

## **COMMITTEE PRINT**

### **Budget Reconciliation Legislative Recommendations for Subtitle E Relating to Elder Justice**

1       **PART 2—PROVISIONS RELATING TO ELDER**

2                                       **JUSTICE**

3       **SEC. 134201. REAUTHORIZATION OF FUNDING FOR PRO-**  
4                                       **GRAMS TO PREVENT, AND INVESTIGATE**  
5                                       **ELDER ABUSE, NEGLECT, AND EXPLOI-**  
6                                       **TATION.**

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

8       Section 2041 of the Social Security Act (42 U.S.C.  
9       1397m) is amended to read as follows:

10    **“SEC. 2041. NURSING HOME WORKER TRAINING GRANTS.**

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

15                     “(1) \$392,000,000 for grants under subsection  
16             (b)(1); and

17                     “(2) \$8,000,000 for grants under subsection  
18             (b)(2).

19             “(b) GRANTS.—

20                     “(1) STATE ENTITLEMENT.—

1           “(A) IN GENERAL.—Each State shall be  
2 entitled to receive from the Secretary for each  
3 fiscal year specified in subsection (a) a grant in  
4 an amount equal to the amount allotted to the  
5 State under subparagraph (B) of this para-  
6 graph.

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

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

14           “(ii)(I) the number of State residents  
15 who have attained 65 years of age or are  
16 individuals with a disability, as determined  
17 by the Secretary using the most recent  
18 version of the American Community Sur-  
19 vey published by the Bureau of the Census  
20 or a successor data set; divided by

21           “(II) the total number of such resi-  
22 dents of all States.

23           “(2) GRANTS TO INDIAN TRIBES AND TRIBAL  
24 ORGANIZATIONS.—

1           “(A) IN GENERAL.—The Secretary, in con-  
2           sultation with the Indian tribes and tribal orga-  
3           nizations, shall make grants in accordance with  
4           this section to Indian tribes and tribal organiza-  
5           tions who operate at least 1 eligible setting.

6           “(B) GRANT FORMULA.—The Secretary, in  
7           consultation with the Indian tribes and tribal  
8           organizations, shall devise a formula for distrib-  
9           uting among Indian tribes and tribal organiza-  
10          tions the amount required to be reserved by  
11          subsection (a) for each fiscal year.

12          “(3) SUB-GRANTS.—A State, Indian tribe, or  
13          tribal organization to which an amount is paid under  
14          this paragraph may use the amount to make sub-  
15          grants to local organizations, including community  
16          organizations, local non-profits, elder rights and jus-  
17          tice groups, and workforce development boards for  
18          any purpose described in paragraph (1) or (2) of  
19          subsection (c).

20          “(c) USE OF FUNDS.—

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

24                         “(A) provide wage subsidies to eligible in-  
25                         dividuals;

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

6           “(C) guarantee affordable and accessible  
7           child care for eligible individuals, including help  
8           with referrals, co-pays, or other direct assist-  
9           ance; and

10           “(D) provide assistance where necessary  
11           with obtaining appropriate transportation, in-  
12           cluding public transportation if available, or gas  
13           money or transit vouchers for ride share, taxis,  
14           and similar types of transportation if public  
15           transportation is unavailable or impractical  
16           based on work hours or location.

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

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

23           “(B) provide in-kind resource donations,  
24           such as interview clothing and conference at-  
25           tendance fees;

1           “(C) provide assistance with programs and  
2           activities, including legal assistance, deemed  
3           necessary to address arrest or conviction  
4           records that are an employment barrier;

5           “(D) support employers operating an eligi-  
6           ble setting in the State in providing employees  
7           with not less than 2 weeks of paid leave per  
8           year; or

9           “(E) provide other support services the  
10          Secretary deems necessary to allow for success-  
11          ful recruitment and retention of workers.

12          “(3) PROVISION OF FUNDS ONLY FOR THE  
13          BENEFIT OF ELIGIBLE INDIVIDUALS IN ELIGIBLE  
14          SETTINGS.—A State to which an amount is paid  
15          under subsection (b) may provide the amount to only  
16          an eligible individual or a partner organization serv-  
17          ing an eligible individual.

18          “(4) NONSUPPLANTATION.—A State to which  
19          an amount is paid under subsection (b) shall not use  
20          the amount to supplant the expenditure of any State  
21          funds for recruiting or retaining employees in an eli-  
22          gible setting.

23          “(d) ADMINISTRATION.—A State to which a grant is  
24          made under subsection (b) shall reserve not more than 10  
25          percent of the grant to—

1           “(1) administer subgrants in accordance with  
2 this section;

3           “(2) provide technical assistance and support  
4 for applying for and accessing such a subgrant op-  
5 portunity;

6           “(3) publicize the availability of the subgrants;

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

9           “(5) provide technical assistance to help sub-  
10 grantees find and train individuals to provide the  
11 services for which they are contracted.

12       “(e) DEFINITIONS.—In this section:

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

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

18           “(ii) is a nurse aide approved by the State  
19 as meeting the requirements of sections  
20 483.150 through 483.154 of such title, and is  
21 listed in good standing on the State nurse aide  
22 registry;

23           “(iii) is a personal care aide approved by  
24 the State, and furnishes personal care services,  
25 as defined in section 440.167 of such title;

1           “(iv) is a qualified hospice aide, as defined  
2           in section 418.76 of such title; or

3           “(v) is a licensed practical nurse or a li-  
4           censed or certified social worker; or

5           “(vi) is receiving training to be certified or  
6           licensed as such an aide, nurse, or social work-  
7           er; and

8           “(B) provides (or, in the case of a trainee,  
9           intends to provide) services as such an aide,  
10          nurse, or social worker in an eligible setting.

11          “(2) ELIGIBLE SETTING.—The term ‘eligible  
12          setting’ means—

13               “(A) a skilled nursing facility, as defined  
14               in section 1819;

15               “(B) a nursing facility, as defined in sec-  
16               tion 1919;

17               “(C) a home health agency, as defined in  
18               section 1891;

19               “(D) a facility provider approved to deliver  
20               home or community-based services authorized  
21               under State options described in subsection (c)  
22               or (i) of section 1915 or, as relevant, dem-  
23               onstration projects authorized under section  
24               1115;

1                   “(E) a hospice, as defined in section 1814;

2                   or

3                   “(F) a tribal assisted living facility.

4                   “(3) TRIBAL ORGANIZATION.—The term ‘tribal  
5                   organization’ has the meaning given the term in sec-  
6                   tion 4 of the Indian Self-Determination and Edu-  
7                   cation Assistance Act.”.

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

10                   (1) DIRECT FUNDING; STATE ENTITLEMENT.—

11                   Section 2042 of the Social Security Act (42 U.S.C.  
12                   1397m–1) is amended—

13                   (A) in subsection (a)—

14                   (i) in paragraph (1)(A)—

15                   (I) by striking “offices” and in-  
16                   serting “programs”; and

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

21                   (ii) by striking paragraph (2) and in-  
22                   serting the following:

23                   “(2) APPROPRIATION.—Out of any money in  
24                   the Treasury not otherwise appropriated, there are  
25                   appropriated to the Secretary \$8,000,000 for each of



1 fiscal years 2023 through 2025 to carry out this  
2 subsection.”;

3 (B) in subsection (b)—

4 (i) in paragraph (2)—

5 (I) in subparagraph (A), by strik-  
6 ing “the availability of appropriations  
7 and”; and

8 (II) in subparagraph (B)—

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

13 (bb) in clause (ii), by insert-  
14 ing “or the District of Columbia”  
15 after “States”; and

16 (ii) by striking paragraph (5) and in-  
17 serting the following:

18 “(5) APPROPRIATION.—Out of any money in  
19 the Treasury not otherwise appropriated, there are  
20 appropriated to the Secretary for each of fiscal years  
21 2023 through 2025—

22 “(A) \$392,000,000 for grants to States  
23 under this subsection; and

1           “(B) \$8,000,000 for grants to Indian  
2           tribes and tribal organizations under this sub-  
3           section.”; and

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

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

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

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

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

1 (C) in subsection (b)(2)—

2 (i) in the paragraph heading, by in-  
3 sserting “FOR A STATE” after “PAYMENT”;

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

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

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

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

23 (E) in subsection (c)—

1 (i) in paragraph (1), by striking “to  
2 States” and inserting “to States, Indian  
3 tribes, and tribal organizations”;

4 (ii) in paragraph (2)—

5 (I) in the matter preceding sub-  
6 paragraph (A), by inserting “and In-  
7 dian tribes and tribal organizations”  
8 after “government”; and

9 (II) in subparagraph (D), by in-  
10 sserting “or Indian tribe or tribal orga-  
11 nization, as the case may be” after  
12 “government”;

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

16 (iv) in paragraph (5)—

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

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

23 (F) by adding at the end the following:

24 “(d) DEFINITIONS OF INDIAN TRIBE AND TRIBAL  
25 ORGANIZATION.—In this section, the terms ‘Indian tribe’

1 and ‘tribal organization’ have the meanings given the  
2 terms in section 419.”.

3           (3) CONFORMING AMENDMENT.—Section  
4           2011(2) of such Act (42 U.S.C. 1397j(2)) is amend-  
5           ed by striking “such services provided to adults as  
6           the Secretary may specify” and inserting “services  
7           provided by an entity authorized by or under State  
8           law address neglect, abuse, and exploitation of older  
9           adults and people with disabilities”.

10          (c) LONG-TERM CARE OMBUDSMAN PROGRAM  
11 GRANTS AND TRAINING.—Section 2043 of the Social Se-  
12 curity Act (42 U.S.C. 1397m–2) is amended—

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

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

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

20                   “(B) \$30,000,000 for each of fiscal years  
21                   2024 and 2025.”; and

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

24           “(2) APPROPRIATION.—Out of any money in  
25           the Treasury not otherwise appropriated, there are

1       appropriated to the Secretary \$30,000,000 for each  
2       of fiscal years 2023 through 2025 to carry out this  
3       subsection.”.

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

9       **“SEC. 2047. INCENTIVES FOR DEVELOPING AND SUS-**  
10                                   **TAINING STRUCTURAL COMPETENCY IN PRO-**  
11                                   **VIDING HEALTH AND HUMAN SERVICES.**

12       “(a) GRANTS TO STATES TO SUPPORT LINKAGES TO  
13       LEGAL SERVICES AND MEDICAL LEGAL PARTNER-  
14       SHIPS.—

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

20               “(2) GRANTS.—Within 2 years after the date of  
21       the enactment of this section, the Secretary shall es-  
22       tablish and administer a program of grants to States  
23       to support the adoption of evidence-based ap-  
24       proaches to establishing or improving and maintain-  
25       ing real-time linkages between health and social

1 services and supports for vulnerable elders or in con-  
2 junction with authorized representatives of vulner-  
3 able elders, including through the following:

4 “(A) MEDICAL-LEGAL PARTNERSHIPS.—

5 The establishment and support of medical-legal  
6 partnerships, the incorporation of the partner-  
7 ships in the elder justice framework and health  
8 and human services safety net, and the imple-  
9 mentation and operation of such a partnership  
10 by an eligible grantee—

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

13 “(ii) in a solo provider practice in a  
14 health professional shortage area (as de-  
15 fined in section 332(a) of the Public  
16 Health Service Act), a medically under-  
17 served community (as defined in section  
18 399V of such Act), or a rural area (as de-  
19 fined in section 330J of such Act);

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

23 “(iv) in a federally qualified health  
24 center, as described in section 330 of the  
25 Public Health Service Act, or look-alike, as

1 described in section 1905(l)(2)(B) of this  
2 Act; or

3 “(v) in certain hospitals that are crit-  
4 ical access hospitals, Medicare-dependent  
5 hospitals, sole community hospitals, rural  
6 emergency hospitals, or that serve a high  
7 proportion of Medicare or Medicaid pa-  
8 tients.

9 “(B) LEGAL HOTLINES DEVELOPMENT OR  
10 EXPANSION.—The provision of incentives to de-  
11 velop, enhance, and integrate platforms, such as  
12 legal assistance hotlines, that help to facilitate  
13 the identification of older adults who could ben-  
14 efit from linkages to available legal services  
15 such as those described in subparagraph (A).

16 “(3) STATE REPORTS.—Each State to which a  
17 grant is made under this subsection shall submit to  
18 the Secretary biannual reports on the activities car-  
19 ried out by the State pursuant to this subsection,  
20 which shall include assessments of the effectiveness  
21 of the activities with respect to—

22 “(A) the number of unique individuals  
23 identified through the mechanism outlined in  
24 paragraph (2)(B) who are referred to services



1 described in paragraph (2)(A), and the average  
2 time period associated with resolving issues;

3 “(B) the success rate for referrals to com-  
4 munity-based resources; and

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

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

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

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

23 “(1) APPROPRIATION.—Out of any money in  
24 the Treasury not otherwise appropriated, there are  
25 appropriated to the Secretary \$62,500,000 for each

1 of fiscal years 2022 through 2025 for the grants,  
2 training, evaluation, and coordination provided for in  
3 this subsection.

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

7 “(A) conducting outreach to individuals at  
8 risk for, or already experiencing, social isolation  
9 or loneliness, through established screening  
10 tools or other methods identified by the Sec-  
11 retary;

12 “(B) developing community-based interven-  
13 tions for the purposes of mitigating loneliness  
14 or social isolation (including evidence-based pro-  
15 grams, as defined by the Secretary, developed  
16 with multi-stakeholder input for the purposes of  
17 promoting social connection, mitigating social  
18 isolation or loneliness, or preventing social iso-  
19 lation or loneliness) among at-risk individuals;

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

22 “(D) evaluating the effect of programs de-  
23 veloped and implemented under subparagraphs  
24 (B) and (C).

1           “(3) TRAINING.—The Secretary shall establish  
2 programs to provide and improve training for area  
3 agencies on aging or community-based organizations  
4 with respect to addressing and preventing social iso-  
5 lation and loneliness among older adults and people  
6 with disabilities.

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

15           “(5) COORDINATION.—The Secretary shall co-  
16 ordinate with resource centers, grant programs, or  
17 other funding mechanisms established under section  
18 411(a)(18) of the Older Americans Act (42 U.S.C.  
19 3032(a)(18)), section 417(a)(1) of such Act (42  
20 U.S.C. 3032F(a)(1)), or other programs as deter-  
21 mined by the Secretary.

22           “(c) DEFINITIONS.—In this section:

23           “(1) AREA AGENCY ON AGING.—The term ‘area  
24 agency on aging’ means an area agency on aging

1 designated under section 305 of the Older Ameri-  
2 cans Act of 1965.

3 “(2) SOCIAL ISOLATION.—The term ‘social iso-  
4 lation’ means objectively being alone, or having few  
5 relationships or infrequent social contact.

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

10 “(4) SOCIAL CONNECTION.—The term ‘social  
11 connection’ means the variety of ways one can con-  
12 nect to others socially, through physical, behavioral,  
13 social–cognitive, and emotional channels.

14 “(5) COMMUNITY-BASED ORGANIZATION.—The  
15 term ‘community-based organization’ includes, ex-  
16 cept as otherwise provided by the Secretary, a non-  
17 profit community-based organization, a consortium  
18 of nonprofit community-based organizations, a na-  
19 tional nonprofit organization acting as an inter-  
20 mediary for a community-based organization, or a  
21 community-based organization that has a fiscal  
22 sponsor that allows the organization to function as  
23 an organization described in section 501(c)(3) of the  
24 Internal Revenue Code of 1986 and exempt from  
25 taxation under section 501(a) of such Code.”.

1 (e) TECHNICAL AMENDMENT.—Section 2011(12)(A)  
2 of the Social Security Act (42 U.S.C. 1397j(12)(A)) is  
3 amended by striking “450b” and inserting “5304”.

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

5 Out of any money in the Treasury not otherwise ap-  
6 propriated, there are appropriated to the Secretary of  
7 Health and Human Services \$5,000,000 for each of fiscal  
8 years 2022 through 2025 to prepare and submit to the  
9 Committee on Ways and Means of the House of Rep-  
10 resentatives and the Committee on Finance of the Senate,  
11 not later than 3 years after the date of enactment of this  
12 Act, and at least once after fiscal year 2025, reports on  
13 the programs, coordinating bodies, registries, and activi-  
14 ties established or authorized under subtitle B of title XX  
15 of the Social Security Act (42 U.S.C. 13971 et seq.) or  
16 section 6703(b) of the Patient Protection and Affordable  
17 Care Act (42 U.S.C. 1395i–3a), which shall assess the ex-  
18 tent to which such programs, coordinating bodies, reg-  
19 istries, and activities have improved access to, and the  
20 quality of, resources available to aging Americans and  
21 their caregivers to ultimately prevent, detect, and treat  
22 abuse, neglect, and exploitation, and shall include, as ap-  
23 propriate, recommendations to Congress on funding levels  
24 and policy changes to help these programs, coordinating

- 1 bodies, registries, and activities better prevent, detect, and
- 2 treat abuse, neglect, and exploitation of aging Americans.

