COMMITTEE PRINT

Budget Reconciliation Legislative Recommendations for
Subtitle E Relating to Elder Justice

PART 2—PROVISIONS RELATING TO ELDER
JUSTICE

SEC. 134201. REAUTHORIZATION OF FUNDING FOR PRO-
GRAMS TO PREVENT, AND INVESTIGATE
ELDER ABUSE, NEGLECT, AND EXPO-
LITATION.

(a) LONG-TERM CARE STAFF TRAINING GRANTS.—

Section 2041 of the Social Security Act (42 U.S.C. 1397m) is amended to read as follows:

“SEC. 2041. NURSING HOME WORKER TRAINING GRANTS.

“(a) APPROPRIATION.—Out of any funds in the
Treasury not otherwise appropriated, there is appro-
priated to the Secretary for each of fiscal years 2022 through 2025—

“(1) $392,000,000 for grants under subsection (b)(1); and

“(2) $8,000,000 for grants under subsection (b)(2).

“(b) GRANTS.—

“(1) STATE ENTITLEMENT.—
“(A) IN GENERAL.—Each State shall be entitled to receive from the Secretary for each fiscal year specified in subsection (a) a grant in an amount equal to the amount allotted to the State under subparagraph (B) of this paragraph.

“(B) STATE ALLOTMENTS.—The amount allotted to a State under this subparagraph for a fiscal year shall be—

“(i) the amount made available by subsection (a) for the fiscal year that is not required to be reserved by subsection (a); multiplied by

“(ii)(I) the number of State residents who have attained 65 years of age or are individuals with a disability, as determined by the Secretary using the most recent version of the American Community Survey published by the Bureau of the Census or a successor data set; divided by

“(II) the total number of such residents of all States.

“(2) GRANTS TO INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—
“(A) IN GENERAL.—The Secretary, in consultation with the Indian tribes and tribal organizations, shall make grants in accordance with this section to Indian tribes and tribal organizations who operate at least 1 eligible setting.

“(B) GRANT FORMULA.—The Secretary, in consultation with the Indian tribes and tribal organizations, shall devise a formula for distributing among Indian tribes and tribal organizations the amount required to be reserved by subsection (a) for each fiscal year.

“(3) SUB-GRANTS.—A State, Indian tribe, or tribal organization to which an amount is paid under this paragraph may use the amount to make subgrants to local organizations, including community organizations, local non-profits, elder rights and justice groups, and workforce development boards for any purpose described in paragraph (1) or (2) of subsection (c).

“(c) USE OF FUNDS.—

“(1) REQUIRED USES.—A State to which an amount is paid under subsection (b) shall use the amount to—

“(A) provide wage subsidies to eligible individuals;
“(B) provide student loan repayment or tuition assistance to eligible individuals for a degree or certification in a field relevant to their position referred to in subsection (f)(1)(A);

“(C) guarantee affordable and accessible child care for eligible individuals, including help with referrals, co-pays, or other direct assistance; and

“(D) provide assistance where necessary with obtaining appropriate transportation, including public transportation if available, or gas money or transit vouchers for ride share, taxis, and similar types of transportation if public transportation is unavailable or impractical based on work hours or location.

“(2) AUTHORIZED USES.—A State to which an amount is paid under subsection (b) may use the amount to—

“(A) establish a reserve fund for financial assistance to eligible individuals in emergency situations;

“(B) provide in-kind resource donations, such as interview clothing and conference attendance fees;
“(C) provide assistance with programs and activities, including legal assistance, deemed necessary to address arrest or conviction records that are an employment barrier;

“(D) support employers operating an eligible setting in the State in providing employees with not less than 2 weeks of paid leave per year; or

“(E) provide other support services the Secretary deems necessary to allow for successful recruitment and retention of workers.

“(3) PROVISION OF FUNDS ONLY FOR THE BENEFIT OF ELIGIBLE INDIVIDUALS IN ELIGIBLE SETTINGS.—A State to which an amount is paid under subsection (b) may provide the amount to only an eligible individual or a partner organization serving an eligible individual.

“(4) NONSUPPLANTATION.—A State to which an amount is paid under subsection (b) shall not use the amount to supplant the expenditure of any State funds for recruiting or retaining employees in an eligible setting.

“(d) ADMINISTRATION.—A State to which a grant is made under subsection (b) shall reserve not more than 10 percent of the grant to—
“(1) administer subgrants in accordance with this section;

“(2) provide technical assistance and support for applying for and accessing such a subgrant opportunity;

“(3) publicize the availability of the subgrants;

“(4) carry out activities to increase the supply of eligible individuals; and

“(5) provide technical assistance to help subgrantees find and train individuals to provide the services for which they are contracted.

“(e) DEFINITIONS.—In this section:

“(1) ELIGIBLE INDIVIDUAL.—The term ‘eligible individual’ means an individual who—

“(A)(i) is a qualified home health aide, as defined in section 484.80(a) of title 42, Code of Federal Regulations;

“(ii) is a nurse aide approved by the State as meeting the requirements of sections 483.150 through 483.154 of such title, and is listed in good standing on the State nurse aide registry;

“(iii) is a personal care aide approved by the State, and furnishes personal care services, as defined in section 440.167 of such title;
“(iv) is a qualified hospice aide, as defined in section 418.76 of such title; or
“(v) is a licensed practical nurse or a licensed or certified social worker; or
“(vi) is receiving training to be certified or licensed as such an aide, nurse, or social worker; and
“(B) provides (or, in the case of a trainee, intends to provide) services as such an aide, nurse, or social worker in an eligible setting.
“(2) ELIGIBLE SETTING.—The term ‘eligible setting’ means—
“(A) a skilled nursing facility, as defined in section 1819;
“(B) a nursing facility, as defined in section 1919;
“(C) a home health agency, as defined in section 1891;
“(D) a facility provider approved to deliver home or community-based services authorized under State options described in subsection (c) or (i) of section 1915 or, as relevant, demonstration projects authorized under section 1115;
“(E) a hospice, as defined in section 1814;

or

“(F) a tribal assisted living facility.

“(3) TRIBAL ORGANIZATION.—The term ‘tribal organization’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act.”.

(b) ADULT PROTECTIVE SERVICES FUNCTIONS AND GRANT PROGRAMS.—

(1) DIRECT FUNDING; STATE ENTITLEMENT.—

Section 2042 of the Social Security Act (42 U.S.C. 1397m–1) is amended—

(A) in subsection (a)—

(i) in paragraph (1)(A)—

(I) by striking “offices” and inserting “programs”; and

(II) by inserting “and adults who are under a disability (as defined in section 216(i)(1))” before the semi-colon; and

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

“(2) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there are appropriated to the Secretary $8,000,000 for each of
fiscal years 2023 through 2025 to carry out this subsection.”;

(B) in subsection (b)—

(i) in paragraph (2)—

(I) in subparagraph (A), by striking “the availability of appropriations and”; and

(II) in subparagraph (B)—

(aa) in the heading for clause (i), by inserting “AND THE DISTRICT OF COLUMBIA” after “STATES”; and

(bb) in clause (ii), by inserting “or the District of Columbia” after “States”; and

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

“(5) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there are appropriated to the Secretary for each of fiscal years 2023 through 2025—

“(A) $392,000,000 for grants to States under this subsection; and
“(B) $8,000,000 for grants to Indian tribes and tribal organizations under this sub-
section.”; and

(C) in subsection (c), by striking para-
graph (6) and inserting the following:

“(6) APPROPRIATION.—Out of any money in
the Treasury not otherwise appropriated, there are
appropriated to the Secretary $75,000,000 for each
of fiscal years 2023 through 2025 to carry out this
subsection.”.

(2) STATE ENTITLEMENT; GRANTS TO INDIAN
TRIBES AND TRIBAL ORGANIZATIONS.—Section 2042
of such Act (42 U.S.C. 1397m–1) is amended—

(A) in subsection (a)(1)(A), by striking
“State and local” and inserting “State, local,
and tribal”;

(B) in subsection (b)(1), by striking “the
Secretary shall annually award grants to States
in the amounts calculated under paragraph (2)”
and inserting “each State shall be entitled to
annually receive from the Secretary in the
amounts calculated under paragraph (2), and
the Secretary may annually award to each In-
dian tribe and tribal organization in accordance
with paragraph (3), grants”;
(C) in subsection (b)(2)—

(i) in the paragraph heading, by inser-
ting “FOR A STATE” after “PAYMENT”;

(ii) in subparagraph (A), by striking
“to carry out” and inserting “for grants to
States under”; and

(iii) in subparagraph (B)(i), by strik-
ing “such year” and inserting “for grants
to States under this subsection for the fis-
cal year”; and

(D) in subsection (b), by redesignating
paragraphs (3) through (5) as paragraphs (4)
through (6), respectively, and inserting after
paragraph (2) the following:

“(3) AMOUNT OF PAYMENT TO INDIAN TRIBE
OR TRIBAL ORGANIZATION.—The Secretary, in con-
sultation with Indian tribes and tribal organizations,
shall determine the amount of any grant to be made
to each Indian tribe and tribal organization under
this subsection. Paragraphs (4) and (5) shall apply
to grantees under this paragraph in the same man-
ner in which the paragraphs apply to States.”;

(E) in subsection (e)—
(i) in paragraph (1), by striking “to States” and inserting “to States, Indian tribes, and tribal organizations”;

(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by inserting “and Indian tribes and tribal organizations” after “government”; and

(II) in subparagraph (D), by inserting “or Indian tribe or tribal organization, as the case may be” after “government”;

(iii) in paragraph (4), by inserting “or Indian tribe or tribal organization” after “a State” the 1st place it appears; and

(iv) in paragraph (5)—

(I) by inserting “or Indian tribe or tribal organization” after “Each State”; and

(II) by inserting “or Indian tribe or tribal organization, as the case may be” after “the State”; and

(F) by adding at the end the following:

“(d) DEFINITIONS OF INDIAN TRIBE AND TRIBAL ORGANIZATION.—In this section, the terms ‘Indian tribe’
and ‘tribal organization’ have the meanings given the
terms in section 419.”.

(3) Conforming Amendment.—Section 2011(2) of such Act (42 U.S.C. 1397j(2)) is amend-
ed by striking “such services provided to adults as
the Secretary may specify” and inserting “services
provided by an entity authorized by or under State
law address neglect, abuse, and exploitation of older
adults and people with disabilities”.

(c) Long-Term Care Ombudsman Program
Grants and Training.—Section 2043 of the Social Se-
curity Act (42 U.S.C. 1397m–2) is amended—

(1) in subsection (a), by striking paragraph (2)
and inserting the following:

“(2) Appropriation.—Out of any money in
the Treasury not otherwise appropriated, there are
appropriated to the Secretary to carry out this sub-
section—

“(A) $22,500,000 for fiscal year 2023; and

“(B) $30,000,000 for each of fiscal years
2024 and 2025.”; and

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

“(2) Appropriation.—Out of any money in
the Treasury not otherwise appropriated, there are
appropriated to the Secretary $30,000,000 for each of fiscal years 2023 through 2025 to carry out this subsection.”.

(d) INCENTIVES FOR DEVELOPING AND SUSTAINING STRUCTURAL COMPETENCY IN PROVIDING HEALTH AND HUMAN SERVICES.—Part II of subtitle B of title XX of the Social Security Act (42 U.S.C. 1397m-1397m–5) is amended by adding at the end the following:

“SEC. 2047. INCENTIVES FOR DEVELOPING AND SUSTAINING STRUCTURAL COMPETENCY IN PROVIDING HEALTH AND HUMAN SERVICES.

“(a) GRANTS TO STATES TO SUPPORT LINKAGES TO LEGAL SERVICES AND MEDICAL LEGAL PARTNERSHIPS.—

“(1) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there are appropriated to the Secretary $125,000,000 for each of fiscal years 2022 through 2025 to carry out this subsection.

“(2) GRANTS.—Within 2 years after the date of the enactment of this section, the Secretary shall establish and administer a program of grants to States to support the adoption of evidence-based approaches to establishing or improving and maintaining real-time linkages between health and social
services and supports for vulnerable elders or in con-
junction with authorized representatives of vulner-
able elders, including through the following:

“(A) MEDICAL-LEGAL PARTNERSHIPS.—
The establishment and support of medical-legal
partnerships, the incorporation of the partner-
ships in the elder justice framework and health
and human services safety net, and the imple-
mentation and operation of such a partnership
by an eligible grantee—

“(i) at the option of a State, in con-
junction with an area agency on aging;

“(ii) in a solo provider practice in a
health professional shortage area (as de-

defined in section 332(a) of the Public
Health Service Act), a medically under-
served community (as defined in section
399V of such Act), or a rural area (as de-
defined in section 330J of such Act);

“(iii) in a minority-serving institution
of higher learning with health, law, and so-
cial services professional programs;

“(iv) in a federally qualified health
center, as described in section 330 of the
Public Health Service Act, or look-alike, as
described in section 1905(l)(2)(B) of this Act; or

“(v) in certain hospitals that are critical access hospitals, Medicare-dependent hospitals, sole community hospitals, rural emergency hospitals, or that serve a high proportion of Medicare or Medicaid patients.

“(B) LEGAL HOTLINES DEVELOPMENT OR EXPANSION.—The provision of incentives to develop, enhance, and integrate platforms, such as legal assistance hotlines, that help to facilitate the identification of older adults who could benefit from linkages to available legal services such as those described in subparagraph (A).

“(3) STATE REPORTS.—Each State to which a grant is made under this subsection shall submit to the Secretary biannual reports on the activities carried out by the State pursuant to this subsection, which shall include assessments of the effectiveness of the activities with respect to—

“(A) the number of unique individuals identified through the mechanism outlined in paragraph (2)(B) who are referred to services
described in paragraph (2)(A), and the average
time period associated with resolving issues;

“(B) the success rate for referrals to com-

“(C) other factors determined relevant by
the Secretary.

“(4) EVALUATION.—The Secretary shall, by
grant, contract, or interagency agreement, evaluate
the activities conducted pursuant to this subsection,
which shall include a comparison among the States.

“(5) SUPPLEMENT NOT SUPPLANT.—Support
provided to area agencies on aging, State units on
aging, eligible entities, or other community-based or-
ganizations pursuant to this subsection shall be used
to supplement and not supplant any other Federal,
State, or local funds expended to provide the same
or comparable services described in this subsection.

“(b) GRANTS AND TRAINING TO SUPPORT AREA
AGENCIES ON AGING OR OTHER COMMUNITY-BASED OR-
GANIZATIONS TO ADDRESS SOCIAL ISOLATION AMONG
VULNERABLE OLDER ADULTS AND PEOPLE WITH DIS-
ABILITIES.—

“(1) APPROPRIATION.—Out of any money in
the Treasury not otherwise appropriated, there are
appropriated to the Secretary $62,500,000 for each
of fiscal years 2022 through 2025 for the grants, training, evaluation, and coordination provided for in this subsection.

“(2) GRANTS.—The Secretary shall make grants to eligible area agencies on aging or other community-based organizations for the purpose of—

“(A) conducting outreach to individuals at risk for, or already experiencing, social isolation or loneliness, through established screening tools or other methods identified by the Secretary;

“(B) developing community-based interventions for the purposes of mitigating loneliness or social isolation (including evidence-based programs, as defined by the Secretary, developed with multi-stakeholder input for the purposes of promoting social connection, mitigating social isolation or loneliness, or preventing social isolation or loneliness) among at-risk individuals;

“(C) connecting at-risk individuals with community social and clinical supports; and

“(D) evaluating the effect of programs developed and implemented under subparagraphs (B) and (C).
“(3) TRAINING.—The Secretary shall establish programs to provide and improve training for area agencies on aging or community-based organizations with respect to addressing and preventing social isolation and loneliness among older adults and people with disabilities.

“(4) EVALUATION.—Not later than 3 years after the date of the enactment of this section and at least once after fiscal year 2025, the Secretary shall submit to the Congress a written report which assesses the extent to which the programs established under this subsection address social isolation and loneliness among older adults and people with disabilities.

“(5) COORDINATION.—The Secretary shall coordinate with resource centers, grant programs, or other funding mechanisms established under section 411(a)(18) of the Older Americans Act (42 U.S.C. 3032(a)(18)), section 417(a)(1) of such Act (42 U.S.C. 3032F(a)(1)), or other programs as determined by the Secretary.

“(c) DEFINITIONS.—In this section:

“(1) AREA AGENCY ON AGING.—The term ‘area agency on aging’ means an area agency on aging
designated under section 305 of the Older Americans Act of 1965.

“(2) Social isolation.—The term ‘social isolation’ means objectively being alone, or having few relationships or infrequent social contact.

“(3) Loneliness.—The term ‘loneliness’ means subjectively feeling alone, or the discrepancy between one’s desired level of social connection and one’s actual level of social connection.

“(4) Social connection.—The term ‘social connection’ means the variety of ways one can connect to others socially, through physical, behavioral, social–cognitive, and emotional channels.

“(5) Community-based organization.—The term ‘community-based organization’ includes, except as otherwise provided by the Secretary, a non-profit community-based organization, a consortium of nonprofit community-based organizations, a national nonprofit organization acting as an intermediary for a community-based organization, or a community-based organization that has a fiscal sponsor that allows the organization to function as an organization described in section 501(e)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code.”
(e) **TECHNICAL AMENDMENT.**—Section 2011(12)(A) of the Social Security Act (42 U.S.C. 1397j(12)(A)) is amended by striking “450b” and inserting “5304”.

**SEC. 134202. APPROPRIATION FOR ASSESSMENTS.**

Out of any money in the Treasury not otherwise appropriated, there are appropriated to the Secretary of Health and Human Services $5,000,000 for each of fiscal years 2022 through 2025 to prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, not later than 3 years after the date of enactment of this Act, and at least once after fiscal year 2025, reports on the programs, coordinating bodies, registries, and activities established or authorized under subtitle B of title XX of the Social Security Act (42 U.S.C. 13971 et seq.) or section 6703(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 1395i–3a), which shall assess the extent to which such programs, coordinating bodies, registries, and activities have improved access to, and the quality of, resources available to aging Americans and their caregivers to ultimately prevent, detect, and treat abuse, neglect, and exploitation, and shall include, as appropriate, recommendations to Congress on funding levels and policy changes to help these programs, coordinating
bodies, registries, and activities better prevent, detect, and treat abuse, neglect, and exploitation of aging Americans.