

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# **H. R. 5293**

---

## **AN ACT**

To amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes.



109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5293

---

## AN ACT

To amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Senior Independence Act of 2006”.

4 (b) TABLE OF CONTENTS.—The table of contents of  
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Establishment of Administration on Aging.
- Sec. 4. Functions of the Assistant Secretary.
- Sec. 5. Federal agency consultation.
- Sec. 6. Administration.
- Sec. 7. Evaluation.
- Sec. 8. Reports.
- Sec. 9. Contractual, commercial and private pay relationships; appropriate use  
of Act funds.
- Sec. 10. Nutrition education.
- Sec. 11. Pension counseling and information programs.
- Sec. 12. Authorization of appropriations.
- Sec. 13. Purpose; administration.
- Sec. 14. Authorization of appropriations; uses of funds.
- Sec. 15. Organization.
- Sec. 16. Area plans.
- Sec. 17. State plans.
- Sec. 18. Payments.
- Sec. 19. Nutrition services incentive program.
- Sec. 20. Consumer contributions.
- Sec. 21. Supportive services and senior centers program.
- Sec. 22. Nutrition service.
- Sec. 23. Congregate nutrition program.
- Sec. 24. Home delivered nutrition services.
- Sec. 25. Criteria.
- Sec. 26. Nutrition.
- Sec. 27. Evaluation of nutrition projects.
- Sec. 28. Improving indoor air quality to buildings where seniors congregate.
- Sec. 29. Caregiver support program definitions.
- Sec. 30. Caregiver support program.
- Sec. 31. Activities of national significance.
- Sec. 32. Title IV grant programs.
- Sec. 33. Career preparation for the field of aging.
- Sec. 34. Health care service demonstration projects in rural areas.
- Sec. 35. Demonstration projects for multigenerational activities.
- Sec. 36. Native American programs.
- Sec. 37. Multidisciplinary centers.
- Sec. 38. Responsibilities of Assistant Secretary.
- Sec. 39. Community service employment-based training for older Americans.
- Sec. 40. Native Americans caregiver support program.
- Sec. 41. Vulnerable elder rights protection activities.
- Sec. 42. Native American organization provisions.

Sec. 43. Elder abuse, neglect, and exploitation prevention.

Sec. 44. Technical amendments.

1 **SEC. 2. DEFINITIONS.**

2 Section 102 of the Older Americans Act of 1965 (42  
3 U.S.C. 3002) is amended—

4 (1) by amending paragraph (10) to read as fol-  
5 lows:

6 “(10) The terms ‘assistive device’, ‘assistive  
7 technology’, and ‘assistive technology service’ have  
8 the meanings given such terms in section 3 of the  
9 Assistive Technology Act of 1998 (29 U.S.C.  
10 3002).”,

11 (2) by amending paragraph (12)(D) to read as  
12 follows:

13 “(D) evidence-based health promotion pro-  
14 grams, including programs related to the pre-  
15 vention and mitigation of the effects of chronic  
16 disease (including osteoporosis, hypertension,  
17 obesity, diabetes, and cardiovascular disease),  
18 alcohol and substance abuse reduction, smoking  
19 cessation, weight loss and control, stress man-  
20 agement, falls prevention, physical activity, and  
21 improved nutrition through the consumption of  
22 a healthful diet and multivitamin-mineral sup-  
23 plementation;”,

24 (3) in paragraph (29)(E)—

1 (A) in clause (i) by striking “and” at the  
2 end,

3 (B) in clause (ii) by striking the period at  
4 the end and inserting “; and” , and

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

6 “(iii) older individuals at risk for in-  
7 stitutional placement.”,

8 (4) by amending paragraph (24) to read as fol-  
9 lows:

10 “(24) The term ‘exploitation’ means the fraudu-  
11 lent or otherwise illegal, unauthorized, or improper  
12 act or process of an individual that uses the re-  
13 sources of an older individual for monetary or per-  
14 sonal benefit, profit, or gain, or that results in de-  
15 priving an older individual of rightful access to, or  
16 use of, benefits, resources, belongings, or assets.”,

17 (5) by amending paragraph (34) to read as fol-  
18 lows:

19 “(34) The term ‘neglect’ means—

20 “(A) the failure of a caregiver or fiduciary  
21 to provide goods or services that are necessary  
22 to maintain the health or safety of an elder; or

23 “(B) self neglect.”,

24 (6) by redesignating paragraphs (1) through  
25 (43) as paragraphs (43), (7), (48), (37), (25), (26),

1 (52), (13), (46), (8), (28), (12), (1), (2), (3), (5),  
2 (6), (10), (24), (35), (11), (14), (15), (17), (19),  
3 (20), (21), (22), (27), (29), (30), (32) (33), (36),  
4 (38), (39), (40), (41), (42), (49), (51), (18), and  
5 (47), respectively,

6 (7) by transferring such paragraphs so as to ar-  
7 range them in numerical order as so redesignated,

8 (8) by inserting after paragraph (3), as so re-  
9 designated the following:

10 “(4) The term ‘Aging and Disability Resource  
11 Center’ means a program established by a State as  
12 part of the State’s system of long-term care, to pro-  
13 vide a coordinated system for providing—

14 “(A) comprehensive information on avail-  
15 able public and private long-term care pro-  
16 grams, options, and resources;

17 “(B) personal counseling to assist individ-  
18 uals in assessing their existing or anticipated  
19 long-term care needs, and developing and imple-  
20 menting a plan for long-term care designed to  
21 meet their specific needs and circumstances;  
22 and

23 “(C) consumer access to the range of pub-  
24 licly-supported long-term care programs for

1           which they may be eligible, by serving as a con-  
2           venient point of entry for such programs.”,

3           (9) by inserting after paragraph (8), as so re-  
4           designated, the following:

5           “(9) The term ‘at risk for institutional place-  
6           ment’ means, with respect to an older individual,  
7           that such individual is unable to perform at least  
8           two activities of daily living without substantial  
9           human assistance (including verbal reminding, phys-  
10          ical cuing, or supervision) and is determined by the  
11          State to be in need of placement in a long-term care  
12          facility.”,

13          (10) by inserting after paragraph (15), as so  
14          redesignated, the following:

15          “(16) The term ‘elder justice’ means efforts to  
16          prevent, detect, treat, intervene in, and respond to  
17          elder abuse, neglect, and exploitation and to protect  
18          elders with diminished capacity while maximizing  
19          their autonomy.”,

20          (11) by inserting after paragraph (22), as so  
21          redesignated, the following:

22          “(23) The term ‘Hispanic serving institution’  
23          has the meaning as defined in section 502 of the  
24          Higher Education Act of 1965 (20 U.S.C. 1101A).”,

1           (12) by inserting after paragraph (30), as so  
2 redesignated, the following:

3           “(31) The term ‘long-term care’ means any  
4 services, care, or items (including assistive devices),  
5 including disease prevention and health promotion  
6 services, in-home services, and case management  
7 service—

8           “(A) intended to assist individuals in cop-  
9 ing with, and to the extent practicable com-  
10 pensate for, functional impairments in carrying  
11 out activities of daily living;

12           “(B) furnished at home, in a community  
13 care setting (including a small community care  
14 setting as defined in subsection (g)(1), and a  
15 large community care setting as defined in sub-  
16 section (h)(1), of section 1929 of the Social Se-  
17 curity Act (42 U.S.C. 1396t)), or in a long-  
18 term care facility; and

19           “(C) not furnished to prevent, diagnose,  
20 treat, or cure a medical disease or condition.”,

21           (13) by inserting after paragraph (33), as so  
22 redesignated, the following:

23           “(34) The term ‘multivitamin-mineral supple-  
24 ment’ means a dietary supplement that provides at  
25 least two-third’s of the essential vitamins and min-

1       erals at 100 percent of the daily value levels as de-  
2       termined by the Food and Drug Administration.”,

3               (14) by inserting after paragraph (43), as so  
4       redesignated, the following:

5               “(44) The term ‘self-directed care’ means an  
6       approach to providing services (including programs,  
7       benefits, supports, and technology) under this Act  
8       intended to an older individual to assist such indi-  
9       vidual with activities of daily living, in which

10              “(A) such services (including the amount,  
11             duration, scope, provider, and location of such  
12             services) are planned, budgeted, and purchased  
13             under the direction and control of such indi-  
14             vidual;

15              “(B) such individual is provided with such  
16             information and assistance as necessary and ap-  
17             propriate to enable such individual to make in-  
18             formed decisions about his or her care options;

19              “(C) the needs, capabilities, and pref-  
20             erences of such individual with respect to such  
21             services, and such individual’s ability to direct  
22             and control his or her receipt of such services,  
23             are assessed by the area agency on aging (or  
24             other agency designated by the area agency on  
25             aging);

1           “(D) based on the assessment made under  
2           subparagraph (C), the area agency on aging (or  
3           other agency designated by the area agency on  
4           aging) develops together with such individual  
5           and his or her family, caregiver, or legal rep-  
6           resentative—

7                   “(i) a plan of services for such indi-  
8                   vidual that specifies which services such in-  
9                   dividual will be responsible for directing;

10                   “(ii) a determination of the role of  
11                   family members (and others whose partici-  
12                   pation is sought by such individual) in pro-  
13                   viding services under such plan; and

14                   “(iii) a budget for such services; and

15           “(E) the area agency on aging or State  
16           agency provides for oversight of such individ-  
17           ual’s self-directed receipt of services, including  
18           steps to ensure the quality of services provided  
19           and the appropriate use of funds under this  
20           Act.

21           “(45) The term ‘self-neglect’ means an adult’s  
22           inability, due to physical or mental impairment or  
23           diminished capacity, to perform essential self-care  
24           tasks including—

1           “(A) obtaining essential food, clothing,  
2           shelter, and medical care;

3           “(B) obtaining goods and services nec-  
4           essary to maintain physical health, mental  
5           health, or general safety; or

6           “(C) managing one’s own financial af-  
7           fairs.”, and

8           (15) by inserting after paragraph (49), as so  
9           redesignated, the following:

10           “(50) The term ‘State system of long-term  
11           care’ means the Federal, State, and local programs  
12           and activities administered by a State that provide,  
13           support, or facilitate access to long-term care to in-  
14           dividuals in such State.”.

15 **SEC. 3. ESTABLISHMENT OF ADMINISTRATION ON AGING.**

16           Section 201 of the Older Americans Act of 1965 (42  
17 U.S.C. 3011) is amended by adding at the end the fol-  
18           lowing:

19           “(e)(1) The Assistant Secretary may designate within  
20           the Administration responsibility for elder abuse preven-  
21           tion and services.

22           “(2) It shall be the duty of the assistant secretary,  
23           acting through the person designated with responsibility  
24           for elder abuse prevention and services, to develop objec-  
25           tives, priorities, policy, and a long-term plan for—

1           “(A) carrying out elder justice programs and  
2 activities relating to—

3                 “(i) elder abuse prevention, detection,  
4 treatment, and intervention, and response;

5                 “(ii) training of individuals regarding the  
6 matters described in clause (i); and

7                 “(iii) the improvement of the elder justice  
8 system in the United States;

9           “(B) collecting and disseminating data relating  
10 to the abuse, neglect, and exploitation of older indi-  
11 viduals;

12           “(C) disseminating information concerning best  
13 practices regarding, and providing training on, car-  
14 rying out activities related to abuse, neglect, and ex-  
15 ploitation of older individuals;

16           “(D) conducting research related to abuse, ne-  
17 glect, and exploitation of older individuals;

18           “(E) providing technical assistance to States  
19 and other eligible entities under title VII;

20           “(F) assisting States and other eligible entities  
21 under title VII to develop strategic plans to better  
22 coordinate elder justice activities, research, and  
23 training; and

24           “(G) promoting collaborative efforts and dimin-  
25 ishing duplicative efforts in the development and

1 carrying out of elder justice programs at the Fed-  
2 eral, State, and local levels.

3 “(f)(1) The Assistant Secretary may designate an of-  
4 ficer or employee who shall be responsible for the adminis-  
5 tration of mental health services authorized under this  
6 Act;

7 “(2) It shall be the duty of the Assistant Secretary,  
8 acting through the individual designated in paragraph (1),  
9 to develop objectives, priorities, and a long-term plan for  
10 supporting State and local efforts involving education, pre-  
11 vention, detection, and treatment of mental disorders, in-  
12 cluding age-related dementia, depression, and Alzheimer’s  
13 disease and related neurological disorders.”.

14 **SEC. 4. FUNCTIONS OF THE ASSISTANT SECRETARY.**

15 Section 202 of the Older Americans Act of 1965 (42  
16 U.S.C. 3012) is amended—

17 (1) in subsection (a)—

18 (A) in paragraph (5) by inserting “assist-  
19 ive technology,” after “housing,”

20 (B) in paragraph (12)—

21 (i) by striking “(12)” and inserting  
22 the following:

23 “(12)(A) consult and coordinate activities with  
24 the Centers for Medicare & Medicaid Services and  
25 other federal entities to implement and build aware-

1       ness of programs providing benefits affecting older  
2       individuals; and

3               “(B)”,

4               (C) in paragraph (20)—

5                       (i) by striking “and area agencies on  
6                       aging” and inserting “, area agencies on  
7                       aging, and service providers”,

8                       (ii) by striking “and benefits” and in-  
9                       serting “benefits”,

10                      (iii) by inserting “benefits under any  
11                      other applicable Federal program, or any  
12                      other service (including technology and  
13                      internet-based decision support tools) to  
14                      assist consumers to learn about, to receive  
15                      benefits under, and to participate in pro-  
16                      grams for which they may be eligible”  
17                      after “(7 U.S.C. 2011 et seq.)”,

18                      (iv) by inserting “(A)” after “(20)”,

19                      and

20                      (v) by adding at the end the following:

21                      “(B) provide technical assistance and support  
22                      for benefits enrollment assistance and outreach to  
23                      support efforts to inform and enroll low-income older  
24                      individuals who may be eligible to participate, but  
25                      who are not participating, in Federal and State pro-

1       grams for which they are eligible, and may in co-  
2       operation with Federal partners, make grants or  
3       contracts to establish a National Center on Senior  
4       Benefits Outreach and Enrollment, which shall—

5               “(i) maintain and update web-based deci-  
6               sion supports and enrollment tools and inte-  
7               grated, person-centered systems designed to in-  
8               form older individuals about the full range of  
9               benefits for which they may be eligible;

10              “(ii) utilize cost-effective strategies to find  
11              and enroll those with greatest economic need;

12              “(iii) create and support efforts for Aging  
13              and Disability Resource Centers, and other  
14              public and private State and community-based  
15              organizations and coalitions, including faith-  
16              based organizations, to serve as enrollment ben-  
17              efit centers;

18              “(iv) develop and maintain an information  
19              clearinghouse on best practices and cost-effec-  
20              tive methods for identifying and enrolling lim-  
21              ited income older Americans in benefits for  
22              which they are eligible; and

23              “(v) provide, in collaboration with Federal  
24              partners administering programs, training and

1 technical assistance on effective outreach,  
2 screening, enrollment and follow-up strategies.”,

3 (D) in paragraph (26)—

4 (i) in subsection (D)—

5 (I) by striking “gaps in”, and

6 (II) by inserting “(including serv-  
7 ices that would permit such individ-  
8 uals to receive long-term care in home  
9 and community-based settings)” after  
10 “individuals”, and

11 (ii) in subsection (E) by striking  
12 “and” at the end,

13 (E) in paragraph (27)—

14 (i) in subparagraph (B) by adding  
15 “and” at the end,

16 (ii) in subparagraph (C) by striking  
17 the semicolon and inserting a period, and

18 (iii) by striking subparagraph (D),

19 and

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

21 “(28) make available to States, area agencies  
22 on aging, and service providers information and  
23 technical assistance to support the provision of evi-  
24 dence-based disease prevention and health promotion  
25 services.”, and

1           (2) by striking subsections (b) and (c), and in-  
2           serting the following:

3           “(b) To promote the development and implementa-  
4           tion of comprehensive, coordinated systems at Federal,  
5           State, and local levels for providing long-term care in  
6           home and community-based settings, in a manner respon-  
7           sive to the needs and preferences of older individuals and  
8           their family caregivers, the Assistant Secretary shall, con-  
9           sistent with the applicable provisions of this title—

10           “(1) collaborate, coordinate, and consult with  
11           other Federal agencies and departments responsible  
12           for formulating and implementing programs, bene-  
13           fits, and services related to providing long-term care,  
14           and may make grants, contracts, and cooperative  
15           agreements with funds received from other Federal  
16           entities;

17           “(2) conduct research and demonstration  
18           projects to identify innovative, cost-effective strate-  
19           gies for modifying State systems of long-term care  
20           to—

21           “(A) respond to the needs and preferences  
22           of older individuals and family caregivers; and

23           “(B) target services to individuals at risk  
24           for institutional placement, to permit such indi-

1           viduals to remain in home and community-  
2           based care settings;

3           “(3) establish criteria and promote the imple-  
4           mentation (through area agencies on aging, service  
5           providers, and such other entities as the Assistant  
6           Secretary determines to be appropriate) of evidence-  
7           based programs to assist older individuals and their  
8           family caregivers in learning about and making be-  
9           havioral changes intended to reduce the risk of in-  
10          jury, disease, and disability among older individuals;

11          “(4) facilitate, in coordination with the Centers  
12          for Medicare & Medicaid Services, the Cash and  
13          Counseling National Program Office, and other Fed-  
14          eral entities as appropriate, the provision of long-  
15          term care in home and community-based settings,  
16          including the provision of self-directed care models  
17          that—

18                 “(A) provide for the assessment of the  
19                 needs and preferences of an individual at risk  
20                 for institutional placement to help such indi-  
21                 vidual avoid unnecessary nursing home place-  
22                 ment and depletion of income and assets to  
23                 qualify for Medicaid eligibility;

24                 “(B) respond to the needs and preferences  
25                 of such individual and provide the option for

1 the individual (or representative, as appro-  
2 priate) to direct and control the receipt of sup-  
3 port services provided;

4 “(C) assist an older individual (or a rep-  
5 resentative, as appropriate) develop a plan for  
6 long-term support, including the selecting,  
7 budgeting, and purchasing of home and commu-  
8 nity-based long-term care and supportive serv-  
9 ices;

10 (for purposes of this paragraph, the term ‘represent-  
11 ative’ means a person appointed by the eligible indi-  
12 vidual, or legally acting on the individual’s behalf, to  
13 represent or advise the individual in financial or  
14 service coordination matters);

15 “(5) provide for the Administration to play a  
16 lead role with respect to issues concerning home and  
17 community-based long-term care, including—

18 “(A) directing (as the Secretary or the  
19 President determines to be appropriate) or oth-  
20 erwise participating in departmental and inter-  
21 departmental activities concerning long-term  
22 care;

23 “(B) reviewing and commenting on depart-  
24 mental rules, regulations, and policies related to  
25 providing long-term care; and

1           “(C) making recommendations to the Sec-  
2           retary with respect to home and community-  
3           based long-term care, including recommenda-  
4           tions based on findings made through projects  
5           conducted under paragraph (2);

6           “(6) promote, in coordination with other appro-  
7           priate Federal agencies, enhanced awareness by the  
8           public of the importance of planning in advance for  
9           long-term care and the availability of information  
10          and resources to assist in such planning;

11          “(7) implement in all States Aging and Dis-  
12          ability Resource Centers—

13               “(A) to serve as visible and trusted sources  
14               of information on the full range of long-term  
15               care options that are available in the commu-  
16               nity, including both institutional and home and  
17               community-based care;

18               “(B) to provide personalized and consumer  
19               friendly assistance to empower people to make  
20               informed decisions about their care options;

21               “(C) to provide coordinated and stream-  
22               lined access to all publicly supported long-term  
23               care options so that consumers can obtain the  
24               care they need through a single intake, assess-  
25               ment and eligibility determination process;

1           “(D) to help people to plan ahead for their  
2           future long-term care needs; and

3           “(E) to assist, in coordination with the  
4           State Health Insurance Assistance Program,  
5           Medicare beneficiaries in understanding and ac-  
6           cessing the Prescription Drug Coverage and  
7           preventative health benefits available under the  
8           Medicare Modernization Act;

9           “(8) establish, either directly or through grants  
10          or contracts, national technical assistance programs  
11          to assist State agencies, area agencies on aging, and  
12          community-based service providers funded under this  
13          Act in implementing—

14                 “(A) such home and community-based  
15                 long-term care systems, including evidence-  
16                 based programs; and

17                 “(B) such evidence-based health promotion  
18                 and disease prevention programs;

19           “(9) develop, in collaboration with the Adminis-  
20          trator of the Centers for Medicare & Medicaid Serv-  
21          ices, performance standards and measures for use by  
22          States to determine the extent to which their sys-  
23          tems of long-term care fulfill the objectives described  
24          in this subsection; and

1           “(10) conduct such other activities as the As-  
2           sistant Secretary determines to be appropriate.

3           “(c) The Assistant Secretary, in consultation with the  
4 Corporation for National and Community Service, shall—

5           “(1) encourage and permit voluntary groups ac-  
6           tive in supportive services and civic engagement, in-  
7           cluding youth organizations active at the secondary  
8           or postsecondary levels, to participate and be in-  
9           volved individually or through representative groups,  
10          in such programs or activities to the maximum ex-  
11          tent feasible;

12          “(2) develop a comprehensive strategy for uti-  
13          lizing older individuals to address critical local needs  
14          of national concern, including the engagement of  
15          older individuals in the activities of public and non-  
16          profit organizations such as community-based and  
17          faith-based organizations; and

18          “(3) encourage other community capacity build-  
19          ing initiatives involving older individuals, with par-  
20          ticular attention to initiatives that demonstrate the  
21          effectiveness and cost savings in meeting critical  
22          needs.”.

23 **SEC. 5. FEDERAL AGENCY CONSULTATION.**

24          Section 203 of the Older Americans Act of 1965 (42  
25 U.S.C. 3013) is amended—

1           (1) in subsection (a)(3)(A) by striking “(with  
2           particular attention to low-income minority older in-  
3           dividuals and older individuals residing in rural  
4           areas)” and inserting “(with particular attention to  
5           low-income older individuals, including low-income  
6           minority older individuals, older individuals with lim-  
7           ited English proficiency, and older individuals resid-  
8           ing in rural areas)”, and

9           (2) in subsection (b)—

10           (A) in paragraph (17) by striking “and” at  
11           the end,

12           (B) in paragraph (18) by striking the pe-  
13           riod at the end and inserting “; and”, and

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

15           “(19) sections 4 and 5 of the Assistive Tech-  
16           nology Act of 1998 (29 U.S.C. 3003–3004).”.

17 **SEC. 6. ADMINISTRATION.**

18           Section 205 of the Older Americans Act of 1965 (42  
19 U.S.C. 3016) is amended—

20           (1) in subsection (a)—

21           (A) in paragraph (1)—

22           (i) in subparagraph (C) by adding  
23           “and” at the end,

1 (ii) in subparagraph (D) by striking  
2 the semicolon at the end and inserting a  
3 period, and

4 (iii) by striking subparagraph (E),  
5 and  
6 (B) in paragraph (2)—

7 (i) in subparagraph (A)—

8 (I) by amending clause (i) to  
9 read as follows:

10 “(i) designing, implementing, and evaluating  
11 evidence-based programs to support improved nutri-  
12 tion and regular physical activity for older individ-  
13 uals;”,

14 (II) by amending clause (iii) to  
15 read as follows:

16 “(iii) conducting outreach and disseminating  
17 evidence-based information to nutrition service pro-  
18 viders about the benefits of healthful diets and reg-  
19 ular physical activity, including information about  
20 the most current Dietary Guidelines for Americans  
21 published under section 301 of the National Nutri-  
22 tion Monitoring and Related Research Act of 1990  
23 (7 U.S.C. 5341), the Food Guide Pyramid published  
24 jointly by the Secretary and the Secretary of Agri-  
25 culture, and advances in nutrition science;”,

1 (III) in clause (vii) by striking  
2 “and” at the end, and

3 (IV) by striking clause (viii) and  
4 inserting the following:

5 “(viii) disseminating guidance that describes  
6 strategies for improving the nutritional quality of  
7 meals provided under title III, particularly strategies  
8 for increasing the consumption of whole grains,  
9 lowfat dairy products, fruits and vegetables;

10 “(ix) developing and disseminating guidelines  
11 for conducting nutrient analyses of meals provided  
12 in subparts 1 and 2 of part C, including guidelines  
13 for averaging key nutrients over an appropriate pe-  
14 riod of time; and

15 “(x) providing technical assistance to the re-  
16 gional offices of the Administration with respect to  
17 each duty described in clauses (i) through (viii).”,  
18 and

19 (ii) by amending subparagraph (C)(i)  
20 to read as follows:

21 “(i) have expertise in nutrition, energy balance,  
22 and meal planning; and”.

1 **SEC. 7. EVALUATION.**

2 The 1st sentence of section 206(g) of the Older  
3 Americans Act of 1965 (42 U.S.C. 3017(g)) is amended  
4 to read as follows:

5 “From the total amount appropriated for each fiscal year  
6 to carry out title III, the Secretary may use such sums  
7 as may be necessary, but not to exceed  $\frac{1}{2}$  of 1 percent  
8 of such amount, for purposes of conducting evaluations  
9 under this section, either directly or through grants or  
10 contracts.”.

11 **SEC. 8. REPORTS.**

12 Section 207(b)(2) of the Older Americans Act of  
13 1965 (42 U.S.C. 3018(b)(2)) is amended—

14 (1) in subparagraph (B) by striking “Labor”  
15 and inserting “the Workforce”, and

16 (2) in subparagraph (C) by striking “Labor and  
17 Human Resources” and inserting “Health, Edu-  
18 cation, Labor, and Pensions”.

19 **SEC. 9. CONTRACTUAL, COMMERCIAL AND PRIVATE PAY**  
20 **RELATIONSHIPS; APPROPRIATE USE OF ACT**  
21 **FUNDS.**

22 (a) PRIVATE PAY RELATIONSHIPS; APPROPRIATE  
23 USE OF ACT FUNDS.—Section 212 of the Older Ameri-  
24 cans Act of 1965 (42 U.S.C. 3020c) is amended to read  
25 as follows:

1 **“SEC. 212. CONTRACTING AND GRANT AUTHORITY; PRI-**  
2 **VATE PAY RELATIONSHIPS; APPROPRIATE**  
3 **USE OF FUNDS.**

4 “(a) IN GENERAL.—Subject to subsection (b), this  
5 Act shall not be construed to prevent a recipient of a grant  
6 or a contract from entering into an agreement—

7 “(1) with a profitmaking organization;

8 “(2) under which funds provided under such  
9 grant or contract are used to pay part or all of a  
10 cost (including an administrative cost) incurred by  
11 such recipient to carry out a contract or commercial  
12 relationship for the benefit of older individuals or  
13 their family caregivers, whether such relationship is  
14 carried out to implement a provision of this Act or  
15 to conduct activities inherently associated with im-  
16 plementing such provision; or

17 “(3) under which any individual, regardless of  
18 age or income (including the family caregiver of such  
19 individual), who seeks to receive 1 or more services  
20 pays, at their own private expense, to receive such  
21 services based on the fair market value of such serv-  
22 ices.

23 “(b) ENSURING APPROPRIATE USE OF FUNDS.—An  
24 agreement described under subsection (a) may not—

25 “(1) be made without the prior approval of the  
26 State agency (or, in the case of a grantee under title

1 VI, without the prior recommendation of the Direc-  
2 tor of the Office for American Indian, Alaska Na-  
3 tive, and Native Hawaiian Aging and the prior ap-  
4 proval of the Assistant Secretary);

5 “(2) directly or indirectly provide for, or have  
6 the effect of, paying, reimbursing, or otherwise com-  
7 pensating an entity under such agreement in an  
8 amount that exceeds the fair market value of the  
9 goods or services furnished by such entity under  
10 such agreement;

11 “(3) result in the displacement of services oth-  
12 erwise available to an older individual with the  
13 greatest social need, an older individual with great-  
14 est economic need, or an older individual who is at  
15 risk for institutional placement; or

16 “(4) in any other way compromise, undermine,  
17 or be inconsistent with the objective of serving the  
18 needs of older individuals, as determined by the As-  
19 sistant Secretary.”.

20 **SEC. 10. NUTRITION EDUCATION.**

21 Section 214 of the Older Americans Act of 1965 (42  
22 U.S.C. 3020e) is amended to read as follows:

23 **“SEC. 214. NUTRITION EDUCATION.**

24 “The Assistant Secretary, in consultation with the  
25 Secretary of Agriculture, shall conduct outreach and pro-

1 vide technical assistance to agencies and organizations  
2 that serve older individuals to assist such agencies and or-  
3 ganizations to carry out integrated health promotion and  
4 disease prevention programs that are designed for older  
5 individuals and that include nutrition education, physical  
6 activity, and other activities to modify behavior and to im-  
7 prove health literacy (including information on optimal nu-  
8 trient intake) through education and counseling in accord-  
9 ance with section 339(2)(J).”.

10 **SEC. 11. PENSION COUNSELING AND INFORMATION PRO-**  
11 **GRAMS.**

12 Section 215 of the Older Americans Act of 1965 (42  
13 U.S.C. 3020e–1) is amended—

14 (1) in subsection (e)(1)(J) by striking “and  
15 low-income retirees” and inserting “, low income re-  
16 tirees, and older individuals with limited English  
17 proficiency”,

18 (2) in subsection (f) by amending paragraph (2)  
19 to read as follows:

20 “(2) The ability of the entity to perform effec-  
21 tive outreach to affected populations, particularly  
22 populations with limited English proficiency and  
23 other populations that are identified in need of spe-  
24 cial outreach.”, and

1           (3) in subsection (h)(2) by inserting “(including  
2           individuals with limited English proficiency)” after  
3           “individuals”.

4 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

5           Section 216 of the Older Americans Act of 1965 (42  
6 U.S.C. 3020f) is amended—

7           (1) in subsection (a) by striking “2001, 2002,  
8           2003, 2004, and 2005” and inserting “2007, 2008,  
9           2009, 2010, and 2011.”, and

10           (2) in subsections (b) and (c) by striking  
11           “year” and all that follows through “years”, and in-  
12           serting “years 2007, 2008, 2009, 2010, and 2011”.

13 **SEC. 13. PURPOSE; ADMINISTRATION.**

14           Section 301(a)(2) of the Older Americans Act of  
15 1965 (42 U.S.C. 3021(a)(2)) is amended—

16           (1) in subparagraph (D) by striking “and” at  
17           the end,

18           (2) in subparagraph (E) by striking the period  
19           at the end and inserting “; and”, and

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

21           “(F) organizations with experience in providing  
22           senior volunteer services, such as Federal volunteer  
23           programs administered by the Corporation for Na-  
24           tional and Community Service designed to provide

1 training, placement, and stipends for volunteers in  
2 community service settings.”.

3 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS; USES OF**  
4 **FUNDS.**

5 Section 303 of the Older Americans Act of 1965 (42  
6 U.S.C. 3023) is amended—

7 (1) in subsections (a)(1), (b), and (d) by strik-  
8 ing “year 2001” and all that follows through  
9 “years” each place it appears, and inserting “years  
10 2007, 2008, 2009, 2010, and 2011”, and

11 (2) in subsection (e)—

12 (A) by striking paragraph (1),

13 (B) in paragraph (2)—

14 (i) by striking “(2)” and inserting  
15 “(1)”, and

16 (ii) by striking “each of the 4 suc-  
17 ceeding fiscal years” and inserting “for fis-  
18 cal years 2007, 2008, 2009, 2010, and  
19 2011”, and

20 (C) in paragraph (3)—

21 (i) by striking “(3)” and inserting  
22 “(2)”, and

23 (ii) by striking “paragraphs (1) and  
24 (2)” and inserting “paragraph (1)”.

1 **SEC. 15. ORGANIZATION.**

2 Section 305(a) of the Older Americans Act of 1965  
3 (42 U.S.C. 3025(a)) is amended—

4 (1) in paragraph (1)(E) by striking “(with par-  
5 ticular attention to low-income minority individuals  
6 and older individuals residing in rural areas)” each  
7 place it appears and inserting “(with particular at-  
8 tention to low-income older individuals, including  
9 low-income minority older individuals, older individ-  
10 uals with limited English proficiency, and older indi-  
11 viduals residing in rural areas)”,

12 (2) in paragraph (2)(E) by striking “with par-  
13 ticular attention to low-income minority individuals  
14 and older individuals residing in rural areas” and in-  
15 sserting “with particular attention to low-income  
16 older individuals, including low-income minority  
17 older individuals, older individuals with limited  
18 English proficiency, and older individuals residing in  
19 rural areas”, and

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

21 “(3) the State agency shall, consistent with this  
22 section, promote the development and implementa-  
23 tion of a comprehensive, coordinated system in such  
24 State for providing long-term care in home and com-  
25 munity-based settings, in a manner responsive to the

1 needs and preferences of older individuals and their  
2 family caregivers, by—

3 “(A) collaborating, coordinating, and con-  
4 sulting with other agencies in such State re-  
5 sponsible for formulating, implementing, and  
6 administering programs, benefits, and services  
7 related to providing long-term care;

8 “(B) participating in any State govern-  
9 ment activities concerning long-term care, in-  
10 cluding reviewing and commenting on any State  
11 rules, regulations, and policies related thereto;

12 “(C) conducting analyses and making rec-  
13 ommendations, and implementing programs and  
14 strategies to modify the State’s system of long-  
15 term care to better—

16 “(i) respond to the needs and pref-  
17 erences of older individuals and family  
18 caregivers;

19 “(ii) facilitate the provision of long-  
20 term care in home and community-based  
21 settings through service providers; and

22 “(iii) target services to individuals at  
23 risk for institutional placement, to permit  
24 such individuals to remain in home and  
25 community-based care settings;

1           “(D) implement (through area agencies on  
2           aging, service providers, and such other entities  
3           as the State determines to be appropriate) evi-  
4           dence-based programs to assist older individuals  
5           and their family caregivers in learning about  
6           and making behavioral changes intended to re-  
7           duce the risk of injury, disease, and disability  
8           among older individuals; and

9           “(E) providing for the availability and dis-  
10          tribution (through public education campaigns,  
11          aging and disability resource centers, area  
12          agencies on aging, and other appropriate  
13          means) of information relating to—

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

16                 “(ii) the range of available public and  
17                 private long-term care programs, options,  
18                 and resources.”.

19 **SEC. 16. AREA PLANS.**

20           Section 306 of the Older Americans Act of 1965 (42  
21 U.S.C. 3026) is amended—

22                 (1) in subsection (a)—

23                         (A) in paragraph (1)—

24                                 (i) by striking “(with particular atten-  
25                                 tion to low-income minority individuals and

1 older individuals residing in rural areas)”  
2 each place it appears and inserting “(with  
3 particular attention to low-income older in-  
4 dividuals, low-income minority older indi-  
5 viduals, older individuals with limited  
6 English proficiency, and older individuals  
7 residing in rural areas)”, and

8 (ii) by inserting “the number of older  
9 individuals at risk for institutional place-  
10 ment residing in such area,” after “indi-  
11 viduals) residing in such area,”

12 (B) in paragraph (4)—

13 (i) in subparagraph (A)—

14 (I) by amending clause (i) to

15 read as follows:

16 “(i) provide assurances that the area agency on  
17 aging will—

18 “(I) set specific objectives, consistent with  
19 State policy, for providing services to older indi-  
20 viduals with greatest economic need, older indi-  
21 viduals with greatest social need, and older in-  
22 dividuals at risk for institutional placement;

23 “(II) include in the area plan specific ob-  
24 jectives for providing services to low-income mi-

1           nority older individuals and older individuals re-  
2           siding in rural areas; and

3           “(III) include in the area plan proposed  
4           methods to achieve such objectives;”, and

5                       (II) in clause (ii) by inserting  
6                       “(including older individuals with lim-  
7                       ited English proficiency)” after “low  
8                       income minority individuals” each  
9                       place it appears; and

10           (ii) in subparagraph (B)—

11                       (I) by moving the left margin of  
12                       each of subparagraph (B), clauses (i)  
13                       and (ii), and subclauses (I) through  
14                       (VI) of clause (i), 2 ems to the left,

15                       (II) in clause (i)—

16                               (aa) in subclause (V) by  
17                               striking “and” at the end; and

18                               (bb) by adding at the end  
19                               the following:

20                               “(VI) older individuals at risk for in-  
21                               stitutional placement; and”, and

22                               (III) by striking “(VI)” and in-  
23                               serting “(VII)”,

1 (C) in paragraph (5) by inserting “and in-  
2 dividuals at risk for institutional placement”  
3 after “severe disabilities”,

4 (D) in paragraph (6)—

5 (i) in subparagraph (C)—

6 (I) in clause (i) by striking  
7 “and” at the end,

8 (II) in clause (ii) by adding  
9 “and” at the end, and

10 (III) by inserting after clause (ii)

11 the following:

12 “(iii) make use of trained volunteers in  
13 providing direct services delivered to elderly and  
14 disabled individuals needing such care and, if  
15 possible, work in coordination with volunteer  
16 programs (including programs administered by  
17 the Corporation for National Service) designed  
18 to provide training, placement, and stipends for  
19 volunteers in community service settings.”,

20 (ii) in subparagraph (D)—

21 (I) by inserting “family care-  
22 givers of such individuals,” after  
23 “Act,” and

1 (II) by inserting “service pro-  
2 viders, the business community,” after  
3 “individuals,” and

4 (iii) by amending subparagraph (F) to  
5 read as follows:

6 “(F) in coordination with the State unit on  
7 aging and the State agency responsible for  
8 mental health services, increase public aware-  
9 ness of mental health disorders, remove barriers  
10 to diagnosis and treatment, and coordinate  
11 mental health services provided (including men-  
12 tal health screenings) with funds expended by  
13 the area agency on aging with mental health  
14 services provided by community health centers  
15 and by other public agencies and nonprofit pri-  
16 vate organizations;”,

17 (E) by amending paragraph (7) to read as  
18 follows:

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

1           “(A) collaborating, coordinating, and con-  
2           sulting with other local public and private agen-  
3           cies and organizations responsible for admin-  
4           istering programs, benefits, and services related  
5           to providing long-term care;

6           “(B) conducting analyses, making rec-  
7           ommendations, and implementing programs  
8           with respect to strategies for modifying the  
9           local system of long-term care to better—

10                 “(i) respond to the needs and pref-  
11                 erences of older individuals and family  
12                 caregivers;

13                 “(ii) facilitate the provision, through  
14                 service providers, of long-term care in  
15                 home and community-based settings; and

16                 “(iii) target services to older individ-  
17                 uals at risk for institutional placement, to  
18                 permit such individuals to remain in home  
19                 and community-based care settings;

20           “(C) implement, through the agency or  
21           service providers, evidence-based programs to  
22           assist older individuals and their family care-  
23           givers in learning about and making behavioral  
24           changes intended to reduce the risk of injury,

1 disease, and disability among older individuals;  
2 and

3 “(D) provide for the availability and dis-  
4 tribution (through public education campaigns,  
5 aging and disability resource centers, and other  
6 appropriate means) of information relating to—

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

9 “(ii) the range of available public and  
10 private long-term care programs, options,  
11 and resources;”,

12 (F) by striking paragraph (14) and the 2  
13 paragraphs (15),

14 (G) by redesignating paragraph (16) as  
15 paragraph (14), and

16 (I) by adding at the end the following:

17 “(15) provide assurances that funds received  
18 under this title will be used—

19 “(A) in a manner, consistent with para-  
20 graph (4), that gives priority in furnishing ben-  
21 efits and services to older individuals with  
22 greatest economic need, older individuals with  
23 greatest social need, and older individuals at  
24 risk for institutional placement; and

1           “(B) in compliance with the assurances  
2           specified in paragraph (13) and the limitations  
3           specified in section 212(b); and

4           “(16) provide, to the maximum extent feasible,  
5           for the furnishing of services under this Act con-  
6           sistent with self-directed care.”,

7           (2) by redesignating subsections (b), (c), (d),  
8           and (e) as subsections (c), (d), (e), and (f), and

9           (3) by inserting after subsection (a) the fol-  
10          lowing:

11          “(b)(1) An area agency on aging may include in the  
12          area plan an assessment of how prepared the planning and  
13          service area is for any anticipated change in the number  
14          of older individual during the 10-year period following the  
15          fiscal year for which the plan is submitted. Such assess-  
16          ment may include—

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

19                 “(B) an analysis of how such change may affect  
20                 such individuals, including such individuals with low  
21                 incomes, such individuals with greatest economic  
22                 need, minority older individuals, older individuals re-  
23                 siding in rural areas, and older individuals with lim-  
24                 ited English proficiency;

1           “(C) an analysis of how the programs, policies,  
2           and services provided in the planning and service  
3           area can be improved, and how resource levels can  
4           be adjusted, to meet the needs of the changing popu-  
5           lation of older individuals in such area; and

6           “(D) an analysis of how the change in the num-  
7           ber of individuals 85 years of age and older is ex-  
8           pected to affect the need for supportive services.

9           “(2) An area agency on aging, in cooperation with  
10          government officials, State agencies, tribal organizations,  
11          or local entities, may make recommendations to govern-  
12          ment officials in the planning and service area and the  
13          State, on actions determined by the area agency to build  
14          the capacity in the planning and service area to meet the  
15          needs of older individuals for—

16                 “(A) health and human services;

17                 “(B) land use;

18                 “(C) housing;

19                 “(D) transportation;

20                 “(E) public safety;

21                 “(F) workforce and economic development;

22                 “(G) recreation;

23                 “(H) education;

24                 “(I) civic engagement; and

1           “(J) any other service as determined by such  
2           agency.”.

3 **SEC. 17. STATE PLANS.**

4           Section 307(a) of the Older Americans Act of 1965  
5 (42 U.S.C. 3027(a)) is amended—

6           (1) in paragraph (4) by striking “with par-  
7           ticular attention to low-income minority individuals  
8           and older individuals residing in rural areas” and in-  
9           serting “low-income minority older individuals, older  
10          individuals with limited English proficiency, and  
11          older individuals residing in rural areas”,

12          (2) by striking paragraph (15),

13          (3) by redesignating paragraph (14) as para-  
14          graph (15),

15          (4) by inserting after paragraph (13) the fol-  
16          lowing:

17                 “(14) The plan shall, with respect to the fiscal  
18                 year preceding the fiscal year for which such plan is  
19                 prepared—

20                         “(A) identify the number of low-income  
21                         minority older individuals in the State, includ-  
22                         ing the number of low-income older individuals  
23                         with limited English proficiency; and

24                         “(B) describe the methods used to satisfy  
25                         the service needs of such minority older individ-

1 uals, including the plan to service the needs of  
2 older individuals with limited English pro-  
3 ficiency.”,

4 (5) in clauses (ii) and (iii) of paragraph (16)(A)  
5 by striking “(with particular attention to low-income  
6 minority individuals and older individuals residing in  
7 rural areas)” each place it appears and inserting  
8 “(with particular attention to low-income older indi-  
9 viduals, low-income minority older individuals, older  
10 individuals with limited English proficiency, and  
11 older individuals residing in rural areas)”, and

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

13 “(27) The plan shall provide assurances that  
14 area agencies on aging will, to the maximum extent  
15 feasible, provide for the furnishing of services under  
16 this Act consistent with self-directed care.

17 “(28)(A) The plan shall include, at the election  
18 of the State, an assessment of how prepared the  
19 State is, under the State’s statewide service delivery  
20 model, for a change in the number of older individ-  
21 uals during the 10-year period following the fiscal  
22 year for which the plan is submitted.

23 “(B) Such assessment may include—

24 “(i) the projected change in the number of  
25 older individuals in the State;

1           “(ii) an analysis of how such change may  
2           affect such individuals, including individuals  
3           with low incomes, individuals with great eco-  
4           nomic need, minority older individuals, older in-  
5           dividuals residing in rural areas, and older indi-  
6           viduals with limited English proficiency;

7           “(iii) an analysis of how the programs,  
8           policies, and services provided by the State can  
9           be improved, including coordinating with area  
10          agencies on aging, and how resource levels can  
11          be adjusted to meet the needs of the changing  
12          population of older individuals in the State; and

13          “(iv) an analysis of how the change in the  
14          number of individuals 85 years of age and older  
15          in the State is expected to affect the need for  
16          supportive services.”.

17 **SEC. 18. PAYMENTS.**

18          Section 309(b)(2) of the Older Americans Act of  
19          1965 (42 U.S.C. 3029(b)(2)) is amended by striking “the  
20          non-Federal share required prior to fiscal year 1981” and  
21          inserting “10 percent of the cost of the services specified  
22          in such section 304(d)(1)(D)”.

23 **SEC. 19. NUTRITION SERVICES INCENTIVE PROGRAM.**

24          (a) CASH ONLY PROGRAM; AUTHORITY TO USE PRO-  
25          GRAM FUNDS TO PURCHASE FOOD THROUGH SCHOOL

1 FOOD AUTHORITIES.—Section 311 of the Older Ameri-  
2 cans Act of 1965 (42 U.S.C. 3030a) is amended—

3 (1) in subsection (b) by adding at the end the  
4 following:

5 “(3) Each State agency shall promptly and equitably  
6 disburse amounts received under this subsection to recipi-  
7 ents of grants and contracts.”,

8 (2) in subsection (c)—

9 (A) in paragraph (1) by inserting “(includ-  
10 ing bonus commodities)” after “commodities”,

11 (B) in paragraph (2) by inserting “(includ-  
12 ing bonus commodities)” after “commodities”,

13 (C) in paragraph (3) by inserting “(includ-  
14 ing bonus commodities)” after “products”, and

15 (D) by adding at the end the following:

16 “(4) Among the commodities delivered under this  
17 subsection, the Secretary of Agriculture shall give special  
18 emphasis to high protein foods. The Secretary of Agri-  
19 culture, in consultation with the Assistant Secretary, is  
20 authorized to prescribe the terms and conditions respect-  
21 ing the donation of commodities under this subsection.”,

22 (3) by amending subsection (d) to read as fol-  
23 lows:

24 “(d)(1) Amounts provided under subsection (b) to  
25 State grantees and contractors, and to title VI grantees,

1 shall be available only for the purchase by such entities  
2 of United States agricultural commodities and other foods  
3 for their respective nutrition projects, subject to para-  
4 graph (2).

5       “(2) Part or all of the amounts received by an entity  
6 specified in paragraph (1) may be used to pay a school  
7 food authority (as referred to under the Richard B. Rus-  
8 sell National School Lunch Act (42 U.S.C.1751 et seq.)  
9 to obtain United States agricultural commodities for such  
10 entity’s nutrition projects, in accordance with an agree-  
11 ment between the entity and the school food authority,  
12 under which such payments—

13           “(A) shall cover the cost of such commodities;  
14       and

15           “(B) may cover related expenses incurred by  
16 the school food authority, including the cost of  
17 transporting, distributing, processing, storing, and  
18 handling such commodities.”,

19           (4) in subsection (e) by striking “2001” and in-  
20 serting “2007”,

21           (5) in subsection (f)—

22           (A) in the matter preceding paragraph (1)  
23 by striking “the Secretary of Agriculture and  
24 the Secretary of Health and Human Services”

1 and inserting “the Assistant Secretary and the  
2 Secretary of Agriculture”, and

3 (B) by amending paragraphs (1) and (2)  
4 to read as follows:

5 “(1) school food authorities participating in  
6 programs authorized under the Richard B. Russell  
7 National School Lunch Act within the geographic  
8 area served by each such State agency; and  
9 “(2) the donated foods available to such State  
10 agencies, area agencies on aging, and providers  
11 under subsection (c).”.

12 **SEC. 20. CONSUMER CONTRIBUTIONS.**

13 Section 315 of the Older Americans Act of 1965 (42  
14 U.S.C. 3030c-2) is amended—

15 (1) in subsection (b)—

16 (A) in paragraph (1) by striking “provided  
17 that” and inserting “, and such contributions  
18 shall be encouraged for individuals whose self-  
19 declared income is at or above 125 percent of  
20 the poverty line and may be requested at con-  
21 tribution levels based on the actual cost of serv-  
22 ices, if”, and

23 (B) in paragraph (4)(E) by inserting “and  
24 to supplement (not supplant) funds received  
25 under this Act” after “given”,

1           (2) in subsection (c)(2) by striking “(with par-  
2           ticular attention to low-income minority individuals  
3           and older individuals residing in rural areas)” and  
4           inserting “(with particular attention to low-income  
5           older individuals, including low-income minority  
6           older individuals, older individuals with limited  
7           English proficiency, and older individuals residing in  
8           rural areas)”, and

9           (3) in subsection (d) by striking “with par-  
10          ticular attention to low-income and minority individ-  
11          uals and older individuals residing in rural areas”  
12          and inserting “, with particular attention to low-in-  
13          come older individuals, including low-income minor-  
14          ity older individuals, older individuals with limited  
15          English proficiency, and older individuals residing in  
16          rural areas”.

17 **SEC. 21. SUPPORTIVE SERVICES AND SENIOR CENTERS**  
18 **PROGRAM.**

19          Section 321(a) of the Older Americans Act of 1965  
20 (42 U.S.C. 3030d(a)) is amended—

21           (1) in paragraph (8) by inserting “(including  
22           mental health screening)” after “screening”,

23           (2) in paragraph (11) by inserting “(including  
24           assistive technology devices and assistive technology  
25           services)” after “services”,

1           (3) in paragraph (14)(B) by inserting “(includ-  
2           ing mental health)” after “health”,

3           (4) in paragraph (21)—

4                 (A) by striking “school-age children” and  
5                 inserting “students”, and

6                 (B) by inserting “services to older individ-  
7                 uals with limited English proficiency and” after  
8                 “including”,

9           (5) in paragraph (22) by striking the period at  
10           the end and inserting a semicolon,

11           (6) by redesignating paragraph (23) as para-  
12           graph (25), and

13           (7) by inserting after paragraph (22) the fol-  
14           lowing:

15                 “(23) services designed to support States, area  
16                 agencies on aging, and local service providers carry  
17                 out and coordinate, with respect to mental health  
18                 services, activities including outreach, education,  
19                 screening, and referral for treatment of older indi-  
20                 viduals;

21                 (24) activities to promote and disseminate in-  
22                 formation about life-long learning programs, includ-  
23                 ing opportunities for distance teaching; and”.

1 **SEC. 22. NUTRITION SERVICE.**

2 After the heading of part C of title III of the Older  
3 Americans Act of 1965 (42 U.S.C. 3030e–3030g–22), in-  
4 sert the following:

5 **“SEC. 330. PURPOSE.**

6 “It is the purpose of this part to promote socializa-  
7 tion and the health and well-being of older individuals by  
8 assisting such individuals to gain access to disease preven-  
9 tion and health promotion services (including information,  
10 nutrition services, and programs of physical activity) to  
11 delay the onset of health conditions resulting from poor  
12 nutritional health or sedentary behavior.”.

13 **SEC. 23. CONGREGATE NUTRITION PROGRAM.**

14 Section 331 of the Older Americans Act of 1965 (42  
15 U.S.C. 3030e) is amended—

16 (1) by striking “projects—” and inserting  
17 “projects that—”,

18 (2) in paragraph (1) by striking “which,”,

19 (3) in paragraph (2)—

20 (A) by striking “which” the last place it  
21 appears, and

22 (B) by striking “and” at the end, and

23 (4) by striking paragraph (3) and inserting the  
24 following:

1           “(3) provide nutrition education, nutrition  
2           counseling, and other nutrition services, as appro-  
3           priate, based on the needs of meal participants; and

4           “(4) may provide along with a meal described  
5           in (1), a multivitamin-mineral supplement as an ad-  
6           dition to such meal.”.

7   **SEC. 24. HOME DELIVERED NUTRITION SERVICES.**

8           Section 336 of the Older Americans Act of 1965 (42  
9   U.S.C. 3030f) is amended to read as follows:

10 **“SEC. 336. PROGRAM AUTHORIZED.**

11           “The Assistant Secretary shall establish and carry  
12           out a program to make grants to States under State plans  
13           approved under section 307 for the establishment and op-  
14           eration of nutrition projects for older individuals which  
15           provide, on 5 or more days a week (except in a rural area  
16           where such frequency is not feasible (as defined by the  
17           Assistant Secretary by rule) and a lesser frequency is ap-  
18           proved by the State agency)—

19           “(1) at least 1 home delivered meal per day  
20           consisting of hot, cold, frozen, dried, canned, fresh,  
21           or supplemental foods and any additional meals that  
22           the recipient of a grant or contract under this sub-  
23           part elects to provide; and

1           “(2) nutrition education, nutrition counseling,  
2           and other nutrition services as appropriate, based on  
3           the needs of meal recipients.”.

4 **SEC. 25. CRITERIA.**

5           Section 337 of the Older Americans Act of 1965 (42  
6 U.S.C. 3030g) is amended to read as follows:

7 **“SEC. 337. CRITERIA.**

8           “The Assistant Secretary, in consultation with ex-  
9           perts in the field of nutrition science, dietetics, meal plan-  
10          ning and food service management, and aging, shall de-  
11          velop minimum criteria of efficiency and quality for the  
12          furnishing of home delivered meal services for projects de-  
13          scribed in section 336.”.

14 **SEC. 26. NUTRITION.**

15          Section 339 of the Older Americans Act of 1965 (42  
16 U.S.C. 3030g–21) is amended—

17                 (1) by amending paragraph (1) to read as fol-  
18                 lows:

19                 “(1) solicit the expertise of a dietitian or other  
20                 individual with equivalent education and training in  
21                 nutrition science, or if such an individual is not  
22                 available, an individual with comparable expertise in  
23                 the planning of nutritional services, and”’, and

24                 (2) in paragraph (2)—

25                         (A) in subparagraph (A)—

1 (i) by amending clause (i) to read as  
2 follows:

3 “(i) comply with the most recent Die-  
4 tary Guidelines for Americans, published  
5 by the Secretary and the Secretary of Ag-  
6 riculture, and”, and

7 (ii) in clause (ii) by striking “daily  
8 recommended dietary allowances as” and  
9 inserting “dietary reference intakes”,  
10 (B) in subparagraph (D)—

11 (i) by inserting “joint” after “encour-  
12 ages”, and

13 (ii) by inserting “shared” after “pro-  
14 mote”,

15 (C) by amending subparagraph (G) to read  
16 as follows:

17 “(G) ensures that local meal providers so-  
18 licit the advice and expertise of—

19 “(i) a dietitian or, if a dietitian is not  
20 available, an individual with comparable  
21 expertise in the planning of nutrition and  
22 food services,

23 “(ii) meal participants, and

1                   “(iii) other individuals knowledgeable  
2                   with regard to the needs of older individ-  
3                   uals,”

4                   (D) in subparagraph (H) by striking “and  
5                   accompany”,

6                   (E) by amending subparagraph (J) to read  
7                   as follows:

8                   “(J) provides for nutrition screening and  
9                   nutrition education, and nutrition assessment  
10                  and counseling if appropriate, and”

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

12                  “(K) encourages professionals who dis-  
13                  tribute nutrition assistance under subpart 2 to  
14                  provide information to homebound seniors on  
15                  how to get an influenza vaccination in their  
16                  local areas.”.

17 **SEC. 27. EVALUATION OF NUTRITION PROJECTS.**

18           (a) **STUDY.**—The Assistant Secretary for Aging shall  
19 use funds allocated in section 206(g) of the Older Ameri-  
20 cans Act of 1965 to enter into a contract with the Food  
21 and Nutrition Board of the Institute of Medicine, for the  
22 purpose of establishing an independent panel of experts  
23 that will conduct an evidence-based evaluation of the nu-  
24 trition projects authorized in such Act. Such study shall,  
25 to the extent data are available, include—

1           (1) an evaluation of the effect of nutrition  
2 projects authorized by such Act on—

3           (A) health status of participants, including  
4 nutritional status,

5           (B) prevention of participant hunger and  
6 food insecurity, and

7           (C) ability of participants to remain living  
8 independently,

9           (2) a cost-benefit analysis of nutrition projects  
10 authorized by such Act, including the potential to af-  
11 fect costs of Federal programs under title XIX of  
12 the Social Security Act, and

13           (3) recommendations for how nutrition projects  
14 authorized by such Act may be modified to improve  
15 the outcomes described in paragraph (1), including  
16 recommendations for improving the nutritional qual-  
17 ity of meals and other potential strategies to im-  
18 prove the nutritional status of participants, includ-  
19 ing vitamin-mineral supplementation.

20           (b) TIMING.—The Institute of Medicine shall estab-  
21 lish an independent panel of experts not later than 90 days  
22 after the date of the enactment of this Act. The panel shall  
23 submit to the Assistant Secretary the report described in  
24 subsection (a) not later than 24 months after the date of  
25 the enactment of this Act. The Assistant Secretary shall

1 submit a report on the findings of the evidence-based  
2 study described in such subsection to the Committee on  
3 Education and the Workforce of the House of Representa-  
4 tives and the Committee on Health, Education, Labor and  
5 Pensions of the Senate.

6 **SEC. 28. IMPROVING INDOOR AIR QUALITY IN BUILDINGS**

7 **WHERE SENIORS CONGREGATE.**

8 Section 361 of the Older Americans Act of 1965 (42  
9 U.S.C. 3030m) is amended by adding at the end the fol-  
10 lowing:

11 “(c) The Assistant Secretary shall work in consulta-  
12 tion with qualified experts to provide information on meth-  
13 ods of improving indoor air quality in buildings where sen-  
14 iors congregate.”.

15 **SEC. 29. CAREGIVER SUPPORT PROGRAM DEFINITIONS.**

16 Section 372 of the National Family Caregiver Sup-  
17 port Act (42 U.S.C. 3030s) is amended—

18 (1) in paragraph (1) by inserting “or who is an  
19 individual with a disability” after “age”,

20 (2) in paragraph (2) by inserting “or an indi-  
21 vidual with Alzheimer’s disease or a related disorder  
22 with neurological and organic brain dysfunction” be-  
23 fore the period at the end, and

24 (3) in paragraph (3) by striking “60” and in-  
25 serting “55”.

1 **SEC. 30. CAREGIVER SUPPORT PROGRAM.**

2 Section 373 of the National Family Caregiver Sup-  
3 port Act (42 U.S.C. 3030s-1) is amended—

4 (1) in subsection (b)(3) by striking “caregivers  
5 to assist” and all that follows through the end and  
6 inserting the following: “assist the caregivers in ad-  
7 dressing caregiver issues related to the areas of  
8 health, nutrition, and financial literacy, and in mak-  
9 ing decisions and solving problems relating to their  
10 caregiving roles;”,

11 (2) by amending subsection (d) to read as fol-  
12 lows:

13 “(d) USE OF VOLUNTEERS.—In carrying out this  
14 subpart, each area agency on aging shall encourage the  
15 use of trained volunteers to expand the available services  
16 described in subsection (b) and shall, if possible, coordi-  
17 nate with volunteer programs (including programs admin-  
18 istered by the Corporation for National Service) designed  
19 to provide training, placement, and stipends for volunteers  
20 in community service settings.”,

21 (3) in subsection (e)(3) by adding at the end  
22 the following: “The reports shall describe any mech-  
23 anisms used in the State to provide family caregivers  
24 of an older individual and relative caregivers of a  
25 child or an adult child with a disability, information  
26 about and access to various services so that care-

1       givers can better carry out their care responsibil-  
2       ities.”,

3           (4) in subsection (f)(1) by striking “2001  
4       through 2005” and inserting “2007, 2008, 2009,  
5       2010, and 2011”, and

6           (5) in subsection (g)(2)(C) by inserting “of a  
7       child who is not more than 18 years of age” before  
8       the period at the end.

9       **SEC. 31. ACTIVITIES OF NATIONAL SIGNIFICANCE.**

10       Section 376 of the National Family Caregiver Sup-  
11       port Act (42 U.S.C. 3030s–12) is repealed.

12       **SEC. 32. TITLE IV GRANT PROGRAMS.**

13       Section 411 of the Older Americans Act of 1965 (42  
14       U.S.C. 3032) is amended—

15           (1) in subsection (a)—

16               (A) in paragraph (8) by striking “and” at  
17       the end,

18               (B) by redesignating paragraph (9) as  
19       paragraph (13), and

20               (C) by inserting after paragraph (8) the  
21       following:

22           “(9) planning activities to prepare communities  
23       for the aging of the population, which include—

24               “(A) efforts to assess the aging population;

1           “(B) activities to coordinate State and  
2           local agencies in order to meet the needs of  
3           older individuals; and

4           “(C) training and technical assistance to  
5           support States, area agencies on aging, and  
6           tribal organizations receiving a grant under title  
7           VI, engage in community planning activities;  
8           and

9           “(10) the development, implementation, and as-  
10          sessment of technology-based service models and  
11          best practices, to support the use of health moni-  
12          toring and assessment technologies, communication  
13          devices, assistive technologies, and other technologies  
14          that may remotely connect family and professional  
15          caregivers to frail elderly residing in home- and com-  
16          munity-based settings or rural areas;

17          “(11) conducting activities of national signifi-  
18          cance to promote quality and continuous improve-  
19          ment in the support provided to family and other in-  
20          formal caregivers of older individuals through activi-  
21          ties that include program evaluation, training, tech-  
22          nical assistance, and research, including—

23                 “(A) intergenerational programs—

24                         “(i) providing support to grand-  
25                         parents and other older relatives raising

1 children (such as kinship navigator pro-  
2 grams); and

3 “(ii) involving senior volunteers who  
4 provide support and information to fami-  
5 lies who have a child with a disability or  
6 chronic illness, or other families in need of  
7 such family support;

8 “(B) programs addressing unique issues  
9 faced by rural caregivers;

10 “(C) programs focusing on the needs of  
11 older individuals with cognitive impairment  
12 such as Alzheimer’s disease and other demen-  
13 tias, and their caregivers;

14 “(D) programs supporting caregivers in  
15 the role they play in health promotion and dis-  
16 ease prevention;

17 “(12)(A) building public awareness of cognitive  
18 impairment such as Alzheimer’s disease and related  
19 disorders with neurological and organic brain dys-  
20 function, depression, and mental disorders; and

21 “(B) developing and enhancing multidisci-  
22 plinary systems for the delivery of mental health  
23 screening and treatment referral services to improve  
24 access to community-based mental health services  
25 for older individuals; and”, and

1           (2) in subsection (b) by striking “year” and all  
2           that follows through “years”, and inserting “years  
3           2007, 2008, 2009, 2010, and 2011”.

4 **SEC. 33. CAREER PREPARATION FOR THE FIELD OF AGING.**

5           Section 412(a) of the Older Americans Act of 1965  
6 (42 U.S.C. 3032a(a)) is amended by amending subsection  
7 (a) to read as follows:

8           “(a) GRANTS.—The Assistant Secretary shall make  
9 grants to institutions of higher education, including his-  
10 torically Black colleges or universities, Hispanic serving  
11 institutions, and Hispanic Centers of Excellence in Ap-  
12 plied Gerontology, to provide education and training that  
13 prepares students for careers in the field of aging.”.

14 **SEC. 34. HEALTH CARE SERVICE DEMONSTRATION**  
15 **PROJECTS IN RURAL AREAS.**

16           Section 414 of the Older Americans Act of 1965 (42  
17 U.S.C. 3032d) is amended—

18           (1) in subsection (a) by inserting “mental  
19 health services,” after “care,” and

20           (2) in subsection (b)(1)(B)(i) by inserting  
21 “mental health,” after “health,”.

22 **SEC. 35. DEMONSTRATION PROJECTS FOR**  
23 **MULTIGENERATIONAL ACTIVITIES.**

24           Section 417(c)(2) of the Older Americans Act of  
25 1965 (42 U.S.C. 3032f(c)(2)) is amended by striking

1 “(with particular attention to low-income minority individ-  
2 uals and older individuals residing in rural areas)” and  
3 inserting “(with particular attention to low-income older  
4 individuals, including low-income minority older individ-  
5 uals, older individuals with limited English proficiency,  
6 and older individuals residing in rural areas)”.

7 **SEC. 36. NATIVE AMERICAN PROGRAMS.**

8 Section 418(a)(2)(B)(i) of the Older Americans Act  
9 of 1965 (42 U.S.C. 3032g(a)(2)(B)(i)) is amended by in-  
10 serting “(including mental health)” after “problems”.

11 **SEC. 37. MULTIDISCIPLINARY CENTERS.**

12 Section 419 of the Older Americans Act of 1995 (42  
13 U.S.C. 3032h) is amended—

14 (1) in subsection (a) by inserting “diverse popu-  
15 lations of older individuals residing in urban commu-  
16 nities,” after “minority populations,” and

17 (2) in subsection (b)(2)—

18 (A) in subparagraph (E) by inserting “, in-  
19 cluding information about best practices in  
20 long-term care service delivery, housing, and  
21 transportation” before the semicolon at the end,

22 (B) in subparagraph (F)—

23 (i) by striking “consultation and”,

24 (ii) by inserting “and other technical  
25 assistance” after “information”, and

1 (iii) by striking “and” at the end,  
2 (C) in subparagraph (G) by striking the  
3 period at the end and inserting “; and”, and  
4 (D) by adding at the end the following:  
5 “(H) provide training and technical  
6 assistance to support the provision of com-  
7 munity-based mental health services for  
8 older individuals.”.

9 **SEC. 38. RESPONSIBILITIES OF ASSISTANT SECRETARY.**

10 Section 432(c)(2)(B) of the Older Americans Act of  
11 1965 (42 U.S.C. 3033a(c)(2)(B)) is amended by inserting  
12 “, including preparing an analysis of such services,  
13 projects, and programs, and of how the evaluation relates  
14 to improvements in such services, projects, and programs  
15 and in the strategic plan of the Administration” before  
16 the period at the end.

17 **SEC. 39. COMMUNITY SERVICE EMPLOYMENT-BASED**  
18 **TRAINING FOR OLDER AMERICANS.**

19 Title V of the Older Americans Act of 1965 (42  
20 U.S.C. 3056 et seq.) is amended to read as follows:

1 **“TITLE V—COMMUNITY SERVICE**  
2 **EMPLOYMENT-BASED TRAIN-**  
3 **ING FOR OLDER AMERICANS**

4 **“SEC. 501. SHORT TITLE.**

5 “This title may be cited as the ‘Older American Com-  
6 munity Service Employment-Based Training Act’.

7 **“SEC. 502. OLDER AMERICAN COMMUNITY SERVICE EM-**  
8 **PLOYMENT-BASED TRAINING PROGRAM.**

9 “(a) To foster individual economic self-sufficiency  
10 and to increase the number of individuals who may enjoy  
11 the benefits of unsubsidized employment in both the public  
12 and private sectors, the Secretary of Labor (hereafter in  
13 this title referred to as the ‘Secretary’) may establish an  
14 older American community service employment-based  
15 training program to foster and promote useful part-time  
16 public and private-sector employment-based training op-  
17 portunities for unemployed low-income eligible individuals  
18 who have poor employment prospects and to provide vital  
19 social and human services to communities by providing  
20 work experience to eligible individuals in public agencies,  
21 community-based and faith-based organizations.

22 “(b)(1) To carry out this title, the Secretary may  
23 make grants to public and nonprofit agencies and organi-  
24 zations, agencies of a State, and tribal organizations to  
25 carry out the program established under subsection (a).

1 Such grants may provide for the payment of costs, as pro-  
2 vided in subsection (c), of projects developed by such orga-  
3 nizations and agencies in cooperation with the Secretary  
4 in order to make such program effective or to supplement  
5 such program. No payment shall be made by the Secretary  
6 toward the cost of any project established or administered  
7 by any organization or agency unless the Secretary deter-  
8 mines that such project—

9           “(A) shall provide authorized activities only for  
10 eligible individuals, and that not less than 50 per-  
11 cent of hours worked (in the aggregate) shall be in  
12 community service employment-based training pro-  
13 vided by a grantee in a program year;

14           “(B)(i) shall provide authorized activities for el-  
15 igible individuals in the community in which such in-  
16 dividuals reside, or in nearby communities, and that  
17 not less than 50 percent of hours worked (in the ag-  
18 gregate) shall be in community service employment-  
19 based training provided by a grantee in a program  
20 year; or

21           “(ii) if such project is carried out by a tribal or-  
22 ganization that receives a grant under this sub-  
23 section or receives assistance from a State that re-  
24 ceives a grant under this subsection, will provide au-  
25 thorized activities, including community service em-

1       ployment-based training for such individuals, includ-  
2       ing those who are Indians residing on an Indian res-  
3       ervation, as defined in section 2601(2) of the En-  
4       ergy Policy Act of 1992 (25 U.S.C. 3501(2));

5               “(C) together with all the projects carried out  
6       under this title in each program year by a grantee,  
7       will not provide for participation under this title by  
8       eligible individuals (in the aggregate) for an average  
9       period per capita that exceeds 24 months (whether  
10      or not consecutive) during the period including the  
11      program year for which the determination under this  
12      subparagraph is made and the previous program  
13      years in which such grantee carried out projects  
14      under this title;

15              “(D) will provide employment-based training to  
16      eligible individuals in service related to publicly  
17      owned and operated facilities and projects, or  
18      projects sponsored by profitmaking or nonprofit or-  
19      ganizations (excluding political parties exempt from  
20      taxation under section 501(e)(3) of the Internal Rev-  
21      enue Code of 1986), but excluding projects involving  
22      the construction, operation, or maintenance of any  
23      facility used or to be used as a place for sectarian  
24      religious instruction or worship;

1           “(E) will contribute to the general welfare of  
2 the community, which may include support for chil-  
3 dren, youth, and families;

4           “(F) is intended to result in unsubsidized em-  
5 ployment for eligible individuals after completion of  
6 such program;

7           “(G)(i) will not reduce the number of job oppor-  
8 tunities or vacancies that would otherwise be avail-  
9 able to individuals not participating in such pro-  
10 gram;

11           “(ii) will not displace currently employed work-  
12 ers (including partial displacement, such as a reduc-  
13 tion in the hours of non-overtime work, wages, or  
14 employment benefits);

15           “(iii) will not impair existing contracts or result  
16 in the substitution of Federal funds for other funds  
17 in connection with work that would otherwise be per-  
18 formed; and

19           “(iv) will not place an eligible individual in em-  
20 ployment-based training to perform work the same  
21 or substantially the same work as that performed by  
22 any other individual who is on layoff;

23           “(H) will coordinate with training and other  
24 services provided under title I of the Workforce In-  
25 vestment Act, including utilizing the One-Stop deliv-

1       ery system to recruit eligible individuals to ensure  
2       that the maximum number of eligible individuals will  
3       have an opportunity to participate in the project;

4           “(I) will include such training (such as commu-  
5       nity service employment-based training, work experi-  
6       ence, on-the-job training, and classroom training) as  
7       may be necessary to make the most effective use of  
8       the skills and talents of those individuals who are  
9       participating;

10          “(J) will ensure that safe and healthy condi-  
11       tions of the employment-based training facility or  
12       other training facility will be provided, and will en-  
13       sure that individuals employed in community service  
14       and other jobs assisted under this title shall be paid  
15       wages that shall not be lower than whichever is the  
16       highest of—

17           “(i) the minimum wage that would be ap-  
18       plicable to the employee under the Fair Labor  
19       Standards Act of 1938, if section 6(a)(1) of  
20       such Act applied to the participant and if the  
21       participant were not exempt under section 13  
22       thereof;

23           “(ii) the State or local minimum wage for  
24       the most nearly comparable covered employ-  
25       ment; or

1           “(iii) the prevailing rates of pay for indi-  
2           viduals employed in similar occupations by the  
3           same employer;

4           “(K) will be established or administered with  
5           the advice of persons competent in the field of serv-  
6           ice in which job training is being provided, and of  
7           persons who are knowledgeable about the needs of  
8           older individuals;

9           “(L) will authorize payment for necessary sup-  
10          portive services costs, (including transportation  
11          costs) of eligible individuals that may be incurred in  
12          training in any project funded under this title, in ac-  
13          cordance with rules issued by the Secretary;

14          “(M) will ensure that, to the extent feasible,  
15          such project will serve the needs of minority, limited  
16          English-speaking, and Indian eligible individuals,  
17          and eligible individuals who have the greatest eco-  
18          nomic need, at least in proportion to their numbers  
19          in the State and take into consideration their rates  
20          of poverty and unemployment;

21          “(N)(i) will prepare an assessment of the par-  
22          ticipants’ skills and talents and their needs for serv-  
23          ices, except to the extent such project has, for the  
24          participant involved, recently prepared an assess-  
25          ment of such skills and talents, and such needs, pur-

1 suant to another employment or training program  
2 (such as a program under the Workforce Investment  
3 Act of 1998 (29 U.S.C. 2801 et seq.), the Carl D.  
4 Perkins Vocational and Technical Education Act of  
5 1998 (20 U.S.C. 2301 et seq.), or part A of title IV  
6 of the Social Security Act (42 U.S.C. 601 et seq.));

7 “(ii) will provide training and employment  
8 counseling to eligible individuals based on strategies  
9 that identify appropriate employment objectives and  
10 the need for supportive services, developed as a re-  
11 sult of the assessment and service strategy provided  
12 for in clause (i), and provide other appropriate infor-  
13 mation regarding such program; and

14 “(iii) will provide counseling to participants on  
15 their progress in meeting such objectives and satis-  
16 fying their need for supportive services;

17 “(O) will provide appropriate services for par-  
18 ticipants through the One-Stop delivery system as  
19 established under section 134(c) of the Workforce  
20 Investment Act of 1998 (29 U.S.C. 2864(c)), and  
21 will be involved in the planning and operations of  
22 such system pursuant to a memorandum of under-  
23 standing with the local workforce investment board  
24 in accordance with section 121(c) of such Act (29  
25 U.S.C. 2841(c));

1           “(P) will post in such project workplace a no-  
2           tice, and will make available to each person associ-  
3           ated with such project a written explanation—

4                   “(i) clarifying the law with respect to polit-  
5                   ical activities allowable and unallowable under  
6                   chapter 15 of title 5, United States Code, appli-  
7                   cable to the project and to each category of in-  
8                   dividuals associated with such project; and

9                   “(ii) containing the address and telephone  
10                  number of the Inspector General of the Depart-  
11                  ment of Labor, to whom questions regarding  
12                  the application of such chapter may be ad-  
13                  dressed;

14           “(Q) will provide to the Secretary the descrip-  
15           tion and information described in—

16                   “(i) paragraph (8), relating to coordination  
17                   with other Federal programs, of section 112(b)  
18                   of the Workforce and Investment Act of 1998;  
19                   and

20                   “(ii) paragraph (14), relating to implemen-  
21                   tation of One-Stop delivery systems, of section  
22                   112(b) of the Workforce Investment Act of  
23                   1998; and

24           “(R) will ensure that entities that carry out ac-  
25           tivities under the project (including State agencies,

1 local entities, subgrantees, subcontractors) and affili-  
2 ates of such entities receive an amount of the admin-  
3 istrative cost allocation determined by the Secretary  
4 to be sufficient.

5 “(2) The Secretary may establish, issue, and amend  
6 such regulations as may be necessary to effectively carry  
7 out this title.

8 “(3)(A) An assessment and service strategy required  
9 by paragraph (1) to be prepared for an eligible individual  
10 shall satisfy any condition for an assessment and service  
11 strategy or individual employment plan for an adult par-  
12 ticipant under subtitle B of title I of the Workforce Invest-  
13 ment Act of 1998 (29 U.S.C. 2811 et seq.), in order to  
14 determine whether such eligible individual also qualifies  
15 for intensive or training services described in section  
16 134(d) of such Act (29 U.S.C. 2864(d)).

17 “(B) An assessment and service strategy or indi-  
18 vidual employment plan prepared under subtitle B of title  
19 I of the Workforce Investment Act of 1998 (29 U.S.C.  
20 2811 et seq.) for an eligible individual may be used to  
21 comply with the requirement specified in subparagraph  
22 (A).

23 “(c)(1) The Secretary may pay a share not to exceed  
24 90 percent of the cost of any project for which a grant

1 is made under subsection (b), except that the Secretary  
2 may pay all of such cost if such project is—

3 “(A) an emergency or disaster project; or

4 “(B) a project located in an economically de-  
5 pressed area, as determined by the Secretary in con-  
6 sultation with the Secretary of Commerce and the  
7 Secretary of Health and Human Services.

8 “(2) The non-Federal share shall be in cash or in  
9 kind. In determining the amount of the non-Federal share,  
10 the Secretary may attribute fair market value to services  
11 and facilities contributed from non-Federal sources.

12 “(3) Of the amount to be paid under this subsection  
13 by the Secretary for a project, not to exceed 13.5 percent  
14 shall be available for any fiscal year to pay the administra-  
15 tive costs of such project, except that—

16 “(A) the Secretary may increase the amount  
17 available to pay administrative costs to an amount  
18 not to exceed 15 percent of the cost of such project  
19 if the Secretary determines, based on information  
20 submitted by the grantee under subsection (b), that  
21 such increase is necessary to carry out such project;  
22 and

23 “(B) if the grantee under subsection (b) dem-  
24 onstrates to the Secretary that—

1           “(i) major administrative cost increases  
2           are being incurred in necessary program compo-  
3           nents, including liability insurance, payments  
4           for workers’ compensation, costs associated  
5           with achieving unsubsidized placement goals,  
6           and other operation requirements imposed by  
7           the Secretary;

8           “(ii) the number of positions in the project  
9           or the number of minority eligible individuals  
10          participating in the project will decline if the  
11          amount available to pay administrative costs is  
12          not increased; or

13          “(iii) the size of the project is so small that  
14          the amount of administrative costs incurred to  
15          carry out the project necessarily exceeds 13.5  
16          percent of the cost of such project;

17          the Secretary shall increase the amount available for  
18          such fiscal year to pay administrative costs to an  
19          amount not to exceed 15 percent of the cost of such  
20          project.

21          “(4) Administrative costs are the costs, both per-  
22          sonnel and non-personnel and both direct and indirect, as-  
23          sociated with the following:

1           “(A) The costs of performing general adminis-  
2           trative functions and of providing for the coordina-  
3           tion of functions, such as—

4                   “(i) accounting, budgeting, financial, cash  
5                   management and related data processing;

6                   “(ii) quality assurance;

7                   “(iii) preparing program plans;

8                   “(iv) procurement and purchasing;

9                   “(v) property management;

10                  “(vi) personnel management, including  
11                  personnel administration, administration of af-  
12                  firmative action plans, and training and staff  
13                  development;

14                  “(vii) administrative salaries, including  
15                  clerical and other support staff salaries;

16                  “(viii) payroll functions;

17                  “(ix) coordinating the resolution of find-  
18                  ings arising from audits, reviews, investigations,  
19                  and incident reports;

20                  “(x) audit;

21                  “(xi) general legal services;

22                  “(xii) developing systems and procedures,  
23                  including information systems, required for ad-  
24                  ministrative functions;

25                  “(xiii) preparing reports; and

1           “(xiv) other activities necessary for the  
2           general administration of government funds and  
3           associated programs.

4           “(B) The costs of performing oversight and  
5           monitoring responsibilities.

6           “(C) The costs of goods and services required  
7           for administrative functions of such program, includ-  
8           ing goods and services such as rental or purchase of  
9           equipment, utilities, office supplies, postage, and  
10          rental and maintenance of office space.

11          “(D) The travel costs incurred for official busi-  
12          ness in carrying out such program, excluding travel  
13          costs related to providing services.

14          “(E) The costs of information systems related  
15          to personnel, procurement, purchasing, property  
16          management, accounting, and payroll systems), in-  
17          cluding the purchase, systems development, and op-  
18          erating costs of such systems.

19          “(F) The costs of technical assistance, profes-  
20          sional organization membership dues, removal of ar-  
21          chitectural barriers, operating and maintaining as-  
22          sistive technology, and evaluating program results  
23          against stated objectives.

24          “(5) To the extent practicable, an entity that carries  
25          out a project under this title shall provide for the payment

1 of the expenses described in paragraph (4) from non-Fed-  
2 eral sources.

3 “(6)(A) Amounts made available for a project under  
4 this title that are not used to pay for the administrative  
5 costs shall be used to pay for the costs of programmatic  
6 activities, including—

7 “(i) participant wages, such benefits as are re-  
8 quired by law (such as workers compensation or un-  
9 employment compensation), the costs of physical ex-  
10 aminations, compensation for scheduled work hours  
11 during which an employer is closed for a Federal  
12 holiday, and necessary sick leave that is not part of  
13 an accumulated sick leave program, except that no  
14 amounts provided under this title may be used to  
15 pay the cost of pension benefits, annual leave, accu-  
16 mulated sick leave, or bonuses;

17 “(ii) participant training (including the pay-  
18 ment of reasonable costs of instructors, classroom  
19 rental, training supplies, materials, equipment, and  
20 tuition) which may be provided prior to or subse-  
21 quent to placement and which may be provided on  
22 the job, in a classroom setting or pursuant to other  
23 appropriate arrangements;

24 “(iii) job placement assistance, including job de-  
25 velopment and job search assistance;

1           “(iv) participant supportive services to enable a  
2           participant to successfully participate in a project  
3           under this title, which may include the payment of  
4           reasonable costs of transportation, special job-related  
5           or personal counseling, incidentals (such as work  
6           shoes, badges, uniforms, eyeglasses, and tools), child  
7           and adult care, temporary shelter, and follow-up  
8           services; and

9           “(v) outreach, recruitment, and selection, in-  
10          take, orientation, and assessments.

11          “(B) Not less than 65 percent of the funds made  
12          available under a grant made under this title (excluding  
13          a grant made under subsection (d)) shall be used to pay  
14          wages and benefits for eligible individuals who are em-  
15          ployed under projects carried out under this title.

16          “(d) PILOT, DEMONSTRATION, AND EVALUATION  
17          PROJECTS.—The Secretary shall use funds reserved under  
18          section 506(a)(1) to carry out demonstration projects,  
19          pilot projects, and evaluation projects, for the purpose of  
20          developing and implementing techniques and approaches,  
21          and demonstrating the effectiveness of the specialized  
22          methods, in addressing the employment and training  
23          needs of eligible individuals. Such projects may include—

24                 “(1) activities linking businesses and eligible in-  
25          dividuals, including assistance to participants

1       transitioning from subsidized activities to private-  
2       sector employment; and

3               “(2) demonstration projects and pilot projects  
4       designed to—

5                       “(A) attract more eligible individuals into  
6       the labor force;

7                       “(B) improve the provision of services to  
8       eligible individuals under the One-Stop delivery  
9       system established in accordance with title I of  
10      the Workforce Investment Act of 1998;

11                      “(C) enhance the technological skills of eli-  
12      gible individuals; and

13                      “(D) provide incentives to grantees under  
14      this title for exemplary performance and incen-  
15      tives to businesses to promote their participa-  
16      tion in the program under this title;

17               “(3) demonstration projects and pilot projects,  
18      as described in paragraph (2), for older workers only  
19      if such demonstration projects and pilot projects are  
20      designed to assist in developing and implementing  
21      techniques and approaches in addressing the employ-  
22      ment and training needs of eligible individuals;

23                      “(4) training and technical assistance to sup-  
24      port any project funded under this title;

25                      “(5) dissemination of best practices; and

1           “(6) evaluation of the activities authorized  
2           under this title.

3 **“SEC. 503. ADMINISTRATION.**

4           “(a) STATE PLAN.—

5           “(1) CHIEF EXECUTIVE OFFICER SUBMITS  
6           PLAN.—For a State to be eligible to receive an allot-  
7           ment under section, 506, the chief executive officer  
8           of the State shall submit to the Secretary for consid-  
9           eration and approval, a single State plan (referred to  
10          in this title as the ‘State plan’) that outlines a 3-  
11          year strategy for the statewide provision of training  
12          and related activities for eligible individuals under  
13          this title. The plan shall contain such provisions as  
14          the Secretary may require, consistent with this title,  
15          including a description of the process used to ensure  
16          the participation of individuals described in para-  
17          graph (2).

18          “(2) RECOMMENDATIONS.—In developing the  
19          State plan prior to its submission to the Secretary,  
20          the chief executive officer of the State shall seek the  
21          advice and recommendations of—

22                 “(A) individuals representing the State  
23                 agency and the area agencies on aging in the  
24                 State, and the State and local workforce invest-  
25                 ment boards established under title I of the

1 Workforce Investment Act of 1998 (29 U.S.C.  
2 2801 et seq.);

3 “(B) individuals representing public and  
4 nonprofit private agencies and organizations  
5 providing employment services, including each  
6 grantee operating a project under this title in  
7 the State; and

8 “(C) individuals representing social service  
9 organizations providing services to older individ-  
10 uals, grantees under title III of this Act, af-  
11 fected communities, unemployed older individ-  
12 uals, community-based organizations serving  
13 the needs of older individuals, business organi-  
14 zations, and labor organizations.

15 “(3) COMMENTS.—Any State plan submitted by  
16 the chief executive officer in accordance with para-  
17 graph (1) shall be accompanied by copies of public  
18 comments relating to the plan received pursuant to  
19 paragraph (4) and a summary thereof.

20 “(4) PLAN PROVISIONS.—The State plan shall  
21 identify and address—

22 “(A) the relationship that the number of  
23 eligible individuals in each area bears to the  
24 total number of eligible individuals, respectively,  
25 in the State;

1           “(B) the relative distribution of eligible in-  
2           dividuals residing in rural and urban areas in  
3           the State; and

4           “(C) the relative distribution of—

5                   “(i) eligible individuals who are indi-  
6                   viduals with greatest economic need;

7                   “(ii) eligible individuals who are mi-  
8                   nority individuals, including individuals  
9                   who are limited English proficient; and

10                   “(iii) eligible individuals who are indi-  
11                   viduals with greatest social need;

12           “(D) the current and projected employ-  
13           ment opportunities in the State, by occupation,  
14           and the type of skills possessed by local eligible  
15           individuals;

16           “(E) the localities and populations for  
17           which projects of the type authorized by this  
18           title are most needed; and

19           “(F) plans for facilitating the coordination  
20           of activities of grantees in the State under this  
21           title with activities carried out in the State  
22           under title I of the Workforce Investment Act  
23           of 1998.

24           “(5) CHIEF EXECUTIVE OFFICER’S REC-  
25           COMMENDATIONS ON GRANT PROPOSALS.—Before a

1       proposal for a grant under this title for any fiscal  
2       year is submitted to the Secretary, the chief execu-  
3       tive officer of each State in which projects are pro-  
4       posed to be conducted under such grant shall be af-  
5       forded a reasonable opportunity to submit rec-  
6       ommendations to the Secretary—

7               “(A) regarding the anticipated effect of  
8               each such proposal upon the overall distribution  
9               of enrollment positions under this title in the  
10              State (including such distribution among urban  
11              and rural areas), taking into account the total  
12              number of positions to be provided by all grant-  
13              ees in the State;

14             “(B) any recommendations for redistribu-  
15             tion of positions to under served areas as va-  
16             cancies occur in previously encumbered posi-  
17             tions in other areas; and

18             “(C) in the case of any increase in funding  
19             that may be available for use in the State under  
20             this title for any fiscal year, any recommenda-  
21             tions for distribution of newly available posi-  
22             tions in excess of those available during the pre-  
23             ceding year to underserved areas.

24             “(6) DISRUPTIONS.—In developing plans and  
25             considering recommendations under this subsection,

1        disruptions in the provision of services for current  
2        participants shall be avoided to the greatest possible  
3        extent.

4            “(7) DETERMINATION; REVIEW.—

5            “(A) DETERMINATION.—In order to effec-  
6        tively carry out this title, each State shall make  
7        the State plan available for public comment.  
8        The Secretary, in consultation with the Assist-  
9        ant Secretary, shall review the plan and make  
10       a written determination with findings and a de-  
11       cision regarding the plan.

12           “(B) REVIEW.—The Secretary may review,  
13        on the Secretary’s own initiative or at the re-  
14        quest of any public or private agency or organi-  
15        zation or of any agency of the State, the dis-  
16        tribution of projects and services under this  
17        title in the State including the distribution be-  
18        tween urban and rural areas in the State. For  
19        each proposed reallocation of projects or serv-  
20        ices in a State, the Secretary shall give notice  
21        and opportunity for public comment.

22           “(8) EXEMPTION.—The grantees that serve eli-  
23        gible individuals who are older Indians with funds  
24        reserved under section 506(a)(3) may not be re-  
25        quired to participate in the State planning processes

1 described in this section but will collaborate with the  
2 Secretary to develop a plan for projects and services  
3 to eligible individuals who are Indians.

4 “(b) COORDINATION WITH OTHER FEDERAL PRO-  
5 GRAMS.—

6 “(1) The Secretary and the Assistant Secretary  
7 shall coordinate the program carried out under this  
8 title with programs carried out under other titles of  
9 this Act, to increase job opportunities available to  
10 older individuals.

11 “(2) The Secretary shall coordinate programs  
12 carried out under this title with the program carried  
13 out under the Workforce Investment Act of 1998,  
14 the Community Services Block Grant Act, the Reha-  
15 bilitation Act of 1973, the Carl D. Perkins Voca-  
16 tional and Technical Education Act of 1998 (20  
17 U.S.C. 2301 et seq.), the National and Community  
18 Service Act of 1990 (42 U.S.C. 12501 et seq.), and  
19 the Domestic Volunteer Service Act of 1973 (42  
20 U.S.C. 4950 et seq.). The Secretary shall coordinate  
21 the administration of this title with the administra-  
22 tion of other titles of this Act by the Assistant Sec-  
23 retary to increase the likelihood that eligible individ-  
24 uals for whom employment opportunities under this  
25 title are available and who need services under such

1 titles receive such services. Funds appropriated to  
2 carry out this title may not be used to carry out any  
3 program under the Workforce Investment Act of  
4 1998, the Community Services Block Grant Act, the  
5 Rehabilitation Act of 1973, the Carl D. Perkins Vo-  
6 cational and Technical Education Act of 1998, the  
7 National and Community Service Act of 1990, or  
8 the Domestic Volunteer Service Act of 1973. The  
9 preceding sentence shall not be construed to prohibit  
10 carrying out projects under this title jointly with  
11 programs, projects, or activities under any Act speci-  
12 fied in such sentence, or from carrying out section  
13 512.

14 “(3) The Secretary shall distribute to grantees  
15 under this title, for distribution to program partici-  
16 pants, and at no cost to grantees or participants, in-  
17 formational materials developed and supplied by the  
18 Equal Employment Opportunity Commission and  
19 other appropriate Federal agencies that the Sec-  
20 retary determines are designed to help participants  
21 identify age discrimination and to understand their  
22 rights under the Age Discrimination in Employment  
23 Act of 1967.

24 “(c) In carrying out this title, the Secretary may use,  
25 with their consent, the services, equipment, personnel, and

1 facilities of Federal and other agencies with or without  
2 reimbursement, and on a similar basis to cooperate with  
3 other public and private agencies and instrumentalities in  
4 the use of services, equipment, and facilities.

5       “(d) Payments under this title may be made in ad-  
6 vance or by way of reimbursement and in such install-  
7 ments as the Secretary may determine.

8       “(e) The Secretary shall not delegate any function of  
9 the Secretary under this title to any other Federal officer  
10 or entity.

11       “(f)(1) The Secretary shall monitor projects for  
12 which grants are made under this title to determine  
13 whether the grantees are complying with rules and regula-  
14 tions issued to carry out this title (including the statewide  
15 planning, consultation, and coordination requirements of  
16 this title).

17       “(2) Each grantee that receives funds under this title  
18 shall comply with the applicable uniform cost principles  
19 and appropriate administrative requirements for grants  
20 and contracts that are applicable to the type of entity that  
21 receives funds, as issued as circulars or rules of the Office  
22 of Management and Budget.

23       “(3) Each grantee described in paragraph (2) shall  
24 prepare and submit a report in such manner and con-

1 taining such information as the Secretary may require re-  
2 garding activities carried out under this title.

3 “(4) Each grantee described in paragraph (2) shall  
4 keep records that—

5 “(A) are sufficient to permit the preparation of  
6 reports required by this title;

7 “(B) are sufficient to permit the tracing of  
8 funds to a level of expenditure adequate to ensure  
9 that the funds have not been spent unlawfully; and

10 “(C) contain any other information that the  
11 Secretary determines to be appropriate.

12 “(g) The Secretary shall establish by rule and imple-  
13 ment a process to evaluate, in accordance with section  
14 513, the performance of projects and services carried out  
15 under this title. The Secretary shall report to the Con-  
16 gress, and make available to the public, the results of each  
17 such evaluation and shall use such evaluation to improve  
18 services delivered by, or the operation of, projects carried  
19 out under this title.

20 **“SEC. 504. PARTICIPANTS NOT FEDERAL EMPLOYEES.**

21 “(a) Eligible individuals who are participants in au-  
22 thorized activities in any project funded under this title  
23 shall not be considered to be Federal employees as a result  
24 of such participation and shall not be subject to part III  
25 of title 5, United States Code.

1       “(b) No grant, subgrant, contract or subcontract  
2 shall be entered into under this title with an entity who  
3 is, or whose employees are, under State law, exempted  
4 from operation of the State workers’ compensation law,  
5 generally applicable to employees unless the entity shall  
6 undertake to provide either through insurance by a recog-  
7 nized carrier or by self-insurance, as authorized by State  
8 law, that the persons employed under the grant, contract,  
9 subgrant, or subcontract shall enjoy workers’ compensa-  
10 tion coverage equal to that provided by law for covered  
11 employment.

12 **“SEC. 505. INTERAGENCY COOPERATION.**

13       “(a) The Secretary shall consult with and obtain the  
14 written views of the Assistant Secretary before issuing  
15 rules and before establishing general policy in the adminis-  
16 tration of this title.

17       “(b) The Secretary shall consult and cooperate with  
18 the Director of the Office of Community Services, the Sec-  
19 retary of Health and Human Services, and the heads of  
20 other Federal agencies that carry out related programs,  
21 in order to achieve optimal coordination with such other  
22 programs. In carrying out this section, the Secretary shall  
23 promote programs or projects of a similar nature. Each  
24 Federal agency shall cooperate with the Secretary in dis-  
25 seminating information relating to the availability of as-

1 sistance under this title and in promoting the identifica-  
2 tion and interests of individuals eligible for employment  
3 in projects assisted under this title.

4 “(c)(1) The Secretary shall promote and coordinate  
5 carrying out projects under this title jointly with pro-  
6 grams, projects, or activities carried out under other Acts,  
7 especially activities provided under the Workforce Invest-  
8 ment Act of 1998 (29 U.S.C. 2801 et seq.), including ac-  
9 tivities provided through One-Stop delivery systems estab-  
10 lished under section 134(c)) of such Act (29 U.S.C.  
11 2864(c)), that provide training and employment opportu-  
12 nities to eligible individuals.

13 “(2) The Secretary shall consult with the Secretary  
14 of Education to promote and coordinate carrying out  
15 projects under this title jointly with workforce investment  
16 activities in which eligible individuals may participate that  
17 are carried out under the Carl D. Perkins Vocational and  
18 Technical Education Act of 1998.

19 **“SEC. 506. DISTRIBUTION OF ASSISTANCE.**

20 “(a) RESERVATIONS.—

21 “(1) RESERVATION FOR NATIONAL ACTIVITI-  
22 TIES.—Of the funds appropriated to carry out this  
23 title for each fiscal year, the Secretary may first re-  
24 serve up to 1.5 percent to carry out demonstration

1 projects, pilot projects, and evaluation projects  
2 under section 502(d).

3 “(2) RESERVATION FOR TERRITORIES.—Of the  
4 funds appropriated to carry out this title for each  
5 fiscal year, the Secretary shall reserve up to 0.75  
6 percent, of which—

7 “(A) Guam, American Samoa, and the  
8 United States Virgin Islands shall each receive  
9 30 percent of the funds so reserved; and

10 “(B) the Commonwealth of the Northern  
11 Mariana Islands shall receive 10 percent of the  
12 funds so reserved.

13 “(3) RESERVATION FOR ORGANIZATIONS.—Of  
14 the funds appropriated to carry out this title for  
15 each fiscal year, the Secretary shall reserve such  
16 amount as may be necessary to make national  
17 grants to public or nonprofit national Indian aging  
18 organizations with the ability to provide authorized  
19 activities for eligible individuals who are Indians and  
20 to national public or nonprofit Pacific Island and  
21 Asian American aging organizations with the ability  
22 to provide authorized activities for eligible individ-  
23 uals who are Pacific Island and Asian Americans.

24 “(b) STATE ALLOTMENTS.—The allotment for each  
25 State shall be the sum of the amounts allotted for national

1 grants in such State under subsection (d) and for the  
2 grant to such State under subsection (e).

3 “(c) DIVISION BETWEEN NATIONAL GRANTS AND  
4 GRANTS TO STATES.—The funds appropriated to carry  
5 out this title for any fiscal year that remain after amounts  
6 are reserved under paragraphs (1), (2), and (3) of sub-  
7 section (a), shall be divided by the Secretary between na-  
8 tional grants and grants to States as follows:

9 “(1) RESERVATION OF FUNDS FOR FISCAL  
10 YEAR 2006 LEVEL OF ACTIVITIES.—

11 “(A) The Secretary shall reserve the  
12 amount of funds necessary to maintain the fis-  
13 cal year 2006 level of activities supported by  
14 grantees that operate under this title under na-  
15 tional grants from the Secretary, and the fiscal  
16 year 2006 level of activities supported by State  
17 grantees under this title, in proportion to their  
18 respective fiscal year 2006 levels of activities.

19 “(B) If in any fiscal year for which the  
20 funds appropriated to carry out this title are in-  
21 sufficient to satisfy the requirement specified in  
22 subparagraph (A), then the amount described  
23 in subparagraph (A) shall be reduced propor-  
24 tionally.

1           “(2) FUNDING IN EXCESS OF FISCAL YEAR 2006  
2           LEVEL OF ACTIVITIES.—

3           “(A) UP TO \$35,000,000.—The amount of  
4           funds remaining after the application of para-  
5           graph (1), but not to exceed \$35,000,000, shall  
6           be divided so that 75 percent shall be provided  
7           to State grantees and 25 percent shall be pro-  
8           vided to grantees that operate under this title  
9           under national grants from the Secretary.

10           “(B) OVER \$35,000,000.—The amount of  
11           funds remaining (if any) after the application of  
12           subparagraph (A) shall be divided so that 50  
13           percent shall be provided to State grantees and  
14           50 percent shall be provided to grantees that  
15           operate under this title under national grants  
16           from the Secretary.

17           “(d) ALLOTMENTS FOR NATIONAL GRANTS.—From  
18           funds available under subsection (c) for national grants,  
19           the Secretary shall allot for public and nonprofit private  
20           agency and organization grantees that operate under this  
21           title under national grants from the Secretary in each  
22           State, an amount that bears the same ratio to such funds  
23           as the product of the number of individuals 55 years of  
24           age or older in the State and the allotment percentage of

1 such State bears to the sum of the corresponding products  
2 for all States, except as follows:

3           “(1) MINIMUM ALLOTMENT.—No State shall be  
4 provided an amount under this subsection that is  
5 less than  $\frac{1}{2}$  of 1 percent of the amount provided  
6 under subsection (c) for public and nonprofit private  
7 agency and organization grantees that operate under  
8 this title under national grants from the Secretary  
9 in all of the States.

10           “(2) HOLD HARMLESS.—If the amount pro-  
11 vided under subsection (c) is—

12                   “(A) equal to or less than the amount nec-  
13 essary to maintain the fiscal year 2006 level of  
14 activities, allotments for grantees that operate  
15 under this title under national grants from the  
16 Secretary in each State shall be proportional to  
17 their fiscal year 2006 level of activities; or

18                   “(B) greater than the amount necessary to  
19 maintain the fiscal year 2006 level of activities,  
20 no State shall be provided a percentage increase  
21 above the fiscal year 2006 level of activities for  
22 grantees that operate under this title under na-  
23 tional grants from the Secretary in the State  
24 that is less than 30 percent of such percentage  
25 increase above the fiscal year 2006 level of ac-

1           tivities for public and nonprofit private agency  
2           and organization grantees that operate under  
3           this title under national grants from the Sec-  
4           retary in all of the States.

5           “(3) REDUCTION.—Allotments for States not  
6           affected by paragraphs (1) and (2)(B) of this sub-  
7           section shall be reduced proportionally to satisfy the  
8           conditions in such paragraphs.

9           “(e) ALLOTMENTS FOR GRANTS TO STATES.—From  
10          the amount provided for grants to States under subsection  
11          (c), the Secretary shall allot for the State grantee in each  
12          State an amount that bears the same ratio to such amount  
13          as the product of the number of individuals 55 years of  
14          age or older in the State and the allotment percentage of  
15          such State bears to the sum of the corresponding product  
16          for all States, except as follows:

17                 “(1) MINIMUM ALLOTMENT.—No State shall be  
18                 provided an amount under this subsection that is  
19                 less than  $\frac{1}{2}$  of 1 percent of the amount provided  
20                 under subsection (c) for State grantees in all of the  
21                 States.

22                 “(2) HOLD HARMLESS.—If the amount pro-  
23                 vided under subsection (c) is—

24                         “(A) equal to or less than the amount nec-  
25                         essary to maintain the fiscal year 2006 level of

1 activities, allotments for State grantees in each  
2 State shall be proportional to their fiscal year  
3 2006 level of activities; or

4 “(B) greater than the amount necessary to  
5 maintain the fiscal year 2006 level of activities,  
6 no State shall be provided a percentage increase  
7 above the fiscal year 2006 level of activities for  
8 State grantees in the State that is less than 30  
9 percent of such percentage increase above the  
10 fiscal year 2006 level of activities for State  
11 grantees in all of the States.

12 “(3) REDUCTION.—Allotments for States not  
13 affected by paragraphs (1) and (2)(B) of this sub-  
14 section shall be reduced proportionally to satisfy the  
15 conditions in such paragraphs.

16 “(f) ALLOTMENT PERCENTAGE.—For purposes of  
17 subsections (d) and (e)—

18 “(1) the allotment percentage of each State  
19 shall be 100 percent less that percentage that bears  
20 the same ratio to 50 percent as the per capita in-  
21 come of such State bears to the per capita income  
22 of the United States, except that—

23 “(A) the allotment percentage shall be not  
24 more than 75 percent and not less than 33 per-  
25 cent; and

1           “(B) the allotment percentage for the Dis-  
2           trict of Columbia and the Commonwealth of  
3           Puerto Rico shall be 75 percent;

4           “(2) the number of individuals 55 years of age  
5           or older in any State and in all States, and the per  
6           capita income in any State and in all States, shall  
7           be determined by the Secretary on the basis of the  
8           most satisfactory data available to the Secretary;  
9           and

10           “(3) for the purpose of determining the allot-  
11           ment percentage, the term ‘United States’ means  
12           the 50 States and the District of Columbia.

13           “(g) DEFINITIONS.—For purposes of this section:

14           “(1) COST PER AUTHORIZED POSITION.—The  
15           term ‘cost per authorized position’ means the sum  
16           of—

17           “(A) the hourly minimum wage rate speci-  
18           fied in section 6(a)(1) of the Fair Labor Stand-  
19           ards Act of 1938 (29 U.S.C. 206(a)(1)), multi-  
20           plied by the number of hours equal to the prod-  
21           uct of 21 hours and 52 weeks;

22           “(B) an amount equal to 11 percent of the  
23           amount specified under subparagraph (A), for  
24           the purpose of covering Federal payments for  
25           fringe benefits; and

1           “(C) an amount determined by the Sec-  
2           retary, for the purpose of covering Federal pay-  
3           ments for the remainder of all other program  
4           and administrative costs.

5           “(2) FISCAL YEAR 2006 LEVEL OF ACTIVI-  
6           TIES.—The term ‘fiscal year 2006 level of activities’  
7           means—

8           “(A) with respect to public and nonprofit  
9           private agency and organization grantees that  
10          operate under this title under national grants  
11          from the Secretary, their level of activities for  
12          fiscal year 2006; and

13          “(B) with respect to State grantees, their  
14          level of activities for fiscal year 2006.

15          “(3) GRANTS TO STATES.—The term ‘grants to  
16          States’ means grants made under this title by the  
17          Secretary to the States.

18          “(4) LEVEL OF ACTIVITIES.—The term ‘level of  
19          activities’ means the number of authorized positions  
20          multiplied by the cost per authorized position.

21          “(5) NATIONAL GRANTS.—The term ‘national  
22          grants’ means grants made under this title by the  
23          Secretary to public and nonprofit private agency and  
24          organization grantees that operate under this title  
25          under national grants from the Secretary.

1           “(6) STATE.—The term ‘State’ does not include  
2           Guam, American Samoa, the Commonwealth of the  
3           Northern Mariana Islands, and the United States  
4           Virgin Islands.

5   **“SEC. 507. EQUITABLE DISTRIBUTION.**

6           “(a) INTERSTATE ALLOCATION.—In making grants  
7           under section 506, the Secretary shall ensure, to the ex-  
8           tent feasible, an equitable distribution of activities under  
9           such grants, in the aggregate, among the States, taking  
10          into account the needs of underserved States.

11          “(b) INTRASTATE ALLOCATION.—The amount allo-  
12          cated for projects within each State under section 506  
13          shall be allocated among areas in the State in an equitable  
14          manner, taking into consideration the State priorities set  
15          out in the State plan in effect under section 503(a).

16   **“SEC. 508. REPORT.**

17          “To carry out the Secretary’s responsibilities for re-  
18          porting in section 503(g), the Secretary shall require the  
19          State agency for each State that receives funds under this  
20          title to prepare and submit a report at the beginning of  
21          each fiscal year on such State’s compliance with section  
22          507(b). Such report shall include the names and geo-  
23          graphic location of all projects assisted under this title and  
24          carried out in the State and the amount allocated to each  
25          such project under section 506.

1 **“SEC. 509. EMPLOYMENT ASSISTANCE AND FEDERAL HOUS-**  
2 **ING AND FOOD STAMP PROGRAMS.**

3 “Funds received by eligible individuals from projects  
4 carried out under the program established in this title  
5 shall not be considered to be income of such individuals  
6 for purposes of determining the eligibility of such individ-  
7 uals, or of any other individuals, to participate in any  
8 housing program for which Federal funds may be available  
9 or for any income determination under the Food Stamp  
10 Act of 1977.

11 **“SEC. 510. ELIGIBILITY FOR WORKFORCE INVESTMENT AC-**  
12 **TIVITIES.**

13 “Eligible individuals under this title may be consid-  
14 ered by local workforce investment boards established  
15 under title I of the Workforce Investment Act of 1998 to  
16 satisfy the requirements for receiving services under such  
17 title I that are applicable to adults.

18 **“SEC. 511. TREATMENT OF ASSISTANCE.**

19 “Assistance provided under this title shall not be con-  
20 sidered to be financial assistance described in section  
21 245A(h)(1)(A) of the Immigration and Nationality Act (8  
22 U.S.C. 1255A(h)(1)(A)).

23 **“SEC. 512. COORDINATION WITH THE WORKFORCE INVEST-**  
24 **MENT ACT OF 1998.**

25 “(a) PARTNERS.—Grantees under this title shall be  
26 One-Stop partners as described in subparagraphs (A) and

1 (B)(vi) of section 121(b)(1) of the Workforce Investment  
2 Act of 1998 (29 U.S.C. 2841(b)(1)) in the One-Stop deliv-  
3 ery system established under section 134(c) of such Act  
4 (29 U.S.C. 2864(c)) for the appropriate local workforce  
5 investment areas, and shall carry out the responsibilities  
6 relating to such partners.

7 “(b) COORDINATION.—In local workforce investment  
8 areas where more than 1 grantee under this title provides  
9 services, the grantees shall—

10 “(1) coordinate their activities related to the  
11 One-Stop delivery system; and

12 “(2) shall be signatories of the memorandum of  
13 understanding established under section 121(c) of  
14 the Workforce Investment Act of 1998 (29 U.S.C.  
15 2841(c)).

16 **“SEC. 513. PERFORMANCE.**

17 “(a) MEASURES.—

18 “(1) ESTABLISHMENT OF MEASURES.—The  
19 Secretary shall establish, in consultation with grant-  
20 ees, subgrantees, and host agencies under this title,  
21 States, older individuals, area agencies on aging, and  
22 other organizations serving older individuals, per-  
23 formance measures for each grantee for projects and  
24 services carried out under this title.

25 “(2) CONTENT.—

1           “(A) COMPOSITION OF MEASURES.—The  
2 performance measures established by the Sec-  
3 retary in accordance with paragraph (1) shall  
4 consist of—

5           “(i) core indicators of performance  
6 specified in subsection (b)(1) and the ex-  
7 pected levels of performance applicable to  
8 each core indicator of performance, and

9           “(ii) additional indicators of perform-  
10 ance specified in subsection (b)(2).

11           “(B) CONTINUOUS IMPROVEMENT.—The  
12 measures described in subparagraph (A)(i) shall  
13 be designed to promote continuous improvement  
14 in performance.

15           “(C) EXPECTED LEVELS OF PERFORM-  
16 ANCE.—The Secretary and each grantee shall  
17 reach agreement on the expected levels of per-  
18 formance for each program year for each of the  
19 core indicators of performance specified in sub-  
20 section (b)(1). The agreement shall take into  
21 account the factors described in subparagraphs  
22 (B) and (D) and other appropriate factors as  
23 determined by the Secretary, and shall be con-  
24 sistent with the requirements of subparagraph

1 (E). Funds under the grant may not be award-  
2 ed until such agreement is reached.

3 “(D) ADJUSTMENT.—The expected levels  
4 of performance described in subparagraph (C)  
5 applicable to a grantee shall be adjusted after  
6 the agreement under subparagraph (C) has  
7 been reached only with respect to the following  
8 factors:

9 “(i) High rates of unemployment or of  
10 poverty or welfare participation, in the  
11 areas served by a grantee, relative to other  
12 areas of the State or Nation.

13 “(ii) Significant downturns in the  
14 areas served by the grantee or in the na-  
15 tional economy.

16 “(iii) Significant numbers or propor-  
17 tions of participants with 1 or more bar-  
18 riers to employment served by a grantee  
19 relative to grantees serving other areas of  
20 the State or Nation.

21 “(iv) Changes in Federal, State, or  
22 local minimum wage requirements.

23 “(E) PLACEMENT.—

24 “(i) LEVEL OF PERFORMANCE.—For  
25 all grantees, the Secretary shall establish a

1 level of performance of not less than the  
2 percentage specified in clause (ii) (adjusted  
3 in accordance with subparagraph (D)) for  
4 the entry into unsubsidized employment  
5 core indicator of performance described in  
6 subsection (b)(1)(A). If a grantee achieved  
7 a level of performance less than the per-  
8 centage specified in such clause for the  
9 preceding fiscal year for which results are  
10 available before the enactment of the Sen-  
11 ior Independence Act of 2006, the Sec-  
12 retary shall provide technical assistance to  
13 assist such grantee to achieve the applica-  
14 ble percentage specified in such clause.

15 “(ii) REQUIRED PLACEMENT PER-  
16 CENTAGES.—The minimum percentage for  
17 the entry into unsubsidized employment  
18 described in subsection (b)(1)(A) is—

19 “(I) 22 percent in fiscal year  
20 2007;

21 “(II) 24 percent in fiscal year  
22 2008;

23 “(III) 26 percent in fiscal year  
24 2009;

1                   “(IV) 28 percent in fiscal year  
2                   2010; and

3                   “(V) 30 percent in fiscal year  
4                   2011.

5                   “(3) PERFORMANCE EVALUATION OF GRANT-  
6                   EES.—The Secretary shall annually establish na-  
7                   tional performance measures for each grantee under  
8                   this title, which shall be applicable to the grantee  
9                   without regard to whether such grantee operates  
10                  such program directly or through contracts, grants,  
11                  or agreements with other entities. The measures  
12                  shall include the core indicators of performance and  
13                  expected level of performance for each such indi-  
14                  cator, and the additional indicators of performance.  
15                  In addition, the Secretary shall annually publish the  
16                  actual performance of each grantee with respect  
17                  to—

18                         “(A) the levels achieved for each of the  
19                         core indicators of performance, compared to ex-  
20                         pected levels of performance under paragraph  
21                         (2)(C) (including any adjustments to such levels  
22                         made in accordance with to paragraph (2)(D));  
23                         and

24                         “(B) the levels achieved for each of the ad-  
25                         ditional indicators of performance.

1           “(4) LIMITATION.—An agreement to be evalu-  
2           ated on the performance measures shall be a re-  
3           quirement for application for, and a condition of, all  
4           grants authorized by this title.

5           “(b) INDICATORS OF PERFORMANCE.—

6           “(1) CORE INDICATORS.—The core indicators  
7           of performance described in subsection (a)(2)(A)(i)  
8           shall consist of—

9                   “(A) entry into unsubsidized employment;

10                   “(B) retention in unsubsidized employment  
11                   for 6 months;

12                   “(C) earnings; and

13                   “(D) hours (in the aggregate) of commu-  
14                   nity service employment-based training pursu-  
15                   ant to subparagraphs (A) and (B)(I) of section  
16                   502(b)(1).

17           “(2) ADDITIONAL INDICATORS.—The additional  
18           indicators of performance described in subsection  
19           (a)(2)(A)(ii) shall consist of—

20                   “(A) retention in unsubsidized employment  
21                   for 1 year;

22                   “(B) the number of eligible individuals  
23                   served, including the number of participating  
24                   individuals described in section 516(2)(A)(ii),  
25                   and

1           “(C) any other indicators of performance  
2           that the Secretary determines to be appropriate  
3           to evaluate services and performance.

4           “(c) DEFINITIONS OF INDICATORS.—The Secretary,  
5 after consultation with national and State grantees, rep-  
6 resentatives of business and labor organizations, and pro-  
7 viders of services, shall issue rules that define the indica-  
8 tors of performance described in subsection (b).

9           “(d) CORRECTIVE EFFORTS.—

10           “(1) NATIONAL GRANTEES.—

11           “(A) IN GENERAL.—Not later than 120  
12 days after the end of each program year, the  
13 Secretary shall determine if a national grantee  
14 awarded a grant under section 514 has met the  
15 expected levels of performance established  
16 under subsection (a)(2)(c) (including any ad-  
17 justments to such levels made in accordance  
18 with to subsection (a)(2)(D)) for the core indi-  
19 cators of performance described in subsection  
20 (b)(1).

21           “(B) TECHNICAL ASSISTANCE AND COR-  
22 RECTIVE ACTION PLAN.—

23           “(i) IN GENERAL.—If the Secretary  
24 determines that a grantee fails to meet the  
25 expected levels of performance described in

1 paragraph (1), the Secretary shall provide  
2 technical assistance and require such  
3 grantee to submit a corrective action plan  
4 not later than 160 days after the end of  
5 the program year.

6 “(ii) CONTENT.—The plan submitted  
7 under subparagraph (A) shall detail the  
8 steps the grantee will take to meet the na-  
9 tional performance measures in the next  
10 program year.

11 “(2) STATE GRANTEEES.—

12 “(A) IN GENERAL.—Not later than 120  
13 days after the end of the program year, the  
14 Secretary shall determine if a State grantee al-  
15 lotted funds under section 506(e) has met the  
16 expected levels of performance established  
17 under subsection (a)(2)(C) (including any ad-  
18 justments to such levels made in accordance  
19 with to subsection (a)(2)(D)) for the core indi-  
20 cators of performance described in subsection  
21 (b)(1).

22 “(B) TECHNICAL ASSISTANCE AND COR-  
23 RECTIVE ACTION PLAN.—If a State fails to  
24 meet the levels of performance described in sub-  
25 paragraph (A), the Secretary shall provide tech-

1 nical assistance and require the State to submit  
2 a corrective action plan not later than 160 days  
3 after the end of the program year.

4 “(C) CONTENT.—The plan described in  
5 subparagraph (B) shall detail the steps the  
6 State will take to meet the standards.

7 “(D) FAILURE TO MEET PERFORMANCE  
8 MEASURES FOR THE THIRD YEAR.—If the State  
9 fails to meet the levels of performance described  
10 in subparagraph (A) for a third consecutive  
11 program year, the Secretary shall provide for  
12 the conduct by the State of a competition to  
13 award the funds allocated to the State for the  
14 first full program year following the Secretary’s  
15 determination that the State has not met the  
16 performance measures.

17 **“SEC. 514. COMPETITIVE REQUIREMENTS RELATING TO**  
18 **GRANT AWARDS.**

19 “(a) PROGRAM AUTHORIZED.—

20 “(1) INITIAL APPROVAL OF GRANT APPLICA-  
21 TIONS.—From the funds available for national  
22 grants under section 506(d), the Secretary shall  
23 award grants to eligible applicants to carry out  
24 projects under this title for a period of 3 years

1 through a competitive process except as provided in  
2 paragraph (2).

3 “(2) CONTINUATION OF APPROVAL BASED ON  
4 PERFORMANCE.—If the recipient of a grant made  
5 under paragraph (1) satisfies the requirements of  
6 section 513 during such 3-year period (and the suc-  
7 ceeding 1-year period for which any grant is made  
8 under this paragraph) with respect to a project, the  
9 Secretary may award grants to such recipient to  
10 continue such project beyond such 3-year period for  
11 not to exceed 2 successive 1-year periods without re-  
12 gard to such process.

13 “(b) ELIGIBLE APPLICANTS.—An applicant shall be  
14 eligible to receive a grant under subsection (a) in accord-  
15 ance with section 502(b)(1), and subsections (c) and (d).

16 “(c) CRITERIA.—The Secretary shall select the eligi-  
17 ble applicants to receive grants under subsection (a) based  
18 on the following:

19 “(1) The applicant’s ability to administer a pro-  
20 gram that serves the greatest number of eligible in-  
21 dividuals, giving particular consideration to individ-  
22 uals with greatest economic need, greatest social  
23 need, poor employment history or prospects, and  
24 over the age of 65.

1           “(2) The applicant’s ability to administer a pro-  
2           gram that provides employment for eligible individ-  
3           uals in the communities in which such individuals  
4           reside, or in nearby communities, that will con-  
5           tribute to the general welfare of the community.

6           “(3) The applicant’s ability to administer a pro-  
7           gram that moves eligible individuals into unsub-  
8           sidized employment.

9           “(4) The applicant’s prior performance, if any,  
10          in meeting performance measures under this title  
11          and under other Federal or State programs.

12          “(5) The applicant’s ability to move individuals  
13          with multiple barriers to employment into unsub-  
14          sidized employment.

15          “(6) The applicant’s ability to coordinate with  
16          other organizations at the State and local level.

17          “(7) The applicant’s plan for fiscal manage-  
18          ment of the program to be administered with funds  
19          received under this section.

20          “(8) Any additional criteria that the Secretary  
21          considers to be appropriate in order to minimize dis-  
22          ruption for current participants.

23          “(d) RESPONSIBILITY TESTS.—

24                 “(1) IN GENERAL.—Before final selection of a  
25                 grantee, the Secretary shall conduct a review of

1 available records to assess the applicant’s overall re-  
2 sponsibility to administer Federal funds.

3 “(2) REVIEW.—As part of the review described  
4 in paragraph (1), the Secretary may consider any in-  
5 formation, including the organization’s history with  
6 regard to the management of other grants.

7 “(3) FAILURE TO SATISFY TEST.—The failure  
8 to satisfy any 1 responsibility test that is listed in  
9 paragraph (4), excluding those listed in subpara-  
10 graphs (A) and (B), does not establish that the or-  
11 ganization is not responsible unless such failure is  
12 substantial or persists for 2 or more consecutive  
13 years.

14 “(4) TEST.—The responsibility tests include re-  
15 view of the following factors:

16 “(A) Unsuccessful efforts by the organiza-  
17 tion to recover debts, after 3 demand letters  
18 have been sent, that are established by final  
19 agency action, or a failure to comply with an  
20 approved repayment plan.

21 “(B) Established fraud or criminal activity  
22 of a significant nature within the organization.

23 “(C) Serious administrative deficiencies  
24 identified by the Secretary, such as failure to

1 maintain a financial management system as re-  
2 quired by Federal rules or regulations.

3 “(D) Willful obstruction of the audit proc-  
4 ess.

5 “(E) Failure to provide services to appli-  
6 cants as agreed to in a current or recent grant  
7 or to meet applicable performance measures.

8 “(F) Failure to correct deficiencies  
9 brought to the grantee’s attention in writing as  
10 a result of monitoring activities, reviews, assess-  
11 ments, or other activities.

12 “(G) Failure to return a grant closeout  
13 package or outstanding advances within 90  
14 days of the grant expiration date or receipt of  
15 closeout package, whichever is later, unless an  
16 extension has been requested and granted.

17 “(H) Failure to submit required reports.

18 “(I) Failure to properly report and dispose  
19 of Government property as instructed by the  
20 Secretary.

21 “(J) Failure to have maintained effective  
22 cash management or cost controls resulting in  
23 excess cash on hand.

24 “(K) Failure to ensure that a subrecipient  
25 complies with its Office of Management and

1 Budget Circular A-133 audit requirements  
2 specified at section 667.200(b) of title 20, Code  
3 of Federal Regulations.

4 “(L) Failure to audit a subrecipient within  
5 the required period.

6 “(M) Final disallowed costs in excess of 5  
7 percent of the grant or contract award if, in the  
8 judgment of the grant officer, the disallowances  
9 are egregious findings.

10 “(N) Failure to establish a mechanism to  
11 resolve a subrecipient’s audit in a timely fash-  
12 ion.

13 “(5) DETERMINATION.—Applicants that are de-  
14 termined to be not responsible shall not be selected  
15 as grantees.

16 “(6) DISALLOWED COSTS.—Interest on dis-  
17 allowed costs shall accrue in accordance with the  
18 Debt Collection Improvement Act of 1996.

19 **“SEC. 515. AUTHORIZATION OF APPROPRIATIONS.**

20 “(a) There is authorized to be appropriated to carry  
21 out this title such sums as may be necessary for fiscal  
22 years 2007, 2008, 2009, 2010, and 2011.

23 “(b) Amounts appropriated under this section for any  
24 fiscal year shall be available for obligation during the an-  
25 nual period that begins on July 1 of the calendar year

1 immediately following the beginning of such fiscal year  
2 and that ends on June 30 of the following calendar year.  
3 The Secretary may extend the period during which such  
4 amounts may be obligated or expended in the case of a  
5 particular organization or agency that receives funds  
6 under this title if the Secretary determines that such ex-  
7 tension is necessary to ensure the effective use of such  
8 funds by such organization or agency.

9 “(c) At the end of the program year, the Secretary  
10 may recapture any unexpended funds for the program  
11 year, and reobligate such funds within the 2 succeeding  
12 program years for—

13 “(1) technical assistance; or

14 “(2) grants or contracts for any other program  
15 under this title.

16 **“SEC. 516. DEFINITIONS.**

17 “For purposes of this title:

18 “(1) COMMUNITY SERVICE EMPLOYMENT-BASED  
19 TRAINING.—The term ‘community service employ-  
20 ment-based training’ means work experience that is  
21 related to providing social, health, welfare, and edu-  
22 cational services (including literacy tutoring), legal  
23 and other counseling services and assistance, includ-  
24 ing tax counseling and assistance and financial  
25 counseling, and library, recreational, and other simi-

1 lar services; conservation, maintenance, or restora-  
2 tion of natural resources; community betterment or  
3 beautification; antipollution and environmental qual-  
4 ity efforts; weatherization activities; economic devel-  
5 opment; and such other services essential and nec-  
6 essary to the community as the Secretary determines  
7 by rule.

8 “(2) ELIGIBLE INDIVIDUAL.—The term ‘eligible  
9 individual’ means an individual who is 55 years of  
10 age or older and who has a low income (including  
11 any such individual whose income is not more than  
12 125 percent of the poverty line), excluding any in-  
13 come that is unemployment compensation, benefits  
14 received under title XVI of the Social Security Act,  
15 veterans payments, or 25 percent of the benefits re-  
16 ceived under title II of the Social Security Act,  
17 but—

18 “(A) pursuant to regulations prescribed by  
19 the Secretary, any such individual who meets  
20 one or more of the following criteria shall have  
21 priority for the work opportunities provided  
22 under this title—

23 “(i) is 65 years of age or older; or

24 “(ii) has one or more of the following  
25 barriers to employment:

1 “(I) has a disability;

2 “(II) has limited English pro-  
3 ficiency or low literacy skills;

4 “(III) resides in a rural area;

5 “(IV) is a veteran;

6 “(V) has low employment pros-  
7 pects; or

8 “(VI) has failed to find employ-  
9 ment after utilizing services provided  
10 under title I of the Workforce Invest-  
11 ment Act of 1998; and

12 “(B) notwithstanding any other provision  
13 of this paragraph, excludes—

14 “(i) an individual who has partici-  
15 pated in projects under this title for a pe-  
16 riod of 48 months in the aggregate (wheth-  
17 er or not consecutive) after the date of the  
18 enactment of the Senior Independence Act  
19 of 2006; and

20 “(ii) an individual who has partici-  
21 pated in projects under this title for a pe-  
22 riod of 24 months in the aggregate (wheth-  
23 er or not consecutive) after the date of the  
24 enactment of the Senior Independence Act  
25 of 2006 if such individual participated

1 more than 24 months in the aggregate  
2 (whether or not consecutive) under title V  
3 of this Act, as in effect before the date of  
4 the enactment of the Senior Independence  
5 Act of 2006.

6 “(3) INCOME.—The term ‘income’ means in-  
7 come received during the 12-month period (or, at  
8 the option of the grantee involved, the 6-month pe-  
9 riod that is not multiplied) ending on the date an el-  
10 igible individual submits an application to partici-  
11 pate in the project carried out under this title by  
12 such grantee.

13 “(4) PACIFIC ISLAND AND ASIAN AMERICANS.—  
14 The term ‘Pacific Island and Asian Americans’  
15 means Americans having origins in any of the origi-  
16 nal peoples of the Far East, Southeast Asia, the In-  
17 dian Subcontinent, or the Pacific Islands.

18 “(5) PROGRAM.—The term ‘program’ means  
19 the older American community service employment-  
20 based training program established under this title.

21 “(6) SUPPORTIVE SERVICES.—The term ‘sup-  
22 portive services’ means services such as transpor-  
23 tation, child care, dependent care, housing, and  
24 needs-related payments, that are necessary to enable  
25 an individual to participate in activities authorized

1 under this title, consistent with the provisions of this  
2 title.

3 “(7) UNEMPLOYED INDIVIDUAL.—The term  
4 ‘unemployed individual’ means an individual who is  
5 without a job and who wants and is available for  
6 work, including an individual who may have occa-  
7 sional employment that does not result in a constant  
8 source of income.”.

9 **SEC. 40. NATIVE AMERICANS CAREGIVER SUPPORT PRO-**  
10 **GRAM.**

11 Section 643 of the Older Americans Act of 1965 (42  
12 U.S.C. 3057n) is amended by striking “title—” and all  
13 that follows through the period at the end, and inserting  
14 “title such sums as may be necessary for fiscal years 2007,  
15 2008, 2009, 2010, and 2011.

16 **SEC. 41. VULNERABLE ELDER RIGHTS PROTECTION ACTIVI-**  
17 **TIES.**

18 Section 702 of the Older Americans Act of 1965 (42  
19 U.S.C. 3058a) is amended by striking “2001” each place  
20 it appears and inserting “2007”.

21 **SEC. 42. NATIVE AMERICAN ORGANIZATION PROVISIONS.**

22 Section 751(d) of the Older Americans Act of 1965  
23 (42 U.S.C. 3058aa(b)) is amended by striking “2001” and  
24 inserting “2007”.

1 **SEC. 43. ELDER ABUSE, NEGLECT, AND EXPLOITATION PRE-**  
2 **VENTION.**

3 Section 721 (b) of the Older Americans Act of 1965  
4 (42 U.S.C. 3058i(b)) is amended—

5 (1) by inserting after paragraph (1) the fol-  
6 lowing new paragraph:

7 “(2) providing for public education and out-  
8 reach to promote financial literacy and prevent iden-  
9 tity theft and financial exploitation of older individ-  
10 uals;” and

11 (2) by redesignating paragraphs (2) through  
12 (8) as paragraphs (3) through (9), respectively.

13 **SEC. 44. TECHNICAL AMENDMENTS.**

14 The Older Americans Act of 1965 (42 U.S.C. 2001  
15 et seq.) is amended—

16 (1) in section 202(e)(1)(A) by striking the  
17 semicolon at the end and inserting a period, and

18 (2) by inserting before section 401 the fol-  
19 lowing:

1 **“TITLE IV—ACTIVITIES FOR**  
2 **HEALTH, INDEPENDENCE**  
3 **AND LONGEVITY”.**

Passed the House of Representatives June 21, 2006.

Attest:

*Clerk.*