

116TH CONGRESS
2D SESSION

S. 4555

To reauthorize funding for programs to prevent, investigate, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 2020

Mr. WYDEN (for himself and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To reauthorize funding for programs to prevent, investigate, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Elder Justice Reau-
5 thorization Act of 2020”.

1 **SEC. 2. REAUTHORIZATION OF FUNDING FOR PROGRAMS**
2 **TO PREVENT, INVESTIGATE, AND PROSECUTE**
3 **ELDER ABUSE, NEGLECT, AND EXPLOI-**
4 **TATION.**

5 (a) **ELDER ABUSE, NEGLECT, AND EXPLOITATION**
6 **FORENSIC CENTERS.**—Section 2031(f) of the Social Secu-
7 rity Act (42 U.S.C. 13971(f)) is amended—

8 (1) in paragraph (2), by striking “and” after
9 the semicolon;

10 (2) in paragraph (3), by striking the period at
11 the end and inserting a semicolon; and

12 (3) by adding at the end the following:

13 “(4) for fiscal year 2021, \$12,000,000;

14 “(5) for fiscal year 2022, \$18,000,000; and

15 “(6) for each of fiscal years 2023 and 2024,
16 \$24,000,000.”.

17 (b) **GRANTS FOR LONG-TERM CARE STAFFING AND**
18 **TECHNOLOGY.**—Section 2041(d) of the Social Security
19 Act (42 U.S.C. 1397m(d)) is amended—

20 (1) in paragraph (2), by striking “and” after
21 the semicolon;

22 (2) in paragraph (3), by striking the period at
23 the end and inserting a semicolon; and

24 (3) by adding at the end the following:

25 “(4) for fiscal year 2021, \$60,000,000;

26 “(5) for fiscal year 2022, \$52,500,000; and

1 “(6) for each of fiscal years 2023 and 2024,
2 \$45,000,000.”.

3 (c) ADULT PROTECTIVE SERVICES FUNCTIONS AND
4 GRANT PROGRAMS.—Section 2042 of the Social Security
5 Act (42 U.S.C. 1397m–1) is amended—

6 (1) in subsection (a)(2), by striking
7 “\$3,000,000” and all that follows through the pe-
8 riod and inserting “\$12,000,000 for each of fiscal
9 years 2021 through 2024.”;

10 (2) in subsection (b)(5), by striking
11 “\$100,000,000” and all that follows through the pe-
12 riod and inserting “\$300,000,000 for each of fiscal
13 years 2021 through 2024.”; and

14 (3) in subsection (c)(6), by striking
15 “\$25,000,000” and all that follows through the pe-
16 riod and inserting “\$75,000,000 for each of fiscal
17 years 2021 through 2024.”.

18 (d) LONG-TERM CARE OMBUDSMAN PROGRAM
19 GRANTS AND TRAINING.—Section 2043 of the Social Se-
20 curity Act (42 U.S.C. 1397m–2) is amended—

21 (1) in subsection (a)(2)—

22 (A) in subparagraph (B), by striking
23 “and” after the semicolon;

1 (B) in subparagraph (C), by striking the
2 period at the end and inserting a semicolon;
3 and

4 (C) by adding at the end the following:

5 “(D) for fiscal year 2021, \$15,000,000;

6 “(E) for fiscal year 2022, \$22,500,000;

7 and

8 “(F) for each of fiscal years 2023 and
9 2024, \$30,000,000.”; and

10 (2) in subsection (b)(2), by inserting before the
11 period the following: “, and for each of fiscal years
12 2021 through 2024, \$30,000,000”.

13 (e) INVESTIGATION SYSTEMS AND TRAINING.—Sec-
14 tion 6703(b) of the Patient Protection and Affordable
15 Care Act (42 U.S.C. 1395i–3a(b)) is amended—

16 (1) in paragraph (1)(C), by striking “for the
17 period” and all that follows through the period and
18 inserting “for each of fiscal years 2021 through
19 2024, \$36,000,000.”; and

20 (2) in paragraph (2)(C), by striking “for each
21 of fiscal years 2011 through 2014, \$5,000,000” and
22 inserting “for each of fiscal years 2021 through
23 2024, \$15,000,000”.

1 (f) 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. 3. INCREASED FUNDING FOR STATES AND INDIAN**
5 **TRIBES FOR ADULT PROTECTIVE SERVICES.**

6 (a) INCREASE IN FUNDING FOR SOCIAL SERVICES
7 BLOCK GRANT PROGRAM.—

8 (1) IN GENERAL.—The amount specified in
9 subsection (c) of section 2003 of the Social Security
10 Act for purposes of subsections (a) and (b) of such
11 section is deemed to be \$1,900,000,000 for fiscal
12 year 2020, of which \$200,000,000 shall be obligated
13 by States during calendar year 2020 in accordance
14 with subsection (b) of this section.

15 (2) APPROPRIATION.—Out of any money in the
16 Treasury of the United States not otherwise appro-
17 priated, there are appropriated \$200,000,000 to
18 make grants to States under this subsection.

19 (3) DEADLINE FOR DISTRIBUTION OF
20 FUNDS.—Within 45 days after the date of the enact-
21 ment of this Act, the Secretary of Health and
22 Human Services shall distribute the funds made
23 available by this subsection, which shall be made
24 available to States (as defined for purposes of title
25 XX of the Social Security Act in section 1101 of

1 such Act (42 U.S.C. 1301)) on an emergency basis
2 for immediate obligation and expenditure.

3 (4) SUBMISSION OF REVISED PRE-EXPENDI-
4 TURE REPORT.—Within 90 days after a State re-
5 ceives funds made available by this subsection, the
6 State shall submit to the Secretary of Health and
7 Human Services a revised pre-expenditure report
8 pursuant to subtitle A of title XX of the Social Se-
9 curity Act (42 U.S.C. 1397 et seq.) that describes
10 how the State plans to administer the funds.

11 (5) OBLIGATION OF FUNDS BY STATES.—A
12 State to which funds made available by this sub-
13 section are distributed shall obligate such funds be-
14 fore the date that is 120 days after the State re-
15 ceives such funds.

16 (6) EXPENDITURE OF FUNDS BY STATES.—A
17 grantee to which a State (or a subgrantee to which
18 a grantee) provides funds made available by this
19 subsection shall expend the funds not later than De-
20 cember 31, 2021.

21 (b) RULES GOVERNING USE OF ADDITIONAL
22 FUNDS.—Funds are used in accordance with this sub-
23 section if—

1 (1) the funds are used for adult protective serv-
2 ices (as defined in section 2011(2) of the Social Se-
3 curity Act (42 U.S.C. 1397j(2)));

4 (2) the funds are used subject to the limitations
5 in section 2005 of the Social Security Act (42
6 U.S.C. 1397d); and

7 (3) the funds are used to supplement, not sup-
8 plant, State general revenue funds for adult protec-
9 tive services.

10 (c) FUNDING FOR INDIAN TRIBES AND TRIBAL OR-
11 GANIZATIONS.—

12 (1) GRANTS.—

13 (A) IN GENERAL.—Within 90 days after
14 the date of the enactment of this Act, the Sec-
15 retary of Health and Human Services shall
16 make grants to Indian Tribes and Tribal orga-
17 nizations (as defined in section 677(e)(1) of the
18 Community Services Block Grant Act (42
19 U.S.C. 9911(e)(1))).

20 (B) AMOUNT OF GRANT.—The amount of
21 the grant for an Indian Tribe or Tribal organi-
22 zation shall bear the same ratio to the amount
23 appropriated by paragraph (3) as the total
24 amount of grants awarded to the Indian Tribe
25 or Tribal organization under the Low-Income

1 Home Energy Assistance Act of 1981 and the
2 Community Service Block Grant for fiscal year
3 2020 bears to the total amount of grants
4 awarded to all Indian Tribes and Tribal organi-
5 zations under such Act and such Grant for the
6 fiscal year.

7 (2) RULES GOVERNING USE OF FUNDS.—An
8 entity to which a grant is made under paragraph (1)
9 shall obligate the funds not later than September
10 30, 2021, and the funds shall be expended by grant-
11 ees and subgrantees not later than December 31,
12 2021, and used in accordance with subsection (b) of
13 this section (except that paragraph (3) of such sub-
14 section shall be applied by substituting “general rev-
15 enue funds of the Indian Tribe or Tribal organiza-
16 tion” for “State general revenue funds”).

17 (3) REPORTS.—

18 (A) SUBMISSION OF PRE-EXPENDITURE
19 REPORT AND INTENDED USE PLAN.—Not later
20 than 90 days after an Indian Tribe or Tribal
21 organization receives funds made available by
22 this subsection, the Indian Tribe or Tribal or-
23 ganization shall submit to the Secretary of
24 Health and Human Services a report on the in-
25 tended use of such funds including information

1 on the types of activities to be supported and
2 the categories or characteristics of individuals
3 to be served. The report shall be subsequently
4 revised as may be necessary to reflect substan-
5 tial changes in the activities to be supported or
6 the categories or characteristics of individuals
7 to be served.

8 (B) POST-EXPENDITURE REPORT.—Not
9 later than January 1, 2022, each Indian Tribe
10 or Tribal organization that receives funds made
11 available under this section shall submit to the
12 Secretary of Health and Human Services a re-
13 port on the activities supported by such funds.
14 Such report shall be in such form and contain
15 such information (including the information de-
16 scribed in section 2006(c) of the Social Security
17 Act (42 U.S.C. 1397e(c))) as the Tribe or orga-
18 nization finds necessary to provide an accurate
19 description of such activities, to secure a com-
20 plete record of the purposes for which funds
21 were spent, and to determine the extent to
22 which funds were spent in a manner consistent
23 with the report required by subparagraph (A).

24 (4) APPROPRIATION.—Out of any money in the
25 Treasury of the United States not otherwise appro-

1 priated, there are appropriated \$10,000,000 for
2 making grants to Indian Tribes and Tribal organiza-
3 tions under this subsection.

4 **SEC. 4. ASSESSMENT REPORTS.**

5 (a) IN GENERAL.—Not later than 2 years after the
6 date of enactment of this Act, and not less frequently than
7 once every 2 years thereafter, the Secretary of Health and
8 Human Services shall submit a report to the Committee
9 on Ways and Means of the House of Representatives and
10 the Committee on Finance of the Senate on the programs,
11 coordinating bodies, registries, and activities established
12 or authorized under subtitle B of title XX of the Social
13 Security Act (42 U.S.C. 13971 et seq.) or section 6703(b)
14 of the Patient Protection and Affordable Care Act (42
15 U.S.C. 1395i–3a(b)). Each such report shall assess the ex-
16 tent to which such programs, coordinating bodies, reg-
17 istries, and activities have improved access to, and the
18 quality of, resources available to aging Americans and
19 their caregivers to ultimately prevent, detect, and treat
20 abuse, neglect, and exploitation, and shall include, as ap-
21 propriate, recommendations to Congress on funding levels
22 and policy changes to help these programs, coordinating
23 bodies, registries, and activities better prevent, detect, and
24 treat abuse, neglect, and exploitation of aging Americans.

1 (b) AUTHORIZATION.—For each of fiscal years 2021
2 through 2024, out of any money in the Treasury of the
3 United States not otherwise appropriated, there are au-
4 thorized to be appropriated to the Secretary of Health and
5 Human Services \$5,000,000 to carry out this section.

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