

Subsec. (a)(2)(G). Pub. L. 102-375, §305(a)(2)(E), added subpar. (G).

Subsec. (b)(1). Pub. L. 102-375, §904(a)(11)(B)(i), substituted "requirement of subsection (a)(1) of this section" for "requirement of clause (1) of subsection (a) of this section".

Subsec. (b)(2). Pub. L. 102-375, §904(a)(11)(B)(ii), substituted "designated under subsection (a)(1) of this section" for "designated under such clause".

Subsec. (b)(4). Pub. L. 102-375, §904(a)(11)(B)(i), substituted "subsection (a)(1) of this section" for "clause (1) of subsection (a) of this section".

Subsec. (b)(5)(A). Pub. L. 102-375, §102(b)(10)(B), substituted "area agency on aging" for "area agency" in two places.

Subsec. (b)(5)(C). Pub. L. 102-375, §305(b), added subpar. (C).

Subsec. (c). Pub. L. 102-375, §102(b)(10)(D), substituted "area agency on aging" for "area agency" in concluding provisions of first sentence.

Subsec. (c)(2). Pub. L. 102-375, §102(b)(10)(C), substituted "area agency on aging" for "area agency".

Subsec. (d). Pub. L. 102-375, §904(a)(11)(C), substituted "paragraph" for "clause" in introductory provisions.

1988—Subsec. (a)(1)(E). Pub. L. 100-628, §705(4)(A), substituted "such areas," for "such areas,," before "distribution of resources".

Subsec. (d). Pub. L. 100-628, §705(4)(B), redesignated subpars. (A), (B), (C), and (D) as pars. (1), (2), (3), and (4), respectively.

1987—Subsec. (a)(1)(E). Pub. L. 100-175, §§132(a)(1), 134(a)(1), 182(g), substituted "the distribution of older individuals who have greatest economic need (with particular attention to low-income minority individuals) residing in such areas, the distribution of older individuals who have greatest social need (with particular attention to low-income minority individuals) residing in such areas," for "the distribution of older individuals who have low incomes residing in such areas", inserted "the distribution of older Indians residing in such areas," after second reference to "such areas,," and substituted "legal assistance" for "legal services".

Subsec. (a)(2)(C). Pub. L. 100-175, §182(h), inserted "in accordance with subsection (d) of this section" before semicolon at end.

Subsec. (a)(2)(F). Pub. L. 100-175, §132(a)(2), added subpar. (F).

Subsec. (c)(2). Pub. L. 100-175, §124(1), inserted "to function only" after "designated".

Subsec. (c)(3). Pub. L. 100-175, §124(2), inserted "only" after "to act".

Subsec. (c)(4). Pub. L. 100-175, §124(3), inserted " , or any separate organizational unit within such agency," after first reference to "area" and substituted "and will engage only" for "engage".

Subsec. (d). Pub. L. 100-175, §182(e)(2), struck out par. (1) designation before "The publication for review" and struck out par. (2) which read as follows: "For purposes of clause (2)(E) of subsection (a) of this section and paragraph (1) of this subsection, the term 'greatest economic need' means the need resulting from an income level at or below the poverty threshold established by the Bureau of the Census, and the term 'greatest social need' means the need caused by noneconomic factors which include physical and mental disabilities, language barriers, and cultural or social isolation including that caused by racial or ethnic status which restricts an individual's ability to perform normal daily tasks or which threatens his or her capacity to live independently."

1984—Subsec. (a)(1)(E). Pub. L. 98-459, §305(a)(1), substituted "subsection (b)(5)(A) of this section" for "subsection (b)(5) of this section".

Subsec. (a)(2)(E). Pub. L. 98-459, §305(a)(2), inserted " , with particular attention to low-income minority individuals,".

Subsec. (b)(3). Pub. L. 98-459, §305(b)(1), substituted "the Commissioner shall adjust" for "he shall adjust".

Subsec. (b)(5). Pub. L. 98-459, §305(b), designated existing provisions as subpar. (A) and added subpar. (B).

Subsec. (d). Pub. L. 98-459, §305(c), added subsec. (d). 1981—Subsec. (a)(1)(E). Pub. L. 97-115, §§3(d), 5(a), substituted "divide the State into distinct planning and service areas (or in the case of a State specified in subsection (b)(5) of this section, designate the entire State as a single planning and service area)" for "divide the State into distinct areas" and "supportive services" for "social services" in two places.

Subsec. (a)(2)(A). Pub. L. 97-115, §5(b), substituted "except as provided in subsection (b)(5) of this section, designate for each such area" for "determine for which planning and service area an area plan will be developed, in accordance with section 3026 of this title, and for each such area designate,".

Subsec. (a)(2)(B). Pub. L. 97-115, §3(d), substituted "supportive services" for "social services".

Subsec. (b)(5). Pub. L. 97-115, §5(c), added par. (5).

Subsec. (c)(4). Pub. L. 97-115, §3(d), substituted "supportive services" for "social services".

Subsec. (c)(5). Pub. L. 97-115, §5(d), added par. (5).

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by section 305 of Pub. L. 102-375 inapplicable with respect to fiscal year 1993, see section 4(b) of Pub. L. 103-171, set out as a note under section 3001 of this title.

Amendment by section 305 of Pub. L. 102-375 inapplicable with respect to fiscal year 1992, see section 905(b)(2) of Pub. L. 102-375, set out as a note under section 3001 of this title.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-175 effective Oct. 1, 1987, except not applicable with respect to any area plan submitted under section 3026(a) of this title or any State plan submitted under section 3027(a) of this title and approved for any fiscal year beginning before Nov. 29, 1987, see section 701(a), (b) of Pub. L. 100-175, set out as a note under section 3001 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-459 effective Oct. 9, 1984, see section 803(a) of Pub. L. 98-459, set out as a note under section 3001 of this title.

§ 3026. Area plans

(a) Preparation and development by area agency on aging; requirements

Each area agency on aging designated under section 3025(a)(2)(A) of this title shall, in order to be approved by the State agency, prepare and develop an area plan for a planning and service area for a two-, three-, or four-year period determined by the State agency, with such annual adjustments as may be necessary. Each such plan shall be based upon a uniform format for area plans within the State prepared in accordance with section 3027(a)(1) of this title. Each such plan shall—

- (1) provide, through a comprehensive and coordinated system, for supportive services, nutrition services, and, where appropriate, for the establishment, maintenance, or construction of multipurpose senior centers, within the planning and service area covered by the plan, including determining the extent of need for supportive services, nutrition services, and multipurpose senior centers in such area (taking into consideration, among other things, the number of older individuals with low incomes residing in such area, the number of older individuals who have greatest economic need (with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with

limited English proficiency, and older individuals residing in rural areas) residing in such area, the number of older individuals who have greatest social need (with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas) residing in such area, the number of older individuals at risk for institutional placement residing in such area, and the number of older individuals who are Indians residing in such area, and the efforts of voluntary organizations in the community), evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of supportive services, nutrition services, or multipurpose senior centers in such area, for the provision of such services or centers to meet such need;

(2) provide assurances that an adequate proportion, as required under section 3027(a)(2) of this title, of the amount allotted for part B of this subchapter to the planning and service area will be expended for the delivery of each of the following categories of services—

(A) services associated with access to services (transportation, health services (including mental health services), outreach, information and assistance (which may include information and assistance to consumers on availability of services under part B and how to receive benefits under and participate in publicly supported programs for which the consumer may be eligible), and case management services);

(B) in-home services, including supportive services for families of older individuals who are victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction);¹ and

(C) legal assistance;

and assurances that the area agency on aging will report annually to the State agency in detail the amount of funds expended for each such category during the fiscal year most recently concluded;

(3)(A) designate, where feasible, a focal point for comprehensive service delivery in each community, giving special consideration to designating multipurpose senior centers (including multipurpose senior centers operated by organizations referred to in paragraph (6)(C)) as such focal point; and

(B) specify, in grants, contracts, and agreements implementing the plan, the identity of each focal point so designated;

(4)(A)(i)(I) provide assurances that the area agency on aging will—

(aa) set specific objectives, consistent with State policy, for providing services to older individuals with greatest economic need, older individuals with greatest social need, and older individuals at risk for institutional placement;

(bb) include specific objectives for providing services to low-income minority older individuals, older individuals with limited

English proficiency, and older individuals residing in rural areas; and

(II) include proposed methods to achieve the objectives described in items (aa) and (bb) of subclause (I);

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

(I) specify how the provider intends to satisfy the service needs of low-income minority individuals, older individuals with limited English proficiency, and older individuals residing in rural areas in the area served by the provider;

(II) to the maximum extent feasible, provide services to low-income minority individuals, older individuals with limited English proficiency, and older individuals residing in rural areas in accordance with their need for such services; and

(III) meet specific objectives established by the area agency on aging, for providing services to low-income minority individuals, older individuals with limited English proficiency, and older individuals residing in rural areas within the planning and service area; and

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

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

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

(III) provide information on the extent to which the area agency on aging met the objectives described in clause (i);

(B) provide assurances that the area agency on aging will use outreach efforts that will—

(i) identify individuals eligible for assistance under this chapter, with special emphasis on—

(I) older individuals residing in rural areas;

(II) older individuals with greatest economic need (with particular attention to low-income minority individuals and older individuals residing in rural areas);

(III) older individuals with greatest social need (with particular attention to low-income minority individuals and older individuals residing in rural areas);

(IV) older individuals with severe disabilities;

(V) older individuals with limited English proficiency;

(VI) older individuals with Alzheimer's disease and related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals); and

(VII) older individuals at risk for institutional placement; and

(ii) inform the older individuals referred to in subclauses (I) through (VI) of clause (i), and the caretakers of such individuals, of the availability of such assistance; and

¹ So in original. A closing parenthesis probably should not appear.

(C) contain an assurance that the area agency on aging will ensure that each activity undertaken by the agency, including planning, advocacy, and systems development, will include a focus on the needs of low-income minority older individuals and older individuals residing in rural areas;

(5) provide assurances that the area agency on aging will coordinate planning, identification, assessment of needs, and provision of services for older individuals with disabilities, with particular attention to individuals with severe disabilities and individuals at risk for institutional placement, with agencies that develop or provide services for individuals with disabilities;

(6) provide that the area agency on aging will—

(A) take into account in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under such plan;

(B) serve as the advocate and focal point for older individuals within the community by (in cooperation with agencies, organizations, and individuals participating in activities under the plan) monitoring, evaluating, and commenting upon all policies, programs, hearings, levies, and community actions which will affect older individuals;

(C)(i) where possible, enter into arrangements with organizations providing day care services for children, assistance to older individuals caring for relatives who are children, and respite for families, so as to provide opportunities for older individuals to aid or assist on a voluntary basis in the delivery of such services to children, adults, and families;

(ii) if possible regarding the provision of services under this subchapter, enter into arrangements and coordinate with organizations that have a proven record of providing services to older individuals, that—

(I) were officially designated as community action agencies or community action programs under section 210 of the Economic Opportunity Act of 1964 (42 U.S.C. 2790)² for fiscal year 1981, and did not lose the designation as a result of failure to comply with such Act; or

(II) came into existence during fiscal year 1982 as direct successors in interest to such community action agencies or community action programs; and

(iii) make use of trained volunteers in providing direct services delivered to older individuals and individuals with disabilities needing such services and, if possible, work in coordination with organizations that have experience in providing training, placement, and stipends for volunteers or participants (such as organizations carrying out Federal service programs administered by the Corporation for National and Community Service), in community service settings;

and that meet the requirements under section 9910 of this title;

(D) establish an advisory council consisting of older individuals (including minority individuals and older individuals residing in rural areas) who are participants or who are eligible to participate in programs assisted under this chapter, family caregivers of such individuals, representatives of older individuals, service providers, representatives of the business community, local elected officials, providers of veterans' health care (if appropriate), and the general public, to advise continuously the area agency on aging on all matters relating to the development of the area plan, the administration of the plan and operations conducted under the plan;

(E) establish effective and efficient procedures for coordination of—

(i) entities conducting programs that receive assistance under this chapter within the planning and service area served by the agency; and

(ii) entities conducting other Federal programs for older individuals at the local level, with particular emphasis on entities conducting programs described in section 3013(b) of this title, within the area;

(F) in coordination with the State agency and with the State agency responsible for mental health services, increase public awareness of mental health disorders, remove barriers to diagnosis and treatment, and coordinate mental health services (including mental health screenings) provided with funds expended by the area agency on aging with mental health services provided by community health centers and by other public agencies and nonprofit private organizations;

(G) if there is a significant population of older individuals who are Indians in the planning and service area of the area agency on aging, the area agency on aging shall conduct outreach activities to identify such individuals in such area and shall inform such individuals of the availability of assistance under this chapter;

(7) provide that the area agency on aging shall, consistent with this section, facilitate the area-wide development and implementation of a comprehensive, coordinated system for providing long-term care in home and community-based settings, in a manner responsive to the needs and preferences of older individuals and their family caregivers, by—

(A) collaborating, coordinating activities, and consulting with other local public and private agencies and organizations responsible for administering programs, benefits, and services related to providing long-term care;

(B) conducting analyses and making recommendations with respect to strategies for modifying the local system of long-term care to better—

(i) respond to the needs and preferences of older individuals and family caregivers;

(ii) facilitate the provision, by service providers, of long-term care in home and community-based settings; and

² See References in Text note below.

(iii) target services to older individuals at risk for institutional placement, to permit such individuals to remain in home and community-based settings;

(C) implementing, through the agency or service providers, evidence-based programs to assist older individuals and their family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease, and disability among older individuals; and

(D) providing for the availability and distribution (through public education campaigns, Aging and Disability Resource Centers, the area agency on aging itself, and other appropriate means) of information relating to—

(i) the need to plan in advance for long-term care; and

(ii) the full range of available public and private long-term care (including integrated long-term care) programs, options, service providers, and resources;

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

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

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

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

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

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

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

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

(9) provide assurances that the area agency on aging, in carrying out the State Long-Term Care Ombudsman program under section 3027(a)(9) of this title, will expend not less than the total amount of funds appropriated under this chapter and expended by the agency in fiscal year 2000 in carrying out such a program under this subchapter;

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

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

(A) information concerning whether there is a significant population of older Native Americans in the planning and service area

and if so, an assurance that the area agency on aging will pursue activities, including outreach, to increase access of those older Native Americans to programs and benefits provided under this subchapter;

(B) an assurance that the area agency on aging will, to the maximum extent practicable, coordinate the services the agency provides under this subchapter with services provided under subchapter X of this chapter; and

(C) an assurance that the area agency on aging will make services under the area plan available, to the same extent as such services are available to older individuals within the planning and service area, to older Native Americans; and³

(12) provide that the area agency on aging will establish procedures for coordination of services with entities conducting other Federal or federally assisted programs for older individuals at the local level, with particular emphasis on entities conducting programs described in section 3013(b) of this title within the planning and service area.⁴

(13) provide assurances that the area agency on aging will—

(A) maintain the integrity and public purpose of services provided, and service providers, under this subchapter in all contractual and commercial relationships;

(B) disclose to the Assistant Secretary and the State agency—

(i) the identity of each nongovernmental entity with which such agency has a contract or commercial relationship relating to providing any service to older individuals; and

(ii) the nature of such contract or such relationship;

(C) demonstrate that a loss or diminution in the quantity or quality of the services provided, or to be provided, under this subchapter by such agency has not resulted and will not result from such contract or such relationship;

(D) demonstrate that the quantity or quality of the services to be provided under this subchapter by such agency will be enhanced as a result of such contract or such relationship; and

(E) on the request of the Assistant Secretary or the State, for the purpose of monitoring compliance with this chapter (including conducting an audit), disclose all sources and expenditures of funds such agency receives or expends to provide services to older individuals;

(14) provide assurances that preference in receiving services under this subchapter will not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement this subchapter;

(15) provide assurances that funds received under this subchapter will be used—

(A) to provide benefits and services to older individuals, giving priority to older in-

³ So in original. The word “and” probably should not appear.

⁴ So in original. The period probably should be a semicolon.

dividuals identified in paragraph (4)(A)(i); and

(B) in compliance with the assurances specified in paragraph (13) and the limitations specified in section 3020c of this title;

(16) provide, to the extent feasible, for the furnishing of services under this chapter, consistent with self-directed care; and

(17) include information detailing how the area agency on aging will coordinate activities, and develop long-range emergency preparedness plans, with local and State emergency response agencies, relief organizations, local and State governments, and any other institutions that have responsibility for disaster relief service delivery.

(b) Assessment of preparation of area agencies

(1) An area agency on aging may include in the area plan an assessment of how prepared the area agency on aging and service providers in the planning and service area are for any anticipated change in the number of older individuals during the 10-year period following the fiscal year for which the plan is submitted.

(2) Such assessment may include—

(A) the projected change in the number of older individuals in the planning and service area;

(B) an analysis of how such change may affect such individuals, including individuals with low incomes, individuals with greatest economic need, minority older individuals, older individuals residing in rural areas, and older individuals with limited English proficiency;

(C) an analysis of how the programs, policies, and services provided by such area agency can be improved, and how resource levels can be adjusted to meet the needs of the changing population of older individuals in the planning and service area; and

(D) an analysis of how the change in the number of individuals age 85 and older in the planning and service area is expected to affect the need for supportive services.

(3) An area agency on aging, in cooperation with government officials, State agencies, tribal organizations, or local entities, may make recommendations to government officials in the planning and service area and the State, on actions determined by the area agency to build the capacity in the planning and service area to meet the needs of older individuals for—

- (A) health and human services;
- (B) land use;
- (C) housing;
- (D) transportation;
- (E) public safety;
- (F) workforce and economic development;
- (G) recreation;
- (H) education;
- (I) civic engagement;
- (J) emergency preparedness; and
- (K) any other service as determined by such agency.

(c) Waiver of requirements

Each State, in approving area agency on aging plans under this section, shall waive the requirement described in paragraph (2) of subsection (a)

of this section for any category of services described in such paragraph if the area agency on aging demonstrates to the State agency that services being furnished for such category in the area are sufficient to meet the need for such services in such area and had conducted a timely public hearing upon request.

(d) Transportation services; funds

(1) Subject to regulations prescribed by the Assistant Secretary, an area agency on aging designated under section 3025(a)(2)(A) of this title or, in areas of a State where no such agency has been designated, the State agency, may enter into agreements with agencies administering programs under the Rehabilitation Act of 1973 [29 U.S.C. 701 et seq.], and titles XIX and XX of the Social Security Act [42 U.S.C. 1396 et seq., 1397 et seq.] for the purpose of developing and implementing plans for meeting the common need for transportation services of individuals receiving benefits under such Acts and older individuals participating in programs authorized by this subchapter.

(2) In accordance with an agreement entered into under paragraph (1), funds appropriated under this subchapter may be used to purchase transportation services for older individuals and may be pooled with funds made available for the provision of transportation services under the Rehabilitation Act of 1973 [29 U.S.C. 701 et seq.], and titles XIX and XX of the Social Security Act [42 U.S.C. 1396 et seq., 1397 et seq.].

(e) Confidentiality of information relating to legal assistance

An area agency on aging may not require any provider of legal assistance under this subchapter to reveal any information that is protected by the attorney-client privilege.

(f) Withholding of area funds

(1) If the head of a State agency finds that an area agency on aging has failed to comply with Federal or State laws, including the area plan requirements of this section, regulations, or policies, the State may withhold a portion of the funds to the area agency on aging available under this subchapter.

(2)(A) The head of a State agency shall not make a final determination withholding funds under paragraph (1) without first affording the area agency on aging due process in accordance with procedures established by the State agency.

(B) At a minimum, such procedures shall include procedures for—

- (i) providing notice of an action to withhold funds;
- (ii) providing documentation of the need for such action; and
- (iii) at the request of the area agency on aging, conducting a public hearing concerning the action.

(3)(A) If a State agency withholds the funds, the State agency may use the funds withheld to directly administer programs under this subchapter in the planning and service area served by the area agency on aging for a period not to exceed 180 days, except as provided in subparagraph (B).

(B) If the State agency determines that the area agency on aging has not taken corrective

action, or if the State agency does not approve the corrective action, during the 180-day period described in subparagraph (A), the State agency may extend the period for not more than 90 days.

(Pub. L. 89-73, title III, §306, as added Pub. L. 95-478, title I, §103(b), Oct. 18, 1978, 92 Stat. 1522; amended Pub. L. 97-115, §§3(d), 6, Dec. 29, 1981, 95 Stat. 1597, 1598; Pub. L. 98-459, title III, §306, Oct. 9, 1984, 98 Stat. 1774; Pub. L. 100-175, title I, §§104(c), 125-127, 130(a), 131(a), 132(b), 133, 134(a)(2), (b), 135, 136(b), 137(a), 140(b), 141(b), 143(b), 144(c), 155(e)(1), 182(e)(3), (i), (j), Nov. 29, 1987, 101 Stat. 930, 934, 938-944, 946, 947, 949, 952, 965; Pub. L. 100-628, title VII, §705(5), Nov. 7, 1988, 102 Stat. 3247; Pub. L. 102-375, title I, §102(b)(4), (10)(C), (E), title III, §306, title IX, §904(a)(12), Sept. 30, 1992, 106 Stat. 1201, 1202, 1223, 1307; Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990; Pub. L. 105-285, title II, §202(a), Oct. 27, 1998, 112 Stat. 2755; Pub. L. 106-501, title III, §305, Nov. 13, 2000, 114 Stat. 2240; Pub. L. 109-365, title III, §306, Oct. 17, 2006, 120 Stat. 2540.)

REFERENCES IN TEXT

The Economic Opportunity Act of 1964, referred to in subsec. (a)(6)(C)(ii)(I), is Pub. L. 88-452, Aug. 20, 1964, 78 Stat. 508, as amended, which was classified generally to chapter 34 (§2701 et seq.) of this title prior to repeal, except for titles VIII and X, by Pub. L. 97-35, title VI, §683(a), Aug. 13, 1981, 95 Stat. 519. Titles VIII and X of the Act are classified generally to subchapters VIII (§2991 et seq.) and X (§2996 et seq.) of chapter 34 of this title. Section 210 of the Act was classified to section 2790 of this title prior to repeal by Pub. L. 97-35. For complete classification of this Act to the Code, see Tables.

The Social Security Act, referred to in subsec. (d), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Titles XIX and XX of the Act are classified generally to subchapters XIX (§1396 et seq.) and XX (§1397 et seq.), respectively, of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

The Rehabilitation Act of 1973, referred to in subsec. (d), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, as amended, which is classified generally to chapter 16 (§701 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

PRIOR PROVISIONS

A prior section 3026, Pub. L. 89-73, title III, §306, as added Pub. L. 93-29, title III, §301, May 3, 1973, 87 Stat. 43; amended Pub. L. 94-135, title I, §107, Nov. 28, 1975, 89 Stat. 716, related to the planning, coordination, evaluation, and administration of State plans, prior to the general amendment of this subchapter by Pub. L. 95-478. See section 3028 of this title.

Provisions similar to those comprising this section were contained in Pub. L. 89-73, title III, §304, as added Pub. L. 93-29, title III, §301, May 3, 1973, 87 Stat. 38; amended Pub. L. 94-135, title I, §§105, 106(c), Nov. 28, 1975, 89 Stat. 715, 716, which was classified to section 3024 of this title prior to repeal by Pub. L. 95-478.

AMENDMENTS

2006—Subsec. (a)(1). Pub. L. 109-365, §306(1)(A)(iii), which directed the insertion of “the number of older individuals at risk for institutional placement residing in such area,” after “individuals) residing in such area,” was executed by making the insertion after “individuals residing in rural areas) residing in such area,” to reflect the probable intent of Congress and amendments by Pub. L. 106-501, §305(a)(1) and Pub. L. 109-365, §306(1)(A)(ii). See notes below.

Pub. L. 109-365, §306(1)(A)(ii), which directed the substitution of “(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)” for “(with particular attention to low-income minority individuals)”, was executed by making the substitution for “(with particular attention to low-income minority individuals and older individuals residing in rural areas)” the second place that phrase appeared, to reflect the probable intent of Congress and amendment by Pub. L. 106-501, §305(a)(1). See 2000 Amendment note below.

Pub. L. 109-365, §306(1)(A)(i), substituted “(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)” for “(with particular attention to low-income minority individuals and older individuals residing in rural areas)”, the first place that phrase appeared.

Subsec. (a)(2)(A). Pub. L. 109-365, §306(1)(B), inserted “health services (including mental health services),” after “transportation,” and “(which may include information and assistance to consumers on availability of services under part B and how to receive benefits under and participate in publicly supported programs for which the consumer may be eligible)” after “information and assistance”.

Subsec. (a)(4)(A)(i). Pub. L. 109-365, §306(1)(C)(i)(I), amended cl. (i) generally. Prior to amendment, cl. (i) read as follows: “provide assurances that the area agency on aging will set specific objectives for providing services to older individuals with greatest economic need and older individuals with greatest social need, include specific objectives for providing services to low-income minority individuals and older individuals residing in rural areas, and include proposed methods of carrying out the preference in the area plan.”

Subsec. (a)(4)(A)(ii). Pub. L. 109-365, §306(1)(C)(i)(II), inserted “, older individuals with limited English proficiency,” after “low-income minority individuals” in subcls. (I) to (III).

Subsec. (a)(4)(B). Pub. L. 109-365, §306(1)(C)(ii)(I), re-aligned margins.

Subsec. (a)(4)(B)(i)(V). Pub. L. 109-365, §306(1)(C)(ii)(II)(aa), substituted “with limited English proficiency;” for “with limited English-speaking ability; and”.

Subsec. (a)(4)(B)(i)(VI). Pub. L. 109-365, §306(1)(C)(ii)(II)(bb), substituted “and related” for “or related”.

Subsec. (a)(4)(B)(i)(VII). Pub. L. 109-365, §306(1)(C)(ii)(II)(cc), added subcl. (VII).

Subsec. (a)(5). Pub. L. 109-365, §306(1)(D), inserted “and individuals at risk for institutional placement” after “severe disabilities”.

Subsec. (a)(6)(C)(iii). Pub. L. 109-365, §306(1)(E)(i), added cl. (iii).

Subsec. (a)(6)(D). Pub. L. 109-365, §306(1)(E)(ii), inserted “family caregivers of such individuals,” after “chapter,” and “service providers, representatives of the business community,” after “older individuals,”.

Subsec. (a)(6)(F). Pub. L. 109-365, §306(1)(E)(iii), amended subpar. (F) generally. Prior to amendment, subpar. (F) read as follows: “coordinate any mental health services provided with funds expended by the area agency on aging for part B of this subchapter with the mental health services provided by community health centers and by other public agencies and non-profit private organizations; and”.

Subsec. (a)(7). Pub. L. 109-365, §306(1)(F), amended par. (7) generally. Prior to amendment, par. (7) read as follows: “provide that the area agency on aging will facilitate the coordination of community-based, long-term care services designed to enable older individuals to remain in their homes, by means including—

“(A) development of case management services as a component of the long-term care services, consistent with the requirements of paragraph (8);

“(B) involvement of long-term care providers in the coordination of such services; and

“(C) increasing community awareness of and involvement in addressing the needs of residents of long-term care facilities;”.

Subsec. (a)(14) to (17). Pub. L. 109-365, § 306(1)(G)-(I), added pars. (15) to (17), redesignated former par. (16) as (14), and struck out former pars. (14) and two pars. (15) which read as follows:

“(14) provide assurances that funds received under this subchapter will not be used to pay any part of a cost (including an administrative cost) incurred by the area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this subchapter; and

“(15) provide assurances that preference in receiving services under this subchapter will not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement this subchapter.

“(15) provide assurances that funds received under this subchapter will not be used to pay any part of a cost (including an administrative cost) incurred by the area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this subchapter;”.

Subsecs. (b) to (f). Pub. L. 109-365, § 306(2), (3), added subsec. (b) and redesignated former subsecs. (b) to (e) as (c) to (f), respectively.

2000—Subsec. (a)(1). Pub. L. 106-501, § 305(a)(1), inserted “and older individuals residing in rural areas” after “low-income minority individuals” in two places.

Subsec. (a)(2). Pub. L. 106-501, § 305(a)(2)(A), (C), in introductory provisions substituted “section 3027(a)(2)” for “section 3027(a)(22)” and, in concluding provisions, substituted “and assurances that the area agency on aging will report annually to the State agency” for “and specify annually in such plan, as submitted or as amended;”.

Subsec. (a)(2)(B). Pub. L. 106-501, § 305(a)(2)(B), substituted “services, including” for “services (home-maker and home health aide, visiting and telephone reassurance, chore maintenance, and”.

Subsec. (a)(3)(A). Pub. L. 106-501, § 305(a)(3), substituted “paragraph (6)(C)” for “paragraph (6)(E)(ii)”.

Subsec. (a)(4). Pub. L. 106-501, § 305(a)(4), redesignated par. (5) as (4) and struck out former par. (4) which read as follows: “provide for the establishment and maintenance of information and assistance services in sufficient numbers to assure that all older individuals within the planning and service area covered by the plan will have reasonably convenient access to such services, with particular emphasis on linking services available to isolated older individuals and older individuals with Alzheimer’s disease or related disorders with neurological and organic brain dysfunction (and the caretakers of individuals with such disease or disorders);”.

Subsec. (a)(4)(A)(i). Pub. L. 106-501, § 305(a)(5), inserted “and older individuals residing in rural areas” after “low-income minority individuals”.

Subsec. (a)(4)(A)(ii)(I) to (III). Pub. L. 106-501, § 305(a)(6), inserted “and older individuals residing in rural areas” after “low-income minority individuals”.

Subsec. (a)(4)(B)(i)(II), (III). Pub. L. 106-501, § 305(a)(7), inserted “and older individuals residing in rural areas” after “low-income minority individuals”.

Subsec. (a)(4)(C). Pub. L. 106-501, § 305(a)(8), inserted “and older individuals residing in rural areas” after “low-income minority older individuals”.

Subsec. (a)(5). Pub. L. 106-501, § 305(a)(9), added par. (5). Former par. (5) redesignated (4).

Subsec. (a)(6)(A). Pub. L. 106-501, § 305(a)(10)(A), (B), redesignated subpar. (C) as (A) and struck out former subpar. (A) which read as follows: “conduct periodic evaluations of, and public hearings on, activities carried out under the area plan and an annual evaluation of the effectiveness of outreach conducted under paragraph (5)(B);”.

Subsec. (a)(6)(B). Pub. L. 106-501, § 305(a)(10)(A), (B), redesignated subpar. (D) as (B) and struck out former

subpar. (B) which read as follows: “furnish appropriate technical assistance, and timely information in a timely manner, to providers of supportive services, nutrition services, or multipurpose senior centers in the planning and service area covered by the area plan;”.

Subsec. (a)(6)(C). Pub. L. 106-501, § 305(a)(10)(B), (C), redesignated subpar. (E) as (C) and substituted “assistance to older individuals caring for relatives who are children” for “or adults” in cl. (i). Former subpar. (C) redesignated (A).

Subsec. (a)(6)(D). Pub. L. 106-501, § 305(a)(10)(B), (D), redesignated subpar. (F) as (D) and inserted “and older individuals residing in rural areas” after “minority individuals”. Former subpar. (D) redesignated (B).

Subsec. (a)(6)(E). Pub. L. 106-501, § 305(a)(10)(B), redesignated subpar. (H) as (E). Former subpar. (E) redesignated (C).

Subsec. (a)(6)(F). Pub. L. 106-501, § 305(a)(10)(B), (E), redesignated subpar. (M) as (F) and inserted “and” after semicolon at end. Former subpar. (F) redesignated (D).

Subsec. (a)(6)(G). Pub. L. 106-501, § 305(a)(10)(A), (B), redesignated subpar. (N) as (G) and struck out former subpar. (G) which read as follows: “develop and publish methods by which priority of services is determined, particularly with respect to the delivery of services under paragraph (2);”.

Subsec. (a)(6)(H). Pub. L. 106-501, § 305(a)(10)(B), redesignated subpar. (H) as (E).

Subsec. (a)(6)(I) to (L). Pub. L. 106-501, § 305(a)(10)(A), struck out subpars. (I) to (L) which read as follows:

“(I) conduct efforts to facilitate the coordination of community-based, long-term care services designed to retain individuals in their homes, thereby deferring unnecessary, costly institutionalization, and designed to include the development of case management services as a component of the long-term care services;

“(J) identify the public and private nonprofit entities involved in the prevention, identification, and treatment of the abuse, neglect, and exploitation of older individuals, and based on such identification, determine the extent to which the need for appropriate services for such individuals is unmet;

“(K) facilitate the involvement of long-term care providers in the coordination of community-based long-term care services and work to ensure community awareness of and involvement in addressing the needs of residents of long-term care facilities;

“(L) coordinate the categories of services specified in paragraph (2) for which the area agency on aging is required to expend funds under part B of this subchapter, with activities of community-based organizations established for the benefit of victims of Alzheimer’s disease and the families of such victims;”.

Subsec. (a)(6)(M), (N). Pub. L. 106-501, § 305(a)(10)(B), redesignated subpars. (M) and (N) as (F) and (G), respectively.

Subsec. (a)(6)(O) to (S). Pub. L. 106-501, § 305(a)(10)(A), struck out subpars. (O) to (S) which provided that each area plan provide that the area agency on aging would: in subpar. (O), compile information on institutions of higher education in planning and service area, in subpar. (P), establish grievance procedure for older individuals dissatisfied with or denied services under this subchapter, in subpar. (Q), enter into voluntary arrangements with nonprofit entities that provide housing to older individuals, in subpar. (R), list telephone number of agency in each telephone directory published by provider of local telephone service, for residents in any geographical area that lay in whole or in part in service and planning area served by agency, and, in subpar. (S), identify needs of older individuals and describe methods area agency on aging would use to coordinate planning and delivery of transportation services to assist older individuals, including those with special needs.

Subsec. (a)(7) to (12). Pub. L. 106-501, § 305(a)(11), added pars. (7) to (12) and struck out former pars. (7) to (12) which required each area plan: in pars. (7) to (10): to provide assurances that any amount received under

parts D to G of this subchapter would be expended in accordance with such parts, in par. (11) to provide assurances that the area agency on aging, in carrying out the State Long-Term Care Ombudsman program under section 3027(a)(12) of this title, would expend not less than the amount of funds expended in fiscal year 1991, and, in par. (12), to provide an area volunteer services coordinator in the discretion of the area agency on aging.

Subsec. (a)(13). Pub. L. 106-501, §305(a)(11), (12), redesignated par. (14) as (13) and struck out former par. (13) which read as follows:

“(13)(A) describe all activities of the area agency on aging, whether funded by public or private funds; and

“(B) provide an assurance that the activities conform with—

“(i) the responsibilities of the area agency on aging, as set forth in this subsection; and

“(ii) the laws, regulations, and policies of the State served by the area agency on aging;”.

Subsec. (a)(14). Pub. L. 106-501, §305(a)(13), added par. (14). Former par. (14) redesignated (13).

Subsec. (a)(15). Pub. L. 106-501, §305(a)(13), added par. (15) relating to assurances that preference in receiving services under this subchapter would not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship not being carried out to implement this subchapter.

Subsec. (a)(17) to (20). Pub. L. 106-501, §305(a)(14), struck out pars. (17) to (20) which required each area plan to provide: in par. (17), assurances that projects in the planning and service area would reasonably accommodate particular dietary needs of participants, in par. (18), assurances that the area agency on aging would coordinate its services under this subchapter with services provided under subchapter X of this chapter, in par. (19), assurance that the area agency on aging would pursue activities to increase access by older individuals who are Native Americans to all aging programs and benefits provided by the agency, and, in par. (20), that case management services provided under this subchapter through the area agency on aging would be coordinated with and not duplicate other Federal and State programs and would be provided by a public agency or a nonprofit private agency either not providing services other than case management services or located in a rural area and having obtained a waiver of that requirement.

Subsec. (b). Pub. L. 106-501, §305(b), struck out par. (1) designation before “Each State”, inserted “and had conducted a timely public hearing upon request” before period at end, and struck out par. (2) which related to public notice and hearing requirements applicable to an area agency on aging before it could request a waiver of the requirement described in subsec. (a)(2) and requirements of a State agency with regard to granting the waiver to an area agency on aging.

1998—Subsec. (a)(6)(E)(ii). Pub. L. 105-285 substituted “section 9910 of this title” for “section 9904(c)(3) of this title” in concluding provisions.

1993—Subsecs. (a)(6)(R)(iii), (14)(B), (E), (b)(2)(D), (c)(1). Pub. L. 103-171 substituted “Assistant Secretary” for “Commissioner”.

1992—Subsec. (a)(1). Pub. L. 102-375, §904(a)(12)(A)(i), inserted “individuals who are” before “Indians”.

Subsec. (a)(2)(A). Pub. L. 102-375, §306(a), substituted “, information and assistance, and case management services” for “, and information and assistance”.

Pub. L. 102-375, §102(b)(4), substituted “information and assistance” for “information and referral”.

Subsec. (a)(2)(B). Pub. L. 102-375, §904(a)(12)(A)(ii), substituted “older individuals who are” for “elderly”.

Subsec. (a)(3). Pub. L. 102-375, §306(b), designated existing provisions as subpar. (A), inserted “(including multipurpose senior centers operated by organizations referred to in paragraph (6)(E)(ii))” after “centers”, and added subpar. (B).

Subsec. (a)(4). Pub. L. 102-375, §306(c)(1), inserted before semicolon at end “, with particular emphasis on linking services available to isolated older individuals

and older individuals with Alzheimer’s disease or related disorders with neurological and organic brain dysfunction (and the caretakers of individuals with such disease or disorders)”.

Pub. L. 102-375, §102(b)(4), substituted “information and assistance” for “information and referral”.

Subsec. (a)(5)(A)(i). Pub. L. 102-375, §904(a)(12)(A)(iii), substituted “greatest economic need and older individuals with greatest social need” for “the greatest economic or social needs”.

Pub. L. 102-375, §306(c)(2)(A)(i), substituted “the area agency on aging will set specific objectives for” for “preference will be given to” and “include specific objectives for providing services” for “with particular attention”.

Subsec. (a)(5)(A)(ii). Pub. L. 102-375, §102(b)(10)(C), substituted “area agency on aging” for “area agency”.

Subsec. (a)(5)(A)(ii)(I). Pub. L. 102-375, §306(c)(2)(A)(ii)(I), struck out “and” at end.

Subsec. (a)(5)(ii)(II). Pub. L. 102-375, §306(c)(2)(A)(ii)(II), amended subcl. (II) generally. Prior to amendment, subcl. (II) read as follows: “attempt to provide services to low-income minority individuals in at least the same proportion as the population of low-income minority older individuals bears to the population of older individuals of the area served by such provider; and”.

Subsec. (a)(5)(A)(ii)(III). Pub. L. 102-375, §306(c)(2)(A)(ii)(III), added subcl. (III).

Subsec. (a)(5)(A)(iii)(III). Pub. L. 102-375, §306(c)(2)(A)(iii), added subcl. (III).

Subsec. (a)(5)(B). Pub. L. 102-375, §306(c)(2)(B), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “assure the use of outreach efforts that will identify individuals eligible for assistance under this chapter, with special emphasis on rural elderly, older individuals who have greatest economic need (with particular attention to low-income minority individuals), older individuals who have greatest social need (with particular attention to low-income minority individuals), and older individuals with severe disabilities, and inform such individuals of the availability of such assistance;”.

Subsec. (a)(5)(C). Pub. L. 102-375, §306(c)(2)(C), added subpar. (C).

Subsec. (a)(6)(B). Pub. L. 102-375, §306(d)(1), inserted “, and timely information in a timely manner,” after “assistance”.

Subsec. (a)(6)(D). Pub. L. 102-375, §904(a)(12)(A)(iv)(I), substituted “older individuals” for “the elderly” in two places.

Pub. L. 102-375, §306(d)(2), inserted “(in cooperation with agencies, organizations, and individuals participating in activities under the plan)” after “community by”.

Subsec. (a)(6)(E). Pub. L. 102-375, §306(d)(3), designated existing provisions as cl. (i) and added cl. (ii).

Subsec. (a)(6)(F). Pub. L. 102-375, §102(b)(10)(C), substituted “area agency on aging” for “area agency”.

Subsec. (a)(6)(G). Pub. L. 102-375, §904(a)(12)(A)(iv)(II), substituted “paragraph” for “clause”.

Subsec. (a)(6)(H). Pub. L. 102-375, §306(d)(4), amended subpar. (H) generally. Prior to amendment, subpar. (H) read as follows: “establish effective and efficient procedures for coordination between the programs assisted under this subchapter and programs described in section 3013(b) of this title;”.

Subsec. (a)(6)(I). Pub. L. 102-375, §306(d)(5), substituted “include the development of case management services as a component of the long-term care services” for “emphasize the development of client-centered case management systems as a component of such services”.

Subsec. (a)(6)(N). Pub. L. 102-375, §904(a)(12)(A)(iv)(IV), which directed substitution of “such individuals in such area and shall inform such individuals” for “elder Indians in such area and shall inform such older Indians”, was executed by making the substitution for “older Indians in such area and shall inform such older Indians” to reflect the probable intent of Congress.

Pub. L. 102-375, §§102(b)(10)(E), 904(a)(12)(A)(iv)(III), substituted "population of older individuals who are Indians" for "population of older Indians" and "area agency on aging" for "area agency" in two places.

Subsec. (a)(6)(O)(ii). Pub. L. 102-375, §306(d)(6), struck out "and" at end.

Subsec. (a)(6)(P) to (S). Pub. L. 102-375, §306(d)(7), (8), added subpars. (P) to (S) and struck out former subpar. (P) which read as follows: "with funds and information received under section 3027(a)(31) of this title from the State agency—

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

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

"(iii) assist older individuals to apply for such assistance and such benefits;"

Subsec. (a)(11). Pub. L. 102-375, §306(e), added par. (11).

Subsec. (a)(12) to (20). Pub. L. 102-375, §306(f), added pars. (12) to (20).

Subsec. (b)(1). Pub. L. 102-375, §904(a)(12)(B)(i), inserted "on aging" before "plans" and substituted "paragraph" for "clause" in two places.

Subsec. (b)(2)(C). Pub. L. 102-375, §102(b)(10)(C), substituted "area agency on aging" for "area agency".

Subsec. (b)(2)(D). Pub. L. 102-375, §904(a)(12)(B)(ii), substituted "paragraph" for "clause".

Subsec. (e). Pub. L. 102-375, §306(g), added subsec. (e). 1988—Subsec. (a)(1). Pub. L. 100-628 substituted "such area," for "such area," before "and the number of older Indians".

1987—Subsec. (a). Pub. L. 100-175, §182(e)(3), struck out last sentence which read as follows: "For purposes of clause (5)(A), the term 'greatest economic need' means the need resulting from an income level at or below the poverty threshold established by the Bureau of the Census and the term 'greatest social need' means the need caused by noneconomic factors which include physical and mental disabilities, language barriers, cultural or social isolation including that caused by racial or ethnic status which restricts an individual's ability to perform normal daily tasks or which threaten his or her capacity to live independently."

Subsec. (a)(1). Pub. L. 100-175, §134(a)(2), inserted ", and the number of older Indians residing in such area," before last reference to "and" in parenthetical.

Pub. L. 100-175, §132(b)(1), inserted ", the number of older individuals who have greatest economic need (with particular attention to low-income minority individuals) residing in such area, the number of older individuals who have greatest social need (with particular attention to low-income minority individuals) residing in such area," after "residing in such area".

Subsec. (a)(2). Pub. L. 100-175, §130(a)(1), inserted ", as required under section 3027(a)(22) of this title," after "adequate proportion".

Subsec. (a)(2)(B). Pub. L. 100-175, §182(j), substituted "related disorders with neurological and organic brain dysfunction" for "other neurological and organic brain disorders of the Alzheimer's type".

Subsec. (a)(5)(A). Pub. L. 100-175, §131(a), designated existing provisions as cl. (i) and added cls. (ii) and (iii).

Subsec. (a)(5)(B). Pub. L. 100-175, §136(b), inserted "and older individuals with severe disabilities," after second reference to "individuals,".

Pub. L. 100-175, §132(b)(2), inserted "older individuals who have greatest economic need (with particular attention to low-income minority individuals), older individuals who have greatest social need (with particular attention to low-income minority individuals)," after "rural elderly".

Subsec. (a)(6)(A). Pub. L. 100-175, §§125, 132(b)(3), inserted ", and public hearings on," after "evaluations

of" and "and an annual evaluation of the effectiveness of outreach conducted under paragraph (5)(B)" before semicolon at end.

Subsec. (a)(6)(E). Pub. L. 100-175, §126, inserted "or adults, and respite for families," after "for children" and ", adults, and families" after "to children".

Subsec. (a)(6)(F). Pub. L. 100-175, §104(c), inserted "providers of veterans' health care (if appropriate)," after "elected officials,".

Subsec. (a)(6)(G). Pub. L. 100-175, §182(i), struck out "and" after "clause (2);".

Subsec. (a)(6)(L). Pub. L. 100-175, §127, added subpar. (L).

Subsec. (a)(6)(M). Pub. L. 100-175, §133, added subpar. (M).

Subsec. (a)(6)(N). Pub. L. 100-175, §134(b), added subpar. (N).

Subsec. (a)(6)(O). Pub. L. 100-175, §135, added subpar. (O).

Subsec. (a)(6)(P). Pub. L. 100-175, §155(e)(1), added subpar. (P).

Subsec. (a)(7). Pub. L. 100-175, §140(b), added par. (7).

Subsec. (a)(8). Pub. L. 100-175, §141(b), added par. (8).

Subsec. (a)(9). Pub. L. 100-175, §143(b), added par. (9).

Subsec. (a)(10). Pub. L. 100-175, §144(c), added par. (10).

Subsec. (b)(2)(C), (D). Pub. L. 100-175, §130(a)(2), added subpars. (C) and (D).

Subsec. (d). Pub. L. 100-175, §137(a), added subsec. (d). 1984—Subsec. (a). Pub. L. 98-459, §306(a)(5)(E), inserted provisions defining "greatest economic need" and "greatest social need" following par. (6).

Subsec. (a)(1). Pub. L. 98-459, §306(a)(1), inserted "and the efforts of voluntary organizations in the community".

Subsec. (a)(2). Pub. L. 98-459, §306(a)(2)(A), inserted "each of the following categories of services" in provisions preceding subpar. (A).

Pub. L. 98-459, §306(a)(2)(D), substituted "and specify annually in such plan, as submitted or as amended, in detail the amount of funds expended for each such category during the fiscal year most recently concluded" for "and that some funds will be expended for each such category of services" in provisions following subpar. (C).

Subsec. (a)(2)(B). Pub. L. 98-459, §306(a)(2)(B), substituted "chore maintenance, and supportive services for families of elderly victims of Alzheimer's disease and other neurological and organic brain disorders of the Alzheimer's type" for "and chore maintenance".

Subsec. (a)(2)(C). Pub. L. 98-459, §306(a)(2)(C), substituted "legal assistance" for "legal services".

Subsec. (a)(3). Pub. L. 98-459, §306(a)(3), substituted ", giving special consideration" for "to encourage the maximum collocation and coordination of services for older individuals, and give special consideration".

Subsec. (a)(5)(A). Pub. L. 98-459, §306(a)(4), inserted ", with particular attention to low-income minority individuals,".

Subsec. (a)(6)(F). Pub. L. 98-459, §306(a)(5)(A), (B), (D), redesignated subpar. (G) as (F), substituted "consisting of older individuals (including minority individuals)" for "consisting of older individuals", and struck out former subpar. (F) which had required the area agency on aging to enter, where possible, into arrangements with local educational agencies, institutions of higher education, and nonprofit private organizations, to use services provided for older individuals under the community schools program under the Elementary and Secondary Education Act of 1965.

Subsec. (a)(6)(G), (H). Pub. L. 98-459, §306(a)(5)(D), redesignated subpars. (H) and (I) as (G) and (H), respectively. Former subpar. (G) redesignated (F).

Subsec. (a)(6)(I). Pub. L. 98-459, §306(a)(5)(C)–(E), added subpar. (I). Former subpar. (I) redesignated (H).

Subsec. (a)(6)(J), (K). Pub. L. 98-459, §306(a)(5)(E), added subpars. (J) and (K).

Subsec. (b). Pub. L. 98-459, §306(b), designated existing provisions as par. (1) and added par. (2).

1981—Subsec. (a). Pub. L. 97-115, §§3(d), 6(a), (b), substituted "for a two-, three-, or four-year period deter-

mined by the State agency," for "for a 3-year period" in provisions preceding par. (1), substituted "supportive services" for "social services" in par. (1) in three places, substituted "an adequate portion" for "at least 50 percent" in provisions of par. (2) preceding subpar. (A), and substituted "supportive services" for "social services" in par. (6)(B).

Subsec. (b). Pub. L. 97-115, §6(c), struck out par. (1) providing that each State, in approving area agency plans under this section, could, for fiscal years 1979 and 1980, waive any particular requirement relating to the delivery of services or the establishment or operation of multipurpose senior centers which such agency could not meet because of the consolidation authorized by the Comprehensive Older Americans Act Amendments of 1978, except that the State agency could grant such a waiver only if the area agency demonstrated to the State agency that it was taking steps to meet the requirements of this subchapter, but that in any event the State agency could not grant a waiver for any requirement of this chapter in effect on Sept. 30, 1978, struck out par. (2) designation, made mandatory the formerly discretionary waiver by each State, in approving area agency plans under this section, of the requirement described in clause (2) of subsection (a) of this section for any category of services described in such clause if the area agency on aging demonstrates to the State agency that services being furnished for such category in the area are sufficient to meet the need for such services in such area, and struck out provisions that if the State agency granted a waiver with respect to any category, then the area agency had to expend under clause (2) of subsection (a) of this section a percentage of the amount allotted for part B to the planning and service area, for the categories with respect to which such waiver did not apply, that had been agreed upon by the State agency and the area agency.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by section 306 of Pub. L. 102-375 inapplicable with respect to fiscal year 1993, see section 4(b) of Pub. L. 103-171, set out as a note under section 3001 of this title.

Amendment by section 306 of Pub. L. 102-375 inapplicable with respect to fiscal year 1992, see section 905(b)(2) of Pub. L. 102-375, set out as a note under section 3001 of this title.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-175 effective Oct. 1, 1987, except not applicable with respect to any area plan submitted under section 3026(a) of this title or any State plan submitted under section 3027(a) of this title and approved for any fiscal year beginning before Nov. 29, 1987, see section 701(a), (b) of Pub. L. 100-175, set out as a note under section 3001 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-459 effective Oct. 9, 1984, see section 803(a) of Pub. L. 98-459, set out as a note under section 3001 of this title.

REFERENCE TO COMMUNITY, MIGRANT, PUBLIC HOUSING, OR HOMELESS HEALTH CENTER CONSIDERED REFERENCE TO HEALTH CENTER

Reference to community health center, migrant health center, public housing health center, or homeless health center considered reference to health center, see section 4(c) of Pub. L. 104-299, set out as a note under section 254b of this title.

IMPLEMENTATION INFORMATION

Pub. L. 100-175, title I, §155(g), Nov. 29, 1987, 101 Stat. 954, directed Commissioner on Aging, not later than Sept. 1, 1988, to analyze and compile information on successful and unsuccessful activities carried out to conduct outreach of the type described in 42 U.S.C. 3026(a)(6)(P) and distribute such information to State agencies on aging for dissemination to interested area

agencies on aging to assist such area agencies in designing outreach activities.

EVALUATION OF GUIDELINES

Pub. L. 100-175, title I, §155(h), Nov. 29, 1987, 101 Stat. 954, directed Commissioner on Aging to issue guidelines to be followed by State agencies on aging and area agencies on aging in conducting evaluations of outreach activities carried out under former subsec. (a)(6)(P) of this section that would ensure that such evaluations are based on uniform criteria that provide a basis for the valid comparison of such outreach activities conducted by the various area agencies.

§ 3027. State plans

(a) Criteria for eligibility; contents

Except as provided in the succeeding sentence and section 3029(a) of this title, each State, in order to be eligible for grants from its allotment under this subchapter for any fiscal year, shall submit to the Assistant Secretary a State plan for a two-, three-, or four-year period determined by the State agency, with such annual revisions as are necessary, which meets such criteria as the Assistant Secretary may by regulation prescribe. If the Assistant Secretary determines, in the discretion of the Assistant Secretary, that a State failed in 2 successive years to comply with the requirements under this subchapter, then the State shall submit to the Assistant Secretary a State plan for a 1-year period that meets such criteria, for subsequent years until the Assistant Secretary determines that the State is in compliance with such requirements. Each such plan shall comply with all of the following requirements:

(1) The plan shall—

(A) require each area agency on aging designated under section 3025(a)(2)(A) of this title to develop and submit to the State agency for approval, in accordance with a uniform format developed by the State agency, an area plan meeting the requirements of section 3026 of this title; and

(B) be based on such area plans.

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

(A) evaluate, using uniform procedures described in section 3012(a)(29)¹ of this title, the need for supportive services (including legal assistance pursuant to subsection (a)(11) of this section, information and assistance, and transportation services), nutrition services, and multipurpose senior centers within the State;

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

(C) specify a minimum proportion of the funds received by each area agency on aging in the State to carry out part B of this subchapter that will be expended (in the absence of a waiver under section 3026(c) or 3030c-3 of this title) by such area agency on aging to provide each of the categories of services specified in section 3026(a)(2) of this title.

¹ See References in Text note below.