TITLE I—AMENDMENTS TO THE OLDER AMERICANS ACT OF 1965

PART A—OBJECTIVES AND ADMINISTRATION

SEC. 101. OBJECTIVES.

Section 101 of the Older Americans Act of 1965 (42 U.S.C. 3001) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “United States and” and inserting “United States,”, and

(B) by inserting “, and of Indian tribes” after “subdivisions”;

(2) in paragraph (3) by striking “Suitable” and inserting “Obtaining and maintaining suitable”;

(3) in paragraph (7) by striking “Pursuit of” and inserting “Participating in and contributing to”, and

(4) in paragraph (10)—

(A) by striking “lives and” and inserting “lives,”, and

(B) by inserting “, and protection against abuse, neglect, and exploitation” before the period at the end.

SEC. 102. ESTABLISHMENT OF ADMINISTRATION ON AGING.

Section 201(a) of the Older Americans Act of 1965 (42 U.S.C. 3011(a)) is amended in the third and fourth sentences by striking “the Office of”.

SEC. 103. DATA COLLECTION; REPORTS.

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

(1) in paragraph (17) by striking “and” at the end,

(2) in paragraph (18) by striking the period at the end and inserting “; and,”, and

(3) by adding at the end the following:

“(19) collect for each fiscal year, for fiscal years beginning after September 30, 1988, directly or by contract, statistical data regarding programs and activities carried out with funds provided under this Act, including—

“(A) with respect to each type of service provided with such funds—

“(i) the aggregate amount of such funds expended to provide such service;

“(ii) the number of individuals who received such service; and

“(iii) the number of units of such service provided;

“(B) the number of senior centers which received such funds; and

“(C) the extent to which each area agency on aging designated under section 305(a) satisfied the requirements of paragraphs (2) and (5)(A) of section 306(a)”.

(b) REPORTS.—The last sentence of section 207(a) of the Older Americans Act of 1965 (42 U.S.C. 3018(a)) is amended to read as follows: “Such annual reports shall include—

(1) statistical data reflecting services and activities provided to individuals during the preceding fiscal year;

(2) statistical data collected under section 202(a)(19);
“(3) an analysis of the information received under section 306(b)(12)(D) by the Commissioner; and
“(4) statistical data and an analysis of information regarding the effectiveness of the State agency and area agencies on aging in targeting services to older individuals with the greatest economic or social needs, with particular attention to low-income minority individuals, low-income individuals, and frail individuals (including individuals with any physical or mental functional impairment).”.

(c) REPORT TO CONGRESS ON OMBUDSMAN PROGRAM.—Section 207 of the Older Americans Act of 1965 (42 U.S.C. 3018) is amended by striking subsection (b) and inserting the following:
“(b)(1) Not later than January 15 of each year, the Commissioner shall compile a report—
“(A) summarizing and analyzing the data collected under section 307(a)(12)(C) for the then most recently concluded fiscal year;
“(B) identifying significant problems and issues revealed by such data (with special emphasis on problems relating to quality of care and residents' rights);
“(C) discussing current issues concerning the long-term care ombudsman programs of the States; and
“(D) making recommendations regarding legislation and administrative actions to resolve such problems.
“(2) The Commissioner shall submit the report required by paragraph (1) to—
“(A) the Select Committee on Aging of the House of Representatives;
“(B) the Special Committee on Aging of the Senate;
“(C) the Committee on Education and Labor of the House of Representatives; and
“(D) the Committee on Labor and Human Resources of the Senate.
“(3) The Commissioner shall provide the report required by paragraph (1), and make the State reports required by section 307(a)(12)(E) available, to—
“(A) the Administrator of the Health Care Finance Administration;
“(B) the Office of Inspector General of the Department of Health and Human Services;
“(C) the Office of Civil Rights of the Department of Health and Human Services;
“(D) the Administrator of the Veterans Administration; and
“(E) the public agencies and private organizations designated under section 307(a)(12)(A).”.

SEC. 104. VETERANS’ PROGRAMS.

(a) CONSULTATION.—Section 203(b) of the Older Americans Act of 1965 (42 U.S.C. 3018(b)) is amended—
(1) in paragraph (13) by striking “and” at the end,
(2) in paragraph (14) by striking the period at the end and inserting “, and”, and
(3) by adding at the end the following:
“(15) parts II and III of title 38, United States Code.”.

(b) TECHNICAL ASSISTANCE AND COOPERATION UNDER TITLE III.—Section 301(b)(2) of the Older Americans Act of 1965 (42 U.S.C.
SEC. 105. MENTAL HEALTH.

(a) FUNCTIONS OF COMMISSIONER.—Section 202(a)(5) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(5)) is amended by inserting "the Veterans' Administration," after "Office of Community Services.

(c) AREA PLANS.—Section 306(a)(6)(F) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(6)(F)) is amended by inserting "providers of veterans' health care (if appropriate)," after "elected officials.

(d) TECHNICAL ASSISTANCE AND COOPERATION UNDER TITLE IV.—Section 402(b) of the Older Americans Act of 1965 (42 U.S.C. 3030b(b)) is amended by inserting "the Veterans' Administration," after "National Institutes of Health.

SEC. 106. OLDER INDIVIDUALS WITH DISABILITIES.

(a) PLANNING.—Section 202(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3012(b)(1)) is amended—

(1) by striking "and" and inserting a comma, and

(2) by inserting after "Act" the following: ", with the Alcohol, Drug Abuse, and Mental Health Administration and the Administration on Developmental Disabilities.

(b) AGENCY CONSULTATION.—Section 203(b) of the Older Americans Act of 1965 (42 U.S.C. 3013(b)), as amended by section 104(a), is amended—

(1) in paragraph (14) by striking "and" at the end,

(2) in paragraph (15) by striking the period at the end and inserting a comma, and

(3) by adding after paragraph (15) the following:

"(16) the Rehabilitation Act of 1973, and

(17) the Developmental Disabilities and Bill of Rights Act.

(c) EVALUATION.—The second sentence of section 206(c) of the Older Americans Act of 1965 (42 U.S.C. 3017(c)) is amended by inserting "and older individuals with disabilities" before the period at the end.
SEC. 107. OLDER NATIVE AMERICANS.

(a) IMPROVED ADMINISTRATION FOR NATIVE AMERICAN PROGRAMS.—Section 201 of the Older Americans Act of 1965 (42 U.S.C. 3011) is amended by adding at the end the following:

"(c)(1) There is established in the Administration on Aging an Office for American Indian, Alaskan Native, and Native Hawaiian Programs.

"(2) The Office shall be headed by an Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging appointed by the Commissioner.

"(3) The Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging shall—

"(A) evaluate the adequacy of outreach under title III and title VI for older Native Americans and recommend to the Commissioner necessary action to improve service delivery, outreach, coordination between title III and title VI services, and particular problems faced by older Indians and Native Hawaiians; and

"(ii) include a description of the results of such evaluation and recommendations in the annual report required by section 207(a) to be submitted by the Commissioner;

"(B) serve as the effective and visible advocate in behalf of older Native Americans within the Department of Health and Human Services and with other departments and agencies of the Federal Government regarding all Federal policies affecting older Native Americans;

"(C) coordinate activities between other Federal departments and agencies to assure a continuum of improved services through memoranda of agreements or through other appropriate means of coordination;

"(D) administer and evaluate the grants provided under this Act to Indian tribes, public agencies and nonprofit private organizations serving Native Hawaiians;

"(E) recommend to the Commissioner policies and priorities with respect to the development and operation of programs and activities conducted under the Act relating to older Native Americans;

"(F) collect and disseminate information related to problems experienced by older Native Americans;

"(G) develop research plans, and conduct and arrange for research, in the field of American Native aging with a special emphasis on the gathering of statistics on the status of older Native Americans; and

"(H) develop and provide technical assistance and training programs to grantees under title VI."

(b) FEDERAL COUNCIL ON AGING.—The third sentence of section 204(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3015(a)(1)) is amended by inserting "Indian tribes" after "minorities".

(c) CONTRACTING AUTHORITY.—Section 212 of the Older Americans Act of 1965 (42 U.S.C. 3020c) is amended by inserting after "State agency" the following: "(or in the case of a grantee under title VI, subject to the recommendation of the Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging and the approval of the Commissioner)".
SEC. 108. FEDERAL COUNCIL ON AGING.

(a) MEMBERSHIP.—The fourth sentence of section 204(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3015(a)(1)) is amended by striking "two" and inserting "three".

(b) REAUTHORIZATION.—Section 204(g) of the Older Americans Act of 1965 (42 U.S.C. 3015(g)) is amended to read as follows:

"(g) There are authorized to be appropriated to carry out the provisions of this section $210,000 for the fiscal year 1988, $221,000 for the fiscal year 1989, $232,000 for the fiscal year 1990, and $243,000 for the fiscal year 1991.".

SEC. 109. REGULATIONS.

Section 205(c) of the Older Americans Act of 1965 (42 U.S.C. 3016(c)) is amended by striking "1984" and inserting "1987".

SEC. 110. PUBLICATION OF GOALS.

Section 205 of the Older Americans Act of 1965 (42 U.S.C. 3016) is amended—

(1) by redesignating subsection (d) as subsection (e), and

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

"(d) Not later than September 1 of each fiscal year, the Commissioner shall make available to the public, for the purpose of facilitating the public comment, a statement of proposed specific goals to be achieved by implementing this Act in the first fiscal year beginning after the date on which such statement is made available.".

SEC. 111. ASSESSMENT OF UNSATISFIED DEMAND FOR SUPPORTIVE SERVICES PROVIDED AT SENIOR CENTERS AND OTHER SITES.

(a) REPORT.—Not later than September 30, 1989, the Commissioner on Aging shall submit to the Congress a report—

(1) assessing the national unmet need for supportive services, nutrition services, and multipurpose senior centers by summarizing in detail for each State the results of the most recent evaluation conducted by the State agency under the then current plan (including any revision thereof) submitted under section 307(a)(3)(A) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(3)(A)), and

(2) containing the recommendations of the Secretary with respect to the need for administrative action and legislation relating to satisfying the demand for supportive services provided at senior centers established under such title and at other sites.

(b) ISSUANCE OF REGULATIONS.—For purposes of obtaining adequate information to be included in the report required by subsection (a), the Commissioner on Aging shall issue, under the authority of section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)), such regulations as may be necessary to ensure that the evaluations required to be summarized in such report include data that are objectively collected and statistically valid.
PART B—GRANTS FOR SUPPORTIVE SERVICES, NUTRITION, AND OTHER ACTIVITIES

SEC. 121. PURPOSE.

Section 301(a) of the Older Americans Act of 1965 (42 U.S.C. 3021(a)) is amended by inserting "...with Indian tribes, tribal organizations, and Native Hawaiian organizations," after "agencies" the second place it appears.

SEC. 122. REAUTHORIZATION FOR STATE AND COMMUNITY PROGRAMS ON AGING.

(a) Supportive Services and Senior Centers.—Section 303(a) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)) is amended to read as follows:

"(a) There are authorized to be appropriated $379,575,000 for the fiscal year 1988, $398,554,000 for the fiscal year 1989, $418,481,000 for the fiscal year 1990, and $439,406,000 for the fiscal year 1991, for the purpose of making grants under part B of this title (relating to supportive services and senior centers)."

(b) Nutrition Services.—Section 303(b) of the Older Americans Act of 1965 (42 U.S.C. 3023(b)) is amended to read as follows:

"(b) There are authorized to be appropriated $414,750,000 for the fiscal year 1988, $435,488,000 for the fiscal year 1989, $457,262,000 for the fiscal year 1990, and $480,125,000 for the fiscal year 1991, for the purpose of making grants under subpart 1 of part C of this title (relating to congregate nutrition services)."

"(2) There are authorized to be appropriated $79,880,000 for the fiscal year 1988, $83,349,000 for the fiscal year 1989, $87,516,000 for the fiscal year 1990, and $91,892,000 for the fiscal year 1991, for the purpose of making grants under subpart 2 of part C of this title (relating to home delivered nutrition services)."

(c) Surplus Commodities Program.—(1) Section 311(a)(4) of the Older Americans Act of 1965 (42 U.S.C. 3030(a)(4)) is amended—

(A) by striking "fiscal year 1986 and during each fiscal year thereafter" and inserting "fiscal years 1986 through 1991"; and

(B) by striking the second and third sentences.

(2) Subparagraph (A) of section 311(c)(1) of the Older Americans Act of 1965 (42 U.S.C. 3030(a)(c)(1)) is amended to read as follows:

"(A) There are authorized to be appropriated $151,000,000 for the fiscal year 1988, $166,000,000 for the fiscal year 1989, $183,000,000 for the fiscal year 1990, and $201,000,000 for the fiscal year 1991, to carry out the provisions of this section (other than subsection (a)(1))."

SEC. 123. ADMINISTRATIVE EXPENSES OF AREA AGENCIES ON AGING.

Section 304(d)(1)(A) of the Older Americans Act of 1965 (42 U.S.C. 3024(d)(1)(A)) is amended by striking "8.5’ and inserting "10’.

SEC. 124. AREA AGENCIES ON AGING AS SEparate UNITS.

Section 305(c) of the Older Americans Act of 1965 (42 U.S.C. 3035(c)) is amended—

(1) in paragraph (2) by inserting "to function only" after "designated",

(2) in paragraph (3) by inserting "only" after "act", and

(3) in paragraph (4)—
(A) by inserting "or any separate organizational unit within such agency," after "area" the first place it appears, and
(B) by striking "engage" and inserting "and will engage only".

SEC. 125. AREA PLANS.
Section 306(a)(6)(A) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(6)(A)) is amended by inserting ", and public hearings on," after "evaluations of".

SEC. 126. DAYCARE AND RESpite SERVICES PROVIDED BY VOLUNTEERS.
Section 306(a)(6)(E) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(6)(E)) is amended—
(1) by inserting "or adults, and respite for families," after "for children", and
(2) by inserting ", adults, and families" after "to children".

SEC. 127. COORDINATION OF CERTAIN PROGRAMS RELATING TO OLDER VICTIMS OF ALZHEIMER'S DISEASE.
Section 306(a)(6) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(6)) is amended—
(1) in subparagraph (J) by striking "and" at the end, and
(2) in subparagraph (K) by striking the period at the end and inserting "; and", and
(3) by adding at the end the following:
"(L) coordinate the categories of services specified in paragraph (2) for which the area agency on aging is required to expend funds under part B, with activities of community-based organizations established for the benefit of victims of Alzheimer's disease and the families of such victims."

SEC. 128. PUBLIC HEARINGS.
Section 307(a)(8) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(8)) is amended by inserting ", and public hearings on," after "evaluations of".

SEC. 129. OMBUDSMAN OFFICE AND PROGRAM.
(a) TECHNICAL ASSISTANCE.—Section 301 of the Older Americans Act of 1965 (42 U.S.C. 3021) is amended by adding at the end the following:
"(c) The Commissioner shall provide technical assistance and training (by contract, grant, or otherwise) to State long-term care ombudsman programs established under section 307(a)(12), and to individuals designated under such section to be representatives of a long-term care ombudsman, in order to enable such ombudsmen and such representatives to carry out the ombudsman program effectively."

(b) STUDY OF OMBUDSMAN PROGRAM.—(1) The Commissioner on Aging shall conduct a study concerning involvement in the ombudsman program established under section 307(a)(12) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(12)) and its impact upon issues and problems affecting—
(A) residents of board and care facilities and other similar adult care homes who are older individuals (as defined in section 302(10) of such Act), including recommendations for...
expanding and improving ombudsman services in such facilities, and
(B) the effectiveness of recruiting, supervising, and retaining
volunteer ombudsmen.

(2) The Commissioner shall prepare and submit a report to the
Congress on the findings and recommendations of the study
described in paragraph (1) not later than December 31, 1989.

(c) AUTHORIZATION OF APPROPRIATIONS.—(1) Section 303(a) of the
Older Americans Act of 1965 (42 U.S.C. 3023(a)), as amended by
section 122(a), is amended—
(A) by inserting "(1)" after "(a)", and
(B) by adding at the end the following:
"(2) Subject to subsection (h), there are authorized to be appro-
priated $20,000,000 for fiscal year 1988 and such sums as may be
necessary for each of the fiscal years 1989, 1990, and 1991 to carry
out section 307(a)(12)."

(2) Section 308(b)(5) of the Older Americans Act of 1965 (42 U.S.C.
3028(b)(5)) is amended—
(A) in subparagraph (A) by striking "subsection (a)" and
inserting "subsection (a)(1)";
(B) in subparagraph (B) by inserting "subsections (a)(1) and (b)
of" after "under the first place it appears.

(d) STATE PLANS.—Section 307(a)(12) of the Older Americans Act of
1965 (42 U.S.C. 3027(a)(12)) is amended to read as follows:
"(12) The plan shall provide the following assurances, with
respect to a long-term care ombudsman program:
"(A) The State agency will establish and operate, either
directly or by contract or other arrangement with any
public agency or other appropriate private nonprofit
organization, other than an agency or organization which is
responsible for licensing or certifying long-term care serv-
cices in the State or which is an association (or an affiliate of
such an association) of long-term care facilities (including
any other residential facility for older individuals), an
Office of the State Long-Term Care Ombudsman (in this
paragraph referred to as the ‘Office’) and shall carry out
through the Office a long-term care ombudsman program
which provides an individual who will, on a full-time
basis—
"(i) investigate and resolve complaints made by or on
behalf of older individuals who are residents of long-
term care facilities relating to action, inaction, or deci-
sions of providers, or their representatives, of long-term
care services, of public agencies, or of social service
agencies, which may adversely affect the health, safety,
welfare, or rights of such residents;
"(ii) provide for training staff and volunteers and
promote the development of citizen organizations to
participate in the ombudsman program; and
"(iii) carry out such other activities as the Commissi-
oner deems appropriate.

(B) The State agency will establish procedures for appro-
priate access by the ombudsman to long-term care facilities
and patients’ records, including procedures to protect the
confidentiality of such records and ensure that the identity
of any complainant or resident will not be disclosed without
the written consent of such complainant or resident, or upon court order.

"(C) The State agency will establish a statewide uniform reporting system to collect and analyze data relating to complaints and conditions in long-term care facilities for the purpose of identifying and resolving significant problems, with provision for submission of such data to the agency of the State responsible for licensing or certifying long-term care facilities in the State and to the Commissioner on a regular basis.

"(D) The State agency will establish procedures to assure that any files maintained by the ombudsman program shall be disclosed only at the discretion of the ombudsman having authority over the disposition of such files, except that the identity of any complainant or resident of a long-term care facility shall not be disclosed by such ombudsman unless—

"(i) such complainant or resident, or the individual's legal representative, consents in writing to such disclosure; or

"(ii) such disclosure is required by court order.

"(E) In planning and operating the ombudsman program, the State agency will consider the views of area agencies on aging, older individuals, and provider agencies.

"(F) The State agency will—

"(i) ensure that no individual involved in the designation of the long-term care ombudsman (whether by appointment or otherwise) or the designation of the head of any subdivision of the Office is subject to a conflict of interest;

"(ii) ensure that no officer, employee, or other representative of the Office is subject to a conflict of interest; and

"(iii) ensure that mechanisms are in place to identify and remedy any such or other similar conflicts.

"(G) The State agency will—

"(i) ensure that adequate legal counsel is available to the Office for advice and consultation and that legal representation is provided to any representative of the Office against whom suit or other legal action is brought in connection with the performance of such representative's official duties; and

"(ii) ensure that the Office has the ability to pursue administrative, legal, and other appropriate remedies on behalf of residents of long-term care facilities.

"(H) The State agency will require the Office to—

"(i) prepare an annual report containing data and findings regarding the types of problems experienced and complaints received by or on behalf of individuals residing in long-term care facilities, and to provide policy, regulatory, and legislative recommendations to solve such problems, resolve such complaints, and improve the quality of care and life in long-term care facilities;

"(ii) analyze and monitor the development and implementation of Federal, State, and local laws, regulations, and policies with respect to long-term care
facilities and services in that State, and recommend any changes in such laws, regulations, and policies deemed by the Office to be appropriate;

"(iii) provide information to public agencies, legislators, and others, as deemed necessary by the Office, regarding the problems and concerns, including recommendations related to such problems and concerns, of older individuals residing in long-term care facilities;

"(iv) provide for the training of the Office staff, including volunteers and other representatives of the Office, in—

"(I) Federal, State, and local laws, regulations, and policies with respect to long-term care facilities in the State;

"(II) investigative techniques; and

"(III) such other matters as the State deems appropriate;

"(v) coordinate ombudsman services with the protection and advocacy systems for individuals with developmental disabilities and mental illness established under part A of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.) and under the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (Public Law 99–319); and

"(vi) include any area or local ombudsman entity designated by the State Long-Term Care Ombudsman as a subdivision of the Office. Any representative of an entity designated in accordance with the preceding sentence (whether an employee or an unpaid volunteer) shall be treated as a representative of the Office for purposes of this paragraph.

"(l) The State will ensure that no representative of the Office will be liable under State law for the good faith performance of official duties.

"(J) The State will—

"(i) ensure that willful interference with representatives of the Office in the performance of their official duties (as defined by the Commissioner) shall be unlawful;

"(ii) prohibit retaliation and reprisals by a long-term care facility or other entity with respect to any resident or employee for having filed a complaint with, or providing information to, the Office;

"(iii) provide for appropriate sanctions with respect to such interference, retaliation, and reprisals; and

"(iv) ensure that representatives of the Office shall have—

"(I) access to long-term care facilities and their residents; and

"(II) with the permission of a resident or resident’s legal guardian, have access to review the resident’s medical and social records or, if a resident is unable to consent to such review and has no legal guardian, appropriate access to the resident’s medical and social records.

"(K) The State agency will prohibit any officer, employee, or other representative of the Office to investigate any
complaint filed with the Office unless the individual has received such training as may be required under subparagraph (G)(iv) and has been approved by the long-term care ombudsman as qualified to investigate such complaints."

(e) **MINIMUM EXPENDITURE FOR OMBUDSMAN SERVICES.—**Section 307(a)(21) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(21)) is amended to read as follows:

"(21) The State plan shall provide that the State agency, from funds allotted under section 304(a) for part B and for paragraph (12) (relating to the State long-term care ombudsman) shall expend to carry out paragraph (12), for each fiscal year in which the allotment for part B for the State is not less than the allotment for fiscal year 1987 for part B for such State, an amount which is not less than the amount expended from funds received under this Act by such State in fiscal year 1987 to carry out paragraph (12) as in effect before the effective date of the Older Americans Act Amendments of 1987. This paragraph shall not apply to American Samoa, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands."

SEC. 130. FLEXIBILITY OF SERVICES; LEGAL ASSISTANCE.

(a) **AREA PLANS.—**(1) Section 306(a)(2) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(2)) is amended by inserting "", as required under section 307(a)(22),"" after ""adequate proportion"

(2) Section 306(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3026(b)(2)) is amended by adding at the end the following:

"(C) Whenever the State agency proposes to grant a waiver to an area agency under this subsection, the State agency shall publish the intention to grant such a waiver together with the justification for the waiver at least 30 days prior to the effective date of the decision to grant the waiver. An individual or a service provider from the area with respect to whom the proposed waiver applies is entitled to request a hearing before the State agency on the request to grant such waiver. If, within the 30-day period described in the first sentence of this subparagraph, an individual or service provider requests a hearing under this subparagraph, the State agency shall afford such individual or provider an opportunity for a hearing.

(D) If the State agency waives the requirement described in clause (2) of subsection (a), the State agency shall provide to the Commissioner—"

(i) a report regarding such waiver that details the demonstration made by the area agency on aging to obtain such waiver;

(ii) a copy of the record of the public hearing conducted pursuant to subparagraph (A); and

(iii) a copy of the record of any public hearing conducted pursuant to subparagraph (C)."

(b) **MINIMUM EXPENDITURE OF FUNDS.—**Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended by adding at the end the following:

"(22) The plan shall specify a minimum percentage of the funds received by each area agency for part B that will be expended, in the absence of the waiver granted under section 306(b)(1), by such area agency to provide each of the categories of services specified in section 306(a)(2).""
SEC. 131. DOCUMENTATION REGARDING MINORITY PARTICIPATION.

(a) Area Plans.—Section 306(a)(5)(A) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(5)(A)) is amended—

(1) by inserting "(ii)" after "(5)(A)"; and

(2) in subparagraph (A)(i), as so redesignated—

(A) by striking "and" at the end, and

(B) by inserting after clause (i) the following:

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

"(I) specify how the provider intends to satisfy the service needs of low-income minority individuals in the area served by the provider; and

"(II) attempt to provide services to low-income minority individuals in at least the same proportion as the population of low-income minority older individuals bears to the population of older individuals of the area served by such provider; and

"(iii) with respect to the fiscal year preceding the fiscal year for which such plan is prepared—

"(I) identify the number of low-income minority older individuals in the planning and service area; and

"(II) describe the methods used to satisfy the service needs of such minority older individuals; and"

(b) State Plan.—Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)), as amended by section 130(c), is amended by adding at the end the following:

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

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

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

SEC. 132. TARGETING OF SERVICES.

(a) Organization.—(1) Section 305(a)(1)(E) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(1)(E)) is amended—

(A) by inserting "the distribution of older individuals who have low incomes residing in such areas", and

(B) by inserting after "legal services," the following: "the distribution of older individuals who have greatest economic need (with particular attention to low-income minority individuals residing in such areas, the distribution of older individuals who have greatest social need (with particular attention to low-income minority individuals residing in such areas),"

(2) Section 305(a)(2) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(2)) is amended—

(A) in subparagraph (D) by striking "and" at the end,

(B) in subparagraph (E) by striking the period at the end and inserting "; and", and

(C) by inserting after subparagraph (E) the following:

"(F) assure the use of outreach efforts that will identify individuals eligible for assistance under this Act, with special emphasis on older individuals with the greatest economic or social needs (with particular attention to low-income minority individuals) and inform such individuals of the availability of such assistance.".
(b) **Area Plans.**—Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)) is amended—

(1) in paragraph (1) by inserting after “residing in such area” the following: “, the number of older individuals who have greatest economic need (with particular attention to low-income minority individuals) residing in such area, the number of older individuals who have greatest social need (with particular attention to low-income minority individuals) residing in such area,”;

(2) in paragraph (5)(B) by inserting after “rural elderly,” the following: “older individuals who have greatest economic need (with particular attention to low-income minority individuals), older individuals who have greatest social need (with particular attention to low-income minority individuals),”;

(3) in paragraph (6)(A) by inserting before the semicolon at the end the following: “and an annual evaluation of the effectiveness of outreach conducted under paragraph (5)(B)”.

(c) **State Plan.**—Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)), as amended by sections 130(c) and 131(b), is amended—

(1) in paragraph (8) by inserting before the semicolon the following: “, including an evaluation of the effectiveness of the State agency in reaching older individuals with the greatest economic or social needs, with particular attention to low-income minority individuals”, and

(2) by adding at the end the following:

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

(A) identify older individuals who are eligible for assistance under this title, with special emphasis on older individuals with greatest economic need (with particular attention to low-income minority individuals), older individuals with greatest social need (with particular attention to low-income minority individuals), and older individuals who reside in rural areas; and

(B) inform such individuals of the availability of such assistance.”.

SEC. 132. **Coordination relating to mental health services.**

Section 306(a)(6) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(6), as amended by section 127, is amended—

(1) in subparagraph (K) by striking “and”, and 

(2) in subparagraph (L) by striking the period at the end and inserting “; and”, and

(3) by adding at the end the following:

“(M) coordinate any mental health services provided with funds expended by the area agency on aging, part B with the mental health services provided by community health centers and by other public agencies and nonprofit private organizations.”.

SEC. 134. **Services to Older Native Americans.**

(a) **Organization.**—(1) Section 306(a)(1)(E) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(1)(E)), as amended by section 132a(1), is amended by inserting “the distribution of older Indians residing in such areas,” after “such areas,” the second place it appears.
(2) Section 306(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(1)), as amended by section 132(b)(1), is amended by inserting "and the number of older Indians residing in such area," before "and" the last place it appears in the parenthetical.

(b) AREA PLANS.—Section 306(a)(6) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(6)), as amended by sections 127 and 133, is amended—

(1) by striking "and" at the end of subparagraph (L),
(2) by striking the period at the end of subparagraph (M) and inserting "; and ", and
(3) by adding at the end the following:
"(N) if there is a significant population of older Indians in the planning and service area of the area agency, the area agency shall conduct outreach activities to identify older Indians in such area and shall inform such older Indians of the availability of assistance under this Act."

(c) EDUCATION AND TRAINING.—(1) Section 402 of the Act (42 U.S.C. 3030b(b)) is amended by adding at the end the following:
"(c) The Commissioner shall ensure that grants and contracts under this title are equitably awarded to agencies, organizations, and institutions representing minorities.
"

(2) Section 410(5) of the Older Americans Act of 1965 (42 U.S.C. 3030(b)(5)) is amended by inserting "(including centers of gerontology to improve, enhance, and expand minority personnel and training programs)" after "gerontology"

(3) Section 411(a) of the Older Americans Act of 1965 (42 U.S.C. 3031(a)) is amended by adding at the end the following:
"(4) To provide in-service training opportunities and courses of instruction on aging to Indian tribes through public and nonprofit Indian aging organizations.
"

(4) The matter in parentheses in the first sentence of section 412(a) of the Older Americans Act of 1965 (42 U.S.C. 3032(a)) is amended—

(A) by striking "and" and inserting a comma, and
(B) by inserting "and minority populations" after "services."

(5) Section 423(a) of the Older Americans Act of 1965 (42 U.S.C. 3035(b)(5)) is amended by adding at the end the following:
"(4) The Commissioner shall ensure that grants and contracts under this section are equitably awarded to agencies, organizations, and institutions representing minorities.
"

(6) Section 425(a) of the Older Americans Act of 1965 (42 U.S.C. 3035(d)(a)) is amended—

(A) by striking "(1)" and "(2)" and inserting "(A)" and "(B)" respectively,
(B) by inserting "(1)" after "(a)" and
(C) by adding at the end the following:
"(2) The Commissioner shall carry out, directly or through grants or contracts, special training programs and technical assistance designed to improve services to minorities.
"

(d) TASK FORCE.—(1) The Commissioner on Aging shall establish a permanent interagency task force that is representative of departments and agencies of the Federal Government with an interest in older Indians and their welfare, and is designed to make recommendations with respect to facilitating the coordination of services and the improvement of services to older Indians.

(2) The task force shall be chaired by the Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging
and shall submit its findings and recommendations to the Commissioner at 6-month intervals beginning after the date of the enactment of this Act. Such findings and recommendations shall be included in the annual report required by section 207(a) of the Older Americans Act of 1965 to be submitted by the Commissioner.

(e) SPECIAL REPORT ON SERVICES FOR OLDER INDIANS.—(1) The Commissioner on Aging shall enter into a contract with a public agency or nonprofit private organization to conduct a thorough study of the availability and quality of services under the Older Americans Act of 1965 to older Indians. The study shall include—
(A) an analysis of how many Indians now participate in programs under titles III and VI of such Act as compared to how many older Indians are eligible to participate in such programs,
(B) a description of how grants under titles III and VI of such Act are made to Indian tribes and how services are made available to older Indians, and
(C) a determination of what services are currently provided through title VI of such Act to older Indians and how well the Administration on Aging assures that supportive services under title VI of such Act to Indians are commensurate with supportive services under title III of such Act with special consideration to information and referral services, legal services, transportation services, and the ombudsman service.

(2) Not later than December 31, 1988, the Commissioner on Aging shall prepare and submit to the Congress a report on the study required by this subsection, together with such recommendations, including recommendations for legislation, as the Commissioner considers to be appropriate.

SEC. 135. OUTREACH REGARDING TUITION-FREE POST-SECONDARY EDUCATION.

Section 306(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(1)), as amended by sections 127, 133, and 134(b), is amended—
(1) in subparagraph (M) by striking "and" at the end,
(2) in subparagraph (N) by striking the period at the end and inserting ";", and
(3) by adding at the end the following:
"(O)(i) compile available information on institutions of higher education in the planning and service area regarding—
"(I) the courses of study offered to older individuals by such institutions; and
"(II) the policies of such institutions with respect to the enrollment of older individuals with little or no payment of tuition, on a space available basis, or on another special basis; and
and include in such compilation such related supplementary information as may be necessary; and
(ii) based on the results of such compilation, make a summary of such information available to older individuals at multipurpose senior centers, congregate nutrition sites, and other appropriate places.".

SEC. 136. SERVICES TO INDIVIDUALS WITH DISABILITIES.

(a) DEFINITIONS.—(1) Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended by adding at the end the following:
"(d) An area agency on aging shall provide legal assistance to individuals with disabilities who are otherwise protected by the American with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and other Federal laws prohibiting discrimination.
"(e)".

SEC. 137. CONFIDENTIALITY.

(a) AREA AGENCIES ON AGING.—Section 321 of the Older Americans Act of 1965 (42 U.S.C. 3021c-1) is amended by adding at the end the following:
"(j) A provider of health services shall be deemed to have consented to the disclosure of protected health information to an area agency on aging if the provider agrees to the disclosure for the purpose of providing services to the individuals served by the area agency on aging as permitted by this section.
"(k)".
“(8) The term ‘disability’ means (except when such term is
used in the phrase ‘severe disability’, ‘developmental disabili-
ties’, ‘physical or mental disability’, ‘physical and mental
disabilities’, or ‘physical disabilities’) a disability attributable to
mental or physical impairment, or a combination of mental and
physical impairments, that results in substantial functional
limitations in 1 or more of the following areas of major life
activity: (A) self-care, (B) receptive and expressive language, (C)
learning, (D) mobility, (E) self-direction, (F) capacity for
independent living, (G) economic self-sufficiency, (H) cognitive
functioning, and (I) emotional adjustment.
“(9) The term ‘severe disability’ means a severe, chronic
disability attributable to mental or physical impairment, or a
combination of mental and physical impairments, that—
“(A) is likely to continue indefinitely; and
“(B) results in substantial functional limitation in 3 or
more of the major life activities specified in subparagraphs
(A) through (G) of paragraph (8).”.
(2) Section 302(11) of the Older Americans Act of 1965 (42 U.S.C.
3022(11)) is amended by inserting “(including mental health)” after
“health”.
(b) Area Plans.—Section 306(a)(5)(B) of the Older Americans Act
of 1965 (42 U.S.C. 3026(a)(5)(B)), as amended by section 132(b)(2), is
amended by inserting “and older individuals with severe disabili-
ties,” after “individuals,” the second place it appears.
(c) State Plans.—(1) Section 307(a)(13)(D) of the Older Americans
Act of 1965 (42 U.S.C. 3027(a)(13)(D)) is amended by inserting before
the semicolon at the end the following: “, and to individuals with
disabilities who reside at home with and accompany older individ-
uals who are eligible under this Act”.
(2) Section 307(a) of the Older Americans Act of 1965 (42 U.S.C.
3027(a)), as amended by sections 130(c), 131(b), and 132(c), is amended
by adding at the end the following:
“(25) The plan shall provide, with respect to the needs of older
individuals with severe disabilities, assurances that the State
will coordinate planning, identification, assessment of needs,
and service for older individuals with disabilities with particu-
lar attention to individuals with severe disabilities with the
State agencies with primary responsibility for individuals with
disabilities, including severe disabilities, and develop collabora-
tive programs, where appropriate, to meet the needs of older
individuals with disabilities.”.
(d) Supportive Services.—(1) Section 321(a)(1) of the Older Ameri-
cans Act of 1965 (42 U.S.C. 3030a(a)(1)) is amended by inserting after
“health” the following: “(including mental health)”.
(2) Section 321(a)(4)(B) of the Older Americans Act of 1965 (42
U.S.C. 3030a(a)(4)(B)) is amended by striking “suffering from phy-
sical disabilities” and inserting “who have physical disabilities”.
SEC. 137. CONFIDENTIALITY OF INFORMATION RELATING TO LEGAL
ASSISTANCE PROVIDED.
(a) Area Agency on Aging.—Section 306 of the Older Americans
Act of 1965 (42 U.S.C. 3026) is amended by adding at the end the follow-

“(d) An area agency on aging may not require any provider of
legal assistance under this title to reveal any information that is
protected by the attorney-client privilege.”.
(b) STATE AND STATE AGENCY.—Section 307 of the Older Americans Act of 1965 (42 U.S.C. 3027) is amended by adding at the end the following:

"(g) Neither a State, nor a State agency, may require any provider of legal assistance under this title to reveal any information that is protected by the attorney-client privilege."

SEC. 138. COORDINATION OF COMMUNITY-BASED SERVICES.

Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)), as amended by sections 130(c), 131(b), 132(c), and 136(c)(3), is amended by adding at the end the following:

"(26) The plan shall provide assurances that area agencies on aging will conduct efforts to facilitate the coordination of community-based, long-term care services, pursuant to section 306(a)(6)(I), for older individuals who—

(A) reside at home and are at risk of institutionalization because of limitations on their ability to function independently;

(B) are patients in hospitals and are at risk of prolonged institutionalization; or

(C) are patients in long-term care facilities, but who can return to their homes if community-based services are provided to them."

SEC. 139. PAYMENTS.

Section 309(c) of the Older Americans Act of 1965 (42 U.S.C. 3029(c)) is amended—

(1) by inserting "average annual" after "less than its", and

(2) by striking "preceding fiscal year" and inserting "period of 3 fiscal years preceding such year".

SEC. 140. IN-HOME SERVICES FOR FRAIL OLDER INDIVIDUALS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 303 of the Older Americans Act of 1965 (42 U.S.C. 3023) is amended by adding at the end the following:

"(d) There are authorized to be appropriated $25,000,000 for fiscal year 1988, $26,250,000 for fiscal year 1989, $27,563,000 for fiscal year 1990, and $28,941,000 for fiscal year 1991 for the purpose of making grants under part D of this title (relating to in-home services)."

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

(1) in paragraph (6) by striking the period at the end and inserting "and"; and

(2) by adding at the end the following:

"(7) provide assurances that any amount received under part D will be expended in accordance with such part."
relating to health, social services, rehabilitation, and mental health services.”.

(d) PROGRAM.—Title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.) is amended by adding at the end the following:

“PART D—IN-HOME SERVICES FOR FRAIL OLDER INDIVIDUALS

“PROGRAM AUTHORIZED

“Sec. 341. (a) The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 to provide in-home services to frail older individuals, including in-home supportive services for older individuals who are victims of Alzheimer’s disease and related disorders with neurological and organic brain dysfunction, and to the families of such victims.

(b) In carrying out the provisions of this part, each area agency shall coordinate with other community agencies and voluntary organizations providing counseling and training for family caregivers and support service personnel in management of care, functional and needs assessment services, assistance with locating, arranging for, and coordinating services, case management, and counseling prior to admission to nursing home to prevent premature institutionalization.

“DEFINITIONS

“Sec. 342. For purposes of this part—

“(1) the term ‘in-home services’ includes—

“(A) homemaker 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; and

“(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 other programs, except that not more than $150 per client may be expended under this part for such modification; and

“(2) the term ‘frail’ means having a physical or mental disability, including having Alzheimer’s disease or a related disorder with neurological or organic brain dysfunction, that restricts the ability of an individual to perform normal daily tasks or which threatens the capacity of an individual to live independently.

“STATE CRITERIA

“Sec. 343. The State agency shall develop eligibility criteria for providing in-home services to frail older individuals which shall take into account—

“(1) age;

“(2) greatest economic need;

“(3) noneconomic factors contributing to the frail condition; and

“(4) noneconomic and nonhealth factors contributing to the need for such services.
"MAINTENANCE OF EFFORT

42 USC 3030k.

"Sec. 344. Funds made available under this part shall be in addition to, and may not be used to supplant, any funds that are or would otherwise be expended under any Federal, State, or local law by a State or unit of general purpose local government (including area agencies on aging which have in their planning and services areas existing services which primarily serve older individuals who are victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction, and the families of such victims)."

SEC. 141. ASSISTANCE FOR SPECIAL NEEDS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 303 of the Older Americans Act of 1965 (42 U.S.C. 3023), as amended by section 140(a), is amended by adding at the end the following:

"(e) Subject to subsection (h), there are authorized to be appropriated $25,000,000 for fiscal year 1988, $25,000,000 for fiscal year 1989, and such sums as may be necessary for each of the fiscal years 1990 and 1991 to carry out part E (relating to special needs)."

(b) AREA PLANS.—Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)), as amended by section 140(b), is amended—

(1) in paragraph (6) by striking "and" at the end,

(2) in paragraph (7) by striking the period at the end and inserting "; and ",

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

"(8) provide assurances that any amount received under part E will be expended in accordance with such part;"

(c) STATE PLANS.—Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)), as amended by sections 130(c), 131(b), 132(c), 136(c)(2), 138, and 140(c)(2), is amended by adding at the end the following:

"(5) The plan shall provide assurances that if the State receives funds appropriated under section 303, the State agency and area agencies on aging will expend such funds to carry out part E.",

(d) GRANTS FOR SPECIAL NEEDS.—Title III of the Older Americans Act of 1965 (42 U.S.C. 3021-3030), as amended by section 140(d), is amended by adding at the end the following:

"PART E—ADDITIONAL ASSISTANCE FOR SPECIAL NEEDS OF OLDER INDIVIDUALS

"PROGRAM AUTHORIZED

42 USC 3030l.

"Sec. 351. The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 to provide services, consistent with the purpose of this title, designed to satisfy special needs of older individuals. Such services include—

"(1) transportation associated with services provided under this title;

"(2) outreach regarding such services;

"(3) targeting such services to older individuals with greatest economic need or greatest social need;

"(4) services under the ombudsman program established under section 307(a)(12); and

SEC. 142. STATE FUNDING.

Section 307(a), 3027(a), as amended by sections 130(c)(2), and 140(c)(2), is amended—

(1) in part by striking "and"

(2) in part by striking "part E will be expended in accordance with such part;"

(3) by adding after paragraph (7) the following:

"(8) provide assurances that any amount received under part E will be expended in accordance with such part;"

(c) PROGRAM.—Title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.), as amended by section 140(c)(2), is amended by adding at the end the following:

"Sec. 361. (a) The Commissioner shall make grants to States under State plans approved under section 307 for periodic or emergency services for older individuals. Such services are used to carry out the purposes of this title.

(b) Preventive services eligible under this title shall include—

(c) The Commissioner shall include in the regulations issued under this section provisions for making grants to States under State plans approved under section 307 to provide services to older individuals who are victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction, and the families of such victims.

"(5) any other services that are not otherwise provided for under this title.

"(A) any services that are not otherwise provided for under this title;"
"(5) any other service under this title—
  "(A) for which the State demonstrates to satisfaction of
  the Commissioner that there is unmet need; and
  "(B) which is appropriate to improve the quality of life of
  older individuals, particularly those with greatest economic
  need and those with greatest social need."

SEC. 142. STATE PLAN INFORMATION REGARDING SERVICES TO OLDER
INDIVIDUALS RESIDING IN RURAL AREAS.

Section 307(a) of the Older Americans Act of 1965 (42 U.S.C.
3027(a)), as amended by sections 130(c), 131(b), 132(c), 138,
140(c)(2), and 141(c), is amended by adding at the end the following:
"(29) The plan shall, with respect to the fiscal year preceding
the fiscal year for which such plan is prepared, describe the
methods used to satisfy the service needs of older individuals
who reside in rural areas."

SEC. 143. HEALTH EDUCATION AND PROMOTION FOR OLDER INDIVIDUALS.

(a) Authorization of Appropriations.—Section 308 of the Older
Americans Act of 1965 (42 U.S.C. 3028), as amended by sections
140(a) and 141(a), is amended by adding at the end the following:
"(f) Subject to subsection (b), there are authorized to be appro-
riated $5,000,000 for fiscal year 1989 and such sums as may be
necessary for each of the fiscal years 1990, 1991, and 1992 for the
purpose of making grants under part F of this title (relating to
periodic preventive health, health education, and promotion
services)."

(b) Area Plans.—Section 308(a) of the Older Americans Act of
1965 (42 U.S.C. 3026(a)), as amended by sections 140(b) and 141(b), is
amended—
  (1) in paragraph (7) by striking "and" at the end,
  (2) in paragraph (8) by striking the period at the end and
inserting "; and",
  (3) by adding at the end the following:
"(3) provide assurances that any amount received under part
F will be expended in accordance with such part."

(c) Program.—Title III of the Older Americans Act of 1965 (42
U.S.C. 3021 et seq.), as amended by sections 140(d) and 141(d), is
amended by adding at the end the following:

"Part F—Preventive Health Services

Program Authorized

"Sec. 361. (a) The Commissioner shall carry out a program for
making grants to States under State plans approved under section
307 for periodic preventive health services to be provided at senior
centers or alternative sites as appropriate.

"(b) Preventive heath services under this part may not include
services eligible for reimbursement under Medicare.

"(c) The Commissioner shall, to the extent possible, assure that
services provided by other community organizations and agencies
are used to carry out the provisions of this part.
"DISTRIBUTION TO AREA AGENCIES"

"SEC. 362. The State agency shall give priority, in carrying out this part, to areas of the State—

"(1) which are medically underserved; and

"(2) in which there are a large number of older individuals who have the greatest economic need for such services.

"DEFINITIONS"

"SEC. 363. For the purpose of this part and section 307 the term 'preventive health services' means—

"(1) routine health screening, which may include hypertension, glaucoma, cholesterol, cancer, vision and hearing screening;

"(2) group exercise programs;

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

"(4) nutritional counseling and educational services;

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

"(6) educational programs on the benefits and limitations of Medicare and various supplemental insurance coverage, including individual policy screening and health insurance-need counseling; and

"(7) counseling regarding followup health services based on any of the services provided for above."

SEC. 144. PREVENTION OF ABUSE OF OLDER INDIVIDUALS.

(a) Definitions.—Section 302 of the Older Americans Act of 1965 (42 U.S.C. 3022), as amended by section 136(a), is amended by adding at the end the following:

"(15) The term 'abuse' means the willful—

"(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm or pain or mental anguish; or

"(B) deprivation by a caretaker of goods or services which are necessary to avoid physical harm, mental anguish, or mental illness.

"(16) The term 'elder abuse' means abuse of an older individual.

"(17) The term 'caretaker' means an individual who has the responsibility for the care of an older individual, either voluntarily, by contract, receipt of payment for care, as a result of family relationship, or by order of a court of competent jurisdiction.

"(18) The term 'exploitation' means the illegal or improper act or process of a caretaker using the resources of an older individual for monetary or personal benefit, profit, or gain.

"(19) The term 'neglect' means the failure to provide for oneself the goods or services which are necessary to avoid physical harm, mental anguish, or mental illness or the failure of a caretaker to provide such goods or services.

"(20) The term 'physical harm' means bodily pain, injury, impairment, or disease."
(b) AUTHORIZATION OF APPROPRIATIONS.—Section 303 of the Older Americans Act of 1965 (42 U.S.C. 3023), as amended by sections 140(a), 141(a), and 143(a), is amended by adding at the end the following:

"(g) Subject to subsection (h), there are authorized to be appropriated $5,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991, to carry out part G (relating to abuse, neglect, and exploitation of older individuals)."

(c) AREA PLANS.—Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)), as amended by sections 140(b), 141(b), and 143(b), is amended—

(1) in paragraph (8) by striking “and” at the end,
(2) in paragraph (9) by striking the period at the end and inserting “; and”, and
(3) by adding at the end the following:

"(10) provide assurances that any amount received under part G will be expended in accordance with such part."

(d) STATE PLAN.—(1) Section 307(a)(16) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(16)) is amended by striking “provide” the second place it appears and inserting “, if funds are not appropriated under section 303(g) for a fiscal year, provide for that such fiscal year.”

(2) Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)), as amended by sections 130(c), 131(b), 132(c), 136(c)(3), 138, 140(c)(2), 141(c), and 142, is amended by adding at the end the following:

“(30) The plan shall provide assurances that if the State receives funds appropriated under section 303(g), the State agency and area agencies on aging will expend such funds to carry out part G.”

(e) ABUSE, NEGLECT, AND EXPLOITATION OF OLDER INDIVIDUALS.—Title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.), as amended by sections 140(d), 141(d), and 143(c), is amended by adding at the end the following:

“PART G—PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION OF OLDER INDIVIDUALS

“PROGRAM AUTHORIZED

“Sec. 371. The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 to carry out a program with respect to the prevention of abuse, neglect, and exploitation of older individuals. The program shall—

“(1) be consistent with relevant State law and coordinated with State adult protective service activities and other State and local elder abuse prevention and protection;

“(2) provide for—

“(A) public education and outreach services to identify and prevent abuse, neglect, and exploitation of older individuals;

“(B) receipt of reports of such abuse, neglect, and exploitation;

“(C) active participation of older individuals participating in programs under this Act through outreach, conferences, and referral of such individuals to other social service
agencies or sources of assistance if appropriate and with the consent of the older individuals to be referred; and

“(D) the referral of complaints and other reports of abuse, neglect, or exploitation of older individuals to law enforcement agencies, protective service agencies, licensing and certification agencies, ombudsman programs, or protection and advocacy system if appropriate;

“(3) not permit involuntary or coerced participation in such program by alleged victims, abusers, or their households; and

“(4) require that all information gathered in the course of receiving such a complaint or report, and making such a referral, shall remain confidential unless—

“(A) all parties to such complaint or report consent in writing to the release of such information; or

“(B) the release of such information is to a law enforcement agency, protective service agency, licensing or certification agency, ombudsman program, or protection or advocacy system.”.

SEC. 145. LIMITATION ON CERTAIN AUTHORITY TO MAKE APPROPRIATIONS.

42 USC 3023.

Section 303 of the Older Americans Act of 1965 (42 U.S.C. 2023), as amended by sections 140(a), 141(a), 143(a), and 144(b), is amended by adding at the end the following:

“(b) No funds may be appropriated under subsection (a)(2), (a)(3), (c), (d), or (g) for a fiscal year unless the aggregate amount appropriated for such agencies, year to carry out this title (other than sections 308(a)(6)P, 307(a)(12), and 311, and parts E, F, and G), title IV (other than sections 427 and 428), title V, and title VI exceeds 105 percent of the aggregate amount appropriated for the preceding fiscal year to carry out such titles.”.

SEC. 146. ASSISTIVE TECHNOLOGY INFORMATION.

(a) Definitions.—Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended by adding at the end the following:

“(8) The term ‘assistive technology’ means technology, engineering methodologies, or scientific principles appropriate to meet the needs of, and address the barriers confronted by, older individuals with functional limitations.

“(9) The term ‘information and referral’ includes information relating to assistive technology.”.

(b) Client Assessment Through Case Management.—Section 321(a) of the Older Americans Act of 1965 (42 U.S.C. 3030d(a)) is amended by adding at the end the following: “For purposes of paragraph (5), the term ‘client assessment through case management’ includes providing information relating to assistive technology.”.

(c) Multidisciplinary Centers of Gerontology.—Section 412(a) of the Older Americans Act of 1965 (42 U.S.C. 3032(a)) is amended—

(1) in paragraph (5) by striking “and” at the end,

(2) in paragraph (6) by striking the period at the end and inserting “; and”, and

(3) by adding at the end the following:

“(7) if appropriate, provide information relating to assistive technology.”.
PART C—DEMONSTRATION GRANTS

SEC. 151. DEMONSTRATION PROJECTS; PURPOSE.

Section 401(1) of the Older Americans Act of 1965 (42 U.S.C. 3030(a)(1)) is amended by inserting before the semicolon the following: "with special emphasis on minority individuals, low-income individuals, frail individuals, and individuals with disabilities".

SEC. 152. DEMONSTRATION PROJECTS.

Section 422 of the Older Americans Act of 1965 (42 U.S.C. 3035a) is amended—

(1) in subsection (a)—
     (A) by inserting "(1)" after "(a)"; and
     (B) by adding at the end the following:
     "(2) The Commissioner may, after consultation with the State agency in the State involved, make grants to or enter into contracts with public or private 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 prototype health education and promotion programs for the use of State and area agencies on aging in implementing preventive health service programs.
     "(2) in subsection (b) by striking "this section" and inserting "subsection (a)(1)"

SEC. 153. VOLUNTEER OPPORTUNITIES.

Section 422(b) of the Older Americans Act of 1965 (42 U.S.C. 3035a) is amended—

(1) in paragraph (7) by striking "and at the end,
     (2) in paragraph (8) by striking the period at the end and inserting "; and";
     (3) by adding at the end the following:
     "(9) provide expanded, innovative volunteer opportunities to older individuals which are designed to fulfill unmet community needs, while at the same time avoiding duplication of existing volunteer programs, which may include—
     "(A) projects furnishing intergenerational services by older individuals addressing the needs of children, such as—
     "(i) tutorial services in elementary and special schools;
     "(ii) after school programs for latch key children;
     "(iii) voluntary services for day care center programs; and
     "(B) volunteer service credit projects operated in conjunction with ACTION, permitting elderly volunteers to earn credits for services furnished, which may later be redeemed for similar volunteer services.

SEC. 154. SPECIAL PROJECTS IN COMPREHENSIVE LONG-TERM CARE.

Section 423(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3035b(a)(1)), as amended by section 134(c)(5), is amended by striking "may" and inserting "shall"
SEC. 155. OUTREACH TO SSI, MEDICAID, AND FOOD STAMP RECIPIENTS.

(a) OUTREACH AND APPLICATION ASSISTANCE FUNCTIONS OF ADMINISTRATION ON AGING.—Section 202(a) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)), as amended by section 103(a), is amended—

(1) in paragraph (18) by striking “and” at the end,

(2) in paragraph (19) by striking the period and inserting “; and”, and

(3) by adding at the end the following:

“(20) obtain from—

“(A) the Department of Agriculture information explaining the requirements for eligibility to receive benefits under the Food Stamp Act of 1977; and

“(B) the Social Security Administration information explaining the requirements for eligibility to receive supplemental security income benefits under title XVI of the Social Security Act (or assistance under a State plan program under title XVI of that Act); and

and distribute such information, in written form, to State agencies, for redistribution to area agencies on aging, to carry out outreach activities and application assistance under section 307(a)(31).”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 303(a) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)), as amended by sections 122(a) and 123(c), is amended—

(1) in paragraph (1) by inserting “for purposes other than outreach activities and application assistance under section 307(a)(31)” before the period at the end, and

(2) by adding at the end the following:

“(3) Subject to subsection (h), there are authorized to be appropriated $10,000,000 for fiscal year 1989, $10,000,000 for fiscal year 1990, and such sums as may be necessary for fiscal year 1991 to carry out section 306(a)(6)(P). Amounts appropriated under this subsection shall remain available until expended.”.

(c) ALLOTMENT, STATE MINIMUM.—(1)(A) The first sentence of section 304(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3024(a)(1)) is amended by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”.

(B) The last sentence of section 304(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3024(a)(1)) is amended by striking “purpose of” and inserting “purposes of paragraph (3)”.

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

(A) by redesignating paragraph (3) as paragraph (4), and

(B) by inserting after paragraph (2) the following:

“(3) No State shall be allotted, from the amount appropriated pursuant to section 303(a)(3), less than $50,000 for any fiscal year.”.

(d) ADMINISTRATIVE EXPENSES.—Subparagraphs (B) and (C) of section 304(d)(1) of the Older Americans Act of 1965 (42 U.S.C. 3024(d)(1)) are each amended by inserting “(excluding any amount attributable to funds appropriated under section 303(a)(3))” after “amount”.

(e) OUTREACH AND APPLICATION ASSISTANCE.—

(1) AREA PLANS.—Section 306(a)(6) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(6)), as amended by sections 127, 133, 134(b), and 135, is amended—
FOOD STAMP RECIPIENTS.

(A) in subparagraph (N) by striking “and” at the end,
(B) in subparagraph (O) by striking the period at the end
and inserting “; and”;
(C) by adding at the end the following:

“(P) with funds and information received under section
307(a)(31) from the State agency—

(i) carry out activities to identify older individuals
with greatest economic need who may be eligible to
receive, but are not receiving, supplemental security
income benefits under title XVI of the Social Security
Act (or assistance under a State plan program under
title XVI of that Act), medical assistance under title
XIX of the Social Security Act, and benefits under
the Food Stamp Act of 1977;

(ii) conduct outreach activities to inform older
individuals of the requirements for eligibility to receive
such assistance and such benefits;

(iii) assist older individuals to apply for such assistance
and such benefits.”

(2) STATE PLANS.—Section 307(a) of the Older Americans Act
of 1965 (42 U.S.C. 3027(a)), as amended by sections 130(c),
131(b), 132(c), 136(c)(3), 138, 140(c)(2), 141(c), 142, and 144(d),
is amended—

(A) in paragraph (20)(A) by striking “section 306(a)(2)(A)”
and inserting “sections 306(a)(2)(A) and 306(a)(6)(P)”, and
(B) by adding at the end the following:

“(31) The plan shall provide that the State agency—

(A) from funds allotted for fiscal year 1989 under section
304(a) for part B that are attributable to the amount approvi-
ated under section 303(a)(3), will make funds available to
eligible area agencies on aging to carry out section
306(a)(6)(P) and, in distributing such funds among eligible
area agencies, will give priority to area agencies on aging
based on—

(i) the number of older individuals with greatest
economic need (as defined in section 303(20)) residing
in their respective planning and service areas; and

(ii) the inadequacy in such areas of outreach activi-
ties and application assistance of the type specified in
section 306(a)(6)(P);

(B) will require, as a condition of eligibility to receive
funds under this paragraph, an area agency on aging to
submit an application that—

(i) describes the activities for which such funds are
sought;

(ii) provides for an evaluation of such activities by
the area agency; and

(iii) includes assurances that the area agency will
prepare and submit to the State agency a report of the
activities conducted with funds provided under this
paragraph and the evaluation of such activities;

(C) will distribute to area agencies on aging—

(i) the eligibility information received under section
302(a)(20) from the Administration; and

(ii) information, in written form, explaining the
requirements for eligibility to receive medical assistance
under title XIX of the Social Security Act; and

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authorized to be appro-

for fiscal year 1991 to
appropriated under this

The first sentence of
paragraph (2)” and inserting
of the Older Americans
by striking “purpose of’’
the Older Americans
Act of 1965 (42 U.S.C.
paragraph (4), and
the following:
the amount appropriated
any fiscal year.’’. Par-
paragraph (C) of sec-
(42 U.S.C. section
(excluding any amount
section 303(a)(3))” after

E—
the Older Americans Act
amended by sections 127, 133,
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Reports.

“(D) will submit to the Commissioner a report on the evaluations required to be submitted under section 307(a)(31)(B).”.

(f) REPORT.—Section 207 of the Older Americans Act of 1965 (42 U.S.C. 3018) is amended by adding at the end the following:

“(c) The Commissioner shall, as part of the annual report submitted under subsection (a), prepare and submit a report on the evaluations required to be submitted under section 307(a)(31)(D), together with such recommendations as the Commissioner deems appropriate. In carrying out this subsection, the Commissioner shall consider—

“(1) the number of older individuals reached through outreach activities supported under section 306(a)(6)(P);
“(2) the dollar amount of the assistance and benefits received by older individuals as a result of such activities;
“(3) the cost of such activities in terms of the number of individuals reached and the dollar amount described in paragraph (2); and
“(4) the effect of such activities on supportive services and nutrition services furnished under title III of this Act.”.

(g) IMPLEMENTATION INFORMATION.—Not later than September 1, 1988, the Commissioner on Aging shall—

(1) analyze and compile information on successful and unsuccessful activities carried out to conduct outreach of the type described in section 306(a)(6)(P) of the Older Americans Act of 1965, as added by subsection (e), and

(2) distribute such information to the State agencies on aging for dissemination to interested area agencies on aging to assist such area agencies in designing outreach activities to be carried out under section 306(a)(6)(P) of such Act.

(b) EVALUATION GUIDELINES.—The Commissioner on Aging shall issue guidelines to be followed by State agencies on aging and area agencies on aging in conducting evaluations of outreach activities carried out under section 306(a)(6)(P) of the Older Americans Act of 1965, as added by subsection (e). Such guidelines shall be designed to ensure that such evaluations are based on uniform criteria that provide a basis for the valid comparison of such outreach activities conducted by the various area agencies.

SEC. 158. DEMONSTRATION GRANTS FOR INDIVIDUALS WITH DISABILITIES.

(a) TRAINING.—Section 411(c) of the Older Americans Act of 1965 (42 U.S.C. 3031(c)) is amended—

(1) by striking “custodial and skilled care for older individuals who suffer from” and inserting “services to individuals with disabilities and to individuals with”, and

(2) by striking “other neurological and organic brain disorders of the Alzheimer’s type” and inserting “and related disorders with neurological and organic brain dysfunction”.

(b) MULTIDISCIPLINARY CENTERS.—Section 412(a) of the Older Americans Act of 1965 (42 U.S.C. 3032(a)) is amended by inserting “disabilities (including severe disabilities),” before “income maintenance”.

(c) DEMONSTRATION GRANTS.—Section 422(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3035a(b)(2)) is amended—

(1) in subparagraph (C) by striking “and” at the end,

(2) in subparagraph (D) by inserting “and” at the end, and
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SEC. 427. (a) The Commissioner is authorized to make grants to not less than three nor more than ten States to demonstrate and evaluate cooperative projects between the State long-term care ombudsman program and the State protection and advocacy systems for developmental disabilities and mental illness, established under part A of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.) and under the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (Public Law 99–319).

(b) The Commissioner on Aging shall prepare and submit to the Congress a report of the study and evaluation required by subsection (a). Such report shall contain such recommendations as the Commissioner on Aging deems appropriate.

(c) Subject to subsection (b), there is authorized to be appropriated $1,000,000 for fiscal year 1989 to carry out the provisions of section 427. The funds appropriated pursuant to this paragraph shall remain available for expenditure for fiscal year 1990.

SEC. 157. CONSUMER PROTECTION DEMONSTRATION PROJECTS FOR SERVICES PROVIDED IN THE HOME.

(a) Demonstration Projects Authorized.—Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034 et seq.), as amended by section 156(e)(1), is amended by adding at the end the following:

“CONSUMER PROTECTION DEMONSTRATION PROJECTS FOR SERVICES PROVIDED IN THE HOME.

“Sec. 426. (a)(1) The Commissioner is authorized to make grants to not fewer than 6 nor more than 10 States to demonstrate and evaluate the effectiveness of consumer protection projects for services (other than medical services) provided to older individuals in the home that are furnished or assisted with public funds.

“(2) Grants made under this section shall be used to test different approaches to protecting older individuals with regard to services in the home. Such projects may provide consumer protection through State and local ombudsmen, legal assistance agencies, and other community service agencies.

“(b) No grant may be made under this section unless an application is made to the Commissioner at such time, in such manner, and
containing such information as the Commissioner may reasonably require. Each such application shall—

"(1) describe activities for which assistance is sought;

"(2) provide for an evaluation of the activities for which assistance is sought; and

"(3) provide assurances that the applicant will prepare and submit a report to the Commissioner on the activities conducted with assistance under this section and the evaluation of such activities.

"(c) In approving applications under this section, the Commissioner shall assure equitable geographic distribution of assistance.

"(d) The Commissioner shall, as part of the annual report submitted under section 207, prepare and submit a report on the evaluations submitted under this section, together with such recommendations as the Commissioner deems appropriate. In carrying out this section, the Commissioner shall include in the report—

"(1) a description of the demonstration projects assisted under this section;

"(2) an evaluation of the effectiveness of each such project; and

"(3) recommendations of the Commissioner with respect to the desirability and feasibility of carrying out on a nationwide basis a consumer protection program for services in the home.

"(e) Consumer protection projects carried out under this section—

"(1) may include, but are not limited to, consumer education, the use of consumer hotlines, receipt and resolution of consumer complaints, and advocacy; and

"(2) may not address medical services."

(b) Authorization of Appropriations.—Section 431(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3037(a)(1)), as amended by section 156(e)(2), is amended—

(1) by striking "section 427" in the parenthetical and inserting "sections 427 and 428"; and

(2) by adding at the end the following:

"(3) Subject to subsection (b), there is authorized to be appropriated $2,000,000 for each of the fiscal years 1989 and 1990 to carry out the provisions of section 428."

SEC. 158. Authorization of Appropriations for Training, Research, and Discretionary Projects and Programs.

Paragraph (1) of section 431(a) of the Older Americans Act of 1965 (42 U.S.C. 3037(a)(1)), as amended by sections 156(e)(2) and 157(b), is amended to read as follows:

"(1) There are authorized to be appropriated to carry out the provisions of this title (other than sections 427 and 428) $32,970,000 for the fiscal year 1988, $34,619,000 for the fiscal year 1989, $36,349,000 for the fiscal year 1990, and $38,167,000 for the fiscal year 1991.

SEC. 159. Limitation on Certain Authority to Make Appropriations.

Section 431 of the Older Americans Act of 1965 (42 U.S.C. 3037) is amended—

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

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

"(b) No funds may be appropriated under paragraph (2) or (3) of subsection (a) for a fiscal year unless the aggregate amount appro-
commissioner may reasonably
assistance is sought;
the activities for which
the applicant will prepare and
on the activities conducted
and the evaluation of such
This section, the Commiss-
distribution of assistance.
port of the annual report
and submit a report on the
, together with such rec-
appropriate. In carrying
include in the report—
on projects assisted under
ness of each such project;
missioner with respect to
planning on a nationwide
for services in the home.
out under this section—
d to, consumer education,
cept and resolution of
is.”
—Section 431(a)(1) of the
331(a)(1)), as amended by
parenthetical and insert-
be authorized to be appro-
1989 and 1990 to carry
ATIONS FOR TRAINING,
Older Americans Act of 1965
ed (42 U.S.C. 156(e)(2) and 157(b), is
appropriated to carry out the
427 and 428) $32,970,000
the fiscal year 1989,
38,167,000 for the fiscal
PART D—COMMUNITY SERVICE EMPLOYMENT
SEC. 161. ADMINISTRATIVE COSTS OF EMPLOYMENT PROJECTS.
Section 502(c)(3) of the Older Americans Act of 1965 (42 U.S.C.
3056(c)(3)) is amended to read as follows:
“(3) Of the amount for any project to be paid by the Secretary
under this subsection, not more than 13.5 percent for fiscal year
1987 and each fiscal year thereafter 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 public or private nonprofit agency
or organization 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 public or private nonprofit agency
or organization with which the Secretary has an agreement under
subsubsection (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 exceed 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.”.
SEC. 162. COMMUNITY SERVICE EMPLOYMENT SPECIAL NEEDS
ASSURANCE.
(a) PROGRAM ASSURANCE.—Section 502(b)(1)(M) of the Older
Americans Act of 1965 (42 U.S.C. 3056(b)(1)(M)) is amended to read as
follows:
“(M) will assure, to the extent feasible, such project will
serve the needs of minority, limited English-speaking, and
Indian eligible individuals in proportion to their numbers in the
State and take into consideration their rates of poverty and
unemployment;”.
(b) RESERVATION OF FUNDS.—Section 502a(K)(A) of the Older
Americans Act of 1965 (42 U.S.C. 3056a(K)(A)) is amended by
inserting after the first sentence the following: “Beginning with the
first fiscal year in which the amount appropriated to carry out this
Minorities,
Grants.
Indians.
Contracts.
title exceeds the amount appropriated for fiscal year 1987 to carry out this title, the Secretary shall next reserve such sums as may be necessary for national grants or contracts 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 services to older Pacific Island and Asian Americans.”.

SEC. 163. INFORMATION ON AGE DISCRIMINATION PROHIBITIONS.

Section 503(b) of the Older Americans Act of 1965 (42 U.S.C. 3056a(b)) is amended—

(1) by inserting “(1)” after “(b)”, and

(2) by adding at the end the following:

“(2) 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.”.

SEC. 164. DEFINITIONS.

(a) COMMUNITY SERVICES.—Section 507(3) of the Older Americans Act of 1965 (42 U.S.C. 3056e(3)) is amended by inserting “(particularly literacy tutoring)” after “educational services”.

(b) PACIFIC ISLAND AND ASIAN AMERICANS.—Section 507 of the Older Americans Act of 1965 (42 U.S.C. 3056e) is amended—

(1) in paragraph (3) by striking “and” at the end,

(2) in paragraph (4) by striking the period at the end, and

(3) by adding at the end the following:

“(5) 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.”.

SEC. 165. AUTHORIZATION OF APPROPRIATIONS FOR COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS.

Section 508(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3056f(a)(1)) is amended to read as follows:

“(1) $386,715,000 for the fiscal year 1988, $406,051,000 for the fiscal year 1989, $426,353,000 for the fiscal year 1990, and $447,871,000 for the fiscal year 1991.”.

SEC. 166. EMPLOYMENT ASSISTANCE AND OTHER PROGRAMS.

Title V of the Older Americans Act of 1965 (42 U.S.C. 3056–3056f) is amended by adding at the end the following:

“EMPLOYMENT ASSISTANCE AND FEDERAL HOUSING AND FOOD STAMP PROGRAMS

“Sec. 509. 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.”.
PART E—NATIVE AMERICAN PROGRAMS

SEC. 171. NATIVE AMERICAN PROGRAMS.

Title VI of the Older Americans Act of 1965 (42 U.S.C. 3057-3057g) is amended to read as follows:

"TITLE VI—GRANTS FOR NATIVE AMERICANS"

"STATEMENT OF PURPOSE"

"Sec. 601. It is the purpose of this title to promote the delivery of supportive services, including nutrition services to American Indians, Alaskan Natives, and Native Hawaiians that are comparable to services provided under title III."

"SENSE OF CONGRESS"

"Sec. 602. It is the sense of the Congress that older Indians, older Alaskan Natives, and older Native Hawaiians are a vital resource entitled to all benefits and services available and that such services and benefits should be provided in a manner that preserves and restores their respective dignity, self-respect, and cultural identities."

"PART A—INDIAN PROGRAM"

"FINDINGS"

"Sec. 611. (a) The Congress finds that the older Indians of the United States—"

"(1) are a rapidly increasing population;
"(2) suffer from high unemployment;
"(3) live in poverty at a rate estimated to be as high as 61 percent;
"(4) have a life expectancy between 3 and 4 years less than the general population;
"(5) lack sufficient nursing homes, other long-term care facilities, and other health care facilities;
"(6) lack sufficient Indian area agencies on aging;
"(7) frequently live in substandard and over-crowded housing;
"(8) receive less than adequate health care;
"(9) are served under this title at a rate of less than 19 percent of the total national Indian elderly population living on Indian reservations; and
"(10) are served under title III at a rate of less than 1 percent of the total participants under that title."

"ELIGIBILITY"

"Sec. 612. (a) A tribal organization of an Indian tribe is eligible for assistance under this part only if—"

"(1) the tribal organization represents at least 50 individuals who are 60 years of age or older; and
"(2) the tribal organization demonstrates the ability to deliver supportive services, including nutritional services.

"(b) For the purposes of this part the terms 'Indian tribe' and 'tribal organization' have the same meaning as in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)."
“GRANTS AUTHORIZED

42 USC 3057d.

“Sec. 613. The Commissioner may make grants to eligible tribal organizations to pay all of the costs for delivery of supportive services and nutrition services for older Indians.

“APPLICATIONS

42 USC 3057e.

“Sec. 614. (a) No grant may be made under this part unless the eligible tribal organization submits an application to the Commissioner which meets such criteria as the Commissioner may by regulation prescribe. Each such application shall—

“(1) provide that the eligible tribal organization will evaluate the need for supportive and nutrition services among older Indians to be represented by the tribal organization;

“(2) provide for the use of such methods of administration as are necessary for the proper and efficient administration of the program to be assisted;

“(3) provide that the tribal organization will make such reports in such form and containing such information, as the Commissioner may reasonably require, and comply with such requirements as the Commissioner may impose to assure the correctness of such reports;

“(4) provide for periodic evaluation of activities and projects carried out under the application;

“(5) establish objectives consistent with the purposes of this part toward which activities under the application will be directed, identify obstacles to the attainment of such objectives, and indicate the manner in which the tribal organization proposes to overcome such obstacles;

“(6) provide for establishing and maintaining information and referral services to assure that older Indians to be served by the assistance made available under this part will have reasonably convenient access to such services;

“(7) provide a preference for Indians aged 60 and older for full or part-time staff positions wherever feasible;

“(8) provide assurances that either directly or by way of grant or contract with appropriate entities nutrition services will be delivered to older Indians represented by the tribal organization substantially in compliance with the provisions of part C of title III, except that in any case in which the need for nutritional services for older Indians represented by the tribal organization is already met from other sources, the tribal organization may use the funds otherwise required to be expended under this clause for supportive services;

“(9) contain assurances that the provisions of sections 307(a)(14)(A) (i) and (iii), 307(a)(14)(B), and 307(a)(14)(C) will be complied with whenever the application contains provisions for the acquisition, alteration, or renovation of facilities to serve as multipurpose senior centers;

“(10) provide that any legal or ombudsman services made available to older Indians represented by the tribal organization will be substantially in compliance with the provisions of title III relating to the furnishing of similar services; and

“(11) provide satisfactory assurance that fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal
funds paid under this part to the tribal organization, including any funds paid by the tribal organization to a recipient of a grant or contract.

(b) For the purpose of any application submitted under this part, the tribal organization may develop its own population statistics, with certification from the Bureau of Indian Affairs, in order to establish eligibility.

(c) The Commission shall approve any application which complies with the provisions of subsection (a).

(d) Whenever the Commissioner determines not to approve an application submitted under subsection (a) the Commission shall—

"(1) state objections in writing to the tribal organization within 60 days after such decision;

"(2) provide to the extent practicable technical assistance to the tribal organization to overcome such stated objections; and

"(3) provide the tribal organization with a hearing, under such rules and regulations as the Commissioner may prescribe.

(e) Whenever the Commissioner approves an application of a tribe for funds under this part, funds shall be awarded for not less than 12 months.

"SURPLUS EDUCATIONAL FACILITIES

"Sec. 615. (a) Notwithstanding any other provision of law, the Secretary of the Interior through the Bureau of Indian Affairs shall make available surplus Indian educational facilities to tribal organizations, and nonprofit organizations with tribal approval, for use as multipurpose senior centers. Such centers may be altered so as to provide extended care facilities, community center facilities, nutritional services, child care services, and other supportive services.

(b) Each eligible tribal organization desiring to take advantage of such surplus facilities shall submit an application to the Secretary of the Interior at such time and in such manner, and containing or accompanied by such information, as the Secretary of the Interior determines to be necessary to carry out the provisions of this section.

"PART B—NATIVE HAWAIIAN PROGRAM

"FINDINGS

"Sec. 621. The Congress finds the older Native Hawaiians—

"(1) have a life expectancy 10 years less than any other ethnic group in the State of Hawaii;

"(2) rank lowest on 9 of 11 standard health indices for all ethnic groups in Hawaii;

"(3) are often unaware of social services and do not know how to go about seeking such assistance; and

"(4) live in poverty at a rate of 34 percent.

"ELIGIBILITY

"Sec. 622. A public or nonprofit private organization having the capacity to provide services under this part for Native Hawaiians is eligible for assistance under this part only if—

"(1) the organization will serve at least 50 individuals who have attained 60 years of age or older; and

"(2) the organization demonstrates the ability to deliver supportive services, including nutrition services.
"GRANTS AUTHORIZED"

"Sec. 623. The Commissioner may make grants to public and nonprofit private organizations to pay all of the costs for the delivery of supportive services and nutrition services to older Native Hawaiians.

"APPLICATION"

"Sec. 624. (a) No grant may be made under this part unless the public or nonprofit private organization submits an application to the Commissioner which meets such criteria as the Commissioner may by regulation prescribe. Each such application shall—

"(1) provide that the organization will evaluate the need for supportive and nutrition services among older Native Hawaiians to be represented by the organization;

"(2) provide for the use of such methods of administration as are necessary for the proper and efficient administration of the program to be assisted;

"(3) provide assurances that the organization will coordinate its activities with the State agency on aging;

"(4) provide that the organization will make such reports in such form and containing such information as the Commissioner may reasonably require, and comply with such requirements as the Commissioner may impose to ensure the correctness of such reports;

"(5) provide for periodic evaluation of activities and projects carried out under the application;

"(6) establish objectives, consistent with the purpose of this title, toward which activities described in the application will be directed, identify obstacles to the attainment of such objectives, and indicate the manner in which the organization proposes to overcome such obstacles;

"(7) provide for establishing and maintaining information and referral services to assure that older Native Hawaiians to be served by the assistance made available under this part will have reasonably convenient access to such services;

"(8) provide a preference for Native Hawaiians 60 years of age and older for full or part-time staff positions wherever feasible;

"(9) provide that any legal or ombudsman services made available to older Native Hawaiians represented by the nonprofit private organization will be substantially in compliance with the provisions of title III relating to the furnishing and similar services; and

"(10) provide satisfactory assurances that the fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the nonprofit private organization, including any funds paid by the organization to a recipient of a grant or contract.

"(b) The Commissioner shall approve any application which complies with the provisions of subsection (a).

"(c) Whenever the Commissioner determines not to approve an application submitted under subsection (a) the Commissioner shall—

"(1) state objections in writing to the nonprofit private organization within 60 days after such decision;
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“(2) provide to the extent practicable technical assistance to the nonprofit private organization to overcome such stated objections; and
“(3) provide the organization with a hearing under such rules and regulations as the Commissioner may prescribe.
“(d) Whenever the Commissioner approves an application of a nonprofit private or public organization under this part funds shall be awarded for not less than 12 months.

“DEFINITION

“SEC. 625. For the purpose of this part, the term ‘Native Hawaiian’ means any individual any of whose ancestors were natives of the area which consists of the Hawaiian Islands prior to 1778.

“PART C—GENERAL PROVISIONS

“ADMINISTRATION

“SEC. 631. In establishing regulations for the purpose of part A the Commissioner shall consult with the Secretary of the Interior.

“PAYMENTS

“SEC. 632. Payments may be made under this title (after necessary adjustments, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement in such installments and on such conditions, as the Commissioner may determine.

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 633. (a) Subject to subsection (b), there are authorized to be appropriated to carry out this title (other than section 615)—
“(1) $13,400,000 for fiscal year 1988, of which $12,100,000 shall be available to carry out part A and $1,300,000 shall be available to carry out part B;
“(2) $16,255,000 for fiscal year 1989, of which $14,900,000 shall be available to carry out part A and $1,355,000 shall be available to carry out part B;
“(3) $19,133,000 for fiscal year 1990, of which $17,700,000 shall be available to carry out part A and $1,433,000 shall be available to carry out part B; and
“(4) $22,105,000 for fiscal year 1991, of which $20,600,000 shall be available to carry out part A and $1,505,000 shall be available to carry out part B.
“(b)(1) If the amount appropriated under subsection (a) for a fiscal year does not exceed the amount appropriated to carry out this title (as in effect before the effective date of the Older Americans Act Amendments of 1987) in fiscal year 1987, then the amount appropriated under subsection (a) for such fiscal year shall be available only to carry out part A.
“(2) If the amount appropriated under subsection (a) for a fiscal year exceeds the amount appropriated to carry out this title (as in effect before the effective date of the Older Americans Act Amendments of 1987) in fiscal year 1987, then—
“(A) $250,000 of such excess shall be made available to carry out part B; and
"(B) one-half of the remaining amount of such excess shall be made available to carry out part B; except that the aggregate amount made available to carry out part B may not exceed the amount required (without regard to this paragraph) by subsection (a) to be made available to carry out part B."

PART F—MISCELLANEOUS AND TECHNICAL AMENDMENTS

SEC. 181. REPEAL OF OLDER AMERICANS PERSONAL HEALTH EDUCATION AND TRAINING PROGRAM.

Title VII of the Older Americans Act of 1965 (42 U.S.C. 3058–3058d) is repealed.

SEC. 182. TECHNICAL AMENDMENTS.

(a) Section 102(1) of the Older Americans Act of 1965 (42 U.S.C. 3002(1)) is amended by striking "other than for purposes of title V" and inserting "except that for purposes of title V such term means the Secretary of Labor".

(b)(1) Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended—

(A) in paragraph (3)—

(i) by striking "includes" and inserting "means any of the several States," and

(ii) by striking "Puerto Rico" and inserting "the Commonwealth of Puerto Rico";

(B) by adding at the end the following:

"(8) The term 'Trust Territory of the Pacific Islands' includes the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau."

(2) Section 302 of the Older Americans Act of 1965 (42 U.S.C. 3022), as amended by sections 136(a) and 144(a), is amended—

(A) by striking paragraph (6), and

(B) by redesignating paragraphs (7) through (20) as paragraphs (6) through (19), respectively.

(3) Section 506(a)(4)(A) of the Older Americans Act of 1965 (42 U.S.C. 3056d(a)(4)(A)) is amended by striking "Puerto Rico" and inserting "the Commonwealth of Puerto Rico".

(4) Section 507 of the Older Americans Act of 1965 (42 U.S.C. 3056e), as amended by section 164(b), is amended—

(A) by striking paragraph (1), and

(B) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively.

(c) Section 201(a) of the Older Americans Act of 1965 (42 U.S.C. 3011(a)) is amended by striking "his functions" and inserting "the functions of the Commissioner".

(d) Section 204(d)(3) of the Older Americans Act of 1965 (42 U.S.C. 3015(d)(3)) is amended by inserting "to" after "Secretary."

(e)(1) Section 302 of the Older Americans Act of 1965 (42 U.S.C. 3022), as amended by subsection (b)(2) and sections 136(a) and 144(a), is amended by adding at the end the following:

"(20) The term 'greatest economic need' means the need resulting from an income level at or below the poverty levels established by the Office of Management and Budget."

"(21) The term 'greatest social need' means the need caused by noneconomic factors which include physical and mental disabilities, language barriers, and cultural, social, or geo-
amount of such excess shall be

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GRAPHICAL AMENDMENTS

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(2), (3), (4), and (5) as para-

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(A) by inserting "The plan shall" after "(7)", and
  (B) by striking the semicolon at the end and inserting a
        period,
(9) in paragraph (8)—
  (A) by inserting "The plan shall" after "(8)", and
  (B) by striking the semicolon at the end and inserting a
        period,
(10) in paragraph (9)—
  (A) by inserting "The plan shall" after "(9)", and
  (B) by striking the semicolon at the end and inserting a
        period,
(11) in paragraph (10)—
  (A) by inserting "The plan shall" after "(10)", and
  (B) by striking the semicolon at the end and inserting a
        period,
(12) in paragraph (11)—
  (A) by inserting "The plan shall" after "(11)", and
  (B) by striking the semicolon at the end and inserting a
        period,
(13) in paragraph (12)—
  (A) by inserting "The plan shall" after "(12)", and
  (B) in subparagraph (I) by striking the semicolon at the
        end and inserting a period,
(14) in paragraph (13)—
  (A) by inserting "The plan shall" after "(13)", and
  (B) in subparagraph (E) by striking the semicolon at the
        end and inserting a period,
(15) in paragraph (14)—
  (A) by inserting "The plan shall" after "(14)", and
  (B) in subparagraph (D) by striking the semicolon and
        inserting a period,
(16) in paragraph (15)—
  (A) by inserting "The plan shall" after "(15)", and
  (B) in subparagraph (C) by striking the semicolon at the
        end and inserting a period,
(17) in paragraph (16)—
  (A) by inserting "The plan shall" after "(16)", and
  (B) by striking the semicolon at the end and inserting a
        period,
(18) in paragraph (17)—
  (A) by inserting "The plan shall" after "(17)", and
  (B) by striking the semicolon at the end and inserting a
        period,
(19) in paragraph (18)—
  (A) by inserting "The plan shall" after "(18)", and
  (B) by striking the semicolon at the end and inserting a
        period,
(19) in paragraph (19)—
  (A) by inserting "The plan shall" after "(19)", and
  (B) by striking the semicolon at the end and inserting a
        period,
(20) in paragraph (20)—
  (A) by inserting "The plan shall" after "(20)", and
  (B) in subparagraph (B)(ii) by striking "; and" at the end
        and inserting a period.
  (I) Section 308(b) of the Older Americans Act of 1965 (42 U.S.C.
        3028(b)) is amended—
  (1) by striking "(b)(1)(A)" and inserting "(b)(1)",
  (2) in paragraph (1)—
    (A) by striking "(i)" and inserting "(A)",
(B) by striking "(ii)" the second place it appears and inserting "(B)"; 
(3) in paragraph (2)—
(A) by striking "(2)(A)" and inserting "(2)",
(B) by striking "(i)" and inserting "(A)"; and
(C) by striking "(iii)" the second place it appears and inserting "(B)";
(4) in paragraph (3)(C) by striking "he" and inserting "the Commissioner";
(5) in subparagraphs (A) and (B) of paragraph (5) by striking "appropriated" each place it appears and inserting "allotted", and
(6) in paragraph (5)(B) beginning with the dash strike out all through the period and insert: "not more than 30 percent of the funds allotted for any fiscal year".

(m) Section 321(a)(10) of the Older Americans Act of 1965 (42 U.S.C. 3030d(a)(10)) is amended by inserting "for" after "advocate".
(n) Section 337 of the Older Americans Act of 1965 (42 U.S.C. 3030g) is amended by striking "Association of Area Agencies on Aging" and inserting "National Association of Area Agencies on Aging".
(o) Section 422(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3035a(b)(1)) is amended by striking "Alzheimer's disease and other organic and neurological brain disorders of the Alzheimer's type" and inserting "Alzheimer's disease and related disorders with neurological and organic brain dysfunction".
(p) Section 507(1) of the Older Americans Act of 1965 (42 U.S.C. 3056e(2)), as amended by subsection (b)(4), is amended by striking the Bureau of Labor Statistics and inserting the Office of Management and Budget.

PART II—CONSUMER PRICE INDEX FOR OLDER AMERICANS

SEC. 191. INDEX AUTHORIZED.

The Secretary of Labor shall, through the Bureau of Labor Statistics, develop, from existing data sources, a reweighted index of consumer prices which reflects the expenditures for consumption by Americans 62 years of age and older. The Secretary shall furnish to the Congress the index within 180 days after the date of enactment of this Act. The Secretary shall include with the index furnished a report which explains the characteristics of the reweighted index, the research necessary to develop and measure accurately the rate of inflation affecting such Americans, and provides estimates of time and cost required for additional activities necessary to carry out the objectives of this section.

TITLE II—1991 WHITE HOUSE CONFERENCE ON AGING

SEC. 201. WHITE HOUSE CONFERENCE AUTHORIZED.

(a) FINDINGS.—The Congress finds that—
(1) the number of individuals 55 years of age or older was approximately 51,400,000 in 1986, and will, by the year 2040, be approximately 101,700,000,