

109TH CONGRESS
2^D SESSION

S. 3570

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

IN THE SENATE OF THE UNITED STATES

JUNE 27, 2006

Mr. ENZI (for himself, Mr. KENNEDY, Mr. DEWINE, and Ms. MIKULSKI) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Older Americans Act
5 Amendments of 2006”.

6 **SEC. 2. DEFINITIONS.**

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

9 (1) in paragraph (12)(D), to read as follows:

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

10 (2) by striking paragraph (24) and inserting
11 the following:

12 “(24) The term ‘exploitation’ means the fraudu-
13 lent or otherwise illegal, unauthorized, or improper
14 act or process of an individual, including a caregiver
15 or fiduciary (as such terms are defined in section
16 751), that uses the resources of an older individual
17 for monetary or personal benefit, profit, or gain, or
18 that results in depriving an older individual of right-
19 ful access to, or use of, benefits, resources, belong-
20 ings, or assets.”;

21 (3) in paragraph (29)(E)—

22 (A) in clause (i), by striking “and” at the
23 end;

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

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

2 “(iii) older individuals at risk for in-
3 stitutional placement.”;

4 (4) in paragraph (32)(D), by inserting “, in-
5 cluding an assisted living facility,” after “home”;

6 (5) by striking paragraph (34) and inserting
7 the following:

8 “(5)(A) The term ‘neglect’ means—

9 “(i) the failure of a caregiver or fiduciary
10 (as such terms are defined in section 751) to
11 provide the goods or services that are necessary
12 to maintain the health or safety of an older in-
13 dividual; or

14 “(ii) self-neglect.

15 “(B) The term ‘self-neglect’ means an adult’s
16 inability, due to physical or mental impairment or
17 diminished capacity, to perform essential self-care
18 tasks including—

19 “(i) obtaining essential food, clothing, shel-
20 ter, and medical care;

21 “(ii) obtaining goods and services nec-
22 essary to maintain physical health, mental
23 health, or general safety; or

24 “(iii) managing one’s own financial af-
25 fairs.”; and

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

2 “(44) The term ‘Aging and Disability Resource
3 Center’ means a center established by a State as
4 part of the State’s system of long-term care, to pro-
5 vide a coordinated system for providing—

6 “(A) comprehensive information on avail-
7 able public and private long-term care pro-
8 grams, options, and resources;

9 “(B) personal counseling to assist individ-
10 uals in assessing their existing or anticipated
11 long-term care needs, and developing and imple-
12 menting a plan for long-term care designed to
13 meet their specific needs and circumstances;
14 and

15 “(C) consumer access to the range of pub-
16 licly-supported long-term care programs for
17 which consumers may be eligible, by serving as
18 a convenient point of entry for such programs.

19 “(45) The term ‘at risk for institutional place-
20 ment’ means, with respect to an older individual,
21 that such individual is unable to perform at least
22 two activities of daily living without substantial as-
23 sistance (including verbal reminding, physical cuing,
24 or supervision), including such an older individual

1 that is determined by the State involved to be in
2 need of placement in a long-term care facility.

3 “(46) The term ‘Hispanic-serving institution’
4 has the meaning given the term in section 502 of the
5 Higher Education Act of 1965 (20 U.S.C. 1101a).

6 “(47) The term ‘long-term care’ means any
7 services, care, or items (including assistive devices)
8 that are—

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

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

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

22 “(48) The term ‘self-directed care’ means an
23 approach to providing services (including programs,
24 benefits, supports, and technology) under this Act

1 intended to assist an older individual with activities
2 of daily living, in which—

3 “(A) such services (including the amount,
4 duration, scope, provider, and location of such
5 services) are planned, budgeted, and purchased
6 under the direction and control of such indi-
7 vidual;

8 “(B) such individual is provided with such
9 information and assistance as is necessary and
10 appropriate to enable such individual to make
11 informed decisions about the individual’s service
12 options;

13 “(C) the needs, capabilities, and pref-
14 erences of such individual with respect to such
15 services, and such individual’s ability to direct
16 and control the individual’s receipt of such serv-
17 ices, are assessed by the area agency on aging
18 involved or the local provider agency;

19 “(D) based on the assessment made under
20 subparagraph (C), upon request, the area agen-
21 cy on aging assists such individual and the indi-
22 vidual’s family, caregiver, or legal representa-
23 tive in developing—

1 “(i) a plan of services for such indi-
2 vidual that specifies which services such in-
3 dividual will be responsible for directing;

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

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

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

15 “(49) The term ‘State system of long-term
16 care’ means the Federal, State, and local programs
17 and activities administered by a State that provide,
18 support, or facilitate access to long-term care to in-
19 dividuals in such State.”.

20 **SEC. 3. OFFICE OF ELDER ABUSE PREVENTION AND SERV-**
21 **ICES.**

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

1 “(e)(1) In this subsection, the terms defined in sec-
2 tion 751 shall have the meanings given those terms in that
3 section.

4 “(2) The Secretary is authorized to establish or des-
5 ignate within the Administration (as defined in section
6 102) an Office of Elder Abuse Prevention and Services.

7 “(3) It shall be the duty of the Assistant Secretary,
8 acting through the head of the Office of Elder Abuse Pre-
9 vention and Services to—

10 “(A) develop objectives, priorities, policy, and a
11 long-term plan for—

12 “(i) carrying out elder justice programs
13 and activities relating to—

14 “(I) elder abuse prevention, detection,
15 treatment, and intervention, and response;

16 “(II) training of individuals regarding
17 the matters described in subclause (I); and

18 “(III) the improvement of the elder
19 justice system in the United States;

20 “(ii) annually collecting, maintaining, and
21 disseminating data relating to the abuse, ne-
22 glect, and exploitation of elders (and, in the dis-
23 cretion of the Secretary, vulnerable adults), in-
24 cluding collecting, maintaining, and dissemi-
25 nating such data under section 753 after con-

1 sultation with the Attorney General and work-
2 ing with experts from the Department of Jus-
3 tice described in section 753(b)(1);

4 “(iii) disseminating information concerning
5 best practices regarding, and providing training
6 on, carrying out activities related to abuse, ne-
7 glect, and exploitation of elders (and, in the dis-
8 cretion of the Secretary, vulnerable adults);

9 “(iv) in conjunction with the necessary ex-
10 perts, conducting research related to abuse, ne-
11 glect, and exploitation of elders (and, in the dis-
12 cretion of the Secretary, vulnerable adults);

13 “(v) providing technical assistance to
14 States and other eligible entities that provide or
15 fund the provision of the services described in
16 subtitle B of title VII; and

17 “(vi) carrying out a study to determine the
18 national incidence and prevalence of elder
19 abuse, neglect, and exploitation in all settings;

20 “(B) implement the overall policy and a strat-
21 egy to carry out the plan described in subparagraph
22 (A); and

23 “(C) provide advice to the Secretary on elder
24 justice issues and administer such programs relating

1 to elder abuse, neglect, and exploitation as the Sec-
 2 retary determines to be appropriate.

3 “(4) The Secretary, acting through the Assistant Sec-
 4 retary, may issue such regulations as may be necessary
 5 to carry out this subsection and subtitle B of title VII.”.

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

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

9 (1) in subsection (a)—

10 (A) in paragraph (12)—

11 (i) by striking “carry on” and insert-
 12 ing the following:

13 “(B) carry on”; and

14 (ii) by striking “(12)” and inserting
 15 the following:

16 “(12)(A) consult and coordinate activities with
 17 the Administrator of the Centers for Medicare &
 18 Medicaid Services to implement and build awareness
 19 of programs providing new benefits affecting older
 20 individuals; and”;

21 (B) by striking paragraph (20) and insert-
 22 ing the following:

23 “(20)(A) provide technical assistance and sup-
 24 port for outreach and benefits enrollment assistance
 25 to support efforts—

1 “(i) to inform older individuals with great-
2 est economic need, who may be eligible to par-
3 ticipate, but who are not participating, in Fed-
4 eral and State programs for which the individ-
5 uals are eligible, about the programs; and

6 “(ii) to enroll the individuals in the pro-
7 grams;

8 “(B) in cooperation with related Federal agency
9 partners administering the Federal programs, make
10 a grant to or enter into a contract with a qualified,
11 experienced entity to establish a National Center on
12 Senior Benefits Outreach and Enrollment, which
13 shall—

14 “(i) maintain and update web-based deci-
15 sion support and enrollment tools, and inte-
16 grated, person-centered systems, designed to in-
17 form older individuals about the full range of
18 benefits for which the individuals may be eligi-
19 ble under Federal and State programs;

20 “(ii) utilize cost-effective strategies to find
21 older individuals with greatest economic need
22 and enroll the individuals in the programs;

23 “(iii) create and support efforts for Aging
24 and Disability Resource Centers, and other
25 public and private State and community-based

1 organizations, including faith-based organiza-
2 tions and coalitions, to serve as benefits enroll-
3 ment centers for the programs;

4 “(iv) develop and maintain an information
5 clearinghouse on best practices and the most
6 cost-effective methods for finding and enrolling
7 older individuals with greatest economic need in
8 the programs; and

9 “(v) provide, in collaboration with related
10 Federal agency partners administering the Fed-
11 eral programs, training and technical assistance
12 on the most effective outreach, screening, en-
13 rollment, and follow-up strategies for the Fed-
14 eral and State programs.”;

15 (C) in paragraph (26)(D)—

16 (i) by striking “gaps in”;

17 (ii) by inserting “(including services
18 that would permit such individuals to re-
19 ceive long-term care in home and commu-
20 nity-based settings)” after “individuals”;
21 and

22 (iii) by striking “and” at the end;

23 (D) in paragraph (27), by striking the pe-
24 riod at the end and inserting “; and”;

25 (E) 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 subsection (b) and inserting the
6 following:

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

14 “(1) collaborate, coordinate, and consult with
15 other Federal agencies and departments (other than
16 the Administration on Aging) responsible for formu-
17 lating and implementing programs, benefits, and
18 services related to providing long-term care, and
19 may make grants, contracts, and cooperative agree-
20 ments with funds received from those other Federal
21 agencies and departments;

22 “(2) conduct research and demonstration
23 projects to identify innovative, cost-effective strate-
24 gies for modifying State systems of long-term care
25 to—

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

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

7 “(C) establish criteria for and promote the
8 implementation (through area agencies on
9 aging, service providers, and such other entities
10 as the Assistant Secretary determines to be ap-
11 propriate) of evidence-based programs to assist
12 older individuals and their family caregivers in
13 learning about and making behavioral changes
14 intended to reduce the risk of injury, disease,
15 and disability among older individuals;

16 “(3) facilitate, in coordination with the Admin-
17 istrator of the Centers for Medicare & Medicaid
18 Services, including the provision of such care
19 through self-directed care models that—

20 “(A) provide for the assessment of the
21 needs and preferences of an individual at risk
22 for institutional placement to help such indi-
23 vidual avoid unnecessary institutional placement
24 and depletion of income and assets to qualify
25 for benefits under the Medicaid program under

1 title XIX of the Social Security Act (42 U.S.C.
2 1396 et seq.);

3 “(B) respond to the needs and preferences
4 of such individual and provide the option—

5 “(i) for the individual to direct and
6 control the receipt of supportive services
7 provided; or

8 “(ii) as appropriate, for a person who
9 was appointed by the individual, or is le-
10 gally acting on the individual’s behalf, in
11 order to represent or advise the individual
12 in financial or service coordination matters
13 (referred to in this paragraph as a ‘rep-
14 resentative’ of the individual), to direct
15 and control the receipt of those services;
16 and

17 “(C) assist an older individual (or, as ap-
18 propriate, a representative of the individual) to
19 develop a plan for long-term support, including
20 selecting, budgeting for, and purchasing home
21 and community-based long-term care and sup-
22 portive services;

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

1 “(A) directing (as the Secretary or the
2 President determines to be appropriate) or oth-
3 erwise participating in departmental and inter-
4 departmental activities concerning long-term
5 care; and

6 “(B) reviewing and commenting on depart-
7 mental rules, regulations, and policies related to
8 providing long-term care; and

9 “(C) making recommendations to the Sec-
10 retary with respect to home and community-
11 based long-term care, including recommenda-
12 tions based on findings made through projects
13 conducted under paragraph (2);

14 “(5) promote, in coordination with other appro-
15 priate Federal agencies—

16 “(A) enhanced awareness by the public of
17 the importance of planning in advance for long-
18 term care; and

19 “(B) the availability of information and re-
20 sources to assist in such planning;

21 “(6) establish, either directly or through grants
22 or contracts, a national technical assistance program
23 to assist State agencies, area agencies on aging, and
24 community-based service providers funded under this
25 Act in implementing home and community-based

1 long-term care systems, including evidence-based
2 programs;

3 “(7) develop, in collaboration with the Adminis-
4 trator of the Centers for Medicare & Medicaid Serv-
5 ices, performance standards and measures for use by
6 States to determine the extent to which their sys-
7 tems of long-term care fulfill the objectives described
8 in this subsection; and

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

11 “(c) The Assistant Secretary, after consultation with
12 the Chief Executive Officer of the Corporation for Na-
13 tional and Community Service, shall—

14 “(1) encourage and permit volunteer groups
15 (including organizations carrying out national serv-
16 ice programs and including organizations of youth in
17 secondary or postsecondary school) that are active in
18 supportive services and civic engagement to partici-
19 pate and be involved individually or through rep-
20 resentative groups in supportive service and civic en-
21 gagement programs or activities to the maximum ex-
22 tent feasible;

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

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

3 **SEC. 5. FEDERAL AGENCY CONSULTATION.**

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

6 (1) in subsection (a)(3)(A)—

7 (A) by striking “(with particular attention
8 to low-income minority older individuals and
9 older individuals residing in rural areas)” and
10 inserting “(with particular attention to low-in-
11 come older individuals, including low-income
12 minority older individuals, older individuals
13 with limited English proficiency, and older indi-
14 viduals residing in rural areas)”; and

15 (B) by striking “section 507” and insert-
16 ing “section 516”;

17 (2) in subsection (b), by adding at the end the
18 following:

19 “(19) Sections 4 and 5 of the Assistive Tech-
20 nology Act of 1998 (29 U.S.C. 3003, 3004).”; and

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

22 “(c)(1) The Secretary, in collaboration with the Sec-
23 retary of Housing and Urban Development and with the
24 other Federal officials specified in paragraph (2), shall es-
25 tablish an interagency coordinating committee (referred to

1 in this subsection as the ‘Committee’) focusing on the co-
2 ordination of agencies with respect to aging issues, par-
3 ticularly issues related to demographic changes and hous-
4 ing needs among older individuals.

5 “(2) The officials referred to in paragraph (1) are
6 the Secretary of Labor, the Secretary of Housing and
7 Urban Development, the Attorney General, the Secretary
8 of Transportation, the Secretary of the Treasury, the Sec-
9 retary of Agriculture, the Commissioner of Social Secu-
10 rity, the Surgeon General, the Administrator of the Cen-
11 ters for Medicare & Medicaid Services, the Director of the
12 Centers for Disease Control and Prevention, the Director
13 of the National Institutes of Health, the Assistant Sec-
14 retary for Children and Families, the Administrator of the
15 National Highway Traffic Safety Administration, and
16 such other Federal officials as the Secretary of Health and
17 Human Services determines to be appropriate.

18 “(3) The Secretary of Health and Human Services
19 shall serve as the first chairperson of the Committee, for
20 an initial period of 2 years. After that initial period, the
21 Secretary of Housing and Urban Development and the
22 Secretary of Health and Human Services shall alternate
23 as chairpersons of the Committee, each serving as chair-
24 person for a period of 2 years.

25 “(4) The Committee shall—

1 “(A) review all Federal programs and services
2 that assist older individuals in finding and affording
3 housing, health care, and other services, including
4 those Federal programs and services that assist
5 older individuals in accessing health care, transpor-
6 tation, supportive services, and assistance with daily
7 activities, at the place or close to the place where the
8 older individuals live;

9 “(B) monitor, evaluate, and recommend im-
10 provements in programs and services administered,
11 funded, or financed by Federal, State, and local
12 agencies to assist older individuals in meeting their
13 housing, health care, and other service needs and
14 make any recommendations about how the agencies
15 can better carry out and provide the programs and
16 services to house and serve older individuals;

17 “(C) recommend ways to—

18 “(i) facilitate aging in place of older indi-
19 viduals, by identifying and making available the
20 programs and services necessary to enable older
21 individuals to remain in their homes as the in-
22 dividuals age;

23 “(ii) reduce duplication by Federal agen-
24 cies of programs and services to assist older in-

1 individuals in meeting their housing, health care,
2 and other service needs;

3 “(iii) ensure collaboration among and with-
4 in agencies in providing and making available
5 the programs and services so that older individ-
6 uals are able to easily access needed programs
7 and services;

8 “(iv) work with States to better provide
9 housing, health care, and other services to older
10 individuals by—

11 “(I) holding individual meetings with
12 State representatives;

13 “(II) providing ongoing technical as-
14 sistance to States about better meeting the
15 needs of older individuals; and

16 “(III) working with States to des-
17 ignate State liaisons for the Committee;

18 “(v) identify model programs and services
19 to assist older individuals in meeting their hous-
20 ing, health care, and other service needs, in-
21 cluding model—

22 “(I) programs linking housing, health
23 care, and other services;

1 “(II) financing products offered by
2 government, quasi-government, and private
3 sector entities; and

4 “(III) innovations in technology appli-
5 cations that give older individuals access to
6 information on available services or that
7 help in providing services to older individ-
8 uals;

9 “(vi) collect and disseminate information
10 about older individuals and the programs and
11 services available to the individuals to ensure
12 that the individuals can access comprehensive
13 information; and

14 “(vii) work with the Federal Interagency
15 Forum on Aging-Related Statistics, the Bureau
16 of the Census, and member agencies—

17 “(I) to collect and maintain data re-
18 lating to the housing, health care, and
19 other service needs of older individuals so
20 that all such data can be accessed in one
21 place on a designated website; and

22 “(II) to identify and address unmet
23 data needs;

24 “(D) make recommendations to guide policy
25 and program development across Federal agencies

1 with respect to demographic changes among older
2 individuals; and

3 “(E) actively seek input from and consult with
4 all appropriate and interested parties, including pub-
5 lic health interest and research groups and founda-
6 tions about the activities described in subparagraphs
7 (A) through (D).

8 “(5) Each year, the Committee shall prepare and
9 submit to the President, the Committee on Financial Serv-
10 ices of the House of Representatives, the Committee on
11 Education and the Workforce of the House of Representa-
12 tives, the Committee on Banking, Housing, and Urban Af-
13 fairs of the Senate, the Committee on Health, Education,
14 Labor, and Pensions of the Senate, and the Special Com-
15 mittee on Aging of the Senate, a report that—

16 “(A) describes the activities and accomplish-
17 ments of the Committee in working with Federal,
18 State, and local governments, and private organiza-
19 tions, in coordinating programs and services to meet
20 the requirements of paragraph (4);

21 “(B) assesses the level of Federal assistance re-
22 quired to meet the needs described in paragraph (4);

23 “(C) incorporates an analysis from the head of
24 each agency that is a member of the interagency co-
25 ordinating committee established under paragraph

1 (1) that describes the barriers and impediments, in-
2 cluding barriers and impediments in statutory and
3 regulatory law, to the access and use by older indi-
4 viduals of programs and services administered by
5 such agency; and

6 “(D) makes recommendations for appropriate
7 legislative and administrative actions to meet the
8 needs described in paragraph (4) and for coordi-
9 nating programs and services designed to meet those
10 needs.

11 “(6)(A) The Secretary of Health and Human Serv-
12 ices, after consultation with the Secretary of Housing and
13 Urban Development, shall appoint an executive director
14 of the Committee.

15 “(B) On the request of the Committee, any Federal
16 Government employee may be detailed to the Committee
17 without reimbursement, and such detail shall be without
18 interruption or loss of civil service status or privilege.”.

19 **SEC. 6. ADMINISTRATION.**

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

22 (1) in subsection (a)—

23 (A) in paragraph (1)—

24 (i) in subparagraph (C), by adding

25 “and” at the end;

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

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

7 (i) in subparagraph (A)—

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

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

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

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

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

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

5 “(viii) disseminating guidance that describes
6 strategies for improving the nutritional quality of
7 meals provided under title III; and

8 “(ix) providing technical assistance to the re-
9 gional offices of the Administration with respect to
10 each duty described in clauses (i) through (viii).”;
11 and

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

14 “(i) have expertise in nutrition and meal plan-
15 ning; and”.

16 **SEC. 7. EVALUATION.**

17 Section 206(g) of the Older Americans Act of 1965
18 (42 U.S.C. 3017(g)) is amended by striking the first sen-
19 tence and inserting the following: “From the total amount
20 appropriated for each fiscal year to carry out title III, the
21 Secretary may use such sums as may be necessary, but
22 not more than ½ of 1 percent of such amount, for pur-
23 poses of conducting evaluations under this section, either
24 directly or by grant or contract.”.

1 **SEC. 8. REPORTS.**

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

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

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

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

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

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

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

22 “(1) with a profitmaking organization;

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

1 relationship for the benefit of older individuals or
2 their family caregivers, whether such contract or re-
3 lationship is carried out to implement a provision of
4 this Act or to conduct activities inherently associated
5 with implementing such provision; or

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

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

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

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

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

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

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

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

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

14 “The Assistant Secretary, in consultation with the
 15 Secretary of Agriculture, shall conduct outreach and pro-
 16 vide technical assistance to agencies and organizations
 17 that serve older individuals to assist such agencies and or-
 18 ganizations to carry out integrated health promotion and
 19 disease prevention programs that—

20 “(1) are designed for older individuals; and

21 “(2) include—

22 “(A) nutrition education;

23 “(B) physical activity; and

24 “(C) other activities to modify behavior
 25 and to improve health literacy, including pro-

1 viding information on optimal nutrient intake,
2 through education and counseling in accordance
3 with section 339(2)(J).”.

4 **SEC. 11. PENSION COUNSELING AND INFORMATION PRO-**
5 **GRAMS.**

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

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

12 (2) in subsection (f), by amending paragraph
13 (2) to read as follows:

14 “(2) The ability of the entity to perform effec-
15 tive outreach to affected populations, particularly
16 populations with limited English proficiency and
17 other populations that are identified as in need of
18 special outreach.”; and

19 (3) in subsection (h)(2), by inserting “(includ-
20 ing individuals with limited English proficiency)”
21 after “individuals”.

22 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

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

1 (1) in subsection (a) by striking “2001, 2002,
2 2003, 2004, and 2005” and inserting “2007, 2008,
3 2009, 2010, and 2011.”; and

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

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

8 Section 301(a)(2) of the Older Americans Act of
9 1965 (42 U.S.C. 3021(a)(2)) is amended—

10 (1) in subparagraph (D), by striking “and” at
11 the end;

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

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

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

21 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS; USES OF**
22 **FUNDS.**

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

1 (1) in subsections (a)(1), (b), and (d), by strik-
2 ing “year 2001” and all that follows through
3 “years” each place it appears, and inserting “years
4 2007, 2008, 2009, 2010, and 2011”; and

5 (2) in subsection (e)—

6 (A) in paragraph (1) by striking
7 “\$125,000,000” and all that follows and insert-
8 ing “\$160,000,000 for fiscal year 2007.”; and

9 (B) in paragraph (2), by striking “such
10 sums” and all that follows and inserting
11 “\$170,000,000 for fiscal year 2008,
12 \$180,000,000 for fiscal year 2009,
13 \$190,000,000 for fiscal year 2010, and
14 \$200,000,000 for fiscal year 2011.”.

15 **SEC. 15. ALLOTMENTS.**

16 Section 304(d)(1)(A) of the Older Americans Act of
17 1965 (42 U.S.C. 3024(d)(1)(A)) is amended to read as
18 follows:

19 “(A)(i) such amount as the State agency
20 determines, but not more than 10 percent
21 thereof, shall be available for paying such per-
22 centage as the agency determines, but not more
23 than 75 percent, of the cost of administration
24 of area plans; and

1 “(ii) in addition to that amount, for any
2 fiscal year among fiscal years 2007 through
3 2011 for which the amount appropriated under
4 subsections (a) through (d) of section 303 is
5 not less than 110 percent of that appropriated
6 amount for fiscal year 2006, an amount equal
7 to 1 percent of the State’s allotment shall be
8 used by the area agencies on aging in the State
9 to carry out the assessment described in section
10 306(b);”.

11 **SEC. 16. ORGANIZATION.**

12 Section 305 of the Older Americans Act of 1965 (42
13 U.S.C. 3025) is amended—

14 (1) in subsection (a)—

15 (A) in paragraph (1)(E)—

16 (i) by striking “(with particular atten-
17 tion to low-income minority individuals and
18 older individuals residing in rural areas)”
19 each place it appears and inserting “(with
20 particular attention to low-income older in-
21 dividuals, including low-income minority
22 older individuals, older individuals with
23 limited English proficiency, and older indi-
24 viduals residing in rural areas)”; and

25 (ii) by striking “and” at the end;

1 (B) in paragraph (2)—

2 (i) in subparagraph (E), by striking “,
3 with particular attention to low-income mi-
4 nority individuals and older individuals re-
5 siding in rural areas” and inserting “(with
6 particular attention to low-income older in-
7 dividuals, including low-income minority
8 older individuals, older individuals with
9 limited English proficiency, and older indi-
10 viduals residing in rural areas)”; and

11 (ii) in subparagraph (G), by striking
12 the period and inserting “; and”; and

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

14 “(3) the State agency shall, consistent with this
15 section, promote the development and implementa-
16 tion of a comprehensive, coordinated system in such
17 State for providing long-term care in home and com-
18 munity-based settings, in a manner responsive to the
19 needs and preferences of older individuals and their
20 family caregivers, by—

21 “(A) collaborating, coordinating, and con-
22 sulting with other agencies in such State re-
23 sponsible for formulating, implementing, and
24 administering programs, benefits, and services
25 related to providing long-term care;

1 “(B) participating in any State govern-
2 ment activities concerning long-term care, in-
3 cluding reviewing and commenting on any State
4 rules, regulations, and policies related to long-
5 term care;

6 “(C) conducting analyses and making rec-
7 ommendations with respect to strategies for
8 modifying the State’s system of long-term care
9 to better—

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

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

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

20 “(iv) implement (through area agen-
21 cies on aging, service providers, and such
22 other entities as the State determines to be
23 appropriate) programs to assist older indi-
24 viduals and their family caregivers in
25 learning about and making behavioral

1 changes intended to reduce the risk of in-
2 jury, disease, and disability among older
3 individuals; and

4 “(D) providing for the availability and dis-
5 tribution (through public education campaigns,
6 Aging and Disability Resource Centers, area
7 agencies on aging, and other appropriate
8 means) of information relating to—

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

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

14 (2) in subsection (b), by adding at the end the
15 following:

16 “(6) Nothing in this section shall prevent the Com-
17 monwealth of Puerto Rico from designating, with the ap-
18 proval of the Assistant Secretary, a single planning and
19 service area to cover all the older individuals in the Com-
20 monwealth.”.

21 **SEC. 17. AREA PLANS.**

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

24 (1) in subsection (a)—

25 (A) in paragraph (1)—

1 (i) by striking “(with particular atten-
2 tion to low-income minority individuals and
3 older individuals residing in rural areas)”
4 and inserting “(with particular attention to
5 low-income older individuals, including low-
6 income minority older individuals, older in-
7 dividuals with limited English proficiency,
8 and older individuals residing in rural
9 areas)”;

10 (ii) by striking “(with particular at-
11 tention to low-income minority individ-
12 uals)” and inserting “(with particular at-
13 tention to low-income older individuals, in-
14 cluding low-income minority older individ-
15 uals, older individuals with limited English
16 proficiency, and older individuals residing
17 in rural areas)”;

18 (iii) by inserting “the number of older
19 individuals at risk for institutional place-
20 ment residing in such area,” after “indi-
21 viduals) residing in such area,”;

22 (B) in paragraph (2)(A)—

23 (i) by inserting after “transporta-
24 tion,” the following: “health services (in-
25 cluding mental health services),”; and

1 (ii) by inserting after “information
2 and assistance” the following: “(which may
3 include information and assistance to con-
4 sumers on availability of services under
5 part B and how to receive benefits under
6 and participate in publicly supported pro-
7 grams for which the consumer may be eli-
8 gible)”;

9 (C) in paragraph (4)—

10 (i) in subparagraph (A)—

11 (I) by amending clause (i) to
12 read as follows:

13 “(i) provide assurances that the area agency on
14 aging will—

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

20 “(II) include specific objectives for pro-
21 viding services to low-income minority older in-
22 dividuals, older individuals with limited English
23 proficiency, and older individuals residing in
24 rural areas; and

1 “(III) include in the area plan proposed
2 methods to achieve such objectives;”; and
3 (II) in clause (ii) by inserting
4 “(including older individuals with lim-
5 ited English proficiency)” after “low
6 income minority individuals” each
7 place it appears; and
8 (ii) in subparagraph (B)—
9 (I) by moving the left margin of
10 each of subparagraph (B), clauses (i)
11 and (ii), and subclauses (I) through
12 (VI) of clause (i), 2 ems to the left;
13 and
14 (II) in clause (i)—
15 (aa) in subclause (V) by
16 striking “with limited English-
17 speaking ability; and” and insert-
18 ing “with limited English pro-
19 ficiency;”; and
20 (bb) by adding at the end
21 the following:
22 “(VII) older individuals at risk for in-
23 stitutional placement; and”;

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
7 “and” at the end;

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

10 (III) by inserting after clause (ii)

11 the following:

12 “(iii) make use of trained volunteers in
13 providing direct services delivered to older indi-
14 viduals and individuals with disabilities needing
15 such services and, if possible, work in coordina-
16 tion with entities carrying out volunteer pro-
17 grams (including programs administered by the
18 Corporation for National and Community Serv-
19 ices) designed to provide training, placement,
20 and stipends for volunteers in community serv-
21 ice settings.”;

22 (ii) in subparagraph (D)—

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

1 (II) by inserting “service pro-
2 viders, representatives of the business
3 community,” after “individuals,”; and
4 (iii) in subparagraph (F), by inserting
5 “(including mental health screening)” be-
6 fore “provided” each place it appears;

7 (F) in paragraph (7), to read as follows:

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

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

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

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

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

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 settings; and

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

18 “(C) providing for the availability and dis-
19 tribution (through public education campaigns,
20 Aging and Disability Resource Centers, and
21 other appropriate means) of information relat-
22 ing to—

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

1 “(ii) the range of available public and
2 private long-term care programs, options,
3 and resources.”;

4 (G) by striking the 2 paragraphs (15);

5 (H) by redesignating paragraph (16) as
6 paragraph (15); and

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

8 “(16) provide assurances that funds received
9 under this title will be used—

10 “(A) to provide benefits and services to
11 older individuals giving priority to older individ-
12 uals identified in paragraph (4)(A)(i); and

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

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

19 “(18) include information detailing how the
20 area agency on aging will coordinate activities, and
21 develop long-range emergency plans, with local and
22 State emergency response agencies, relief organiza-
23 tions, local and State governments, and any other
24 institutions that have responsibility for disaster re-
25 lief service delivery.”;

1 (2) by redesignating subsections (b), (c), (d),
2 and (e) as subsections (c), (d), (e), and (f); and

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

5 “(b)(1) In any fiscal year, an area agency on aging
6 may include in the area plan an assessment of how pre-
7 pared the area agency on aging and service providers in
8 the planning and service area are for a change in the num-
9 ber of older individuals during the 10-year period following
10 the fiscal year for which the plan is submitted. In a fiscal
11 year described in section 304(d)(1)(A)(ii), an area agency
12 on aging shall include the assessment in the area plan.

13 “(2) Such assessment may include—

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

16 “(B) an analysis of how such change may affect
17 such individuals, including individuals with low in-
18 comes, individuals with greatest economic need, mi-
19 nority older individuals, older individuals residing in
20 rural areas, and older individuals with limited
21 English proficiency;

22 “(C) an analysis of how the programs, policies,
23 and services provided by such area agency can be
24 improved, and how resource levels can be adjusted to

1 meet the needs of the changing population of older
2 individuals in the planning and service area; and

3 “(D) an analysis of how the change in the num-
4 ber of individuals age 85 and older in the planning
5 and service area is expected to affect the need for
6 supportive services.

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

14 “(A) health and human services;

15 “(B) land use;

16 “(C) housing;

17 “(D) transportation;

18 “(E) public safety;

19 “(F) workforce and economic development;

20 “(G) recreation;

21 “(H) education;

22 “(I) civic engagement;

23 “(J) emergency preparedness; and

24 “(K) any other service as determined by such
25 agency.”.

1 **SEC. 18. STATE PLANS.**

2 Section 307(a) of the Older Americans Act of 1965
3 (42 U.S.C. 3027(a)) is amended—

4 (1) in paragraph (2)(C), by striking “section
5 306(b)” and inserting “section 306(c)”;

6 (2) in paragraph (4), by striking “, with par-
7 ticular attention to low-income minority individuals
8 and older individuals residing in rural areas” and in-
9 serting “(with particular attention to low-income mi-
10 nority older individuals, older individuals with lim-
11 ited English proficiency, and older individuals resid-
12 ing in rural areas)”;

13 (3) by striking paragraph (15);

14 (4) by redesignating paragraph (14) as para-
15 graph (15);

16 (5) by inserting after paragraph (13) the fol-
17 lowing:

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

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

25 “(B) describe the methods used to satisfy
26 the service needs of the low-income minority

1 older individuals described in subparagraph (A),
2 including the plan to meet the needs of low-in-
3 come minority older individuals with limited
4 English proficiency.”;

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

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

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

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

25 “(B) Such assessment may include—

1 “(i) the projected change in the number of
2 older individuals in the State;

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

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

15 “(iv) an analysis of how the change in the
16 number of individuals age 85 and older in the
17 State is expected to affect the need for sup-
18 portive services.

19 “(29) The plan shall include information detail-
20 ing how the State will coordinate activities, and de-
21 velop long-range emergency preparedness plans, with
22 area agencies on aging, local emergency response
23 agencies, relief organizations, local governments, and
24 any other institutions that have responsibility for
25 disaster relief service delivery.

1 “(30) The plan shall include information de-
2 scribing the involvement of the head of the State
3 agency in the development, revision, and implemen-
4 tation of emergency preparedness plans, including
5 the State Public Health Emergency Preparedness
6 and Response Plan.

7 “(31) The plan shall provide that the State
8 shall implement an Aging and Disability Resource
9 Center—

10 “(A) to serve as a visible and trusted
11 source of information on the full range of op-
12 tions for long-term care, including both institu-
13 tional and home and community-based care,
14 that are available in the State;

15 “(B) to provide personalized and con-
16 sumer-friendly assistance to empower individ-
17 uals to make informed decisions about their
18 long-term care options;

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

24 “(D) to help individuals to plan ahead for
25 their long-term care needs; and

1 “(E) to assist, in coordination with the en-
2 tity carrying out the health insurance informa-
3 tion, counseling, and assistance program (re-
4 ceiving funding under section 4360 of the Om-
5 nibus Budget Reconciliation Act of 1990 (42
6 U.S.C. 1395b-4)) in the State, beneficiaries,
7 and prospective beneficiaries, under the Medi-
8 care program established under title XVIII of
9 the Social Security Act (42 U.S.C. 1395 et
10 seq.) in understanding and accessing prescrip-
11 tion drug and preventative health benefits
12 under the provisions of, and amendments made
13 by, the Medicare Prescription Drug, Improve-
14 ment, and Modernization Act of 2003.”.

15 **SEC. 19. PAYMENTS.**

16 Section 309(b)(2) of the Older Americans Act of
17 1965 (42 U.S.C. 3029(b)(2)) is amended by striking “the
18 non-Federal share required prior to fiscal year 1981” and
19 inserting “10 percent of the cost of the services specified
20 in section 304(d)(1)(D)”.

21 **SEC. 20. NUTRITION SERVICES INCENTIVE PROGRAM.**

22 Section 311 of the Older Americans Act of 1965 (42
23 U.S.C. 3030a) is amended—

24 (1) in subsection (b), by adding at the end the
25 following:

1 “(3) Each State agency and grantee under title VI
2 shall promptly and equitably disburse amounts received
3 under this subsection to recipients of grants and con-
4 tracts.”;

5 (2) in subsection (c)—

6 (A) in paragraph (1), by inserting “, in-
7 cluding bonus commodities,” after “agricultural
8 commodities”;

9 (B) in paragraph (2), by inserting “, in-
10 cluding bonus commodities,” after “food com-
11 modities”; and

12 (C) in paragraph (3), by inserting “, in-
13 cluding bonus commodities,” after “Dairy prod-
14 ucts”;

15 (3) in subsection (d)(4), by inserting “and
16 grantee under title VI” after “State agency”; and

17 (4) in subsection (e), by striking “2001” and
18 inserting “2007”.

19 **SEC. 21. CONSUMER CONTRIBUTIONS.**

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

22 (1) in subsection (b)—

23 (A) in paragraph (1)—

24 (i) by striking “provided that” and in-
25 serting “if”; and

1 (ii) by adding at the end the fol-
2 lowing: “Such contributions shall be en-
3 couraged for individuals whose self-de-
4 clared income is at or above 200 percent of
5 the poverty line, at contribution levels
6 based on the actual cost of services.”; and
7 (B) in paragraph (4)(E), by inserting “and
8 to supplement (not supplant) funds received
9 under this Act” after “given”;
10 (2) in subsection (c)(2), by striking “(with par-
11 ticular attention to low-income minority individuals
12 and older individuals residing in rural areas)” and
13 inserting “(with particular attention to low-income
14 older individuals, including low-income minority
15 older individuals, older individuals with limited
16 English proficiency, and older individuals residing in
17 rural areas)”; and
18 (3) in subsection (d), by striking “with par-
19 ticular attention to low-income and minority older
20 individuals and older individuals residing in rural
21 areas” and inserting “(with particular attention to
22 low-income older individuals, including low-income
23 minority older individuals, older individuals with lim-
24 ited English proficiency, and older individuals resid-
25 ing in rural areas)”.

1 **SEC. 22. SUPPORTIVE SERVICES AND SENIOR CENTERS.**

2 Section 321(a) of the Older Americans Act of 1965
3 (42 U.S.C. 3030d(a)) is amended—

4 (1) in paragraph (8), by inserting “(including
5 mental health screening)” after “screening”;

6 (2) in paragraph (11) by striking “services”
7 and inserting “provision of devices and services (in-
8 cluding provision of assistive technology devices and
9 assistive technology services)”;

10 (3) in paragraph (14)(B) by inserting “(includ-
11 ing mental health)” after “health”;

12 (4) in paragraph (22) by striking the period at
13 the end and inserting a semicolon;

14 (5) by redesignating paragraph (23) as para-
15 graph (24); and

16 (6) by inserting after paragraph (22) the fol-
17 lowing:

18 “(23) services designed to support States, area
19 agencies on aging, and local service providers in car-
20 rying out and coordinating activities for older indi-
21 viduals with respect to mental health services, in-
22 cluding outreach for, education concerning, and
23 screening for such services, and referral to such
24 services for treatment; and”.

1 **SEC. 23. NUTRITION SERVICES.**

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

5 **“SEC. 330. PURPOSE.**

6 “It is the purpose of this part to promote socializa-
7 tion and the health and well-being of older individuals by
8 assisting such individuals to gain access to nutrition serv-
9 ices to delay the onset of adverse health conditions.”.

10 **SEC. 24. CONGREGATE NUTRITION PROGRAM.**

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

13 (1) by striking “projects—” and inserting
14 “projects that—”;

15 (2) in paragraph (1) by striking “which” the
16 first place it appears;

17 (3) in paragraph (2), by striking “which”; and

18 (4) by striking paragraph (3) and inserting the
19 following:

20 “(3) provide nutrition education, nutrition
21 counseling, and other nutrition services, as appro-
22 priate, based on the needs of meal participants.”.

23 **SEC. 25. HOME DELIVERED NUTRITION SERVICES.**

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

1 **“SEC. 336. PROGRAM AUTHORIZED.**

2 “The Assistant Secretary shall establish and carry
3 out a program to make grants to States under State plans
4 approved under section 307 for the establishment and op-
5 eration of nutrition projects for older individuals that pro-
6 vide—

7 “(1) on 5 or more days a week (except in a
8 rural area where such frequency is not feasible (as
9 defined by the Assistant Secretary by rule) and a
10 lesser frequency is approved by the State agency) at
11 least 1 home delivered meal per day, which may con-
12 sist of hot, cold, frozen, dried, canned, fresh, or sup-
13 plemental foods and any additional meals that the
14 recipient of a grant or contract under this subpart
15 elects to provide; and

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

19 **SEC. 26. CRITERIA.**

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

22 **“SEC. 337. CRITERIA.**

23 “The Assistant Secretary, in consultation with recog-
24 nized experts in the fields of nutrition science, dietetics,
25 meal planning and food service management, and aging,
26 shall develop minimum criteria of efficiency and quality

1 for the furnishing of home delivered meal services for
2 projects described in section 336.”.

3 **SEC. 27. NUTRITION.**

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

6 (1) in paragraph (1), to read as follows:

7 “(1) solicit the advice and expertise of a dieti-
8 tian or other individual with education and training
9 in nutrition science or, if such an individual is not
10 available, an individual with comparable expertise in
11 the planning of nutritional services, and”;

12 (2) in paragraph (2)—

13 (A) in subparagraph (A)(i), to read as fol-
14 lows:

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

19 (B) in subparagraph (D), by inserting
20 “joint” after “encourages”; and

21 (C) in subparagraph (G), to read as fol-
22 lows:

23 “(G) ensures that meal providers solicit
24 the advice and expertise of—

1 “(i) a dietitian or other individual de-
2 scribed in paragraph (1),

3 “(ii) meal participants, and

4 “(iii) other individuals knowledgeable
5 with regard to the needs of older individ-
6 uals,”; and

7 (D) in subparagraph (I), by striking “and”
8 at the end; and

9 (E) in subparagraph (J), to read as fol-
10 lows:

11 “(J) provides for nutrition screening and
12 nutrition education, and nutrition assessment
13 and counseling if appropriate; and

14 “(K) encourages individuals who distribute
15 nutrition services under subpart 2 to provide, to
16 homebound older individuals, available medical
17 information approved by health care profes-
18 sionals, such as informational brochures and in-
19 formation on how to get vaccines, including vac-
20 cines for influenza, pneumonia, and shingles, in
21 the individuals’ communities.”.

22 **SEC. 28. STUDY OF NUTRITION PROJECTS.**

23 (a) STUDY.—

24 (1) IN GENERAL.—The Assistant Secretary for
25 Aging shall use funds allocated in section 206(g) of

1 the Older Americans Act of 1965 (42 U.S.C.
2 3017(g)) to enter into a contract with the Food and
3 Nutrition Board of the Institute of Medicine of the
4 National Academy of Sciences, for the purpose of es-
5 tablishing an independent panel of experts that will
6 conduct an evidence-based study of the nutrition
7 projects authorized under such Act.

8 (2) STUDY.—Such study shall, to the extent
9 data are available, include—

10 (A) an evaluation of the effect of the nutri-
11 tion projects authorized by such Act on—

12 (i) improvement of the health status,
13 including nutritional status, of participants
14 in the projects;

15 (ii) prevention of hunger and food in-
16 security of the participants; and

17 (iii) continuation of the ability of the
18 participants to live independently;

19 (B) a cost-benefit analysis of nutrition
20 projects authorized by such Act, including the
21 potential to affect costs of the Medicaid pro-
22 gram under title XIX of the Social Security Act
23 (42 U.S.C. 1396 et seq.); and

24 (C) an analysis of how nutrition projects
25 authorized by such Act may be modified to im-

1 prove the outcomes described in subparagraph
2 (A), including by improving the nutritional
3 quality of the meals provided through the
4 projects and undertaking other potential strate-
5 gies to improve the nutritional status of the
6 participants.

7 (b) REPORTS.—

8 (1) REPORT TO THE ASSISTANT SECRETARY.—

9 The panel described in subsection (a) shall submit to
10 the Assistant Secretary a report containing the re-
11 sults of the evidence-based study described in sub-
12 section (a), including any recommendations resulting
13 from the analysis described in subsection (a)(2)(C).

14 (2) REPORT TO CONGRESS.—The Assistant
15 Secretary shall submit a report containing the re-
16 sults described in paragraph (1) to the Committee
17 on Education and the Workforce of the House of
18 Representatives and the Committee on Health, Edu-
19 cation, Labor, and Pensions of the Senate.

20 (c) TIMING.—The Food and Nutrition Board shall
21 establish the independent panel of experts described in
22 subsection (a) not later than 90 days after the date of
23 the enactment of this Act. The panel shall submit the re-
24 port described in subsection (b)(1) to the Assistant Sec-

1 retary not later than 24 months after the date of the en-
2 actment of this Act.

3 **SEC. 29. IMPROVING INDOOR AIR QUALITY IN BUILDINGS**

4 **WHERE OLDER INDIVIDUALS CONGREGATE.**

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

8 “(c) The Assistant Secretary shall work in consulta-
9 tion with qualified experts to provide information on meth-
10 ods of improving indoor air quality in buildings where
11 older individuals congregate.”.

12 **SEC. 30. CAREGIVER SUPPORT PROGRAM DEFINITIONS.**

13 Section 372 of the Older Americans Act of 1965 (42
14 U.S.C. 3030s) is amended—

15 (1) in paragraph (1), by inserting “or an adult
16 child with mental retardation or a related develop-
17 mental disability” after “age”;

18 (2) in paragraph (2), by inserting before the pe-
19 riod the following: “or an individual with Alz-
20 heimer’s disease or a related disorder with neuro-
21 logical and organic brain dysfunction who is 50
22 years of age or older”;

23 (3) in paragraph (3)—

24 (A) by striking “child” the first place it
25 appears and inserting “child (including an adult

1 child with mental retardation or a related devel-
2 opmental disability”);

3 (B) by striking “a child by blood or mar-
4 riage” and inserting “such a child by blood,
5 marriage, or adoption”; and

6 (C) by striking “60” and inserting “55”;

7 (4) by redesignating paragraphs (2) and (3) as
8 paragraphs (3) and (4), respectively; and

9 (5) by inserting after paragraph (1) the fol-
10 lowing:

11 “(2) DEVELOPMENTAL DISABILITY.—The term
12 ‘developmental disability’ has the meaning given the
13 term in section 102 of the Developmental Disabil-
14 ities Assistance and Bill of Rights Act of 2000 (42
15 U.S.C. 15002).”.

16 **SEC. 31. CAREGIVER SUPPORT PROGRAM.**

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

19 (1) in subsection (b)(3), by striking “caregivers
20 to assist” and all that follows through the end and
21 inserting the following: “assist the caregivers in the
22 areas of health, nutrition, and financial literacy, and
23 in making decisions and solving problems relating to
24 their caregiving roles;”;

25 (2) in subsection (c)(2)—

1 (A) by striking “(as defined” and all that
2 follows and inserting a period; and

3 (B) by adding at the end the following: “In
4 providing services for family caregivers under
5 this subpart, the State shall give priority for
6 services to family caregivers who provide care
7 for older individuals.”; and

8 (3) in subsection (d), to read as follows:

9 “(d) USE OF VOLUNTEERS.—In carrying out this
10 subpart, each area agency on aging shall make use of
11 trained volunteers to expand the provision of the available
12 services described in subsection (b) and shall, if possible,
13 work in coordination with entities carrying out volunteer
14 programs (including programs administered by the Cor-
15 poration for National and Community Service) designed
16 to provide training, placement, and stipends for volunteers
17 in community service settings.”; and

18 (4) in subsection (e)(3), by adding at the end
19 the following: “The reports shall describe any mech-
20 anisms used in the State to provide to persons who
21 are family caregivers, or grandparents or older indi-
22 viduals who are relative caregivers, information
23 about and access to various services so that the per-
24 sons can better carry out their care responsibil-
25 ities.”; and

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

4 **SEC. 32. ACTIVITIES AND PROGRAMS OF NATIONAL SIG-**
5 **NIFICANCE.**

6 Section 376(a) of the National Family Support Care-
7 giver Act (42 U.S.C. 3030s–12(a)) is amended—

8 (1) by striking the title heading and inserting
9 the following:

10 **“SEC. 376. ACTIVITIES AND PROGRAMS OF NATIONAL SIG-**
11 **NIFICANCE.”;**

12 (2) by striking “(a) IN GENERAL.—”;

13 (3) by striking “shall” and inserting “may”;

14 (4) by striking “program” and inserting “ac-
15 tivities that include”;

16 (5) by striking “research.” and inserting “re-
17 search, and programs that include—

18 “(1) multigenerational programs, including pro-
19 grams that provide supports for grandparents and
20 other older individuals who are relative caregivers
21 (as defined in section 372) raising children (such as
22 kinship navigator programs), and programs that
23 sustain and replicate innovative multigenerational
24 family support programs involving volunteers who
25 are older individuals;

1 “(2) programs providing support and informa-
2 tion to families who have a child with a disability or
3 chronic illness, and to other families in need of fam-
4 ily support programs;

5 “(3) programs addressing unique issues faced
6 by rural caregivers;

7 “(4) programs focusing on the needs of older
8 individuals with Alzheimer’s disease and related de-
9 mentia and their caregivers; and

10 “(5) programs supporting caregivers in the
11 roles the caregivers carry out in health promotion
12 and disease prevention.”; and

13 (6) by striking subsection (b).

14 **SEC. 33. GRANT PROGRAMS.**

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

17 (1) in subsection (a)—

18 (A) in paragraph (8), by striking “and” at
19 the end;

20 (B) by redesignating paragraph (9) as
21 paragraph (11); and

22 (C) by inserting after paragraph (8) the
23 following:

1 “(9) planning activities to prepare communities
2 for the aging of the population, which activities may
3 include—

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

5 “(B) activities to coordinate the activities
6 of State and local agencies in order to meet the
7 needs of older individuals; and

8 “(C) training and technical assistance to
9 support States, area agencies on aging, and
10 tribal organizations receiving grants under part
11 A of title VI, in engaging in community plan-
12 ning activities; and

13 “(10) the development, implementation, and as-
14 sessment of technology-based service models and
15 best practices, to support the use of health moni-
16 toring and assessment technologies, communication
17 devices, assistive technologies, and other technologies
18 that may remotely connect family and professional
19 caregivers to frail older individuals residing in home
20 and community-based settings or rural areas.”.

21 **SEC. 34. CAREER PREPARATION FOR THE FIELD OF AGING.**

22 Section 412(a) of the Older Americans Act of 1965
23 (42 U.S.C. 3032a(a)) is amended to read as follows:

24 “(a) GRANTS.—The Assistant Secretary shall make
25 grants to institutions of higher education, including his-

1 torically Black colleges or universities, Hispanic-serving
 2 institutions, Hispanic Centers of Excellence in Applied
 3 Gerontology, and other educational institutions that serve
 4 the needs of minority students, to provide education and
 5 training that prepare students for careers in the field of
 6 aging.”.

7 **SEC. 35. HEALTH CARE SERVICE DEMONSTRATION**
 8 **PROJECTS IN RURAL AREAS.**

9 Section 414 of the Older Americans Act of 1965 (42
 10 U.S.C. 3032c) is amended—

11 (1) in subsection (a), by inserting “mental
 12 health care,” after “adult day health care,”; and

13 (2) in subsection (b)(1)(B)(i), by inserting
 14 “mental health,” after “public health,”.

15 **SEC. 36. TECHNICAL ASSISTANCE AND INNOVATION TO IM-**
 16 **PROVE TRANSPORTATION FOR OLDER INDI-**
 17 **VIDUALS.**

18 Section 416 of the Older Americans Act of 1965 (42
 19 U.S.C. 3032e) is amended to read as follows:

20 **“SEC. 416. TECHNICAL ASSISTANCE AND INNOVATION TO**
 21 **IMPROVE TRANSPORTATION FOR OLDER IN-**
 22 **DIVIDUALS.**

23 “(a) IN GENERAL.—The Secretary may award grants
 24 or contracts to nonprofit organizations to improve trans-
 25 portation services for older individuals.

1 “(b) USE OF FUNDS.—

2 “(1) IN GENERAL.—A nonprofit organization
3 receiving a grant or contract under subsection (a)
4 shall use the funds received through such grant or
5 contract to carry out a demonstration project, or to
6 provide technical assistance to assist local transit
7 providers, area agencies on aging, senior centers,
8 and local senior support groups, to encourage and
9 facilitate coordination of Federal, State, and local
10 transportation services and resources for older indi-
11 viduals. The organization may use the funds to de-
12 velop and carry out an innovative transportation
13 demonstration project to create transportation serv-
14 ices for older individuals.

15 “(2) SPECIFIC ACTIVITIES.—In carrying out a
16 demonstration project or providing technical assist-
17 ance under paragraph (1) the organization may
18 carry out activities that include—

19 “(A) developing innovative approaches for
20 improving access by older individuals to trans-
21 portation services, including volunteer driver
22 programs, economically sustainable transpor-
23 tation programs, and programs that allow older
24 individuals to transfer their automobiles to a

1 provider of transportation services in exchange
2 for the services;

3 “(B) preparing information on transpor-
4 tation options and resources for older individ-
5 uals and organizations serving such individuals,
6 and disseminating the information by estab-
7 lishing and operating a toll-free telephone num-
8 ber;

9 “(C) developing models and best practices
10 for providing comprehensive integrated trans-
11 portation services for older individuals, includ-
12 ing services administered by the Secretary of
13 Transportation, by providing ongoing technical
14 assistance to agencies providing services under
15 title III and by assisting in coordination of pub-
16 lic and community transportation services; and

17 “(D) providing special services to link sen-
18 iors to transportation services not provided
19 under title III.

20 “(c) ECONOMICALLY SUSTAINABLE TRANSPOR-
21 TATION.—In this section, the term ‘economically sustain-
22 able transportation’ means demand responsive transpor-
23 tation for older individuals—

24 “(1) that may be provided through volunteers;
25 and

1 “(2) that the provider will provide without re-
2 ceiving Federal or other public financial assistance,
3 after a period of not more than 5 years of providing
4 the services under this section.”.

5 **SEC. 37. COMMUNITY PLANNING.**

6 Title IV of the Older Americans Act of 1965 is
7 amended by inserting after section 416 (42 U.S.C. 3032e)
8 the following:

9 **“SEC. 416A. COMMUNITY PLANNING FOR THE AGING POPU-**
10 **LATION.**

11 “The Secretary may establish, either directly or
12 through grants or contracts, a national technical assist-
13 ance program to assist States and area agencies on aging
14 funded under this Act in planning efforts to prepare com-
15 munities for the aging of the population.”.

16 **SEC. 38. DEMONSTRATION, SUPPORT, AND RESEARCH**
17 **PROJECTS FOR MULTIGENERATIONAL AC-**
18 **TIVITIES AND CIVIC ENGAGEMENT ACTIVI-**
19 **TIES.**

20 Section 417 of the Older Americans Act of 1965 (42
21 U.S.C. 3032f) is amended to read as follows:

1 **“SEC. 417. DEMONSTRATION, SUPPORT, AND RESEARCH**
2 **PROJECTS FOR MULTIGENERATIONAL AC-**
3 **TIVITIES AND CIVIC ENGAGEMENT ACTIVI-**
4 **TIES.**

5 “(a) GRANTS AND CONTRACTS.—The Assistant Sec-
6 retary shall award grants and enter into contracts with
7 eligible organizations to—

8 “(1) conduct productivity and cost-benefit re-
9 search to determine the effectiveness of engaging
10 older individuals in paid and unpaid positions with
11 public and nonprofit organizations;

12 “(2) develop a national agenda and blueprint
13 for creating paid and unpaid positions for older indi-
14 viduals with public and nonprofit organizations to
15 increase the capacity of the organizations to provide
16 needed services to communities;

17 “(3) carry out demonstration and support
18 projects to provide older individuals with
19 multigenerational activities, and civic engagement
20 activities, designed to meet critical community
21 needs; and

22 “(4) carry out demonstration projects to coordi-
23 nate multigenerational activities and civic engage-
24 ment activities, and facilitate development of and
25 participation in multigenerational activities.

1 “(b) USE OF FUNDS.—An eligible organization shall
2 use funds made available under a grant awarded, or a con-
3 tract entered into, under subsection (a)—

4 “(1)(A) to conduct the research described in
5 subsection (a)(1);

6 “(B) to develop the national agenda and blue-
7 print described in subsection (a)(2); or

8 “(C) to carry out a demonstration or support
9 project described in subsection (a)(3);

10 “(D) to carry out a demonstration project de-
11 scribed in subsection (a)(4); and

12 “(2) to evaluate the project involved in accord-
13 ance with subsection (f).

14 “(c) PREFERENCE.—In awarding grants and enter-
15 ing into contracts under subsection (a) to carry out a dem-
16 onstration or support project described in subsection
17 (a)(3), the Assistant Secretary shall give preference to—

18 “(1) eligible organizations with a demonstrated
19 record of carrying out multigenerational activities or
20 civic engagement activities;

21 “(2) eligible organizations proposing
22 multigenerational activity service projects that will
23 serve older individuals and communities with the
24 greatest need (with particular attention to low-in-
25 come minority older individuals, older individuals

1 with limited English proficiency, older individuals re-
2 siding in rural areas, and low-income minority com-
3 munities);

4 “(3) eligible organizations proposing civic en-
5 gagement activity service projects that will serve
6 communities with the greatest need; and

7 “(4) eligible organizations with the capacity to
8 develop meaningful roles and assignments that use
9 the time, skills, and experience of older individuals
10 to serve public and nonprofit organizations.

11 “(d) APPLICATION.—To be eligible to receive a grant
12 or a contract under subsection (a), an organization shall
13 submit an application to the Assistant Secretary at such
14 time, in such manner, and accompanied by such informa-
15 tion as the Assistant Secretary may reasonably require.

16 “(e) ELIGIBLE ORGANIZATIONS.—Organizations eli-
17 gible to receive a grant or enter into a contract under sub-
18 section (a)—

19 “(1) to carry out activities described in sub-
20 section (a)(1) shall be research or academic organi-
21 zations with the capacity to conduct productivity and
22 cost-benefit research described in subsection (a)(1);

23 “(2) to carry out activities described in sub-
24 section (a)(2) shall be organizations with the capac-

1 ity to develop the national agenda and blueprint de-
2 scribed in subsection (a)(2);

3 “(3) to carry out activities described in sub-
4 section (a)(3) shall be organizations that provide
5 paid or unpaid positions for older individuals to
6 serve in multigenerational activities, or civic engage-
7 ment activities, designed to meet critical community
8 needs and use the full range of time, skills, and ex-
9 perience of older individuals; and

10 “(4) to carry out activities described in sub-
11 section (a)(4) shall be organizations with the capac-
12 ity to facilitate and coordinate activities as described
13 in subsection (a)(4), through the use of
14 multigenerational coordinators.

15 “(f) LOCAL EVALUATION AND REPORT.—

16 “(1) EVALUATION.—Each organization receiv-
17 ing a grant or a contract under subsection (a) to
18 carry out a demonstration or support project under
19 subsection (a)(3) shall evaluate the
20 multigenerational activities or civic engagement ac-
21 tivities assisted under the project to determine the
22 effectiveness of the activities involved, the impact of
23 such activities on the community being served and
24 the organization providing the activities, and the im-

1 pact of such activities on older individuals involved
2 in such project.

3 “(2) REPORT.—The organization shall submit a
4 report to the Assistant Secretary containing the
5 evaluation not later than 6 months after the expira-
6 tion of the period for which the grant or contract is
7 in effect.

8 “(g) REPORT TO CONGRESS.—Not later than 6
9 months after the Assistant Secretary receives the reports
10 described in subsection (f)(2), the Assistant Secretary
11 shall prepare and submit to the Speaker of the House of
12 Representatives and the President pro tempore of the Sen-
13 ate a report that assesses the evaluations and includes,
14 at a minimum—

15 “(1) the names or descriptive titles of the dem-
16 onstration, support, and research projects funded
17 under subsection (a);

18 “(2) a description of the nature and operation
19 of the projects;

20 “(3) the names and addresses of organizations
21 that conducted the projects;

22 “(4) in the case of demonstration and support
23 projects carried out under subsection (a)(3), a de-
24 scription of the methods and success of the projects

1 in recruiting older individuals as employees and vol-
2 unteers to participate in the projects;

3 “(5) in the case of demonstration and support
4 projects carried out under subsection (a)(3), a de-
5 scription of the success of the projects in retaining
6 older individuals involved in the projects as employ-
7 ees and as volunteers;

8 “(6) in the case of demonstration and support
9 projects carried out under subsection (a)(3), the rate
10 of turnover of older individual employees and volun-
11 teers in the projects;

12 “(7) a strategy for disseminating the findings
13 resulting from the projects described in paragraph
14 (1); and

15 “(8) any policy change recommendations relat-
16 ing to the projects.

17 “(h) DEFINITIONS.—As used in this section:

18 “(1) CIVIC ENGAGEMENT ACTIVITY.—The term
19 ‘civic engagement activity’ includes an opportunity
20 that uses the time, skills, and experience of older in-
21 dividuals, in paid or unpaid positions with a public
22 or nonprofit organization, to help address the unmet
23 human, educational, health care, environmental, and
24 public safety needs and nurture and sustain active
25 participation in community affairs.

1 “(2) MULTIGENERATIONAL ACTIVITY.—The
2 term ‘multigenerational activity’ includes an oppor-
3 tunity that uses the time, skills, and experience of
4 older individuals, in paid or unpaid positions with a
5 public or nonprofit organization, to serve as a men-
6 tor or adviser in a child care program, a youth day
7 care program, an educational assistance program, an
8 at-risk youth intervention program, a juvenile delin-
9 quency treatment program, a before- or after-school
10 program, or a family support program.

11 “(3) MULTIGENERATIONAL COORDINATOR.—
12 The term ‘multigenerational coordinator’ means a
13 person who—

14 “(A) builds the capacity of public and non-
15 profit organizations to develop meaningful roles
16 and assignments, that use the time, skill, and
17 experience of older individuals to serve those or-
18 ganizations; and

19 “(B) nurtures productive, sustainable
20 working relationships between—

21 “(i) individuals from the generations
22 with older individuals; and

23 “(ii) individuals in younger genera-
24 tions.”.

1 **SEC. 39. NATIVE AMERICAN PROGRAMS.**

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

5 **SEC. 40. MULTIDISCIPLINARY CENTERS AND MULTIDISCI-**
6 **PLINARY SYSTEMS.**

7 Section 419 of the Older Americans Act of 1965 (42
8 U.S.C. 3032h) is amended—

9 (1) by striking the title and inserting the fol-
10 lowing:

11 **“SEC. 419. MULTIDISCIPLINARY CENTERS AND MULTIDISCI-**
12 **PLINARY SYSTEMS.”;**

13 (2)(A) in subsection (b)(2), by redesignating
14 subparagraphs (A) through (G) as clauses (i)
15 through (vii), respectively;

16 (B) in subsection (c)(2), by redesignating sub-
17 paragraphs (A) through (D) as clauses (i) through
18 (iv), respectively; and

19 (C) by aligning the margins of the clauses de-
20 scribed in subparagraphs (A) and (B) with the mar-
21 gins of clause (iv) of section 418(a)(2)(A) of such
22 Act;

23 (3)(A) in subsection (b), by redesignating para-
24 graphs (1) and (2) as subparagraphs (A) and (B),
25 respectively;

1 (B) in subsection (e), by redesignating para-
2 graphs (1) and (2) as subparagraphs (A) and (B),
3 respectively; and

4 (C) by aligning the margins of the subpara-
5 graphs described in subparagraphs (A) and (B) with
6 the margins of subparagraph (D) of section
7 420(a)(1) of such Act;

8 (4) in subsection (a), by striking “(a)” and all
9 that follows through “The” and inserting the fol-
10 lowing:

11 “(a) MULTIDISCIPLINARY CENTERS.—

12 “(1) PROGRAM AUTHORIZED.—The”;

13 (5) in subsection (b)—

14 (A) by striking the following:

15 “(b) USE OF FUNDS.—” and inserting the following:

16 “(2) USE OF FUNDS.—”; and

17 (B) by striking “subsection (a)” each place
18 it appears and inserting “paragraph (1)”;

19 (6) in subsection (c)—

20 (A) by striking the following:

21 “(c) DATA.—” and inserting the following:

22 “(3) DATA.—”;

23 (B) by striking “subsection (a)” and in-
24 serting “paragraph (1)”;

1 (C) by striking “such subsection” and in-
2 serting “such paragraph”; and

3 (D) by striking “paragraph (1)” and in-
4 serting “subparagraph (A)”; and

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

6 “(b) MULTIDISCIPLINARY HEALTH SERVICES IN
7 COMMUNITIES.—

8 “(1) PROGRAM AUTHORIZED.—The Assistant
9 Secretary shall make grants to States, on a competi-
10 tive basis, for the development and operation of—

11 “(A) systems for the delivery of mental
12 health screening and treatment services for
13 older individuals who lack access to such serv-
14 ices; and

15 “(B) programs to—

16 “(i) increase public awareness regard-
17 ing the benefits of prevention and treat-
18 ment of mental disorders in older individ-
19 uals;

20 “(ii) reduce the stigma associated
21 with mental disorders in older individuals
22 and other barriers to the diagnosis and
23 treatment of the disorders; and

1 “(iii) reduce age-related prejudice and
2 discrimination regarding mental disorders
3 in older individuals.

4 “(2) APPLICATION.—To be eligible to receive a
5 grant under this subsection for a State, a State
6 agency shall submit an application to the Assistant
7 Secretary at such time, in such manner, and con-
8 taining such information as the Assistant Secretary
9 may require.

10 “(3) STATE ALLOCATION AND PRIORITIES.—A
11 State agency that receives funds through a grant
12 made under this subsection shall allocate the funds
13 to area agencies on aging to carry out this sub-
14 section in planning and service areas in the State.
15 In allocating the funds, the State agency shall give
16 priority to planning and service areas in the State—

17 “(A) that are medically underserved; and

18 “(B) in which there are a large number of
19 older individuals.

20 “(4) AREA COORDINATION OF SERVICES WITH
21 OTHER PROVIDERS.—In carrying out this part, to
22 more efficiently and effectively deliver services to
23 older individuals, each area agency on aging shall—

24 “(A) coordinate services described in para-
25 graph (1) with other community agencies, and

1 voluntary organizations, providing similar or re-
2 lated services; and

3 “(B) to the greatest extent practicable, in-
4 tegrate outreach and educational activities with
5 existing (as of the date of the integration)
6 health care and social service providers serving
7 older individuals in the planning and service
8 area involved.

9 “(5) RELATIONSHIP TO OTHER FUNDING
10 SOURCES.—Funds made available under this part
11 shall supplement, and not supplant, any Federal,
12 State, and local funds expended by a State or unit
13 of general purpose local government (including an
14 area agency on aging) to provide the services de-
15 scribed in paragraph (1).

16 “(6) DEFINITION.—In this subsection, the term
17 ‘mental health screening and treatment services’
18 means patient screening, diagnostic services, care
19 planning and oversight, therapeutic interventions,
20 and referrals, that are—

21 “(A) provided pursuant to evidence-based
22 intervention and treatment protocols (to the ex-
23 tent such protocols are available) for mental
24 disorders prevalent in older individuals; and

1 “(B) coordinated and integrated with the
2 services of social service, mental health, and
3 health care providers in an area in order to—

4 “(i) improve patient outcomes; and

5 “(ii) ensure, to the maximum extent
6 feasible, the continuing independence of
7 older individuals who are residing in the
8 area.”.

9 **SEC. 41. COMMUNITY INNOVATIONS FOR AGING IN PLACE.**

10 Part A of title IV of the Older Americans Act of 1965
11 (42 U.S.C. 3031 et seq.) is amended by adding at the end
12 the following:

13 **“SEC. 422. COMMUNITY INNOVATIONS FOR AGING IN**
14 **PLACE.**

15 “(a) DEFINITIONS.—In this section:

16 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
17 tity’—

18 “(A) means a nonprofit health or social
19 service organization, a community-based non-
20 profit organization, an area agency on aging or
21 other local government agency, a tribal organi-
22 zation, or another entity that—

23 “(i) the Assistant Secretary deter-
24 mines to be appropriate to carry out a
25 project under this part; and

1 “(ii) demonstrates a record of, and ex-
2 perience in, providing or administering
3 group and individual health and social
4 services for older individuals; and

5 “(B) does not include an entity providing
6 housing under the congregate housing services
7 program carried out under section 802 of the
8 Cranston-Gonzalez National Affordable Hous-
9 ing Act (42 U.S.C. 8011) or the multifamily
10 service coordinator program carried out under
11 section 202(g) of the Housing Act of 1959 (12
12 U.S.C. 1701q(g)).

13 “(2) NATURALLY OCCURRING RETIREMENT
14 COMMUNITY.—The term ‘Naturally Occurring Re-
15 tirement Community’ means a residential building, a
16 housing complex, an area (including a rural area) of
17 single family residences, or a neighborhood com-
18 posed of age-integrated housing—

19 “(A) where—

20 “(i) 40 percent of the heads of house-
21 holds are older individuals; or

22 “(ii) a critical mass of older individ-
23 uals exists, based on local factors which,
24 taken in total, allow an organization to
25 achieve efficiencies in the provision of

1 health and social services to older individ-
2 uals living in the community; and

3 “(B) that is not an institutional care or as-
4 sisted living setting.

5 “(b) GRANTS.—

6 “(1) IN GENERAL.—The Assistant Secretary
7 shall make grants to eligible entities to enable the
8 entities to pay for developing or carrying out model
9 aging in place projects. The projects shall permit
10 aging in place for older individuals, including such
11 individuals who reside in Naturally Occurring Re-
12 tirement Communities, which help to sustain the
13 independence of older individuals in communities
14 where the individuals have established personal, fam-
15 ily, and professional supportive networks. The enti-
16 ties shall provide comprehensive and coordinated
17 health and social services through the projects.

18 “(2) GRANT PERIODS.—The Assistant Sec-
19 retary shall make the grants for periods of 3 years.

20 “(c) APPLICATIONS.—

21 “(1) IN GENERAL.—To be eligible to receive a
22 grant under subsection (b) for a project, an entity
23 shall submit an application to the Assistant Sec-
24 retary at such time, in such manner, and containing

1 such information as the Assistant Secretary may re-
2 quire.

3 “(2) CONTENTS.—The application shall in-
4 clude—

5 “(A) a detailed description of the entity’s
6 experience in providing services to older individ-
7 uals in age-integrated settings;

8 “(B) a definition of the contiguous service
9 area and a description of the project boundaries
10 in which the older individuals reside or carry
11 out activities to sustain their well-being;

12 “(C) a description of how the entity will
13 cooperate and coordinate planning and services,
14 with agencies and organizations that provide
15 publicly supported services for older individuals
16 within the project boundaries, including the
17 State agency and area agencies on aging with
18 planning and service areas within the project
19 boundaries;

20 “(D) an assurance that the entity will seek
21 to establish cooperative relationships with inter-
22 ested local entities, including private agencies
23 and businesses that provide health and social
24 services, housing entities, community develop-

1 ment organizations, philanthropic organizations,
2 foundations, and other non-Federal entities;

3 “(E) a description of the entity’s protocol
4 for referral of residents who may require long-
5 term care services, including coordination with
6 local information and referral agencies and
7 Aging and Disability Resource Centers who
8 serve as single points of entry to public services;

9 “(F) a description of how the entity will
10 offer opportunities for older individuals to be
11 involved in the governance, oversight, and oper-
12 ation of the project;

13 “(G) an assurance that the entity will sub-
14 mit to the Assistant Secretary such evaluations
15 and reports as the Assistant Secretary may re-
16 quire; and

17 “(H) a plan for long-term sustainability of
18 the project.

19 “(d) USE OF FUNDS.—

20 “(1) IN GENERAL.—An eligible entity that re-
21 ceives a grant under subsection (b) shall use the
22 funds made available through the grant to provide
23 and coordinate, through aging in place projects de-
24 scribed in subsection (b), services that include a
25 comprehensive and coordinated array of community-

1 based health and social services, which may include
2 mental health services, for eligible older individuals.

3 “(2) SERVICES.—The services described in
4 paragraph (1) shall include—

5 “(A) providing—

6 “(i) case management, case assist-
7 ance, and social work services;

8 “(ii) health care management and
9 health care assistance, including disease
10 prevention and health promotion services;

11 “(iii) education, socialization, and rec-
12 reational activities; and

13 “(iv) volunteer opportunities for
14 project participants; and

15 “(B) coordinating the services provided
16 under title III for eligible older individuals
17 served by the project.

18 “(3) PREFERENCE.—In carrying out an aging
19 in place project, an eligible entity shall, to the extent
20 practicable, serve communities of low-income individ-
21 uals and operate or locate projects and services in or
22 in close proximity to locations where large con-
23 centrations of older individuals have aged in place
24 and resided, such as Naturally Occurring Retirement
25 Communities.

1 “(4) SUPPLEMENT NOT SUPPLANT.—Funds
2 made available to an eligible entity under this sec-
3 tion shall be used to supplement, not supplant, any
4 Federal, State, or other funds otherwise available to
5 the entity to provide health and social services to eli-
6 gible older individuals.

7 “(e) COMPETITIVE GRANTS FOR TECHNICAL ASSIST-
8 ANCE.—

9 “(1) GRANTS.—The Assistant Secretary shall
10 (or shall make a grant, on a competitive basis, to an
11 eligible nonprofit organization, to enable the organi-
12 zation to)—

13 “(A) provide technical assistance to recipi-
14 ents of grants under subsection (b); and

15 “(B) carry out other duties, as determined
16 by the Assistant Secretary.

17 “(2) ELIGIBLE ORGANIZATION.—To be eligible
18 to receive a grant under this subsection, an organi-
19 zation shall be a nonprofit organization (including a
20 partnership of nonprofit organizations), that—

21 “(A) has experience and expertise in pro-
22 viding technical assistance to a range of entities
23 serving older individuals and experience evalu-
24 ating and reporting on programs; and

1 “(B) has demonstrated knowledge of and
2 expertise in community-based health and social
3 services.

4 “(3) APPLICATION.—To be eligible to receive a
5 grant under this subsection, an organization (includ-
6 ing a partnership of nonprofit organizations) shall
7 submit an application to the Assistant Secretary at
8 such time, in such manner, and containing such in-
9 formation as the Assistant Secretary may require,
10 including an assurance that the organization will
11 submit to the Assistant Secretary such evaluations
12 and reports as the Assistant Secretary may require.

13 “(f) REPORT.—The Assistant Secretary shall annu-
14 ally prepare and submit a report to Congress that shall
15 include—

16 “(1) the findings resulting from the evaluations
17 of the model projects conducted under this section;

18 “(2) a description of recommended best prac-
19 tices regarding carrying out health and social service
20 projects for older individuals aging in place; and

21 “(3) recommendations for legislative or admin-
22 istrative action, as the Assistant Secretary deter-
23 mines appropriate.”.

1 **SEC. 42. CHOICES FOR INDEPENDENCE DEMONSTRATION**
 2 **PROJECTS.**

3 Part A of title IV of the Older Americans Act of 1965
 4 (42 U.S.C. 3031 et seq.), as amended by section 41, is
 5 further amended by adding at the end the following:

6 **“SEC. 423. CHOICES FOR INDEPENDENCE DEMONSTRATION**
 7 **PROJECTS.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) CONSUMER.—The term ‘consumer’ means
 10 an older individual, a family member of such indi-
 11 vidual, and any other person seeking information or
 12 assistance with respect to long-term care.

13 “(2) HIGH-RISK INDIVIDUAL.—The term ‘high-
 14 risk individual’ means an older individual who—

15 “(A) has a functional impairment affecting
 16 the individual’s activities of daily living;

17 “(B) is ineligible for the Medicaid program
 18 under title XIX of the Social Security Act (42
 19 U.S.C. 1396 et seq.); and

20 “(C) meets such income and functional
 21 status criteria as are determined to be appro-
 22 priate by the State involved and approved by
 23 the Assistant Secretary.

24 “(3) QUALIFIED EXPENDITURES.—The term
 25 ‘qualified expenditures’ means reported expenditures

1 of a State under this section that have been reviewed
2 and approved by the Assistant Secretary.

3 “(4) SERVICE COORDINATION.—The term ‘serv-
4 ice coordination’ means a coordinated approach
5 taken on behalf of high-risk older individuals to fa-
6 cilitate the development and implementation of a
7 long-term care plan and the choice and independence
8 of the individuals in securing long-term care.

9 “(b) AUTHORITY.—The Assistant Secretary shall
10 make grants on a competitive basis, in accordance with
11 this section, to States to enable the States to pay for the
12 Federal share of the cost of modifying their systems of
13 long-term care in order to promote and facilitate—

14 “(1) the choice and control of older individuals
15 and their families in securing long-term care;

16 “(2) the coordination and cost-effectiveness of
17 State systems of long-term care;

18 “(3) the provision of long-term care in home
19 and community-based settings; and

20 “(4) the ability of individuals receiving long-
21 term care to remain as independent and self-suffi-
22 cient as possible.

23 “(c) APPLICATIONS BY STATES.—For a State to be
24 eligible to receive a grant under this section, the Governor
25 of such State shall submit an application to the Assistant

1 Secretary, at such time, in such manner, and containing
2 such information as the Assistant Secretary may specify,
3 containing a plan for implementation of the component
4 strategies described in subsection (d) and such other infor-
5 mation and assurances as the Secretary determines to be
6 appropriate.

7 “(d) USE OF FUNDS BY STATES.—

8 “(1) COMPONENT STRATEGIES.—A State that
9 receives funds through a grant made under sub-
10 section (b) shall use the funds to carry out a dem-
11 onstration project under this section (directly or by
12 grant or contract) by integrating into the State’s
13 system of long-term care the component strategies
14 described in paragraphs (2) through (5).

15 “(2) PUBLIC EDUCATION.—In carrying out the
16 demonstration project, the State shall conduct activi-
17 ties that shall include media campaigns, targeted
18 mailings, and related activities, to help ensure that
19 consumers are aware of—

20 “(A) the need to plan in advance for long-
21 term care;

22 “(B) available public and private long-term
23 care options, including private long-term care
24 insurance; and

1 “(C) sources of information and resources
2 related to long-term care, including the resource
3 centers described in paragraph (3).

4 “(3) AGING AND DISABILITY RESOURCE CEN-
5 TERS.—

6 “(A) IN GENERAL.—The State shall pro-
7 vide for community-level Aging and Disability
8 Resource Centers, which, consistent with sec-
9 tion 102(47) and subsection (f), shall provide—

10 “(i) comprehensive information on
11 available public and private long-term care
12 programs, options, and resources;

13 “(ii) personal counseling and service
14 coordination to assist consumers in assess-
15 ing their existing or anticipated long-term
16 care needs and circumstances, and devel-
17 oping and implementing a plan for long-
18 term care designed to meet their specific
19 needs and circumstances;

20 “(iii) a convenient point of entry to
21 the range of publicly-supported long-term
22 care programs for which an individual may
23 be eligible, including the Medicaid program
24 under title XIX of the Social Security Act
25 (42 U.S.C. 1396 et seq.), and to such

1 other public benefit programs as the State
2 determines to be appropriate;

3 “(iv) a single process for consumer in-
4 take, assessment, and application for bene-
5 fits under the programs described in sub-
6 paragraph (C), including, where appro-
7 priate and feasible, facilitating the deter-
8 mination of an individual’s eligibility (in-
9 cluding facilitating that determination in
10 compliance with the requirements of title
11 XIX of the Social Security Act) under such
12 programs by collaborating with the appro-
13 priate programmatic office; and

14 “(v) the ability—

15 “(I) to respond immediately to a
16 request for assistance from an indi-
17 vidual or a family member of the indi-
18 vidual, in the event of a crisis situa-
19 tion that could result in placement of
20 such individual in an institutional care
21 setting; and

22 “(II) to provide (or coordinate
23 the provision of), such available short-
24 term assistance as would be necessary
25 and appropriate to temporarily pre-

1 clude the need for such institutional
2 placement, until a plan for home and
3 community-based long-term care can
4 be developed and implemented.

5 “(B) TRAINING.—In providing for the
6 Centers, the State shall ensure that the staff of
7 the Centers is appropriately trained to under-
8 stand the interactions between private long-
9 term care insurance (especially insurance
10 through long-term care partnership policies)
11 and eligibility for benefits under the Medicaid
12 program under title XIX of the Social Security
13 Act (42 U.S.C. 1396 et seq.).

14 “(4) HEALTHY LIFESTYLE CHOICES.—The
15 State shall, in accordance with standards established
16 by the Assistant Secretary, provide for low-cost,
17 community-level, evidence-based prevention pro-
18 grams and related tools to assist older individuals
19 and their family caregivers in learning about and
20 making behavioral changes intended to reduce the
21 risk of injury, disease, and disability among older in-
22 dividuals.

23 “(5) COMMUNITY LIVING INCENTIVES.—

24 “(A) IN GENERAL.—The State shall pro-
25 vide funding toward and otherwise assist with

1 the provision of home and community-based
2 long-term care to individuals at high risk for
3 placement in institutional care (referred to in
4 this paragraph as ‘high-risk individuals’). The
5 State shall ensure that individuals at greatest
6 risk for becoming eligible for benefits under the
7 Medicaid program receive priority for the home
8 and community-based long-term care.

9 “(B) LONG-TERM CARE PLAN.—The State
10 shall provide for assessments of the needs and
11 preferences of high-risk individuals with respect
12 to long-term care, and based on such assess-
13 ments, shall develop with such individuals and
14 their family members, caregivers, or legal rep-
15 resentatives a plan for long-term care for such
16 individuals, specifying the types of support, pro-
17 viders, budget, and, if the State elects, cost-
18 sharing contributions involved.

19 “(C) ALLOCATION OF FUNDS BASED ON
20 INDIVIDUAL BUDGETS.—The State shall ensure
21 that the funding described in subparagraph (A)
22 will be allocated among, and disbursed for, the
23 budgets of high-risk individuals under long-term
24 care plans developed for such individuals.

1 “(D) OPTION TO PROVIDE CONSUMER-DI-
2 RECTED CARE.—The State shall provide high-
3 risk individuals with the option to receive home
4 and community-based long-term care under this
5 paragraph in a manner that permits such indi-
6 viduals to direct and control, in conjunction
7 with a service coordinator, the selection, plan-
8 ning, budgeting, and purchasing of such care
9 (including the amount, duration, scope, pro-
10 viders, and location of such care), to the extent
11 determined appropriate and feasible under the
12 long-term care plan developed under subpara-
13 graph (B). The service coordinator shall assist
14 the high-risk individuals in purchasing a range
15 of long-term care services or supplies, not oth-
16 erwise available or eligible for payment through
17 an entity carrying out a Federal or State pro-
18 gram or a similar third party, from a qualified
19 provider that are delivered in home and commu-
20 nity-based settings and in a manner that best
21 meets the individuals’ needs and respects the
22 individuals’ preferences to remain in the least
23 restrictive setting possible.

24 “(e) FEDERAL SHARE.—The Federal share of the
25 cost of modifying systems of long-term systems care as

1 described in subsection (b) shall be not more than 75 per-
2 cent of such cost (calculated on an annual basis as the
3 State's qualified expenditures for such modifications for
4 such year).

5 “(f) SPECIAL PROVISIONS RELATING TO AGING AND
6 DISABILITY RESOURCE CENTERS.—A State shall ensure
7 that any Aging and Disability Resource Center shall—

8 “(1) fully coordinate its activities with any
9 health insurance information, counseling, and assist-
10 ance (receiving funding under section 4360 of the
11 Omnibus Budget Reconciliation Act of 1990 (42
12 U.S.C. 1395b-4)) in the State;

13 “(2) be subject to such controls as the Assist-
14 ant Secretary determines to be appropriate to ensure
15 there is no conflict of interest with respect to any re-
16 ferrals, for information or otherwise, made by the
17 Center for individuals receiving services through the
18 Center; and

19 “(3) provide no long-term care services or sup-
20 plies, with the exception of case management serv-
21 ices provided through area agencies on aging as de-
22 scribed in section 306(a)(8).

23 “(g) SPECIAL PROVISIONS RELATING TO OPTION TO
24 PROVIDE CONSUMER-DIRECTED CARE.—Payments made
25 for a high-risk individual under subsection (d)(5)(D) shall

1 not be included in the gross income of the high-risk indi-
2 vidual for purposes of the Internal Revenue Code of 1986
3 or be treated as income, be treated as assets or benefits,
4 or otherwise be taken into account, for purposes of deter-
5 mining the individual's eligibility for, the amount of bene-
6 fits for the individual under, or the amount of cost-sharing
7 required of the individual by, any other Federal or State
8 program, other than the program carried out under this
9 section.

10 “(h) TECHNICAL ASSISTANCE TO STATES.—The As-
11 sistant Secretary, directly or by grant or contract, shall
12 provide for technical assistance to and oversight of States
13 carrying out demonstration projects under this section, for
14 purposes of administration, quality assurance, and quality
15 improvement.

16 “(i) EVALUATION AND REPORT.—The Assistant Sec-
17 retary, directly or by grant or contract, shall provide for
18 an evaluation of the demonstration projects carried out
19 under this section. The Assistant Secretary shall submit
20 to the President a report containing the findings resulting
21 from such evaluation not later than 6 months after the
22 termination of the demonstration projects.”.

23 **SEC. 43. 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

1 before the period the following: “, including preparing an
2 analysis of such services, projects, and programs, and of
3 how the evaluation relates to improvements in such serv-
4 ices, projects, and programs and in the strategic plan of
5 the Administration”.

6 **SEC. 44. OLDER AMERICAN COMMUNITY SERVICE EMPLOY-**
7 **MENT PROGRAM.**

8 Section 502 of the Older Americans Act of 1965 (42
9 U.S.C. 3056) is amended—

10 (1) in subsection (a)(1), by adding at the end
11 the following: “For purposes of this paragraph, an
12 underemployed person shall be considered to be an
13 unemployed person.”;

14 (2) in subsection (b)(1)(M), by striking “minor-
15 ity, limited English-speaking, and Indian eligible in-
16 dividuals, and eligible individuals who have the
17 greatest economic need,” and inserting “minority
18 and Indian eligible individuals, eligible individuals
19 with limited English proficiency, and eligible individ-
20 uals with greatest economic need,”; and

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

22 “(g)(1) Except as provided in paragraphs (2) and
23 (3), an eligible individual may participate in projects car-
24 ried out under this title for a period of not more than
25 36 months (whether or not consecutive) in the aggregate.

1 “(2) A grantee for a project may extend the period
2 of participation for not more than 20 percent of the
3 project participants. In selecting participants for the ex-
4 tended period of participation, the grantee shall give pri-
5 ority to—

6 “(A) participants who are 65 years old or older
7 or frail older individuals; and

8 “(B) individuals who have more than 1 of the
9 following barriers to employment:

10 “(i) A disability.

11 “(ii) Limited English proficiency or low lit-
12 eracy skills.

13 “(iii) A residence in a rural area.

14 “(iv) A residence in an area of high unem-
15 ployment.

16 “(v) Homelessness or a situation that puts
17 the individual at risk for homelessness.

18 “(vi) A failure to find employment after
19 utilizing services under title I of the Workforce
20 Investment Act of 1998 (29 U.S.C. 2801 et
21 seq.).

22 “(3) A grantee may petition for a waiver of the 36-
23 month limit described in paragraph (1) if the grantee
24 serves a high concentration of individuals who are hard-
25 to-serve individuals because they have more than 1 barrier

1 to employment as described in paragraph (2)(B), includ-
2 ing a grantee who operates a project in an area in which
3 at least 60 percent of the counties are rural counties, as
4 defined by the Economic Research Service of the Depart-
5 ment of Agriculture.

6 “(h) It is the sense of the Senate that—

7 “(1) the older American community service em-
8 ployment program was created with the intent of
9 placing older individuals in community service posi-
10 tions to provide job training placements; and

11 “(2) placing older individuals in community
12 service positions strengthens the ability of the indi-
13 viduals to become self-sufficient, provides much-
14 needed volunteer support to organizations who ben-
15 efit significantly from increased civic engagement,
16 and strengthens the communities that are served by
17 such organizations.”.

18 **SEC. 45. PERFORMANCE.**

19 Section 513 of the Older Americans Act of 1965 (42
20 U.S.C. 3056k) is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (1)—

23 (i) by striking the paragraph designa-
24 tion and all that follows through “grant-
25 ees” and inserting the following:

1 “(1) ESTABLISHMENT AND IMPLEMENTATION
2 OF MEASURES.—The Secretary shall establish and
3 implement, after consultation with the Assistant
4 Secretary, grantees”; and

5 (ii) by adding at the end the fol-
6 lowing: “The Assistant Secretary shall pro-
7 vide recommendations to the Secretary on
8 the establishment and implementation of
9 the performance measures.”;

10 (B) in paragraph (2)(B), by adding at the
11 end the following:

12 “(iv) Not less than 60 percent of the
13 counties, in the areas served by the grant-
14 ee, being rural counties as defined by the
15 Economic Research Service of the Depart-
16 ment of Agriculture.

17 “(v) The areas served by the grantee
18 comprising a difficult to serve territory due
19 to limited economies of scale.”; and

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

21 “(6) SPECIAL RULES.—

22 “(A) ESTABLISHMENT AND IMPLEMENTA-
23 TION.—The Secretary shall establish and imple-
24 ment the performance measures described in
25 this section, including all required indicators de-

1 scribed in subsection (b), not later than 1 year
2 after the date of enactment of the Older Ameri-
3 cans Act Amendments of 2006.

4 “(B) IMPACT ON GRANT COMPETITION.—
5 The Secretary may not publish a notice an-
6 nouncing a grant competition under this title,
7 and soliciting proposals for grants, until the
8 day that is the later of—

9 “(i) the date on which the Secretary
10 implements all required indicators de-
11 scribed in subsection (b); and

12 “(ii) January 1, 2010.”; and

13 (2) by adding at the end the following:

14 “(e) EFFECT OF EXEMPTION.—In implementing a
15 performance measure under this section, the Secretary
16 shall not reduce a score on the performance measure of—

17 “(1) a grantee that receives a waiver under sec-
18 tion 502(g)(3) on the basis that the grantee is ex-
19 tending the period of participation for project par-
20 ticipants under that section; and

21 “(2) a grantee on the basis that the grantee is
22 extending the period of participation for project par-
23 ticipants under section 502(g)(2).”.

1 **SEC. 46. COMPETITIVE REQUIREMENTS.**

2 Section 514 of the Older Americans Act of 1965 (42
3 U.S.C. 3056l) is amended—

4 (1) by striking subsection (a) and inserting the
5 following:

6 “(a) PROGRAM AUTHORIZED.—In accordance with
7 section 502(b), the Secretary shall award grants to eligible
8 applicants, through a competitive process that emphasizes
9 meeting performance measures, to carry out projects
10 under this title for a 4-year period. The Secretary may
11 not conduct a grant competition under this title until the
12 day described in section 513(a)(6)(B).”;

13 (2) by striking subsection (b) and inserting the
14 following:

15 “(b) ELIGIBLE APPLICANTS.—An applicant shall be
16 eligible to receive a grant as described in subsection (a)
17 if the applicant meets the requirements and criteria de-
18 scribed in section 502(b)(1), subsections (c) and (d), and
19 paragraphs (2) and (3) of subsection (e).”;

20 (3) in subsection (c)—

21 (A) by redesignating paragraphs (2)
22 through (7) as paragraphs (4) through (9), re-
23 spectively;

24 (B) by inserting after paragraph (1) the
25 following:

1 “(2) The applicant’s performance on the re-
2 quired indicators described in section 513(b), in the
3 case of an applicant that has previously received a
4 grant under this title, and the applicant’s ability to
5 meet the required indicators, in the case of any
6 other applicant.

7 “(3) The applicant’s ability to administer a pro-
8 gram that provides community service.”; and

9 (C) by striking paragraph (9) and insert-
10 ing the following:

11 “(9) The applicant’s ability to minimize disrup-
12 tion in services for project participants and the enti-
13 ties employing the participants.

14 “(10) Any additional criteria that the Secretary
15 may determine to be appropriate.”;

16 (4) in subsection (e)—

17 (A) in paragraph (2), by striking subpara-
18 graphs (C) and (D); and

19 (B) in paragraph (3)—

20 (i) by striking “(3)” and all that fol-
21 lows through “In” and inserting the fol-
22 lowing:

23 “(3) COMPETITION REQUIREMENTS FOR PUBLIC
24 AND PRIVATE NONPROFIT AGENCIES AND ORGANIZA-
25 TIONS IN A STATE.—In”;

1 (ii) by striking subparagraphs (B)
2 through (D); and

3 (iii) by striking “take corrective ac-
4 tion” and inserting “provide technical as-
5 sistance”;

6 (C) in paragraph (4), by striking “para-
7 graph (3)(A)” and inserting “paragraph (3)”;

8 (5) in subsection (f), by striking paragraph (4);

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

10 “(g) GRANTEES SERVING INDIVIDUALS WITH BAR-
11 RIERS TO EMPLOYMENT.—

12 “(1) DEFINITION.—In this subsection, the term
13 ‘individuals with barriers to employment’ means mi-
14 nority and Indian individuals, individuals with lim-
15 ited English proficiency, and individuals with great-
16 est economic need.

17 “(2) SPECIAL CONSIDERATION.—In areas where
18 a substantial population of individuals with barriers
19 to employment exists, a grantee that receives a na-
20 tional grant under this section shall, in selecting
21 subgrantees, give special consideration to organiza-
22 tions (including former recipients of such national
23 grants) with demonstrated expertise in serving indi-
24 viduals with barriers to employment.

1 “(h) MINORITY-SERVING GRANTEES.—The Secretary
 2 may not promulgate rules or regulations, affecting grant-
 3 ees in areas where a substantial population of minority
 4 individuals exists, that would significantly compromise the
 5 ability of the grantees to serve their targeted population
 6 of minority older individuals.”.

7 **SEC. 47. DEFINITIONS.**

8 Section 516(2) of the Older Americans Act of 1965
 9 (42 U.S.C. 3056n(2)) is amended—

10 (1) in the header, by striking “INDIVIDUALS”
 11 and inserting “INDIVIDUAL” ;

12 (2) by inserting before “The term” the fol-
 13 lowing:

14 “(A) IN GENERAL.—”;

15 (3) by striking “individuals” and inserting “in-
 16 dividual”; and

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

18 “(B) DETERMINATION OF LOW INCOME.—

19 For purposes of determining income eligibility
 20 under subparagraph (A), the Secretary shall
 21 not include as income—

22 “(i) unemployment compensation;

23 “(ii) benefits received under title XVI
 24 of the Social Security Act (42 U.S.C. 1381
 25 et seq.);

1 “(iii) payments made to or on behalf
2 of veterans or former members of the
3 Armed Forces under the laws administered
4 by the Secretary of Veterans Affairs; or

5 “(iv) 25 percent of the old-age and
6 survivors insurance benefits received under
7 title II of the Social Security Act (42
8 U.S.C. 401 et seq.).”

9 **SEC. 48. CLARIFICATION OF MAINTENANCE REQUIREMENT.**

10 (a) IN GENERAL.—Section 614A of the Older Ameri-
11 cans Act of 1965 (42 U.S.C. 3057e-1) is amended by add-
12 ing at the end the following:

13 “(c) CLARIFICATION.—

14 “(1) DEFINITION.—In this subsection, the term
15 ‘covered year’ means fiscal year 2006 or a subse-
16 quent fiscal year.

17 “(2) CONSORTIA OF TRIBAL ORGANIZATIONS.—

18 If a tribal organization received a grant under this
19 part for fiscal year 1991 as part of a consortium,
20 the Assistant Secretary shall consider the tribal or-
21 ganization to have received a grant under this part
22 for fiscal year 1991 for purposes of subsections (a)
23 and (b), and shall apply the provisions of subsections
24 (a) and (b)(1) (under the conditions described in
25 subsection (b)) to the tribal organization for each

1 covered year for which the tribal organization sub-
2 mits an application under this part, even if the tribal
3 organization submits—

4 “(A) a separate application from the re-
5 maining members of the consortium; or

6 “(B) an application as 1 of the remaining
7 members of the consortium.”.

8 (b) EFFECTIVE DATE.—Subsection (a) takes effect
9 on October 1, 2005.

10 **SEC. 49. NATIVE AMERICANS CAREGIVER SUPPORT PRO-**
11 **GRAM.**

12 Section 643 of the Older Americans Act of 1965 (42
13 U.S.C. 3057n) is amended—

14 (1) in paragraph (1), by striking “2001” and
15 inserting “2007”; and

16 (2) in paragraph (2), by striking “\$5,000,000”
17 and all that follows and inserting “\$6,500,000 for
18 fiscal year 2007, \$7,000,000 for fiscal year 2008,
19 \$7,500,000 for fiscal year 2009, \$8,000,000 for fis-
20 cal year 2010, and \$8,500,000 for fiscal year
21 2011.”.

1 **SEC. 50. VULNERABLE ELDER RIGHTS PROTECTION ACTIVI-**
2 **TIES.**

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

6 **SEC. 51. ELDER ABUSE, NEGLECT, AND EXPLOITATION PRE-**
7 **VENTION AMENDMENT.**

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

10 (1) in subsection (b)—

11 (A) by redesignating paragraphs (2)
12 through (8) as paragraphs (3) through (9), re-
13 spectively; and

14 (B) by inserting after paragraph (1) the
15 following new paragraph:

16 “(2) providing for public education and out-
17 reach to promote financial literacy and prevent iden-
18 tity theft and financial exploitation of older individ-
19 uals;”; and

20 (2) in subsection (e)(2)—

21 (A) by striking “subsection (b)(8)(B)(i)”
22 and inserting “subsection (b)(9)(B)(i)”; and

23 (B) by striking “subsection (b)(8)(B)(ii)”
24 and inserting “subsection (b)(9)(B)(ii)”.

1 **SEC. 52. NATIVE AMERICAN ORGANIZATION PROVISIONS.**

2 Section 751(d) of the Older Americans Act of 1965
3 (42 U.S.C. 3058aa(d)) is amended by striking “2001” and
4 inserting “2007”.

5 **SEC. 53. ELDER JUSTICE PROGRAMS.**

6 (a) PURPOSES.—The purposes of this section are as
7 follows:

8 (1) To assist States and Indian tribes in devel-
9 oping a comprehensive multi-disciplinary approach
10 to elder justice.

11 (2) To promote research and data collection
12 that will fill gaps in knowledge about elder abuse,
13 neglect, and exploitation.

14 (3) To support innovative and effective activi-
15 ties of service providers and programs that are de-
16 signed to address issues relating to elder abuse, ne-
17 glect, and exploitation.

18 (4) To assist States, Indian tribes, and local
19 service providers in the development of short- and
20 long-term strategic plans for the development and
21 coordination of elder justice research, programs,
22 studies, training, and other efforts.

23 (5) To promote collaborative efforts and dimin-
24 ish overlap and gaps in efforts in developing the im-
25 portant field of elder justice.

1 (b) ELDER JUSTICE.—Title VII of the Older Ameri-
 2 cans Act of 1965 (42 U.S.C. 3058 et seq.) is amended—

3 (1) by redesignating subtitles B and C as sub-
 4 titles C and D, respectively;

5 (2) by redesignating sections 751, and 761
 6 through 764, as sections 761, and 771 through 774,
 7 respectively; and

8 (3) by inserting after subtitle A the following:

9 **“Subtitle B—Elder Justice**
 10 **Programs**

11 **“SEC. 751. DEFINITIONS.**

12 “In this subtitle:

13 “(1) CAREGIVER.—The term ‘caregiver’ means
 14 an individual who has the responsibility for the care
 15 of an elder, either voluntarily, by contract, by receipt
 16 of payment for care, or as a result of the operation
 17 of law and means a family member or other indi-
 18 vidual who provides (on behalf of such individual or
 19 of a public or private agency, organization, or insti-
 20 tution) compensated or uncompensated care to an
 21 elder.

22 “(2) DIRECT CARE.—The term ‘direct care’
 23 means care by an employee or contractor who pro-
 24 vides assistance or long-term care services to a re-
 25 cipient.

1 “(3) ELDER.—The term ‘elder’ means an older
2 individual, as defined in section 102.

3 “(4) ELDER JUSTICE.—The term ‘elder justice’
4 means—

5 “(A) efforts to prevent, detect, treat, inter-
6 vene in, and respond to elder abuse, neglect,
7 and exploitation and to protect elders with di-
8 minished capacity while maximizing their au-
9 tonomy; and

10 “(B) from an individual perspective, the
11 recognition of an elder’s rights, including the
12 right to be free of abuse, neglect, and exploi-
13 tation.

14 “(5) ELIGIBLE ENTITY.—The term ‘eligible en-
15 tity’ means a State or local government agency, In-
16 dian tribe, or any other public or private entity, that
17 is engaged in and has expertise in issues relating to
18 elder justice.

19 “(6) FIDUCIARY.—The term ‘fiduciary’—

20 “(A) means a person or entity with the
21 legal responsibility—

22 “(i) to make decisions on behalf of
23 and for the benefit of another person; and

24 “(ii) to act in good faith and with
25 fairness; and

1 “(B) includes a trustee, a guardian, a con-
2 servator, an executor, an agent under a finan-
3 cial power of attorney or health care power of
4 attorney, or a representative payee.

5 “(7) GRANT.—The term ‘grant’ includes a con-
6 tract, cooperative agreement, or other mechanism
7 for providing financial assistance.

8 “(8) LAW ENFORCEMENT.—The term ‘law en-
9 forcement’ means the full range of potential re-
10 sponders to elder abuse, neglect, and exploitation in-
11 cluding—

12 “(A) police, sheriffs, detectives, public safe-
13 ty officers, and corrections personnel;

14 “(B) prosecutors;

15 “(C) medical examiners;

16 “(D) investigators; and

17 “(E) coroners.

18 “(9) LONG-TERM CARE.—

19 “(A) IN GENERAL.—The term ‘long-term
20 care’ means supportive and health services spec-
21 ified by the Secretary for individuals who need
22 assistance because the individuals have a loss of
23 capacity for self-care due to illness, disability,
24 or vulnerability.

1 “(B) LOSS OF CAPACITY FOR SELF-
2 CARE.—For purposes of subparagraph (A), the
3 term ‘loss of capacity for self-care’ means an in-
4 ability to engage effectively in activities of daily
5 living, including eating, dressing, bathing, and
6 management of one’s financial affairs.

7 “(10) LONG-TERM CARE FACILITY.—The term
8 ‘long-term care facility’ means a residential care pro-
9 vider that arranges for, or directly provides, long-
10 term care.

11 “(11) NURSING FACILITY.—The term ‘nursing
12 facility’ has the meaning given such term under sec-
13 tion 1919(a) of the Social Security Act (42 U.S.C.
14 1396r(a)).

15 “(12) STATE LEGAL ASSISTANCE DEVEL-
16 OPER.—The term ‘State legal assistance developer’
17 means an individual described in section 731.

18 “(13) STATE LONG-TERM CARE OMBUDSMAN.—
19 The term ‘State Long-Term Care Ombudsman’
20 means the State Long-Term Care Ombudsman de-
21 scribed in section 712(a)(2).

1 **“SEC. 752. STATE AND TRIBAL GRANTS TO STRENGTHEN**
2 **LONG-TERM CARE AND PROVIDE ASSISTANCE**
3 **FOR ELDER JUSTICE PROGRAMS.**

4 “(a) GRANTS.—The Assistant Secretary may award
5 grants to States and Indian tribes to enable the States
6 and tribes to strengthen long-term care and provide assist-
7 ance for elder justice programs.

8 “(b) APPLICATION.—To be eligible to receive a grant
9 under this subtitle, a State or Indian tribe shall submit
10 an application to the Assistant Secretary at such time, in
11 such manner, and containing such information as the As-
12 sistant Secretary may require.

13 “(c) USE OF FUNDS.—A State or Indian tribe that
14 receives a grant under this subtitle may use the funds
15 made available through the grant to award grants—

16 “(1) to eligible entities for the prevention, de-
17 tection, assessment, and treatment of, intervention
18 in, investigation of, and response to elder abuse, ne-
19 glect, and exploitation;

20 “(2) to eligible entities to examine various types
21 of elder shelters (in this paragraph referred to as
22 ‘safe havens’), and to test various safe haven models
23 for establishing safe havens (at home or elsewhere),
24 that—

1 “(A) recognize autonomy and self-deter-
2 mination, and fully protect the due process
3 rights of elders; and

4 “(B)(i) provide a comprehensive, culturally
5 sensitive, and multidisciplinary team response
6 to allegations of elder abuse, neglect, or exploi-
7 tation;

8 “(ii) provide a dedicated, elder-friendly set-
9 ting;

10 “(iii) have the capacity to meet the needs
11 of elders for care; and

12 “(iv) provide various services including—

13 “(I) nursing and forensic evaluation;

14 “(II) therapeutic intervention;

15 “(III) victim support and advocacy;

16 and

17 “(IV) case review and assistance to
18 make the elders safer at home or to find
19 appropriate placement in safer environ-
20 ments, including shelters, and, in some cir-
21 cumstances long-term care facilities, other
22 residential care facilities, and hospitals;

23 “(3) to eligible entities to establish or continue
24 volunteer programs that focus on the issues of elder

1 abuse, neglect, and exploitation, or to provide related
2 services;

3 “(4) to eligible entities to support multidisci-
4 plinary elder justice activities, such as—

5 “(A) supporting and studying team ap-
6 proaches for bringing a coordinated multidisci-
7 plinary or interdisciplinary response to elder
8 abuse, neglect, and exploitation, including a re-
9 sponse from individuals in social service, health
10 care, public safety, and legal disciplines;

11 “(B) establishing a State or tribal coordi-
12 nating council, which shall identify the indi-
13 vidual State’s or Indian tribe’s needs and pro-
14 vide the Secretary with information and rec-
15 ommendations relating to efforts by the State
16 or Indian tribe to combat elder abuse, neglect,
17 and exploitation;

18 “(C) providing training, technical assist-
19 ance, and other methods of support to groups
20 carrying out multidisciplinary efforts at the
21 State or Indian tribe level (referred to in some
22 States as ‘State Working Groups’);

23 “(D) broadening and studying various
24 models for elder fatality and serious injury re-
25 view teams, to make recommendations about

1 their composition, protocols, functions, timing,
2 roles, and responsibilities, with a goal of pro-
3 ducing models and information that will allow
4 for replication based on the needs of other
5 States, Indian tribes, and communities; or

6 “(E) carrying out such other interdiscipli-
7 nary or multidisciplinary efforts as the Assist-
8 ant Secretary determines to be appropriate;

9 “(5) to eligible entities to provide training for
10 individuals with respect to issues of elder abuse, ne-
11 glect, and exploitation, consisting of—

12 “(A) training within a discipline; or

13 “(B) cross-training activities that permit
14 individuals in multiple disciplines to train to-
15 gether, fostering communication, coordinating
16 efforts, and ensuring collaboration;

17 “(6) to eligible entities to address underserved
18 populations of elders, such as—

19 “(A) elders living in rural locations;

20 “(B) elders in minority populations; or

21 “(C) low-income elders;

22 “(7) to eligible entities to provide incentives for
23 individuals to train for, seek, and maintain employ-
24 ment providing direct care in a long-term care facil-
25 ity, such as—

1 “(A) to eligible entities to provide incen-
2 tives to participants in programs carried out
3 under part A of title IV, and section 403(a)(5),
4 of the Social Security Act (42 U.S.C. 601 et
5 seq., 603(a)(5)) to train for and seek employ-
6 ment providing direct care in a long-term care
7 facility;

8 “(B) to long-term care facilities to carry
9 out programs through which the facilities—

10 “(i) offer, to employees who provide
11 direct care to residents of a long-term care
12 facility, continuing training and varying
13 levels of professional certification, based on
14 observed clinical care practices and the
15 amount of time the employees spend pro-
16 viding direct care; and

17 “(ii) provide, or make arrangements
18 with employers to provide, bonuses or
19 other increased compensation or benefits to
20 employees who achieve professional certifi-
21 cation under such a program; or

22 “(C) to long-term care facilities to enable
23 the facilities to provide training and technical
24 assistance to eligible employees regarding man-
25 agement practices using methods that are dem-

1 onstrated to promote retention of employees of
2 the facilities, such as—

3 “(i) the establishment of basic human
4 resource policies that reward high perform-
5 ance, including policies that provide for im-
6 proved wages and benefits on the basis of
7 job reviews; or

8 “(ii) the establishment of other pro-
9 grams that promote the provision of high
10 quality care, such as a continuing edu-
11 cation program that provides additional
12 hours of training, including on-the-job
13 training, for employees who are certified
14 nurse aides;

15 “(8) to encourage the establishment of eligible
16 partnerships to develop collaborative and innovative
17 approaches to improve the quality of, including pre-
18 venting abuse, neglect, and exploitation in, long-term
19 care; or

20 “(9) to eligible entities to establish multidisci-
21 plinary panels to address and develop best practices
22 concerning methods of—

23 “(A) improving the quality of long-term
24 care; and

1 “(B) addressing abuse, including resident-
2 to-resident abuse, in long-term care.

3 “(d) ADMINISTRATIVE EXPENSES.—A State or In-
4 dian tribe that receives a grant under this section shall
5 not use more than 5 percent of the funds made available
6 through the grant to pay for administrative expenses.

7 “(e) SUPPLEMENT NOT SUPPLANT.—Funds made
8 available pursuant to this section shall be used to supple-
9 ment and not supplant other Federal, State, and local (in-
10 cluding tribal) funds expended to provide activities de-
11 scribed in subsection (c).

12 “(f) MAINTENANCE OF EFFORT.—The State or In-
13 dian tribe, in using the proceeds of a grant received under
14 this section, shall maintain the expenditures of the State
15 or tribe for activities described in subsection (c) at a level
16 equal to not less than the level of such expenditures main-
17 tained by the State or tribe for the fiscal year preceding
18 the fiscal year for which the grant is received.

19 “(g) ACCOUNTABILITY MEASURES.—The Assistant
20 Secretary shall develop accountability measures to ensure
21 the effectiveness of the activities conducted using funds
22 made available under this section, including accountability
23 measures to ensure that the activities described in sub-
24 section (c)(7) benefit eligible employees and increase the
25 stability of the long-term care workforce.

1 “(h) EVALUATING PROGRAMS.—The Assistant Sec-
2 retary shall evaluate the activities conducted using funds
3 made available under this section and shall use the results
4 of such evaluation to determine the activities for which
5 funds made available under this section may be used.

6 “(i) COMPLIANCE WITH APPLICABLE LAWS.—In
7 order to receive funds under this section, an entity shall
8 comply with all applicable laws, regulations, and guide-
9 lines.

10 “(j) ELIGIBLE PARTNERSHIPS.—In subsection
11 (c)(8), the term ‘eligible partnership’ means a multidisci-
12 plinary community partnership consisting of eligible enti-
13 ties or appropriate individuals, such as a partnership con-
14 sisting of representatives in a community of nursing facil-
15 ity providers, State legal assistance developers, advocates
16 for residents of long-term care facilities, State Long-Term
17 Care Ombudsmen, surveyors, the State agency with re-
18 sponsibility for adult protective services, the State agency
19 with responsibility for licensing long-term care facilities,
20 law enforcement agencies, courts, family councils, resi-
21 dents, certified nurse aides, registered nurses, physicians,
22 and other eligible entities and appropriate individuals.

23 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to carry out this section

1 such sums as may be necessary for each of fiscal years
2 2005 through 2008.

3 **“SEC. 753. COLLECTION OF UNIFORM NATIONAL DATA ON**
4 **ELDER ABUSE, NEGLECT, AND EXPLOI-**
5 **TATION.**

6 “(a) PURPOSE.—The purpose of this section is to im-
7 prove, streamline, and promote uniform collection, mainte-
8 nance, and dissemination of national data relating to the
9 various types of elder abuse, neglect, and exploitation.

10 “(b) PHASE I.—

11 “(1) IN GENERAL.—Not later than the date
12 that is 1 year after the date of enactment of the
13 Older Americans Act Amendments of 2006, the As-
14 sistant Secretary, acting through the head of the Of-
15 fice of Elder Abuse Prevention and Services, after
16 consultation with the Attorney General and working
17 with experts in relevant disciplines from the Bureau
18 of Justice Statistics of the Office of Justice Pro-
19 grams of the Department of Justice, shall—

20 “(A) develop a method for collecting na-
21 tional data regarding elder abuse, neglect, and
22 exploitation; and

23 “(B) develop uniform national data report-
24 ing forms adapted to each relevant entity or
25 discipline (such as health, public safety, social

1 and protective services, and law enforcement)
2 reflecting—

3 “(i) the distinct manner in which each
4 entity or discipline receives and maintains
5 information; and

6 “(ii) the sequence and history of re-
7 ports to or involvement of different entities
8 or disciplines, independently, or the se-
9 quence and history of reports from 1 entity
10 or discipline to another over time.

11 “(2) FORMS.—

12 “(A) IN GENERAL.—Subject to subpara-
13 graph (B), the national data reporting forms
14 described in paragraph (1)(B) shall incorporate
15 the definitions of section 751, for use in deter-
16 mining whether an event is reportable.

17 “(B) PROTECTION OF PRIVACY.—In pur-
18 suing activities under this paragraph, the Sec-
19 retary shall ensure the protection of individual
20 health privacy consistent with the regulations
21 promulgated under section 264(c) of the Health
22 Insurance Portability and Accountability Act of
23 1996 and State and local privacy regulations
24 (as applicable).

25 “(c) PHASE II.—

1 “(1) IN GENERAL.—Not later than the date
2 that is 1 year after the date on which the activities
3 described in subsection (b)(1) are completed, the
4 Secretary (or the Secretary’s designee) shall ensure
5 that the national data reporting forms and data col-
6 lection methods developed in accordance with such
7 subsection are pilot tested in 6 States selected by
8 the Secretary.

9 “(2) ADJUSTMENTS TO THE FORM AND METH-
10 ODS.—The Secretary, after considering the results
11 of the pilot testing described in paragraph (1) and
12 consultation with the Attorney General and relevant
13 experts, shall adjust the national data reporting
14 forms and data collection methods as necessary.

15 “(d) PHASE III.—

16 “(1) DISTRIBUTION OF NATIONAL DATA RE-
17 PORTING FORMS.—After completion of the adjust-
18 ment to the national data reporting forms under
19 subsection (c)(2), the Secretary shall submit the na-
20 tional data reporting forms along with instructions
21 to—

22 “(A) the heads of the relevant components
23 of the Department of Health and Human Serv-
24 ices, the Department of Justice, and the De-

1 department of the Treasury, and such other Fed-
2 eral entities as may be appropriate; and

3 “(B) the Governor’s office of each State
4 for collection from all relevant State entities of
5 data, including health care, social services, and
6 law enforcement data.

7 “(2) DATA COLLECTION GRANTS.—

8 “(A) AUTHORIZATION.—The Secretary is
9 authorized to award grants to States to improve
10 data collection activities relating to elder abuse,
11 neglect, and exploitation.

12 “(B) APPLICATION.—To be eligible to re-
13 ceive a grant under this paragraph, a State
14 shall submit an application to the Secretary at
15 such time, in such manner, and containing such
16 information as the Secretary may require.

17 “(C) REQUIREMENTS.—Each State receiv-
18 ing a grant under this paragraph for a fiscal
19 year shall report data for the calendar year that
20 begins during that fiscal year, using the na-
21 tional data reporting forms described in para-
22 graph (1).

23 “(D) FUNDING.—

24 “(i) FIRST YEAR.—For the first fiscal
25 year for which a State receives grant funds

1 under this subsection the Secretary shall
2 initially distribute 50 percent of such
3 funds. The Secretary shall distribute the
4 remaining funds at the end of the calendar
5 year that begins during that fiscal year, if
6 the Secretary determines that the State
7 has properly reported data required under
8 this subsection for the calendar year.

9 “(ii) SUBSEQUENT YEARS.—Except as
10 provided in clause (i), the Secretary shall
11 distribute grant funds to a State under
12 this subsection for a fiscal year if the Sec-
13 retary determines that the State properly
14 reported data required under this sub-
15 section for the calendar year that ends
16 during that fiscal year.

17 “(3) REQUIRED INFORMATION.—Each report
18 submitted under this subsection shall—

19 “(A) indicate the State and year in which
20 each event occurred; and

21 “(B) identify the total number of events
22 that occurred in each State during the year and
23 the type of each event.

24 “(e) REPORT.—Not later than 1 year after the date
25 of enactment of the Older Americans Act Amendments of

1 2006 and annually thereafter, the Secretary shall prepare
2 and submit to the appropriate committees of Congress, in-
3 cluding to the Committee on Health Education, Labor,
4 and Pensions and the Special Committee on Aging of the
5 Senate, a report regarding activities conducted under this
6 section.

7 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to carry out this section
9 such sums as may be necessary for each of fiscal years
10 2007, 2008, 2009, 2010, and 2011.”.

11 **SEC. 54. RULE OF CONSTRUCTION.**

12 Subtitle C of title VII of the Older Americans Act
13 of 1965 (42 U.S.C. 3058 et seq.) is amended by adding
14 at the end the following:

15 **“SEC. 765. RULE OF CONSTRUCTION.**

16 “Nothing in this title shall be construed to interfere
17 with or abridge the right of an older individual to practice
18 the individual’s religion through reliance on prayer alone
19 for healing, in a case in which a decision to so practice
20 the religion—

21 “(1) is contemporaneously expressed by the
22 older individual—

23 “(A) either orally or in writing;

1 “(B) with respect to a specific illness or in-
2 jury that the older individual has at the time of
3 the decision; and

4 “(C) when the older individual is com-
5 petent to make the decision;

6 “(2) is set forth prior to the occurrence of the
7 illness or injury in a living will, health care proxy,
8 or other advance directive document that is validly
9 executed and applied under State law; or

10 “(3) may be unambiguously deduced from the
11 older individual’s life history.”.

○