

109TH CONGRESS
2^D SESSION

H. R. 5293

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

IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2006

Mr. TIBERI (for himself and Mr. HINOJOSA) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Senior Independence
5 Act of 2006”.

6 **SEC. 2. DEFINITIONS.**

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

9 (1) by amending paragraph (12)(D) to read as
10 follows:

1 “(D) evidence-based health promotion pro-
2 grams, including programs related to the pre-
3 vention and mitigation of the effects of chronic
4 disease (including osteoporosis, hypertension,
5 obesity, diabetes, and cardiovascular disease),
6 alcohol and substance abuse reduction, smoking
7 cessation, weight loss and control, stress man-
8 agement, falls prevention, physical activity, and
9 improved nutrition through the consumption of
10 a healthful diet and multivitamin-mineral sup-
11 plementation;”

12 (2) in paragraph (29)(E)—

13 (A) in clause (i) by striking “and” at the
14 end,

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

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

18 “(iii) older individuals at risk for in-
19 stitutional placement.”

20 (3) by redesignating paragraphs (1) through
21 (43) as paragraphs (43), (7), (46), (36), (24), (25),
22 (50), (13), (45), (8), (27), (12), (1), (2), (3), (5),
23 (6), (10), (23), (34), (11), (14),(15), (16), (18),
24 (19), (20), (21), (26), (28), (30), (31) (32), (35),

1 (37), (40), (41), (47), (49), (17), (38), (39), and
2 (44), respectively,

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

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

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

11 “(A) comprehensive information on avail-
12 able public and private long-term care pro-
13 grams, options, and resources;

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

20 “(C) consumer access to the range of pub-
21 licly-supported long-term care programs for
22 which they may be eligible, by serving as a con-
23 venient point of entry for such programs.”,

24 (6) by inserting after paragraph (8), as so re-
25 designated, the following:

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

9 (7) by inserting after paragraph (21), as so re-
10 designated, the following:

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

14 (8) by inserting after paragraph (28), as so re-
15 designated, the following:

16 “(29) The term ‘long-term care’ means any
17 services, care, or items (including assistive devices)a,
18 including disease prevention and health promotion
19 services, in-home services, and case management
20 service—

21 “(A) intended to assist individuals in cop-
22 ing with, and to the extent practicable com-
23 pensate for, functional impairments in carrying
24 out activities of daily living;

1 “(B) furnished at home, in a community
2 care setting (including a small community care
3 setting as defined in subsection (g)(1), and a
4 large community care setting as defined in sub-
5 section (h)(1), of section 1929 of the Social Se-
6 curity Act (42 U.S.C. 1396t)), or in a long-
7 term care facility; and

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

10 (9) by inserting after paragraph (32), as so re-
11 designated, the following:

12 “(33) The term ‘multivitamin-mineral supple-
13 ment’ means a dietary supplement that provides at
14 least two-third’s of the essential vitamins and min-
15 erals at 100 percent of the daily value levels as de-
16 termined by the Food and Drug Administration.”,

17 (10) by inserting after paragraph (40), as so
18 redesignated, the following:

19 “(41) The term ‘self-directed care’ means an
20 approach to providing services (including programs,
21 benefits, supports, and technology) under this Act
22 intended to an older individual to assist such indi-
23 vidual with activities of daily living, in which

24 “(A) such services (including the amount,
25 duration, scope, provider, and location of such

1 services) are planned, budgeted, and purchased
2 under the direction and control of such indi-
3 vidual;

4 “(B) such individual is provided with such
5 information and assistance as necessary and ap-
6 propriate to enable such individual to make in-
7 formed decisions about his or her care options;

8 “(C) the needs, capabilities, and pref-
9 erences of such individual with respect to such
10 services, and such individual’s ability to direct
11 and control his or her receipt of such services,
12 are assessed by the area agency on aging or the
13 local provider agency;

14 “(D) based on the assessment made under
15 subparagraph (C), the area agency on aging de-
16 velops together with such individual and his or
17 her family, caregiver, or legal representative—

18 “(i) a plan of services for such indi-
19 vidual that specifies which services such in-
20 dividual will be responsible for directing;

21 “(ii) a determination of the role of
22 family members (and others whose partici-
23 pation is sought by such individual) in pro-
24 viding services under such plan; and

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

1 “(E) the area agency on aging or State
2 agency provides for oversight of such individ-
3 ual’s self-directed receipt of services, including
4 steps to ensure the quality of services provided
5 and the appropriate use of funds under this
6 Act.”, and

7 (11) by inserting after paragraph (47), as so
8 redesignated, the following:

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

14 **SEC. 3. 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 (20)—

19 (i) by striking “and area agencies on
20 aging” and inserting “, area agencies on
21 aging, and service providers”,

22 (ii) by striking “and benefits” and in-
23 serting “benefits”, and

24 (iii) by inserting “benefits under any
25 other applicable Federal program, or any

1 other service (including technology and
2 internet-based decision support tools) to
3 assist consumers to learn about, to receive
4 benefits under, and to participate in pro-
5 grams for which they may be eligible”
6 after “(7 U.S.C. 2011 et seq.),”,

7 (B) in paragraph (26)(D)—

8 (i) by striking “gaps in”,

9 (ii) by inserting “(including services
10 that would permit such individuals to re-
11 ceive long-term care in home and commu-
12 nity-based settings)” after “individuals”,
13 and

14 (iii) by striking “and” at the end,

15 (C) in paragraph (27) by striking the pe-
16 riod at the end and inserting “; and”, and

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

18 “(28) make available to States information and
19 technical assistance to support the provision of dis-
20 ease prevention and health promotion services.”, and

21 (2) by amending subsection (b) to read as fol-
22 lows:

23 “(b) To promote the development and implementa-
24 tion of comprehensive, coordinated systems at Federal,
25 State, and local levels for providing long-term care in

1 home and community-based settings, in a manner respon-
2 sive to the needs and preferences of older individuals and
3 their family caregivers, the Assistant Secretary shall, con-
4 sistent with the applicable provisions of this title—

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

12 “(2) conduct research and demonstration
13 projects to identify innovative, cost-effective strate-
14 gies for modifying State systems of long-term care
15 to—

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

18 “(B) target services to individuals at risk
19 for institutional placement, to permit such indi-
20 viduals to remain in home and community-
21 based care settings; and

22 “(C) establish criteria and promote the im-
23 plementation (through service providers and
24 such other entities as the Assistant Secretary
25 determines to be appropriate) of evidence-based

1 programs to assist older individuals and their
2 family caregivers in learning about and making
3 behavioral changes intended to reduce the risk
4 of injury, disease, and disability among older
5 individuals;

6 “(3) facilitate the provision of long-term care in
7 home and community-based settings, including con-
8 sumer-directed models;

9 “(4) provide for the Administration to play a
10 lead role with respect to issues concerning home and
11 community-based long-term care, including—

12 “(A) directing (as the Secretary or the
13 President determines to be appropriate) or oth-
14 erwise participating in departmental and inter-
15 departmental activities concerning long-term
16 care;

17 “(B) reviewing and commenting on depart-
18 mental rules, regulations, and policies related to
19 providing long-term care; and

20 “(C) making recommendations to the Sec-
21 retary with respect to home and community-
22 based long-term care, including recommenda-
23 tions based on findings made through projects
24 conducted under paragraph (2);

1 “(5) promote, in coordination with other appro-
2 priate Federal agencies, enhanced awareness by the
3 public of the importance of planning in advance for
4 long-term care and the availability of information
5 and resources to assist in such planning, and the im-
6 plementation of Aging and Disability Resource Cen-
7 ters;

8 “(6) establish, either directly or through grants
9 or contracts, a national technical assistance program
10 to assist State agencies, area agencies on aging, and
11 community-based service providers funded under this
12 Act in implementing such home and community-
13 based long-term care systems including evidence-
14 based programs;

15 “(7) develop, in collaboration with the Adminis-
16 trator of the Centers for Medicare and Medicaid
17 Services, performance standards and measures for
18 use by States to determine the extent to which their
19 systems of long-term care fulfill the objectives de-
20 scribed in this subsection; and

21 “(8) conduct such other activities as the Assist-
22 ant Secretary determines to be appropriate.”.

23 **SEC. 4. FEDERAL AGENCY CONSULTATION.**

24 Section 203(a)(3)(A) of the Older Americans Act of
25 1965 (42 U.S.C. 3013(a)(3)(A)) 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. 5. ADMINISTRATION.**

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

10 (1) in subsection (a)—

11 (A) in paragraph (1)—

12 (i) in subparagraph (B) by adding
13 “and” at the end,

14 (ii) in subparagraph (C) by adding “;
15 and” at the end,

16 (iii) in subparagraph (D) by striking
17 the semicolon at the end and inserting a
18 period, and

19 (iv) by striking subparagraph (E),
20 and

21 (B) in paragraph (2)—

22 (i) in subparagraph (A)—

23 (I) by amending clause (i) to
24 read as follows:

1 “(i) designing, implementing, and evaluating
2 evidence-based programs to support improved nutri-
3 tion and regular physical activity for older individ-
4 uals;”,

5 (II) by amending clause (iii) to
6 read as follows:

7 “(iii) conducting outreach and disseminating
8 evidence-based information to nutrition service pro-
9 viders about the benefits of healthful diets and reg-
10 ular physical activity, including information about
11 the most current Dietary Guidelines for Americans
12 published under section 301 of the National Nutri-
13 tion Monitoring and Related Research Act of 1990
14 (7 U.S.C. 5341), the Food Guide Pyramid published
15 jointly by the Secretary and the Secretary of Agri-
16 culture, and advances in nutrition science;”,

17 (III) in clause (vii) by striking
18 “and” at the end, and

19 (IV) by striking clause (viii) and
20 inserting the following:

21 “(viii) disseminating guidance that de-
22 scribes strategies for improving the nutritional
23 quality of meals provided under title III, par-
24 ticularly strategies for increasing the consump-

1 tion of whole grains, lowfat dairy products,
2 fruits and vegetables;

3 “(ix) developing and disseminating guide-
4 lines for conducting nutrient analyses of meals
5 provided in subparts 1 and 2 of part C, includ-
6 ing guidelines for averaging key nutrients over
7 an appropriate period of time; and

8 “(x) providing technical assistance to the
9 regional offices of the Administration with re-
10 spect to each duty described in clauses (i)
11 through (viii).”, and

12 (ii) by amending subparagraph (C)(i)
13 to read as follows:

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

16 **SEC. 6. EVALUATION.**

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

20 “From the total amount appropriated for each fiscal year
21 to carry out title III, the Secretary may use such sums
22 as may be necessary, but not to exceed ½ of 1 percent
23 of such amount, for purposes of conducting evaluations
24 under this section, either directly or through grants or
25 contracts.”.

1 **SEC. 7. REPORTS.**

2 Section 207(b)(2) of the Older Americans Act of
3 1965 (42 U.S.C. 3018(b)(2)) is amended—

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

6 (2) in subparagraph (C) by striking “Labor and
7 Human Resources” and inserting “Health, Edu-
8 cation, Labor, and Pensions”.

9 **SEC. 8. CONTRACTUAL, COMMERCIAL AND PRIVATE PAY**
10 **RELATIONSHIPS; APPROPRIATE USE OF ACT**
11 **FUNDS.**

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

15 **“SEC. 212. CONTRACTING AND GRANT AUTHORITY; PRI-**
16 **VATE PAY RELATIONSHIPS; APPROPRIATE**
17 **USE OF FUNDS.**

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

21 “(1) with a profitmaking organization;

22 “(2) under which funds provided under such
23 grant or contract are used to pay part or all of a
24 cost (including an administrative cost) incurred by
25 such recipient to carry out a contract or commercial
26 relationship for the benefit of older individuals or

1 their family caregivers, whether such relationship is
2 carried out to implement a provision of this Act or
3 to conduct activities inherently associated with im-
4 plementing such provision; or

5 “(3) under which any individual, regardless of
6 age or income (including the family caregiver of such
7 individual), who seeks to receive 1 or more services
8 pays, at their own private expense, to receive such
9 services based on the fair market value of such serv-
10 ices.

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

13 “(1) be made without the prior approval of the
14 State agency (or, in the case of a grantee under title
15 VI, without the prior recommendation of the Direc-
16 tor of the Office for American Indian, Alaska Na-
17 tive, and Native Hawaiian Aging and the prior ap-
18 proval of the Assistant Secretary);

19 “(2) directly or indirectly provide for, or have
20 the effect of, paying, reimbursing, or otherwise com-
21 pensating an entity under such agreement in an
22 amount that exceeds the fair market value of the
23 goods or services furnished by such entity under
24 such agreement;

1 “(3) result in the displacement of services oth-
2 erwise available to an older individual with the
3 greatest social need, an older individual with great-
4 est economic need, or an older individual who is at
5 risk for institutional placement; or

6 “(4) in any other way compromise, undermine,
7 or be inconsistent with the objective of serving the
8 needs of older individuals, as determined by the As-
9 sistant Secretary.”.

10 **SEC. 9. NUTRITION EDUCATION.**

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

13 **“SEC. 214. NUTRITION EDUCATION.**

14 “The Assistant Secretary, in consultation with the
15 Secretary of Agriculture, shall conduct outreach and pro-
16 vide technical assistance to agencies and organizations
17 that serve older individuals to assist such agencies and or-
18 ganizations to carry out integrated health promotion and
19 disease prevention programs that are designed for older
20 individuals and that include nutrition education, physical
21 activity, and other activities to modify behavior and to im-
22 prove health literacy through education and counseling in
23 accordance with section 339(2)(J).”.

1 **SEC. 10. PENSION COUNSELING AND INFORMATION PRO-**
2 **GRAMS.**

3 Section 215 of the Older Americans Act of 1965 (42
4 U.S.C. 3020e-1) is amended—

5 (1) in subsection (e)(1)(J) by striking “and low
6 income retirees” and inserting “, low-income retir-
7 ees, and older individuals with limited English pro-
8 ficiency”,

9 (2) in subsection (f) by amending paragraph (2)
10 to read as follows:

11 “(2) The ability of the entity to perform effec-
12 tive outreach to affected populations, particularly
13 populations with limited English proficiency and
14 other populations that are identified in need of spe-
15 cial outreach.”, and

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

19 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

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

22 (1) in subsection (a) by striking “2001, 2002,
23 2003, 2004, and 2005” and inserting “2007, 2008,
24 2009, 2010, and 2011.”, and

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

4 **SEC. 12. PURPOSE; ADMINISTRATION.**

5 Section 301(a)(2) of the Older Americans Act of
6 1965 (42 U.S.C. 3021(a)(2)) is amended—

7 (1) in subparagraph (D) by striking “and” at
8 the end

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

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

12 “(F) organizations with experience in providing
13 senior volunteer services, such as Federal volunteer
14 programs administered by the Corporation for Na-
15 tional and Community Service designed to provide
16 training, placement, and stipends for volunteers in
17 community service settings.”.

18 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS; USES OF**
19 **FUNDS.**

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

22 (1) in subsection (a)(1), (b), and (d) by striking
23 “year 2001” and all that follows through “years”
24 each place it appears, and inserting “years 2007,
25 2008, 2009, 2010, and 2011”, and

1 (2) in subsection (e)(1) by striking “2001”
2 each place it appears and inserting “2007”.

3 **SEC. 14. ORGANIZATION.**

4 Section 305(a) of the Older Americans Act of 1965
5 (42 U.S.C. 3025(a)) is amended—

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

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

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

23 “(3) the State agency shall, consistent with this
24 section, promote the development and implementa-
25 tion of a comprehensive, coordinated system in such

1 State for providing long-term care in home and com-
2 munity-based settings, in a manner responsive to the
3 needs and preferences of older individuals and their
4 family caregivers, by—

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

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

14 “(C) conducting analyses and making rec-
15 ommendations with respect to strategies for
16 modifying the State’s system of long-term care
17 to better—

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

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

24 “(iii) target services to individuals at
25 risk for institutional placement, to permit

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

3 “(iv) implement (through area agen-
4 cies on aging, service providers, and such
5 other entities as the State determines to be
6 appropriate) evidence-based programs to
7 assist older individuals and their family
8 caregivers in learning about and making
9 behavioral changes intended to reduce the
10 risk of injury, disease, and disability
11 among older individuals; and

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

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

19 “(ii) the range of available public and
20 private long-term care programs, options,
21 and resources.”.

22 **SEC. 15. AREA PLANS.**

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

25 (1) in subsection (a)—

1 (A) in paragraph (1)—

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

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

15 (B) in paragraph (4)—

16 (i) in subparagraph (A)—

17 (I) by amending clause (i) to
18 read as follows:

19 “(i) provide assurances that the area agency on
20 aging will—

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

1 “(II) include in the area plan specific ob-
2 jectives for providing services to low-income mi-
3 nority older individuals and older individuals re-
4 siding in rural areas; and

5 “(III) include in the area plan proposed
6 methods to achieve such objectives;”. and

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

12 (ii) in subparagraph (B)—

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

17 (II) in clause (i)—

18 (aa) in subclause (V) by
19 striking “and” at the end; and

20 (bb) by adding at the end
21 the following:

22 “(VI) older individuals at risk for
23 institutional placement; and”, and

24 (III) by striking “(VI)” and in-
25 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
13 in providing direct services delivered to el-
14 derly and disabled individuals needing such
15 care and, if possible, work in coordination
16 with volunteer programs (including pro-
17 grams administered by the Corporation for
18 National Service) designed to provide
19 training, placement, and stipends for vol-
20 unteers in community service settings.”.

21 (ii) in subparagraph (D)—

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

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

4 (E) by amending paragraph (7) to read as
5 follows:

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

13 “(A) collaborating, coordinating, and con-
14 sulting with other local public and private agen-
15 cies and organizations responsible for admin-
16 istering programs, benefits, and services related
17 to providing long-term care;

18 “(B) conducting analyses and making rec-
19 ommendations with respect to strategies for
20 modifying the local system of long-term care to
21 better—

22 “(i) respond to the needs and pref-
23 erences of older individuals and family
24 caregivers;

1 “(ii) facilitate the provision, through
2 service providers, of long-term care in
3 home and community-based settings;

4 “(iii) target services to older individ-
5 uals at risk for institutional placement, to
6 permit such individuals to remain in home
7 and community-based care settings; and

8 “(iv) implement, through the agency
9 or service providers, evidence-based pro-
10 grams to assist older individuals and their
11 family caregivers in learning about and
12 making behavioral changes intended to re-
13 duce the risk of injury, disease, and dis-
14 ability among older individuals; and

15 “(C) provide for the availability and dis-
16 tribution (through public education campaigns,
17 aging and disability resource centers, and other
18 appropriate means) of information relating to—

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

21 “(ii) the range of available public and
22 private long-term care programs, options,
23 and resources.”.

24 (F) by striking paragraph (14) and the 2
25 paragraphs (15),

1 (G) by redesignating paragraph (16) as
2 paragraph (14), and

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

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

6 “(A) in a manner, consistent with para-
7 graph (4), that gives priority in furnishing ben-
8 efits and services to older individuals with
9 greatest economic need, older individuals with
10 greatest social need, and older individuals at
11 risk for institutional placement; and

12 “(B) in compliance with the assurances
13 specified in paragraph (13) and the limitations
14 specified in section 212(b), and

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

18 (2) by redesignating subsections (b), (c), (d),
19 and (e) as subsections (c), (d), (e), and (f), and

20 (3) by inserting after subsection (a) the fol-
21 lowing:

22 “(b)(1) An area agency on aging may include in the
23 area plan an assessment of how prepared the planning and
24 service area is for change in the number of older individual
25 during the 10-year period following the fiscal year for

1 which the plan is submitted. Such assessment may in-
2 clude—

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

6 “(B) an analysis of how such change may
7 affect such individuals, including such individ-
8 uals with low incomes, such individuals with
9 greatest economic need, minority older individ-
10 uals, older individuals residing in rural areas,
11 and older individuals with limited English pro-
12 ficiency;

13 “(C) an analysis of how the programs,
14 policies, and services provided by such area
15 agency can be improved, and how resource lev-
16 els can be adjusted to meet the needs of the
17 changing population of older individuals in the
18 planning and service area; and

19 “(D) an analysis of how the change in the
20 number of individuals 85 years of age and older
21 is expected to affect the need for supportive
22 services.

23 “(2) An area agency on aging, in cooperation with
24 government officials, State agencies, tribal organizations,
25 or local entities, may make recommendations to govern-

1 ment officials in the planning and service area and the
2 State, on actions determined by the area agency to build
3 the capacity in the planning and service area to meet the
4 needs of older individuals for—

5 “(A) health and human services;

6 “(B) land use;

7 “(C) housing;

8 “(D) transportation;

9 “(E) public safety;

10 “(F) workforce and economic development;

11 “(G) recreation;

12 “(H) education;

13 “(I) civic engagement; and

14 “(J) any other service as determined by such
15 agency.”.

16 **SEC. 16. STATE PLANS.**

17 Section 307(a) of the Older Americans Act of 1965
18 (42 U.S.C. 3027(a)) is amended—

19 (1) in paragraph (4) by striking “with par-
20 ticular attention to low income minority individuals
21 and older individuals residing in rural areas” and in-
22 serting “low-income minority older individuals, older
23 individuals with limited English proficiency, and
24 older individuals residing in rural areas”,

25 (2) by striking paragraph (15),

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

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

5 “(14) The plan shall, with respect to the fiscal
6 year preceding the fiscal year for which such plan is
7 prepared—

8 “(A) identify the number of low-income
9 minority older individuals in the State, includ-
10 ing the number of low-income older individuals
11 with limited English proficiency; and

12 “(B) describe the methods used to satisfy
13 the service needs of such minority older individ-
14 uals, including the plan to service the needs of
15 older individuals with limited English pro-
16 ficiency.”,

17 (5) in clauses (ii) and (iii) of paragraph (16)(A)
18 by striking “(with particular attention to low income
19 minority individuals and older individuals residing in
20 rural areas)” each place it appears and inserting
21 “(with particular attention to low-income older indi-
22 viduals, low-income minority older individuals, older
23 individuals with limited English proficiency, and
24 older individuals residing in rural areas)”, and

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

1 “(27) The plan shall provide assurances that
2 area agencies on aging will, to the maximum extent
3 feasible, provide for the furnishing of services under
4 this Act consistent with self-directed care.”.

5 **SEC. 17. PAYMENTS.**

6 Section 309(b)(2) of the Older Americans Act of
7 1965 (42 U.S.C. 3029(b)(2)) is amended by striking “the
8 non-Federal share required prior to fiscal year 1981” and
9 inserting “10 percent of the cost of the services specified
10 in such section 304(d)(1)(D)”.

11 **SEC. 18. CONSUMER CONTRIBUTIONS.**

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

14 (1) in subsection (b)—

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

22 (B) in paragraph (4)(E) by inserting “and
23 to supplement (not supplant) funds received
24 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 minority individuals
11 and older individuals residing in rural areas” and in-
12 serting “, with particular attention to low-income
13 older individuals, including low-income minority
14 older individuals, older individuals with limited
15 English proficiency, and older individuals residing in
16 rural areas”.

17 **SEC. 19. NUTRITION SERVICE.**

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

21 **“SEC. 330. PURPOSE.**

22 “It is the purpose of this part to promote socializa-
23 tion and the health and well-being of older individuals by
24 assisting such individuals to gain access to disease preven-
25 tion and health promotion services (including information,

1 nutrition services, and programs of physical activity) to
2 delay the onset of health conditions resulting from poor
3 nutritional health or sedentary behavior.”.

4 **SEC. 20. CONGREGATE NUTRITION PROGRAM.**

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

7 (1) by striking “projects—” and inserting
8 “projects that—”,

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

10 (3) in paragraph (2)—

11 (A) by striking “which”, and

12 (B) by striking “and” at the end,

13 (4) by striking paragraph (3) and inserting the
14 following:

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

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

21 **SEC. 21. HOME DELIVERED NUTRITION SERVICES.**

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

1 **“SEC. 336 PROGRAM AUTHORIZED.**

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

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

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

18 **SEC. 22. CRITERIA.**

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

21 **“SEC. 337. CRITERIA.**

22 “The Assistant Secretary, in consultation with ex-
23 perts in the field of nutrition science, dietetics, meal plan-
24 ning and food service management, and aging, shall de-
25 velop minimum criteria of efficiency and quality for the

1 furnishing of home delivered meal services for projects de-
2 scribed in section 336.”.

3 **SEC. 23. NUTRITION.**

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

6 (1) by amending paragraph (1) to read as fol-
7 lows:

8 “(1) solicit the expertise of a dietitian or other
9 individual with equivalent education and training in
10 nutrition science, or if such an individual is not
11 available, an individual with comparable expertise in
12 the planning of nutritional services, and”, and

13 (2) in paragraph (2)—

14 (A) in subparagraph (A)—

15 (i) by amending clause (i) to read as
16 follows:

17 “(i) comply with the most recent Die-
18 tary Guidelines for Americans, published
19 by the Secretary and the Secretary of Ag-
20 riculture, and”, and

21 (ii) in clause (ii) by striking “daily
22 recommended dietary allowances as” and
23 inserting “dietary reference intakes”,

24 (B) in subparagraph (D)—

1 (i) by inserting “joint” after “encour-
2 ages”, and

3 (ii) by inserting “shared” after “pro-
4 mote”,

5 (C) by amending subparagraph (G) to read
6 as follows:

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

9 “(i) a dietitian or, if a dietitian is not
10 available, an individual with comparable
11 expertise in the planning of nutrition and
12 food services,

13 “(ii) meal participants, and

14 “(iii) other individuals knowledgeable
15 with regard to the needs of older individ-
16 uals,” and

17 (D) by amending subparagraph (J) to read
18 as follows:

19 “(J) provide for nutrition screening and
20 nutrition education, and nutrition assessment
21 and counseling if appropriate.”.

22 **SEC. 24. CAREGIVER SUPPORT PROGRAM.**

23 Section 373 of the National Family Support Care-
24 giver Act (42 U.S.C. 3030s-1) is amended—

1 (1) in subsection by (b)(3) by striking “care-
2 givers to assist” and all that follows through the end
3 and inserting the following: “assist the caregivers in
4 the areas of health, nutrition, and financial literacy,
5 and in making decisions and solving problems relat-
6 ing to their caregiving roles;”,

7 (2) by amending subsection (d) to read as fol-
8 lows:

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

17 (3) in subsection (f)(1) by striking “2001
18 through 2005” and inserting “2007, 2008, 2009,
19 2010, and 2011”.

20 **SEC. 25. GRANT PROGRAMS.**

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

23 (1) in subsection (a)—

1 (A) by redesignating paragraphs (6), (7),
2 (8), and (9) as paragraphs (7), (8), (9), and
3 (10), and

4 (B) by inserting after paragraph (5) the
5 following:

6 “(6) efforts to assess the aging population and
7 to facilitate planning and coordination between State
8 and local agencies to meet the needs of older individ-
9 uals in the community; and”.

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

13 **SEC. 26. CAREER PREPARATION FOR THE FIELD OF AGING.**

14 Section 412(a) of the Older Americans Act of 1965
15 (42 U.S.C. 3032a(a)) is amended by amending subsection
16 (a) to read as follows:

17 “(a) GRANTS.—The Assistant Secretary shall make
18 grants to institutions of higher education, including his-
19 torically Black colleges or universities, Hispanic serving
20 institutions, and Hispanic Centers of Excellence in Ap-
21 plied Gerontology, to provide education and training that
22 prepares students for careers in the field of aging.”.

1 **SEC. 27. DEMONSTRATION PROJECTS FOR**
 2 **MULTIGENERATIONAL ACTIVITIES.**

3 Section 417(c)(2) of the Older Americans Act of
 4 1965 (42 U.S.C. 3032f(c)(2)) is amended by striking
 5 “(with particular attention to low income minority individ-
 6 uals and older individuals residing in rural areas)” and
 7 inserting “(with particular attention to low-income older
 8 individuals, including low-income minority older individ-
 9 uals, older individuals with limited English proficiency,
 10 and older individuals residing in rural areas)”.

11 **SEC. 28. COMMUNITY SERVICE EMPLOYMENT-BASED**
 12 **TRAINING FOR OLDER AMERICANS.**

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

15 **“TITLE V—COMMUNITY SERVICE**
 16 **EMPLOYMENT-BASED TRAIN-**
 17 **ING FOR OLDER AMERICANS**

18 **“SEC. 501. SHORT TITLE.**

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

21 **“SEC. 502. OLDER AMERICAN COMMUNITY SERVICE EM-**
 22 **PLOYMENT-BASED TRAINING PROGRAM.**

23 “(a) To foster individual economic self-sufficiency
 24 and to increase the number of individuals who may enjoy
 25 the benefits of unsubsidized employment in both the public
 26 and private sectors, the Secretary of Labor (hereafter in

1 this title referred to as the ‘Secretary’) may establish an
2 older American community service employment-based
3 training program to foster and promote useful part-time
4 public and private-sector training opportunities for unem-
5 ployed low-income eligible individuals who have poor em-
6 ployment prospects and to provide vital social and human
7 services to communities through the placement of low-in-
8 come individuals in community service activities.

9 “(b)(1) To carry out this title, the Secretary may
10 make grants to public and nonprofit agencies and organi-
11 zations, agencies of a State, and tribal organizations to
12 carry out the program established under subsection (a).
13 Such grants may provide for the payment of costs, as pro-
14 vided in subsection (c), of projects developed by such orga-
15 nizations and agencies in cooperation with the Secretary
16 in order to make such program effective or to supplement
17 such program. No payment shall be made by the Secretary
18 toward the cost of any project established or administered
19 by any organization or agency unless the Secretary deter-
20 mines that such project—

21 “(A) will provide authorized activities, including
22 community service employment-based training, only
23 for eligible individuals;

24 “(B)(i) will provide authorized activities, includ-
25 ing community service employment-based training,

1 for eligible individuals in the community in which
2 such individuals reside, or in nearby communities; or

3 “(ii) if such project is carried out by a tribal or-
4 ganization that receives a grant under this sub-
5 section or receives assistance from a State that re-
6 ceives a grant under this subsection, will provide au-
7 thorized activities, including community service em-
8 ployment-based training for such individuals, includ-
9 ing those who are Indians residing on an Indian res-
10 ervation, as defined in section 2601(2) of the En-
11 ergy Policy Act of 1992 (25 U.S.C. 3501(2));

12 “(C) together with any other such project car-
13 ried out by such grantee under this title, will ensure
14 that the average duration of participation in the pro-
15 gram under this title by the participants served by
16 the grantee during any program year will not be in
17 excess of 24 months;

18 “(D) will provide employment-based training to
19 eligible individuals in service related to publicly
20 owned and operated facilities and projects, or
21 projects sponsored by profitmaking or nonprofit or-
22 ganizations (excluding political parties exempt from
23 taxation under section 501(e)(3) of the Internal Rev-
24 enue Code of 1986), but excluding projects involving
25 the construction, operation, or maintenance of any

1 facility used or to be used as a place for sectarian
2 religious instruction or worship;

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

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

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

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

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

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

1 “(H) will coordinate with training and other
2 services provided under title I of the Workforce In-
3 vestment Act, including utilizing the One-Stop deliv-
4 ery system to recruit eligible individuals to ensure
5 that the maximum number of eligible individuals will
6 have an opportunity to participate in the project;

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

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

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

1 “(ii) the State or local minimum wage for
2 the most nearly comparable covered employ-
3 ment; or

4 “(iii) the prevailing rates of pay for indi-
5 viduals employed in similar occupations by the
6 same employer;

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

12 “(L) will authorize payment for necessary sup-
13 portive service costs, (including transportation costs)
14 of eligible individuals that may be incurred in train-
15 ing in any project funded under this title, in accord-
16 ance with rules issued by the Secretary;

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

24 “(N)(i) will prepare an assessment of the par-
25 ticipants’ skills and talents and their needs for serv-

1 ices, except to the extent such project has, for the
2 participant involved, recently prepared an assess-
3 ment of such skills and talents, and such needs, pur-
4 suant to another employment or training program
5 (such as a program under the Workforce Investment
6 Act of 1998 (29 U.S.C. 2801 et seq.), the Carl D.
7 Perkins Vocational and Technical Education Act of
8 1998 (20 U.S.C. 2301 et seq.), or part A of title IV
9 of the Social Security Act (42 U.S.C. 601 et seq.));

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

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

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

1 standing with the local workforce investment board
2 in accordance with section 121(c) of such Act (29
3 U.S.C. 2841(c));

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

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

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

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

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

23 “(ii) paragraph (14), relating to implemen-
24 tation of One-Stop delivery systems, of section

1 112(b) of the Workforce Investment Act of
2 1998; and

3 “(R) will ensure that entities that carry out ac-
4 tivities under the project (including State agencies,
5 local entities, subgrantees, subcontractors) and affili-
6 ates of such entities receive an amount of the admin-
7 istrative cost allocation determined by the Secretary
8 to be sufficient.

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

12 “(3)(A) An assessment and service strategy required
13 by paragraph (1) to be prepared for an eligible individual
14 shall satisfy any condition for an assessment and service
15 strategy or individual employment plan for an adult par-
16 ticipant under subtitle B of title I of the Workforce Invest-
17 ment Act of 1998 (29 U.S.C. 2811 et seq.), in order to
18 determine whether such eligible individual also qualifies
19 for intensive or training services described in section
20 134(d) of such Act (29 U.S.C. 2864(d)).

21 “(B) An assessment and service strategy or indi-
22 vidual employment plan prepared under subtitle B of title
23 I of the Workforce Investment Act of 1998 (29 U.S.C.
24 2811 et seq.) for an eligible individual may be used to

1 comply with the requirement specified in subparagraph
2 (A).

3 “(c)(1) The Secretary may pay a share not to exceed
4 90 percent of the cost of any project for which a grant
5 is made under subsection (b), except that the Secretary
6 may pay all of such cost if such project is—

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

8 “(B) a project located in an economically de-
9 pressed area, as determined by the Secretary in con-
10 sultation with the Secretary of Commerce and the
11 Secretary of Health and Human Services.

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

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

20 “(A) the Secretary may increase the amount
21 available to pay administrative costs to an amount
22 not to exceed 15 percent of the cost of such project
23 if the Secretary determines, based on information
24 submitted by the grantee under subsection (b), that

1 such increase is necessary to carry out such project;
2 and

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

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

12 “(ii) the number of positions in the project
13 or the number of minority eligible individuals
14 participating in the project will decline if the
15 amount available to pay administrative costs is
16 not increased; or

17 “(iii) the size of the project is so small that
18 the amount of administrative costs incurred to
19 carry out the project necessarily exceeds 13.5
20 percent of the cost of such project;

21 the Secretary shall increase the amount available for
22 such fiscal year to pay administrative costs to an
23 amount not to exceed 15 percent of the cost of such
24 project.

1 “(4) Administrative costs are the costs, both per-
2 sonnel and non-personnel and both direct and indirect, as-
3 sociated with the following:

4 “(A) The costs of performing general adminis-
5 trative functions and of providing for the coordina-
6 tion of functions, such as—

7 “(i) accounting, budgeting, financial, cash
8 management and related data processing;

9 “(ii) quality assurance;

10 “(iii) preparing program plans;

11 “(iv) procurement and purchasing;

12 “(v) property management;

13 “(vi) personnel management, including
14 personnel administration, administration of af-
15 firmative action plans, and training and staff
16 development;

17 “(vii) administrative salaries, including
18 clerical and other support staff salaries;

19 “(viii) payroll functions;

20 “(ix) coordinating the resolution of find-
21 ings arising from audits, reviews, investigations,
22 and incident reports;

23 “(x) audit;

24 “(xi) general legal services;

1 “(xii) developing systems and procedures,
2 including information systems, required for ad-
3 ministrative functions;

4 “(xiii) preparing reports; and

5 “(xiv) other activities necessary for the
6 general administration of government funds and
7 associated programs.

8 “(B) The costs of performing oversight and
9 monitoring responsibilities.

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

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

18 “(E) The costs of information systems related
19 to personnel, procurement, purchasing, property
20 management, accounting, and payroll systems), in-
21 cluding the purchase, systems development, and op-
22 erating costs of such systems.

23 “(F) The costs of technical assistance, profes-
24 sional organization membership dues, removal of ar-
25 chitectural barriers, operating and maintaining as-

1 sistive technology, and evaluating program results
2 against stated objectives.

3 “(5) To the extent practicable, an entity that carries
4 out a project under this title shall provide for the payment
5 of the expenses described in paragraph (4) from non-Fed-
6 eral sources.

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

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

21 “(ii) participant training (including the pay-
22 ment of reasonable costs of instructors, classroom
23 rental, training supplies, materials, equipment, and
24 tuition) which may be provided prior to or subse-
25 quent to placement and which may be provided on

1 the job, in a classroom setting or pursuant to other
2 appropriate arrangements;

3 “(iii) job placement assistance, including job de-
4 velopment and job search assistance;

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

13 “(v) outreach, recruitment, and selection, in-
14 take, orientation, and assessments.

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

20 “(d) PILOT, DEMONSTRATION, AND EVALUATION
21 PROJECTS.—The Secretary shall use funds reserved under
22 section 506(a)(1) to carry out demonstration projects,
23 pilot projects, and evaluation projects, for the purpose of
24 developing and implementing techniques and approaches,
25 and demonstrating the effectiveness of the specialized

1 methods, in addressing the employment and training
2 needs of older workers. Such projects may include—

3 “(1) activities linking businesses and older
4 workers, including assistance to participants
5 transitioning from subsidized activities to private-
6 sector employment; and

7 “(2) demonstration projects and pilot projects
8 designed to—

9 “(A) attract more older workers into the
10 labor force;

11 “(B) improve the provision of services to
12 older workers under the One-Stop delivery sys-
13 tem established in accordance with title I of the
14 Workforce Investment Act of 1998;

15 “(C) enhance the technological skills of
16 older workers; and

17 “(D) provide incentives to grantees under
18 this title for exemplary performance and incen-
19 tives to businesses to promote their participa-
20 tion in the program under this title;

21 “(3) training and technical assistance to sup-
22 port any project funded under this title;

23 “(4) dissemination of best practices; and

24 “(5) evaluation of the activities authorized
25 under this title.

1 **“SEC. 503. ADMINISTRATION.**

2 “(a) STATE PLAN.—

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

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

20 “(A) individuals representing the State
21 agency and the area agencies on aging in the
22 State, and the State and local workforce invest-
23 ment boards established under title I of the
24 Workforce Investment Act of 1998 (29 U.S.C.
25 2801 et seq.);

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

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

13 “(3) PLAN PROVISIONS.—The State plan shall
14 identify and address—

15 “(A) the relationship that the number of
16 eligible individuals in each area bears to the
17 total number of eligible individuals, respectively,
18 in the State;

19 “(B) the relative distribution of eligible in-
20 dividuals residing in rural and urban areas in
21 the State; and

22 “(C) the relative distribution of—

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

1 “(ii) eligible individuals who are mi-
2 nority individuals, including individuals
3 who are limited English proficient; and

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

6 “(D) the current and projected employ-
7 ment opportunities in the State, by occupation,
8 and the type of skills possessed by local eligible
9 individuals;

10 “(E) the localities and populations for
11 which projects of the type authorized by this
12 title are most needed; and

13 “(F) plans for facilitating the coordination
14 of activities of grantees in the State under this
15 title with activities carried out in the State
16 under title I of the Workforce Investment Act
17 of 1998.

18 “(4) CHIEF EXECUTIVE OFFICER’S REC-
19 COMMENDATIONS ON GRANT PROPOSALS.—Before a
20 proposal for a grant under this title for any fiscal
21 year is submitted to the Secretary, the chief execu-
22 tive officer of each State in which projects are pro-
23 posed to be conducted under such grant shall be af-
24 forded a reasonable opportunity to submit rec-
25 ommendations to the Secretary—

1 “(A) regarding the anticipated effect of
2 each such proposal upon the overall distribution
3 of enrollment positions under this title in the
4 State (including such distribution among urban
5 and rural areas), taking into account the total
6 number of positions to be provided by all grant-
7 ees in the State;

8 “(B) any recommendations for redistribu-
9 tion of positions to under served areas as va-
10 cancies occur in previously encumbered posi-
11 tions in other areas; and

12 “(C) in the case of any increase in funding
13 that may be available for use in the State under
14 this title for any fiscal year, any recommenda-
15 tions for distribution of newly available posi-
16 tions in excess of those available during the pre-
17 ceeding year to underserved areas.

18 “(5) DISRUPTIONS.—In developing plans and
19 considering recommendations under this subsection,
20 disruptions in the provision of services for current
21 participants shall be avoided to the greatest possible
22 extent.

23 “(6) DETERMINATION; REVIEW.—

24 “(A) DETERMINATION.—In order to effec-
25 tively carry out this title, each State shall make

1 the State plan available for public comment.
2 The Secretary, in consultation with the Assist-
3 ant Secretary, shall review the plan and make
4 a written determination with findings and a de-
5 cision regarding the plan.

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

16 “(7) EXEMPTION.—The grantees that serve eli-
17 gible individuals who are older Indians with funds
18 reserved under section 506(a)(3) may not be re-
19 quired to participate in the State planning processes
20 described in this section but will collaborate with the
21 Secretary to develop a plan for projects and services
22 to eligible individuals who are Indians.

23 “(b) COORDINATION WITH OTHER FEDERAL PRO-
24 GRAMS.—

1 “(1) The Secretary and the Assistant Secretary
2 shall coordinate the program carried out under this
3 title with programs carried out under other titles of
4 this Act, to increase job opportunities available to
5 older individuals.

6 “(2) The Secretary shall coordinate programs
7 carried out under this title with the program carried
8 out under the Workforce Investment Act of 1998,
9 the Community Services Block Grant Act, the Reha-
10 bilitation Act of 1973, the Carl D. Perkins Voca-
11 tional and Technical Education Act of 1998 (20
12 U.S.C. 2301 et seq.), the National and Community
13 Service Act of 1990 (42 U.S.C. 12501 et seq.), and
14 the Domestic Volunteer Service Act of 1973 (42
15 U.S.C. 4950 et seq.). The Secretary shall coordinate
16 the administration of this title with the administra-
17 tion of other titles of this Act by the Assistant Sec-
18 retary to increase the likelihood that eligible individ-
19 uals for whom employment opportunities under this
20 title are available and who need services under such
21 titles receive such services. Funds appropriated to
22 carry out this title may not be used to carry out any
23 program under the Workforce Investment Act of
24 1998, the Community Services Block Grant Act, the
25 Rehabilitation Act of 1973, the Carl D. Perkins Vo-

1 cational and Technical Education Act of 1998, the
2 National and Community Service Act of 1990, or
3 the Domestic Volunteer Service Act of 1973. The
4 preceding sentence shall not be construed to prohibit
5 carrying out projects under this title jointly with
6 programs, projects, or activities under any Act speci-
7 fied in such sentence, or from carrying out section
8 512.

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

19 “(c) In carrying out this title, the Secretary may use,
20 with their consent, the services, equipment, personnel, and
21 facilities of Federal and other agencies with or without
22 reimbursement, and on a similar basis to cooperate with
23 other public and private agencies and instrumentalities in
24 the use of services, equipment, and facilities.

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

4 “(e) The Secretary shall not delegate any function of
5 the Secretary under this title to any other Federal officer
6 or entity.

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

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

19 “(3) Each grantee described in paragraph (2) shall
20 prepare and submit a report in such manner and con-
21 taining such information as the Secretary may require re-
22 garding activities carried out under this title.

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

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

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

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

8 “(g) The Secretary shall establish by rule and imple-
9 ment a process to evaluate, in accordance with section
10 513, the performance of projects and services carried out
11 under this title. The Secretary shall report to the Con-
12 gress, and make available to the public, the results of each
13 such evaluation and shall use such evaluation to improve
14 services delivered by, or the operation of, projects carried
15 out under this title.

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

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

22 “(b) No grant, subgrant, contract or subcontract
23 shall be entered into under this title with an entity who
24 is, or whose employees are, under State law, exempted
25 from operation of the State workers’ compensation law,

1 generally applicable to employees unless the entity shall
2 undertake to provide either through insurance by a recog-
3 nized carrier or by self-insurance, as authorized by State
4 law, that the persons employed under the grant, contract,
5 subgrant, or subcontract shall enjoy workers' compensa-
6 tion coverage equal to that provided by law for covered
7 employment.

8 **“SEC. 505. INTERAGENCY COOPERATION.**

9 “(a) The Secretary shall consult with and obtain the
10 written views of the Assistant Secretary before issuing
11 rules and before establishing general policy in the adminis-
12 tration of this title.

13 “(b) The Secretary shall consult and cooperate with
14 the Director of the Office of Community Services, the Sec-
15 retary of Health and Human Services, and the heads of
16 other Federal agencies that carry out related programs,
17 in order to achieve optimal coordination with such other
18 programs. In carrying out this section, the Secretary shall
19 promote programs or projects of a similar nature. Each
20 Federal agency shall cooperate with the Secretary in dis-
21 seminating information relating to the availability of as-
22 sistance under this title and in promoting the identifica-
23 tion and interests of individuals eligible for employment
24 in projects assisted under this title.

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

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

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

17 “(a) RESERVATIONS.—

18 “(1) RESERVATION FOR NATIONAL ACTIVI-
19 TIES.—Of the funds appropriated to carry out this
20 title for each fiscal year, the Secretary may first re-
21 serve up to 1.5 percent to carry out demonstration
22 projects, pilot projects, and evaluation projects
23 under section 502(d).

24 “(2) RESERVATION FOR TERRITORIES.—Of the
25 funds appropriated to carry out this title for each

1 fiscal year, the Secretary shall reserve up to 0.75
2 percent, of which—

3 “(A) Guam, American Samoa, and the
4 United States Virgin Islands shall each receive
5 30 percent of the funds so reserved; and

6 “(B) the Commonwealth of the Northern
7 Mariana Islands shall receive 10 percent of the
8 funds so reserved.

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

20 “(b) STATE ALLOTMENTS.—The allotment for each
21 State shall be the sum of the amounts allotted for national
22 grants in such State under subsection (d) and for the
23 grant to such State under subsection (e).

24 “(c) DIVISION BETWEEN NATIONAL GRANTS AND
25 GRANTS TO STATES.—The funds appropriated to carry

1 out this title for any fiscal year that remain after amounts
2 are reserved under paragraphs (1), (2), and (3) of sub-
3 section (a), shall be divided by the Secretary between na-
4 tional grants and grants to States as follows:

5 “(1) RESERVATION OF FUNDS FOR FISCAL
6 YEAR 2006 LEVEL OF ACTIVITIES.—

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

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

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

23 “(A) UP TO \$35,000,000.—The amount of
24 funds remaining after the application of para-
25 graph (1), but not to exceed \$35,000,000, shall

1 be divided so that 75 percent shall be provided
2 to State grantees and 25 percent shall be pro-
3 vided to grantees that operate under this title
4 under national grants from the Secretary.

5 “(B) OVER \$35,000,000.—The amount of
6 funds remaining (if any) after the application of
7 subparagraph (A) shall be divided so that 50
8 percent shall be provided to State grantees and
9 50 percent shall be provided to grantees that
10 operate under this title under national grants
11 from the Secretary.

12 “(d) ALLOTMENTS FOR NATIONAL GRANTS.—From
13 funds available under subsection (c) for national grants,
14 the Secretary shall allot for public and nonprofit private
15 agency and organization grantees that operate under this
16 title under national grants from the Secretary in each
17 State, an amount that bears the same ratio to such funds
18 as the product of the number of individuals 55 years of
19 age or older in the State and the allotment percentage of
20 such State bears to the sum of the corresponding products
21 for all States, except as follows:

22 “(1) MINIMUM ALLOTMENT.—No State shall be
23 provided an amount under this subsection that is
24 less than $\frac{1}{2}$ of 1 percent of the amount provided
25 under subsection (c) for public and nonprofit private

1 agency and organization grantees that operate under
2 this title under national grants from the Secretary
3 in all of the States.

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

6 “(A) equal to or less than the amount nec-
7 essary to maintain the fiscal year 2006 level of
8 activities, allotments for grantees that operate
9 under this title under national grants from the
10 Secretary in each State shall be proportional to
11 their fiscal year 2006 level of activities; or

12 “(B) greater than the amount necessary to
13 maintain the fiscal year 2006 level of activities,
14 no State shall be provided a percentage increase
15 above the fiscal year 2006 level of activities for
16 grantees that operate under this title under na-
17 tional grants from the Secretary in the State
18 that is less than 30 percent of such percentage
19 increase above the fiscal year 2006 level of ac-
20 tivities for public and nonprofit private agency
21 and organization grantees that operate under
22 this title under national grants from the Sec-
23 retary in all of the States.

24 “(3) REDUCTION.—Allotments for States not
25 affected by paragraphs (1) and (2)(B) of this sub-

1 section shall be reduced proportionally to satisfy the
2 conditions in such paragraphs.

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

11 “(1) MINIMUM ALLOTMENT.—No State shall be
12 provided an amount under this subsection that is
13 less than $\frac{1}{2}$ of 1 percent of the amount provided
14 under subsection (c) for State grantees in all of the
15 States.

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

18 “(A) equal to or less than the amount nec-
19 essary to maintain the fiscal year 2006 level of
20 activities, allotments for State grantees in each
21 State shall be proportional to their fiscal year
22 2006 level of activities; or

23 “(B) greater than the amount necessary to
24 maintain the fiscal year 2006 level of activities,
25 no State shall be provided a percentage increase

1 above the fiscal year 2006 level of activities for
2 State grantees in the State that is less than 30
3 percent of such percentage increase above the
4 fiscal year 2006 level of activities for State
5 grantees in all of the States.

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

10 “(f) ALLOTMENT PERCENTAGE.—For purposes of
11 subsections (d) and (e)—

12 “(1) the allotment percentage of each State
13 shall be 100 percent less that percentage that bears
14 the same ratio to 50 percent as the per capita in-
15 come of such State bears to the per capita income
16 of the United States, except that—

17 “(A) the allotment percentage shall be not
18 more than 75 percent and not less than 33 per-
19 cent; and

20 “(B) the allotment percentage for the Dis-
21 trict of Columbia and the Commonwealth of
22 Puerto Rico shall be 75 percent;

23 “(2) the number of individuals 55 years of age
24 or older in any State and in all States, and the per
25 capita income in any State and in all States, shall

1 be determined by the Secretary on the basis of the
2 most satisfactory data available to the Secretary;
3 and

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

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

8 “(1) COST PER AUTHORIZED POSITION.—The
9 term ‘cost per authorized position’ means the sum
10 of—

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

16 “(B) an amount equal to 11 percent of the
17 amount specified under subparagraph (A), for
18 the purpose of covering Federal payments for
19 fringe benefits; and

20 “(C) an amount determined by the Sec-
21 retary, for the purpose of covering Federal pay-
22 ments for the remainder of all other program
23 and administrative costs.

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

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

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

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

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

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

22 “(6) STATE.—The term ‘State’ does not include
23 Guam, American Samoa, the Commonwealth of the
24 Northern Mariana Islands, and the United States
25 Virgin Islands.

1 **“SEC. 507. EQUITABLE DISTRIBUTION.**

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

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

12 **“SEC. 508. REPORT.**

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

22 **“SEC. 509. EMPLOYMENT ASSISTANCE AND FEDERAL HOUS-
23 ING AND FOOD STAMP PROGRAMS.**

24 “Funds received by eligible individuals from projects
25 carried out under the program established in this title
26 shall not be considered to be income of such individuals

1 for purposes of determining the eligibility of such individ-
2 uals, or of any other individuals, to participate in any
3 housing program for which Federal funds may be available
4 or for any income determination under the Food Stamp
5 Act of 1977.

6 **“SEC. 510. ELIGIBILITY FOR WORKFORCE INVESTMENT AC-**
7 **TIVITIES.**

8 “Eligible individuals under this title may be consid-
9 ered by local workforce investment boards established
10 under title I of the Workforce Investment Act of 1998 to
11 satisfy the requirements for receiving services under such
12 title I that are applicable to adults.

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

14 “Assistance provided under this title shall not be con-
15 sidered to be financial assistance described in section
16 245A(h)(1)(A) of the Immigration and Nationality Act (8
17 U.S.C. 1255A(h)(1)(A)).

18 **“SEC. 512. COORDINATION WITH THE WORKFORCE INVEST-**
19 **MENT ACT OF 1998.**

20 “(a) PARTNERS.—Grantees under this title shall be
21 One-Stop partners as described in subparagraphs (A) and
22 (B)(vi) of section 121(b)(1) of the Workforce Investment
23 Act of 1998 (29 U.S.C. 2841(b)(1)) in the One-Stop deliv-
24 ery system established under section 134(c) of such Act
25 (29 U.S.C. 2864(c)) for the appropriate local workforce

1 investment areas, and shall carry out the responsibilities
2 relating to such partners.

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

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

8 “(2) shall be signatories of the memorandum of
9 understanding established under section 121(c) of
10 the Workforce Investment Act of 1998 (29 U.S.C.
11 2841(c)).

12 **“SEC. 513. PERFORMANCE.**

13 “(a) MEASURES.—

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

21 “(2) CONTENT.—

22 “(A) COMPOSITION OF MEASURES.—The
23 performance measures established by the Sec-
24 retary in accordance with paragraph (1) shall
25 consist of—

1 “(i) core indicators of performance
2 specified in subsection (b)(1) and the ex-
3 pected levels of performance applicable to
4 each core indicator of performance, and

5 “(ii) additional indicators of perform-
6 ance specified in subsection (b)(2)

7 “(B) CONTINUOUS IMPROVEMENT.—The
8 measures described in subparagraph (A)(i) shall
9 be designed to promote continuous improvement
10 in performance.

11 “(C) EXPECTED LEVELS OF PERFORM-
12 ANCE.—The Secretary and each grantee shall
13 reach agreement on the expected levels of per-
14 formance for each program year for each of the
15 core indicators of performance specified in sub-
16 section (b)(1). The agreement shall take into
17 account the factors described in subparagraphs
18 (B) and (D) and other appropriate factors as
19 determined by the Secretary, and shall be con-
20 sistent with the requirements of subparagraph
21 (E). Funds under the grant may not be award-
22 ed until such agreement is reached.

23 “(D) ADJUSTMENT.—The expected levels
24 of performance described in subparagraph (C)
25 applicable to a grantee shall be adjusted after

1 the agreement under subparagraph (C) has
2 been reached only with respect to the following
3 factors:

4 “(i) High rates of unemployment or of
5 poverty or welfare participation, in the
6 areas served by a grantee, relative to other
7 areas of the State or Nation.

8 “(ii) Significant downturns in the
9 areas served by the grantee or in the na-
10 tional economy.

11 “(iii) Significant numbers or propor-
12 tions of participants with 1 or more bar-
13 riers to employment served by a grantee
14 relative to grantees serving other areas of
15 the State or Nation.

16 “(iv) Changes in Federal, State, or
17 local minimum wage requirements.

18 “(E) PLACEMENT.—

19 “(i) LEVEL OF PERFORMANCE.—For
20 all grantees, the Secretary shall establish a
21 level of performance of not less than the
22 percentage specified in clause (ii) (adjusted
23 in accordance with subparagraph (D)) for
24 the entry into unsubsidized employment
25 core indicator of performance described in

1 subsection (b)(1)(A). If a grantee achieved
2 a level of performance less than the per-
3 centage specified in such clause for the
4 preceding fiscal year for which results are
5 available before the enactment of the Sen-
6 ior Independence Act of 2006, the Sec-
7 retary shall provide technical assistance to
8 assist such grantee to achieve the applica-
9 ble percentage specified in such clause.

10 “(ii) REQUIRED PLACEMENT PER-
11 CENTAGES.—The minimum percentage for
12 the entry into unsubsidized employment
13 described in subsection (b)(1)(A) is—

14 “(I) 22 percent in fiscal year
15 2007;

16 “(II) 24 percent in fiscal year
17 2008;

18 “(III) 26 percent in fiscal year
19 2009;

20 “(IV) 28 percent in fiscal year
21 2010; and

22 “(V) 30 percent in fiscal year
23 2011.

24 “(3) PERFORMANCE EVALUATION OF GRANT-
25 EES.—The Secretary shall annually establish na-

1 tional performance measures for each grantee under
2 this title, which shall be applicable to the grantee
3 without regard to whether such grantee operates
4 such program directly or through contracts, grants,
5 or agreements with other entities. The measures
6 shall include the core indicators of performance and
7 expected level of performance for each such indi-
8 cator, and the additional indicators of performance.
9 In addition, the Secretary shall annually publish the
10 actual performance of each grantee with respect
11 to—

12 “(A) the levels achieved for each of the
13 core indicators of performance, compared to ex-
14 pected levels of performance under paragraph
15 (2)(C) (including any adjustments to such levels
16 made in accordance with to paragraph (2)(D));
17 and

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

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

24 “(b) INDICATORS OF PERFORMANCE.—

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

4 “(A) entry into unsubsidized employment;

5 “(B) retention in unsubsidized employment
6 for 6 months; and

7 “(C) earnings.

8 “(2) ADDITIONAL INDICATORS.—The additional
9 indicators of performance described in subsection
10 (a)(2)(A)(ii) shall consist of—

11 “(A) community services provided;

12 “(B) retention in unsubsidized employment
13 for 1 year;

14 “(C) the number of eligible individuals
15 served, including the number of participating
16 individuals described in section 516(2)(A)(i),
17 and

18 “(D) any other indicators of performance
19 that the Secretary determines to be appropriate
20 to evaluate services and performance.

21 “(c) DEFINITIONS OF INDICATORS.—

22 “(1) IN GENERAL.—The Secretary, after con-
23 sultation with national and State grantees, rep-
24 resentatives of business and labor organizations, and
25 providers of services, shall issue rules that define the

1 indicators of performance described in subsection
2 (b).

3 “(d) CORRECTIVE EFFORTS.—

4 “(1) NATIONAL GRANTEES.—

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

15 “(B) TECHNICAL ASSISTANCE AND COR-
16 RECTIVE ACTION PLAN.—

17 “(i) IN GENERAL.—If the Secretary
18 determines that a grantee fails to meet the
19 expected levels of performance described in
20 paragraph (1), the Secretary shall provide
21 technical assistance and require such
22 grantee to submit a corrective action plan
23 not later than 160 days after the end of
24 the program year.

1 “(ii) CONTENT.—The plan submitted
2 under subparagraph (A) shall detail the
3 steps the grantee will take to meet the na-
4 tional performance measures in the next
5 program year.

6 “(2) STATE GRANTEEES.—

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

17 “(B) TECHNICAL ASSISTANCE AND COR-
18 RECTIVE ACTION PLAN.—If a State fails to
19 meet the levels of performance described in sub-
20 paragraph (A), the Secretary shall provide tech-
21 nical assistance and require the State to submit
22 a corrective action plan not later than 160 days
23 after the end of the program year.

1 “(C) CONTENT.—The plan described in
2 subparagraph (B) shall detail the steps the
3 State will take to meet the standards.

4 “(D) FAILURE TO MEET PERFORMANCE
5 MEASURES FOR SECOND AND THIRD YEARS.—

6 “(i) AFTER SECOND YEAR OF FAIL-
7 URE.—If a State fails to meet the levels of
8 performance described in subparagraph
9 (A) for a second consecutive program year,
10 the Secretary shall provide for the conduct
11 by the State of a competition to award, for
12 the first full program year following the
13 determination (minimizing, to the extent
14 possible, the disruption of services provided
15 to participants), an amount equal to 25
16 percent of the funds available to the State
17 for such year.

18 “(ii) AFTER THIRD YEAR OF FAIL-
19 URE.—If the State fails to meet the levels
20 of performance described in subparagraph
21 (A) for a third consecutive program year,
22 the Secretary shall provide for the conduct
23 by the State of a competition to award the
24 funds allocated to the State for the first
25 full program year following the Secretary’s

1 determination that the State has not met
2 the performance measures.

3 **“SEC. 514. COMPETITIVE REQUIREMENTS RELATING TO**
4 **GRANT AWARDS.**

5 “(a) PROGRAM AUTHORIZED.—From the funds avail-
6 able for national grants under section 506(d), the Sec-
7 retary shall award grants to eligible applicants to carry
8 out projects under this title through a competitive process
9 that is conducted at least once every 3 years.

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

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

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

22 “(2) The applicant’s ability to administer a pro-
23 gram that provides employment for eligible individ-
24 uals in the communities in which such individuals

1 reside, or in nearby communities, that will con-
2 tribute to the general welfare of the community.

3 “(3) The applicant’s ability to administer a pro-
4 gram that moves eligible individuals into unsub-
5 sidized employment, and the prior performance of
6 the applicant, if any, in meeting performance meas-
7 ures under this title and under other Federal or
8 State programs.

9 “(4) The applicant’s ability to move individuals
10 with multiple barriers to employment into unsub-
11 sidized employment.

12 “(5) The applicant’s ability to coordinate with
13 other organizations at the State and local level.

14 “(6) The applicant’s plan for fiscal manage-
15 ment of the program to be administered with funds
16 received under this section.

17 “(7) Any additional criteria that the Secretary
18 considers to be appropriate in order to minimize dis-
19 ruption for current participants.

20 “(d) RESPONSIBILITY TESTS.—

21 “(1) IN GENERAL.—Before final selection of a
22 grantee, the Secretary shall conduct a review of
23 available records to assess the applicant’s overall re-
24 sponsibility to administer Federal funds.

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

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

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

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

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

21 “(C) Serious administrative deficiencies
22 identified by the Secretary, such as failure to
23 maintain a financial management system as re-
24 quired by Federal rules or regulations.

1 “(D) Willful obstruction of the audit pro-
2 cess.

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

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

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

15 “(H) Failure to submit required reports.

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

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

22 “(K) Failure to ensure that a subrecipient
23 complies with its Office of Management and
24 Budget Circular A-133 audit requirements

1 specified at section 667.200(b) of title 20, Code
2 of Federal Regulations.

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

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

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

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

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

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

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

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

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

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

12 “(1) technical assistance; or

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

15 **“SEC. 516. DEFINITIONS.**

16 “For purposes of this title:

17 “(1) COMMUNITY SERVICE EMPLOYMENT-BASED
18 TRAINING.—The term ‘community service employ-
19 ment-based training’ means training provided
20 through work experience that is related to providing
21 social, health, welfare, and educational services (in-
22 cluding literacy tutoring), legal and other counseling
23 services and assistance, including tax counseling and
24 assistance and financial counseling, and library, rec-
25 reational, and other similar services; conservation,

1 maintenance, or restoration of natural resources;
2 community betterment or beautification; antipollu-
3 tion and environmental quality efforts; weatheriza-
4 tion activities; economic development; and such other
5 services essential and necessary to the community as
6 the Secretary determines by rule.

7 “(2) ELIGIBLE INDIVIDUALS.—

8 “(A) IN GENERAL.—The term ‘eligible in-
9 dividual’ means an individual who is 55 years
10 old or older who has a low income (including
11 any such individual whose income is not more
12 that 125 percent of the poverty line).

13 “(B) EXCEPTION.—Pursuant to regula-
14 tions prescribed by the Secretary, any such in-
15 dividual who otherwise meets the requirements
16 of subparagraph (A) and meets one or more of
17 the following criteria shall have priority for the
18 work opportunities provided under this title.

19 “(i) is 65 years old or older;

20 “(ii) has one or more of the following
21 barriers to employment:

22 “(I) A disability.

23 “(II) Limited English proficiency
24 or low literacy skills.

25 “(III) Residing in a rural area.

1 “(IV) Having low employment
2 prospects.

3 “(V) Having failed to find em-
4 ployment after utilizing services pro-
5 vided under title I of the Workforce
6 Investment Act of 1998.

7 “(C) FOUR-YEAR TIME LIMIT.—Notwith-
8 standing section 502(b)(1)(C), an individual
9 who meets the requirements of this paragraph
10 may only participate in projects carried out
11 under this title for a period that does not ex-
12 ceed 48 months in the aggregate (whether or
13 not consecutive).

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

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

1 **SEC. 29. NATIVE AMERICANS CAREGIVER SUPPORT PRO-**
2 **GRAM.**

3 Section 643 of the Older Americans Act of 1965 (42
4 U.S.C. 3057n) is amended by striking “2001” each place
5 it appears and inserting “2007”.

6 **SEC. 30. VULNERABLE ELDER RIGHTS PROTECTION ACTIVI-**
7 **TIES.**

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

11 **SEC. 31. NATIVE AMERICAN ORGANIZATION PROVISIONS.**

12 Section 751(d) of the Older Americans Act of 1965
13 (42 U.S.C. 3058aa(b)) is amended by striking “2001” and
14 inserting “2007”.

15 **SEC. 32. ELDER ABUSE, NEGLECT, AND EXPLOITATION PRE-**
16 **VENTION AMENDMENT.**

17 Section 721 (b) of the Older Americans Act of 1965
18 (42 U.S.C. 3058i(b)) is amended—

19 (1) by inserting after paragraph (1) the fol-
20 lowing new paragraph:

21 “(2) providing for public education and out-
22 reach to promote financial literacy and prevent iden-
23 tity theft and financial exploitation of older individ-
24 uals;” and

25 (2) by redesignating paragraphs (2) through
26 (8) as paragraphs (3) through (9), respectively.

1 **SEC. 33. TECHNICAL AMENDMENTS.**

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

4 (1) in section 202(e)(1)(A) by adding a period
5 at the end, and

6 (2) by inserting before section 401 the fol-
7 lowing:

8 **“TITLE IV—ACTIVITIES FOR**
9 **HEALTH, INDEPENDENCE**
10 **AND LONGEVITY”.**

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