

## Union Calendar No. 275

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

# H. R. 5293

[Report No. 109-493]

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

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### 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

JUNE 8, 2006

Additional sponsors: Mr. MCKEON, Mr. REGULA, Mr. PETRI, Mr. PORTER, Miss McMORRIS, Mr. FORTUÑO, Mr. BOUSTANY, Mr. GEORGE MILLER of California, Mr. SOUDER, Mr. WILSON of South Carolina, Mr. DAVIS of Illinois, Mr. CASTLE, Mr. SAM JOHNSON of Texas, Mrs. DRAKE, Mr. EHLERS, Ms. LEE, Ms. MATSUI, Mr. SIMMONS, Mr. RYAN of Ohio, Mr. DOGGETT, Mr. MCCOTTER, Mrs. BIGGERT, Mrs. MALONEY, Mr. MCHUGH, Mr. WU, Mr. LOBIONDO, Mr. HOLT, Mr. KIND, Mrs. CAPITO, Mr. KUHLMAN of New York, Ms. KILPATRICK of Michigan, Mr. OSBORNE, and Mr. HALL

JUNE 8, 2006

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on May 4, 2006]

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## 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; TABLE OF CONTENTS.**

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

6        (b) *TABLE OF CONTENTS.*—*The table of contents of this*  
 7 *Act is as follows:*

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

- Sec. 36. *Native American programs.*  
 Sec. 37. *Responsibilities of Assistant Secretary.*  
 Sec. 38. *Community service employment-based training for older Americans.*  
 Sec. 39. *Native Americans caregiver support program.*  
 Sec. 40. *Vulnerable elder rights protection activities.*  
 Sec. 41. *Native American organization provisions.*  
 Sec. 42. *Elder abuse, neglect, and exploitation prevention.*  
 Sec. 43. *Technical amendments.*

1 **SEC. 2. DEFINITIONS.**

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

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

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

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

12           *“(D) evidence-based health promotion pro-*  
 13 *grams, including programs related to the preven-*  
 14 *tion and mitigation of the effects of chronic dis-*  
 15 *ease (including osteoporosis, hypertension, obe-*  
 16 *sity, diabetes, and cardiovascular disease), alco-*  
 17 *hol and substance abuse reduction, smoking ces-*  
 18 *sation, weight loss and control, stress manage-*  
 19 *ment, falls prevention, physical activity, and im-*  
 20 *proved nutrition through the consumption of a*

1           *healthful diet and multivitamin-mineral sup-*  
2           *plementation;*”

3           (3) *in paragraph (29)(E)—*

4                 (A) *in clause (i) by striking “and” at the*  
5                 *end,*

6                 (B) *in clause (ii) by striking the period at*  
7                 *the end and inserting “; and” , and*

8                 (C) *by adding at the end the following:*

9                         *“(iii) older individuals at risk for in-*  
10                         *stitutional placement.”*

11           (4) *by amending paragraph (24) to read as fol-*  
12           *lows:*

13                         *“(24) The term ‘exploitation’ means the fraudu-*  
14                         *lent or otherwise illegal, unauthorized, or improper*  
15                         *act or process of an individual that uses the resources*  
16                         *of an older individual for monetary or personal ben-*  
17                         *efit, profit, or gain, or that results in depriving an*  
18                         *older individual of rightful access to, or use of, bene-*  
19                         *fits, resources, belongings, or assets.”*

20           (5) *by amending paragraph (34) to read as fol-*  
21           *lows:*

22                         *“(34) The term ‘neglect’ means—*

23                                 *“(A) the failure of a caregiver or fiduciary*  
24                                 *to provide goods or services that are necessary to*  
25                                 *maintain the health or safety of an elder; or*

1                   “(B) *self neglect.*”

2                   (6) *by redesignating paragraphs (1) through (43)*  
3 *as paragraphs (43), (7), (48), (37), (25), (26), (52),*  
4 *(13), (46), (8), (28), (12), (1), (2), (3), (5), (6), (10),*  
5 *(24), (35), (11), (14), (15), (17), (19), (20), (21), (22),*  
6 *(27), (29), (30), (32) (33), (36), (38), (39), (40), (41),*  
7 *(42), (49), (51), (18), and (47), respectively,*

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

10                  (8) *by inserting after paragraph (3), as so redesi-*  
11 *gnated the following:*

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

16                   “(A) *comprehensive information on avail-*  
17 *able public and private long-term care programs,*  
18 *options, and resources;*

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

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

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

3           *(9) by inserting after paragraph (8), as so reded-*  
4           *ignated, the following:*

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

12           *(10) by inserting after paragraph (15), as so re-*  
13           *designated, the following:*

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

19           *(11) by inserting after paragraph (22), as so re-*  
20           *designated, the following:*

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

24           *(12) by inserting after paragraph (30), as so re-*  
25           *designated, the following:*

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

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

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

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

18           (13) by inserting after paragraph (33), as so re-  
19           designated, the following:

20                   “(34) The term ‘multivitamin-mineral supple-  
21                   ment’ means a dietary supplement that provides at  
22                   least two-third’s of the essential vitamins and min-  
23                   erals at 100 percent of the daily value levels as deter-  
24                   mined by the Food and Drug Administration.”,

1           (14) by inserting after paragraph (43), as so re-  
2           designated, the following:

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

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

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

17                  “(C) the needs, capabilities, and preferences  
18                  of such individual with respect to such services,  
19                  and such individual’s ability to direct and con-  
20                  trol his or her receipt of such services, are as-  
21                  sessed by the area agency on aging (or other  
22                  agency designated by the area agency on aging);

23                  “(D) based on the assessment made under  
24                  subparagraph (C), the area agency on aging (or  
25                  other agency designated by the area agency on

1           aging) develops together with such individual  
2           and his or her family, caregiver, or legal rep-  
3           resentative—

4                   “(i) a plan of services for such indi-  
5                   vidual that specifies which services such in-  
6                   dividual will be responsible for directing;

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

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

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

17                  “(45) The term ‘self-neglect’ means an adult’s in-  
18                  ability, due to physical or mental impairment or di-  
19                  minished capacity, to perform essential self-care tasks  
20                  including—

21                       “(A) obtaining essential food, clothing, shel-  
22                       ter, and medical care;

23                       “(B) obtaining goods and services necessary  
24                       to maintain physical health, mental health, or  
25                       general safety; or

1           “(C) *managing one’s own financial af-*  
2           *fairs.*”, and

3           (15) *by inserting after paragraph (49), as so re-*  
4           *designated, the following:*

5           “(50) *The term ‘State system of long-term care’*  
6           *means the Federal, State, and local programs and ac-*  
7           *tivities administered by a State that provide, support,*  
8           *or facilitate access to long-term care to individuals in*  
9           *such State.*”.

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

11           *Section 201 of the Older Americans Act of 1965 (42*  
12           *U.S.C. 3011) is amended by adding at the end the following:*

13           “(e)(1) *The Assistant Secretary may designate within*  
14           *the Administration responsibility for elder abuse prevention*  
15           *and services.*

16           “(2) *It shall be the duty of the assistant secretary, act-*  
17           *ing through the person designated with responsibility for*  
18           *elder abuse prevention and services, to develop objectives,*  
19           *priorities, policy, and a long-term plan for—*

20           “(A) *carrying out elder justice programs and ac-*  
21           *tivities relating to—*

22           “(i) *elder abuse prevention, detection, treat-*  
23           *ment, and intervention, and response;*

24           “(ii) *training of individuals regarding the*  
25           *matters described in clause (i); and*

1                   “(iii) the improvement of the elder justice  
2                   system in the United States;

3                   “(B) collecting and disseminating data relating  
4                   to the abuse, neglect, and exploitation of older indi-  
5                   viduals;

6                   “(C) disseminating information concerning best  
7                   practices regarding, and providing training on, car-  
8                   rying out activities related to abuse, neglect, and ex-  
9                   ploitation of older individuals;

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

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

14                  “(F) assisting States and other eligible entities  
15                  under title VII to develop strategic plans to better co-  
16                  ordinate elder justice activities, research, and train-  
17                  ing; and

18                  “(G) promoting collaborative efforts and dimin-  
19                  ishing duplicative efforts in the development and car-  
20                  rying out of elder justice programs at the Federal,  
21                  State, and local levels.”.

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

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

25                  (1) in subsection (a)—

1           (A) in paragraph (5) by inserting “assistive  
2           technology,” after “housing,”

3           (B) in paragraph (12)—

4                 (i) by striking “(12)” and inserting the  
5                 following:

6                 “(12)(A) consult and coordinate activities with  
7                 the Centers for Medicare & Medicaid Services and  
8                 other federal entities to implement and build aware-  
9                 ness of programs providing benefits affecting older in-  
10                 dividuals; and

11                 “(B),”

12           (C) in paragraph (20)—

13                 (i) by striking “and area agencies on  
14                 aging” and inserting “, area agencies on  
15                 aging, and service providers”,

16                 (ii) by striking “and benefits” and in-  
17                 serting “benefits”,

18                 (iii) by inserting “benefits under any  
19                 other applicable Federal program, or any  
20                 other service (including technology and  
21                 internet-based decision support tools) to as-  
22                 sist consumers to learn about, to receive  
23                 benefits under, and to participate in pro-  
24                 grams for which they may be eligible” after  
25                 “(7 U.S.C. 2011 et seq.),”,

1                   *(iv) by inserting “(A)” after “(20)”*,

2                   *and*

3                   *(v) by adding at the end the following:*

4                   *“(B) provide technical assistance and support*  
5 *for benefits enrollment assistance and outreach to sup-*  
6 *port existing efforts to inform and enroll older indi-*  
7 *viduals who may be eligible to participate, but who*  
8 *are not participating, in programs for which they are*  
9 *eligible, and may in cooperation with Federal part-*  
10 *ners, establish a National Center on Senior Benefits*  
11 *Outreach and Enrollment, which shall—*

12                   *“(i) develop, maintain, and update web-*  
13 *based decision supports and enrollment tools and*  
14 *integrated, person-centered systems designed to*  
15 *inform older individuals about the full range of*  
16 *benefits for which they may be eligible;*

17                   *“(ii) utilize strategies to find and enroll*  
18 *those with greatest economic need;*

19                   *“(iii) create and support efforts for Aging*  
20 *and Disability Resource Centers, and other pub-*  
21 *lic and private state and community-based orga-*  
22 *nizations, including faith-based organizations, to*  
23 *serve as enrollment benefit centers;*

24                   *“(iv) develop and maintain an information*  
25 *clearinghouse on best practices and cost-effective*

1 *methods for enrolling limited income older Amer-*  
2 *icans in benefits for which they are eligible; and*

3 *“(v) provide, in collaboration with Federal*  
4 *partners administering programs, training and*  
5 *technical assistance on effective outreach, screen-*  
6 *ing, enrollment and follow-up strategies.”,*

7 *(D) in paragraph (26)—*

8 *(i) in subsection (D)—*

9 *(I) by striking “gaps in”, and*

10 *(II) by inserting “(including serv-*

11 *ices that would permit such individ-*

12 *uals to receive long-term care in home*

13 *and community-based settings)” after*

14 *“individuals”, and*

15 *(ii) in subsection (E) by striking*

16 *“and” at the end,*

17 *(E) in paragraph (27)—*

18 *(i) in subparagraph (B) by adding*

19 *“and” at the end,*

20 *(ii) in subparagraph (C) by striking*

21 *the semicolon and inserting a period, and*

22 *(iii) by striking subparagraph (D),*

23 *and*

24 *(F) by adding at the end the following:*

1           “(28) make available to States information and  
2           technical assistance to support the provision of evi-  
3           dence-based disease prevention and health promotion  
4           services.”, and

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

7           “(b) To promote the development and implementation  
8           of comprehensive, coordinated systems at Federal, State,  
9           and local levels for providing long-term care in home and  
10          community-based settings, in a manner responsive to the  
11          needs and preferences of older individuals and their family  
12          caregivers, the Assistant Secretary shall, consistent with the  
13          applicable provisions of this title—

14          “(1) collaborate, coordinate, and consult with  
15          other Federal agencies and departments responsible  
16          for formulating and implementing programs, benefits,  
17          and services related to providing long-term care, and  
18          may make grants, contracts, and cooperative agree-  
19          ments with funds received from other Federal entities;

20          “(2) conduct research and demonstration projects  
21          to identify innovative, cost-effective strategies for  
22          modifying State systems of long-term care to—

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

1           “(B) target services to individuals at risk  
2           for institutional placement, to permit such indi-  
3           viduals to remain in home and community-based  
4           care settings;

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

13          “(4) facilitate, in coordination with the Centers  
14          for Medicare & Medicaid Services, the provision of  
15          long-term care in home and community-based set-  
16          tings, including the provision of self-directed care  
17          models that—

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

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

1           *individual (or representative, as appropriate) to*  
2           *direct and control the receipt of support services*  
3           *provided;*

4           “(C) assist an older individual (or a rep-  
5           resentative, as appropriate) develop a plan for  
6           long-term support, including the selecting, budg-  
7           eting, and purchasing of home and community-  
8           based long-term care and supportive services;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22          “(10) conduct such other activities as the Assist-  
23          ant Secretary determines to be appropriate.

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

1           “(1) encourage and permit voluntary groups ac-  
2           tive in supportive services, including youth organiza-  
3           tions active at the secondary or postsecondary levels,  
4           to participate and be involved individually or  
5           through representative groups, in such programs or  
6           activities to the maximum extent feasible;

7           “(2) develop a comprehensive strategy for uti-  
8           lizing older individuals to address critical local needs  
9           of national concern; and

10           “(3) encourage other community capacity build-  
11           ing initiatives involving older individuals.”.

12 **SEC. 5. FEDERAL AGENCY CONSULTATION.**

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

15           (1) in subsection (a)(3)(A) by striking “(with  
16           particular attention to low-income minority older in-  
17           dividuals and older individuals residing in rural  
18           areas)” and inserting “(with particular attention to  
19           low-income older individuals, including low-income  
20           minority older individuals, older individuals with  
21           limited English proficiency, and older individuals re-  
22           siding in rural areas)”, and

23           (2) in subsection (b)—

24           (A) in paragraph (17) by striking “and” at  
25           the end,

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

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

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

6 **SEC. 6. ADMINISTRATION.**

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

9                   (1) in subsection (a)—

10                   (A) in paragraph (1)—

11                   (i) in subparagraph (C) by adding  
12                   “and” at the end,

13                   (ii) in subparagraph (D) by striking  
14                   the semicolon at the end and inserting a pe-  
15                   riod, and

16                   (iii) by striking subparagraph (E),  
17                   and

18                   (B) in paragraph (2)—

19                   (i) in subparagraph (A)—

20                   (I) by amending clause (i) to read  
21                   as follows:

22                   “(i) designing, implementing, and evaluating  
23                   evidence-based programs to support improved nutri-  
24                   tion and regular physical activity for older individ-  
25                   uals;”,

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

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

13                  (III) in clause (vii) by striking  
14                  “and” at the end, and

15                  (IV) by striking clause (viii) and  
16                  inserting the following:

17                  “(viii) disseminating guidance that describes  
18                  strategies for improving the nutritional quality of  
19                  meals provided under title III, particularly strategies  
20                  for increasing the consumption of whole grains, lowfat  
21                  dairy products, fruits and vegetables;

22                  “(ix) developing and disseminating guidelines  
23                  for conducting nutrient analyses of meals provided in  
24                  subparts 1 and 2 of part C, including guidelines for

1        *averaging key nutrients over an appropriate period of*  
2        *time; and*

3            *“(x) providing technical assistance to the re-*  
4        *gional offices of the Administration with respect to*  
5        *each duty described in clauses (i) through (viii).”*,  
6        *and*

7                    *(ii) by amending subparagraph (C)(i)*  
8                    *to read as follows:*

9            *“(i) have expertise in nutrition, energy balance,*  
10        *and meal planning; and”*.

11    **SEC. 7. EVALUATION.**

12        *The 1st sentence of section 206(g) of the Older Ameri-*  
13        *cans Act of 1965 (42 U.S.C. 3017(g)) is amended to read*  
14        *as follows:*

15        *“From the total amount appropriated for each fiscal year*  
16        *to carry out title III, the Secretary may use such sums as*  
17        *may be necessary, but not to exceed ½ of 1 percent of such*  
18        *amount, for purposes of conducting evaluations under this*  
19        *section, either directly or through grants or contracts.”*.

20    **SEC. 8. REPORTS.**

21        *Section 207(b)(2) of the Older Americans Act of 1965*  
22        *(42 U.S.C. 3018(b)(2)) is amended—*

23                    *(1) in subparagraph (B) by striking “Labor”*  
24        *and inserting “the Workforce”, and*

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

4   **SEC. 9. CONTRACTUAL, COMMERCIAL AND PRIVATE PAY RE-**  
5                   **LATIONSHIPS; APPROPRIATE USE OF ACT**  
6                   **FUNDS.**

7           (a) *PRIVATE PAY RELATIONSHIPS; APPROPRIATE USE*  
8   *OF ACT FUNDS.*—Section 212 of the Older Americans Act  
9   of 1965 (42 U.S.C. 3020c) is amended to read as follows:

10   **“SEC. 212. CONTRACTING AND GRANT AUTHORITY; PRIVATE**  
11                   **PAY RELATIONSHIPS; APPROPRIATE USE OF**  
12                   **FUNDS.**

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

16           “(1) with a profitmaking organization;

17           “(2) under which funds provided under such  
18   grant or contract are used to pay part or all of a cost  
19   (including an administrative cost) incurred by such  
20   recipient to carry out a contract or commercial rela-  
21   tionship for the benefit of older individuals or their  
22   family caregivers, whether such relationship is carried  
23   out to implement a provision of this Act or to conduct  
24   activities inherently associated with implementing  
25   such provision; or

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

7           “(b) *ENSURING APPROPRIATE USE OF FUNDS.*—An  
8           agreement described under subsection (a) may not—

9           “(1) be made without the prior approval of the  
10          State agency (or, in the case of a grantee under title  
11          VI, without the prior recommendation of the Director  
12          of the Office for American Indian, Alaska Native, and  
13          Native Hawaiian Aging and the prior approval of the  
14          Assistant Secretary);

15          “(2) directly or indirectly provide for, or have  
16          the effect of, paying, reimbursing, or otherwise com-  
17          pensating an entity under such agreement in an  
18          amount that exceeds the fair market value of the goods  
19          or services furnished by such entity under such agree-  
20          ment;

21          “(3) result in the displacement of services other-  
22          wise available to an older individual with the greatest  
23          social need, an older individual with greatest eco-  
24          nomic need, or an older individual who is at risk for  
25          institutional placement; or

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

5   **SEC. 10. NUTRITION EDUCATION.**

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

8   **“SEC. 214. NUTRITION EDUCATION.**

9           “The Assistant Secretary, in consultation with the Sec-  
10   retary of Agriculture, shall conduct outreach and provide  
11   technical assistance to agencies and organizations that serve  
12   older individuals to assist such agencies and organizations  
13   to carry out integrated health promotion and disease pre-  
14   vention programs that are designed for older individuals  
15   and that include nutrition education, physical activity, and  
16   other activities to modify behavior and to improve health  
17   literacy (including information on optimal nutrient intake)  
18   through education and counseling in accordance with sec-  
19   tion 339(2)(J).”.

20   **SEC. 11. PENSION COUNSELING AND INFORMATION PRO-**  
21                                   **GRAMS.**

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

24                   (1) in subsection (e)(1)(J) by striking “and low-  
25           income retirees” and inserting “, low income retirees,

1 *and older individuals with limited English pro-*  
2 *ficiency”,*

3 *(2) in subsection (f) by amending paragraph (2)*  
4 *to read as follows:*

5 *“(2) The ability of the entity to perform effective*  
6 *outreach to affected populations, particularly popu-*  
7 *lations with limited English proficiency and other*  
8 *populations that are identified in need of special out-*  
9 *reach.”, and*

10 *(3) in subsection (h)(2) by inserting “(including*  
11 *individuals with limited English proficiency)” after*  
12 *“individuals”.*

13 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

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

16 *(1) in subsection (a) by striking “2001, 2002,*  
17 *2003, 2004, and 2005” and inserting “2007, 2008,*  
18 *2009, 2010, and 2011.”, and*

19 *(2) in subsections (b) and (c) by striking “year”*  
20 *and all that follows through “years”, and inserting*  
21 *“years 2007, 2008, 2009, 2010, and 2011”.*

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

23 *Section 301(a)(2) of the Older Americans Act of 1965*  
24 *(42 U.S.C. 3021(a)(2)) is amended—*



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

9           (2) in paragraph (2)(E) by striking “with par-  
10          ticular attention to low-income minority individuals  
11          and older individuals residing in rural areas” and  
12          inserting “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”, and

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

18          “(3) the State agency shall, consistent with this  
19          section, promote the development and implementation  
20          of a comprehensive, coordinated system in such State  
21          for providing long-term care in home and commu-  
22          nity-based settings, in a manner responsive to the  
23          needs and preferences of older individuals and their  
24          family caregivers, by—

1           “(A) collaborating, coordinating, and con-  
2           sulting with other agencies in such State respon-  
3           sible for formulating, implementing, and admin-  
4           istering programs, benefits, and services related  
5           to providing long-term care;

6           “(B) participating in any State government  
7           activities concerning long-term care, including  
8           reviewing and commenting on any State rules,  
9           regulations, and policies related thereto;

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

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

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

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

24               “(iv) implement (through area agencies  
25               on aging, service providers, and such other

1            *entities as the State determines to be appro-*  
2            *priate) evidence-based programs to assist*  
3            *older individuals and their family care-*  
4            *givers in learning about and making behav-*  
5            *ioral changes intended to reduce the risk of*  
6            *injury, disease, and disability among older*  
7            *individuals; and*

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

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

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

18 **SEC. 16. AREA PLANS.**

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

21           *(1) in subsection (a)—*

22           *(A) in paragraph (1)—*

23           *(i) by striking “(with particular atten-*  
24           *tion to low-income minority individuals*  
25           *and older individuals residing in rural*

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

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

11                    *(B) in paragraph (2)(A) by inserting*  
12                    *“health services (including mental health serv-*  
13                    *ices),” after “transportation,”*

14                    *(C) in paragraph (4)—*

15                             *(i) in subparagraph (A)—*

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

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

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

1           “(II) include in the area plan specific objec-  
2           tives for providing services to low-income minor-  
3           ity older individuals and older individuals resid-  
4           ing 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 the  
21                           following:

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

24                           (III) by striking “(VI)” and in-  
25                           serting “(VII)”,

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

4           (E) in paragraph (6)—

5           (i) in subparagraph (C)—

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

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

10          (III) by inserting after clause (ii)  
11          the following:

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

20          (ii) in subparagraph (D)—

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

1                   (II) by inserting “service pro-  
2                   viders, the business community,” after  
3                   “individuals,” and  
4                   (iii) in subparagraph (F) by inserting  
5                   “(including mental health screening)” after  
6                   “provided” the 1st place it appears,  
7                   (F) by amending paragraph (7) to read as  
8                   follows:

9                   “(7) provide that the area agency on aging shall,  
10                  consistent with this section, facilitate the area-wide  
11                  development and implementation of a comprehensive,  
12                  coordinated system for providing long-term care in  
13                  home and community-based settings, in a manner re-  
14                  sponsive to the needs and preferences of older individ-  
15                  uals and their family caregivers, by—

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

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

1           “(i) respond to the needs and pref-  
2           erences of older individuals and family  
3           caregivers;

4           “(ii) facilitate the provision, through  
5           service providers, of long-term care in home  
6           and community-based settings; and

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

11          “(C) implement, through the agency or serv-  
12          ice providers, evidence-based programs to assist  
13          older individuals and their family caregivers in  
14          learning about and making behavioral changes  
15          intended to reduce the risk of injury, disease,  
16          and disability among older individuals; and

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

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

23                 “(ii) the range of available public and  
24                 private long-term care programs, options,  
25                 and resources;”

1           (G) by striking paragraph (14) and the 2  
2 paragraphs (15),

3           (H) by redesignating paragraph (16) as  
4 paragraph (14), and

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

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

8           “(A) in a manner, consistent with para-  
9 graph (4), that gives priority in furnishing bene-  
10 fits and services to older individuals with great-  
11 est economic need, older individuals with great-  
12 est social need, and older individuals at risk for  
13 institutional placement; and

14           “(B) in compliance with the assurances  
15 specified in paragraph (13) and the limitations  
16 specified in section 212(b); and

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

20           (2) by redesignating subsections (b), (c), (d), and  
21 (e) as subsections (c), (d), (e), and (f), and

22           (3) by inserting after subsection (a) the fol-  
23 lowing:

24           “(b)(1) An area agency on aging may include in the  
25 area plan an assessment of how prepared the planning and

1 *service area is for any anticipated change in the number*  
2 *of older individual during the 10-year period following the*  
3 *fiscal year for which the plan is submitted. Such assessment*  
4 *may include—*

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

7           “(B) *an analysis of how such change may affect*  
8 *such individuals, including such individuals with low*  
9 *incomes, such individuals with greatest economic*  
10 *need, minority older individuals, older individuals re-*  
11 *siding in rural areas, and older individuals with lim-*  
12 *ited English proficiency;*

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

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

21           “(2) *An area agency on aging, in cooperation with*  
22 *government officials, State agencies, tribal organizations, or*  
23 *local entities, may make recommendations to government*  
24 *officials in the planning and service area and the State,*  
25 *on actions determined by the area agency to build the ca-*

1 *capacity in the planning and service area to meet the needs*  
2 *of older individuals for—*

3           “(A) *health and human services;*

4           “(B) *land use;*

5           “(C) *housing;*

6           “(D) *transportation;*

7           “(E) *public safety;*

8           “(F) *workforce and economic development;*

9           “(G) *recreation;*

10          “(H) *education;*

11          “(I) *civic engagement; and*

12          “(J) *any other service as determined by such*  
13          *agency.”.*

14 **SEC. 17. STATE PLANS.**

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

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

23           (2) *by striking paragraph (15),*

24           (3) *by redesignating paragraph (14) as para-*  
25 *graph (15),*

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

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

6                     “(A) identify the number of low-income mi-  
7                     nority older individuals in the State, including  
8                     the number of low-income older individuals with  
9                     limited English proficiency; and

10                    “(B) describe the methods used to satisfy the  
11                    service needs of such minority older individuals,  
12                    including the plan to service the needs of older  
13                    individuals with limited English proficiency.”,

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

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

23           “(27) The plan shall provide assurances that  
24           area agencies on aging will, to the maximum extent

1       *feasible, provide for the furnishing of services under*  
2       *this Act consistent with self-directed care.*

3               “(28)(A) *The plan shall include, at the election*  
4       *of the State, an assessment of how prepared the State*  
5       *is, under the State’s statewide service delivery model,*  
6       *for a change in the number of older individuals dur-*  
7       *ing the 10-year period following the fiscal year for*  
8       *which the plan is submitted.*

9               “(B) *Such assessment may include—*

10               “(i) *the projected change in the number of*  
11       *older individuals in the State;*

12               “(ii) *an analysis of how such change may*  
13       *affect such individuals, including individuals*  
14       *with low incomes, individuals with great eco-*  
15       *nomical need, minority older individuals, older in-*  
16       *dividuals residing in rural areas, and older in-*  
17       *dividuals with limited English proficiency;*

18               “(iii) *an analysis of how the programs,*  
19       *policies, and services provided by the State can*  
20       *be improved, including coordinating with area*  
21       *agencies on aging, and how resource levels can be*  
22       *adjusted to meet the needs of the changing popu-*  
23       *lation of older individuals in the State; and*

24               “(iv) *an analysis of how the change in the*  
25       *number of individuals 85 years of age and older*

1           *in the State is expected to affect the need for sup-*  
 2           *portive services.”.*

3 **SEC. 18. PAYMENTS.**

4           *Section 309(b)(2) of the Older Americans Act of 1965*  
 5 *(42 U.S.C. 3029(b)(2)) is amended by striking “the non-*  
 6 *Federal share required prior to fiscal year 1981” and in-*  
 7 *serting “10 percent of the cost of the services specified in*  
 8 *such section 304(d)(1)(D)”.*

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

10           *(a) CASH ONLY PROGRAM; AUTHORITY TO USE PRO-*  
 11 *GRAM FUNDS TO PURCHASE FOOD THROUGH SCHOOL*  
 12 *FOOD AUTHORITIES.—Section 311 of the Older Americans*  
 13 *Act of 1965 (42 U.S.C. 3030a) is amended—*

14           *(1) in subsection (b) by adding at the end the*  
 15           *following:*

16           *“(3) Each State agency shall promptly and equitably*  
 17 *disburse amounts received under this subsection to recipi-*  
 18 *ents of grants and contracts.”,*

19           *(2) in subsection (c)—*

20                   *(A) in paragraph (1) by inserting “(includ-*  
 21                   *ing bonus commodities)” after “commodities”,*

22                   *(B) in paragraph (2) by inserting “(includ-*  
 23                   *ing bonus commodities)” after “commodities”,*

24                   *(C) in paragraph (3) by inserting “(includ-*  
 25                   *ing bonus commodities)” after “products”, and*

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

2           “(4) Among the commodities delivered under this sub-  
3 section, the Secretary of Agriculture shall give special em-  
4 phasis to high protein foods. The Secretary of Agriculture,  
5 in consultation with the Assistant Secretary, is authorized  
6 to prescribe the terms and conditions respecting the dona-  
7 tion of commodities under this subsection.”,

8           (3) by amending subsection (d) to read as fol-  
9 lows:

10          “(d)(1) Amounts provided under subsection (b) to  
11 State grantees and contractors, and to title VI grantees,  
12 shall be available only for the purchase by such entities of  
13 United States agricultural commodities and other foods for  
14 their respective nutrition projects, subject to paragraph (2).

15          “(2) Part or all of the amounts received by an entity  
16 specified in paragraph (1) may be used to pay a school  
17 food authority (as referred to under the Richard B. Russell  
18 National School Lunch Act (42 U.S.C.1751 et seq.) to ob-  
19 tain United States agricultural commodities for such enti-  
20 ty’s nutrition projects, in accordance with an agreement be-  
21 tween the entity and the school food authority, under which  
22 such payments—

23           “(A) shall cover the cost of such commodities;  
24          and

1           “(B) may cover related expenses incurred by the  
2 school food authority, including the cost of trans-  
3 porting, distributing, processing, storing, and han-  
4 dling such commodities.”,

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

7           (5) in subsection (f)—

8           (A) in the matter preceding paragraph (1)  
9 by striking “the Secretary of Agriculture and the  
10 Secretary of Health and Human Services” and  
11 inserting “the Assistant Secretary and the Sec-  
12 retary of Agriculture”, and

13           (B) by amending paragraphs (1) and (2) to  
14 read as follows:

15           “(1) school food authorities participating in pro-  
16 grams authorized under the Richard B. Russell Na-  
17 tional School Lunch Act within the geographic area  
18 served by each such State agency; and

19           “(2) the donated foods available to such State  
20 agencies, area agencies on aging, and providers under  
21 subsection (c).”.

22 **SEC. 20. CONSUMER CONTRIBUTIONS.**

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

25           (1) in subsection (b)—

1           (A) in paragraph (1) by striking “provided  
2           that” and inserting “, and such contributions  
3           shall be encouraged for individuals whose self-de-  
4           clared income is at or above 125 percent of the  
5           poverty line and may be requested at contribu-  
6           tion levels based on the actual cost of services,  
7           if”, and

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

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

19          (3) in subsection (d) by striking “with par-  
20          ticular attention to low-income and minority individ-  
21          uals and older individuals residing in rural areas”  
22          and inserting “, with particular attention to low-in-  
23          come older individuals, including low-income minor-  
24          ity older individuals, older individuals with limited

1       *English proficiency, and older individuals residing in*  
2       *rural areas”.*

3       **SEC. 21. SUPPORTIVE SERVICES AND SENIOR CENTERS**  
4               **PROGRAM.**

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

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

9               (2) *in paragraph (11) by inserting “(including*  
10              *assistive technology devices and assistive technology*  
11              *services)” after “services”,*

12              (3) *in paragraph (14)(B) by inserting “(includ-*  
13              *ing mental health)” after “health”,*

14              (4) *in paragraph (22) by striking the period at*  
15              *the end and inserting a semicolon,*

16              (5) *by redesignating paragraph (23) as para-*  
17              *graph (24), and*

18              (6) *by inserting after paragraph (22) the fol-*  
19              *lowing:*

20              *“(23) services designed to support States, area*  
21              *agencies on aging, and local service providers carry*  
22              *out and coordinate, with respect to mental health*  
23              *services, activities including outreach, education,*  
24              *screening, and referral for treatment of older individ-*  
25              *uals; and”.*

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

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

5 **“SEC. 330. PURPOSE.**

6 *“It is the purpose of this part to promote socialization*  
7 *and the health and well-being of older individuals by assist-*  
8 *ing such individuals to gain access to disease prevention*  
9 *and health promotion services (including information, nu-*  
10 *trition services, and programs of physical activity) to delay*  
11 *the onset of health conditions resulting from poor nutri-*  
12 *tional health or sedentary behavior.”.*

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

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

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

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

19 *(3) in paragraph (2)—*

20 *(A) by striking “which” the last place it ap-*  
21 *pears, and*

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

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

1           “(3) provide nutrition education, nutrition coun-  
2           seling, and other nutrition services, as appropriate,  
3           based on the needs of meal participants; and

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

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

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

10 **“SEC. 336. PROGRAM AUTHORIZED.**

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

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

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

4 **SEC. 25. CRITERIA.**

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

7 **“SEC. 337. CRITERIA.**

8           “The Assistant Secretary, in consultation with experts  
9           in the field of nutrition science, dietetics, meal planning  
10          and food service management, and aging, shall develop  
11          minimum criteria of efficiency and quality for the fur-  
12          nishing of home delivered meal services for projects de-  
13          scribed in section 336.”.

14 **SEC. 26. NUTRITION.**

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

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

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

24                 (2) in paragraph (2)—

25                         (A) in subparagraph (A)—

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

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

7                   *(ii) in clause (ii) by striking “daily*  
8                   *recommended dietary allowances as” and*  
9                   *inserting “dietary reference intakes”,*

10                   *(B) in subparagraph (D)—*

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

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

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

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

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

23                   *“(ii) meal participants, and*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 *on the findings of the evidence-based study described in such*  
2 *subsection to the Committee on Education and the Work-*  
3 *force of the House of Representatives and the Committee*  
4 *on Health, Education, Labor and Pensions of the Senate.*

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

6 **WHERE SENIORS CONGREGATE.**

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

10 *“(c) The Assistant Secretary shall work in consultation*  
11 *with qualified experts to provide information on methods*  
12 *of improving indoor air quality in buildings where seniors*  
13 *congregate.”.*

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

15 *Section 372 of the National Family Caregiver Support*  
16 *Act (42 U.S.C. 3030s) is amended—*

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

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

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

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

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

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

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

13 *“(d) USE OF VOLUNTEERS.—In carrying out this sub-*  
14 *part, each area agency on aging shall encourage the use*  
15 *of trained volunteers to expand the available services de-*  
16 *scribed in subsection (b) and shall, if possible, coordinate*  
17 *with volunteer programs (including programs administered*  
18 *by the Corporation for National Service) designed to pro-*  
19 *vide training, placement, and stipends for volunteers in*  
20 *community service settings.”,*

21 *(3) in subsection (e)(3) by adding at the end the*  
22 *following: “The reports shall describe any mechanisms*  
23 *used in the State to provide family caregivers of an*  
24 *older individual and relative caregivers of a child or*  
25 *an adult child with a disability, information about*

1       *and access to various services so that caregivers can*  
2       *better carry out their care responsibilities.”, and*

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

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

7       *Section 376(a) of the National Family Caregiver Sup-*  
8       *port Act (42 U.S.C. 3030s–12(a)) is amended—*

9             (1) *by striking “(a) IN GENERAL.—”,*

10            (2) *by striking “shall” and inserting “may”,*

11            (3) *by striking “program” and inserting “pro-*  
12       *grams that include”,*

13            (4) *by striking “research.” and inserting “re-*  
14       *search, including—*

15            “*(1) intergenerational programs, including sup-*  
16       *ports for grandparents and other older relatives rais-*  
17       *ing children (such as kinship navigator programs),*  
18       *and sustaining and replicating innovative*  
19       *intergenerational family support programs that in-*  
20       *volve senior volunteers;*

21            “*(2) Programs providing support and informa-*  
22       *tion to families who have a child with a disability or*  
23       *chronic illness and to other families in need of such*  
24       *family support programs;*

1           “(3) programs addressing unique issues faced by  
2           rural caregivers;

3           “(4) programs focusing on the needs of older per-  
4           sons with Alzheimer’s disease and related dementia  
5           and their caregivers; and

6           “(5) programs supporting caregivers in the role  
7           they play in health promotion and disease preven-  
8           tion.”, and

9           (5) by striking subsection (b).

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

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

13           (1) in subsection (a)—

14                 (A) in paragraph (8) by striking “and” at  
15                 the end,

16                 (B) by redesignating paragraph (9) as  
17                 paragraph (11), and

18                 (C) by inserting after paragraph (8) the fol-  
19                 lowing:

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

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

23                         “(B) activities to coordinate State and local  
24                         agencies in order to meet the needs of older indi-  
25                         viduals; and

1           “(C) training and technical assistance to  
2           support States, area agencies on aging, and trib-  
3           al organizations receiving a grant under title VI,  
4           engage in community planning activities; and

5           “(10) the development, implementation, and as-  
6           sessment of technology-based service models and best  
7           practices, to support the use of health monitoring and  
8           assessment technologies, communication devices, as-  
9           sistive technologies, and other technologies that may  
10          remotely connect family and professional caregivers to  
11          frail elderly residing in home- and community-based  
12          settings or rural areas; and”, and

13          (2) in subsection (b) by striking “year” and all  
14          that follows through “years”, and inserting “years  
15          2007, 2008, 2009, 2010, and 2011”.

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

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

20          “(a) GRANTS.—The Assistant Secretary shall make  
21          grants to institutions of higher education, including histori-  
22          cally Black colleges or universities, Hispanic serving insti-  
23          tutions, and Hispanic Centers of Excellence in Applied Ger-  
24          ontology, to provide education and training that prepares  
25          students for careers in the field of aging.”.

1 **SEC. 34. HEALTH CARE SERVICE DEMONSTRATION**  
2 **PROJECTS IN RURAL AREAS.**

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

5 *(1) in subsection (a) by inserting “mental health*  
6 *services,” after “care,” and*

7 *(2) in subsection (b)(1)(B)(i) by inserting “men-*  
8 *tal health,” after “health.”*

9 **SEC. 35. DEMONSTRATION PROJECTS FOR**  
10 **MULTIGENERATIONAL ACTIVITIES.**

11 *Section 417(c)(2) of the Older Americans Act of 1965*  
12 *(42 U.S.C. 3032f(c)(2)) is amended by striking “(with par-*  
13 *ticular attention to low-income minority individuals and*  
14 *older individuals residing in rural areas)” and inserting*  
15 *“(with particular attention to low-income older individ-*  
16 *uals, including low-income minority older individuals,*  
17 *older individuals with limited English proficiency, and*  
18 *older individuals residing in rural areas)”.*

19 **SEC. 36. NATIVE AMERICAN PROGRAMS.**

20 *Section 418(a)(2)(B)(i) of the Older Americans Act of*  
21 *1965 (42 U.S.C. 3032g(a)(2)(B)(i)) is amended by inserting*  
22 *“(including mental health)” after “problems”.*

23 **SEC. 37. RESPONSIBILITIES OF ASSISTANT SECRETARY.**

24 *Section 432(c)(2)(B) of the Older Americans Act of*  
25 *1965 (42 U.S.C. 3033a(c)(2)(B)) is amended by inserting*  
26 *“, including preparing an analysis of such services,*

1 *projects, and programs, and of how the evaluation relates*  
 2 *to improvements in such services, projects, and programs*  
 3 *and in the strategic plan of the Administration” before the*  
 4 *period at the end.*

5 **SEC. 38. COMMUNITY SERVICE EMPLOYMENT-BASED TRAIN-**  
 6 **ING FOR OLDER AMERICANS.**

7 *Title V of the Older Americans Act of 1965 (42 U.S.C.*  
 8 *3056 et seq.) is amended to read as follows:*

9 **“TITLE V—COMMUNITY SERVICE**  
 10 **EMPLOYMENT-BASED TRAIN-**  
 11 **ING FOR OLDER AMERICANS**

12 **“SEC. 501. SHORT TITLE.**

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

15 **“SEC. 502. OLDER AMERICAN COMMUNITY SERVICE EM-**  
 16 **PLOYMENT-BASED TRAINING PROGRAM.**

17 *“(a) To foster individual economic self-sufficiency and*  
 18 *to increase the number of individuals who may enjoy the*  
 19 *benefits of unsubsidized employment in both the public and*  
 20 *private sectors, the Secretary of Labor (hereafter in this title*  
 21 *referred to as the ‘Secretary’) may establish an older Amer-*  
 22 *ican community service employment-based training pro-*  
 23 *gram to foster and promote useful part-time public and pri-*  
 24 *vate-sector employment-based training opportunities for*  
 25 *unemployed low-income eligible individuals who have poor*

1 *employment prospects and to provide vital social and*  
2 *human services to communities by providing work experi-*  
3 *ence to eligible individuals in public agencies, community-*  
4 *based and faith-based organizations.*

5       “(b)(1) *To carry out this title, the Secretary may make*  
6 *grants to public and nonprofit agencies and organizations,*  
7 *agencies of a State, and tribal organizations to carry out*  
8 *the program established under subsection (a). Such grants*  
9 *may provide for the payment of costs, as provided in sub-*  
10 *section (c), of projects developed by such organizations and*  
11 *agencies in cooperation with the Secretary in order to make*  
12 *such program effective or to supplement such program. No*  
13 *payment shall be made by the Secretary toward the cost*  
14 *of any project established or administered by any organiza-*  
15 *tion or agency unless the Secretary determines that such*  
16 *project—*

17               “(A) *shall provide authorized activities only for*  
18 *eligible individuals, and that not less than 50 percent*  
19 *of hours worked (in the aggregate) shall be in commu-*  
20 *nity service employment-based training provided by a*  
21 *grantee in a program year;*

22               “(B)(i) *shall provide authorized activities for eli-*  
23 *gible individuals in the community in which such in-*  
24 *dividuals reside, or in nearby communities, and that*  
25 *not less than 50 percent of hours worked (in the ag-*

1        *gregate) shall be in community service employment-*  
2        *based training provided by a grantee in a program*  
3        *year; or*

4                *“(ii) if such project is carried out by a tribal or-*  
5        *ganization that receives a grant under this subsection*  
6        *or receives assistance from a State that receives a*  
7        *grant under this subsection, will provide authorized*  
8        *activities, including community service employment-*  
9        *based training for such individuals, including those*  
10        *who are Indians residing on an Indian reservation,*  
11        *as defined in section 2601(2) of the Energy Policy Act*  
12        *of 1992 (25 U.S.C. 3501(2));*

13                *“(C) together with all the projects carried out*  
14        *under this title in each program year by a grantee,*  
15        *will not provide for participation under this title by*  
16        *eligible individuals (in the aggregate) for an average*  
17        *period per capita that exceeds 24 months (whether or*  
18        *not consecutive) during the period including the pro-*  
19        *gram year for which the determination under this*  
20        *subparagraph is made and the previous program*  
21        *years in which such grantee carried out projects*  
22        *under this title;*

23                *“(D) will provide employment-based training to*  
24        *eligible individuals in service related to publicly*  
25        *owned and operated facilities and projects, or projects*

1 sponsored by profitmaking or nonprofit organizations  
2 (excluding political parties exempt from taxation  
3 under section 501(c)(3) of the Internal Revenue Code  
4 of 1986), but excluding projects involving the con-  
5 struction, operation, or maintenance of any facility  
6 used or to be used as a place for sectarian religious  
7 instruction or worship;

8 “(E) will contribute to the general welfare of the  
9 community, which may include support for children,  
10 youth, and families;

11 “(F) is intended to result in unsubsidized em-  
12 ployment for eligible individuals after completion of  
13 such program;

14 “(G)(i) will not reduce the number of job oppor-  
15 tunities or vacancies that would otherwise be avail-  
16 able to individuals not participating in such pro-  
17 gram;

18 “(ii) will not displace currently employed work-  
19 ers (including partial displacement, such as a reduc-  
20 tion in the hours of non-overtime work, wages, or em-  
21 ployment benefits);

22 “(iii) will not impair existing contracts or result  
23 in the substitution of Federal funds for other funds in  
24 connection with work that would otherwise be per-  
25 formed; and

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

5           “(H) will coordinate with training and other  
6           services provided under title I of the Workforce Invest-  
7           ment Act, including utilizing the One-Stop delivery  
8           system to recruit eligible individuals to ensure that  
9           the maximum number of eligible individuals will  
10          have an opportunity to participate in the project;

11          “(I) will include such training (such as commu-  
12          nity service employment-based training, work experi-  
13          ence, on-the-job training, and classroom training) as  
14          may be necessary to make the most effective use of the  
15          skills and talents of those individuals who are partici-  
16          pating;

17          “(J) will ensure that safe and healthy conditions  
18          of the employment-based training facility or other  
19          training facility will be provided, and will ensure  
20          that individuals employed in community service and  
21          other jobs assisted under this title shall be paid wages  
22          that shall not be lower than whichever is the highest  
23          of—

24                  “(i) the minimum wage that would be ap-  
25                  plicable to the employee under the Fair Labor

1           *Standards Act of 1938, if section 6(a)(1) of such*  
2           *Act applied to the participant and if the partici-*  
3           *part were not exempt under section 13 thereof;*

4                     *“(ii) the State or local minimum wage for*  
5           *the most nearly comparable covered employment;*  
6           *or*

7                     *“(iii) the prevailing rates of pay for indi-*  
8           *viduals employed in similar occupations by the*  
9           *same employer;*

10                    *“(K) will be established or administered with the*  
11           *advice of persons competent in the field of service in*  
12           *which job training is being provided, and of persons*  
13           *who are knowledgeable about the needs of older indi-*  
14           *viduals;*

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

20                    *“(M) will ensure that, to the extent feasible, such*  
21           *project will serve the needs of minority, limited*  
22           *English-speaking, and Indian eligible individuals,*  
23           *and eligible individuals who have the greatest eco-*  
24           *nomie need, at least in proportion to their numbers*

1        *in the State and take into consideration their rates*  
2        *of poverty and unemployment;*

3            *“(N)(i) will prepare an assessment of the par-*  
4        *ticipants’ skills and talents and their needs for serv-*  
5        *ices, except to the extent such project has, for the par-*  
6        *ticipant involved, recently prepared an assessment of*  
7        *such skills and talents, and such needs, pursuant to*  
8        *another employment or training program (such as a*  
9        *program under the Workforce Investment Act of 1998*  
10       *(29 U.S.C. 2801 et seq.), the Carl D. Perkins Voca-*  
11       *tional and Technical Education Act of 1998 (20*  
12       *U.S.C. 2301 et seq.), or part A of title IV of the So-*  
13       *cial Security Act (42 U.S.C. 601 et seq.);*

14           *“(ii) will provide training and employment*  
15        *counseling to eligible individuals based on strategies*  
16        *that identify appropriate employment objectives and*  
17        *the need for supportive services, developed as a result*  
18        *of the assessment and service strategy provided for in*  
19        *clause (i), and provide other appropriate information*  
20        *regarding such program; and*

21           *“(iii) will provide counseling to participants on*  
22        *their progress in meeting such objectives and satis-*  
23        *fying their need for supportive services;*

24           *“(O) will provide appropriate services for par-*  
25        *ticipants through the One-Stop delivery system as es-*

1 *tablished under section 134(c) of the Workforce Invest-*  
2 *ment Act of 1998 (29 U.S.C. 2864(c)), and will be in-*  
3 *volved in the planning and operations of such system*  
4 *pursuant to a memorandum of understanding with*  
5 *the local workforce investment board in accordance*  
6 *with section 121(c) of such Act (29 U.S.C. 2841(c));*

7 *“(P) will post in such project workplace a notice,*  
8 *and will make available to each person associated*  
9 *with such project a written explanation—*

10 *“(i) clarifying the law with respect to polit-*  
11 *ical activities allowable and unallowable under*  
12 *chapter 15 of title 5, United States Code, appli-*  
13 *cable to the project and to each category of indi-*  
14 *viduals associated with such project; and*

15 *“(ii) containing the address and telephone*  
16 *number of the Inspector General of the Depart-*  
17 *ment of Labor, to whom questions regarding the*  
18 *application of such chapter may be addressed;*

19 *“(Q) will provide to the Secretary the description*  
20 *and information described in—*

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

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

1            *112(b) of the Workforce Investment Act of 1998;*  
2            *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 deter-*  
18          *mine whether such eligible individual also qualifies for in-*  
19          *tensive or training services described in section 134(d) of*  
20          *such Act (29 U.S.C. 2864(d)).*

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

1       “(c)(1) *The Secretary may pay a share not to exceed*  
2 *90 percent of the cost of any project for which a grant is*  
3 *made under subsection (b), except that the Secretary may*  
4 *pay all of such cost if such project is—*

5               “(A) *an emergency or disaster project; or*

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

10       “(2) *The non-Federal share shall be in cash or in kind.*

11 *In determining the amount of the non-Federal share, the*  
12 *Secretary may attribute fair market value to services and*  
13 *facilities contributed from non-Federal sources.*

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

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

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

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

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

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

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

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

1           “(A) *The costs of performing general administra-*  
2 *tive functions and of providing for the coordination*  
3 *of functions, such as—*

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

6                   “(ii) *quality assurance;*

7                   “(iii) *preparing program plans;*

8                   “(iv) *procurement and purchasing;*

9                   “(v) *property management;*

10                   “(vi) *personnel management, including per-*  
11 *sonnel administration, administration of affirm-*  
12 *ative action plans, and training and staff devel-*  
13 *opment;*

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

16                   “(viii) *payroll functions;*

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

20                   “(x) *audit;*

21                   “(xi) *general legal services;*

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

25                   “(xiii) *preparing reports; and*

1           “(xiv) other activities necessary for the gen-  
2           eral administration of government funds and as-  
3           sociated programs.

4           “(B) The costs of performing oversight and mon-  
5           itoring responsibilities.

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

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

14          “(E) The costs of information systems related to  
15          personnel, procurement, purchasing, property man-  
16          agement, accounting, and payroll systems), including  
17          the purchase, systems development, and operating  
18          costs of such systems.

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

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

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

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

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

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

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

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

9           “(v) outreach, recruitment, and selection, intake,  
10          orientation, and assessments.

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

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

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

1       *transitioning from subsidized activities to private-sec-*  
2       *tor employment; and*

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

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

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

11                      “(C) *enhance the technological skills of eligi-*  
12       *ble individuals; and*

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

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

23                      “(4) *training and technical assistance to support*  
24       *any project funded under this title;*

25                      “(5) *dissemination of best practices; and*

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

3   **“SEC. 503. ADMINISTRATION.**

4           “(a) *STATE PLAN.—*

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

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

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

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

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

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

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

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

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

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

4           “(C) *the relative distribution of—*

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

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

10                “(iii) *eligible individuals who are in-*  
11 *dividuals with greatest social need;*

12           “(D) *the current and projected employment*  
13 *opportunities in the State, by occupation, and*  
14 *the type of skills possessed by local eligible indi-*  
15 *viduals;*

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

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

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

1        *proposal for a grant under this title for any fiscal*  
2        *year is submitted to the Secretary, the chief executive*  
3        *officer of each State in which projects are proposed to*  
4        *be conducted under such grant shall be afforded a rea-*  
5        *sonable opportunity to submit recommendations to*  
6        *the Secretary—*

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

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

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

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

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

4               “(7) *DETERMINATION; REVIEW.—*

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

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

22                     “(8) *EXEMPTION.—The grantees that serve eligi-*  
23                     *ble individuals who are older Indians with funds re-*  
24                     *served under section 506(a)(3) may not be required to*  
25                     *participate in the State planning processes described*

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

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

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

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

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

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

23               *“(c) In carrying out this title, the Secretary may use,*  
24       *with their consent, the services, equipment, personnel, and*  
25       *facilities of Federal and other agencies with or without re-*

1 *imbursement, and on a similar basis to cooperate with other*  
2 *public and private agencies and instrumentalities in the*  
3 *use of services, equipment, and facilities.*

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

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

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

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

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

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

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

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

8               “(C) contain any other information that the Sec-  
9 retary determines to be appropriate.

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

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

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

24       “(b) No grant, subgrant, contract or subcontract shall  
25 be entered into under this title with an entity who is, or

1 *whose employees are, under State law, exempted from oper-*  
2 *ation of the State workers' compensation law, generally ap-*  
3 *plicable to employees unless the entity shall undertake to*  
4 *provide either through insurance by a recognized carrier or*  
5 *by self-insurance, as authorized by State law, that the per-*  
6 *sons employed under the grant, contract, subgrant, or sub-*  
7 *contract shall enjoy workers' compensation coverage equal*  
8 *to that provided by law for covered employment.*

9 **“SEC. 505. INTERAGENCY COOPERATION.**

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

14       “(b) *The Secretary shall consult and cooperate with*  
15 *the Director of the Office of Community Services, the Sec-*  
16 *retary of Health and Human Services, and the heads of*  
17 *other Federal agencies that carry out related programs, in*  
18 *order to achieve optimal coordination with such other pro-*  
19 *grams. In carrying out this section, the Secretary shall pro-*  
20 *mote programs or projects of a similar nature. Each Fed-*  
21 *eral agency shall cooperate with the Secretary in dissemi-*  
22 *nating information relating to the availability of assistance*  
23 *under this title and in promoting the identification and*  
24 *interests of individuals eligible for employment in projects*  
25 *assisted under this title.*

1       “(c)(1) *The Secretary shall promote and coordinate*  
2 *carrying out projects under this title jointly with programs,*  
3 *projects, or activities carried out under other Acts, espe-*  
4 *cially activities provided under the Workforce Investment*  
5 *Act of 1998 (29 U.S.C. 2801 et seq.), including activities*  
6 *provided through One-Stop delivery systems established*  
7 *under section 134(c) of such Act (29 U.S.C. 2864(c)), that*  
8 *provide training and employment opportunities to eligible*  
9 *individuals.*

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

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

17       “(a) *RESERVATIONS.—*

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

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

1       *cal year, the Secretary shall reserve up to 0.75 per-*  
2       *cent, 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 the*  
10              *funds appropriated to carry out this title for each fis-*  
11              *cal year, the Secretary shall reserve such amount as*  
12              *may be necessary to make national grants to public*  
13              *or nonprofit national Indian aging organizations*  
14              *with the ability to provide authorized activities for el-*  
15              *igible individuals who are Indians and to national*  
16              *public or nonprofit Pacific Island and Asian Amer-*  
17              *ican aging organizations with the ability to provide*  
18              *authorized activities for eligible individuals who are*  
19              *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 grant*  
23              *to such State under subsection (e).*

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

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

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

7           “(A) *The Secretary shall reserve the amount*  
8           *of funds necessary to maintain the fiscal year*  
9           *2006 level of activities supported by grantees*  
10           *that operate under this title under national*  
11           *grants from the Secretary, and the fiscal year*  
12           *2006 level of activities supported by State grant-*  
13           *ees under this title, in proportion to their respec-*  
14           *tive 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 in*  
19           *subparagraph (A) shall be reduced proportion-*  
20           *ally.*

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 be*

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

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

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

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

4               “(2) *HOLD HARMLESS.*—*If the amount provided*  
5       *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 activi-*  
20       *ties for public and nonprofit private agency and*  
21       *organization grantees that operate under this*  
22       *title under national grants from the Secretary in*  
23       *all of the States.*

24               “(3) *REDUCTION.*—*Allotments for States not af-*  
25       *ected by paragraphs (1) and (2)(B) of this subsection*

1       *shall be reduced proportionally to satisfy the condi-*  
2       *tions 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 age*  
8       *or older in the State and the allotment percentage of such*  
9       *State bears to the sum of the corresponding product for all*  
10      *States, except as follows:*

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

15               “(2) *HOLD HARMLESS.*—*If the amount provided*  
16              *under subsection (c) is—*

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

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

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

5           “(3) *REDUCTION.*—*Allotments for States not af-*  
6           *ected by paragraphs (1) and (2)(B) of this subsection*  
7           *shall be reduced proportionally to satisfy the condi-*  
8           *tions in such paragraphs.*

9           “(f) *ALLOTMENT PERCENTAGE.*—*For purposes of sub-*  
10          *sections (d) and (e)—*

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

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

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

22           “(2) *the number of individuals 55 years of age*  
23          *or older in any State and in all States, and the per*  
24          *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; and*

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

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

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

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

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

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

23               *“(2) FISCAL YEAR 2006 LEVEL OF ACTIVITIES.—*  
24       *The term ‘fiscal year 2006 level of activities’ means—*

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

6           “(B) *with respect to State grantees, their*  
7           *level of activities for fiscal year 2006.*

8           “(3) *GRANTS TO STATES.*—*The term ‘grants to*  
9           *States’ means grants made under this title by the Sec-*  
10          *retary to the States.*

11          “(4) *LEVEL OF ACTIVITIES.*—*The term ‘level of*  
12          *activities’ means the number of authorized positions*  
13          *multiplied by the cost per authorized position.*

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

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

23          **“SEC. 507. EQUITABLE DISTRIBUTION.**

24          “(a) *INTERSTATE ALLOCATION.*—*In making grants*  
25          *under section 506, the Secretary shall ensure, to the extent*



1 gram for which Federal funds may be available or for any  
2 income determination under the Food Stamp Act of 1977.

3 **“SEC. 510. ELIGIBILITY FOR WORKFORCE INVESTMENT AC-**  
4 **TIVITIES.**

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

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

11 *“Assistance provided under this title shall not be con-*  
12 *sidered to be financial assistance described in section*  
13 *245A(h)(1)(A) of the Immigration and Nationality Act (8*  
14 *U.S.C. 1255A(h)(1)(A)).*

15 **“SEC. 512. COORDINATION WITH THE WORKFORCE INVEST-**  
16 **MENT ACT OF 1998.**

17 *“(a) PARTNERS.—Grantees under this title shall be*  
18 *One-Stop partners as described in subparagraphs (A) and*  
19 *(B)(vi) of section 121(b)(1) of the Workforce Investment Act*  
20 *of 1998 (29 U.S.C. 2841(b)(1)) in the One-Stop delivery*  
21 *system established under section 134(c) of such Act (29*  
22 *U.S.C. 2864(c)) for the appropriate local workforce invest-*  
23 *ment areas, and shall carry out the responsibilities relating*  
24 *to such partners.*

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

4               “(1) *coordinate their activities related to the*  
5 *One-Stop delivery system; and*

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

10 **“SEC. 513. PERFORMANCE.**

11       “(a) *MEASURES.*—

12               “(1) *ESTABLISHMENT OF MEASURES.*—*The Sec-*  
13 *retary shall establish, in consultation with grantees,*  
14 *subgrantees, and host agencies under this title, States,*  
15 *older individuals, area agencies on aging, and other*  
16 *organizations serving older individuals, performance*  
17 *measures for each grantee for projects and services*  
18 *carried out under this title.*

19               “(2) *CONTENT.*—

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

24                       “(i) *core indicators of performance*  
25 *specified in subsection (b)(1) and the ex-*

1            *pected levels of performance applicable to*  
2            *each core indicator of performance, and*

3            *“(ii) additional indicators of perform-*  
4            *ance specified in subsection (b)(2)*

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

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

21           *“(D) ADJUSTMENT.—The expected levels of*  
22           *performance described in subparagraph (C) ap-*  
23           *plicable to a grantee shall be adjusted after the*  
24           *agreement under subparagraph (C) has been*  
25           *reached only with respect to the following factors:*

1           “(i) *High rates of unemployment or of*  
2           *poverty or welfare participation, in the*  
3           *areas served by a grantee, relative to other*  
4           *areas of the State or Nation.*

5           “(ii) *Significant downturns in the*  
6           *areas served by the grantee or in the na-*  
7           *tional economy.*

8           “(iii) *Significant numbers or propor-*  
9           *tions of participants with 1 or more bar-*  
10          *riers to employment served by a grantee rel-*  
11          *ative to grantees serving other areas of the*  
12          *State or Nation.*

13          “(iv) *Changes in Federal, State, or*  
14          *local minimum wage requirements.*

15          “(E) *PLACEMENT.—*

16          “(i) *LEVEL OF PERFORMANCE.—For*  
17          *all grantees, the Secretary shall establish a*  
18          *level of performance of not less than the per-*  
19          *centage specified in clause (ii) (adjusted in*  
20          *accordance with subparagraph (D)) for the*  
21          *entry into unsubsidized employment core*  
22          *indicator of performance described in sub-*  
23          *section (b)(1)(A). If a grantee achieved a*  
24          *level of performance less than the percentage*  
25          *specified in such clause for the preceding*

1           *fiscal year for which results are available*  
2           *before the enactment of the Senior Inde-*  
3           *pendence Act of 2006, the Secretary shall*  
4           *provide technical assistance to assist such*  
5           *grantee to achieve the applicable percentage*  
6           *specified in such clause.*

7           “(i) *REQUIRED PLACEMENT PERCENT-*  
8           *AGES.—The minimum percentage for the*  
9           *entry into unsubsidized employment de-*  
10           *scribed in subsection (b)(1)(A) is—*

11                   “(I) *22 percent in fiscal year*  
12                   *2007;*

13                   “(II) *24 percent in fiscal year*  
14                   *2008;*

15                   “(III) *26 percent in fiscal year*  
16                   *2009;*

17                   “(IV) *28 percent in fiscal year*  
18                   *2010; and*

19                   “(V) *30 percent in fiscal year*  
20                   *2011.*

21           “(3) *PERFORMANCE EVALUATION OF GRANT-*  
22           *EES.—The Secretary shall annually establish na-*  
23           *tional performance measures for each grantee under*  
24           *this title, which shall be applicable to the grantee*  
25           *without regard to whether such grantee operates such*

1        *program directly or through contracts, grants, or*  
2        *agreements with other entities. The measures shall in-*  
3        *clude the core indicators of performance and expected*  
4        *level of performance for each such indicator, and the*  
5        *additional indicators of performance. In addition, the*  
6        *Secretary shall annually publish the actual perform-*  
7        *ance of each grantee with respect to—*

8                *“(A) the levels achieved for each of the core*  
9                *indicators of performance, compared to expected*  
10               *levels of performance under paragraph (2)(C)*  
11               *(including any adjustments to such levels made*  
12               *in accordance with to paragraph (2)(D)); and*

13               *“(B) the levels achieved for each of the addi-*  
14               *tional indicators of performance.*

15               *“(4) LIMITATION.—An agreement to be evaluated*  
16               *on the performance measures shall be a requirement*  
17               *for application for, and a condition of, all grants au-*  
18               *thorized by this title.*

19               *“(b) INDICATORS OF PERFORMANCE.—*

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

23                        *“(A) entry into unsubsidized employment;*

24                        *“(B) retention in unsubsidized employment*  
25                        *for 6 months;*

1           “(C) earnings; and

2           “(D) hours (in the aggregate) of community  
3           service employment-based training pursuant to  
4           subparagraphs (A) and (B)(I) of section  
5           502(b)(1); and

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

9           “(A) retention in unsubsidized employment  
10          for 1 year;

11          “(B) the number of eligible individuals  
12          served, including the number of participating in-  
13          dividuals described in section 516(2)(A)(ii), and

14          “(C) any other indicators of performance  
15          that the Secretary determines to be appropriate  
16          to evaluate services and performance.

17          “(c) *DEFINITIONS OF INDICATORS.*—*The Secretary,*  
18          *after consultation with national and State grantees, rep-*  
19          *resentatives of business and labor organizations, and pro-*  
20          *viders of services, shall issue rules that define the indicators*  
21          *of performance described in subsection (b).*

22          “(d) *CORRECTIVE EFFORTS.*—

23          “(1) *NATIONAL GRANTEES.*—

24          “(A) *IN GENERAL.*—*Not later than 120*  
25          *days after the end of each program year, the Sec-*

1            *retary shall determine if a national grantee*  
2            *awarded a grant under section 514 has met the*  
3            *expected levels of performance established under*  
4            *subsection (a)(2)(c) (including any adjustments*  
5            *to such levels made in accordance with to sub-*  
6            *section (a)(2)(D)) for the core indicators of per-*  
7            *formance described in subsection (b)(1).*

8            *“(B) TECHNICAL ASSISTANCE AND CORREC-*  
9            *TIVE ACTION PLAN.—*

10            *“(i) IN GENERAL.—If the Secretary de-*  
11            *termines that a grantee fails to meet the ex-*  
12            *pected levels of performance described in*  
13            *paragraph (1), the Secretary shall provide*  
14            *technical assistance and require such grant-*  
15            *ee to submit a corrective action plan not*  
16            *later than 160 days after the end of the pro-*  
17            *gram year.*

18            *“(ii) CONTENT.—The plan submitted*  
19            *under subparagraph (A) shall detail the*  
20            *steps the grantee will take to meet the na-*  
21            *tional performance measures in the next*  
22            *program year.*

23            *“(2) STATE GRANTEES.—*

24            *“(A) IN GENERAL.—Not later than 120*  
25            *days after the end of the program year, the Sec-*

1            *retary shall determine if a State grantee allotted*  
2            *funds under section 506(e) has met the expected*  
3            *levels of performance established under subsection*  
4            *(a)(2)(C) (including any adjustments to such*  
5            *levels made in accordance with to subsection*  
6            *(a)(2)(D)) for the core indicators of performance*  
7            *described in subsection (b)(1).*

8            *“(B) TECHNICAL ASSISTANCE AND CORREC-*  
9            *TIVE ACTION PLAN.—If a State fails to meet the*  
10           *levels of performance described in subparagraph*  
11           *(A), the Secretary shall provide technical assist-*  
12           *ance and require the State to submit a corrective*  
13           *action plan not later than 160 days after the end*  
14           *of the program year.*

15           *“(C) CONTENT.—The plan described in sub-*  
16           *paragraph (B) shall detail the steps the State*  
17           *will take to meet the standards.*

18           *“(D) FAILURE TO MEET PERFORMANCE*  
19           *MEASURES FOR SECOND AND THIRD YEARS.—*

20           *“(i) AFTER SECOND YEAR OF FAIL-*  
21           *URE.—If a State fails to meet the levels of*  
22           *performance described in subparagraph (A)*  
23           *for a second consecutive program year, the*  
24           *Secretary shall provide for the conduct by*  
25           *the State of a competition to award, for the*

1           *first full program year following the deter-*  
2           *mination (minimizing, to the extent pos-*  
3           *sible, the disruption of services provided to*  
4           *participants), an amount equal to 25 per-*  
5           *cent of the funds available to the State for*  
6           *such year.*

7           “(i) *AFTER THIRD YEAR OF FAIL-*  
8           *URE.—If the State fails to meet the levels of*  
9           *performance described in subparagraph (A)*  
10          *for a third consecutive program year, the*  
11          *Secretary shall provide for the conduct by*  
12          *the State of a competition to award the*  
13          *funds allocated to the State for the first full*  
14          *program year following the Secretary’s de-*  
15          *termination that the State has not met the*  
16          *performance measures.*

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

19           “(a) *PROGRAM AUTHORIZED.—From the funds avail-*  
20          *able for national grants under section 506(d), the Secretary*  
21          *shall award grants to eligible applicants to carry out*  
22          *projects under this title through a competitive process that*  
23          *is conducted every 3 years.*

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

4       “(c) *CRITERIA.*—The Secretary shall select the eligible  
5 applicants to receive grants under subsection (a) based on  
6 the following:

7               “(1) *The applicant’s ability to administer a pro-*  
8 *gram that serves the greatest number of eligible indi-*  
9 *viduals, giving particular consideration to individ-*  
10 *uals with greatest economic need, greatest social need,*  
11 *poor employment history or prospects, and over the*  
12 *age of 65.*

13               “(2) *The applicant’s ability to administer a pro-*  
14 *gram that provides employment for eligible individ-*  
15 *uals in the communities in which such individuals re-*  
16 *side, or in nearby communities, that will contribute*  
17 *to the general welfare of the community.*

18               “(3) *The applicant’s ability to administer a pro-*  
19 *gram that moves eligible individuals into unsub-*  
20 *sidized employment.*

21               “(4) *The applicant’s prior performance, if any,*  
22 *in meeting performance measures under this title and*  
23 *under other Federal or State programs.*

1           “(5) *The applicant’s ability to move individuals*  
2 *with multiple barriers to employment into unsub-*  
3 *sidized employment.*

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

6           “(7) *The applicant’s plan for fiscal management*  
7 *of the program to be administered with funds received*  
8 *under this section.*

9           “(8) *Any additional criteria that the Secretary*  
10 *considers to be appropriate in order to minimize dis-*  
11 *ruption for current participants.*

12       “(d) *RESPONSIBILITY TESTS.—*

13           “(1) *IN GENERAL.—Before final selection of a*  
14 *grantee, the Secretary shall conduct a review of avail-*  
15 *able records to assess the applicant’s overall responsi-*  
16 *bility to administer Federal funds.*

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

21           “(3) *FAILURE TO SATISFY TEST.—The failure to*  
22 *satisfy any 1 responsibility test that is listed in para-*  
23 *graph (4), excluding those listed in subparagraphs*  
24 *(A) and (B), does not establish that the organization*

1        *is not responsible unless such failure is substantial or*  
2        *persists for 2 or more consecutive years.*

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

5                        *“(A) Unsuccessful efforts by the organiza-*  
6        *tion to recover debts, after 3 demand letters have*  
7        *been sent, that are established by final agency*  
8        *action, or a failure to comply with an approved*  
9        *repayment plan.*

10                      *“(B) Established fraud or criminal activity*  
11        *of a significant nature within the organization.*

12                      *“(C) Serious administrative deficiencies*  
13        *identified by the Secretary, such as failure to*  
14        *maintain a financial management system as re-*  
15        *quired by Federal rules or regulations.*

16                      *“(D) Willful obstruction of the audit proc-*  
17        *ess.*

18                      *“(E) Failure to provide services to appli-*  
19        *cants as agreed to in a current or recent grant*  
20        *or to meet applicable performance measures.*

21                      *“(F) Failure to correct deficiencies brought*  
22        *to the grantee’s attention in writing as a result*  
23        *of monitoring activities, reviews, assessments, or*  
24        *other activities.*

1           “(G) *Failure to return a grant closeout*  
2 *package or outstanding advances within 90 days*  
3 *of the grant expiration date or receipt of closeout*  
4 *package, whichever is later, unless an extension*  
5 *has been requested and granted.*

6           “(H) *Failure to submit required reports.*

7           “(I) *Failure to properly report and dispose*  
8 *of Government property as instructed by the Sec-*  
9 *retary.*

10          “(J) *Failure to have maintained effective*  
11 *cash management or cost controls resulting in*  
12 *excess cash on hand.*

13          “(K) *Failure to ensure that a subrecipient*  
14 *complies with its Office of Management and*  
15 *Budget Circular A-133 audit requirements speci-*  
16 *fied at section 667.200(b) of title 20, Code of*  
17 *Federal Regulations.*

18          “(L) *Failure to audit a subrecipient within*  
19 *the required period.*

20          “(M) *Final disallowed costs in excess of 5*  
21 *percent of the grant or contract award if, in the*  
22 *judgment of the grant officer, the disallowances*  
23 *are egregious findings.*

1           “(N) *Failure to establish a mechanism to*  
2           *resolve a subrecipient’s audit in a timely fash-*  
3           *ion.*

4           “(5) *DETERMINATION.—Applicants that are de-*  
5           *termined to be not responsible shall not be selected as*  
6           *grantees.*

7           “(6) *DISALLOWED COSTS.—Interest on dis-*  
8           *allowed costs shall accrue in accordance with the Debt*  
9           *Collection Improvement Act of 1996.*

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

11           “(a) *There is authorized to be appropriated to carry*  
12           *out this title such sums as may be necessary for fiscal years*  
13           *2007, 2008, 2009, 2010, and 2011.*

14           “(b) *Amounts appropriated under this section for any*  
15           *fiscal year shall be available for obligation during the an-*  
16           *nual period that begins on July 1 of the calendar year im-*  
17           *mediately following the beginning of such fiscal year and*  
18           *that ends on June 30 of the following calendar year. The*  
19           *Secretary may extend the period during which such*  
20           *amounts may be obligated or expended in the case of a par-*  
21           *ticular organization or agency that receives funds under*  
22           *this title if the Secretary determines that such extension is*  
23           *necessary to ensure the effective use of such funds by such*  
24           *organization or agency.*

1       “(c) *At the end of the program year, the Secretary may*  
2 *recapture any unexpended funds for the program year, and*  
3 *reobligate such funds within the 2 succeeding program years*  
4 *for—*

5               “(1) *technical assistance; or*

6               “(2) *grants or contracts for any other program*  
7 *under this title.*

8 **“SEC. 516. DEFINITIONS.**

9       *“For purposes of this title:*

10               “(1) *COMMUNITY SERVICE EMPLOYMENT-BASED*  
11 *TRAINING.—The term ‘community service employ-*  
12 *ment-based training’ means work experience that is*  
13 *related to providing social, health, welfare, and edu-*  
14 *cational services (including literacy tutoring), legal*  
15 *and other counseling services and assistance, includ-*  
16 *ing tax counseling and assistance and financial coun-*  
17 *seling, and library, recreational, and other similar*  
18 *services; conservation, maintenance, or restoration of*  
19 *natural resources; community betterment or beautifi-*  
20 *cation; antipollution and environmental quality ef-*  
21 *forts; weatherization activities; economic development;*  
22 *and such other services essential and necessary to the*  
23 *community as the Secretary determines by rule.*

24               “(2) *ELIGIBLE INDIVIDUAL.—The term ‘eligible*  
25 *individual’ means an individual who is 55 years of*

1     *age or older and who has a low income (including*  
2     *any such individual whose income is not more than*  
3     *125 percent of the poverty line), excluding any in-*  
4     *come that is unemployment compensation, benefits re-*  
5     *ceived under title XVI of the Social Security Act, vet-*  
6     *erans payments, or 25 percent of the benefits received*  
7     *under title II of the Social Security Act, but—*

8             *“(A) pursuant to regulations prescribed by*  
9             *the Secretary, any such individual who meets*  
10            *one or more of the following criteria shall have*  
11            *priority for the work opportunities provided*  
12            *under this title—*

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

14                    *“(ii) has one or more of the following*  
15                    *barriers to employment:*

16                            *“(I) has a disability;*

17                            *“(II) has limited English pro-*  
18                            *ficiency or low literacy skills;*

19                            *“(III) resides in a rural area;*

20                            *“(IV) is a veteran;*

21                            *“(V) has low employment pros-*  
22                            *pects; or*

23                            *“(VI) has failed to find employ-*  
24                            *ment after utilizing services provided*

1                   *under title I of the Workforce Invest-*  
2                   *ment Act of 1998; and*

3                   “(B) *notwithstanding any other provision*  
4                   *of this paragraph, excludes—*

5                   “(i) *an individual who has partici-*  
6                   *ipated in projects under this title for a pe-*  
7                   *riod of 48 months in the aggregate (whether*  
8                   *or not consecutive) after the date of the en-*  
9                   *actment of the Senior Independence Act of*  
10                  *2006; and*

11                  “(ii) *an individual who has partici-*  
12                  *ipated in projects under this title for a pe-*  
13                  *riod of 24 months in the aggregate (whether*  
14                  *or not consecutive) after the date of the en-*  
15                  *actment of the Senior Independence Act of*  
16                  *2006 if such individual participated more*  
17                  *than 24 months in the aggregate (whether*  
18                  *or not consecutive) under title V of this Act,*  
19                  *as in effect before the date of the enactment*  
20                  *of the Senior Independence Act of 2006.*

21                  “(3) *LOW INCOME.—The term ‘low income’*  
22                  *means income received during the 12-month period*  
23                  *(or, at the option of the grantee involved, the 6-month*  
24                  *period that is not multiplied) ending on the date an*  
25                  *eligible individual submits an application to partici-*

1        *pate in the project carried out under this title by such*  
2        *grantee.*

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

8            “(5) *PROGRAM.*—*The term ‘program’ means the*  
9        *older American community service employment-based*  
10       *training program established under this title.*

11           “(6) *SUPPORTIVE SERVICES.*—*The term ‘sup-*  
12       *portive services’ means services such as transpor-*  
13       *tation, child care, dependent care, housing, and needs-*  
14       *related payments, that are necessary to enable an in-*  
15       *dividual to participate in activities authorized under*  
16       *this title, consistent with the provisions of this title.*

17           “(7) *UNEMPLOYED INDIVIDUAL.*—*The term ‘un-*  
18       *employed individual’ means an individual who is*  
19       *without a job and who wants and is available for*  
20       *work, including an individual who may have occa-*  
21       *sional employment that does not result in a constant*  
22       *source of income.”.*

1 **SEC. 39. 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. 40. 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. 41. NATIVE AMERICAN ORGANIZATION PROVISIONS.**

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

15 **SEC. 42. ELDER ABUSE, NEGLECT, AND EXPLOITATION PRE-**  
16 **VENTION.**

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 outreach*  
22 *to promote financial literacy and prevent identity*  
23 *theft and financial exploitation of older individuals;”;*  
24 *and*

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

1 **SEC. 43. TECHNICAL AMENDMENTS.**

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

4               *(1) in section 202(e)(1)(A) by striking the semi-*  
5 *colon at the end and inserting a period, and*

6               *(2) by inserting before section 401 the following:*

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

Union Calendar No. 275

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

**H. R. 5293**

[Report No. 109-493]

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## **A BILL**

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

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JUNE 8, 2006

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed