Public Law 106–501
106th Congress

An Act

Nov. 13, 2000
[H.R. 782]

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

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

Older Americans Act Amendments of 2000.
42 USC 3001 note.

SECTION 1. SHORT TITLE.

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TITLE I—AMENDMENT TO TITLE I OF THE OLDER AMERICANS ACT OF 1965

SEC. 101. DEFINITIONS.

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

(1) in paragraph (3), by striking "the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands." and inserting "and the Commonwealth of the Northern Mariana Islands.";

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

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

"(A) health risk assessments;

"(B) routine health screening, which may include hypertension, glaucoma, cholesterol, cancer, vision, hearing, diabetes, bone density, and nutrition screening;

"(C) nutritional counseling and educational services for individuals and their primary caregivers;

"(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;

"(E) programs regarding physical fitness, group exercise, and music therapy, art therapy, and dance-movement therapy, including programs for multigenerational participation that are provided by—

"(i) an institution of higher education;

"(ii) a local educational agency, as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801); or

"(iii) a community-based organization;

"(F) home injury control services, including screening of high-risk home environments and provision of educational programs on injury prevention (including fall and fracture prevention) in the home environment;

"(G) screening for the prevention of depression, coordination of community mental health services, provision of educational activities, and referral to psychiatric and psychological services;

"(H) educational programs on the availability, benefits, and appropriate use of preventive health services covered under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

"(I) medication management screening and education to prevent incorrect medication and adverse drug reactions;

"(J) information concerning diagnosis, prevention, treatment, and rehabilitation concerning age-related diseases and chronic disabling conditions, including osteoporosis, cardiovascular diseases, diabetes, and Alzheimer's disease and related disorders with neurological and organic brain dysfunction;

"(K) gerontological counseling; and

"(L) counseling regarding social services and followup health services based on any of the services described in subparagraphs (A) through (K).

The term shall not include services for which payment may be made under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq.).";

(3) by striking paragraph (18) and redesignating paragraphs (19), (20), (21), and (22) as paragraphs (18), (19), (20), and (21);

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

"(19) The term 'in-home services' includes—

"(A) services of homemakers and home health aides;

"(B) visiting and telephone reassurance;

"(C) chore maintenance;

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

"(E) minor modification of homes that is necessary to facilitate the ability of older individuals to remain at home and that is not available under another program (other than a program carried out under this Act);

"(F) personal care services; and

"(G) other in-home services as defined—

"(i) by the State agency in the State plan submitted in accordance with section 307; and

"(ii) by the area agency on aging in the area plan submitted in accordance with section 306.

"(20) The term 'Native American' means—

"(A) an Indian as defined in paragraph (5); and

"(B) a Native Hawaiian, as defined in section 625.";

(5) by striking paragraph (23) and redesignating paragraphs (24) through (35) as paragraphs (22), (23), (24), (25), (26), (27), (28), (29), (30), (31), (32), and (33);

(6) by striking paragraph (36) and redesignating the remaining paragraphs; and

(7) by adding at the end the following:

"(42) The term 'family violence' has the same meaning given the term in the Family Violence Prevention and Services Act (42 U.S.C. 10408).

"(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).".

TITLE II—AMENDMENTS TO TITLE II OF THE OLDER AMERICANS ACT OF 1965 AND THE OLDER AMERICANS ACT AMENDMENTS OF 1987

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

SEC. 201. FUNCTIONS OF ASSISTANT SECRETARY.

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

(1) in subsection (a)—

(A) by striking paragraph (9) and redesignating paragraphs (10), (11), and (12) as paragraphs (9), (10), and (11) respectively;

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

(C) in paragraph (15) (as redesignated), by inserting "and older individuals residing in rural areas" after "low-income minority individuals";

(D) in paragraph (18)(B) (as redesignated), by striking "1990" and inserting "2000";

(E) by striking paragraph (19) (as redesignated) and inserting the following:

"(19) conduct strict monitoring of State compliance with the requirements in effect, under this Act to prohibit conflicts of interest and to maintain the integrity and public purpose of services provided and service providers, under this Act in all contractual and commercial relationships;";

(F) by striking paragraph (21) (as redesignated) and inserting the following:

"(21) establish information and assistance services as priority services for older individuals, and develop and operate, either directly or through contracts, grants, or cooperative agreements, a National Eldercare Locator Service, providing information and assistance services through a nationwide toll-free number to identify community resources for older individuals;";

(G) by striking paragraph (24) (as redesignated) and inserting the following:

"(24) establish and carry out pension counseling and information programs described in section 215;"; and

(H) by striking paragraph (27) and redesignating the remaining paragraphs;

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

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

"(A) synthesizing results of research on how best to meet the service needs of older individuals in rural areas;

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

"(C) providing training and technical assistance to States to implement these best practices of service delivery; and

"(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.";

(2) in subsection (d)(4), by striking "1990" and inserting "2000"; and

(3) by adding at the end the following:

"(f)(1) The Assistant Secretary, in accordance with the process described in paragraph (2), and in collaboration with a representative group of State agencies, tribal organizations, area agencies on aging, and providers of services involved in the performance outcome measures shall develop and publish by December 31, 2001, a set of performance outcome measures for planning, managing, and evaluating activities performed and services provided under this Act. To the maximum extent possible, the Assistant Secretary shall use data currently collected (as of the date of development of the measures) by State agencies, area agencies on aging, and service providers through the National Aging Program Information System and other applicable sources of information in developing such measures.

"(2) The process for developing the performance outcome measures described in paragraph (1) shall include—

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

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

"(C) pilot testing of the proposed set of such measures, including an identification of resource, infrastructure, and data collection issues at the State and local levels; and

"(D) evaluation of the pilot test and recommendations for modification of the proposed set of such measures.".

SEC. 202. FEDERAL AGENCY CONSULTATION.

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

42 USC 3013. (1) in section 203(a)(3)(A), by inserting "and older individuals residing in rural areas" after "low-income minority older individuals";

42 USC 3015. (2) by striking section 204 and inserting the following:

"SEC. 204. GIFTS AND DONATIONS.

"(a) GIFTS AND DONATIONS.—The Assistant Secretary may accept, use, and dispose of, on behalf of the United States, gifts or donations (in cash or in kind, including voluntary and uncompensated services or property), which shall be available until expended for the purposes specified in subsection (b). Gifts of cash and proceeds of the sale of property shall be available in addition to amounts appropriated to carry out this Act.

"(b) USE OF GIFTS AND DONATIONS.—Gifts and donations accepted pursuant to subsection (a) may be used either directly, or for grants to or contracts with public or nonprofit private entities, for the following activities:

"(1) The design and implementation of demonstrations of innovative ideas and best practices in programs and services for older individuals.

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

"(3) The development, publication, and dissemination of informational materials (in print, visual, electronic, or other media) relating to the programs and services provided under this Act and other matters of concern to older individuals.

"(c) ETHICS GUIDELINES.—The Assistant Secretary shall establish written guidelines setting forth the criteria to be used in determining whether a gift or donation should be declined under this section because the acceptance of the gift or donation would—

"(1) reflect unfavorably upon the ability of the Administration, the Department of Health and Human Services, or any employee of the Administration or Department, to carry out responsibilities or official duties under this Act in a fair and objective manner; or

"(2) compromise the integrity or the appearance of integrity of programs or services provided under this Act or of any official involved in those programs or services.";

(3) in section 205, by striking subsections (c) and (d) and redesignating subsection (e) as subsection (c); 42 USC 3016.

(4) by redesignating section 215 as section 216; and 42 USC 3020f.

(5) by inserting after section 214 the following:

"SEC. 215. PENSION COUNSELING AND INFORMATION PROGRAMS. 42 USC 3020e–1.

"(a) DEFINITIONS.—In this section:

"(1) PENSION AND OTHER RETIREMENT BENEFITS.—The term 'pension and other retirement benefits' means private, civil service, and other public pensions and retirement benefits, including benefits provided under—

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

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

"(C) the government retirement benefits programs under the Civil Service Retirement System set forth in chapter 83 of title 5, United States Code, the Federal Employees Retirement System set forth in chapter 84 of title 5, United States Code, or other Federal retirement systems; or

"(D) employee pension benefit plans as defined in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)).

"(2) PENSION COUNSELING AND INFORMATION PROGRAM.—The term 'pension counseling and information program' means a program described in subsection (b).

Grants.

"(b) PROGRAM AUTHORIZED.—The Assistant Secretary shall award grants to eligible entities to establish and carry out pension counseling and information programs that create or continue a sufficient number of pension assistance and counseling programs to provide outreach, information, counseling, referral, and other assistance regarding pension and other retirement benefits, and rights related to such benefits, to individuals in the United States.

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

"(1) State agencies or area agencies on aging; and

"(2) nonprofit organizations with a proven record of providing—

"(A) services related to retirement of older individuals;

"(B) services to Native Americans; or

"(C) specific pension counseling.

"(d) CITIZEN ADVISORY PANEL.—The Assistant Secretary shall establish a citizen advisory panel to advise the Assistant Secretary regarding which entities should receive grant awards under this section. Such panel shall include representatives of business, labor, national senior advocates, and national pension rights advocates. The Assistant Secretary shall consult such panel prior to awarding grants under this section.

"(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) establishes or continues a State or area pension counseling and information program;

"(B) serves a specific geographic area;

"(C) provides counseling (including direct counseling and assistance to individuals who need information regarding pension and other retirement benefits) and information that may assist individuals in obtaining, or establishing rights to, and filing claims or complaints regarding, pension and other retirement benefits;

"(D) provides information on sources of pension and other retirement benefits;

"(E) establishes a system to make referrals for legal services and other advocacy programs;

"(F) establishes a system of referral to Federal, State, and local departments or agencies related to pension and other retirement benefits;

"(G) provides a sufficient number of staff positions (including volunteer positions) to ensure information, counseling, referral, and assistance regarding pension and other retirement benefits;

"(H) provides training programs for staff members, including volunteer staff members, of pension and other retirement benefits programs;

"(I) makes recommendations to the Administration, the Department of Labor and other Federal, State, and local agencies concerning issues for older individuals related to pension and other retirement benefits; and

"(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; and

"(2) an assurance that staff members (including volunteer staff members) have no conflict of interest in providing the services described in the plan described in paragraph (1).

"(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.

"(3) Reliable information that the population to be served by the entity has a demonstrable need for the services proposed to be provided under the program.

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

"(g) TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—

"(1) IN GENERAL.—The Assistant Secretary shall award grants to eligible entities to establish training and technical assistance programs that shall provide information and technical assistance to the staffs of entities operating pension counseling and information programs described in subsection (b), and general assistance to such entities, including assistance in the design of program evaluation tools.

"(2) ELIGIBLE ENTITIES.—Entities that are eligible to receive a grant under this subsection include nonprofit private organizations with a record of providing national information, referral, and advocacy in matters related to pension and other retirement benefits.

"(3) APPLICATION.—To be eligible to receive a grant under this subsection, 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.

"(h) PENSION ASSISTANCE HOTLINE AND INTRAGENCY COORDINATION.—

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

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

"(3) AGREEMENTS.—The Assistant Secretary may enter into agreements with the Secretary of Labor and the heads of other Federal agencies that regulate the provision of pension and other retirement benefits in order to carry out this subsection.

Deadline.

"(i) REPORT TO CONGRESS.—Not later than 30 months after the date of the enactment of this section, the Assistant Secretary shall submit 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 a report that—

"(1) summarizes the distribution of funds authorized for grants under this section and the expenditure of such funds;

"(2) summarizes the scope and content of training and assistance provided under a program carried out under this section and the degree to which the training and assistance can be replicated;

"(3) outlines the problems that individuals participating in programs funded under this section encountered concerning rights related to pension and other retirement benefits; and

"(4) makes recommendations regarding the manner in which services provided in programs funded under this section can be incorporated into the ongoing programs of State agencies, area agencies on aging, multipurpose senior centers and other similar entities.

"(j) ADMINISTRATIVE EXPENSES.—Of the funds appropriated under section 216 to carry out this section for a fiscal year, not more than $100,000 may be used by the Administration for administrative expenses.".

SEC. 203. EVALUATION.

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

(1) in subsection (a), by inserting "and older individuals residing in rural areas" after "low-income minority individuals" each place it appears;

(2) in subsection (c), by inserting ", older individuals residing in rural areas" after "minority individuals";

(3) by striking subsection (g); and

(4) by redesignating subsection (h) as subsection (g).

SEC. 204. REPORTS.

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

(1) in subsection (a)(4), by inserting "older individuals residing in rural areas," after "low-income minority individuals,"; and

(2) in subsection (c)(5) by inserting "and older individuals residing in rural areas" after "low-income minority individuals" each place it appears.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

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

(1) in subsection (a)—

(A) by striking "(a) ADMINISTRATION.—" and inserting "(a) IN GENERAL.—";

(B) by striking "1992" and all that follows through the period and inserting "2001, 2002, 2003, 2004, and 2005"; and

(C) by inserting "administration, salaries, and expenses of" after "appropriated for"; and

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

"(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.

"(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.".

Subtitle B—Amendments to the Older Americans Act Amendments of 1987

SEC. 211. WHITE HOUSE CONFERENCE.

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

(1) by striking section 201;

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

(3) in section 201 (as redesignated by paragraph (2))—

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

"(a) AUTHORITY TO CALL CONFERENCE.—Not later than December 31, 2005, the President shall convene the White House Conference on Aging in order to fulfill the purpose set forth in subsection (c) and to make fundamental policy recommendations regarding programs that are important to older individuals and to the families and communities of such individuals. Deadline.

"(b) PLANNING AND DIRECTION.—The Conference described in subsection (a) shall be planned and conducted under the direction of the Secretary, in cooperation with the Assistant Secretary for Aging, the Director of the National Institute on Aging, the Administrator of the Health Care Financing Administration, the Social Security Administrator, and the heads of such other Federal agencies serving older individuals as are appropriate. Planning and conducting the Conference includes the assignment of personnel.

"(c) PURPOSE.—The purpose of the Conference described in subsection (a) shall be to gather individuals representing the spectrum of thought and experience in the field of aging to—

"(1) evaluate the manner in which the objectives of this Act can be met by using the resources and talents of older individuals, of families and communities of such individuals, and of individuals from the public and private sectors;

"(2) evaluate the manner in which national policies that are related to economic security and health care are prepared so that such policies serve individuals born from 1946 to 1964 and later, as the individuals become older individuals, including an examination of the Social Security, Medicare, and Medicaid programs carried out under titles II, XVIII, and XIX of the Social Security Act (42 U.S.C. 401 et seq., 1395 et seq., and 1396 et seq.) in relation to providing services under this Act, and determine how well such policies respond to the needs of older individuals; and

"(3) develop not more than 50 recommendations to guide the President, Congress, and Federal agencies in serving older individuals."; and

(B) in subsection (d)(2), by striking "and individuals from low-income families." and inserting "individuals from low-income families, representatives of Federal, State, and local governments, and individuals from rural areas. A majority of such delegates shall be age 55 or older.";

(4) in section 202 (as redesignated by paragraph (2))—

(A) in subsection (a)—

(i) by striking paragraph (3); and

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

(B) in subsection (b)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4) respectively;

(iii) in paragraph (1) (as redesignated by clause (ii))—

(I) by striking "subsection (a)(4)" and inserting "subsection (a)(3)"; and

(II) by striking "regarding such agenda," and inserting "regarding such agenda, and"; and

(iv) in paragraph (2) (as redesignated by clause (ii)), by striking "subsection (a)(6)" and inserting "subsection (a)(5)"; and

(C) in subsection (c), by adding at the end "Gifts may be earmarked by the donor or the executive committee for a specific purpose.";

(5) in section 203(a) (as redesignated by paragraph (2))—

(A) by striking paragraph (1) and inserting the following:

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

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

"(i) three members who are officers or employees of the United States; and

"(ii) six members with experience in the field of aging, including providers and consumers of aging services.

"(B) HOUSE APPOINTEES.—Two members shall be selected by the Speaker of the House of Representatives, after consultation with the Committee on Education and the Workforce and the Committee on Ways and Means of the House of Representatives, and two members shall be selected by the Minority Leader of the House of Representatives, after consultation with such committees.

"(C) SENATE APPOINTEES.—Two members shall be selected by the Majority Leader of the Senate, after consultation with members of the Committee on Health, Education, Labor, and Pensions and the Special Committee on Aging of the Senate, and two members shall be selected by the Minority Leader of the Senate, after consultation with members of such committees.";

(B) in paragraph (2)—

(i) in subparagraph (B), by striking "Committee" and inserting "Committee for the Secretary"; and

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

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

"(E) establish an executive committee consisting of three to five members, with a majority of such members being age 55 or older, to work with Conference staff; and

"(F) establish other committees as needed that have a majority of members who are age 55 or older."; and

(C) by striking paragraph (3) and inserting the following:

"(3) VOTING; CHAIRPERSON.—

"(A) VOTING.—The Policy Committee shall act by the vote of a majority of the members present. A quorum of Committee members shall not be required to conduct Committee business.

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

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

"SEC. 204. REPORT OF THE CONFERENCE.

"(a) PRELIMINARY REPORT.—Not later than 100 days after the date on which the Conference adjourns, the Policy Committee shall publish and deliver to the chief executive officers of the States a preliminary report on the Conference. Comments on the preliminary report of the Conference shall be accepted by the Policy Committee. Deadline.

"(b) FINAL REPORT.—Not later than 6 months after the date on which the Conference adjourns, the Policy Committee shall publish and transmit to the President and to Congress recommendations resulting from the Conference and suggestions for any administrative action and legislation necessary to implement the recommendations contained within the report."; and Deadline. Publication.

(7) in section 206 (as redesignated by paragraph (2))—

(A) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section— Appropriation authorization.

"(A) such sums as may be necessary for the first fiscal year in which the Policy Committee plans the Conference and for the following fiscal year; and

"(B) such sums as may be necessary for the fiscal year in which the Conference is held."; and

(B) in subsection (b)—

(i) in paragraph (1), by striking "section 203(c)" and inserting "section 202(c)"; and

(ii) in paragraph (3), by striking "December 31, 1995" and inserting "December 31, 2005".

TITLE III—AMENDMENTS TO TITLE III OF THE OLDER AMERICANS ACT OF 1965

SEC. 301. PURPOSE.

Section 301 of the Older Americans Act of 1965 (42 U.S.C. 3021) is amended by adding at the end the following:

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

"(2) No provision of this title shall be construed as prohibiting a State agency or area agency on aging from providing services by using funds from sources not described in paragraph (1).".

SEC. 302. AUTHORIZATION OF APPROPRIATIONS.

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

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

"(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.";

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

"(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.

"(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."; and

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

"(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.

"(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.

"(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.

"(3) Of the funds appropriated under paragraphs (1) and (2)—

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

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

SEC. 303. ALLOTMENT; FEDERAL SHARE.

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

"(a)(1) From the sums appropriated under subsections (a) through (d) of section 303 for each fiscal year, each State shall be allotted an amount which bears the same ratio to such sums as the population of older individuals in such State bears to the population of older individuals in all States.

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

"(3)(A) No State shall be allotted less than ½ of 1 percent of the sum appropriated for the fiscal year for which the determination is made.

"(B) Guam and the United States Virgin Islands shall each be allotted not less than ¼ of 1 percent of the sum appropriated for the fiscal year for which the determination is made.

"(C) American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than 1/16 of 1 percent of the sum appropriated for the fiscal year for which the determination is made. For the purposes of the exception contained in subparagraph (A) only, the term "State" does not include Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

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

"(4) The number of individuals aged 60 or older in any State and in all States shall be determined by the Assistant Secretary on the basis of the most recent data available from the Bureau of the Census, and other reliable demographic data satisfactory to the Assistant Secretary.

"(5) State allotments for a fiscal year under this section shall be proportionally reduced to the extent that appropriations may be insufficient to provide the full allotments of the prior year.".

(b) AVAILABILITY OF FUNDS FOR REALLOTMENT.—Section 304(b) of the Older Americans Act of 1965 (42 U.S.C. 3024(b)) is amended in the first sentence by striking "part B or C" and inserting "part B or C, or subpart 1 of part E,".

SEC. 304. ORGANIZATION.

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

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

(2) in paragraph (2)—

(A) in subparagraph (E) by striking "," and inserting "and older individuals residing in rural areas," after "low-income minority individuals";

(B) in subparagraph (G)(i) by inserting "and older individuals residing in rural areas" after "low-income minority older individuals"; and

(C) in subparagraph (G)(ii) by inserting "and older individuals residing in rural areas" after "low-income minority individuals".

SEC. 305. AREA PLANS.

(a) IN GENERAL.—Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)) is amended—

(1) in paragraph (1), by inserting "and older individuals residing in rural areas" after "low-income minority individuals" in each place it appears;

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "section 307(a)(22)" and inserting "section 307(a)(2)";

(B) in subparagraph (B), by striking "services (homemaker" and all that follows through "maintenance, and" and inserting "services, including"; and

(C) in the matter following subparagraph (C), by striking "and specify annually in such plan, as submitted or as amended," and inserting "and assurances that the area agency on aging will report annually to the State agency";

(3) in paragraph (3)(A), by striking "paragraph (6)(E)(ii)" and inserting "paragraph (6)(C)";

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

(B) by redesignating paragraph (5) as paragraph (4);

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

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

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

(8) in paragraph (4)(C) (as redesignated) by inserting "and older individuals residing in rural areas" after "low-income minority older individuals";

(9) by inserting after paragraph (4) (as redesignated by paragraph (3)) the following:

"(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, with agencies that develop or provide services for individuals with disabilities;";

(10) in paragraph (6)—

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

(B) by redesignating subparagraphs (C), (D), (E), (F), (H), (M), and (N) as subparagraphs (A), (B), (C), (D), (E), (F), and (G), respectively;

(C) in subparagraph (C) (as redesignated by subparagraph (B)), by striking "or adults" and inserting ", assistance to older individuals caring for relatives who are children";

(D) in subparagraph (D) (as redesignated by subparagraph (B)), by inserting "and older individuals residing in rural areas" after "minority individuals"; and

(E) in subparagraph (F) (as redesignated by subparagraph (B)), by adding "and" after the semicolon;

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

"(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;

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

"(A) not duplicate case management services provided through other Federal and State programs;

"(B) be coordinated with services described in subparagraph (A); and

"(C) be provided by a public agency or a nonprofit private agency that—

"(i) gives each older individual seeking services under this title a list of agencies that provide similar services within the jurisdiction of the area agency on aging;

"(ii) gives each individual described in clause (i) a statement specifying that the individual has a right to make an independent choice of service providers and documents receipt by such individual of such statement;

"(iii) has case managers acting as agents for the individuals receiving the services and not as promoters for the agency providing such services; or

"(iv) is located in a rural area and obtains a waiver of the requirements described in clauses (i) through (iii);

"(9) provide assurances that the area agency on aging, in carrying out the State Long-Term Care Ombudsman program under section 307(a)(9), will expend not less than the total amount of funds appropriated under this Act and expended by the agency in fiscal year 2000 in carrying out such a program under this title;

"(10) provide a grievance procedure for older individuals who are dissatisfied with or denied services under this title;

"(11) provide information and assurances concerning services to older individuals who are Native Americans (referred to in this paragraph as 'older Native Americans'), including—

"(A) information concerning whether there is a significant population of older Native Americans in the planning and service area and if so, an assurance that the area agency on aging will pursue activities, including outreach, to increase access of those older Native Americans to programs and benefits provided under this title;

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

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

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

(12) by redesignating paragraph (14) as paragraph (13);

(13) by inserting after paragraph (13) (as redesignated by paragraph (7)) the following:

"(14) 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; and

"(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."; and

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

(b) WAIVERS.—Section 306(b) of the Older Americans Act of 1965 (42 U.S.C. 3026(b)) is amended—

(1) in paragraph (1), by striking "(1)" and inserting before the period "and had conducted a timely public hearing upon request"; and

(2) by striking paragraph (2).

SEC. 306. STATE PLANS.

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

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

"(1) The plan shall—

"(A) require each area agency on aging designated under section 305(a)(2)(A) to develop and submit to the State agency for approval, in accordance with a uniform

format developed by the State agency, an area plan meeting the requirements of section 306; and

"(B) be based on such area plans.

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

"(A) evaluate, using uniform procedures described in section 202(a)(29), the need for supportive services (including legal assistance pursuant to 307(a)(11), information and assistance, and transportation services), nutrition services, and multipurpose senior centers within the State;

"(B) develop a standardized process to determine the extent to which public or private programs and resources (including volunteers and programs and services of voluntary organizations) that have the capacity and actually meet such need; and

"(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) or 316) by such area agency on aging to provide each of the categories of services specified in section 306(a)(2).

"(3) The plan shall—

"(A) include (and may not be approved unless the Assistant Secretary approves) the statement and demonstration required by paragraphs (2) and (4) of section 305(d) (concerning intrastate distribution of funds); and

"(B) with respect to services for older individuals residing in rural areas—

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

"(ii) identify, for each fiscal year to which the plan applies, the projected costs of providing such services (including the cost of providing access to such services); and

"(iii) describe the methods used to meet the needs for such services in the fiscal year preceding the first year to which such plan applies.

"(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.

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

"(A) afford an opportunity for a hearing upon request, in accordance with published procedures, to any area agency on aging submitting a plan under this title, to any provider of (or applicant to provide) services;

"(B) issue guidelines applicable to grievance procedures required by section 306(a)(10); and

"(C) afford an opportunity for a public hearing, upon request, by any area agency on aging, by any provider of (or applicant to provide) services, or by any recipient of services under this title regarding any waiver request, including those under section 316.";

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

(3) by striking paragraphs (8) and (9) and inserting the following:

"(8)(A) The plan shall provide that no supportive services, nutrition services, or in-home services will be directly provided by the State agency or an area agency on aging in the State, unless, in the judgment of the State agency—

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

"(ii) such services are directly related to such State agency's or area agency on aging's administrative functions; or

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

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

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

"(9) The plan shall provide assurances that the State agency will carry out, through the Office of the State Long-Term Care Ombudsman, a State Long-Term Care Ombudsman program in accordance with section 712 and this title, and will expend for such purpose an amount that is not less than an amount expended by the State agency with funds received under this title for fiscal year 2000, and an amount that is not less than the amount expended by the State agency with funds received under title VII for fiscal year 2000.";

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

"(10) The plan shall provide assurances that the special needs of older individuals residing in rural areas will be taken into consideration and shall describe how those needs have been met and describe how funds have been allocated to meet those needs.";

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

(6) by redesignating paragraphs (15) and (16) as paragraphs (11) and (12), respectively;

(7) by striking paragraph (17);

(8) by redesignating paragraph (18) as paragraph (13);

(9) by striking paragraph (19);

(10) by redesignating paragraph (20) as paragraph (14);

(11) by striking paragraphs (21) and (22);

(12) by redesignating paragraphs (23), (24), (25), and (26) as paragraphs (15), (16), (17), and (18), respectively;

(13) in paragraph (16) (as redesignated by paragraph (12)), by inserting "and older individuals residing in rural areas" after "low-income minority individuals" each place it appears;

(14) in paragraph (17) (as redesignated by paragraph (12)), by inserting "to enhance services" before "and develop collaborative programs";

(15) in paragraph (18) (as redesignated by paragraph (12)), by striking "section 306(a)(6)(I)" and inserting "section 306(a)(7)";

(16) by striking paragraphs (27), (28), (29), and (31);

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

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

"(21) The plan shall—

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

"(B) provide an assurance that the State agency will pursue activities to increase access by older individuals who are Native Americans to all aging programs and benefits provided by the agency, including programs and benefits provided under this title, if applicable, and specify the ways in which the State agency intends to implement the activities.";

(19) by redesignating paragraph (36) as paragraph (22);

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

(21) by redesignating paragraphs (41), (42), and (44) as paragraphs (23), (24), and (25), respectively; and

(22) by adding at the end the following:

"(26) The plan shall provide assurances that funds received under this title will not be used to pay any part of a cost (including an administrative cost) incurred by the State agency or an area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this title.".

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

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

(1) in paragraph (4)—

(A) in subparagraph (A)—

(i) by striking "in its plan under section 307(a)(13) regarding Part C of this title,"; and

(ii) by striking "30 percent" and inserting "40 percent";

(B) in subparagraph (B)—

(i) by striking "for fiscal year 1993, 1994, 1995, or 1996" and inserting "for any fiscal year"; and

(ii) by striking "to satisfy such need—" and all that follows and inserting "to satisfy such need an additional 10 percent of the funds so received by a State and attributable to funds appropriated under paragraph (1) or (2) of section 303(b).";

(C) by adding at the end the following:

"(C) A State's request for a waiver under subparagraph (B) shall—

"(i) be not more than one page in length;

"(ii) include a request that the waiver be granted;

"(iii) specify the amount of the funds received by a State and attributable to funds appropriated under paragraph (1) or (2) of section 303(b), over the permissible 40 percent referred

to in subparagraph (A), that the State requires to satisfy the need for services under subpart 1 or 2 of part C; and

"(iv) not include a request for a waiver with respect to an amount if the transfer of the amount would jeopardize the appropriate provision of services under subpart 1 or 2 of part C."; and

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

"(5)(A)Notwithstanding any other provision of this title, of the funds received by a State attributable to funds appropriated under subsection (a)(1), and paragraphs (1) and (2) of subsection (b), of section 303, the State may elect to transfer not more than 30 percent for any fiscal year between programs under part B and part C, for use as the State considers appropriate. The State shall notify the Assistant Secretary of any such election.

"(B) At a minimum, the notification described in subparagraph (A) shall include a description of the amount to be transferred, the purposes of the transfer, the need for the transfer, and the impact of the transfer on the provision of services from which the funding will be transferred.".

SEC. 308. AVAILABILITY OF DISASTER RELIEF FUNDS TO TRIBAL ORGANIZATIONS.

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

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting "(or to any tribal organization receiving a grant under title VI)" after "any State"; and

(ii) by inserting "(or funds used by such tribal organization)" before "for the delivery of supportive services";

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

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

(2) in subsections (b)(1) and (c), by inserting "and such tribal organizations" after "States".

SEC. 309. NUTRITION SERVICES INCENTIVE PROGRAM.

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

(1) in the section heading, by striking "AVAILABILITY OF SURPLUS COMMODITIES" and inserting "NUTRITION SERVICES INCENTIVE PROGRAM";

(2) by redesignating subsections (a), (b), (c), and (d) as subsections (c), (d), (e), and (f), respectively;

(3) by inserting before subsection (c) (as redesignated by paragraph (2)) the following:

"(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) The Secretary of Agriculture shall allot and provide in the form of cash or commodities or a combination thereof (at the discretion of the State) to each State agency with a plan approved under this title for a fiscal year, and to each grantee with an application approved under title VI for such fiscal year,

an amount bearing the same ratio to the total amount appropriated for such fiscal year under subsection (e) as the number of meals served in the State under such plan approved for the preceding fiscal year (or the number of meals served by the title VI grantee, under such application approved for such preceding fiscal year), bears to the total number of such meals served in all States and by all title VI grantees under all such plans and applications approved for such preceding fiscal year.

"(2) For purposes of paragraph (1), in the case of a grantee that has an application approved under title VI for a fiscal year but that did not receive assistance under this section for the preceding fiscal year, the number of meals served by the title VI grantee for the preceding fiscal year shall be deemed to equal the number of meals that the Assistant Secretary estimates will be served by the title VI grantee in the fiscal year for which the application was approved.";

(4) in subsection (c) (as redesignated by paragraph (2)), by striking paragraph (4);

(5) in subsection (d) (as redesignated by paragraph (2)), by striking "Notwithstanding" through "election" and inserting "In any case in which a State elects to receive cash payments,";

(6) in subsection (d) (as redesignated by paragraph (2)), by adding at the end the following:

"(4) Among the commodities delivered under subsection (c), the Secretary of Agriculture shall give special emphasis to high protein foods. The Secretary of Agriculture, in consultation with the Assistant Secretary, is authorized to prescribe the terms and conditions respecting the donating of commodities under this subsection."; and

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

"(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 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

SEC. 310. CONSUMER CONTRIBUTIONS AND WAIVERS.

Part A of title III (42 U.S.C. 3021 et seq.) is amended by adding at the end the following:

"SEC. 315. CONSUMER CONTRIBUTIONS. 42 USC 3030c–2.

"(a) COST SHARING.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a State is permitted to implement cost sharing for all services funded by this Act by recipients of the services.

"(2) EXCEPTION.—The State is not permitted to implement the cost sharing described in paragraph (1) for the following services:

"(A) Information and assistance, outreach, benefits counseling, or case management services.

"(B) Ombudsman, elder abuse prevention, legal assistance, or other consumer protection services.

"(C) Congregate and home delivered meals.

"(D) Any services delivered through tribal organizations.

"(3) PROHIBITIONS.—A State or tribal organization shall not permit the cost sharing described in paragraph (1) for any services delivered through tribal organizations. A State

shall not permit cost sharing by a low-income older individual if the income of such individual is at or below the Federal poverty line. A State may exclude from cost sharing low-income individuals whose incomes are above the Federal poverty line. A State shall not consider any assets, savings, or other property owned by older individuals when defining low-income individuals who are exempt from cost sharing, when creating a sliding scale for the cost sharing, or when seeking contributions from any older individual.

"(4) PAYMENT RATES.—If a State permits the cost sharing described in paragraph (1), such State shall establish a sliding scale, based solely on individual income and the cost of delivering services.

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

"(A) protect the privacy and confidentiality of each older individual with respect to the declaration or nondeclaration of individual income and to any share of costs paid or unpaid by an individual;

"(B) establish appropriate procedures to safeguard and account for cost share payments;

"(C) use each collected cost share payment to expand the service for which such payment was given;

"(D) not consider assets, savings, or other property owned by an older individual in determining whether cost sharing is permitted;

"(E) not deny any service for which funds are received under this Act for an older individual due to the income of such individual or such individual's failure to make a cost sharing payment;

"(F) determine the eligibility of older individuals to cost share solely by a confidential declaration of income and with no requirement for verification; and

"(G) widely distribute State created written materials in languages reflecting the reading abilities of older individuals that describe the criteria for cost sharing, the State's sliding scale, and the mandate described under subparagraph (E).

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

"(A) a significant proportion of persons receiving services under this Act subject to cost sharing in the planning and service area have incomes below the threshold established in State policy; or

"(B) cost sharing would be an unreasonable administrative or financial burden upon the area agency on aging.

"(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 the method of solicitation is noncoercive.

"(2) LOCAL DECISION.—The area agency on aging shall consult with the relevant service providers and older individuals

in agency's planning and service area in a State to determine the best method for accepting voluntary contributions under this subsection.

"(3) PROHIBITED ACTS.—The area agency on aging and service providers shall not means test for any service for which contributions are accepted or deny services to any individual who does not contribute to the cost of the service.

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

"(A) provide each recipient with an opportunity to voluntarily contribute to the cost of the service;

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

"(C) protect the privacy and confidentiality of each recipient with respect to the recipient's contribution or lack of contribution;

"(D) establish appropriate procedures to safeguard and account for all contributions; and

"(E) use all collected contributions to expand the service for which the contributions were given.

"(c) PARTICIPATION.—

"(1) IN GENERAL.—The State and area agencies on aging, in conducting public hearings on State and area plans, shall solicit the views of older individuals, providers, and other stakeholders on implementation of cost-sharing in the service area or the State.

"(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) 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. 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. Deadline.

"SEC. 316. WAIVERS. 42 USC 3030c–3.

"(a) IN GENERAL.—The Assistant Secretary may waive any of the provisions specified in subsection (b) with respect to a State, upon receiving an application by the State agency containing or accompanied by documentation sufficient to establish, to the satisfaction of the Assistant Secretary, that—

"(1) approval of the State legislature has been obtained or is not required with respect to the proposal for which waiver is sought;

"(2) the State agency has collaborated with the area agencies on aging in the State and other organizations that would be affected with respect to the proposal for which waiver is sought;

"(3) the proposal has been made available for public review and comment, including the opportunity for a public hearing upon request, within the State (and a summary of all of the comments received has been included in the application); and

"(4) the State agency has given adequate consideration to the probable positive and negative consequences of approval of the waiver application, and the probable benefits for older individuals can reasonably be expected to outweigh any negative consequences, or particular circumstances in the State otherwise justify the waiver.

"(b) REQUIREMENTS SUBJECT TO WAIVER.—The provisions of this title that may be waived under this section are—

"(1) any provision of sections 305, 306, and 307 requiring statewide uniformity of programs carried out under this title, to the extent necessary to permit demonstrations, in limited areas of a State, of innovative approaches to assist older individuals;

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

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

"(4) any restriction under paragraph (5) of section 308(b), on the amount that may be transferred between programs carried out under part B and part C; and

"(5) the requirement of section 309(c) that certain amounts of a State allotment be used for the provision of services, with respect to a State that reduces expenditures under the State plan of the State (but only to the extent that the non-Federal share of the expenditures is not reduced below any minimum specified in section 304(d) or any other provision of this title).

"(c) DURATION OF WAIVER.—The application by a State agency for a waiver under this section shall include a recommendation as to the duration of the waiver (not to exceed the duration of the State plan of the State). The Assistant Secretary, in granting such a waiver, shall specify the duration of the waiver, which may be the duration recommended by the State agency or such shorter time period as the Assistant Secretary finds to be appropriate.

"(d) REPORTS TO SECRETARY.—With respect to each waiver granted under this section, not later than 1 year after the expiration of such waiver, and at any time during the waiver period that the Assistant Secretary may require, the State agency shall prepare and submit to the Assistant Secretary a report evaluating the impact of the waiver on the operation and effectiveness of programs and services provided under this title.".

SEC. 311. SUPPORTIVE SERVICES AND SENIOR CENTERS.

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

(1) in subsection (a)—

(A) in paragraph (2), by striking "or both" and inserting "and services provided by an area agency on aging, in conjunction with local transportation service providers, public transportation agencies, and other local government agencies, that result in increased provision of such transportation services for older individuals";

(B) in paragraph (4), by striking "or (D)" and all that follows and inserting "or (D) to assist older individuals in obtaining housing for which assistance is provided under programs of the Department of Housing and Urban Development;";

(C) in paragraph (5), by striking "including" and all that follows and inserting the following: "including—

"(A) client assessment, case management services, and development and coordination of community services;

"(B) supportive activities to meet the special needs of caregivers, including caretakers who provide in-home services to frail older individuals; and

"(C) in-home services and other community services, including home health, homemaker, shopping, escort, reader, and letter writing services, to assist older individuals to live independently in a home environment;";

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

(E) in paragraph (21), by striking "or";

(F) by inserting after paragraph (21) the following: "(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.";

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

(H) in paragraph (23) (as redesignated by subparagraph (G)), by inserting "necessary for the general welfare of older individuals" before the semicolon; and

(2) by adding at the end the following:

"(c) In carrying out the provisions of this part, to more efficiently and effectively deliver services to older individuals, each area agency on aging shall coordinate services described in subsection (a) with other community agencies and voluntary organizations providing the same services. In coordinating the services, the area agency on aging shall make efforts to coordinate the

services with agencies and organizations carrying out intergenerational programs or projects.

"(d) Funds made available under this part shall supplement, and not supplant, any Federal, State, or local funds expended by a State or unit of general purpose local government (including an area agency on aging) to provide services described in subsection (a).".

SEC. 312. NUTRITION SERVICES.

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

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

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

SEC. 313. NUTRITION REQUIREMENTS.

Subpart 4 of part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030g–21) is amended by striking section 339 and inserting the following:

42 USC 3030g–21.

"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 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,

"(ii) provide to each participating older individual—

"(I) a minimum of 33⅓ percent of the daily recommended dietary allowances as established by the Food and Nutrition Board of the Institute of Medicine of the National Academy of Sciences, if the project provides one meal per day,

"(II) a minimum of 66⅔ percent of the allowances if the project provides two meals per day, and

"(III) 100 percent of the allowances if the project provides three meals per day, and

"(iii) to the maximum extent practicable, are adjusted to meet any special dietary needs of program participants,

"(B) provides flexibility to local nutrition providers in designing meals that are appealing to program participants,

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

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

"(E) provides that meals, other than in-home meals, are provided in settings in as close proximity to the majority of eligible older individuals' residences as feasible,

"(F) comply with applicable provisions of State or local laws regarding the safe and sanitary handling of food, equipment, and supplies used in the storage, preparation, service, and delivery of meals to an older individual,

"(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,

"(H) ensures that each participating area agency on aging establishes procedures that allow nutrition project administrators the option to offer a meal, on the same basis as meals provided to participating older individuals, to individuals providing volunteer services during the meal hours, and to individuals with disabilities who reside at home with and accompany older individuals eligible under this chapter,

"(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.".

SEC. 314. IN-HOME SERVICES AND ADDITIONAL ASSISTANCE.

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

(1) by repealing parts D and E; and

(2) by redesignating part F as part D.

42 USC 3030h–3030l.

SEC. 315. DEFINITION.

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

SEC. 316. NATIONAL FAMILY CAREGIVER SUPPORT PROGRAM.

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

(1) by repealing part G; and

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

42 USC 3030p–3030r.

"PART E—NATIONAL FAMILY CAREGIVER SUPPORT PROGRAM

National Family Caregiver Support Act.

"SEC. 371. SHORT TITLE.

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

42 USC 3001 note.

"Subpart 1—Caregiver Support Program

42 USC 3030s.

"SEC. 372. DEFINITIONS.

"In this subpart:

"(1) CHILD.—The term 'child' means an individual who is not more than 18 years of age.

"(2) 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.

"(3) 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, or a relative of a child by blood or marriage, who is 60 years of age or older and—

"(A) lives with the child;

"(B) is the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to serve as the primary caregiver of the child; and

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

42 USC 3030s–1.

"SEC. 373. PROGRAM AUTHORIZED.

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

"(1) for family caregivers; and

"(2) for grandparents or older individuals who are relative caregivers.

"(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) information to caregivers about available services;

"(2) assistance to caregivers in gaining access to the services;

"(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;

"(4) respite care to enable caregivers to be temporarily relieved from their caregiving responsibilities; and

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

"(c) POPULATION SERVED; PRIORITY.—

"(1) POPULATION SERVED.—Services under a State program under this subpart shall be provided to family caregivers, and grandparents and older individuals who are relative caregivers, and who—

"(A) are described in paragraph (1) or (2) of subsection (a); and

"(B) with regard to the services specified in paragraphs (4) and (5) of subsection (b), in the case of a caregiver described in paragraph (1), is providing care to an older

individual who meets the condition specified in subparagraph (A)(i) or (B) of section 102(28).

"(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').

"(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).

"(e) QUALITY STANDARDS AND MECHANISMS AND ACCOUNTABILITY.—

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

"(2) DATA AND RECORDS.—The State shall collect data and maintain records relating to the State program in a standardized format specified by the Assistant Secretary. The State shall furnish the records to the Assistant Secretary, at such time as the Assistant Secretary may require, in order to enable the Assistant Secretary to monitor State program administration and compliance, and to evaluate and compare the effectiveness of the State programs.

"(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.

"(f) CAREGIVER ALLOTMENT.—

"(1) IN GENERAL.—

"(A) From sums appropriated under section 303(e) for fiscal years 2001 through 2005, 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.

"(B) In determining the amounts allotted to States from the sums appropriated under section 303 for a fiscal year, the Assistant Secretary shall first determine the amount allotted to each State under subparagraph (A) and then proportionately adjust such amounts, if necessary, to meet the requirements of paragraph (2).

"(C) The number of individuals 70 years of age or older in any State and in all States shall be determined by the Assistant Secretary on the basis of the most recent data available from the Bureau of the Census and other reliable demographic data satisfactory to the Assistant Secretary.

"(2) MINIMUM ALLOTMENT.—

"(A) The amounts allotted under paragraph (1) shall be reduced proportionately to the extent necessary to increase other allotments under such paragraph to achieve the amounts described in subparagraph (B).

"(B)(i) Each State shall be allotted ½ of 1 percent of the amount appropriated for the fiscal year for which the determination is made.

"(ii) Guam and the Virgin Islands of the United States shall each be allotted ¼ of 1 percent of the amount appropriated for the fiscal year for which the determination is made.

"(iii) American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted 1/16 of 1 percent of the amount appropriated for the fiscal year for which the determination is made.

"(C) For the purposes of subparagraph (B)(i), the term 'State' does not include Guam, American Samoa, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

"(g) AVAILABILITY OF FUNDS.—

"(1) USE OF FUNDS FOR ADMINISTRATION OF AREA PLANS.—Amounts made available to a State to carry out the State program under this subpart may be used, in addition to amounts available in accordance with section 303(c)(1), for costs of administration of area plans.

"(2) FEDERAL SHARE.—

"(A) IN GENERAL.—Notwithstanding section 304(d)(1)(D), the Federal share of the cost of carrying out a State program under this subpart shall be 75 percent.

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

"(C) LIMITATION.—A State may use not more than 10 percent of the total Federal and non-Federal share available to the State to provide support services to grandparents and older individuals who are relative caregivers.

42 USC 3030s–2.

"SEC. 374. MAINTENANCE OF EFFORT.

"Funds made available under this subpart shall supplement, and not supplant, any Federal, State, or local funds expended by a State or unit of general purpose local government (including an area agency on aging) to provide services described in section 373.

"Subpart 2—National Innovation Programs

42 USC 3030s–11.

"SEC. 375. INNOVATION GRANT PROGRAM.

"(a) IN GENERAL.—The Assistant Secretary shall carry out a program for making grants on a competitive basis to foster the development and testing of new approaches to sustaining the efforts of families and other informal caregivers of older individuals, and to serving particular groups of caregivers of older individuals, including low-income caregivers and geographically distant caregivers and linking family support programs with the State entity or agency that administers or funds programs for persons with mental retardation or related developmental disabilities and their families.

"(b) EVALUATION AND DISSEMINATION OF RESULTS.—The Assistant Secretary shall provide for evaluation of the effectiveness of programs and activities funded with grants made under this section, and for dissemination to States of descriptions and evaluations of such programs and activities, to enable States to incorporate successful approaches into their programs carried out under this part.

"(c) 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.

"SEC. 376. ACTIVITIES OF NATIONAL SIGNIFICANCE.

42 USC 3030s–12.

"(a) IN GENERAL.—The Assistant Secretary shall, 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 evaluation, training, technical assistance, and research.

"(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—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

SEC. 401. PROJECTS AND PROGRAMS.

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

"SEC. 401. PURPOSES.

42 USC 3031.

"The purposes of this title are—

"(1) to expand the Nation's knowledge and understanding of the older population and the aging process;

"(2) to design, test, and promote the use of innovative ideas and best practices in programs and services for older individuals;

"(3) to help meet the needs for trained personnel in the field of aging; and

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

"PART A—GRANT PROGRAMS

"SEC. 411. PROGRAM AUTHORIZED.

42 USC 3032.

"(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) education and training to develop an adequately trained workforce to work with and on behalf of older individuals;

"(2) applied social research and analysis to improve access to and delivery of services for older individuals;

"(3) evaluation of the performance of the programs, activities, and services provided under this section;

"(4) the development of methods and practices to improve the quality and effectiveness of the programs, services, and activities provided under this section;

"(5) the demonstration of new approaches to design, deliver, and coordinate programs and services for older individuals;

"(6) technical assistance in planning, developing, implementing, and improving the programs, services, and activities provided under this section;

"(7) coordination with the designated State agency described in section 101(a)(2)(A)(i) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(2)(A)(i)) to provide services to older individuals who are blind as described in such Act;

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

"(9) any other activities that the Assistant Secretary determines will achieve the objectives of this section.

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

42 USC 3032a.

"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.

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

"(1) HISPANIC CENTER OF EXCELLENCE IN APPLIED GERONTOLOGY.—The term 'Hispanic Center of Excellence in Applied Gerontology' means an institution of higher education with a program in applied gerontology that—

"(A) has a significant number of Hispanic individuals enrolled in the program, including individuals accepted for enrollment in the program;

"(B) has been effective in assisting Hispanic students of the program to complete the program and receive the degree involved;

"(C) has been effective in recruiting Hispanic individuals to attend the program, including providing scholarships and other financial assistance to such individuals and encouraging Hispanic students of secondary educational institutions to attend the program; and

"(D) has made significant recruitment efforts to increase the number and placement of Hispanic individuals serving in faculty or administrative positions in the program.

"(2) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically Black college or university' has the meaning given the term 'part B institution' in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

"SEC. 413. OLDER INDIVIDUALS' PROTECTION FROM VIOLENCE PROJECTS. 42 USC 3032b.

"(a) PROGRAM AUTHORIZED.—The Assistant Secretary shall make grants to States, area agencies on aging, nonprofit organizations, or tribal organizations to carry out the activities described in subsection (b). Grants.

"(b) ACTIVITIES.—A State, an area agency on aging, a nonprofit organization, or a tribal organization that receives a grant under subsection (a) shall use such grant to—

"(1) support projects in local communities, involving diverse sectors of each community, to coordinate activities concerning intervention in and prevention of elder abuse, neglect, and exploitation, including family violence and sexual assault, against older individuals;

"(2) develop and implement outreach programs directed toward assisting older individuals who are victims of elder abuse, neglect, and exploitation (including family violence and sexual assault, against older individuals), including programs directed toward assisting the individuals in senior housing complexes, nursing homes, board and care facilities, and senior centers;

"(3) expand access to family violence and sexual assault programs (including shelters, rape crisis centers, and support groups), including mental health services, safety planning and legal advocacy for older individuals and encourage the use of senior housing, hotels, or other suitable facilities or services when appropriate as emergency short-term shelters for older individuals who are the victims of elder abuse, including family violence and sexual assault; or

"(4) promote research on legal, organizational, or training impediments to providing services to older individuals through shelters and other programs, such as impediments to provision of services in coordination with delivery of health care or services delivered under this Act.

"(c) PREFERENCE.—In awarding grants under subsection (a), the Assistant Secretary shall give preference to a State, an area agency on aging, a nonprofit organization, or a tribal organization that has the ability to carry out the activities described in this section and title VII of this Act.

"(d) COORDINATION.—The Assistant Secretary shall encourage each State, area agency on aging, nonprofit organization, and tribal organization that receives a grant under subsection (a) to coordinate activities provided under this section with activities provided by other area agencies on aging, tribal organizations, State adult protective service programs, private nonprofit organizations, and by other entities receiving funds under title VII of this Act.

"SEC. 414. HEALTH CARE SERVICE DEMONSTRATION PROJECTS IN RURAL AREAS. 42 USC 3032c.

"(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, 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) information describing the nature and extent of the applicant's—

"(A) experience in providing medical services of the type to be provided in the project for which a grant is requested; and

"(B) coordination and cooperation with—

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

"(ii) critical access hospitals (as defined in section 1861(mm)(1) of the Social Security Act (42 U.S.C. 1395x(mm)(1)) and rural health clinics (as defined in section 1861(aa)(2) of the Social Security Act (42 U.S.C. 1395x(aa)(2)));

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

"(A)(i) in a rural area that has a population of less than 5,000; or

"(ii) in a county that has fewer than seven individuals per square mile; and

"(B) in a State in which—

"(i) not less than 33⅓ of the population resides in rural areas; and

"(ii) not less than 5 percent of the population resides in counties with fewer than seven individuals per square mile,

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

"(3) assurances that the applicant will submit to the Assistant Secretary such evaluations and reports as the Assistant Secretary may require.

"(c) REPORTS.—The Assistant Secretary shall prepare and submit to the appropriate committees of Congress a report that includes summaries of the evaluations and reports required under subsection (b).

42 USC 3032d.

"SEC. 415. COMPUTER TRAINING.

"(a) PROGRAM AUTHORIZED.—The Assistant Secretary, in consultation with the Assistant Secretary of Commerce for Communications and Information, may award grants or contracts to entities to provide computer training and enhanced Internet access for older individuals.

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

"(1) will provide services to older individuals living in rural areas;

"(2) has demonstrated expertise in providing computer training to older individuals; or

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

"(c) SPECIAL CONSIDERATION.—In awarding grants under this section, the Assistant Secretary shall give special consideration to applicants that have entered into a partnership with one or more private entities providing such applicants with donated information technologies including software, hardware, or training.

"(d) USE OF FUNDS.—An entity that receives a grant or contract under subsection (a) shall use funds received under such grant or contract to provide training for older individuals that—

"(1) relates to the use of computers and related equipment, in order to improve the self-employment and employment-related technology skills of older individuals, as well as their ability to use the Internet; and

"(2) is provided at senior centers, housing facilities for older individuals, elementary schools, secondary schools, and institutions of higher education.

"SEC. 416. TECHNICAL ASSISTANCE TO IMPROVE TRANSPORTATION FOR SENIORS. 42 USC 3032e.

"(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. 417. DEMONSTRATION PROJECTS FOR MULTIGENERATIONAL ACTIVITIES. 42 USC 3032f.

"(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.

Deadline.

"(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. 418. NATIVE AMERICAN PROGRAMS. 42 USC 3032g.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Assistant Secretary shall make grants or enter into contracts with not fewer than two and not more than four eligible entities to establish and operate Resource Centers on Native American Elders (referred to in this section as 'Resource Centers'). The Assistant Secretary shall make such grants or enter into such contracts for periods of not less than 3 years.

"(2) FUNCTIONS.—

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

"(i) gather information;

"(ii) perform research;

"(iii) provide for the dissemination of results of the research; and

"(iv) provide technical assistance and training to entities that provide services to Native Americans who are older individuals.

"(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 problems;

"(ii) long-term care, including in-home care;

"(iii) elder abuse; and

"(iv) other problems and issues that the Assistant Secretary determines are of particular importance to Native Americans who are older individuals.

"(3) PREFERENCE.—In awarding grants and entering into contracts under paragraph (1), the Assistant Secretary shall give preference to institutions of higher education that have conducted research on, and assessments of, the characteristics and needs of Native Americans who are older individuals.

"(4) CONSULTATION.—In determining the type of information to be sought from, and activities to be performed by, Resource Centers, the Assistant Secretary shall consult with the Director of the Office for American Indian, Alaskan Native, and Native Hawaiian Aging and with national organizations with special expertise in serving Native Americans who are older individuals.

"(5) ELIGIBLE ENTITIES.—To be eligible to receive a grant or enter into a contract under paragraph (1), an entity shall be an institution of higher education with experience conducting research and assessment on the needs of older individuals.

"(6) REPORT TO CONGRESS.—The Assistant Secretary, with assistance from each Resource Center, shall prepare and submit

to the Speaker of the House of Representatives and the President pro tempore of the Senate an annual report on the status and needs, including the priority areas of concern, of Native Americans who are older individuals.

"(b) TRAINING GRANTS.—The Assistant Secretary shall make grants and enter into contracts to provide in-service training opportunities and courses of instruction on aging to Indian tribes through public or nonprofit Indian aging organizations and to provide annually a national meeting to train directors of programs under this title.

42 USC 3032h.

"SEC. 419. MULTIDISCIPLINARY CENTERS.

"(a) 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).

"(b) USE OF FUNDS.—

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

"(2) MULTIDISCIPLINARY CENTERS.—The multidisciplinary centers of gerontology described in subsection (a) shall—

"(A) recruit and train personnel;

"(B) conduct basic and applied research toward the development of information related to aging;

"(C) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges and universities;

"(D) 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) serve as a repository of information and knowledge on aging;

"(F) 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) if appropriate, provide information relating to assistive technology.

"(c) DATA.—

"(1) IN GENERAL.—Each center that receives a grant under subsection (a) shall provide data to the Assistant Secretary on the projects and activities carried out with funds received under such subsection.

"(2) INFORMATION INCLUDED.—Such data described in paragraph (1) shall include—

"(A) information on the number of personnel trained;

"(B) information on the number of older individuals served;

"(C) information on the number of schools assisted; and

"(D) other information that will facilitate achieving the objectives of this section.

"SEC. 420. DEMONSTRATION AND SUPPORT PROJECTS FOR LEGAL ASSISTANCE FOR OLDER INDIVIDUALS. 42 USC 3032i.

"(a) PROGRAM AUTHORIZED.—The Assistant Secretary shall make grants and enter into contracts, in order to— Grants. Contracts.

"(1) provide a national legal assistance support system (operated by one or more grantees or contractors) of activities to State and area agencies on aging for providing, developing, or supporting legal assistance for older individuals, including—

"(A) case consultations;

"(B) training;

"(C) provision of substantive legal advice and assistance; and

"(D) assistance in the design, implementation, and administration of legal assistance delivery systems to local providers of legal assistance for older individuals; and

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

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

"(c) ASSISTANCE.—To carry out subsection (a)(1), the Assistant Secretary shall make grants to or enter into contracts with national nonprofit organizations experienced in providing support and technical assistance on a nationwide basis to States, area agencies on aging, legal assistance providers, ombudsmen, elder abuse prevention programs, and other organizations interested in the legal rights of older individuals.

"SEC. 421. OMBUDSMAN AND ADVOCACY DEMONSTRATION PROJECTS. 42 USC 3032j.

"(a) PROGRAM AUTHORIZED.—The Assistant Secretary shall award grants to not fewer than three and not more than 10 States to conduct demonstrations and evaluate cooperative projects between the State long-term care ombudsman program, legal assistance agencies, and the State protection and advocacy systems for individuals with developmental disabilities and individuals with mental illness, established under part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) and under the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.).

"(b) REPORT.—The Assistant Secretary shall prepare and submit to Congress a report containing the results of the evaluation required by subsection (a). Such report shall contain such recommendations as the Assistant Secretary determines to be appropriate.

"PART B—GENERAL PROVISIONS

"SEC. 431. PAYMENT OF GRANTS. 42 USC 3033.

"(a) CONTRIBUTIONS.—To the extent the Assistant Secretary determines a contribution to be appropriate, the Assistant Secretary shall require the recipient of any grant or contract under this

title to contribute money, facilities, or services for carrying out the project for which such grant or contract was made.

"(b) PAYMENTS.—Payments under this title pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Assistant Secretary may determine.

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

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

"(2) informs the State agency of the purposes of the grant or contract when the grant or contract is issued.

42 USC 3033a.

"SEC. 432. RESPONSIBILITIES OF ASSISTANT SECRETARY.

"(a) IN GENERAL.—The Assistant Secretary shall be responsible for the administration, implementation, and making of grants and contracts under this title and shall not delegate authority under this title to any other individual, agency, or organization.

"(b) REPORT.—

"(1) IN GENERAL.—Not later than January 1 following each fiscal year, the Assistant Secretary shall submit, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report for such fiscal year that describes each project and each program—

"(A) for which funds were provided under this title; and

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

"(2) CONTENTS.—Such report shall contain—

"(A) the name or descriptive title of each project or program;

"(B) the name and address of the individual or governmental entity that conducted such project or program;

"(C) a specification of the period throughout which such project or program was conducted;

"(D) the identity of each source of funds expended to carry out such project or program and the amount of funds provided by each such source;

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

"(F) a bibliography identifying all published information relating to such project or program.

"(c) EVALUATIONS.—

Regulations.

"(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.".

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

SEC. 501. AMENDMENT TO TITLE V OF THE OLDER AMERICANS ACT OF 1965.

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

"TITLE V—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

Older American Community Service Employment Act.

"SEC. 501. SHORT TITLE.

42 USC 3001 note.

"This title may be cited as the 'Older American Community Service Employment Act'.

"SEC. 502. OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM.

42 USC 3056.

"(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.

"(2) Amounts appropriated to carry out this title shall be used only to carry out the provisions contained in this title.

"(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) will provide employment only for eligible individuals except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

"(B)(i) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities; or

"(ii) if such project is carried out by a tribal organization that enters into an agreement under this subsection or receives assistance from a State that enters into such an agreement, will provide employment for such individuals, including those

who are Indians residing on an Indian reservation, as the term is defined in section 2601(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2));

"(C) will employ eligible individuals in service related to publicly owned and operated facilities and projects, or projects sponsored by organizations, other than political parties, exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1986, except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

"(D) will contribute to the general welfare of the community;

"(E) will provide employment for eligible individuals;

"(F)(i) will result in an increase in employment opportunities over those opportunities which would otherwise be available;

"(ii) will not result in the displacement of currently employed workers (including partial displacement, such as a reduction in the hours of nonovertime work or wages or employment benefits); and

"(iii) will not impair existing contracts or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed;

"(G) will not employ or continue to employ any eligible individual to perform work the same or substantially the same as that performed by any other person who is on layoff;

"(H) will utilize methods of recruitment and selection (including participating in a one-stop delivery system as established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)) and listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

"(I) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

"(J) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed in community service and other jobs assisted under this title shall be paid wages which shall not be lower than whichever is the highest of—

"(i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if the participant were not exempt under section 13 thereof;

"(ii) the State or local minimum wage for the most nearly comparable covered employment; or

"(iii) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

"(K) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

"(L) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this title, in accordance with regulations promulgated by the Secretary;

"(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, at least in proportion to their numbers in the State and take into consideration their rates of poverty and unemployment;

"(N)(i) will prepare an assessment of the participants' skills and talents and their needs for services, except to the extent such project has, for the participant involved, recently prepared an assessment of such skills and talents, and such needs, pursuant to another employment or training program (such as a program under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), or part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.));

"(ii) will provide to eligible individuals training and employment counseling based on strategies that identify appropriate employment objectives and the need for supportive services, developed as a result of the assessment and service strategy provided for in clause (i); and

"(iii) will provide counseling to participants on their progress in meeting such objectives and satisfying their need for supportive services;

"(O) will provide appropriate services for participants through the one-stop delivery system as established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)), and will be involved in the planning and operations of such system pursuant to a memorandum of understanding with the local workforce investment board in accordance with section 121(c) of such Act (29 U.S.C. 2841(c));

"(P) will post in such project workplace a notice, and will make available to each person associated with such project a written explanation, clarifying the law with respect to allowable and unallowable political activities under chapter 15 of title 5, United States Code, applicable to the project and to each category of individuals associated with such project and containing the address and telephone number of the Inspector General of the Department of Labor, to whom questions regarding the application of such chapter may be addressed;

"(Q) will provide to the Secretary the description and information described in paragraphs (8) and (14) of section 112(b) of the Workforce Investment Act of 1998; and

"(R) will ensure that entities carrying out activities under the project, including State offices, local offices, subgrantees, subcontractors, or other affiliates of such organization or agency shall receive an amount of the administration cost allocation that is sufficient for the administrative activities under the

project to be carried out by such State office, local office, subgrantee, subcontractor, or other affiliate.

Regulations.

"(2) The Secretary is authorized to establish, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title.

"(3) The Secretary shall develop alternatives for innovative work modes and provide technical assistance in creating job opportunities through work sharing and other experimental methods to labor organizations, groups representing business and industry and workers as well as to individual employers, where appropriate.

"(4)(A) An assessment and service strategy provided for an eligible individual under this title shall satisfy any condition for an assessment and service strategy or individual employment plan for an adult participant under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.), in order to determine whether such individual qualifies for intensive or training services described in section 134(d) of such Act (29 U.S.C. 2864(d)), in accordance with such Act.

"(B) An assessment and service strategy or individual employment plan provided for an adult participant under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.) shall satisfy any condition for an assessment and service strategy for an eligible individual under this title.

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

"(A) an emergency or disaster project; or

"(B) a project located in an economically depressed area, as determined by the Secretary in consultation with the Secretary of Commerce and the Secretary of Health and Human Services.

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

"(3) Of the amount for any project to be paid by the Secretary under this subsection, not more than 13.5 percent for any fiscal year shall be available for paying the costs of administration for such project, except that—

"(A) whenever the Secretary determines that it is necessary to carry out the project assisted under this title, based on information submitted by the grantee with which the Secretary has an agreement under subsection (b), the Secretary may increase the amount available for paying the cost of administration to an amount not more than 15 percent of the cost of such project; and

"(B) whenever the grantee with which the Secretary has an agreement under subsection (b) demonstrates to the Secretary that—

"(i) major administrative cost increases are being incurred in necessary program components, including liability insurance, payments for workers' compensation, costs associated with achieving unsubsidized placement goals, and other operation requirements imposed by the Secretary;

"(ii) the number of employment positions in the project or the number of minority eligible individuals participating in the project will decline if the amount available for paying the cost of administration is not increased; or

"(iii) the size of the project is so small that the amount of administrative expenses incurred to carry out the project necessarily exceeds 13.5 percent of the amount for such project,

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

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

"(A) The costs of performing overall general administrative functions and providing for the coordination of functions, such as—

"(i) accounting, budgeting, financial, and cash management functions;

"(ii) procurement and purchasing functions;

"(iii) property management functions;

"(iv) personnel management functions;

"(v) payroll functions;

"(vi) coordinating the resolution of findings arising from audits, reviews, investigations, and incident reports;

"(vii) audit functions;

"(viii) general legal services functions; and

"(ix) developing systems and procedures, including information systems, required for these administrative functions.

"(B) The costs of performing oversight and monitoring responsibilities related to administrative functions.

"(C) The costs of goods and services required for administrative functions of the program, including goods and services such as rental or purchase of equipment, utilities, office supplies, postage, and rental and maintenance of office space.

"(D) The travel costs incurred for official business in carrying out administrative activities or overall management.

"(E) The costs of information systems related to administrative functions (for example, personnel, procurement, purchasing, property management, accounting, and payroll systems) including the purchase, systems development, and operating costs of such systems.

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

"(6)(A) Amounts made available for a project under this title that are not used to pay for the cost of administration shall be used to pay for the costs of programmatic activities, including—

"(i) enrollee wages and fringe benefits (including physical examinations);

"(ii) enrollee training, which may be provided prior to or subsequent to placement, including the payment of reasonable costs of instructors, classroom rental, training supplies, materials, equipment, and tuition, and which may be provided on the job, in a classroom setting, or pursuant to other appropriate arrangements;

"(iii) job placement assistance, including job development and job search assistance;

"(iv) enrollee supportive services to assist an enrollee to successfully participate in a project under this title, including the payment of reasonable costs of transportation, health care and medical services, special job-related or personal counseling, incidentals (such as work shoes, badges, uniforms, eyeglasses, and tools), child and adult care, temporary shelter, and followup services; and

"(v) outreach, recruitment and selection, intake, orientation, and assessments.

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

"(d) Whenever a grantee conducts a project within a planning and service area in a State, such grantee shall conduct such project in consultation with the area agency on aging of the planning and service area and shall submit to the State agency and the area agency on aging a description of such project to be conducted in the State, including the location of the project, 90 days prior to undertaking the project, for review and public comment according to guidelines the Secretary shall issue to assure efficient and effective coordination of programs under this title.

"(e)(1) The Secretary, in addition to any other authority contained in this title, shall conduct projects designed to assure second career training and the placement of eligible individuals in employment opportunities with private business concerns. The Secretary shall enter into such agreements with States, public agencies, nonprofit private organizations, and private business concerns as may be necessary, to conduct the projects authorized by this subsection to assure that placement and training. The Secretary, from amounts reserved under section 506(a)(1) in any fiscal year, may pay all of the costs of any agreements entered into under the provisions of this subsection. The Secretary shall, to the extent feasible, assure equitable geographic distribution of projects authorized by this subsection.

"(2) The Secretary shall issue, and amend from time to time, criteria designed to assure that agreements entered into under paragraph (1) of this subsection—

"(A) will involve different kinds of work modes, such as flex-time, job sharing, and other arrangements relating to reduced physical exertion;

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

"(C) require the coordination of projects carried out under such agreements, with the programs carried out under title I of the Workforce Investment Act of 1998.

"(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).

42 USC 3056a.

"SEC. 503. ADMINISTRATION.

"(a) STATE SENIOR EMPLOYMENT SERVICES COORDINATION PLAN.—

"(1) GOVERNOR SUBMITS PLAN.—The Governor of each State shall submit annually to the Secretary a State Senior Employment Services Coordination Plan, containing such provisions as the Secretary may require, consistent with the provisions of this title, including a description of the process used to ensure the participation of individuals described in paragraph (2).

"(2) RECOMMENDATIONS.—In developing the State plan prior to its submission to the Secretary, the Governor shall obtain the advice and recommendations of—

"(A) individuals representing the State and area agencies on aging in the State, and the State and local workforce investment boards established under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

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

"(C) individuals representing social service organizations providing services to older individuals, grantees under title III of this Act, affected communities, underserved older individuals, community-based organizations serving the needs of older individuals, business organizations, and labor organizations.

"(3) COMMENTS.—Any State plan submitted by a Governor in accordance with paragraph (1) shall be accompanied by copies of public comments relating to the plan received pursuant to paragraph (4) and a summary thereof.

"(4) PLAN PROVISIONS.—The State Senior Employment Services Coordination Plan shall identify and address—

"(A) the relationship that the number of eligible individuals in each area bears to the total number of eligible individuals, respectively, in that State;

"(B) the relative distribution of individuals residing in rural and urban areas within the State;

"(C) the relative distribution of—

"(i) eligible individuals who are individuals with greatest economic need;

"(ii) eligible individuals who are minority individuals; and

"(iii) eligible individuals who are individuals with greatest social need;

"(D) consideration of the employment situations and the type of skills possessed by local eligible individuals;

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

"(F) plans for facilitating the coordination of activities of grantees in the State under this title with activities carried out in the State under title I of the Workforce Investment Act of 1998.

"(5) GOVERNOR'S RECOMMENDATIONS ON GRANT PROPOSALS.—Prior to the submission to the Secretary of any proposal for a grant under this title for any fiscal year, the Governor of each State in which projects are proposed to be conducted under such grant shall be afforded a reasonable opportunity to submit recommendations to the Secretary—

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

"(B) any recommendations for redistribution of positions to underserved areas as vacancies occur in previously encumbered positions in other areas; and

"(C) in the case of any increase in funding that may be available for use within the State under this title for any fiscal year, any recommendations for distribution of newly available positions in excess of those available during the preceding year to underserved areas.

"(6) DISRUPTIONS.—In developing plans and considering recommendations under this subsection, disruptions in the provision of community service employment opportunities for current enrollees shall be avoided, to the greatest possible extent.

"(7) DETERMINATION; REVIEW.—

"(A) DETERMINATION.—In order to effectively carry out the provisions of this title, each State shall make available for public comment its senior employment services coordination plan. The Secretary, in consultation with the Assistant Secretary, shall review the plan and public comments received on the plan, and make a written determination with findings and a decision regarding the plan.

"(B) REVIEW.—The Secretary may review on the Secretary's own initiative or at the request of any public or private agency or organization, or an agency of the State government, the distribution of projects and services under this title within the State including the distribution between urban and rural areas within the State. For each proposed reallocation of projects or services within a State, the Secretary shall give notice and opportunity for public comment.

"(8) EXEMPTION.—The grantees serving older American Indians under section 506(a)(3) will not be required to participate in the State planning processes described in this section but will collaborate with the Secretary to develop a plan for projects and services to older American Indians.

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

"(2) The Secretary shall coordinate the program assisted under this title with programs authorized under the Workforce Investment Act of 1998, the Community Services Block Grant Act, the Rehabilitation Act of 1973 (as amended by the Rehabilitation Act Amendments of 1998 (29 U.S.C. 701 et seq.)), the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.), and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.). The Secretary shall coordinate the administration of this title with the administration of other titles of this Act by the Assistant Secretary to increase the likelihood that eligible individuals for whom employment opportunities under

this title are available and who need services under such titles receive such services. Appropriations under this title shall not be used to carry out any program under the Workforce Investment Act of 1998, the Community Services Block Grant Act, the Rehabilitation Act of 1973 (as amended by the Rehabilitation Act Amendments of 1998), the Carl D. Perkins Vocational and Technical Education Act of 1998, the National and Community Service Act of 1990, or the Domestic Volunteer Service Act of 1973. The preceding sentence shall not be construed to prohibit carrying out projects under this title jointly with programs, projects, or activities under any Act specified in such sentence, or from carrying out section 512.

"(3) The Secretary shall distribute to grantees under this title, for distribution to program enrollees, and at no cost to grantees or enrollees, informational materials developed and supplied by the Equal Employment Opportunity Commission and other appropriate Federal agencies which the Secretary determines are designed to help enrollees identify age discrimination and understand their rights under the Age Discrimination in Employment Act of 1967.

"(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities.

"(d) Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

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

"(f)(1) The Secretary shall monitor projects receiving financial assistance under this title to determine whether the grantees are complying with the provisions of and regulations issued under this title, including compliance with the statewide planning, consultation, and coordination provisions under this title.

"(2) Each grantee receiving funds under this title shall comply with the applicable uniform cost principles and appropriate administrative requirements for grants and contracts that are applicable to the type of entity receiving funds, as issued as circulars or rules of the Office of Management and Budget.

"(3) Each grantee described in paragraph (2) shall prepare and submit a report in such manner and containing such information as the Secretary may require regarding activities carried out under this title.

"(4) Each grantee described in paragraph (2) shall keep records that—

"(A) are sufficient to permit the preparation of reports required pursuant to this title;

"(B) are sufficient to permit the tracing of funds to a level of expenditure adequate to ensure that the funds have not been spent unlawfully; and

"(C) contain any other information that the Secretary determines to be appropriate.

"(g) The Secretary shall establish by regulation and implement a process to evaluate the performance of projects and services, Regulations.

Reports.

pursuant to section 513, carried out under this title. The Secretary shall report to Congress and make available to the public the results of each such evaluation and use such evaluation to improve services delivered, or the operation of projects carried out under this title.

42 USC 3056b.

"SEC. 504. PARTICIPANTS NOT FEDERAL EMPLOYEES.

"(a) Eligible individuals who are employed in any project funded under this title shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

"(b) No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier or by self-insurance, as authorized by State law, that the persons employed under the contract shall enjoy workmen's compensation coverage equal to that provided by law for covered employment.

42 USC 3056c.

"SEC. 505. INTERAGENCY COOPERATION.

"(a) The Secretary shall consult with, and obtain the written views of, the Assistant Secretary for Aging in the Department of Health and Human Services prior to the establishment of rules or the establishment of general policy in the administration of this title.

"(b) The Secretary shall consult and cooperate with the Director of the Office of Community Services, the Secretary of Health and Human Services, and the heads of other Federal agencies carrying out related programs, in order to achieve optimal coordination with such other programs. In carrying out the provisions of this section, the Secretary shall promote programs or projects of a similar nature. Each Federal agency shall cooperate with the Secretary in disseminating information relating to the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects assisted under this title.

"(c)(1) The Secretary shall promote and coordinate carrying out projects under this title jointly with programs, projects, or activities under other Acts, especially activities provided under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including activities provided through one-stop delivery systems established under section 134(c) of such Act (29 U.S.C. 2864(c)), that provide training and employment opportunities to eligible individuals.

"(2) The Secretary shall consult with the Secretary of Education to promote and coordinate carrying out projects under this title jointly with workforce investment activities in which eligible individuals may participate that are carried out under the Carl D. Perkins Vocational and Technical Education Act of 1998.

42 USC 3056d.

"SEC. 506. DISTRIBUTION OF ASSISTANCE.

"(a) RESERVATIONS.—

"(1) RESERVATION FOR PRIVATE EMPLOYMENT PROJECTS.—From sums appropriated under this title for each fiscal year, the Secretary shall first reserve not more than 1.5 percent of the total amount of such sums for the purpose of entering into agreements under section 502(e), relating to improved transition to private employment.

"(2) RESERVATION FOR TERRITORIES.—From sums appropriated under this title for each fiscal year, the Secretary shall reserve 0.75 percent of the total amount of such sums, of which—

"(A) Guam, American Samoa, and the United States Virgin Islands shall each receive 30 percent; and

"(B) the Commonwealth of the Northern Mariana Islands shall receive 10 percent.

"(3) RESERVATION FOR ORGANIZATIONS.—The Secretary shall reserve such sums as may be necessary for national grants with public or nonprofit national Indian aging organizations with the ability to provide employment services to older Indians and with national public or nonprofit Pacific Island and Asian American aging organizations with the ability to provide employment to older Pacific Island and Asian Americans.

"(b) STATE ALLOTMENTS.—The allotment for each State shall be the sum of the amounts allotted for national grants in such State under subsection (d) and for the grant to such State under subsection (e).

"(c) DIVISION BETWEEN NATIONAL GRANTS AND GRANTS TO STATES.—From the sums appropriated to carry out this title for any fiscal year that remain after amounts are reserved under paragraphs (1), (2), and (3) of subsection (a), the Secretary shall divide the remainder between national grants and grants to States, as follows:

"(1) RESERVATION OF FUNDS FOR FISCAL YEAR 2000 LEVEL OF ACTIVITIES.—The Secretary shall reserve the amounts necessary to maintain the fiscal year 2000 level of activities supported by public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary, and the fiscal year 2000 level of activities supported by State grantees under this title, in proportion to their respective fiscal year 2000 levels of activities. In any fiscal year for which the appropriations are insufficient to provide the full amounts so required, then such amounts shall be reduced proportionally.

"(2) FUNDING IN EXCESS OF FISCAL YEAR 2000 LEVEL OF ACTIVITIES.—

"(A) UP TO $35,000,000.—From the amounts remaining after the application of paragraph (1), the portion of such remaining amounts up to the sum of $35,000,000 shall be divided so that 75 percent shall be provided to State grantees and 25 percent shall be provided to public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary.

"(B) OVER $35,000,000.—Any amounts remaining after the application of subparagraph (A) shall be divided so that 50 percent shall be provided to State grantees and 50 percent shall be provided to public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary.

"(d) ALLOTMENTS FOR NATIONAL GRANTS.—From the sums provided for national grants under subsection (c), the Secretary shall allot for public and private nonprofit agency and organization grantees that operate under this title under national grants from

the Secretary in each State, an amount that bears the same ratio to such sums as the product of the number of persons aged 55 or over in the State and the allotment percentage of such State bears to the sum of the corresponding product for all States, except as follows:

"(1) MINIMUM ALLOTMENT.—No State shall be provided an amount under this subsection that is less than ½ of 1 percent of the amount provided under subsection (c) for public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary in all of the States.

"(2) HOLD HARMLESS.—If the amount provided under subsection (c) is—

"(A) equal to or less than the amount necessary to maintain the fiscal year 2000 level of activities, allotments for public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary in each State shall be proportional to their fiscal year 2000 level of activities; or

"(B) greater than the amount necessary to maintain the fiscal year 2000 level of activities, no State shall be provided a percentage increase above the fiscal year 2000 level of activities for public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary in the State that is less than 30 percent of such percentage increase above the fiscal year 2000 level of activities for public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary in all of the States.

"(3) REDUCTION.—Allotments for States not affected by paragraphs (1) and (2)(B) of this subsection shall be reduced proportionally to satisfy the conditions in such paragraphs.

"(e) ALLOTMENTS FOR GRANTS TO STATES.—From the sums provided for grants to States under subsection (c), the Secretary shall allot for the State grantee in each State an amount that bears the same ratio to such sums as the product of the number of persons aged 55 or over in the State and the allotment percentage of such State bears to the sum of the corresponding product for all States, except as follows:

"(1) MINIMUM ALLOTMENT.—No State shall be provided an amount under this subsection that is less than ½ of 1 percent of the amount provided under subsection (c) for State grantees in all of the States.

"(2) HOLD HARMLESS.—If the amount provided under subsection (c) is—

"(A) equal to or less than the amount necessary to maintain the fiscal year 2000 level of activities, allotments for State grantees in each State shall be proportional to their fiscal year 2000 level of activities; or

"(B) greater than the amount necessary to maintain the fiscal year 2000 level of activities, no State shall be provided a percentage increase above the fiscal year 2000 level of activities for State grantees in the State that is less than 30 percent of such percentage increase above the fiscal year 2000 level of activities for State grantees in all of the States.

"(3) REDUCTION.—Allotments for States not affected by paragraphs (1) and (2)(B) of this subsection shall be reduced proportionally to satisfy the conditions in such paragraphs.

"(f) ALLOTMENT PERCENTAGE.—For the purposes of subsections (d) and (e)—

"(1) the allotment percentage of each State shall be 100 percent less that percentage which bears the same ratio to 50 percent as the per capita income of such State bears to the per capita income of the United States, except that: (A) the allotment percentage shall in no case be more than 75 percent or less than 33 percent; and (B) the allotment percentage for the District of Columbia and the Commonwealth of Puerto Rico shall be 75 percent;

"(2) the number of persons aged 55 or over in any State and in all States, and the per capita income in any State and in all States, shall be determined by the Secretary on the basis of the most satisfactory data available to the Secretary; and

"(3) for the purpose of determining the allotment percentage, the term 'United States' means the 50 States and the District of Columbia.

"(g) DEFINITIONS.—In this section:

"(1) COST PER AUTHORIZED POSITION.—The term 'cost per authorized position' means the sum of—

"(A) the hourly minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) (as amended), multiplied by the number of hours equal to the product of 21 hours and 52 weeks;

"(B) an amount equal to 11 percent of the amount specified under subparagraph (A), for the purpose of covering Federal payments for fringe benefits; and

"(C) an amount determined by the Secretary, for the purpose of covering Federal payments for the remainder of all other program and administrative costs.

"(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).

"(3) GRANTS TO STATES.—The term 'grants to States' means grants under this title to the States from the Secretary.

"(4) LEVEL OF ACTIVITIES.—The term 'level of activities' means the number of authorized positions multiplied by the cost per authorized position.

"(5) NATIONAL GRANTS.—The term 'national grants' means grants to public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary.

"(6) STATE.—The term 'State' does not include Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

42 USC 3056e.

"SEC. 507. EQUITABLE DISTRIBUTION.

"(a) INTERSTATE ALLOCATION.—The Secretary, in awarding grants and contracts under section 506, shall, to the extent feasible, assure an equitable distribution of activities under such grants and contracts, in the aggregate, among the States, taking into account the needs of underserved States.

"(b) INTRASTATE ALLOCATION.—The amount allocated for projects within each State under section 506 shall be allocated among areas within the State in an equitable manner, taking into consideration the State priorities set out in the State plan pursuant to section 503(a).

42 USC 3056f.

"SEC. 508. REPORT.

"In order to carry out the Secretary's responsibilities for reporting in section 503(g), the Secretary shall require the State agency for each State receiving funds under this title to prepare and submit a report at the beginning of each fiscal year on such State's compliance with section 507(b). Such report shall include the names and geographic location of all projects assisted under this title and carried out in the State and the amount allocated to each such project under section 506.

42 USC 3056g.

"SEC. 509. EMPLOYMENT ASSISTANCE AND FEDERAL HOUSING AND FOOD STAMP PROGRAMS.

"Funds received by eligible individuals from projects carried out under the program established in this title shall not be considered to be income of such individuals for purposes of determining the eligibility of such individuals, or of any other persons, to participate in any housing program for which Federal funds may be available or for any income determination under the Food Stamp Act of 1977.

42 USC 3056h.

"SEC. 510. ELIGIBILITY FOR WORKFORCE INVESTMENT ACTIVITIES.

"Eligible individuals under this title may be deemed by local workforce investment boards established under title I of the Workforce Investment Act of 1998 to satisfy the requirements for receiving services under such title that are applicable to adults.

42 USC 3056i.

"SEC. 511. TREATMENT OF ASSISTANCE.

"Assistance furnished under this title shall not be construed to be financial assistance described in section 245A(h)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1255A(h)(1)(A)).

42 USC 3056j.

"SEC. 512. COORDINATION WITH THE WORKFORCE INVESTMENT ACT OF 1998.

"(a) PARTNERS.—Grantees under this title shall be one-stop partners as described in subparagraphs (A) and (B)(vi) of section 121(b)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(b)(1)) in the one-stop delivery system established under section 134(c) of such Act (29 U.S.C. 2864(c)) for the appropriate local workforce investment areas, and shall carry out the responsibilities relating to such partners.

"(b) COORDINATION.—In local workforce investment areas where more than one grantee under this title provides services, the grantees shall coordinate their activities related to the one-stop delivery system, and grantees shall be signatories of the memorandum of understanding established under section 121(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(c)).

"SEC. 513. PERFORMANCE. 42 USC 3056k.

"(a) MEASURES.—

"(1) ESTABLISHMENT OF MEASURES.—The Secretary shall establish, in consultation with 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.

"(2) CONTENT.—

"(A) COMPOSITION OF MEASURES.—The performance measures as established by the Secretary and described in paragraph (1) shall consist of indicators of performance and levels of performance applicable to each indicator. The measures shall be designed to promote continuous improvement in performance.

"(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) High rates of unemployment, poverty, or welfare recipiency in the areas served by a grantee, relative to other areas of the State or Nation.

"(ii) Significant downturns in the areas served by the grantee or in the national economy.

"(iii) Significant numbers or proportions of enrollees with one or more barriers to employment served by a grantee relative to grantees serving other areas of the State or Nation.

"(C) PLACEMENT.—For all grantees, the Secretary shall establish a measure of performance of not less than 20 percent (adjusted in accordance with subparagraph (B)) for placement of enrollees into unsubsidized public or private employment as defined in subsection (c)(2).

"(3) PERFORMANCE EVALUATION OF PUBLIC OR PRIVATE NONPROFIT AGENCIES AND ORGANIZATIONS.—The Secretary shall annually establish national performance measures for each public or private nonprofit agency or organization that is a grantee under this title, which shall be applicable to the grantee without regard to whether such grantee operates the program directly or through contracts, grants, or agreements with other entities. The performance of the grantees with respect to such measures shall be evaluated in accordance with section 514(e)(1) regarding performance of the grantees on a national basis, and in accordance with section 514(e)(3) regarding the performance of the grantees in each State.

"(4) PERFORMANCE EVALUATION OF STATES.—The Secretary shall annually establish performance measures for each State that is a grantee under this title, which shall be applicable to the State grantee without regard to whether such grantee operates the program directly or through contracts, grants, or agreements with other entities. The performance of the State grantees with respect to such measures shall be evaluated in accordance with section 514(f).

"(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.

"(b) REQUIRED INDICATORS.—The indicators described in subsection (a) shall include—

"(1) the number of persons served, with particular consideration given to individuals with greatest economic need, greatest social need, or poor employment history or prospects, and individuals who are over the age of 60;

"(2) community services provided;

"(3) placement into and retention in unsubsidized public or private employment;

"(4) satisfaction of the enrollees, employers, and their host agencies with their experiences and the services provided; and

"(5) any additional indicators of performance that the Secretary determines to be appropriate to evaluate services and performance.

"(c) DEFINITIONS OF INDICATORS.—

"(1) IN GENERAL.—The Secretary, after consultation with national and State grantees, representatives of business and labor organizations, and providers of services, shall, by regulation, issue definitions of the indicators of performance described in subsection (b).

"(2) DEFINITIONS OF CERTAIN TERMS.—In this section:

"(A) PLACEMENT INTO PUBLIC OR PRIVATE UNSUBSIDIZED EMPLOYMENT.—The term 'placement into public or private unsubsidized employment' means full- or part-time paid employment in the public or private sector by an enrollee under this title for 30 days within a 90-day period without the use of funds under this title or any other Federal or State employment subsidy program, or the equivalent of such employment as measured by the earnings of an enrollee through the use of wage records or other appropriate methods.

"(B) RETENTION IN PUBLIC OR PRIVATE UNSUBSIDIZED EMPLOYMENT.—The term 'retention in public or private unsubsidized employment' means full- or part-time paid employment in the public or private sector by an enrollee under this title for 6 months after the starting date of placement into unsubsidized employment without the use of funds under this title or any other Federal or State employment subsidy program.

"(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 the established levels of performance.

42 USC 3056*l*.

"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.

"(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).

"(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 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) The applicant's ability to administer a program that moves eligible individuals into unsubsidized employment.

"(4) The applicant's ability to move individuals with multiple barriers to employment into unsubsidized employment.

"(5) The applicant's ability to coordinate with other organizations at the State and local level.

"(6) The applicant's plan for fiscal management of the program to be administered with funds received under this section.

"(7) Any additional criteria that the Secretary deems appropriate in order to minimize disruption for current enrollees.

"(d) RESPONSIBILITY TESTS.—

"(1) IN GENERAL.—Before final selection of a grantee, the Secretary shall conduct a review of available records to assess the applicant's overall responsibility to administer Federal funds.

"(2) REVIEW.—As part of the review described in paragraph (1), the Secretary may consider any information, including the organization's history with regard to the management of other grants.

"(3) FAILURE TO SATISFY TEST.—The failure to satisfy any one responsibility test that is listed in paragraph (4), except for those listed in subparagraphs (A) and (B) of such paragraph, does not establish that the organization is not responsible unless such failure is substantial or persistent (for 2 or more consecutive years).

"(4) TEST.—The responsibility tests include review of the following factors:

"(A) Efforts by the organization to recover debts, after three demand letters have been sent, that are established by final agency action and have been unsuccessful, or that there has been failure to comply with an approved repayment plan.

"(B) Established fraud or criminal activity of a significant nature within the organization.

"(C) Serious administrative deficiencies identified by the Secretary, such as failure to maintain a financial management system as required by Federal regulations.

"(D) Willful obstruction of the audit process.

"(E) Failure to provide services to applicants as agreed to in a current or recent grant or to meet applicable performance measures.

"(F) Failure to correct deficiencies brought to the grantee's attention in writing as a result of monitoring activities, reviews, assessments, or other activities.

Deadline.

"(G) Failure to return a grant closeout package or outstanding advances within 90 days of the grant expiration date or receipt of closeout package, whichever is later, unless an extension has been requested and granted.

"(H) Failure to submit required reports.

"(I) Failure to properly report and dispose of Government property as instructed by the Secretary.

"(J) Failure to have maintained effective cash management or cost controls resulting in excess cash on hand.

"(K) Failure to ensure that a subrecipient complies with its Office of Management and Budget Circular A–133 audit requirements specified at section 667.200(b) of title 20, Code of Federal Regulations.

"(L) Failure to audit a subrecipient within the required period.

"(M) Final disallowed costs in excess of 5 percent of the grant or contract award if, in the judgment of the grant officer, the disallowances are egregious findings.

"(N) Failure to establish a mechanism to resolve a subrecipient's audit in a timely fashion.

"(5) DETERMINATION.—Applicants that are determined to be not responsible shall not be selected as grantees.

"(6) DISALLOWED COSTS.—Interest on disallowed costs shall accrue in accordance with the Debt Collection Improvement Act of 1996.

"(e) NATIONAL PERFORMANCE MEASURES AND COMPETITION FOR PUBLIC AND PRIVATE NONPROFIT AGENCIES AND ORGANIZATIONS.—

Deadline.

"(1) IN GENERAL.—Not later than 120 days after the end of each program year, the Secretary shall determine if each public or private nonprofit agency or organization that is a grantee has met the national performance measures established pursuant to section 513(a)(3).

"(2) TECHNICAL ASSISTANCE AND CORRECTIVE ACTION PLAN.—

Deadline.

"(A) IN GENERAL.—If the Secretary determines that a grantee fails to meet the national performance measures for a program year, the Secretary shall provide technical assistance and require such organization to submit a corrective action plan not later than 160 days after the end of the program year.

"(B) CONTENT.—The plan submitted under subparagraph (A) shall detail the steps the grantee will take to meet the national performance measures in the next program year.

"(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 addition to the actions required under paragraph (2), the Secretary shall take corrective action 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 first 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). 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.—Not later than 120 days after the end of the program year, the Secretary shall determine if a State

Deadline.

grantee has met the performance measures established pursuant to section 513(a)(4).

Deadline.

"(2) TECHNICAL ASSISTANCE AND CORRECTIVE ACTION PLAN.—If a State that receives a grant fails to meet the performance measures for a program year, the Secretary shall provide technical assistance and require the State to submit a corrective action plan not later than 160 days after the end of the program year.

"(3) CONTENT.—The plan described in paragraph (2) shall detail the steps the State will take to meet the standards.

"(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.

42 USC 3056m.

"SEC. 515. AUTHORIZATION OF APPROPRIATIONS.

"(a) There is authorized to be appropriated to carry out this title—

"(1) $475,000,000 for fiscal year 2001 and such sums as may be necessary for fiscal year 2002 through 2005; and

"(2) such additional sums as may be necessary for each such fiscal year to enable the Secretary, through programs under this title, to provide for at least 70,000 part-time employment positions for eligible individuals.

For purposes of paragraph (2), 'part-time employment position' means an employment position within a workweek of at least 20 hours.

"(b) Amounts appropriated under this section for any fiscal year shall be available for obligation during the annual period which begins on July 1 of the calendar year immediately following the beginning of such fiscal year and which ends on June 30 of the following calendar year. The Secretary may extend the period during which such amounts may be obligated or expended in the case of a particular organization or agency receiving funds under this title if the Secretary determines that such extension is necessary to ensure the effective use of such funds by such organization or agency.

"(c) At the end of the program year, the Secretary may recapture any unexpended funds for the program year, and reobligate such funds within the 2 succeeding program years for—

"(1) incentive grants;

"(2) technical assistance; or

"(3) grants or contracts for any other program under this title.

"SEC. 516. DEFINITIONS. 42 USC 3056n.

"In this title:

"(1) COMMUNITY SERVICE.—The term 'community service' means social, health, welfare, and educational services (including literacy tutoring), legal and other counseling services and assistance, including tax counseling and assistance and financial counseling, and library, recreational, and other similar services; conservation, maintenance, or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; weatherization activities; economic development; and such other services essential and necessary to the community as the Secretary, by regulation, may prescribe.

"(2) ELIGIBLE INDIVIDUALS.—The term 'eligible individuals' 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 the 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.

"(3) PACIFIC ISLAND AND ASIAN AMERICANS.—The term 'Pacific Island and Asian Americans' means Americans having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.

"(4) PROGRAM.—The term 'program' means the older American community service employment program established under this title.".

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

SEC. 601. ELIGIBILITY.

Section 612 of the Older Americans Act of 1965 (42 U.S.C. 3057c) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) An Indian tribe represented by an organization specified in subsection (a) shall be eligible for only one grant under this part for any fiscal year. Nothing in this subsection shall preclude an Indian tribe represented by an organization specified in subsection (a) from receiving a grant under section 631.".

SEC. 602. APPLICATIONS.

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

(1) in subsection (b), by striking "certification" and inserting "approval"; and

(2) in subsection (c)—

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

(B) by adding at the end the following:

"(2) The Assistant Secretary shall provide waivers and exemptions of the reporting requirements of subsection (a)(3) for applicants that serve Indian populations in geographically isolated

areas, or applicants that serve small Indian populations, where the small scale of the project, the nature of the applicant, or other factors make the reporting requirements unreasonable under the circumstances. The Assistant Secretary shall consult with such applicants in establishing appropriate waivers and exemptions.

"(3) The Assistant Secretary shall approve any application that complies with the provisions of subsection (a), except that in determining whether an application complies with the requirements of subsection (a)(8), the Assistant Secretary shall provide maximum flexibility to an applicant that seeks to take into account subsistence needs, local customs, and other characteristics that are appropriate to the unique cultural, regional, and geographic needs of the Indian populations to be served.

"(4) In determining whether an application complies with the requirements of subsection (a)(12), the Assistant Secretary shall require only that an applicant provide an appropriate narrative description of the geographic area to be served and an assurance that procedures will be adopted to ensure against duplicate services being provided to the same recipients.".

SEC. 603. AUTHORIZATION OF APPROPRIATIONS.

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

"SEC. 633. 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, 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.".

SEC. 604. GENERAL PROVISIONS.

Title VI of the Older Americans Act of 1965 (42 U.S.C. 3057 et seq.) is amended—

(1) by redesignating part C as part D;

42 USC 3057*l*–3057n.

(2) by redesignating sections 631 through 633 as sections 641 through 643, respectively;

(3) by inserting after part B the following:

"PART C—NATIVE AMERICAN CAREGIVER SUPPORT PROGRAM

42 USC 3057k–11.

"SEC. 631. PROGRAM.

"(a) IN GENERAL.—The Assistant Secretary shall carry out a program for making grants to tribal organizations with applications approved under parts A and B, to pay for the Federal share of carrying out tribal programs, to enable the tribal organizations to provide multifaceted systems of the support services described in section 373 for caregivers described in section 373.

"(b) REQUIREMENTS.—In providing services under subsection (a), a tribal organization shall meet the requirements specified for an area agency on aging and for a State in the provisions of subsections (c), (d), and (e) of section 373 and of section 374. For purposes of this subsection, references in such provisions to

a State program shall be considered to be references to a tribal program under this part.".

TITLE VII—AMENDMENTS TO TITLE VII OF THE OLDER AMERICANS ACT OF 1965

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

Section 702 of the Older Americans Act of 1965 (42 U.S.C. 3058a) is amended to read as follows:

"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, 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, 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, and such sums as may be necessary for subsequent fiscal years.".

SEC. 702. ALLOTMENT.

Section 703(a)(2)(C) of the Older Americans Act of 1965 (42 U.S.C. 3058b(a)(2)(C)) is amended by striking "1991" each place it appears and inserting "2000".

SEC. 703. ADDITIONAL STATE PLAN REQUIREMENTS.

Section 705(a) of the Older Americans Act of 1965 (42 U.S.C. 3058d(a)) is amended—

(1) in paragraph (4), by inserting "each of" after "carry out";

(2) in paragraph (6)(C)(iii), by striking the semicolon and inserting "; and";

(3) by striking paragraph (7);

(4) by redesignating paragraph (8) as paragraph (7); and

(5) in paragraph (7) (as redesignated by paragraph (3)), by striking "paragraphs (1) through (7)" and inserting "paragraphs (1) through (6)".

SEC. 704. STATE LONG-TERM CARE OMBUDSMAN PROGRAM.

Section 712 of the Older Americans Act of 1965 (42 U.S.C. 3058g) is amended—

(1) in subsection (a), in paragraph (5)(C)(ii), by inserting "and not stand to gain financially through an action or potential action brought on behalf of individuals the Ombudsman serves" after "interest"; and

(2) in subsection (h)—

(A) in paragraph (4)—

(i) in subparagraph (A)—

(I) by striking "(A) not later than 1 year after the date of enactment of this title, establish" and inserting "strengthen and update"; and

(II) in clause (iii), by striking "and";

(ii) by striking subparagraph (B);

(iii) by redesignating clauses (i) through (iii) as subparagraphs (A) through (C), respectively; and

(iv) by redesignating subclauses (I) through (III) as clauses (i) through (iii), respectively;

(B) in paragraph (7), by striking "; and" and inserting a semicolon;

(C) by redesignating paragraph (8) as paragraph (9); and

(D) by inserting after paragraph (7) the following:

"(8) coordinate services with State and local law enforcement agencies and courts of competent jurisdiction; and".

SEC. 705. PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.

Section 721 of the Older Americans Act of 1965 (42 U.S.C. 3058i) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting "(including financial exploitation)" after "exploitation";

(B) in paragraph (2), by inserting ", State and local law enforcement systems, and courts of competent jurisdiction" after "service program"; and

(C) in paragraph (5), by inserting "including caregivers described in part E of title III," after "individuals,";

(2) in subsection (d)(8)—

(A) by inserting "State and local" after "consumer protection and"; and

(B) by inserting ", and services provided by agencies and courts of competent jurisdiction" before the period; and

(3) by adding at the end the following:

"(g) STUDY AND REPORT.—

"(1) STUDY.—The Secretary, in consultation with the Department of the Treasury and the Attorney General of the United States, State attorneys general, and tribal and local prosecutors, shall conduct a study of the nature and extent of financial exploitation of older individuals. The purpose of this study would be to define and describe the scope of the problem of financial exploitation of the elderly and to provide an estimate of the number and type of financial transactions considered to constitute financial exploitation faced by older individuals. The study shall also examine the adequacy of current Federal and State legal protections to prevent such exploitation.

Deadline.

"(2) REPORT.—Not later than 18 months after the date of the enactment of the Older Americans Act Amendments of 2000, the Secretary shall submit to Congress a report, which shall include—

"(A) the results of the study conducted under this subsection; and

"(B) recommendations for future actions to combat the financial exploitation of older individuals.".

SEC. 706. ASSISTANCE PROGRAMS.

Subtitle A of title VII of the Older Americans Act of 1965 (42 U.S.C 3058 et seq.) is amended by repealing chapters 4 and 5 and inserting the following: 42 USC 3058j, 3058k.

"CHAPTER 4—STATE LEGAL ASSISTANCE DEVELOPMENT PROGRAM

"SEC. 731. STATE LEGAL ASSISTANCE DEVELOPMENT. 42 USC 3058j.

"A State agency shall provide the services of an individual who shall be known as a State legal assistance developer, and the services of other personnel, sufficient to ensure—

"(1) State leadership in securing and maintaining the legal rights of older individuals;

"(2) State capacity for coordinating the provision of legal assistance;

"(3) State capacity to provide technical assistance, training, and other supportive functions to area agencies on aging, legal assistance providers, ombudsmen, and other persons, as appropriate;

"(4) State capacity to promote financial management services to older individuals at risk of conservatorship;

"(5) State capacity to assist older individuals in understanding their rights, exercising choices, benefiting from services and opportunities authorized by law, and maintaining the rights of older individuals at risk of guardianship; and

"(6) State capacity to improve the quality and quantity of legal services provided to older individuals.".

SEC. 707. NATIVE AMERICAN PROGRAMS.

Section 751(d) of the Older Americans Act of 1965 (42 U.S.C. 3058aa(d)) is amended to read as follows:

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.".

TITLE VIII—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 801. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TITLE I.—Section 102(34)(C) of the Older Americans Act of 1965 (42 U.S.C. 3002(34)(C)) is amended by striking "307(a)(12)" and inserting "307(a)(9)".

(b) TITLE II.—

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

(A) in subparagraph (C)(ii), by striking "307(a)(12)" and inserting "307(a)(9)"; and

(B) in subparagraph (J), by striking "307(a)(12)" and inserting "307(a)(9)".

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

(A) in subsection (a)—

(i) in paragraph (19)(C), by striking "paragraphs (2) and (5)(A) of section 306(a)" and inserting "paragraphs (2) and (4)(A) of section 306(a)"; and

(ii) in paragraph (26), by striking "sections 307(a)(18) and 731(b)(2)" and inserting "section 307(a)(13) and section 731";

(B) in subsection (c)—

(i) in paragraph (1), by striking "(c)(1)" and inserting "(c)"; and

(ii) by striking paragraph (2); and

(C) in subsection (e)(1)(A)—

(i) by striking clause (i) and inserting the following: "(i) provide information about grants and projects under title IV;"; and

(ii) in clause (iv), by striking ", and the information provided by the Resource Centers on Native American Elders under section 429E".

(3) Section 205(a)(2)(A) of the Older Americans Act of 1965 (42 U.S.C. 3016(a)(2)(A)) is amended by striking "subparts 1, 2, and 3" and inserting "subparts 1 and 2".

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

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(5) Section 214 of the Older Americans Act of 1965 (42 U.S.C. 3020e) is amended by striking "307(a)(13)(J)" and inserting "339(2)(J)".

(c) TITLE III.—

(1) Section 301(c) of the Older Americans Act of 1965 (42 U.S.C. 3021(c)) is amended by striking "307(a)(12)" and inserting "307(a)(9)".

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

(A) in subsection (d)(1)(B), by striking "307(a)(12)" and inserting "307(a)(9)"; and

(B) by striking subsection (e).

(3) Section 305(a)(2)(F) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(2)(F)) is amended by striking "307(a)(24)" and inserting "307(a)(16)".

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

(A) in subsection (a), in paragraph (22) (as redesignated by section 305(19)), by striking "306(a)(20)" and inserting "306(a)(8)"; and

(B) in subsection (f)—

(i) in paragraph (1), by striking "(f)(1)" and inserting "(f)"; and

(ii) by striking paragraph (2).

(5) Section 321(a)(15) of the Older Americans Act of 1965 (42 U.S.C. 3030d(a)(15)) is amended by striking "section 307(a)(16)" and inserting "section 307(a)(12)".

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

(1) by striking paragraph (9); and

(2) by redesignating paragraphs (10) through (12) as paragraphs (9) through (11), respectively.

(e) TITLE VII.—

(1) Section 703(a)(2)(C) of the Older Americans Act of 1965 (42 U.S.C. 3058b(a)(2)(C)) is amended—

(A) in clause (i), by striking "section 702(a)" and inserting "section 702 and made available to carry out chapter 2"; and

(B) in clause (ii), by striking "section 702(b)" and inserting "section 702 and made available to carry out chapter 3".

(2) Section 712(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3058g(a)(1)) is amended by striking "section 702(a)" and inserting "section 702 and made available to carry out this chapter".

(3) Section 721(a) of the Older Americans Act of 1965 (42 U.S.C. 3058i(a)) is amended by striking "section 702(b)" and inserting "section 702 and made available to carry out this chapter".

(4) Section 761(2) of the Older Americans Act of 1965 (42 U.S.C. 3058bb(2)) is amended by striking "chapter 2, 3, 4, or 5 of this title" and inserting "subtitle A".

(5) Section 762 of the Older Americans Act of 1965 (42 U.S.C. 3058cc) is amended, in the matter preceding paragraph (1), by striking "or an entity described in section 751(c)".

(6) Section 764(b) of the Older Americans Act of 1965 (42 U.S.C. 3058ee(b)) is amended by striking ", area agencies on aging, and entities described in section 751(c)" and inserting "and area agencies on aging".

Approved November 13, 2000.

LEGISLATIVE HISTORY—H.R. 782 (S. 1536):

HOUSE REPORTS: No. 106–343 (Comm. on Education and the Workforce).
SENATE REPORTS: No. 106–399 accompanying S. 1536 (Comm. on Health, Education, Labor, and Pensions).
CONGRESSIONAL RECORD, Vol. 146 (2000):
Oct. 24, 25, considered and passed House.
Oct. 26, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):
Nov. 13, Presidential statement.