

Introduction: The Older Americans Act was amended during the fall of 2000 by the enactment of HR 782. As of March 2001, an official compilation of the Act as amended had still not been printed. To assist a variety of organizations who would find it useful to have a complete version of the OAA which includes the amendments adopted by Congress in 2000, The Center for Social Gerontology has begun to put together an unofficial compilation of the changes to the Older Americans Act. As we complete each Title of the Act, we will be putting it on our web site; for convenience in downloading the documents, we are putting each Title of the OAA in a separate pdf file. Because this is an unofficial copy of the amended OAA, it is possible that there will be some mistakes in it; The Center for Social Gerontology takes no responsibility for any problems these errors may cause. If you should find something which you feel to be an error, please contact us, and we will make any necessary changes.

**TITLE II--ADMINISTRATION ON AGING  
ESTABLISHMENT OF ADMINISTRATION ON AGING**

**SECTION 201 (42 U.S.C 3011)**

(a) There is established in the Office of the Secretary an Administration on Aging which shall be headed by an Assistant Secretary for Aging. Except for title V, the Administration shall be the agency for carrying out this Act. There shall be a direct reporting relationship between the Assistant Secretary and the Secretary. In the performance of the functions of the Assistant Secretary, the Assistant Secretary shall be directly responsible to the Secretary. The Secretary shall not approve or require any delegation of the functions of the Assistant Secretary (including the functions of the Assistant Secretary carried out through regional offices) to any other officer not directly responsible to the Assistant Secretary.

(b) The Assistant Secretary shall be appointed by the President by and with the advice and consent of the Senate.

- (c) (1) There is established in the Administration an Office for American Indian, Alaskan Native, and Native Hawaiian Programs.
- (2) The Office shall be headed by a Director of the Office for American Indian, Alaskan Native, and Native Hawaiian Aging appointed by the Assistant Secretary.
- (3) The Director of the Office for American Indian, Alaskan Native, and Native Hawaiian Aging shall--
- (A) (i) evaluate the adequacy of outreach under title III and title VI for older individuals who are Native Americans and recommend to the Assistant Secretary 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 Assistant Secretary;

(B) serve as the effective and visible advocate in behalf of older individuals who are 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 such individuals, with particular attention to services provided to Native Americans by the Indian Health Service;

(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 Assistant Secretary policies and priorities with respect to the development and operation of programs and activities conducted under this Act relating to older individuals who are Native Americans;

(F) collect and disseminate information related to problems experienced by older Native Americans, including information (compiled with assistance from public or nonprofit private entities, including institutions of higher education, with experience in assessing the characteristics and health status of older individuals who are Native Americans) on elder abuse, in-home care, health problems, and other problems unique to 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 individuals who are Native Americans;

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

(I) promote coordination--

(i) between the administration of title III and the administration of title VI; and

(ii) between programs established under title III by the Assistant Secretary and programs established under title VI by the Assistant Secretary; including sharing among grantees information on programs funded, and on training and technical assistance provided, under such titles; and

(J) serve as the effective and visible advocate on behalf of older individuals who are Indians, Alaskan Natives, and Native Hawaiians, in the States to promote the enhanced delivery of services and implementation of programs, under this Act and other Federal Acts, for the benefit of such individuals.

(d) (1) There is established in the Administration the Office of Long-Term Care Ombudsman Programs (in this subsection referred to as the ``Office").

- (2) (A) The Office shall be headed by a Director of the Office of Long-Term Care Ombudsman Programs (in this subsection referred to as the "Director") who shall be appointed by the Assistant Secretary from among individuals who have expertise and background in the fields of long-term care advocacy and management. The Director shall report directly to the Assistant Secretary.
- (B) No individual shall be appointed Director if--
- (i) the individual has been employed within the previous 2 years by--
    - (I) a long-term care facility;
    - (II) a corporation that then owned or operated a long-term care facility; or
    - (III) an association of long-term care facilities;
  - (ii) the individual--
    - (I) has an ownership or investment interest (represented by equity, debt, or other financial relationship) in a long-term care facility or long-term care service; or
    - (II) receives, or has the right to receive, directly or indirectly remuneration (in cash or in kind) under a compensation arrangement with an owner or operator of a long-term care facility; or
  - (iii) the individual, or any member of the immediate family of the individual, is subject to a conflict of interest.
- (3) The Director shall--
- (A) serve as an effective and visible advocate on behalf of older individuals who reside in long-term care facilities, within the Department of Health and Human Services and with other departments, agencies, and instrumentalities of the Federal Government regarding all Federal policies affecting such individuals;
  - (B) review and make recommendations to the Assistant Secretary regarding--
    - (i) the approval of the provisions in State plans submitted under section 307(a) that relate to State Long-Term Care Ombudsman programs; and
    - (ii) the adequacy of State budgets and policies relating to the programs;
  - (C) after consultation with State Long-Term Care Ombudsmen and the State agencies, make recommendations to the Assistant Secretary regarding--
    - (i) policies designed to assist State Long-Term Care Ombudsmen; and
    - (ii) methods to periodically monitor and evaluate the operation of State Long-Term Care Ombudsman programs, to ensure that the programs satisfy the requirements of section 307(a)(9) and section 712, including provision of service to residents of board and care facilities and of similar adult care facilities;
  - (D) keep the Assistant Secretary and the Secretary fully and currently informed about--
    - (i) problems relating to State Long-Term Care Ombudsman programs; and
    - (ii) the necessity for, and the progress toward, solving the problems;

- (E) review, and make recommendations to the Secretary and the Assistant Secretary regarding, existing and proposed Federal legislation, regulations, and policies regarding the operation of State Long-Term Care Ombudsman programs;
- (F) make recommendations to the Assistant Secretary and the Secretary regarding the policies of the Administration, and coordinate the activities of the Administration with the activities of other Federal entities, State and local entities, and nongovernmental entities, relating to State Long-Term Care Ombudsman programs;
- (G) supervise the activities carried out under the authority of the Administration that relate to State Long-Term Care Ombudsman programs;
- (H) administer the National Ombudsman Resource Center established under section 202(a)(21) and make recommendations to the Assistant Secretary regarding the operation of the National Ombudsman Resource Center;
- (I) advocate, monitor, and coordinate Federal and State activities of Long-Term Care Ombudsmen under this Act;
- (J) submit to the Speaker of the House of Representatives and the President pro tempore of the Senate an annual report on the effectiveness of services provided under section 307(a)(9) and section 712;
- (K) have authority to investigate the operation or violation of any Federal law administered by the Department of Health and Human Services that may adversely affect the health, safety, welfare, or rights of older individuals; and
- (L) not later than 180 days after the date of the enactment of the Older Americans Act Amendments of 1992, establish standards applicable to the training required by section 712(h)(4).

## **SECTION 202 (42 U.S.C 3012) FUNCTIONS OF ASSISTANT SECRETARY**

- (a) It shall be the duty and function of the Administration to--
  - (1) serve as the effective and visible advocate for older individuals within the Department of Health and Human Services and with other departments, agencies, and instrumentalities of the Federal Government by maintaining active review and commenting responsibilities over all Federal policies affecting older individuals;
  - (2) collect and disseminate information related to problems of the aged and aging;
  - (3) directly assist the Secretary in all matters pertaining to problems of the aged and aging;
  - (4) administer the grants provided by this Act;
  - (5) develop plans, conduct and arrange for research in the field of aging, and assist in the establishment and implementation of programs designed to meet the needs of older individuals for supportive services, including nutrition, hospitalization, education and training services (including preretirement training, and continuing education), low-cost transportation and housing, and health (including mental health) services;

- (6) provide technical assistance and consultation to States and political subdivisions thereof with respect to programs for the aged and aging;
- (7) prepare, publish, and disseminate educational materials dealing with the welfare of older individuals;
- (8) gather statistics in the field of aging which other Federal agencies are not collecting, and take whatever action is necessary to achieve coordination of activities carried out or assisted by all departments, agencies, and instrumentalities of the Federal Government with respect to the collection, preparation, and dissemination of information relevant to older individuals;
- (9) develop basic policies and set priorities with respect to the development and operation of programs and activities conducted under authority of this Act;
- (10) coordinate Federal programs and activities related to such purposes
- (11) coordinate, and assist in, the planning and development by public (including Federal, State, and local agencies) and private organizations or programs for older individuals with a view to the establishment of a nationwide network of comprehensive, coordinated services and opportunities for such individuals;
- (12) carry on a continuing evaluation of the programs and activities related to the objectives of this Act, with particular attention to the impact of medicare and medicaid, the Age Discrimination in Employment Act of 1967, and the programs of the National Housing Act relating to housing for older individuals and the setting of standards for the licensing of nursing homes, intermediate care homes, and other facilities providing care for such individuals;
- (13) provide information and assistance to private organizations for the establishment and operation by them of programs and activities related to the objectives of this Act;
- (14) develop, in coordination with other agencies, a national plan for meeting the needs for trained personnel in the field of aging, and for training persons for carrying out programs related to the objectives of this Act, and conduct and provide for the conducting of such training;
- (15) consult with national organizations representing minority individuals to develop and disseminate training packages and to provide technical assistance efforts designed to assist State and area agencies on aging, and service providers in providing services to older individuals with greatest economic need or individuals with greatest social need, with particular attention to and specific objectives for providing services to low-income minority individuals *and older individuals residing in rural areas*;
- (16) 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 or activity provided with such funds--
    - (i) the aggregate amount of such funds expended to provide such service or activity;
    - (ii) the number of individuals who received such service or activity; and
    - (iii) the number of units of such service or activity 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 (4)(A) of section 306(a)*;
- ( 17) 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 distribute such information, in written form, to State agencies, for redistribution to area agencies on aging, to carry out outreach activities and application assistance;
- ( 18) (A) establish and operate the National Ombudsman Resource Center (in this paragraph referred to as the ``Center"), under the administration of the Director of the Office of Long-Term Care Ombudsman Programs, that will--
- (i) by grant or contract--
    - (I) conduct research;
    - (II) provide training, technical assistance, and information to State Long-Term Care Ombudsmen;
    - (III) analyze laws, regulations, programs, and practices; and
    - (IV) provide assistance in recruiting and retaining volunteers for State Long-Term Care Ombudsman programs by establishing a national program for recruitment efforts that utilizes the organizations that have established a successful record in recruiting and retaining volunteers for ombudsman or other programs; relating to Federal, State, and local long-term care ombudsman policies; and
  - (ii) assist State Long-Term Care Ombudsmen in the implementation of State Long-Term Care Ombudsman programs; and
- (B) make available to the Center not less than the amount of resources made available to the Long-Term Care Ombudsman National Resource Center for fiscal year 2000;
- ( 19) *conduct strict monitoring of State compliance with the requirements in effect, under this Act to prohibit conflicts of interest and to maintain the integrity and public purpose of services provided and service providers, under this Act in all contractual and commercial relationships;*
- ( 20) encourage, and provide technical assistance to, States and area agencies on aging to carry out outreach to inform older individuals with greatest economic need who may be eligible to receive, but are not receiving, supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) (or assistance under a State plan program under such title), medical assistance under title XIX of such Act (42 U.S.C. 1396

et seq.), and benefits under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), of the requirements for eligibility to receive such benefits and such assistance;

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

( 22) develop guidelines for area agencies on aging to follow in choosing and evaluating providers of legal assistance;

( 23) develop guidelines and a model job description for choosing and evaluating legal assistance developers referred to in *sections 307(a)(13) and 731;*

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

( 25) provide technical assistance, training, and other means of assistance to State agencies, area agencies on aging, and service providers regarding State and local data collection and analysis;

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

(A) uniform definitions and nomenclature;

(B) standardized data collection procedures;

(C) a participant identification and description system;

(D) procedures for collecting information on gaps in services needed by older individuals, as identified by service providers in assisting clients through the provision of the supportive services; and

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

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

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

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

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

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

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

- (1) develop planning linkages with utilization and quality control peer review organizations under title XI of the Social Security Act, with the Substance Abuse and Mental Health Services Administration and the Administration on Developmental Disabilities;
- (2) participate in all departmental and interdepartmental activities which concern issues of institutional and noninstitutional long-term health care services development;
- (3) review and comment on all departmental regulations and policies regarding community health and social service development for older individuals; and
- (4) participate in all departmental and interdepartmental activities to provide a leadership role for the Administration, State agencies, and area agencies on aging in the development and implementation of a national community-based long-term care program for older individuals.

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

- (d) (1) The Assistant Secretary shall establish and operate the National Center on Elder Abuse (in this subsection referred to as the "Center").
- (2) In operating the Center, the Assistant Secretary shall--
  - (A) annually compile, publish, and disseminate a summary of recently conducted research on elder abuse, neglect, and exploitation;
  - (B) develop and maintain an information clearinghouse on all programs (including private programs) showing promise of success, for the prevention, identification, and treatment of elder abuse, neglect, and exploitation;
  - (C) compile, publish, and disseminate training materials for personnel who are engaged or intend to engage in the prevention, identification, and treatment of elder abuse, neglect, and exploitation;
  - (D) provide technical assistance to State agencies and to other public and nonprofit private agencies and organizations to assist the agencies and organizations in planning, improving, developing, and carrying out programs and activities relating to the special problems of elder abuse, neglect, and exploitation; and
  - (E) conduct research and demonstration projects regarding the causes, prevention, identification, and treatment of elder abuse, neglect, and exploitation.
- (3) (A) The Assistant Secretary shall carry out paragraph (2) through grants or contracts.

(B) The Assistant Secretary shall issue criteria applicable to the recipients of funds under this subsection. To be eligible to receive a grant or enter into a contract under subparagraph (A), an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

(C) The Assistant Secretary shall--

(i) establish research priorities for making grants or contracts to carry out paragraph (2)(E); and

(ii) not later than 60 days before the date on which the Assistant Secretary establishes such priorities, publish in the Federal Register for public comment a statement of such proposed priorities.

(4) The Assistant Secretary shall make available to the Center such resources as are necessary for the Center to carry out effectively the functions of the Center under this Act and not less than the amount of resources made available to the Resource Center on Elder Abuse for fiscal year **2000**.

(e) (1) (A) The Assistant Secretary shall make grants or enter into contracts with eligible entities to establish the National Aging Information Center (in this subsection referred to as the "Center") to--

(i) *provide information about grants and projects under title IV;*

(ii) annually compile, analyze, publish, and disseminate--

(I) statistical data collected under subsection (a)(19);

(II) census data on aging demographics; and

(III) data from other Federal agencies on the health, social, and economic status of older individuals and on the services provided to older individuals;

(iii) biennially compile, analyze, publish, and disseminate statistical data collected on the functions, staffing patterns, and funding sources of State agencies and area agencies on aging;

(iv) analyze the information collected under section 201(c)(3)(F) by the Director of the Office for American Indian, Alaskan Native, and Native Hawaiian Aging;

(v) provide technical assistance, training, and other means of assistance to State agencies, area agencies on aging, and service providers, regarding State and local data collection and analysis; and

(vi) be a national resource on statistical data regarding aging;

(B) To be eligible to receive a grant or enter into a contract under subparagraph (A), an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

- (C) Entities eligible to receive a grant or enter into a contract under subparagraph (A) shall be organizations with a demonstrated record of experience in education and information dissemination.
- (2) (A) The Assistant Secretary shall establish procedures specifying the length of time that the Center shall provide the information described in paragraph (1) with respect to a particular project or activity. The procedures shall require the Center to maintain the information beyond the term of the grant awarded, or contract entered into, to carry out the project or activity.
- (B) The Assistant Secretary shall establish the procedures described in subparagraph (A) after consultation with--
- (i) practitioners in the field of aging;
  - (ii) older individuals;
  - (iii) representatives of institutions of higher education;
  - (iv) national aging organizations;
  - (v) State agencies;
  - (vi) area agencies on aging;
  - (vii) legal assistance providers;
  - (viii) service providers; and
  - (ix) other persons with an interest in the field of aging.
- (f) (1) *The Assistant Secretary, in accordance with the process described in paragraph (2), and in collaboration with a representative group of State agencies, tribal organizations, area agencies on aging, and providers of services involved in the performance outcome measures shall develop and publish by December 31, 2001, a set of performance outcome measures for planning, managing, and evaluating activities performed and services provided under this Act. To the maximum extent possible, the Assistant Secretary shall use data currently collected (as of the date of development of the measures) by State agencies, area agencies on aging, and service providers through the National Aging Program Information System and other applicable sources of information in developing such measures.*
- (2) *The process for developing the performance outcome measures described in paragraph (1) shall include--*
- (A) *a review of such measures currently in use by State agencies and area agencies on aging (as of the date of the review);*
  - (B) *development of a proposed set of such measures that provides information about the major activities performed and services provided under this Act;*
  - (C) *pilot testing of the proposed set of such measures, including an identification of resource, infrastructure, and data collection issues at the State and local levels; and*
  - (D) *evaluation of the pilot test and recommendations for modification of the proposed set of such measures*

## SECTION 203 (42 U.S.C 3013) FEDERAL AGENCY CONSULTATION

- (a) (1) The Assistant Secretary, in carrying out the objectives and provisions of this Act, shall coordinate, advise, consult with, and cooperate with the head of each department, agency, or instrumentality of the Federal Government proposing or administering programs or services substantially related to the objectives of this Act, with respect to such programs or services. In particular, the Assistant Secretary shall coordinate, advise, consult, and cooperate with the Secretary of Labor in carrying out title V and with the ACTION Agency in carrying out this Act.
- (2) The head of each department, agency, or instrumentality of the Federal Government proposing to establish programs and services substantially related to the objectives of this Act shall consult with the Assistant Secretary prior to the establishment of such programs and services. To achieve appropriate coordination, the head of each department, agency, or instrumentality of the Federal Government administering any program substantially related to the objectives of this Act, particularly administering any program referred to in subsection (b), shall consult and cooperate with the Assistant Secretary in carrying out such program. In particular, the Secretary of Labor shall consult and cooperate with the Assistant Secretary in carrying out the Job Training Partnership Act (29 U.S.C. 1501 et seq.).
- (3) The head of each department, agency, or instrumentality of the Federal Government administering programs and services substantially related to the objectives of this Act shall collaborate with the Assistant Secretary in carrying out this Act, and shall develop a written analysis, for review and comment by the Assistant Secretary, of the impact of such programs and services on--
- (A) older individuals (with particular attention to low-income minority older individuals *and older individuals residing in rural areas*) and eligible individuals (as defined in section 507); and
  - (B) the functions and responsibilities of State agencies and area agencies on aging.
- (b) For the purposes of subsection (a), programs related to the objectives of this Act shall include--
- (1) the Job Training Partnership Act,
  - (2) title II of the Domestic Volunteer Service Act of 1973,
  - (3) titles XVI, XVIII, XIX, and XX of the Social Security Act,
  - (4) sections 231 and 232 of the National Housing Act,
  - (5) the United States Housing Act of 1937,
  - (6) section 202 of the Housing Act of 1959,
  - (7) title I of the Housing and Community Development Act of 1974,
  - (8) title I of the Higher Education Act of 1965 and the Adult Education Act,
  - (9) sections 3, 9, and 16 of the Urban Mass Transportation Act of 1964,
  - (10) the Public Health Service Act, including block grants under title XIX of such Act,

- (11) the Low-Income Home Energy Assistance Act of 1981,
- (12) part A of the Energy Conservation in Existing Buildings Act of 1976, relating to weatherization assistance for low income persons,
- (13) the Community Services Block Grant Act,
- (14) demographic statistics and analysis programs conducted by the Bureau of the Census under title 13, United States Code,
- (15) parts II and III of title 38, United States Code,
- (16) the Rehabilitation Act of 1973,
- (17) the Developmental Disabilities and Bill of Rights Act, and
- (18) the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, established under part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750093766b)).

### **SECTION 203A. CONSULTATION WITH STATE AGENCIES, AREA AGENCIES ON AGING, AND NATIVE AMERICAN GRANT RECIPIENTS.**

The Assistant Secretary shall consult and coordinate with State agencies, area agencies on aging, and recipients of grants under title VI in the development of Federal goals, regulations, program instructions, and policies under this Act.

### **SECTION 204 GIFTS AND DONATIONS**

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

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

- (1) The design and implementation of demonstrations of innovative ideas and best practices in programs and services for older individuals.*
- (2) The planning and conduct of conferences for the purpose of exchanging information, among concerned individuals and public and private entities and organizations, relating to programs and services provided under this Act and other programs and services for older individuals.*
- (3) The development, publication, and dissemination of informational materials (in print, visual, electronic, or other media) relating to the programs and services provided under this Act and other matters of concern to older individuals.*

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

- (1) reflect unfavorably upon the ability of the Administration, the Department of Health and Human Services, or any employee of the Administration or Department, to carry out responsibilities or official duties under this Act in a fair and objective manner; or*
- (2) compromise the integrity or the appearance of integrity of programs or services provided under this Act or of any official involved in those programs or services.*

## **SECTION 205 (42 U.S.C 3016) ADMINISTRATION OF THE ACT**

- (a) (1) In carrying out the objectives of this Act, the Assistant Secretary is authorized to--
  - (A) provide consultative services and technical assistance to public or nonprofit private agencies and organizations;
  - (B) provide short-term training and technical instruction;
  - (C) conduct research and demonstrations;
  - (D) collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this Act; and
  - (E) provide staff and other technical assistance to the Federal Council on the Aging.
- (2) (A) The Assistant Secretary shall designate an officer or employee who shall serve on a full-time basis and who shall be responsible for the administration of the nutrition services described in *subparts 1 and 2* of part C of title III and shall have duties that include--
  - (i) designing, implementing, and evaluating nutrition programs;
  - (ii) developing guidelines for nutrition providers concerning safety, sanitary handling of food, equipment, preparation, and food storage;
  - (iii) disseminating information to nutrition service providers about nutrition advancements and developments;
  - (iv) promoting coordination between nutrition service providers and community-based organizations serving older individuals;
  - (v) developing guidelines on cost containment;
  - (vi) defining a long range role for the nutrition services in community-based care systems;
  - (vii) developing model menus and other appropriate materials for serving special needs populations and meeting cultural meal preferences; and
  - (viii) providing technical assistance to the regional offices of the Administration with respect to each duty described in clauses (i) through (vii).

(B) The regional offices of the Administration shall be responsible for disseminating, and providing technical assistance regarding, the guidelines and information described in clauses (ii), (iii), and (v) of subparagraph (A) to State agencies, area agencies on aging, and persons that provide nutrition services under part C of title III.

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

- (i) have expertise in nutrition and dietary services and planning; and
- (ii) (I) be a registered dietitian;
- (II) be a credentialed nutrition professional; or
- (III) have education and training that is substantially equivalent to the education and training for a registered dietitian or a credentialed nutrition professional.

(b) In administering the functions of the Administration under this Act, the Assistant Secretary may utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or organization, in accordance with agreements between the Assistant Secretary and the head thereof, and is authorized to pay therefor, in advance or by way of reimbursement, as may be provided in the agreement.

(c) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary.

## **SECTION 206 (42 U.S.C 3017) EVALUATION**

(a) The Secretary shall measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, their effectiveness in targeting for services under this Act unserved older individuals with greatest economic need (including low-income minority individuals *and older individuals residing in rural areas*) and unserved older individuals with greatest social need (including low-income minority individuals *and older individuals residing in rural areas*), and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

(b) The Secretary may not make grants or contracts under title IV of this Act until the Secretary develops and publishes general standards to be used by the Secretary in evaluating the programs and projects assisted under such title. Results of evaluations conducted pursuant to such standards shall be included in the reports required by section 207.

(c) In carrying out evaluations under this section, the Secretary shall, whenever possible, arrange to obtain the opinions of program and project participants about the strengths and weaknesses of

the programs and projects, and conduct, where appropriate, evaluations which compare the effectiveness of related programs in achieving common objectives. In carrying out such evaluations, the Secretary shall consult with organizations concerned with older individuals, including those representing minority individuals, *older individuals residing in rural areas*, and older individuals with disabilities.

(d) The Secretary shall annually publish summaries and analyses of the results of evaluative research and evaluation of program and project impact and effectiveness, including, as appropriate, health and nutrition education demonstration projects conducted under section 307(f) the full contents of which shall be transmitted to Congress, be disseminated to Federal, State, and local agencies and private organizations with an interest in aging, and be accessible to the public.

(e) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

(f) Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this section shall be made available to him, upon request, by the departments and agencies of the executive branch.

(g) The Secretary may use such sums as may be necessary, but not to exceed \$3,000,000 (of which not to exceed \$1,500,000 shall be available from funds appropriated to carry out title III and not to exceed \$1,500,000 shall be available from funds appropriated to carry out title IV), to conduct directly evaluations under this section. No part of such sums may be reprogrammed, transferred, or used for any other purpose. Funds expended under this subsection shall be justified and accounted for by the Secretary.

## **SECTION 207 (42 U.S.C 3018) REPORTS**

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

- (1) statistical data reflecting services and activities provided to individuals during the preceding fiscal year;
- (2) statistical data collected under section 202(a)(19);
- (3) 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 greatest economic need and older individuals with greatest social need, with particular attention to low-income minority individuals, *older individuals residing in rural areas*, low-income

individuals, and frail individuals (including individuals with any physical or mental functional impairment); and

(4) a description of the implementation of the plan required by section 202(a)(17).

- (b) (1) Not later than March 1 of each year, the Assistant Secretary shall compile a report--
- (A) summarizing and analyzing the data collected under titles III and VII in accordance with section 712(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
  - (E) making recommendations regarding legislation and administrative actions to resolve such problems.
- (2) The Assistant Secretary shall submit the report required by paragraph (1) to--
- (A) the Special Committee on Aging of the Senate;
  - (B) the Committee on Education and Labor of the House of Representatives; and
  - (C) the Committee on Labor and Human Resources of the Senate.
- (3) The Assistant Secretary shall provide the report required by paragraph (1), and make the State reports required under titles III and VII in accordance with section 712(h)(1) available, to--
- (A) the Administrator of the Health Care Financing Administration;
  - (B) the Office of the 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 Secretary of Veterans Affairs; and
  - (E) each public agency or private organization designated as an Office of the State Long-Term Care Ombudsman under title III or VII in accordance with section 712(a)(4)(A).
- (c) The Assistant Secretary shall, as part of the annual report submitted under subsection (a), prepare and submit a report on the outreach activities supported under this Act, together with such recommendations as the Assistant Secretary deems appropriate. In carrying out this subsection, the Assistant Secretary shall consider--
- (1) the number of older individuals reached through the activities;
  - (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);
- (4) the effect of such activities on supportive services and nutrition services furnished under title III of this Act; and
- (5) the effectiveness of State and local efforts to target older individuals with greatest economic need (including low-income minority individuals *and older individuals residing in rural areas*) and older individuals with greatest social need (including low-income minority individuals *and older individuals residing in rural areas*) to receive services under this Act.

## **SECTION 208 (42 U.S.C 3019) JOINT FUNDING OF PROJECTS**

Pursuant to regulations prescribed by the President and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to any agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

## **SECTION 209 (42 U.S.C 3020) ADVANCE FUNDING**

- (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.
- (b) In order to effect a transition to the advance funding method of timing appropriation action, subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

## **SECTION 210 (42 U.S.C 3020a) APPLICATION OF OTHER LAWS**

- (a) The provisions and requirements of the Act of December 5, 1974 (Public Law 9309510; 88 Stat. 1604) shall not apply to the administration of the provisions of this Act or to the administration of any program or activity under this Act.

(b) No part of the costs of any project under any title of this Act may be treated as income or benefits to any eligible individual (other than any wage or salary to such individual) for the purpose of any other program or provision of Federal or State law.

### **SECTION 211 (42 U.S.C 3020b) REDUCTION OF PAPERWORK**

In order to reduce unnecessary, duplicative, or disruptive demands for information, the Assistant Secretary, in consultation with State agencies and other appropriate agencies and organizations, shall continually review and evaluate all requests by the Administration for information under this Act and take such action as may be necessary to reduce the paperwork required under this Act. The Assistant Secretary shall request only such information as the Assistant Secretary deems essential to carry out the objectives and provisions of this Act and, in gathering such information, shall make use of uniform service definitions to the extent that such definitions are available.

### **SECTION 212 (42 U.S.C 3020c) CONTRACTING AND GRANT AUTHORITY**

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

### **SECTION 213 (42 U.S.C 3020d) SURPLUS PROPERTY ELIGIBILITY**

Any State or local government agency, and any nonprofit organization or institution, which receives funds appropriated for programs for older individuals under this Act, under title IV or title XX of the Social Security Act, or under titles VIII and X of the Economic Opportunity Act of 1964 and the Community Services Block Grant Act, shall be deemed eligible to receive for such programs, property which is declared surplus to the needs of the Federal Government in accordance with laws applicable to surplus property.

### **SECTION 214 (42 U.S.C 3020e) NUTRITION EDUCATION**

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

## **SECTION 215 PENSION COUNSELING AND INFORMATION PROGRAMS**

*(a) DEFINITIONS- In this section:*

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

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

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

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

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

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

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

*(c) ELIGIBLE ENTITIES- The Assistant Secretary shall award grants under this section to--*

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

*(2) nonprofit organizations with a proven record of providing--*

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

*(B) services to Native Americans; or*

*(C) specific pension counseling.*

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

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

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

- (A) establishes or continues a State or area pension counseling and information program;
- (B) serves a specific geographic area;
- (C) provides counseling (including direct counseling and assistance to individuals who need information regarding pension and other retirement benefits) and information that may assist individuals in obtaining, or establishing rights to, and filing claims or complaints regarding, pension and other retirement benefits;
- (D) provides information on sources of pension and other retirement benefits;
- (E) establishes a system to make referrals for legal services and other advocacy programs;
- (F) establishes a system of referral to Federal, State, and local departments or agencies related to pension and other retirement benefits;
- (G) provides a sufficient number of staff positions (including volunteer positions) to ensure information, counseling, referral, and assistance regarding pension and other retirement benefits;
- (H) provides training programs for staff members, including volunteer staff members, of pension and other retirement benefits programs;
- (I) makes recommendations to the Administration, the Department of Labor and other Federal, State and local agencies concerning issues for older individuals related to pension and other retirement benefits; and
- (J) establishes or continues an outreach program to provide information, counseling, referral and assistance regarding pension and other retirement benefits, with particular emphasis on outreach to women, minorities and low income retirees; and
- (2) an assurance that staff members (including volunteer staff members) have no conflict of interest in providing the services described in the plan described in paragraph (1).

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

- (1) Evidence of a commitment by the entity to carry out a proposed pension counseling and information program.*
- (2) The ability of the entity to perform effective outreach to affected populations, particularly populations that are identified in need of special outreach.*
- (3) Reliable information that the population to be served by the entity has a demonstrable need for the services proposed to be provided under the program.*
- (4) The ability of the entity to provide services under the program on a statewide or regional basis.*

*(g) TRAINING AND TECHNICAL ASSISTANCE PROGRAM-*

- (1) IN GENERAL- The Assistant Secretary shall award grants to eligible entities to establish training and technical assistance programs that shall provide information and technical assistance to the staffs of entities operating pension*

*counseling and information programs described in subsection (b), and general assistance to such entities, including assistance in the design of program evaluation tools.*

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

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

*(h) PENSION ASSISTANCE HOTLINE AND INTRAGENCY COORDINATION-*

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

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

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

*(i) REPORT TO CONGRESS.—Not later than 30 months after the date of the enactment of this section, the Assistant Secretary shall submit to the committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that—*

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

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

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

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

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

## **SECTION 216 AUTHORIZATION OF APPROPRIATIONS**

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

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

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