



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

September 27, 2004

S. 333

Elder Justice Act of 2004

*As ordered reported by the Senate Committee on Finance
on September 20, 2004*

SUMMARY

S. 333 would authorize various elements of a coordinated federal, state, and local government system designed to help detect and prevent the abuse and exploitation of the elderly. Appropriations of the authorized amounts would result in additional outlays of \$124 million in 2006 and \$763 million over the 2006-2009 period. Enacting the bill would not affect direct spending; CBO estimates that the collections of civil monetary penalties authorized by the bill would have a negligible effect on revenues.

S. 333 contains no intergovernmental or private-sector mandates as defined by the Unfunded Mandates Reform Act (UMRA). State, local, and tribal governments would be eligible for a number of grants authorized by the bill, and the costs of any requirements tied to those grants would be incurred voluntarily.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 333 is summarized in Table 1. The costs of this legislation fall within budget functions 500 (education, training, employment, and social services) and 750 (administration of justice).

TABLE 1. ESTIMATED BUDGETARY EFFECTS OF S. 333

	By Fiscal Year, in Millions of Dollars				
	2005	2006	2007	2008	2009
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Authorization Level	0	200	206	279	279
Estimated Outlays	0	124	168	213	258

BASIS OF ESTIMATE

For this estimate, CBO assumes that the bill will be enacted near the start of fiscal year 2005 and that the authorized amounts will be appropriated for each year. CBO estimates the resulting outlays based on the spending patterns of activities similar in nature to those authorized under this bill.

Spending Subject to Appropriation

Title I: Department of Health and Human Services. Title I of the bill would authorize the appropriation of funding for various programs and activities that would be conducted through the Department of Health and Human Services (HHS). The authorizations total \$176 million in 2006 and \$837 million over the 2006-2009 period, and if fully funded, would result in additional outlays of \$682 million over the four-year period (see Table 2).

Subtitle A: Federal Elder Justice System. The bill would establish a federal Office of Adult Protective Services within the Department of Health and Human Services. The office would administer a number of grant programs authorized by the bill, collect data relating to the abuse, exploitation, and neglect of elderly people, and conduct research, develop best practices, and provide technical assistance to states and other entities. S. 333 also would create an Elder Justice Coordinating Council that would make recommendations to the Secretary of HHS and the Attorney General for the coordination of the activities of federal, state, local, and private agencies relating to elder justice issues. In addition, the bill authorizes an Advisory Board on Elder Abuse that would be responsible for creating a short-term and long-term multidisciplinary strategy for development of the field of elder justice and to make recommendations to the Elder Justice Coordinating Council.

For the activities under subtitle A, S. 333 would authorize the appropriation of \$3 million in 2006 and \$3.5 million each year from 2007 to 2009. Assuming the appropriation of the authorized amounts, the resulting outlays would be \$2 million in 2006, and \$13 million over the 2006-2009 period.

TABLE 2. ESTIMATED BUDGETARY EFFECTS OF TITLE I OF S. 333

	By Fiscal Year, in Millions of Dollars				
	2005	2006	2007	2008	2009
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Title I: Department of Health and Human Services					
Subtitle A: Federal Elder Justice System					
Authorization Level	0	3	4	4	4
Estimated Outlays	0	2	3	4	4
Subtitle B: Elder Justice Program					
Section 2211: Enhancement of long-term care					
Authorization Level	0	25	25	25	25
Estimated Outlays	0	6	18	24	25
Section 2212: Collaborative efforts to enhance communication on quality of and preventing abuse and neglect in long-term care					
Authorization Level	0	3	3	3	3
Estimated Outlays	0	1	2	2	3
Section 2213: Collaborative efforts to develop consensus around the management of certain quality-related factors					
Authorization Level	0	2	2	2	2
Estimated Outlays	0	2	2	2	2
Section 2214: Adult Protective Service Functions and Grant Program					
Authorization Level	0	128	104	104	104
Estimated Outlays	0	100	107	104	104
Subtotal: Subtitle B					
Authorization Level	0	158	134	134	134
Estimated Outlays	0	108	128	133	134

Continued

TABLE 2. Continued

	By Fiscal Year, in Millions of Dollars				
	2005	2006	2007	2008	2009
Subtitle C: Collection of Data, Dissemination of Information, and Studies					
Section 2221: Collection of uniform national data on elder abuse, neglect, and exploitation					
Authorization Level	0	10	30	100	100
Estimated Outlays	0	3	14	27	85
Section 2222: Long-term care consumer clearinghouse					
Authorization Level	0	2	3	4	4
Estimated Outlays	0	1	2	3	4
Section 2223: Consumer information about the continuum of residential long-term care facilities					
Authorization Level	0	3	3	3	3
Estimated Outlays	0	1	2	3	3
Subtotal: Subtitle C					
Authorization Level	0	15	36	107	107
Estimated Outlays	0	5	18	52	91
Title I Total					
Authorization Level	0	176	173	244	244
Estimated Outlays	0	115	150	189	228

Subtitle B: Elder Justice Programs. S. 333 would authorize appropriations for a variety of grant programs directed toward elder justice issues to be administered by HHS. Assuming the appropriation of the authorized amounts, CBO estimates those provisions would result in outlays of \$108 million in 2006 and \$503 million over the 2006-2009 period.

- *Section 2211: Enhancement of Long-Term Care.* The bill would authorize funding for certain programs to train workers for employment in long-term care facilities and to improve compensation for employees who achieve certification under these programs. These grant also would be used to promote the training of management employees who direct workers in long-term care facilities. This section would authorize the appropriation of \$25 million annually for the 2006-2009 period.

- *Section 2212: Collaborative Efforts to Enhance Communication on Quality of and Preventing Abuse and Neglect in Long-Term Care.* The bill would authorize funding for pilot projects to develop approaches to improve the quality of long-term care, including the prevention of abuse and neglect in this care. The bill specifies that these projects use multidisciplinary community partnerships comprised of a broad range of organizations representing stakeholders in the delivery of quality long-term care. This section would authorize the appropriation of \$2.5 million annually for the 2006-2009 period.
- *Section 2213: Collaborative Efforts to Develop Consensus Around the Management of Certain Quality-Related Factors.* The bill would authorize funding for the Secretary of HHS to make grants to eligible entities to establish a multidisciplinary panel to address and develop consensus on approaches to improving the quality of long-term care. The panel would review the relevant data and research, identify the best practices, assess the best ways to carry out these practices, and determine how information on these findings should be distributed. This section would authorize the appropriation of \$2 million annually for the 2006-2009 period.
- *Section 2214: Adult Protective Services Functions and Demonstration Grant Programs.* The bill would authorize grants to states to employ caseworkers whose focus would be entirely on providing protective services for elderly clients. Section 2214 also would authorize grants to states to establish demonstration projects to test the effectiveness of training programs designed to help detect elder abuse or financial exploitation. These grants also could be used to test the feasibility of establishing safe havens for victims of elder abuse. This section would authorize the appropriation of \$100 million for the 2006-2009 period for the elder justice caseworkers. In addition, the bill would authorize \$25 million for the 2006-2009 period for the state demonstration programs. Moreover, S. 333 would authorize \$3 million in 2006 and \$4 million for each year from 2007 to 2009 to support investigations, undertake data collection and dissemination, conduct research, and provide technical assistance on elder justice issues.

Subtitle C: Collection and Data, Dissemination of Information, and Studies. S. 333 would authorize appropriations for collection of data and the distribution of information about elder abuse and about residential long-term care facilities. Assuming the appropriation of the authorized amounts, CBO estimates those provisions would result in outlays of \$5 million in 2006 and \$167 million over the 2006-2009 period.

- *Section 2221: Collection of Uniform National Data on Elder Abuse, Neglect, and Exploitation.* The bill would require the Secretary of HHS, in consultation with the Attorney General, to develop a national system of reporting and data collection on

elder abuse, neglect, and exploitation. The Secretary would develop a method for collecting national data and a uniform national data reporting form. The new reporting system first would be pilot-tested in six states before being implemented nationally. Section 2221 would authorize funding for the proposed federal activities as well as state grants to improve data collection efforts. This section would authorize the appropriation of \$10 million in 2006, \$30 million in 2007, and \$100 million in both 2008 and 2009.

- *Section 2222: Long-term Care Consumer Clearinghouse.* The bill would direct the Secretary of HHS to establish an information clearinghouse for consumers with information about long-term care alternatives, federal benefits, and links to federal and state websites that profile various types of care and consumer feedback for specific facilities. The clearinghouse would provide information on assisted living facilities, board and care facilities, congregate care facilities, home health care providers, and other long-term care providers. This section would authorize the appropriation of \$2 million in 2006, \$3 million in 2007, and \$4 million in both 2008 and 2009.
- *Section 2223: Consumer Information About the Continuum of Residential Long-Term Care Facilities.* The bill would direct the Secretary of HHS and the Attorney General to conduct (either directly or through grants) a study on consumer concerns relating to residential long-term care facilities. This section would authorize the appropriation of \$3 million annually over the 2006-2009 period.

Title II: Department of Justice. S. 333 would authorize a number of grants through the Department of Justice for training programs, interagency coordination, forensic activities, model law development, and evaluation programs relating to elder abuse. The bill would authorize the appropriation of \$24 million in 2006 and \$127 million for the 2006-2009 period. Assuming the authorized amounts are appropriated, outlays would total \$9 million in 2006 and \$81 million over the 2006-2009 period (see Table 3). The components of that spending are as follows:

- *Section 201: Victim Advocacy Grants.* The bill would authorize the Attorney General, in consultation with the Secretary of HHS, to award grants to eligible entities to study the special needs of victims of elder abuse, neglect, and exploitation. The funding would be for pilot programs that would, among other activities, provide training to personnel who deal with the needs of victims of elder abuse, neglect, and exploitation. Section 201 would authorize the appropriation of \$3 million annually for the 2006-2009 period.

TABLE 3. ESTIMATED BUDGETARY EFFECTS OF TITLE II OF S. 333

	By Fiscal Year, in Millions of Dollars				
	2005	2006	2007	2008	2009
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Title II: Department of Justice					
Section 201: Victim Advocacy Grants					
Authorization Level	0	3	3	3	3
Estimated Outlays	0	1	1	2	3
Section 202: Supporting state and local prosecutors in elder justice matters					
Authorization Level	0	6	8	8	8
Estimated Outlays	0	1	4	5	7
Section 203: Supporting federal cases involving elder justice					
Authorization Level	0	3	5	5	5
Estimated Outlays	0	3	4	5	5
Section 204: Supporting law enforcement in elder matters					
Authorization Level	0	6	8	8	8
Estimated Outlays	0	1	4	5	7
Section 205: Establishment and support of elder abuse, neglect, and exploitation forensic centers					
Authorization Level	0	4	6	8	8
Estimated Outlays	0	1	3	4	6
Section 206: Model State Laws and Practices					
Authorization Level	0	3	3	3	3
Estimated Outlays	0	2	3	3	3
Title II Total					
Authorization Level	0	24	33	35	35
Estimated Outlays	0	9	18	25	29

- *Section 202: Supporting State and Local Prosecutors in Elder Justice Matters.* Section 202 would authorize the Attorney General to award grants to eligible entities to provide training, technical assistance, policy development, and other types of support to state and local prosecutors dealing with elder justice-related cases. The bill also would authorize the creation of a Center for the Prosecution of Elder Abuse, Neglect, and Exploitation to further these objectives. Section 202 would authorize the

appropriation of \$6 million in 2006 and \$8 million each year for the 2007-2009 period.

- *Section 203: Supporting Federal Cases Involving Elder Justice.* Section 203 would require the Attorney General to hire additional prosecutors and enter into contracts with nurse-investigators and other professionals to help in cases involving elder justice issues. The Attorney General could also fund a resource group to assist prosecutors in pursuing cases of elder justice matters. Section 203 would authorize the appropriation of \$3 million in 2006, \$5 million each year for the 2007-2009 period.
- *Section 204: Supporting Law Enforcement in Elder Justice Matters.* Section 204 would authorize the Attorney General to award grants to eligible entities to provide training, technical assistance, policy development, and other types of support to police, detectives, sheriffs, and other law enforcement personnel who handle elder justice-related cases. Section 204 would authorize the appropriation of \$6 million in 2006 and \$8 million each year for the 2007-2009 period.
- *Section 205: Establishment and Support of Elder Abuse, Neglect, and Exploitation Forensic Centers.* Section 205 would authorize the Attorney General to award grants to eligible entities to establish and operate forensic centers and to develop forensic expertise and services for elder abuse, neglect, and exploitation cases. Four of the grants would be for stationary forensic centers; another six would be for mobile centers. Section 205 would authorize the appropriation of \$4 million in 2006, \$6 million in 2007, and \$8 million for 2008 and 2009.
- *Section 206: Model State Laws and Practices.* Section 206 would require the Attorney General, in consultation with the Secretary of HHS, to conduct a study and prepare a report on the various state laws and practices concerning elder justice matters. The Attorney General would provide a comprehensive analysis of these laws and practices and report these findings along with recommendations for models of state laws to the appropriate committees of the Congress. Section 206 would authorize the appropriation of \$2.5 million in 2006 and \$3 million each year for the 2007-2009 period.

Direct Spending and Revenues

S. 333 would not affect direct spending, but potentially could affect revenues through the creation of several new civil penalties for violations relating to the evaluation of elder justice programs. Collections of such penalties are recorded as revenues and deposited in the Treasury; however, CBO expects that any increase in federal revenues resulting from those new penalties would be negligible.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

S. 333 contains no intergovernmental or private-sector mandates as defined in UMRA. State, local, and tribal governments would be eligible for a number of grants authorized by the bill, including grants for employee training and certification, research efforts, caseworker support for victims of elder abuse, evaluation programs, and forensic activities tied to elder abuse, neglect, and exploitation. The costs of any requirements tied to these grants would be incurred voluntarily. The bill also would authorize grants to states for reporting data on elder abuse, neglect, and exploitation to the federal government.

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