

(g) Study and report**(1) Study**

The Secretary, in consultation with the Department of the Treasury and the Attorney General of the United States, State attorneys general, and tribal and local prosecutors, shall conduct a study of the nature and extent of financial exploitation of older individuals. The purpose of this study would be to define and describe the scope of the problem of financial exploitation of the elderly and to provide an estimate of the number and type of financial transactions considered to constitute financial exploitation faced by older individuals. The study shall also examine the adequacy of current Federal and State legal protections to prevent such exploitation.

(2) Report

Not later than 18 months after November 13, 2000, the Secretary shall submit to Congress a report, which shall include—

- (A) the results of the study conducted under this subsection; and
- (B) recommendations for future actions to combat the financial exploitation of older individuals.

(h) Accountability measures

The Assistant Secretary shall develop accountability measures to ensure the effectiveness of the activities carried out under this section.

(i) Evaluating programs

The Assistant Secretary shall evaluate the activities carried out under this section, using funds made available under section 3017(g) of this title.

(j) Compliance with applicable laws

In order to receive funds made available to carry out this section, an entity shall comply with all applicable laws, regulations, and guidelines.

(Pub. L. 89-73, title VII, §721, as added Pub. L. 102-375, title VII, §703(b), Sept. 30, 1992, 106 Stat. 1282; amended Pub. L. 106-501, title VII, §705, title VIII, §801(e)(3), Nov. 13, 2000, 114 Stat. 2290, 2293; Pub. L. 109-365, title VII, §702, Oct. 17, 2006, 120 Stat. 2591.)

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-365, §702(1), substituted “programs to address” for “programs for the prevention of”.

Subsec. (b). Pub. L. 109-365, §702(2)(A), substituted “programs for the prevention, detection, assessment, and treatment of, intervention in, investigation of, and response to elder abuse, neglect, and exploitation (including financial exploitation), including—” for “programs for the prevention and treatment of elder abuse, neglect, and exploitation (including financial exploitation), including—” in introductory provisions.

Subsec. (b)(2) to (9). Pub. L. 109-365, §702(2)(B), (C), added par. (2) and redesignated former pars. (2) to (8) as (3) to (9), respectively.

Subsec. (b)(10) to (12). Pub. L. 109-365, §702(2)(D)–(F), added pars. (10) to (12).

Subsec. (e)(2). Pub. L. 109-365, §702(3), substituted “subsection (b)(9)(B)(i)” for “subsection (b)(8)(B)(i)” and “subsection (b)(9)(B)(ii)” for “subsection (b)(8)(B)(ii)”.

Subsecs. (h) to (j). Pub. L. 109-365, §702(4), added subsecs. (h) to (j).

2000—Subsec. (a). Pub. L. 106-501, §801(e)(3), substituted “section 3058a of this title and made available to carry out this subpart” for “section 3058a(b) of this title”.

Subsec. (b). Pub. L. 106-501, §705(1)(A), in introductory provisions, inserted “(including financial exploitation)” after “exploitation”.

Subsec. (b)(2). Pub. L. 106-501, §705(1)(B), inserted “, State and local law enforcement systems, and courts of competent jurisdiction” after “service program”.

Subsec. (b)(5). Pub. L. 106-501, §705(1)(C), inserted “including caregivers described in part E of subchapter III of this chapter,” after “individuals.”

Subsec. (d)(8). Pub. L. 106-501, §705(2), inserted “State and local” before “law enforcement programs” and “, and services provided by agencies and courts of competent jurisdiction” before period at end.

Subsec. (g). Pub. L. 106-501, §705(3), added subsec. (g).

DECLARATION OF PURPOSE

Pub. L. 102-375, title VII, §703(a), Sept. 30, 1992, 106 Stat. 1282, provided that: “The purpose of this section [enacting this subpart] is to assist States in the design, development, and coordination of comprehensive services of the State and local levels to prevent, treat, and remedy elder abuse, neglect, and exploitation.”

SUBPART IV—STATE LEGAL ASSISTANCE
DEVELOPMENT PROGRAM**§ 3058j. State legal assistance development**

A State agency shall provide the services of an individual who shall be known as a State legal assistance developer, and the services of other personnel, sufficient to ensure—

- (1) State leadership in securing and maintaining the legal rights of older individuals;
- (2) State capacity for coordinating the provision of legal assistance;
- (3) State capacity to provide technical assistance, training, and other supportive functions to area agencies on aging, legal assistance providers, ombudsmen, and other persons, as appropriate;
- (4) State capacity to promote financial management services to older individuals at risk of conservatorship;
- (5) State capacity to assist older individuals in understanding their rights, exercising choices, benefiting from services and opportunities authorized by law, and maintaining the rights of older individuals at risk of guardianship; and
- (6) State capacity to improve the quality and quantity of legal services provided to older individuals.

(Pub. L. 89-73, title VII, §731, as added Pub. L. 106-501, title VII, §706, Nov. 13, 2000, 114 Stat. 2291.)

PRIOR PROVISIONS

A prior section 3058j, Pub. L. 89-73, title VII, §731, as added Pub. L. 102-375, title VII, §704, Sept. 30, 1992, 106 Stat. 1285, related to State elder rights and legal assistance development, prior to repeal by Pub. L. 106-501, title VII, §706, Nov. 13, 2000, 114 Stat. 2291.

SUBPART V—OUTREACH, COUNSELING, AND
ASSISTANCE PROGRAM**§ 3058k. Repealed. Pub. L. 106-501, title VII, § 706, Nov. 13, 2000, 114 Stat. 2291**

Section, Pub. L. 89-73, title VII, §741, as added Pub. L. 102-375, title VII, §705(b), Sept. 30, 1992, 106 Stat. 1287;

amended Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990, related to State outreach, counseling, and assistance program for insurance and public benefits.

PART B—NATIVE AMERICAN ORGANIZATION AND ELDER JUSTICE PROVISIONS

§ 3058aa. Native American program

(a) Establishment

The Assistant Secretary, acting through the Director of the Office for American Indian, Alaskan Native, and Native Hawaiian Aging, shall establish and carry out a program for—

(1) assisting eligible entities in prioritizing, on a continuing basis, the needs of the service population of the entities relating to elder rights;

(2) making grants to eligible entities to carry out vulnerable elder rights protection activities that the entities determine to be priorities; and

(3) enabling the eligible entities to support multidisciplinary elder justice activities, such as—

(A) establishing a coordinating council, which shall identify the needs of an individual Indian tribe or other Native American group and provide the Assistant Secretary with information and recommendations relating to efforts by the Indian tribe or the governing entity of the Native American group to combat elder abuse, neglect, and exploitation;

(B) providing training, technical assistance, and other methods of support to groups carrying out multidisciplinary efforts for an Indian tribe or other Native American group; and

(C) broadening and studying various models for elder fatality and serious injury review teams, to make recommendations about their composition, protocols, functions, timing, roles, and responsibilities, with a goal of producing models and information that will allow for replication based on the needs of Indian tribes and other Native American groups (other than the ones in which the review teams were used).

(b) Application

In order to be eligible to receive assistance under this section, an entity shall submit an application to the Assistant Secretary, at such time, in such manner, and containing such information as the Assistant Secretary may require.

(c) Eligible entity

An entity eligible to receive assistance under this section shall be—

(1) an Indian tribe; or

(2) a public agency, or a nonprofit organization, serving older individuals who are Native Americans.

(d) Authorization of appropriations

There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2007, and such sums as may be necessary for subsequent fiscal years.

(Pub. L. 89-73, title VII, §751, as added Pub. L. 102-375, title VII, §706, Sept. 30, 1992, 106 Stat.

1290; amended Pub. L. 103-171, §3(a)(10), Dec. 2, 1993, 107 Stat. 1990; Pub. L. 106-501, title VII, §707, Nov. 13, 2000, 114 Stat. 2291; Pub. L. 109-365, title VII, §703, Oct. 17, 2006, 120 Stat. 2592.)

AMENDMENTS

2006—Subsec. (a)(3). Pub. L. 109-365, §703(1), added par. (3).

Subsec. (b). Pub. L. 109-365, §703(2), substituted “this section” for “this part”.

Subsec. (d). Pub. L. 109-365, §703(3), substituted “this part” for “this section” and “2007” for “2001”.

2000—Subsec. (d). Pub. L. 106-501 amended heading and text of subsec. (d) generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out this section, \$5,000,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993, 1994, and 1995.”

1993—Subsecs. (a), (b). Pub. L. 103-171 substituted “Assistant Secretary” for “Commissioner” and “Director of the Office for” for “Associate Commissioner on” in subsec. (a) and “Assistant Secretary” for “Commissioner” in two places in subsec. (b).

§ 3058aa-1. Grants to promote comprehensive State elder justice systems

(a) Purpose and authority

For each fiscal year, the Assistant Secretary may make grants to States, on a competitive basis, in accordance with this section, to promote the development and implementation, within each such State, of a comprehensive elder justice system, as defined in subsection (b).

(b) Comprehensive elder justice system defined

In this section, the term “comprehensive elder justice system” means an integrated, multidisciplinary, and collaborative system for preventing, detecting, and addressing elder abuse, neglect, and exploitation in a manner that—

(1) provides for widespread, convenient public access to the range of available elder justice information, programs, and services;

(2) coordinates the efforts of public health, social service, and law enforcement authorities, as well as other appropriate public and private entities, to identify and diminish duplication and gaps in the system;

(3) provides a uniform method for the standardization, collection, management, analysis, and reporting of data; and

(4) provides such other elements as the Assistant Secretary determines appropriate.

(c) Applications

To be eligible to receive a grant under this section for a fiscal year, a State shall submit an application to the Assistant Secretary, at such time, in such manner, and containing such information and assurances as the Assistant Secretary determines appropriate.

(d) Amount of grants

The amount of a grant to a State with an application approved under this section for a fiscal year shall be such amount as the Assistant Secretary determines appropriate.

(e) Use of funds

(1) In general

A State that receives a grant under this section shall use funds made available through