of older individuals. For purposes of paragraph (5), the term "client assessment through case management" includes providing information relating to assistive technology.

* * * * * * *

PART C—NUTRITION SERVICE

SEC. 330. PURPOSE.

It is the purpose of this part to promote socialization and the health and well-being of older individuals by assisting such individuals to gain access to nutrition services to delay the onset of adverse health conditions.

* * * * * * *

SEC. 331. The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 307 for the establishment and operation of nutrition [projects] *projects that—*

(1) [which], 5 or more days a week (except in a rural area where such frequency is not feasible (as defined by the Assistant Secretary by regulation) and a lesser frequency is approved by the State agency), provide at least one hot or other appropriate meal per day and any additional meals which the recipient of a grant or contract under this subpart may elect to provide;

(2) [which] shall be provided in congregate settings, including adult day care facilities and multigenerational meal sites; and

[(3) which may include nutrition education services and other appropriate nutrition services for older individuals.]

(3) provide nutrition education, nutrition counseling, and other nutrition services, as appropriate, based on the needs of meal participants.

* * * * * * *

[Subpart 2—Home Delivered Nutrition Services

[PROGRAM AUTHORIZED

[SEC. 336. The Assistant Secretary shall carry out a program for 1iia.king grants to States under State plans approved under section 307 for the establishment and operation of nutrition projects for older individuals which, 5 or more days a week (except in a rural area where such frequency is not feasible (as defined by the Assistant Secretary by regulation) and a lesser frequency is approved by the State agency), provide at least one home delivered hot, cold, frozen, dried, canned, or supplemental foods (with a satisfactory storage life) meal per day and any additional meals which the recipient of a grant or contract under this subpart may elect to provide.]

SEC. 336. PROGRAM AUTHORIZED.

The Assistant Secretary shall establish and carry out a program to make grants to States under State plans approved under section 307 for the establishment and operation of nutrition projects for older individuals that provide—

(1) on 5 or more days a week (except in a rural area where such frequency is not feasible (as defined by the Assistant Secretary by rule) and a lesser frequency is approved by the State agency) at least 1 home delivered meal per day, which may consist of hot, cold, frozen, dried, canned, fresh, or supple-

mental foods and any additional meals that the recipient of a grant or contract under this subpart elects to provide; and

(2) nutrition education, nutrition counseling, and other nutrition services as appropriate, based on the needs of meal recipients.

* * * * * * *

[CRITERIA

[SEC. 337. The Assistant Secretary, in consultation with organizations of and for the aged, blind, and disabled, and with representatives from the American Dietetic Association, the Dietary Managers Association, the National Association of Area Agencies on Aging, the National Association of Nutrition and Aging Services Programs, the National Association of Meals Programs, Incorporated, and any other appropriate group, shall develop minimum criteria of efficiency and quality for the furnishing of home delivered meal services for projects described in section 336. The criteria required by this section shall take into account the ability of established home delivered meals programs to continue such services without major alteration in the furnishing of such services.]

SEC. 337. CRITERIA.

The Assistant Secretary, in consultation with recognized experts in the fields of nutrition science, dietetics, meal planning and food service management, and aging, shall develop minimum criteria of efficiency and quality for the furnishing of home delivered meal services for projects described in section 336.

* * * * * * *

Subpart 3—General Provisions

SEC. 339. NUTRITION.

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

[(1) solicit the advice of a dietitian or individual with compatable expertise in the planning of nutritional services, and]

[(1) solicit the advice and expertise of a dietitian or other individual with education and training in nutrition science or, if such an individual is not available, an individual with comparable expertise in the planning of nutritional services, and

(2) ensure that the project—

(A) provides meals that—

[(i) comply with the Dietary Guidelines for Americans:", published by the Secretary and the Secretary of Agriculture,]

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

* * * * * * *

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

* * * * * * *

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

(G) ensures that meal providers solicit the advice and expertise of—

(i) a dietitian or other individual described in paragraph (1),

(ii) meal participants, and

(iii) other individuals knowledgeable with regard to the needs of older individuals,

* * * * * * *

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

[(J) provide for nutrition screening and where appropriate, for nutrition education and counseling.]

(J) provides for nutrition screening and nutrition education, and nutrition assessment and counseling if appropriate; and

(K) encourages individuals who distribute nutrition services under subpart 2 to provide, to homebound older individuals, available medical information approved by health care professionals, such as informational brochures and information on how to get vaccines, including vaccines for influenza, pneumonia, and shingles, in the individuals' communities.

* * * * * * *

PART D—DISEASE PREVENTION AND HEALTH PROMOTION SERVICES

PROGRAM AUTHORIZED

SEC. 361. (a) * * *

(b) * * *

(c) The Assistant Secretary shall work in consultation with qualified experts to provide information on methods of improving indoor air quality in buildings where older individuals congregate.

* * * * * * *

PART E—NATIONAL FAMILY CAREGIVER SUPPORT PROGRAM

SEC. 371. SHORT TITLE.

This part may be cited as the "National Family Caregiver Support Act".

Subpart I—Caregiver Support Program

SEC. 372. DEFINITIONS.

In this subpart:

(1) CHILD.—The term "child" means an individual who is not more than 18 years of age *or an adult child with mental retardation or a related developmental disability*

(2) DEVELOPMENTAL DISABILITY.—The term "developmental disability" has the meaning given the term in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 D.S.C. 15002).

[(2)] *(3)* FAMILY CAREGIVER.—The term "family caregiver" means an adult family member, or another individual, who is an informal provider of in-home and community care to an older individual *or an individual with Alzheimer's disease or a related disorder with neurological and organic brain dysfunction who is 50 years of age or older*.

[(3)] *(4)* GRANDPARENT OR OLDER INDIVIDUAL WHO IS A RELATIVE CAREGIVER.—The term "grandparent or older individual who is a relative caregiver" means a grandparent or stepgrandparent of a [child] *child (including an adult child with mental retardation or a related developmental disability)*, or a relative of [a child by blood or marriage] *such a child by blood, marriage, or adoption*, who is [60] *50* years of age or older and—

* * * * * * *

SEC. 373. PROGRAM AUTHORIZED.

(a) IN GENERAL.—* * *

* * * * * * *

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

(1) * * *

* * * * * * *

(3) individual counseling, organization of support groups, and caregiver training to [caregivers to assist the caregivers in making decisions and solving problems relating to their caregiving roles;] *assist the caregivers in the areas of health, nutrition, and financial literacy, and in making decisions and solving problems relating to their caregiving roles;*

* * * * * * *

(c) POPULATION SERVED; PRIORITY.—

(1) POPULATION SERVED.—* * *

* * * * * * *

(2) PRIORITY.—In providing services under this subpart, the State shall give priority for services to older individuals with greatest social and economic need, (with particular attention to low-income older individuals) and older individuals providing care and support to persons with mental retardation and related developmental disabilities [(as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001)) (referred to in this subpart as "developmental disabilities").] *In providing services for family caregivers under this subpart, the State shall give priority for services to family caregivers who provide care for older individuals.*

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

(d) USE OF VOLUNTEERS.—In carrying out this subpart, each area agency on aging shall make use of trained volunteers to expand the provision of the available services described in subsection (b) and shall, if possible, work in coordination with entities carrying out volunteer programs (including programs administered by the Corporation for National and Community Service) designed to provide training, placement, and stipends for volunteers in community service settings.

(e) QUALITY STANDARDS AND MECHANISMS AND ACCOUNTABILITY.—

(1) QUALITY STANDARDS AND MECHANISMS.—* * *

* * * * * * *

(3) REPORTS.—The State shall prepare and submit to the Assistant Secretary reports on the data and records required under paragraph (2), including information on the services funded under this subpart, and standards and mechanisms by which the quality of the services shall be assured. *The reports shall describe any mechanisms used in the State to provide to persons who are family caregivers, or grandparents or older individuals who are relative caregivers, information about and access to various services so that the persons can better carry out their care responsibilities.*

(f) CAREGIVER ALLOTMENT.—

(1) IN GENERAL.—

(A) From sums appropriated under section 303(e) for fiscal years [2001 through 2005] *2007, 2008, 2009, 2010, and 2011*, the Assistant Secretary shall allot amounts among the States proportionately based on the population of individuals 70 years of age or older in the States.

* * * * * * *

[SEC. 376. ACTIVITIES OF NATIONAL SIGNIFICANCE.]

SEC. 376. ACTIVITIES AND PROGRAMS OF NATIONAL SIGNIFICANCE.

[(a) IN GENERAL.—] The Assistant Secretary [shall], *may* directly or by grant or contract, carry out activities of national significance to promote quality and continuous improvement in the support provided to family and other informal caregivers of older individuals through [program] *activities that include* evaluation, training, technical assistance, and [research.] *research, and programs that include—*

(1) multigenerational programs, including programs that provide supports for grandparents and other older individuals who are relative caregivers (as defined in section 372) raising children (such as kinship navigator programs), and programs that sustain and replicate innovative multigenerational family support programs involving volunteers who are older individuals;

(2) programs providing support and information to families who have a child with a disability or chronic illness, and to other families in need of family support programs;

(3) programs addressing unique issues faced by rural caregivers;

(4) programs focusing on the needs of older individuals with Alzheimer's disease and related dementia and their caregivers; and

(5) programs supporting caregivers in the roles the caregivers carry out in health promotion and disease prevention.

[(b) SUNSET PROVISION.—This section shall be effective for 3 fiscal years after the date of the enactment of the Older Americans Act Amendments of 2000.**]**

* * * * * * *

TITLE IV—ACTIVITIES FOR HEALTH, INDEPENDENCE, AND LONGEVITY

SEC. 401. PURPOSES. * * *

* * * * * * *

PART A—GRANT PROGRAMS

SEC. 411. PROGRAM AUTHORIZED.

(a) IN GENERAL.—For the purpose of carrying out this section, the Assistant Secretary may make grants to and enter into contracts with States, public agencies, private nonprofit agencies, institutions of higher education, and organizations, including tribal organizations, for—

(1) * * *

* * * * * * *

(8) the training of graduate level professionals specializing in the mental health needs of older individuals; **[**and**]**

(9) planning activities to prepare communities for the aging of the population, which activities may include—

(A) efforts to assess the aging population;

(B) activities to coordinate the activities of State and local agencies in order to meet the needs of older individuals; and

(C) training and technical assistance to support States, area agencies on aging, and tribal organizations receiving grants under part A of title VI, in engaging in community planning activities;

(10) the development, implementation, and assessment of technology-based service models and best practices, to support the use of health monitoring and assessment technologies, communication devices, assistive technologies, and other technologies that may remotely connect family and professional caregivers to frail older individuals residing in home and community-based settings or rural areas; and

[(9)**]** *(11)* any other activities that the Assistant Secretary determines will achieve the objectives of this section.

* * * * * * *

SEC. 412. CAREER PREPARATION FOR THE FIELD OF AGING.

[(a) GRANTS.—The Assistant Secretary shall make grants to institutions of higher education, historically Black colleges or universities, Hispanic Centers of Excellence in Applied Gerontology, and other educational institutions that serve the needs of minority students, to provide education and training to prepare students for careers in the field of aging.]

(a) GRANTS.—The Assistant Secretary shall make grants to institutions of higher education, including historically Black colleges or universities, Hispanic-serving institutions, Hispanic Centers of Excellence in Applied Gerontology, and other educational institutions that serve the needs of minority students, to provide education and training that prepare students for careers in the field of aging.

* * * * * * *

SEC. 414. HEALTH CARE SERVICE DEMONSTRATION PROJECTS IN RURAL AREAS.

(a) AUTHORITY.—The Assistant Secretary, after consultation with the State agency of the State involved, shall make grants to eligible public agencies and nonprofit private organizations to pay part or all of the cost of developing or operating model health care service projects (including related home health care services, adult day health care, *mental health care,* outreach, and transportation) through multipurpose senior centers that are located in rural areas and that provide nutrition services under section 331, to meet the health care needs of medically underserved older individuals residing in such areas.

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

(1) * * *

* * * * * * *

(B) coordination and cooperation with—

(i) institutions of higher education having graduate programs with capability in public health, *mental health*, the medical sciences, psychology, pharmacology, nursing, social work, health education, nutrition, or gerontology, for the purpose of designing and developing such project; and

* * * * * * *

SEC. 416. TECHNICAL ASSISTANCE TO IMPROVE TRANSPORTATION FOR SENIORS.

[(a) IN GENERAL.—The Secretary may award grants or contracts to nonprofit organizations to improve transportation services for older individuals.

[(b) USE OF FUNDS.—A nonprofit organization receiving a grant or contract under subsection (a) shall use funds received under such grant or contract to provide technical assistance to assist local transit providers, area agencies on aging, senior centers and local senior support groups to encourage and facilitate coordination of Federal, State, and local transportation services and resources for older individuals. Such technical assistance may include—

[(1) developing innovative approaches for improving access by older individuals to supportive services;

[(2) preparing and disseminating information on transportation options and resources for older individuals and organizations serving such individuals through establishing a toll-free telephone number;

[(3) developing models and best practices for comprehensive integrated transportation services for older individuals, including services administered by the Secretary of Transportation, by providing ongoing technical assistance to agencies providing services under title III and by assisting in coordination of public and community transportation services; and

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

SEC. 416. TECHNICAL ASSISTANCE AND INNOVATION TO IMPROVE TRANSPORTATION FOR OLDER INDIVIDUALS.

(a) IN GENERAL.—The Secretary may award grants or contracts to nonprofit organizations to improve transportation services for older individuals.

(b) USE OF FUNDS.—

(1) IN GENERAL.—A nonprofit organization receiving a grant or contract under subsection (a) shall use the funds received through such grant or contract to carry out a demonstration project, or to provide technical assistance to assist local transit providers, area agencies on aging, senior centers, and local senior support groups, to encourage and facilitate coordination of Federal, State, and local transportation services and resources for older individuals. The organization may use the funds to develop and carry out an innovative transportation demonstration project to create transportation services for older individuals.

(2) SPECIFIC ACTIVITIES.—In carrying out a demonstration project or providing technical assistance under paragraph (1) the organization may carry out activities that include—

(A) developing innovative approaches for improving access by older individuals to transportation services, including volunteer driver programs, economically sustainable transportation programs, and programs that allow older individuals to transfer their automobiles to a provider of transportation services in exchange for the services;

(B) preparing information on transportation options and resources for older individuals and organizations serving such individuals, and disseminating the information by establishing and operating a toll-free telephone number;

(C) developing models and best practices for providing comprehensive integrated transportation services for older individuals, including services administered by the Secretary of Transportation, by providing ongoing technical assistance to agencies providing services under title III and by assisting in coordination of public and community transportation services; and

(D) providing special services to link seniors to transportation services not provided under title III.

(c) ECONOMICALLY SUSTAINABLE TRANSPORTATION.—In this section, the term "economically sustainable transportation" means demand responsive transportation for older individuals—

(1) that may be provided through volunteers; and

(2) that the provider will provide without receiving Federal or other public financial assistance, after a period of not more than 5 years of providing the services under this section.

* * * * * * *

SEC. 416A. COMMUNITY PLANNING FOR THE AGING POPULATION.

The Secretary may establish, either directly or through grants or contracts, a national technical assistance program to assist States and area agencies on aging funded under this Act in planning efforts to prepare communities for the aging of the population.

* * * * * * *

[SEC. 417. DEMONSTRATION PROJECTS FOR MULTIGENERATIONAL ACTIVITIES.

[(a) GRANTS AND CONTRACTS.—The Assistant Secretary may award grants and enter into contracts with eligible organizations to establish demonstration projects to provide older individuals with multigenerational activities.

[(b) USE OF FUNDS.—An eligible organization shall use funds made available under a grant awarded, or a contract entered into, under subsection (a)—

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

[(2) to evaluate the project in accordance with subsection (f).

[(c) PREFERENCE.—In awarding grants and entering into contracts under subsection (a), the Assistant Secretary shall give preference to—

[(1) eligible organizations with a demonstrated record of carrying out multigenerational activities; and

[(2) eligible organizations proposing projects that will serve older individuals with greatest economic need (with particular attention to low-income minority individuals and older individuals residing in rural areas).

[(d) APPLICATION.—To be eligible to receive a grant or enter into a contract under subsection (a), an organization shall submit an application to the Assistant Secretary at such time, in such manner, and accompanied by such information as the Assistant Secretary may reasonably require.

[(e) ELIGIBLE ORGANIZATIONS.—Organizations eligible to receive a grant or enter into a contract under subsection (a) shall be organizations that employ, or provide opportunities for, older individuals in multigenerational activities.

[(f) LOCAL EVALUATION AND REPORT.—

[(1) EVALUATION.—Each organization receiving a grant or a contract under subsection (a) to carry out a demonstration project shall evaluate the multigenerational activities assisted under the project to determine the effectiveness of the multigenerational activities, the impact of such activities on child care and youth day care programs, and the impact of such activities on older individuals involved in such project.

[(2) REPORT.—The organization shall submit a report to the Assistant Secretary containing the evaluation not later than 6

months after the expiration of the period for which the grant or contract is in effect.

[(g) REPORT TO CONGRESS.—Not later than 6 months after the Assistant Secretary receives the reports described in subsection (f)(2), the Assistant Secretary shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that assesses the evaluations and includes, at a minimum—

[(1) the names or descriptive titles of the demonstration projects funded under subsection (a);

[(2) a description of the nature and operation of the projects;

[(3) the names and addresses of organizations that conducted the projects;

[(4) a description of the methods and success of the projects in recruiting older individuals as employees and volunteers to participate in the projects;

[(5) a description of the success of the projects in retaining older individuals involved in the projects as employees and as volunteers; and

[(6) the rate of turnover of older individual employees and volunteers in the projects.

[(h) DEFINITION.—As used in this section, the term "multigenerational activity" includes an opportunity to serve as a mentor or adviser in a child care program, a youth day care program, an educational assistance program, an at-risk youth intervention program, a juvenile delinquency treatment program, or a family support program.]

SEC. 417. DEMONSTRATION, SUPPORT, AND RESEARCH PROJECTS FOR MULTIGENERATIONAL ACTIVITIES AND CIVIC ENGAGEMENT ACTIVITIES.

(a) GRANTS AND CONTRACTS.—The Assistant Secretary shall award grants and enter into contracts with eligible organizations to—

(1) conduct productivity and cost-benefit research to determine the effectiveness of engaging older individuals in paid and unpaid positions with public and nonprofit organizations;

(2) develop a national agenda and blueprint for creating paid and unpaid positions for older individuals with public and nonprofit organizations to increase the capacity of the organizations to provide needed services to communities;

(3) carry out demonstration and support projects to provide older individuals with multigenerational activities, and civic engagement activities, designed to meet critical community needs; and

(4) carry out demonstration projects to coordinate multigenerational activities and civic engagement activities, and facilitate development of and participation in multigenerational activities.

(b) USE OF FUNDS.—An eligible organization shall use funds made available under a grant awarded, or a contract entered into, under subsection (a)—

(1)(A) to conduct the research described in subsection (a)(1);

(B) to develop the national agenda and blueprint described in subsection (a)(2);

(C) to carry out a demonstration or support project described in subsection (a)(3); or

(D) to carry out a demonstration project described in subsection (a)(4); and

(2) to evaluate the project involved in accordance with subsection (f).

(c) PREFERENCE.—In awarding grants and entering into contracts under subsection (a) to carry out a demonstration or support project described in subsection (a)(3), the Assistant Secretary shall give preference to—

(1) eligible organizations with a demonstrated record of carrying out multigenerational activities or civic engagement activities;

(2) eligible organizations proposing multigenerational activity service projects that will serve older individuals and communities with the greatest need (with particular attention to low-income minority older individuals, older individuals with limited English proficiency, older individuals residing in rural areas, and low-income minority communities);

(3) eligible organizations proposing civic engagement activity service projects that will serve communities with the greatest need; and

(4) eligible organizations with the capacity to develop meaningful roles and assignments that use the time, skills, and experience of older individuals to serve public and nonprofit organizations.

(d) APPLICATION.—To be eligible to receive a grant or a contract under subsection (a), an organization shall submit an application to the Assistant Secretary at such time, in such manner, and accompanied by such information as the Assistant Secretary may reasonably require.

(e) ELIGIBLE ORGANIZATIONS.—Organizations eligible to receive a grant or enter into a contract under subsection (a)—

(1) to carry out activities described in subsection (a)(1), shall be research or academic organizations with the capacity to conduct productivity and cost-benefit research described in subsection (a)(1);

(2) to carry out activities described in subsection (a)(2), shall be organizations with the capacity to develop the national agenda and blueprint described in subsection (a)(2);

(3) to carry out activities described in subsection (a)(3), shall be organizations that provide paid or unpaid positions for older individuals to serve in multigenerational activities, or civic engagement activities, designed to meet critical community needs and use the full range of time, skills, and experience of older individuals; and

(4) to carry out activities described in subsection (a)(4), shall be organizations with the capacity to facilitate and coordinate activities as described in subsection (a)(4), through the use of multigenerational coordinators.

(f) LOCAL EVALUATION AND REPORT.—

(1) EVALUATION.—Each organization receiving a grant or a contract under subsection (a) to carry out a demonstration or support project under subsection (a)(3) shall evaluate the multigenerational activities or civic engagement activities as-

sisted under the project to determine the effectiveness of the activities involved, the impact of such activities on the community being served and the organization providing the activities, and the impact of such activities on older individuals involved in such project.

(2) REPORT.—The organization shall submit a report to the Assistant Secretary containing the evaluation not later than 6 months after the expiration of the period for which the grant or contract is in effect.

(g) REPORT TO CONGRESS.—Not later than 6 months after the Assistant Secretary receives the reports described in subsection (f)(2), the Assistant Secretary shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that assesses the evaluations and includes, at a minimum—

(1) the names or descriptive titles of the demonstration, support, and research projects funded under subsection (a);

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

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

(4) in the case of demonstration and support projects carried out under subsection (a)(3), a description of the methods and success of the projects in recruiting older individuals as employees and volunteers to participate in the projects;

(5) in the case of demonstration and support projects carried out under subsection (a)(3), a description of the success of the projects in retaining older individuals involved in the projects as employees and as volunteers;

(6) in the case of demonstration and support projects carried out under subsection (a)(3), the rate of turnover of older individual employees and volunteers in the projects;

(7) a strategy for disseminating the findings resulting from the projects described in paragraph (1); and

(8) any policy change recommendations relating to the projects.

(h) DEFINITIONS.—As used in this section:

(1) CIVIC ENGAGEMENT ACTIVITY.—The term "civic engagement activity" includes an opportunity that uses the time, skills, and experience of older individuals, in paid or unpaid positions with a public or nonprofit organization, to help address the unmet human, educational, health care, environmental, and public safety needs, and nurture and sustain active participation in community affairs.

(2) MULTIGENERATIONAL ACTIVITY.—The term "multigenerational activity" includes an opportunity that uses the time, skills, and experience of older individuals, in paid or unpaid positions with a public or nonprofit organization, to serve as a mentor or adviser in a child care program, a youth day care program, an educational assistance program, an at-risk youth intervention program, a juvenile delinquency treatment program, a before- or after-school program, or a family support program.

(3) MULTIGENERATIONAL COORDINATOR.—The term ("multigenerational coordinator") means a person who—

(A) builds the capacity of public and nonprofit organizations to develop meaningful roles and assignments, that use the time, skill, and experience of older individuals to serve those organizations; and

(B) nurtures productive, sustainable working relationships between—

(i) individuals from the generations with older individuals; and

(ii) individuals in younger generations.

SEC. 418. NATIVE AMERICAN PROGRAMS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.— * * *

(2)FUNCTIONS.—

(A)IN GENERAL.— * * *

(B) AREAS OF CONCERN.—In conducting the functions described in subparagraph (A), a Resource Center shall focus on priority areas of concern for the Resource Centers regarding Native Americans who are older individuals, which areas shall be—

(i) health *(including mental health)* problems:

[SEC. 419. MULTIDISCIPLINARY CENTERS.]

SEC. 419. MULTIDISCIPLINARY CENTERS AND MULTIDISCIPLINARY SYSTEMS.

[(a) PROGRAM AUTHORIZED.—The]

(a) MULTIDISCIPLINARY CENTERS.—

(1) PROGRAM AUTHORIZED.—The Assistant Secretary may make grants to public and private nonprofit agencies, organizations, and institutions for the purpose of establishing or supporting multidisciplinary centers of gerontology, and gerontology centers of special emphasis (including emphasis on nutrition, employment, health (including mental health), disabilities (including severe disabilities), income maintenance, counseling services, supportive services, minority populations, and older individuals residing in rural areas).

(2) USE OF FUNDS.—

[(b) USE OF FUNDS.—]

[(1)]*(A)* IN GENERAL.—The centers described in [subsection (a)] *paragraph (1)* shall conduct research and policy analysis and function as a technical resource for the Assistant Secretary, policymakers, service providers, and Congress.

[(2)]*(B)* MULTIDISCIPLINARY CENTERS.—The multidisciplinary centers of gerontology described in [subsection (a)] *paragraph (1)* shall—

[(A)]*(i)* recruit and train personnel;

[(B)]*(ii)* conduct basic and applied research toward the development of information related to aging;

[(C)]*(iii)* stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges and universities;

[(D)]*(iv)* help to develop training programs in the field of aging at schools of public health, education, social work, and psychology, and other appropriate schools within colleges and universities;

[(E)]*(v)* serve as a repository of information and knowledge on aging;

[(F)]*(vi)* provide consultation and information to public and voluntary organizations, including State agencies and area agencies on aging, which serve the needs of older individuals in planning and developing services provided under other provisions of this Act; and

[(G)]*(vii)* if appropriate, provide information relating to assistive technology.

(3) DATA.—

[(c) DATA.—]

[(1)]*(A)* IN GENERAL.—Each center that receives a grant under [subsection (a)] *paragraph (1)* shall provide data to the Assistant Secretary on the projects and activities carried out with funds received under [such subsection] *such paragraph*.

[(2)]*(B)* INFORMATION INCLUDED.—Such data described in [paragraph (1)] *subparagraph (A)* shall include—

[(A)]*(i)* information on the number of personnel trained;

[(B)]*(ii)* information on the number of older individuals served;

[(C)]*(iii)* information on the number of schools assisted; and

[(D)]*(iv)* other information that will facilitate achieving the objectives of [this section] *this subsection*.

(b) MULTIDISCIPLINARY HEALTH SERVICES IN COMMUNITIES.—

(1) PROGRAM AUTHORIZED.—The Assistant Secretary shall make grants to States, on a competitive basis, for the development and operation of—

(A) systems for the delivery of mental health screening and treatment services for older individuals who lack access to such services; and

(B) programs to—

(i) increase public awareness regarding the benefits of prevention and treatment of mental disorders in older individuals;

(ii) reduce the stigma associated with mental disorders in older individuals and other barriers to the diagnosis and treatment of the disorders; and

(iii) reduce age-related prejudice and discrimination regarding mental disorders in older individuals.

(2) APPLICATION.—To be eligible to receive a grant under this subsection for a State, a State agency shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

(3) STATE ALLOCATION AND PRIORITIES.—A State agency that receives funds through a grant made under this subsection shall allocate the funds to area agencies on aging to carry out

this subsection in planning and service areas in the State. In allocating the funds, the State agency shall give priority to planning and service areas in the State—

(A) that are medically underserved; and

(B) in which there are large numbers of older individuals.

(4) AREA COORDINATION OF SERVICES WITH OTHER PROVIDERS.—In carrying out this part, to more efficiently and effectively deliver services to older individuals, each area agency on aging shall—

(A) coordinate services described in paragraph (1) with other community agencies, and voluntary organizations, providing similar or related services; and

(B) to the greatest extent practicable, integrate outreach and educational activities with existing (as of the date of the integration) health care and social service providers serving older individuals in the planning and service area involved.

(5) RELATIONSHIP TO OTHER FUNDING SOURCES.—Funds made available under this part shall supplement, and not supplant, any Federal, State, and local funds expended by a State or unit of general purpose local government (including an area agency on aging) to provide the services described in paragraph (1).

(6) DEFINITION.—In this subsection, the term "mental health screening and treatment services" means patient screening, diagnostic services, care planning and oversight, therapeutic interventions, and referrals, that are—

(A) provided pursuant to evidence-based intervention and treatment protocols (to the extent such protocols are available) for mental disorders prevalent in older individuals; and

(B) coordinated and integrated with the services of social service, mental health, and health care providers in an area in order to—

(i) improve patient outcomes; and

(ii) ensure, to the maximum extent feasible, the continuing independence of older individuals who are residing in the area.

* * * * * * *

SEC. 422. COMMUNITY INNOVATIONS FOR AGING IN PLACE.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity"—

(A) means a nonprofit health or social service organization, a community-based nonprofit organization, an area agency on aging or other local government agency, a tribal organization, or another entity that—

(i) the Assistant Secretary determines to be appropriate to carry out a project under this part; and

(ii) demonstrates a record of, and experience in, providing or administering group and individual health and social services for older individuals; and

(B) does not include an entity providing housing under the congregate housing services program carried out under

section 802 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011) or the multifamily service coordinator program carried out under section 202(g) of the Housing Act of 1959 (12 U.S.C. 1701q(g)).

(2) NATURALLY OCCURRING RETIREMENT COMMUNITY.—The term "Naturally Occurring Retirement Community" a residential building, a housing complex, an area (including a rural area) of single family residences, or a neighborhood composed of age-integrated housing—

(A) where—

(i) 40 percent of the heads of households are older individuals; or

(ii) a critical mass of older individuals exists, based on local factors which, taken in total, allow an organization to achieve efficiencies in the provision of health and social services to older individuals living in the community; and

(B) that is not an institutional care or assisted living setting.

(b) GRANTS.—

(1) IN GENERAL.—The Assistant Secretary shall make grants to eligible entities to enable the entities to pay for developing or carrying out model aging in place projects. The projects shall permit aging in place for older individuals, including such individuals who reside in Naturally Occurring Retirement Communities, which help to sustain the independence of older individuals in communities where the individuals have established personal, family, and professional supportive networks. The entities shall provide comprehensive and coordinated health and social services through the projects.

(2) GRANT PERIODS.—The Assistant Secretary shall make the grants for periods of 3 years.

(c) APPLICATIONS.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (b) for a project, an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

(2) CONTENTS.—The application shall include—

(A) a detailed description of the entity's experience in providing services to older individuals in age-integrated settings;

(B) a definition of the contiguous service area and a description of the project boundaries in which the older individuals reside or carry out activities to sustain their well-being;

(C) a description of how the entity will cooperate and coordinate planning and services, with agencies and organizations that provide publicly supported services for older individuals within the project boundaries, including the State agency and area agencies on aging with planning and service areas within the project boundaries;

(D) an assurance that the entity will seek to establish cooperative relationships with interested local entities, including private agencies and businesses that provide health and

social services, housing entities, community development organizations, philanthropic organizations, foundations, and other non-Federal entities;

(E) a description of the entity's protocol for referral of residents who may require longterm care services, including coordination with local information and referral agencies and Aging and Disability Resource Centers who serve as single points of entry to public services;

(F) a description of how the entity will offer opportunities for older individuals to be involved in the governance, oversight, and operation of the project;

(G) an assurance that the entity will submit to the Assistant Secretary such evaluations and reports as the Assistant Secretary may require; and

(H) a plan for long-term sustainability of the project.

(d) USE OF FUNDS.—

(1) IN GENERAL.—An eligible entity that receives a grant under subsection (b) shall use the funds made available through the grant to provide and coordinate, through aging in place projects described in subsection (b), services that include a comprehensive and coordinated array of community-based health and social services, which may include mental health services, for eligible older individuals.

(2) SERVICES.—The services described in paragraph (1) shall include—

(A) providing—

(i) case management, case assistance, and social work services;

(ii) health care management and health care assistance, including disease prevention and health promotion services;

(iii) education, socialization, and recreational activities; and

(iv) volunteer opportunities for project participants; and

(B) coordinating the services provided under title III for eligible older individuals served by the project.

(3) PREFERENCE.—In carrying out an aging in place project, an eligible entity shall, to the extent practicable, serve communities of low-income individuals and operate or locate projects and services in or in close proximity to locations where large concentrations of older individuals have aged in place and resided, such as Naturally Occurring Retirement Communities.

(4) SUPPLEMENT NOT SUPPLANT.—Funds made available to an eligible entity under this section shall be used to supplement, not supplant, any Federal, State, or other funds otherwise available to the entity to provide health and social services to eligible older individuals.

(e) COMPETITIVE GRANTS FOR TECHNICAL ASSISTANCE.—

(1) GRANTS.—The Assistant Secretary shall (or shall make a grant, on a competitive basis, to an eligible nonprofit organization, to enable the organization to)—

(A) provide technical assistance to recipients of grants under subsection (b); and

(B) carry out other duties, as determined by the Assistant Secretary.

(2) ELIGIBLE ORGANIZATION.—To be eligible to receive a grant under this subsection, an organization shall be a nonprofit organization (including a partnership of nonprofit organizations), that—

(A) has experience and expertise in providing technical assistance to a range of entities serving older individuals and experience evaluating and reporting on programs; and

(B) has demonstrated knowledge of and expertise in community-based health and social servIces.

(3) APPLICATION.—To be eligible to receive a grant under this subsection, an organization (including a partnership of nonprofit organizations) shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require, including an assurance that the organization will submit to the Assistant Secretary such evaluations and reports as the Assistant Secretary may require.

(f) REPORT.—The Assistant Secretary shall annually prepare and submit a report to Congress that shall include—

(1) the findings resulting from the evaluations of the model projects conducted under this section;

(2) a description of recommended best practices regarding carrying out health and social service projects for older individuals aging in place; and

(3) recommendations for legislative or administrative action, as the Assistant Secretary determines appropriate.

* * * * * * *

SEC. 423. CHOICES FOR INDEPENDENCE DEMONSTRATION PROJECTS.

(a) DEFINITIONS.—In this section:

(1) CONSUMER.—The term "consumer" means an older individual, a family member of such individual, and any other person seeking information or assistance with respect to long-term care.

(2) HIGH-RISK INDIVIDUAL.—The term "high risk individual" means an older individual who—

(A) has a functional impairment affecting the individual's activities of daily living;

(B) is ineligible for the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

(C) meets such income and functional status criteria as are determined to be appropriate by the State involved and approved by the Assistant Secretary.

(3) QUALIFIED EXPENDITURES.—The term "qualified expenditures" means reported expenditures of a State under this section that have been reviewed and approved by the Assistant Secretary.

(4) SERVICE COORDINATION.—The term "service coordination" means a coordinated approach taken on behalf of high-risk older individuals to facilitate the development and implementation of a long-term care plan and the choice and independence of the individuals in securing long-term care.

(b) AUTHORITY.—The Assistant Secretary shall make grants on a competitive basis, in accordance with this section, to States to enable the States to pay for the Federal share of the cost of modifying their State systems of long-term care in order to promote and facilitate—

(1) the choice and control of older individuals and their families in securing long-term care;

(2) the coordination and cost-effectiveness of State systems of long-term care;

(3) the provision of long-term care in home and community-based settings; and

(4) the ability of individuals receiving long-term care to remain as independent and self-sufficient as possible.

(c) APPLICATIONS BY STATES.—For a State to be eligible to receive a grant under this section, the Governor of such State shall submit an application to the Assistant Secretary, at such time, in such manner, and containing such information as the Assistant Secretary may specify, containing a plan for implementation of the component strategies described in subsection (d) and such other information and assurances as the Secretary determines to be appropriate.

(d) USE OF FUNDS BY STATES.—

(1) COMPONENT STRATEGIES.—A State that receives funds through a grant made under subsection (b) shall use the funds to carry out a demonstration project under this section (directly or by grant or contract) by integrating into the State system of long-term care, the component strategies described in paragraphs (2) through (5).

(2) PUBLIC EDUCATION.—In carrying out the demonstration project, the State shall conduct activities that shall include media campaigns, targeted mailings, and related activities, to help ensure that consumers are aware of—

(A) the need to plan in advance for long-term care;

(B) available public and private long-term care options, including private long-term care insurance; and

(C) sources of information and resources related to long-term care, including the resource centers described in paragraph (3).

(3) AGING AND DISABILITY RESOURCE CENTERS.—

(A) IN GENERAL.—The State shall provide for community-level Aging and Disability Resource Centers, which, consistent with section 102(47) and subsection (f), shall provide—

(i) comprehensive information on available public and private long-term care programs, options, and resources;

(ii) personal counseling and service coordination to assist consumers in assessing their existing or anticipated long-term care needs and circumstances, and developing and implementing a plan for long-term care designed to meet their specific needs and circumstances;

(iii) a convenient point of entry to the range of publicly-supported long-term care programs for which an individual may be eligible, including the Medicaid program under title XIX of the Social Security Act (42

U.S.C. 1396 et seq.), and to such other public benefit programs as the State determines to be appropriate;

(iv) a single process for consumer intake, assessment, and application for benefits under the programs described in clause (iii), including, where appropriate and feasible, facilitating the determination of an individual's eligibility (including facilitating that determination in compliance with the requirements of title XIX of the Social Security Act) under such programs by collaborating with the appropriate programmatic office; and

(v) the ability—

(I) to respond immediately to a request for assistance from an individual or a family member of the individual, in the event of a crisis situation that could result in placement of such individual in an institutional care setting; and

(II) to provide (or coordinate the provision of), such available short-term assistance as would be necessary and appropriate to temporarily preclude the need for such institutional placement, until a plan for home and community-based long-term care can be developed and implemented.

(B) TRAINING.—In providing for the Centers, the State shall ensure that the staff of the Centers is appropriately trained to understand the interactions between private long-term care insurance (especially insurance through long-term care partnership policies) and eligibility for benefits under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(4) HEALTHY LIFESTYLE CHOICES.—The State shall, in accordance with standards established by the Assistant Secretary, provide for low-cost, community-level, evidence-based prevention programs and related tools to assist older individuals and their family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease, and disability among older individuals.

(5) COMMUNITY LIVING INCENTIVES.—

(A) IN GENERAL.—The State shall provide funding toward and otherwise assist with the provision of home and community-based long-term care to individuals at high risk for placement in institutional care (referred to in this paragraph as "high-risk individual". The State shall ensure that individuals at greatest risk for becoming eligible for benefits under the Medicaid program receive priority for the home and community-based long-term care.

(B) LONG-TERM CARE PLAN.—The State shall provide for assessments of the needs and preferences of high-risk individuals with respect to long-term care, and based on such assessments, shall develop with such individuals and their family members, caregivers, or legal representatives a plan for long-term care for such individuals, specifying the types of support, providers, budget, and, if the State elects, cost-sharing contributions involved.

(C) ALLOCATION OF FUNDS BASED ON INDIVIDUAL BUDGETS.—The State shall ensure that the funding described in subparagraph (A) will be allocated among, and disbursed for, the budgets of high-risk individuals under long-term care plans developed for such individuals.

(D) OPTION TO PROVIDE CONSUMER-DIRECTED CARE.—The State shall provide high-risk individuals with the option to receive home and community-based long-term care under this paragraph in a manner that permits such individuals to direct and control, in conjunction with a service coordinator, the selection, planning, budgeting, and purchasing of such care (including the amount, duration, scope, providers, and location of such care), to the extent determined appropriate and feasible under the long-term care plan developed under subparagraph (B). The service coordinator shall assist the high-risk individuals in purchasing a range of long-term care services or supplies, not otherwise available or eligible for payment through an entity carrying out a Federal or State program or a similar third party, from a qualified provider that are delivered in home and community-based settings and in a manner that best meets the individuals' needs and respects the individuals' preferences to remain in the least restrictive setting possible.

(e) FEDERAL SHARE.—The Federal share of the cost of modifying systems of long-term systems care as described in subsection (b) shall be not more than 75 percent of such cost (calculated on an annual basis as the State's qualified expenditures for such modifications for such year).

(f) SPECIAL PROVISIONS RELATING TO AGING AND DISABILITY RESOURCE CENTERS.—A State shall ensure that any Aging and Disability Resource Center shall—

(1) fully coordinate its activities with any health insurance information, counseling, and assistance (receiving funding under section 4360 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1395b–4)) in the State;

(2) be subject to such controls as the Assistant Secretary determines to be appropriate to ensure there is no conflict of interest with respect to any referrals, for information or otherwise, made by the Center for individuals receiving services through the Center; and

(3) provide no long-term care services or supplies, with the exception of case management services provided through area agencies on aging as described in section 306(a)(8).

(g) SPECIAL PROVISIONS RELATING TO OPTION TO PROVIDE CONSUMER-DIRECTED CARE.—Payments made for a high-risk individual under subsection (d)(5)(D) shall not be included in the gross income of the high-risk individual for purposes of the Internal Revenue Code of 1986 or be treated as income, be treated as assets or benefits, or otherwise be taken into account, for purposes of determining the individual's eligibility for, the amount of benefits for the individual under, or the amount of cost-sharing required of the individual by, any other Federal or State program, other than the program carried out under this section.

(h) TECHNICAL ASSISTANCE TO STATES.—The Assistant Secretary, directly or by grant or contract, shall provide for technical assist-

ance to and oversight of States carrying out demonstration projects under this section, for purposes of administration, quality assurance, and quality improvement.

(i) EVALUATION AND REPORT.—The Assistant Secretary, directly or by grant or contract, shall provide for an evaluation of the demonstration projects carried out under this section. The Assistant Secretary shall submit to the President a report containing the findings resulting from such evaluation not later than 6 months after the termination of the demonstration projects.

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SEC. 432. RESPONSIBILITIES OF ASSISTANT SECRETARY.

(a) IN GENERAL.—* * *

* * * * * * *

(c) EVALUATIONS.—

(1) IN GENERAL.—The Assistant Secretary shall establish by regulation and implement a process to evaluate the results of projects and programs carried out under this title.

(2) RESULTS.—The Assistant Secretary shall—

(A) make available to the public the results of each evaluation carried out under paragraph (1); and

(B) use such evaluation to improve services delivered, or the operation of projects and programs carried out, under this Act, including preparing an analysis of such services, projects, and programs, and of how the evaluation relates to improvements in such services, projects, and programs and in the strategic plan of the Administration.

* * * * * * *

SEC. 502. OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM.

(a)(1) In order to foster and promote useful part-time opportunities in community service activities for unemployed low-income persons who are 55 years or older and who have poor employment prospects, and in order to foster individual economic self-sufficiency and to increase the number of persons who may enjoy the benefits of unsubsidized employment in both the public and private sectors, the Secretary of Labor (hereafter in this title referred to as the "Secretary") is authorized to establish an older American community service employment program. *For purposes of this paragraph, an underemployed person shall be considered to be an unemployed person.*

(b)(1) In order to carry out the provisions of this title, the Secretary is authorized to enter into agreements, subject to section 514, with State and national public and private nonprofit agencies and organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or tribal organizations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c) of this section, of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement the program. No payment shall be made by the Secretary toward

the cost of any project established or administered by any organization or agency unless the Secretary determines that such project—

(A) * * *

* * * * * * *

(M) will assure that, to the extent feasible, such project will serve the needs of [minority, limited English-speaking, and Indian eligible individuals, and eligible individuals who have the greatest economic need,] *minority and Indian eligible individuals, eligible individuals with limited English proficiency, and eligible individuals with greatest economic need,* at least in proportion to their numbers in the State and take into consideration their rates of poverty and unemployment;

(f) The Secretary shall, on a regular basis, carry out evaluations of the activities authorized under this title, which may include but are not limited to projects described in subsection (e).

(g)(1) Except as provided in paragraphs (2) and (3), an eligible individual may participate in projects carried out under this title for a period of not more than 36 months (whether or not consecutive) in the aggregate.

(2) A grantee for a project may extend the period of participation for not more than 20 percent of the project participants. In selecting participants for the extended period of participation, the grantee shall give priority to—

(A) participants who are 65 years old or older or frail older individuals; and

(B) individuals who have more than 1 of the following barriers to employment:

(i) A disability.

(ii) Limited English proficiency or low literacy skills.

(iii) A residence in a rural area.

(iv) A residence in an area of high unemployment.

(v) Homelessness or a situation that puts the individual at risk for homelessness.

(vi) A failure to find employment after utilizing services under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

(3) A grantee may petition for a waiver of the 36-month limit described in paragraph (1) if the grantee serves a high concentration of individuals who are hard-to-serve individuals because they have more than 1 barrier to employment as described in paragraph (2)(B), including a grantee who operates a project in an area in which at least 60 percent of the counties are rural counties, as defined by the Economic Research Service of the Department of Agriculture.

(h) It is the sense of the Senate that—

(1) the older American community service employment program was created with the intent of placing older individuals in community service positions to provide job training placements; and

(2) placing older individuals in community service positions strengthens the ability of the individuals to become self-sufficient, provides much-needed volunteer support to organizations who benefit significantly from increased civic engagement, and

strengthens the communities that are served by such organizations.

* * * * * * *

SEC. 506. DISTRIBUTION OF ASSISTANCE.

(a) RESERVATIONS.—

(1) RESERVATION FOR PRIVATE EMPLOYMENT PROJECTS.— * * *

* * * * * * *

(g) DEFINITIONS.—In this section:

*(1) COST PER AUTHORIZED POSITION.—** * *

* * * * * * *

(2) FISCAL YEAR 2000 LEVEL OF ACTIVITIES.—The term "fiscal year 2000 level of activities" means—

(A) with respect to public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary, their level of activities for fiscal year 2000[, or the amount remaining after the application of section 514(e)]; and

(B) with respect to State grantees, their level of activities for fiscal year 2000[, or the amount remaining after the application of section 514(f)].

* * * * * * *

SEC. 513. PERFORMANCE.

(a) MEASURES.—

[(1) ESTABLISHMENT OF MEASURES.—The Secretary shall establish, in consultation with grantees] *(1)* ESTABLISHMENT AND IMPLEMENTATION OF MEASURES.—*The Secretary shall establish and implement, after consultation with the Assistant Secretary, grantees*, subgrantees, and host agencies under this title, States, older individuals, area agencies on aging, and other organizations serving older individuals, performance measures for each grantee for projects and services carried out under this title. *The Assistant Secretary shall provide recommendations to the Secretary on the establishment and implementation of the performance measures.*

(2) CONTENT.—

(A) COMPOSITION OF MEASURES.—* * *

* * * * * * *

(B) ADJUSTMENT.—The levels of performance described in subparagraph (A) applicable to a grantee shall be adjusted only with respect to the following factors:

(i) * * *

* * * * * * *

(iv) Not less than 60 percent of the counties, in the areas served by the grantee, being rural counties as defined by the Economic Research Service of the Department of Agriculture.

(v) The areas served by the grantee comprising a difficult to serve territory due to limited economies of scale.

* * * * * * *

(5) LIMITATION.—An agreement to be evaluated on the performance measures shall be a requirement for application for, and a condition of, all grants authorized by this title.

(6) SPECIAL RULES.—

(A) ESTABLISHMENT AND IMPLEMENTATION.—The Secretary shall establish and implement the performance measures described in this section, including all required indicators described in subsection (b), not later than 1 year after the date of enactment of the Older Americans Act Amendments of 2006.

(B) IMPACT ON GRANT COMPETITION.—The Secretary may not publish a notice announcing a grant competition under this title, and soliciting proposals for grants, until the day that is the later of—

(i) the date on which the Secretary implements all required indicators described in subsection (b); and

(ii) January 1, 2010.

* * * * * * *

(d) CORRECTIVE EFFORTS.—A State or other grantee that does not achieve the established levels of performance on the performance measures shall submit to the Secretary, for approval, a plan of correction as described in subsection (e) or (f) of section 514 to achieve established levels of performance.

(e) EFFECT OF EXEMPTION.—In implementing a performance measure under this section, the Secretary shall not reduce a score on the performance measure of—

(1) a grantee that receives a waiver under section 502(g)(3) on the basis that the grantee is extending the period of participation for project participants under that section; and

(2) a grantee on the basis that the grantee is extending the period of participation for project participants under section 502(g)(2).

* * * * * * *

SEC. 514. COMPETITIVE REQUIREMENTS RELATING TO GRANT AWARDS.

[(a) PROGRAM AUTHORIZED.—In accordance with section 502(b), the Secretary shall award grants to eligible applicants to carry out projects under this title for a period of 1 year, except that, after the promulgation of regulations for this title and the establishment of the performance measures required by section 513(a), the Secretary shall award grants for a period of not to exceed 3 years.**]**

(a) PROGRAM AUTHORIZED.—In accordance with section 502(b), the Secretary shall award grants to eligible applicants, through a competitive process that emphasizes meeting performance measures, to carry out projects under this title for a 4-year period. The Secretary may not conduct a grant competition under this title until the day described in section 513(a)(6)(B).

[(b) ELIGIBLE APPLICANTS.—An applicant shall be eligible to receive a grant under subsection (a) in accordance with section 502(b)(1), and subsections (c) and (d).]

(b) ELIGIBLE APPLICANTS.—An applicant shall be eligible to receive a grant as described in subsection (a) if the applicant meets the requirements and criteria described in section 502(b)(1), subsections (c) and (d), and paragraphs (2) and (3) of subsection (e).

(c) CRITERIA.—The Secretary shall select the eligible applicants to receive grants under subsection (a) based on the following:

(1) The applicant's ability to administer a program that serves the greatest number of eligible individuals, giving particular consideration to individuals with greatest economic need, greatest social need, poor employment history or prospects, .. and over the age of 60.

(2) The applicant's performance on the required indicators described in section 513(b), in the case of an applicant that has previously received a grant under this title, and the applicant's ability to meet the required indicators, in the case of any other applicant.

(3) The applicant's ability to administer a program that provides community service.

[(2)]*(4)* The applicant's ability to administer a program that provides employment for eligible individuals in the communities in which such individuals reside, or in nearby communities, that will contribute to the general welfare of the community.

[(3)]*(5)* The applicant's ability to administer a program that moves eligible individuals into unsubsidized employment.

[(4)]*(6)* The applicant's ability to move individuals with multiple barriers to employment into unsubsidized employment.

[(5)]*(7)* The applicant's ability to coordinate with other organizations at the State and local level.

[(6)]*(8)* The applicant's plan for fiscal management of the program to be administered with funds received under this section.

[(7)][(*9*) Any additional criteria that the Secretary deems appropriate in order to minimize disruption for current enrollees.]

(9) The applicant's ability to minimize disruption in services for project participants and the entities employing the participants.

(10) Any additional criteria that the Secretary may determine to be appropriate.

(d) RESPONSIBILITY TESTS.—

(1) IN GENERAL.—* * *

* * * * * * *

(e) NATIONAL PERFORMANCE MEASURES AND COMPETITION FOR PUBLIC AND PRIVATE NONPROFIT AGENCIES AND ORGANIZATIONS.—

(1) IN GENERAL.—* * *

* * * * * * *

(2) TECHNICAL ASSISTANCE AND CORRECTIVE ACTION PLAN.—

(A) * * *

(B) * * *

[(C) AFTER SECOND YEAR OF FAILURE.—If a grantee fails to meet the national performance measures for a second consecutive program year, the Secretary shall conduct a national competition to award, for the first full program year following the determination (minimizing, to the extent possible, the disruption of services provided to enrollees), an amount equal to 25 percent of the funds awarded to the grantee for such year.]

[(D) COMPETITION AFTER THIRD CONSECUTIVE YEAR OF FAILURE.—If a grantee fails to meet the national performance measures for a third consecutive program year, the Secretary shall conduct a national competition to award the amount of the grant remaining after deduction of the portion specified in subparagraph (C) for the first full program year following the determination. The eligible applicant that receives the grant through the national competition shall continue service to the geographic areas formerly served by the grantee that previously received the grant.

[(3) COMPETITION REQUIREMENTS FOR PUBLIC AND PRIVATE NONPROFIT AGENCIES AND ORGANIZATIONS IN A STATE.—

(A) IN GENERAL.—In] *(3)* COMPETITION REQUIREMENTS FOR PUBLIC AND PRIVATE NONPROFIT AGENCIES AND ORGANIZATIONS IN A STATE.—*In* addition to the actions required under paragraph (2), the Secretary shall [take corrective action] *provide technical assistance* if the Secretary determines at the end of any program year that, despite meeting the established national performance measures, a public or private nonprofit agency or organization that is a grantee has attained levels of performance 20 percent or more below the national performance measures with respect to the project carried out in a State and has failed to meet the performance measures as established by the Secretary for the State grantee in such State, and there are not factors, such as the factors described in section 513(a)(2)(B), or size of the project, that justify the performance.

[(B) FIRST YEAR OF FAILURE.—After the fist program year of failure to meet the performance criteria described in subparagraph (A), the Secretary shall require a corrective action plan, and may require the transfer of the responsibility for the project to other grantees, provide technical assistance, and take other appropriate actions.]

[(C) SECOND YEAR OF FAILURE.—After the second consecutive program year of failure to meet the performance criteria described in subparagraph (A), the corrective actions to be taken by the Secretary may include the transfer of the responsibility for a portion or all of the project to a State or public or private nonprofit agency or organization, or a competition for a portion or all of the funds to carry out such project among all eligible entities that meet the responsibility tests under section 514(d) except for the grantee that is the subject of the corrective action.]

[(D) THIRD YEAR OF FAILURE.—After the third consecutive program year of failure to meet the performance criteria described in subparagraph (A), the Secretary shall conduct

a competition for the funds to carry out such project among all eligible entities that meet the responsibility tests under section 514(d) except for the grantee that is the subject of the corrective action.]

(4) REQUEST BY GOVERNOR.—Upon the request of the Governor of a State for a review of the performance of a public or private nonprofit agency or organization within the State, the Secretary shall undertake such a review in accordance with the criteria described in [paragraph (3)(A)]*paragraph (3)*. [If the performance of such grantee is not justified under such criteria, the Secretary shall take corrective action in accordance with paragraph (3).]

(f) PERFORMANCE MEASURES AND COMPETITION FOR STATES.—

(1) IN GENERAL.—

* * * * * * *

[(4) FAILURE TO MEET PERFORMANCE MEASURES FOR SECOND AND THIRD YEARS.—

[(A) AFTER SECOND YEAR OF FAILURE.—If a State fails to meet the performance measures for a second consecutive program year, the Secretary shall provide for the conduct by the State of a competition to award, for the first full program year; following the determination (minimizing, to the extent possible, the disruption of services provided to enrollees), an amount equal to 25 percent of the funds available to the State for such year.

[(B) AFTER THIRD YEAR OF FAILURE.—If the State fails to meet the performance measures for a third consecutive program year, the Secretary shall provide for the conduct by the State of a competition to award the funds allocated to the State for the first full program year following the Secretary's determination that the State has not met the performance measures.]

(g) GRANTEES SERVING INDIVIDUALS WITH BARRIERS TO EMPLOYMENT.—

(1) DEFINITION.—In this subsection, the term "individuals with barriers to employment" minority and Indian individuals, individuals with limited English proficiency, and individuals with greatest economic need.

(2) SPECIAL CONSIDERATION.—In areas where a substantial population of individuals with barriers to employment exists, a grantee that receives a national grant under this section shall, in selecting subgrantees, give special consideration to organizations (including former recipients of such national grants) with demonstrated expertise in serving individuals with barriers to employment.

(h) MINORITY-SERVING GRANTEES.—The Secretary may not promulgate rules or regulations, affecting grantees in areas where a substantial population of minority individuals exists, that would significantly compromise the ability of the grantees to serve their targeted population of minority older individuals.

SEC. 516. DEFINITIONS.

In this title:

(1) COMMUNITY SERVICE.— * **

* * * * * * *

(2) ELIGIBLE [INDIVIDUALS] INDIVIDUAL—(A) IN GENERAL.—The term "eligible [individuals] individual means an individual who is 55 years old or older, who has a low income (including any such individual whose income is not more than 125 percent of poverty guidelines established by the Office of Management and Budget), except that, pursuant to regulations prescribed by the Secretary, any such individual who is 60 years old or older shall have priority for the work opportunities provided for under this title.

(B) DETERMINATION OF LOW INCOME.—For purposes of determining income eligibility under subparagraph (A), the Secretary shall not include as income—

(i) unemployment compensation;

(ii) benefits received under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.);

(iii) payments made to or on behalf of veterans or former members of the Armed Forces under the laws administered by the Secretary of Veterans Affairs; or

(iv) 25 percent of the old-age and survivors insurance benefits received under title II of the Social Security Act (42 U.S.C. 401 et seq.)

* * * * * * *

SEC. 614A. DISTRIBUTION OF FUNDS AMONG TRIBAL ORGANIZATIONS.

*(a) * * **

* * * * * * *

(c) CLARIFICATION.—

(1) DEFINITION.—In this subsection, the term "covered year" means fiscal year 2006 or a subsequent fiscal year.

(2) CONSORTIA OF TRIBAL ORGANIZATIONS.—If a tribal organization received a grant under this part for fiscal year 1991 as part of a consortium, the Assistant Secretary shall consider the tribal organization to have received a grant under this part for fiscal year 1991 for purposes of subsections (a) and (b), and shall apply the provisions of subsections (a) and (b) (1) (under the conditions described in subsection (b)) to the tribal organization for each covered year for which the tribal organization submits an application under this part, even if the tribal organization submits—

(A) a separate application from the remaining members of the consortium; or

(B) an application as 1 of the remaining members of the consortium.

* * * * * * *

SEC. 643. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title—

(1) for parts A and B, such sums as may be necessary for fiscal year [2001] *2007* and such sums as may be necessary for subsequent fiscal years; and

(2) for part C, [$5,000,000 for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.] *$6,500,000 for fiscal year 2007, $7,000,000 for fiscal year 2008,*

$7,500,000 for fiscal year 2009, $8,000,000 for fiscal year 2010, and $8,500,000 for fiscal year 2011.

* * * * * * *

TITLE VII—ALLOTMENTS FOR VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES

Subtitle A—State Provisions

CHAPTER I—GENERAL STATE PROVISIONS

SEC. 701. ESTABLISHMENT.

* * * * * * *

SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

(a) OMBUDSMAN PROGRAM.—There are authorized to be appropriated to carry out chapter 2, such sums as may be necessary for fiscal year **[**2001**]** *2007*, and such sums as may be necessary for subsequent fiscal years.

(b) PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.—There are authorized to be appropriated to carry out chapter 3, such sums as may be necessary for fiscal year **[**2001**]** *2007*, and such sums as may be necessary for subsequent fiscal years.

(c) LEGAL ASSISTANCE DEVELOPMENT PROGRAM.—There are authorized to be appropriated to carry out chapter 4, such sums as may be necessary for fiscal year **[**2001**]** *2007*, and such sums as may be necessary for subsequent fiscal years.

* * * * * * *

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

SEC. 721. PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.

(a) ESTABLISHMENT.—* * *

* * * * * * *

(b) USE OF ALLOTMENTS.—The State agency shall use an allotment made under subsection (a) to carry out, through the programs described in subsection (a), activities to develop, strengthen, and carry out programs for the prevention and treatment of elder abuse, neglect, and exploitation (including financial exploitation), including—

(1) providing for public education and outreach to identify and prevent elder abuse, neglect, and exploitation;

(2) providing for public education and outreach to promote financial literacy and prevent identity theft and financial exploitation of older individuals;

[(2)**]***(3)* ensuring the coordination of services provided by area agencies on aging with services instituted under the State adult protection service program, State and local law enforcement systems, and courts of competent jurisdiction;

[(3)**]***(4)* promoting the development of information and data systems, including elder abuse reporting systems, to quantify

the extent of elder abuse, neglect, and exploitation in the State;

[(4)**]***(5)* conducting analyses of State information concerning elder abuse, neglect, and exploitation and identifying unmet service, enforcement, or intervention needs;

[(5)**]***(6)* conducting training for individuals, including caregivers described in part E of title III, professionals, and paraprofessionals, in relevant fields on the identification, prevention, and treatment of elder abuse, neglect, and exploitation, with particular focus on prevention and enhancement of self-determination and autonomy;

[(6)**]***(7)* providing technical assistance to programs that provide or have the potential to provide services for victims of elder abuse, neglect, and exploitation and for family members of the victims;

[(7)**]***(8)* conducting special and on-going training, for individuals involved in serving victims of elder abuse, neglect, and exploitation, on the topics of self-determination, individual rights, State and Federal requirements concerning confidentiality, and other topics determined by a State agency to be appropriate; and

[(8)**]***(9)* promoting the development of an elder abuse, neglect, and exploitation system—

(A) * * *

* * * * * * *

(e) REQUIREMENTS.—* * *

(1) * * *

(2) require that all information gathered in the course of receiving a report described in **[**subsection (b)(8)(B)(i)**]***subsection (b)(9)(B)(i)*, and making a referral described in **[**subsection (b)(8)(B)(ii)**]***subsection (b)(9)(B)(ii)*, shall remain confidential except—

* * * * * * *

Subtitle B—Elder Justice Programs

SEC. 751. DEFINITIONS.

In this subtitle:

(1) CAREGIVER.—The term "caregiver" means an individual who has the responsibility for the care of an elder, either voluntarily, by contract, by receipt of payment for care, or as a result of the operation of law and means a family member or other individual who provides (on behalf of such individual or of a public or private agency, organization, or institution) compensated or uncompensated care to an elder.

(2) DIRECT CARE.—The term "direct care" means care by an employee or contractor who provides assistance or long-term care services to a recipient.

(3) ELDER.—The term "elder" means an older individual, as defined in section 102.

(4) ELDER JUSTICE.—The term "elder justice" means—

(A) efforts to prevent, detect, treat, intervene in, and respond to elder abuse, neglect, and exploitation and to pro-

tect elders with diminished capacity while maximizing their autonomy; and

(B) from an individual perspective, the recognition of an elder's rights, including the right to be free of abuse, neglect, and exploitation.

(5) ELIGIBLE ENTITY.—The term "eligible entity" means a State or local government agency, Indian tribe, or any other public or private entity, that is engaged in and has expertise in issues relating to elder justice.

(6) FIDUCIARY.—The term "fiduciary"—

(A) means a person or entity with the legal responsibility—

(i) to make decisions on behalf of and for the benefit of another person; and

(ii) to act in good faith and with fairness; and

(B) includes a trustee, a guardian, a conservator, an executor, an agent under a financial power of attorney or health care power of attorney, or a representative payee.

(7) GRANT.—The term "grant" includes a contract, cooperative agreement, or other mechanism for providing financial assistance.

(8) LAW ENFORCEMENT.—The term "law enforcement" means the full range of potential responders to elder abuse, neglect, and exploitation including—

(A) police, sheriffs, detectives, public safety officers, and corrections personnel;

(B) prosecutors;

(C) medical examiners;

(D) investigators; and

(E) coroners.

(9) LONG-TERM CARE.—

(A) IN GENERAL.—The term "long-term care" means supportive and health services specified by the Secretary for individuals who need assistance because the individuals have a loss of capacity for self-care due to illness, disability, or vulnerability.

(B) LOSS OF CAPACITY FOR SELF-CARE.—For purposes of subparagraph (A), the term "loss of capacity for self-care" means an inability to engage effectively in activities of daily living, including eating, dressing, bathing, and management of one's financial affairs.

(10) LONG-TERM CARE FACILITY.—The term "long-term care facility" means a residential care provider that arranges for, or directly provides, long-term care.

(11) NURSING FACILITY.—The term "nursing facility" has the meaning given such term under section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a)).

(12) STATE LEGAL ASSISTANCE DEVELOPER.—The term "State legal assistance developer" means an individual described in section 731.

(13) STATE LONG-TERM CARE OMBUDSMAN.—The term "State Long-Term Care Ombudsman" means the State Long-Term Care Ombudsman described in section 712(a)(2).

SEC. 752. STATE AND TRIBAL GRANTS TO STRENGTHEN LONG-TERM CARE AND PROVIDE ASSISTANCE FOR ELDER JUSTICE PROGRAMS.

(a) GRANTS.—The Assistant Secretary may award grants to States and Indian tribes to enable the States and tribes to strengthen long-term care and provide assistance for elder justice programs.

(b) APPLICATION.—To be eligible to receive a grant under this subtitle, a State or Indian tribe shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

(c) USE OF FUNDS.—A State or Indian tribe that receives a grant under this subtitle may use the funds made available through the grant to award grants—

(1) to eligible entities for the prevention, detection, assessment, and treatment of, intervention in, investigation of, and response to elder abuse, neglect, and exploitation;

(2) to eligible entities to examine various types of elder shelters (in this paragraph referred to as "safe havens"), and to test various safe haven models for establishing safe havens (at home or elsewhere), that—

(A) recognize autonomy and self-determination, and fully protect the due process rights of elders; and

(B)(i) provide a comprehensive, culturally sensitive, and multidisciplinary team response to allegations of elder abuse, neglect, or exploitation;

(ii) provide a dedicated, elder-friendly setting;

(iii) have the capacity to meet the needs of elders for care; and

(iv) provide various services including—

(I) nursing and forensic evaluation;

(II) therapeutic intervention;

(III) victim support and advocacy; and

(IV) care review and assistance to make the elders safer at home or to find appropriate placement in safer environments, including shelters, and, in some circumstances long-term care facilities, other residential care facilities, and hospitals;

(3) to eligible entities to establish or continue volunteer programs that focus on the issues of elder abuse, neglect, and exploitation, or to provide related services;

(4) to eligible entities to support multidisciplinary elder justice activities, such as—

(A) supporting and studying team approaches for bringing a coordinated multidisciplinary or interdisciplinary response to elder abuse, neglect, and exploitation, including a response from individuals in social service, health care, public safety, and legal disciplines;

(B) establishing a State or tribal coordinating council, which shall identify the individual State's or Indian tribe's needs and provide the Secretary with information and recommendations relating to efforts by the State or Indian tribe to combat elder abuse, neglect, and exploitation;

(C) providing training, technical assistance, and other methods of support to groups carrying out multidisciplinary efforts at the State or Indian tribe level (referred to in some States as "State Working Groups";

(D) broadening and studying various models for elder fatality and serious injury review teams, to make recommendations about their composition, protocols, functions, timing, roles, and responsibilities, with a goal of producing models and information that will allow for replication based on the needs of other States, Indian tribes, and communities; or

(E) carrying out such other interdisciplinary or multidisciplinary efforts as the Assistant Secretary determines to be appropriate;

(5) to eligible entities to provide training for individuals with respect to issues of elder abuse, neglect, and exploitation, consisting of—

(A) training within a discipline; or

(B) cross-training activities that permit individuals in multiple disciplines to train together, fostering communication, coordinating efforts, and ensuring collaboration;

(6) to eligible entities to address undeserved populations of elders, such as—

(A) elders living in rural locations;

(B) elders in minority populations; or

(C) low-income elders;

(7) to eligible entities to provide incentives for individuals to train for, seek, and maintain employment providing direct care in a long-term care facility, such as—

(A) to eligible entities to provide incentives to participants in programs carried out under part A of title IV, and section 403(a)(5), of the Social Security Act (42 U.S.C. 601 et seq., 603(a)(5)) to train for and seek employment providing direct care in a long-term care facility;

(B) to long-term care facilities to carry out programs through which the facilities—

(i) offer, to employees who provide direct care to residents of a long-term care facility, continuing training and varying levels of professional certification, based on observed clinical care practices and the amount of time the employees spend providing direct care; and

(ii) provide, or make arrangements with employers to provide, bonuses or other increased compensation or benefits to employees who achieve professional certification under such a program; or

(C) to long-term care facilities to enable the facilities to provide training and technical assistance to eligible employees regarding management practices using methods that are demonstrated to promote retention of employees of the facilities, such as—

(i) the establishment of basic human resource policies that reward high performance, including policies that provide for improved wages and benefits on the basis of job reviews; or

(ii) the establishment of other programs that promote the provision of high quality care, such as a continuing education program that provides additional hours of training, including on-the-job training, for employees who are certified nurse aides;

(8) to encourage the establishment of eligible partnerships to develop collaborative and innovative approaches to improve the quality of, including preventing abuse, neglect, and exploitation in, long-term care; or

(9) to eligible entities to establish multidisciplinary panels to address and develop best practices concerning methods of—

(A) improving the quality of long-term care; and

(B) addressing abuse, including resident-to-resident abuse, in long-term care.

(d) ADMINISTRATIVE EXPENSES.—A State or Indian tribe that receives a grant under this section shall not use more than 5 percent of the funds made available through the grant to pay for administrative expenses.

(e) SUPPLEMENT NOT SUPPLANT.—Funds made available pursuant to this section shall be used to supplement and not supplant other Federal, State, and local (including tribal) funds expended to provide activities described in subsection (c).

(f) MAINTENANCE OF EFFORT.—The State or Indian tribe, in using the proceeds of a grant received under this section, shall maintain the expenditures of the State or tribe for activities described in subsection (c) at a level equal to not less than the level of such expenditures maintained by the State or tribe for the fiscal year preceding the fiscal year for which the grant is received.

(g) ACCOUNTABILITY MEASURES.—The Assistant Secretary shall develop accountability measures to ensure the effectiveness of the activities conducted using funds made available under this section, including accountability measures to ensure that the activities described in subsection (c)(7) benefit eligible employees and increase the stability of the long-term care workforce.

(h) EVALUATING PROGRAMS.—The Assistant Secretary shall evaluate the activities conducted using funds made available under this section and shall use the results of such evaluation to determine the activities for which funds made available under this section may be used.

(i) COMPLIANCE WITH APPLICABLE LAWS.—In order to receive funds under this section, an entity shall comply with all applicable laws, regulations, and guidelines.

(j) ELIGIBLE PARTNERSHIPS.—In subsection (c)(8), the term "eligible partnership" means a multidisciplinary community partnership consisting of eligible entities or appropriate individuals, such as a partnership consisting of 23 representatives in a community of nursing facility providers, State legal assistance developers, advocates for residents of long-term care facilities, State Long-Term Care Ombudsmen, surveyors, the State agency with responsibility for adult protective services, the State agency with responsibility for licensing long-term care facilities, law enforcement agencies, courts, family councils, residents, certified nurse aides, registered nurses, physicians, and other eligible entities and appropriate individuals.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2005 through 2008.

SEC. 753. COLLECTION OF UNIFORM NATIONAL DATA ON ELDER ABUSE, NEGLECT, AND EXPLOITATION.

(a) PURPOSE.—The purpose of this section is to improve, streamline, and promote uniform collection, maintenance, and dissemina-

tion of national data relating to the various types of elder abuse, neglect, and exploitation.

(b) PHASE I.—

(1) IN GENERAL.—Not later than the date that is 1 year after the date of enactment of the Older Americans Act Amendments of 2006, the Assistant Secretary, acting through the head of the Office of Elder Abuse Prevention and Services, after consultation with the Attorney General and working with experts in relevant disciplines from the Bureau of Justice Statistics of the Office of Justice Programs of the Department of Justice, shall—

(A) develop a method for collecting national data regarding elder abuse, neglect, and exploitation; and

(B) develop uniform national data reporting forms adapted to each relevant entity or discipline (such as health, public safety, social and protective services, and law enforcement) reflecting—

(i) the distinct manner in which each entity or discipline receives and maintains information; and

(ii) the sequence and history of reports to or involvement of different entities or disciplines, independently, or the sequence and history of reports from 1 entity or discipline to another over time.

(2) FORMS.—

(A) IN GENERAL.—Subject to subparagraph (B), the national data reporting forms described in paragraph (1)(B) shall incorporate the definitions of section 751, for use in determining whether an event is reportable.

(B) PROTECTION OF PRIVACY.—In pursuing activities under this paragraph, the Secretary shall ensure the protection of individual health privacy consistent with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 and State and local privacy regulations (as applicable).

(c) PHASE II.—

(1) IN GENERAL.—Not later than the date that is 1 year after the date on which the activities described in subsection (b)(1) are completed, the Secretary (or the Secretary's designee) shall ensure that the national data reporting forms and data collection methods developed in accordance with such subsection are pilot tested in 6 States selected by the Secretary.

(2) ADJUSTMENTS TO THE FORM AND METHODS.—The Secretary, after considering the results of the pilot testing described in paragraph (1) and consultation with the Attorney General and relevant experts, shall adjust the national data reporting forms and data collection methods as necessary.

(d) PHASE III.—

(1) DISTRIBUTION OF NATIONAL DATA REPORTING FORMS.—After completion of the adjustment to the national data reporting forms under subsection (c)(2), the Secretary shall submit the national data reporting forms along with instructions to—

(A) the heads of the relevant components of the Department of Health and Human Services, the Department of Justice, and the Department of the Treasury, and such other Federal entities as may be appropriate; and

(B) the Governor's office of each State for collection from all relevant State entities of data, including health care, social services, and law enforcement data.

(2) DATA COLLECTION GRANTS.—

(A) AUTHORIZATION.—The Secretary is authorized to award grants to States to improve data collection activities relating to elder abuse, neglect, and exploitation.

(B) APPLICATION.—To be eligible to receive a grant under this paragraph, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(C) REQUIREMENTS.—Each State receiving a grant under this paragraph for a fiscal year shall report data for the calendar year that begins during that fiscal year, using the national data reporting forms described in paragraph (1).

(D) FUNDING.—

(i) FIRST YEAR.—For the first fiscal year for which a State receives grant funds under this subsection the Secretary shall initially distribute 50 percent of such funds. The Secretary shall distribute the remaining funds at the end of the calendar year that begins during that fiscal year, if the Secretary determines that the State has properly reported data required under this subsection for the calendar year.

(ii) SUBSEQUENT YEARS.—Except as provided in clause (i), the Secretary shall distribute grant funds to a State under this subsection for a fiscal year if the Secretary determines that the State properly reported data required under this subsection for the calendar year that ends during that fiscal year.

(3) REQUIRED INFORMATION.—Each report submitted under this subsection shall—

(A) indicate the State and year in which each event occurred; and

(B) identify the total number of events that occurred in each State during the year and the type of each event.

(e) REPORT.—Not later than 1 year after the date of enactment of the Older Americans Act Amendments of 2006 and annually thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress, including to the Committee on Health Education, Labor, and Pensions and the Special Committee on Aging of the Senate, a report regarding activities conducted under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2007, 2008, 2009, 2010, and 2011.

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Subtitle [B]*C*—Native American Organization Provisions

SEC. [751]*761* Native American Program.

(a) ESTABLISHMENT.—* * *

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(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carryout this section such sums as may be necessary for fiscal year [2001] *2007* and such sums as may be necessary for subsequent fiscal years.

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Subtitle[C][B]*D*—General Provisions

SEC. [761]*771*. DEFINITIONS.

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SEC. [762]*772*. ADMINISTRATION.

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SEC. [763]*773*. TECHNICAL ASSISTANCE.

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SEC. [764]*774*. AUDITS.

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SEC. 775. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to interfere with or abridge the right of an older individual to practice the individual's religion through reliance on prayer alone for healing, in a case in which a decision to so practice the religion—

(1) is contemporaneously expressed by the older individual—

(A) either orally or in writing;

(B) with respect to a specific illness or injury that the older individual has at the time of the decision; and

(C) when the older individual is competent to make the decision;

(2) is set forth prior to the occurrence of the illness or injury in a living will, health care proxy, or other advance directive document that is validly executed and applied under State law; or

(3) may be unambiguously deduced from the older individual's life history.

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OLDER AMERICANS ACT AMENDMENTS OF 1987

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SEC. 205. DEFINITIONS.

For the purposes of this title—

(1) the term "area agency on aging" has the meaning given the term in [section 102(17) of the Older Americans Act of

1965 (42 U.S.C. 3002(17))] *section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002),*

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ENERGY CONSERVATION AND PRODUCTION ACT

DEFINITIONS

SEC. 412. As used in this part:

(1) * * *

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(6) The terms "Indian", "Indian tribe", and "tribal organization" have the meanings prescribed for such terms by [paragraphs (4), (5), and (6), respectively, of section 102] *section 102* of the Older Americans Act of 1965.

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