

112TH CONGRESS
2^D SESSION

S. 2037

To reauthorize and improve the Older Americans Act of 1965, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 26, 2012

Mr. SANDERS introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To reauthorize and improve the Older Americans Act of 1965, 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 2012”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Older adults are the fastest growing seg-
9 ment of the Nation’s population, in the Nation’s his-
10 tory.

1 (2) Every day, 10,000 Baby Boomers turn 65.

2 (3) One in every 5 of those individuals age 65
3 and older survives on an average of \$7,500 a year.

4 (4) Older adults haven't seen a cost of living
5 adjustment in Federal benefits, including assistance
6 under the Social Security Act, in more than 2 years
7 and will only see a very slight cost of living adjust-
8 ment in those benefits for this fiscal year.

9 (5) Federal funding to support older adults and
10 their caregivers has not kept pace with inflation.

11 (6) Only 7 percent of individuals who are food
12 insecure are getting a home-delivered meal.

13 (7) The cost of staying in a nursing home is
14 averaging over \$77,000 per year.

15 (8) The Medicaid program is paying for the
16 majority of nursing home care.

17 (9) The number of elder abuse and neglect
18 cases is soaring.

19 (10) States are cutting budgets for Medicaid
20 programs, and the cuts sometimes result in nursing
21 homes dropping older adults off at homeless shel-
22 ters.

23 (11) By making significant improvements
24 through the Older Americans Act Amendments of
25 2012, it is possible to improve the lives of millions

1 of older adults, and ensure that they receive all of
2 the supports and services that they need to stay
3 healthy and active in their homes and communities.

4 **TITLE I—DECLARATION OF**
5 **OBJECTIVES; DEFINITIONS**

6 **SEC. 101. DECLARATION OF OBJECTIVES.**

7 Section 101 of the Older Americans Act of 1965 (42
8 U.S.C. 3001) is amended by striking paragraph (1) and
9 inserting the following:

10 “(1) Economic security in later life in accord-
11 ance with the American standard of living.”.

12 **SEC. 102. DEFINITIONS.**

13 (a) IN GENERAL.—Section 102 of the Older Ameri-
14 cans Act of 1965 (42 U.S.C. 3002) is amended—

15 (1) in paragraph (14), by striking the last sen-
16 tence;

17 (2) by redesignating paragraphs (15) through
18 (54) as paragraphs (16) through (55), respectively;

19 (3) by inserting after paragraph (14) the fol-
20 lowing:

21 “(15) The term ‘economic security’ means the
22 situation of having the income necessary to pay for
23 housing, health care, transportation, food, long-term
24 care, and goods and services to meet other basic
25 needs.”;

1 (4) in paragraph (24), as redesignated by para-
2 graph (2) of this subsection, by striking “at or below
3 the poverty line.” and inserting “that is not more
4 than 200 percent of the poverty line.”;

5 (5) by striking paragraph (25), as redesignated
6 by paragraph (2) of this subsection, and inserting
7 the following:

8 “(25) GREATEST SOCIAL NEED.—The term
9 ‘greatest social need’ means need—

10 “(A) caused by noneconomic factors, which
11 include—

12 “(i) physical and mental disabilities;

13 “(ii) language barriers including lim-
14 ited English proficiency;

15 “(iii) cultural, social, or geographic
16 isolation (such as residence in a rural
17 area), including isolation caused by racial,
18 minority, or ethnic status, or status as a
19 lesbian, gay, bisexual, or transgendered
20 older adult; and

21 “(iv) HIV-positive health status or
22 Alzheimer’s disease or a related disorder
23 with neurological and organic brain dys-
24 function; and

25 “(B) that—

1 “(i) restricts the ability of an indi-
2 vidual to perform normal daily tasks; or

3 “(ii) threatens the capacity of the in-
4 dividual to live independently.”;

5 (6) in paragraph (29)(E)(i), as redesignated by
6 paragraph (2) of this subsection, by inserting after
7 “social need” the following: “(with particular atten-
8 tion to individuals with factors listed in paragraph
9 (25))”;

10 (7) in paragraph (35)(C), as redesignated by
11 paragraph (2) of this subsection—

12 (A) in subparagraph (A), by adding “and”
13 at the end;

14 (B) in subparagraph (B), by striking
15 “and” at the end; and

16 (C) by striking subparagraph (C); and

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

18 “(55) INTEGRATED LEGAL ASSISTANCE DELIV-
19 ERY SYSTEM.—The term ‘integrated legal assistance
20 delivery system’ means a collaboratively run, state-
21 wide network that is established to provide direct
22 legal assistance, in the most efficient and impactful
23 manner possible, targeted at older individuals with
24 greatest economic need and older individuals with
25 greatest social need, in coordination with the legal

1 assistance developer for the State and all State, re-
 2 gional, and local service providers engaged in pro-
 3 moting or supporting elder rights.”.

4 (b) CONFORMING AMENDMENTS.—Section 102 of the
 5 Older Americans Act of 1965 (42 U.S.C. 3002), as reded-
 6 icated by subsection (a)(2), is amended—

7 (1) in paragraph (38)(A), by striking “as de-
 8 fined in paragraph (5)” and inserting “as defined in
 9 paragraph (27)”;

10 (2) in paragraph (39), by striking “(as defined
 11 in paragraph (18)(B))” and inserting “(as defined
 12 in paragraph (19)(B))”;

13 (3) in paragraph (47)(D), by striking “(as de-
 14 fined in paragraph (18)(B))” and inserting “(as de-
 15 fined in paragraph (19)(B))”; and

16 (4) in paragraph (49)(B), by striking “specified
 17 in subparagraphs (A) through (G) of paragraph
 18 (8).” and inserting “specified in subparagraphs (A)
 19 through (G) of paragraph (13).”.

20 **TITLE II—ADMINISTRATION ON** 21 **AGING**

22 **SEC. 201. ESTABLISHMENT OF ADMINISTRATION ON AGING.**

23 Section 201(d)(3) of the Older Americans Act of
 24 1965 (42 U.S.C. 3011(d)(3)) is amended—

25 (1) in subsection (C)—

1 (A) in clause (i), by striking “; and” and
2 inserting a semicolon;

3 (B) by redesignating clause (ii) as clause
4 (iii); and

5 (C) by inserting after clause (i) the fol-
6 lowing:

7 “(ii) resources needed by State Long-
8 Term Care Ombudsmen to collect and re-
9 port program data through the National
10 Ombudsman Reporting System, including
11 hardware and software that meet national
12 standards; and”; and

13 (2) in subparagraph (L)—

14 (A) by striking “Older Americans Act
15 Amendments of 1992” and inserting “Older
16 Americans Act Amendments of 2012”; and

17 (B) by striking “712(h)(4)” and inserting
18 “712(h)(5)”.

19 **SEC. 202. FUNCTIONS OF ASSISTANT SECRETARY.**

20 Section 202(a) of the Older Americans Act of 1965
21 (42 U.S.C. 3012(a)) is amended—

22 (1) in paragraph (15), by striking “, with par-
23 ticular attention” and all that follows through the
24 semicolon and inserting “(with particular attention

1 to individuals with factors listed in section
2 102(25));”;

3 (2) in paragraph (18), by amending subpara-
4 graph (B) to read as follows:

5 “(B)(i) for fiscal year 2012, make avail-
6 able not less than \$2,000,000 to carry out the
7 functions of the Center; and

8 “(ii) in subsequent fiscal years, make avail-
9 able such sums as may be necessary to carry
10 out the functions of the Center, which in no
11 case shall be less than an amount equal to the
12 sum of—

13 “(I) the amount made available to
14 carry out the functions of the Center for
15 the preceding fiscal year; plus

16 “(II) an amount not less than
17 \$100,000;”;

18 (3) by striking paragraph (22) and inserting
19 the following:

20 “(22) develop guidelines for a State designated
21 agency (such as a State agency) to follow in—

22 “(A) choosing and evaluating providers of
23 legal assistance with the capacity to work with-
24 in an integrated legal assistance delivery sys-
25 tem; and

1 “(B) collecting data and reporting to the
2 Administration;”;

3 (4) by redesignating paragraphs (25) through
4 (28) as paragraphs (26) through (29), respectively;
5 and

6 (5) by inserting after paragraph (24) the fol-
7 lowing:

8 “(25)(A) conduct a planning and feasibility
9 study—

10 “(i) with the intent of establishing a na-
11 tional database of local service organizations or
12 local senior community service employment pro-
13 grams authorized under title V that offer volun-
14 teer placements; and

15 “(ii) on the capacity, as of the date of the
16 study, of the aging network to manage such a
17 database; and

18 “(B) not later than 2 years after the date of
19 enactment of the Older Americans Act Amendments
20 of 2012, submit to Congress the results of the study
21 conducted under subparagraph (A);”.

22 **SEC. 203. FEDERAL AGENCY CONSULTATION.**

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

1 (1) in subsection (a)(3)(A), by striking “older
2 individuals (with particular attention to low-income
3 older individuals, including low-income minority
4 older individuals, older individuals with limited
5 English proficiency, and older individuals residing in
6 rural areas)” and inserting “older individuals, older
7 individuals with greatest economic need, and older
8 individuals with greatest social need (with particular
9 attention to individuals with factors listed in section
10 102(25))”; and

11 (2) in subsection (b)—

12 (A) in paragraph (18), by striking “, and”
13 and inserting a comma;

14 (B) in paragraph (19), by striking the pe-
15 riod at the end and inserting a comma; and

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

17 “(20) the Patient Protection and Affordable
18 Care Act, including programs that increase integra-
19 tion with community health centers, as practicable,
20 and

21 “(21) title XXIX of the Public Health Service
22 Act.”.

23 **SEC. 204. EVALUATION.**

24 Section 206 of the Older Americans Act of 1965 (42
25 U.S.C. 3017) is amended—

1 (1) in subsection (a), by striking “greatest eco-
2 nomic need” and all that follows through “areas),”
3 and inserting “greatest economic need and unserved
4 older individuals with greatest social need (with par-
5 ticular attention to individuals with factors listed in
6 section 102(25)),”; and

7 (2) in subsection (g), by striking “ $\frac{1}{2}$ of”.

8 **SEC. 205. REPORTS.**

9 Section 207 of the Older Americans Act of 1965 (42
10 U.S.C. 3018) is amended—

11 (1) in subsection (a)(3), by striking “, with par-
12 ticular attention” and all that follows through the
13 semicolon and inserting “(with particular attention
14 to individuals with factors listed in section
15 102(25));”; and

16 (2) in subsection (c)(5)—

17 (A) by striking “economic need (including
18 low-income minority individuals and older indi-
19 viduals residing in rural areas)” and inserting
20 “economic need”; and

21 (B) by striking “social need (including low-
22 income minority individuals and older individ-
23 uals residing in rural areas)” and inserting “so-
24 cial need (with particular attention to individ-
25 uals with factors listed in section 102(25))”.

1 **SEC. 206. APPROPRIATE USE OF FUNDS.**

2 Section 212(b)(3) of the Older Americans Act of
3 1965 (42 U.S.C. 3020c(b)(3)) is amended—

4 (1) by striking “social need,” and inserting “so-
5 cial need (with particular attention to individuals
6 with factors listed in section 102(25)) or”; and

7 (2) by striking “, or an older” and all that fol-
8 lows through “placement”.

9 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

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

12 (1) in subsection (a), by striking “2007, 2008,
13 2009, 2010, and 2011” and inserting “2013, 2014,
14 2015, 2016, and 2017”;

15 (2) in subsection (b), by striking “2007, 2008,
16 2009, 2010, and 2011” and inserting “2013, 2014,
17 2015, 2016, and 2017”; and

18 (3) in subsection (c), by striking “2007, 2008,
19 2009, 2010, and 2011” and inserting “2013, 2014,
20 2015, 2016, and 2017”.

21 **SEC. 208. CONSUMER PRICE INDEX.**

22 (a) IN GENERAL.—The Secretary of Labor, through
23 the Bureau of Labor Statistics and in consultation with
24 the Assistant Secretary for Aging, shall revise and improve
25 the Experimental Price Index for the Elderly published by
26 the Bureau of Labor Statistics (commonly referred to as

1 the “CPI–E”) in order for the CPI–E to be considered
2 a reliable measure in determining future cost of living ad-
3 justments that impact Americans who are 62 years of age
4 or older.

5 (b) REVISION REQUIREMENTS.—In carrying out sub-
6 section (a), the Secretary of Labor shall—

7 (1) increase the number of Americans 62 years
8 of age and older sampled in the consumer expendi-
9 ture survey used to establish the CPI–E;

10 (2) establish samples of market-based items,
11 stores, and prices to represent the purchasing pat-
12 terns of Americans 62 years of age and older; and

13 (3) examine the medical care component, in-
14 cluding the cost and usage of prescription drugs, of
15 the CPI–E taking into account that Americans 62
16 years of age and older have different illnesses and
17 medical expenses than Americans under 62 years of
18 age.

19 (c) REPORT TO CONGRESS.—Not later than 2 years
20 after the date of enactment of this Act, the Secretary of
21 Labor shall submit to Congress a report that describes the
22 revised CPI–E and the activities carried out by the Sec-
23 retary under this section.

1 **TITLE III—GRANTS FOR STATE**
2 **AND COMMUNITY PROGRAMS**
3 **ON AGING**

4 **SEC. 301. PURPOSE; ADMINISTRATION.**

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

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

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

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

12 “(G) Federally Qualified Health Centers,
13 as defined in sections 1861(aa)(4) and
14 1905(l)(2)(B) of the Social Security Act (42
15 U.S.C. 1395x(aa)(4), 1396d(l)(2)(B)).”.

16 **SEC. 302. AUTHORIZATION OF APPROPRIATIONS.**

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

19 (1) in subsection (a), by striking paragraph (1)
20 and inserting the following:

21 “(1) There are authorized to be appropriated to carry
22 out part B (relating to supportive services) such sums as
23 may be necessary for each of fiscal years 2013, 2014,
24 2015, 2016, and 2017.”;

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

3 “(b) There are authorized to be appropriated to carry
4 out part C (relating to nutrition services) such sums as
5 may be necessary for each of fiscal years 2013, 2014,
6 2015, 2016, and 2017.”;

7 (3) by striking subsection (d) and inserting the
8 following:

9 “(d) There are authorized to be appropriated to carry
10 out part D (relating to disease prevention and health pro-
11 motion services) such sums as may be necessary for each
12 of fiscal years 2013, 2014, 2015, 2016, and 2017.”; and

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

14 “(f) It is the sense of Congress that—

15 “(1) in order to carry out part B (relating to
16 supportive services), the amount appropriated under
17 subsection (a)(1) should be not less than
18 \$551,000,000 for fiscal year 2013;

19 “(2) in order to carry out part C (relating to
20 nutrition services), the amount appropriated under
21 subsection (b) should be not less than
22 \$1,200,000,000 for fiscal year 2013; and

23 “(3) in order to carry out part D (relating to
24 disease prevention and health promotion services),
25 the amount appropriated under subsection (d)

1 should be not less than \$32,000,000 for fiscal year
2 2013.”.

3 **SEC. 303. ORGANIZATION.**

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

6 (1) in subsection (a)—

7 (A) in paragraph (1)(E)—

8 (i) by striking “greatest economic
9 need” and all that follows through “rural
10 areas)” the first place it appears and in-
11 serting “greatest economic need”; and

12 (ii) by striking “greatest social need”
13 and all that follows through “rural areas)”
14 and inserting “greatest social need (with
15 particular attention to individuals with fac-
16 tors listed in section 102(25));”; and

17 (B) in paragraph (2)—

18 (i) in subparagraph (C)(ii), by strik-
19 ing “areas” and all that follows and insert-
20 ing “areas of older individuals with great-
21 est economic need and older individuals
22 with greatest social need (with particular
23 attention to individuals with factors listed
24 in section 102(25));”; and

1 (ii) in subparagraph (E), by striking
2 “services to” and all that follows through
3 “rural areas)” and inserting “services to
4 older individuals with greatest economic
5 need and older individuals with greatest
6 social need (with particular attention to in-
7 dividuals with factors listed in section
8 102(25))”; and

9 (2) in subsection (d)(1), by striking “greatest
10 economic or social need” and inserting “greatest
11 economic need and greatest social need”.

12 **SEC. 304. AREA PLANS.**

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

15 (1) in subsection (a)—

16 (A) in paragraph (1)—

17 (i) by striking “maintenance, or con-
18 struction of multipurpose senior centers”
19 and inserting “maintenance, moderniza-
20 tion, or construction of multipurpose senior
21 centers (which system includes a plan to
22 use the skills and services of older individ-
23 uals in paid and unpaid work, including
24 multigenerational work and older indi-
25 vidual-to-older individual service activities,

1 relating to such maintenance, moderniza-
2 tion, or construction, or activities at the
3 centers)”;

4 (ii) by striking “greatest economic
5 need” and all that follows through “rural
6 areas)” the first place it appears and in-
7 serting “greatest economic need”; and

8 (iii) by striking “greatest social need”
9 and all that follows through “rural areas)”
10 and inserting “greatest social need (with
11 particular attention to individuals with fac-
12 tors listed in section 102(25))”;

13 (B) in paragraph (2)(A), by striking “eligi-
14 ble)” and inserting “eligible and shall include
15 information on paid and unpaid work opportu-
16 nities for older individuals)”;

17 (C) in paragraph (4)—

18 (i) in subparagraph (A)—

19 (I) in clause (i)(I), by striking
20 “will—” and all that follows and in-
21 serting “will set specific objectives,
22 consistent with State policy, for pro-
23 viding services to older individuals
24 with greatest economic need, older in-
25 dividuals with greatest social need

1 (with particular attention to individ-
2 uals with factors listed in section
3 (25)), and older individuals at risk for
4 institutional placement; and”;

5 (II) in clause (i)(II), by striking
6 “items (aa) and (bb) of”; and

7 (III) in subclauses (I), (II), and
8 (III) of clause (ii), by striking “low-
9 income” and all that follows through
10 “rural areas” and inserting “individ-
11 uals with greatest economic need and
12 individuals with greatest social need
13 (with particular attention to individ-
14 uals with factors listed in section
15 102(25))”; and

16 (ii) in subparagraph (B)(i)—

17 (I) in subclause (II), by striking
18 “economic need” and all that follows
19 through “rural areas)” and inserting
20 “economic need”; and

21 (II) in subclause (III), by strik-
22 ing “social need” and all that follows
23 through “rural areas)” and inserting
24 “social need”;

1 (D) in paragraph (6)(E)(ii), by inserting
2 “and Federally Qualified Health Centers, as de-
3 fined in sections 1861(aa)(4) and 1905(l)(2)(B)
4 of the Social Security Act (42 U.S.C.
5 1395x(aa)(4), 1396d(l)(2)(B))” after “203(b)”;
6 and

7 (E) by striking paragraph (9) and insert-
8 ing the following:

9 “(9) provide assurances that the area agency on
10 aging, in carrying out the State Long-Term Care
11 Ombudsman program described in section 307(a)(9),
12 will—

13 “(A) provide adequate funding to conduct
14 an effective Ombudsman program in compliance
15 with this Act; and

16 “(B) expend not less than the total
17 amount of funds appropriated under this Act or
18 made available through other resources, and ex-
19 pended by the agency in fiscal year 2010, in
20 carrying out such a program under this Act;”;
21 and

22 (2) in subsection (b)(2)(B), by striking “includ-
23 ing individuals” and all that follows and inserting
24 “including older individuals with greatest economic
25 need and older individuals with greatest social need

1 (with particular attention to individuals with factors
2 listed in section 102(25));”.

3 **SEC. 305. STATE PLANS.**

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

6 (1) in paragraph (2)(A), by striking “section
7 202(a)(29)” and inserting “section 202(a)(27)”;

8 (2) in paragraph (4), by striking “provided to
9 individuals” and all that follows and inserting “pro-
10 vided to individuals with greatest economic need, in-
11 dividuals with greatest social need (with particular
12 attention to individuals with factors listed in section
13 102(25)), and individuals with disabilities.”;

14 (3) by striking paragraph (9) and inserting the
15 following:

16 “(9) The plan shall provide assurances that the
17 State agency will carry out, through the Office of
18 the State Long-Term Care Ombudsman, a State
19 Long-Term Care Ombudsman program in accord-
20 ance with section 712 and this title, and, in carrying
21 out the program, will—

22 “(A) provide adequate funding to conduct
23 an effective Ombudsman program in compliance
24 with this Act; and

1 “(B) expend not less than the total
2 amount of funds appropriated under this Act or
3 made available through other resources, and ex-
4 pended by the agency in fiscal year 2010, in
5 carrying out such a program under this Act.”;
6 (4) in paragraph (11)—

7 (A) in the matter preceding subparagraph
8 (A), by striking “legal assistance—” and insert-
9 ing “legal assistance, which shall be provided
10 through an integrated legal assistance delivery
11 system—”;

12 (B) in subparagraph (A), by striking “area
13 agencies on aging” and inserting “a State des-
14 ignated agency (such as a State agency)”;

15 (C) in subparagraph (B), by striking “indi-
16 viduals with the greatest such need;” and in-
17 serting “individuals with greatest economic
18 need and individuals with greatest social need
19 (with particular attention to individuals with
20 factors listed in section 102(25)),”; and

21 (D) in subparagraph (E), by striking “area
22 agencies on aging” and inserting “a State des-
23 ignated agency”;

24 (5) in paragraph (16)—

1 (A) in subparagraph (A), by striking
2 clauses (i) through (vi) and inserting the fol-
3 lowing:

4 “(i) older individuals with greatest
5 economic need;

6 “(ii) older individuals with greatest
7 social need (with particular attention to in-
8 dividuals with factors listed in section
9 102(25));

10 “(iii) older individuals with severe dis-
11 abilities; and

12 “(iv) caregivers of individuals de-
13 scribed in clause (i), (ii), or (iii); and”;
14 (B) in subparagraph (B)—

15 (i) by striking “(vi)” and inserting
16 “(iv)”; and

17 (ii) by striking “caretakers” and in-
18 serting “caregivers”; and

19 (6) in paragraph (28)(B)(ii), by striking “in-
20 cluding individuals” and all that follows and insert-
21 ing “including older individuals with greatest eco-
22 nomic need and older individuals with greatest social
23 need (with particular attention to individuals with
24 factors listed in section 102(25));”.

1 **SEC. 306. PLANNING, COORDINATION, EVALUATION, AND**
2 **ADMINISTRATION OF STATE PLANS.**

3 Section 308 of the Older Americans Act of 1965 (42
4 U.S.C. 3028) is amended—

5 (1) in subsection (a)(1)—

6 (A) by striking “, and the carrying out”
7 and inserting “, the carrying out”; and

8 (B) by inserting before the period the fol-
9 lowing: “, and the modernization of such senior
10 centers”; and

11 (2) in subsection (b)—

12 (A) by striking paragraph (4) and insert-
13 ing the following:

14 “(4) Notwithstanding any other provision of this title,
15 with respect to funds appropriated under section 303(b)
16 and received by a State, the State—

17 “(A) shall use 40 percent of the funds to pro-
18 vide services under subpart 1 of part C (relating to
19 congregate nutrition services);

20 “(B) shall use 35 percent of the funds to pro-
21 vide services under subpart 2 of part C (relating to
22 home delivered nutrition services); and

23 “(C) shall use the remaining 25 percent of the
24 funds to provide either type of nutrition services, in-
25 cluding paying for transportation costs that can be

1 demonstrated to be directly related to the provision
2 of either type of nutrition services.”;

3 (B) in paragraph (5)(A)—

4 (i) by striking “paragraphs (1) and
5 (2) of”; and

6 (ii) by striking “30 percent” and in-
7 serting “25 percent”;

8 (C) in paragraph (6), by striking “to make
9 a transfer under paragraph (4)(A) or” and in-
10 serting “to determine how to use funds under
11 paragraph (4)(C) or to make a transfer under”;
12 and

13 (D) in paragraph (7)—

14 (i) by striking “transfers described in
15 paragraphs (4)(A) and” each place it ap-
16 pears and inserting “a determination about
17 how to use funds under paragraph (4)(C)
18 or a transfer under paragraph”; and

19 (ii) in subparagraph (C), by striking
20 “effect of the transfers” and inserting “ef-
21 fect of the determination or transfer”.

22 **SEC. 307. CONSUMER CONTRIBUTIONS.**

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

25 (1) in subsection (b)—

1 (A) in paragraph (1), by striking “185
2 percent” and inserting “200 percent”; and

3 (B) in paragraph (3), by adding at the end
4 the following: “Contributions under this section
5 shall be used to supplement, and not to sup-
6 plant, any other funds expended for activities
7 described in this Act.”;

8 (2) in subsection (c)(2), by striking “participa-
9 tion of” and all that follows through “rural areas)”
10 and inserting “participation of older individuals with
11 greatest economic need and older individuals with
12 greatest social need (with particular attention to in-
13 dividuals with factors listed in section 102(25))”;
14 and

15 (3) in subsection (d)—

16 (A) by striking “Not later” and all that
17 follows through “shall conduct” and inserting
18 “Not later than January 1, 2014, and annually
19 thereafter, the Assistant Secretary shall con-
20 duct, and submit to the appropriate committees
21 of Congress a report containing the results of,”;

22 (B) by striking “(with particular” and all
23 that follows through “rural areas)” and insert-
24 ing “, including participation rates for individ-
25 uals with greatest economic need and individ-

1 uals with greatest social need (with particular
 2 attention to individuals with factors listed in
 3 section 102(25))”; and

4 (C) by adding at the end the following:
 5 “The Assistant Secretary shall include in the
 6 report an evaluation of the methods used, by
 7 the area agencies on aging and service providers
 8 under this Act, to ensure that the consumer
 9 contributions are used to supplement the serv-
 10 ices for which the contributions were col-
 11 lected.”.

12 **SEC. 308. SUPPORTIVE SERVICES AND SENIOR CENTERS**
 13 **PROGRAM.**

14 Section 321(b)(1) of the Older Americans Act of
 15 1965 (42 U.S.C. 3030d(b)(1)) is amended by inserting
 16 “or modernization” after “construction”.

17 **SEC. 309. DISEASE PREVENTION AND HEALTH PROMOTION**
 18 **SERVICES.**

19 (a) PROGRAM.—Section 361 of the Older Americans
 20 Act of 1965 (42 U.S.C. 3030m) is amended—

21 (1) in subsection (a), in the first sentence—

22 (A) by inserting “evidence-based” after “to
 23 provide”;

24 (B) by inserting “(through programs such
 25 as the programs coordinated through the Sick-

1 under this part by distributing grant funds from such a
 2 grant to area agencies on aging, a State agency may, at
 3 its discretion, utilize some or all of such grant funds to
 4 provide for such services directly, if the State agency de-
 5 termines that providing the services directly will facilitate
 6 statewide access to such services and maximize the impact
 7 of available grant funding.”.

8 (c) CLINICAL PREVENTIVE SERVICES.—Part D of
 9 title III of the Older Americans Act of 1965 (42 U.S.C.
 10 3030m et seq.) is amended by adding at the end the fol-
 11 lowing:

12 **“SEC. 363. CLINICAL PREVENTIVE SERVICES.**

13 “(a) FINDING.—Congress finds that the clinical pre-
 14 ventive services described in subsection (c) are covered
 15 under the Medicare program carried out under title XVIII
 16 of the Social Security Act (42 U.S.C. 1395 et seq.).

17 “(b) PURPOSES.—The purpose of this section is to
 18 increase the number of older individuals receiving, at a
 19 minimum, the clinical preventive services.

20 “(c) DEFINITION.—In this part, the term ‘disease
 21 prevention and health promotion services’ includes diabe-
 22 tes screening and the clinical preventive services consisting
 23 of—

24 “(1) provision of influenza vaccines;

25 “(2) provision of pneumococcal vaccines;

- 1 “(3) breast cancer screening;
 2 “(4) cervical cancer screening;
 3 “(5) colorectal cancer screening;
 4 “(6) hypertension screening; and
 5 “(7) cholesterol screening.”.

6 **SEC. 310. NATIONAL FAMILY CAREGIVER SUPPORT PRO-**
 7 **GRAM.**

8 Section 373 of the Older Americans Act of 1965 (42
 9 U.S.C. 3030s-1) is amended—

10 (1) in subsection (b)—

11 (A) in paragraph (4), by striking “and” at
 12 the end;

13 (B) in paragraph (5), by striking the pe-
 14 riod and inserting “; and”; and

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

16 “(6) for the efforts of the Ombudsman to facili-
 17 tate the activities of, and support, the State Long-
 18 Term Care Ombudsman program under title VII
 19 and this title for the efforts of the Ombudsman to
 20 facilitate the activities of, and support, family and
 21 caregiver councils in long-term care facilities.”; and

22 (2) in subsection (c)—

23 (A) in paragraph (1)(B), by striking “sec-
 24 tion 102(22).” and inserting “section
 25 102(23).”; and

1 (B) in paragraph (2)(A), by striking “care-
 2 givers” and all that follows and inserting “care-
 3 givers who are older individuals with greatest
 4 economic need or older individuals with greatest
 5 social need (with particular attention to individ-
 6 uals with factors listed in section 102(25));
 7 and”.

8 **SEC. 311. LIVABLE COMMUNITIES GRANT PROGRAM.**

9 Title III of the Older Americans Act of 1965 (42
 10 U.S.C. 3001 et seq.) is amended by adding at the end
 11 the following:

12 **“PART VI—LIVABLE COMMUNITIES**

13 **“SEC. 381. LIVABLE COMMUNITIES GRANT PROGRAM.**

14 “(a) DEFINITIONS.—In this section:

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

17 “(A) a State;

18 “(B) an area agency on aging; or

19 “(C) a tribal or Native Hawaiian organiza-
 20 tion.

21 “(2) LIVABLE COMMUNITY.—The term ‘livable
 22 community’ means a metropolitan, urban, suburban,
 23 or rural community in which—

24 “(A) safe, reliable, and accessible transpor-
 25 tation choices exist;

1 “(B) long-term, affordable, accessible, en-
2 ergy-efficient, and conveniently located housing
3 choices exist for people of all ages, incomes,
4 races, and ethnicities;

5 “(C) the growth of neighborhoods is sup-
6 ported, revitalized, and encouraged, and the
7 cost-effectiveness of infrastructure is maxi-
8 mized;

9 “(D) economic development and economic
10 competitiveness are promoted;

11 “(E) the environment and natural re-
12 sources are preserved;

13 “(F) agricultural land, rural land, and
14 green space are protected; and

15 “(G) public health is supported, improving
16 the quality of life for residents of, and workers
17 in, the community.

18 “(3) TRIBAL OR NATIVE HAWAIIAN ORGANIZA-
19 TION.—The term ‘tribal or Native Hawaiian organi-
20 zation’ means an organization that is eligible to re-
21 ceive a grant under title VI.

22 “(b) IN GENERAL.—The Assistant Secretary shall
23 award grants, from allotments made under subsection
24 (c)(1) and as described in subsection (c)(2), to eligible en-
25 tities to pay for the Federal share of the cost of assisting

1 communities in preparing for the aging of the population,
2 through activities described in subsection (e).

3 “(c) AVAILABILITY OF FUNDS.—

4 “(1) STATES AND AREA AGENCIES ON AGING.—

5 Subject to paragraph (4), from the sums appro-
6 priated under subsection (i) for each of fiscal years
7 2013, 2014, 2015, 2016, and 2017, the Assistant
8 Secretary shall allot funds under this section in the
9 amount of—

10 “(A) \$30,000 to each State; and

11 “(B) \$30,000 to each area agency on
12 aging.

13 “(2) TRIBAL OR NATIVE HAWAIIAN ORGANIZA-

14 TIONS.—Subject to paragraph (4), from the sums
15 appropriated under subsection (i) for each of fiscal
16 years 2013, 2014, 2015, 2016, and 2017, the As-
17 sistant Secretary shall reserve \$1,500,000, and use
18 the reserved funds for grants to tribal or Native Ha-
19 waiian organizations.

20 “(3) NATIONAL RESOURCE CENTER.—Subject

21 to paragraph (4), from the sums appropriated under
22 subsection (i) for each of fiscal years 2013, 2014,
23 2015, 2016, and 2017, the Assistant Secretary shall
24 reserve \$3,000,000, and use the reserved funds for

1 a grant to the national organization selected under
2 subsection (f)(1).

3 “(4) INSUFFICIENT APPROPRIATIONS.—Not-
4 withstanding paragraphs (1), (2), and (3), if the
5 amount appropriated under subsection (i) for a fis-
6 cal year is insufficient for the Assistant Secretary to
7 provide all the allotments described in paragraph
8 (1), and to reserve the amounts described in para-
9 graphs (2) and (3), for that fiscal year, the Sec-
10 retary shall proportionately reduce the number of al-
11 lotments made under paragraph (1), and the amount
12 of each reservation described in paragraph (2) or (3)
13 for that fiscal year.

14 “(d) APPLICATION.—An eligible entity desiring a
15 grant under this section shall submit an application to the
16 Assistant Secretary at such time, in such manner, and ac-
17 companied by such information as the Assistant Secretary
18 may require.

19 “(e) USE OF GRANT FUNDS.—An eligible entity may
20 use the funds made available through a grant—

21 “(1) to hire a professional planner to help State
22 agencies, local elected officials, local government
23 agencies, tribal or Native Hawaiian organizations,
24 and private and nonprofit organizations to develop

1 policies, programs, and services to foster livable com-
2 munities for people of all ages;

3 “(2) to assess the aging population; and

4 “(3) to coordinate the activities of State and
5 local agencies in order to meet the needs of older in-
6 dividuals.

7 “(f) NATIONAL RESOURCE CENTER.—

8 “(1) IN GENERAL.—The Assistant Secretary
9 shall make a grant to a national organization, as de-
10 scribed in subsection (c)(3), to establish a National
11 Resource Center on Livable Communities for All
12 Ages to provide technical assistance to eligible enti-
13 ties awarded grants under subsection (b).

14 “(2) CRITERIA FOR SELECTION.—The national
15 organization selected under paragraph (1) shall have
16 a proven capacity to provide training and technical
17 assistance to support States, area agencies on aging,
18 and tribal or Native Hawaiian organizations, in en-
19 gaging in community planning activities.

20 “(3) APPLICATION.—A national organization
21 desiring the grant under this subsection shall submit
22 an application to the Assistant Secretary at such
23 time, in such manner, and accompanied by such in-
24 formation as the Assistant Secretary may require.

25 “(g) FEDERAL SHARE.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), the Federal share of the cost described in
3 subsection (b) shall be 75 percent.

4 “(2) EXCEPTIONS.—

5 “(A) SMALL AND RURAL COMMUNITIES.—

6 In the case of an eligible entity that is an area
7 agency on aging that serves an area with less
8 than 200,000 in population, the Federal share
9 of the cost described in subsection (b) may be
10 80 percent.

11 “(B) TRIBAL OR NATIVE HAWAIIAN ORGA-

12 NIZATIONS.—In the case of an eligible entity
13 that is a tribal or Native Hawaiian organiza-
14 tion, the Federal share of the cost described in
15 subsection (b) shall be 100 percent.

16 “(3) NON-FEDERAL SHARE.—

17 “(A) IN-KIND CONTRIBUTIONS.—For the

18 purpose of this section, the non-Federal share
19 of the cost may be provided in cash or in-kind,
20 fairly evaluated.

21 “(B) OTHER FEDERAL FUNDING.—An eli-

22 gible entity may use Federal funds appropriated
23 under this Act and available to carry out sec-
24 tion 306, 307, 614, or 624, as the case may be,

1 towards providing the non-Federal share of the
2 cost.

3 “(h) APPLICATION OF GENERAL PROVISIONS.—Sec-
4 tions 301 through 316 shall not be considered to apply
5 to this part.

6 “(i) AUTHORIZATION OF APPROPRIATIONS.—

7 “(1) IN GENERAL.—There are authorized to be
8 appropriated to carry out this part such sums as
9 may be necessary for fiscal years 2013, 2014, 2015,
10 2016, and 2017.

11 “(2) SENSE OF THE SENATE.—It is the sense
12 of the Senate that the amount appropriated under
13 paragraph (1) should be not less than \$25,000,000
14 for fiscal year 2013.”.

15 **TITLE IV—ACTIVITIES FOR**
16 **HEALTH, INDEPENDENCE,**
17 **AND LONGEVITY**

18 **SEC. 401. CONFORMING AMENDMENT.**

19 Section 417(c)(2) of the Older Americans Act of
20 1965 (42 U.S.C. 3032f(c)(2)) is amended by striking
21 “older individuals and communities” and all that follows
22 and inserting “communities with greatest need, older indi-
23 viduals with greatest economic need, and older individuals
24 with greatest social need (with particular attention to indi-
25 viduals with factors listed in section 102(25));”.

1 **SEC. 402. MULTIPURPOSE SENIOR CENTER MODERNIZA-**
2 **TION, TRAINING, AND SUPPORT.**

3 Part A of title IV of the Older Americans Act of 1965
4 (42 U.S.C. 3032 et seq.) is amended by adding at the end
5 the following:

6 **“SEC. 423. MULTIPURPOSE SENIOR CENTER MODERNIZA-**
7 **TION, TRAINING, AND SUPPORT.**

8 “(a) PROGRAM AUTHORIZED.—The Assistant Sec-
9 retary shall award grants and enter into contracts with
10 eligible entities to carry out projects to—

11 “(1) support and promote modern multipurpose
12 senior center models which yield vibrant, multi-
13 service, multigenerational centers for older individ-
14 uals, families of older individuals, and others in the
15 community to gain skills, resources, and connections
16 needed to meet the challenges that occur with con-
17 tinuum of care and quality of life;

18 “(2) build an evidence base of modern,
19 replicable practices that allow senior centers to serve
20 a diverse array of older individuals, as well as their
21 families and other caregivers, leveraging innovative
22 partnerships and public and private resources to de-
23 velop and expand programs; and

24 “(3) mobilize services and leverage resources to
25 support the role of multipurpose senior centers as
26 community focal points, as provided in section

1 306(a)(3), and for the establishment, construction,
2 maintenance, and operation of centers, as described
3 in sections 303(c)(2) and 306(a)(1), including devel-
4 opment of intergenerational shared site models, con-
5 sistent with the purposes of this Act.

6 “(b) USE OF FUNDS.—An eligible entity shall use
7 funds made available under a grant awarded, or a contract
8 entered into, under subsection (a) to—

9 “(1) carry out a project described in subsection
10 (a); and

11 “(2) evaluate the project in accordance with
12 subsection (f).

13 “(c) APPLICATION.—To be eligible to receive a grant
14 or enter into a contract under subsection (a), an eligible
15 entity shall submit an application to the Assistant Sec-
16 retary at such time, in such manner, and accompanied by
17 such information as the Assistant Secretary may reason-
18 ably require.

19 “(d) ELIGIBLE ENTITY.—For purposes of this sec-
20 tion, the term ‘eligible entity’ means—

21 “(1) a multipurpose senior center that has met
22 national accreditation and fiduciary standards; and

23 “(2) a regional partnership or collaboration of
24 multipurpose senior centers or State association of

1 senior centers in which not less than 2 centers are
2 accredited.

3 “(e) COMPETITIVE GRANTS FOR TECHNICAL ASSIST-
4 ANCE.—

5 “(1) GRANTS.—The Assistant Secretary shall
6 make a grant, on a competitive basis, to an eligible
7 nonprofit organization described in paragraph (2), to
8 enable the organization to—

9 “(A) provide training and technical assist-
10 ance to recipients of grants under this section
11 and other multipurpose senior centers to adopt
12 and tailor evidence-based modernization strate-
13 gies and practices to respond to the economic
14 and health needs of the diverse and growing
15 aging populations in their own communities;
16 and

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

19 “(2) ELIGIBLE NONPROFIT ORGANIZATION.—
20 To be eligible to receive a grant under this sub-
21 section, an organization shall be a nonprofit organi-
22 zation (including a partnership of nonprofit organi-
23 zations), that—

24 “(A) has experience and expertise in pro-
25 viding technical assistance to a range of multi-

1 purpose senior centers and experience evalu-
2 ating and reporting on programs; and

3 “(B) has demonstrated knowledge of and
4 expertise in multipurpose senior center accredi-
5 tation or other standards of excellence.

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

15 “(f) LOCAL EVALUATION AND REPORT.—

16 “(1) EVALUATION.—Each entity receiving a
17 grant or a contract under subsection (a) to carry out
18 a project described in subsection (a) shall evaluate
19 the project, leadership, and resources for the mod-
20 ernization of multipurpose senior centers to deter-
21 mine—

22 “(A) the effectiveness of the project in pro-
23 ducing innovations and mobilizing resources;

1 “(B) the impact on older individuals, fami-
2 lies of older individuals, and the community
3 being served; and

4 “(C) the potential for the project to be rep-
5 licated by other multipurpose senior centers,
6 noting the necessary resources and partnerships
7 and the types of populations and communities
8 best suited for the model.

9 “(2) REPORT.—The entity described in para-
10 graph (1) shall submit a report to the Assistant Sec-
11 retary containing the evaluation not later than 6
12 months after the expiration of the period for which
13 the grant or contract is in effect.

14 “(g) REPORT TO CONGRESS.—Not later than 6
15 months after the Assistant Secretary receives the reports
16 described in subsection (f)(2), the Assistant Secretary
17 shall prepare and submit to Congress a report that as-
18 sesses the evaluations and includes, at a minimum—

19 “(1) a description of the nature and operation
20 of the projects funded under this section and other
21 activities conducted in support of such projects;

22 “(2) the findings resulting from the evaluations
23 of the model projects conducted under this section;

24 “(3) a description of recommended best prac-
25 tices of modern multipurpose senior centers;

1 “(4) a strategy for disseminating the findings
2 resulting from the projects described in paragraph
3 (1); and

4 “(5) recommendations for legislative or admin-
5 istrative action, as the Assistant Secretary deter-
6 mines appropriate.”.

7 **TITLE V—COMMUNITY SERVICE**
8 **SENIOR OPPORTUNITIES**

9 **SEC. 501. OLDER AMERICAN COMMUNITY SERVICE EM-**
10 **PLOYMENT PROGRAM.**

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

13 (1) in subsection (b)—

14 (A) in paragraph (1)—

15 (i) in the matter preceding subpara-
16 graph (A), in the first sentence, by insert-
17 ing after “nonprofit private agencies and
18 organizations” the following: “(which non-
19 profit organizations may include eligible
20 technology organizations)”;

21 (ii) in subparagraph (E), by striking
22 “support for children,” and inserting “sup-
23 port for adults, children,”;

24 (iii) in subparagraph (M), by striking
25 “and eligible individuals with greatest eco-

1 nomic need” and inserting “eligible indi-
2 viduals with disabilities, eligible individuals
3 with greatest economic need, and eligible
4 individuals with greatest social need”;

5 (iv) in subparagraph (Q), by striking
6 “and” at the end;

7 (v) in subparagraph (R), by striking
8 the period and inserting “; and”; and

9 (vi) by adding at the end the fol-
10 lowing:

11 “(S) will, to the maximum extent prac-
12 ticable, achieve the goal described in paragraph
13 (4).”; and

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

15 “(4) PLACEMENT GOAL.—

16 “(A) GOAL.—In order to maximize the
17 number of older individuals being served, each
18 grantee under this title shall, to the maximum
19 extent practicable, achieve a goal, referred to
20 paragraph (1)(S), of placing not less than 50
21 percent of the participants in the grantee’s
22 project in positions with organizations that as-
23 sist older adults or in positions with duties that
24 positively impact the lives of older adults.

1 “(B) CONTRACTS WITH SERVICE PRO-
2 VIDERS.—In order to achieve the goal described
3 in subparagraph (A), each such grantee shall
4 enter into a contract or memorandum of under-
5 standing with—

6 “(i) entities from 2 or more categories
7 of entities, which categories shall consist
8 of—

9 “(I) the State Long-Term Care
10 Ombudsman selected in accordance in
11 section 712;

12 “(II) an area agency on aging;

13 “(III) a multipurpose senior cen-
14 ter;

15 “(IV) a contractor providing a
16 system of support services under part
17 E of title III; and

18 “(V) a transportation service pro-
19 vider; or

20 “(ii) an entity approved by the Assist-
21 ant Secretary, and the Secretary of
22 Labor.”; and

23 (2) in subsection (e)(2)—

24 (A) in subparagraph (E), by striking
25 “and” at the end;

1 (B) in subparagraph (F), by striking the
2 period and inserting “; and”; and

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

4 “(G) a project carried, out by an eligible
5 technology organization, that will focus on the
6 provision to eligible individuals of—

7 “(i) basic and intermediate computer
8 skills;

9 “(ii) Internet skills;

10 “(iii) e-mail skills;

11 “(iv) word processing and spreadsheet
12 skills;

13 “(v) presentation software skills; and

14 “(vi) any other key skills appropriate
15 for assisting eligible individuals in entering
16 or re-entering the workforce.”.

17 **SEC. 502. STATE PLAN.**

18 Section 503(a)(4)(C) of the Older Americans Act of
19 1965 (42 U.S.C. 3056a(a)(4)(C)) is amended by striking
20 clauses (i) through (iv) and inserting the following:

21 “(i) minority and Indian eligible indi-
22 viduals;

23 “(ii) eligible individuals with limited
24 English proficiency;

1 “(iii) eligible individuals with disabil-
2 ities;

3 “(iv) eligible individuals with greatest
4 economic need; and

5 “(v) eligible individuals with greatest
6 social need;”.

7 **SEC. 503. DISTRIBUTION OF ASSISTANCE.**

8 Section 506 of the Older Americans Act of 1965 (42
9 U.S.C. 3056d) is amended—

10 (1) in subsection (c)—

11 (A) in paragraph (1), by striking “2000” in
12 the paragraph heading and inserting “2010”;

13 (B) in paragraph (1)(A), by striking
14 “2000” each place it appears and inserting
15 “2010”; and

16 (C) in paragraph (2), by striking “2000” in
17 the paragraph heading and inserting “2010”;

18 (2) in subsections (d) and (e), by striking
19 “2000” each place it appears and inserting “2010”;
20 and

21 (3) in subsection (g)(2)—

22 (A) by striking “2000” in the paragraph
23 heading and inserting “2010”; and

24 (B) by striking “2000” each place it ap-
25 pears and inserting “2010”.

1 **SEC. 504. INTERAGENCY COOPERATION.**

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

4 (1) in subsection (e)(1), by striking “individuals
5 with greatest economic need, individuals with great-
6 est social need,” and inserting “individuals with
7 greatest economic need, individuals with greatest so-
8 cial need (with particular attention to individuals
9 with factors listed in section 102(25)),”; and

10 (2) in subsection (e)(1), by striking “minority”
11 and all that follows through “economic need,” and
12 inserting “individuals with greatest economic need,
13 individuals with greatest social need,”.

14 **SEC. 505. AUTHORIZATION OF APPROPRIATIONS.**

15 Section 517(a) of the Older Americans Act of 1965
16 (42 U.S.C. 3056o(a)) is amended to read as follows:

17 “(a) AUTHORIZATION.—

18 “(1) IN GENERAL.—There are authorized to be
19 appropriated to carry out this title such sums as
20 may be necessary for fiscal years 2013, 2014, 2015,
21 2016, and 2017.

22 “(2) SENSE OF THE SENATE.—It is the sense
23 of the Senate that the amount appropriated under
24 paragraph (1) should not be less than \$660,000,000
25 for fiscal year 2013.”.

1 **SEC. 506. DEFINITIONS.**

2 Section 518(a) of the Older Americans Act of 1965
3 (42 U.S.C. 3056p(a)) is amended by adding at the end
4 the following:

5 “(9) ELIGIBLE TECHNOLOGY ORGANIZATION.—

6 The term ‘eligible technology organization’ includes
7 a nonprofit organization that—

8 “(A) has developed a research-based cur-
9 riculum specifically designated to help older
10 adults improve their technology skills, such as
11 a curriculum developed through a Broadband
12 Technology Opportunities Program or a Tech-
13 nology Opportunities Program of the Depart-
14 ment of Commerce; or

15 “(B) is an eligible provider of training
16 services identified under section 122 of the
17 Workforce Investment Act of 1998 (29 U.S.C.
18 2842).”.

19 **SEC. 507. STUDY ON FEASIBILITY OF TRANSFER OF PRO-**
20 **GRAM.**

21 (a) STUDY.—The Assistant Secretary for Aging of
22 the Department of Health and Human Services, and the
23 Secretary of Labor, shall study the feasibility of transfer-
24 ring the program carried out under title V of the Older
25 Americans Act of 1965 (42 U.S.C. 3056 et seq.) to the
26 Administration on Aging.

1 (b) REPORT.—Not later than 2 years after the date
 2 of enactment of this Act, the Assistant Secretary and the
 3 Secretary shall submit a report containing the results of
 4 the study to the appropriate committees of Congress.

5 **TITLE VI—VULNERABLE ELDER**
 6 **RIGHTS PROTECTION ACTIVI-**
 7 **TIES**

8 **SEC. 601. AUTHORIZATION OF APPROPRIATIONS FOR OM-**
 9 **BUDSMAN PROGRAM.**

10 Section 702 of the Older Americans Act of 1965 (42
 11 U.S.C. 3058a) is amended—

12 (1) in subsection (a), by striking “, such sums”
 13 and all that follows and inserting “, such sums as
 14 may be necessary for fiscal years 2013, 2014, 2015,
 15 2016, and 2017.”; and

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

17 “(d) SENSE OF CONGRESS.—It is the sense of Con-
 18 gress that, in order to carry out chapter 2 (relating to
 19 Ombudsman programs), the amount appropriated under
 20 subsection (a) should be not less than \$25,500,000 for fis-
 21 cal year 2013.”.

22 **SEC. 602. DEFINITIONS.**

23 Section 711(6) of the Older Americans Act of 1965
 24 (42 U.S.C. 3058f(6)) is amended by striking “older indi-
 25 vidual” and inserting “individual”.

1 **SEC. 603. STATE LONG-TERM CARE OMBUDSMAN PROGRAM.**

2 Section 712 of the Older Americans Act of 1965 (42
3 U.S.C. 3058g) is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (2), by adding at the end
6 the following: “The Ombudsman shall be re-
7 sponsible for the management, including the fis-
8 cal management, of the Office.”;

9 (B) in paragraph (3)—

10 (i) in subparagraph (D), by striking
11 “regular and timely” and inserting “reg-
12 ular, timely, private, and unimpeded”; and

13 (ii) in subparagraph (H)(iii), by strik-
14 ing “provide technical support for” and in-
15 serting “actively encourage and assist in”;

16 (C) in paragraph (4)—

17 (i) in the paragraph header, by strik-
18 ing “CONTRACTS AND ARRANGEMENTS”
19 and inserting “ORGANIZATIONAL PLACE-
20 MENT”; and

21 (ii) by striking subparagraph (B) and
22 inserting the following:

23 “(B) IDENTIFYING, REMOVING, AND REM-
24 EDYING ORGANIZATIONAL CONFLICT.—

25 “(i) IN GENERAL.—The State agency
26 may not operate the Office or carry out the

1 program, directly, or by contract or other
2 arrangement with any public agency or
3 nonprofit private organization, in a case in
4 which there is an organizational conflict of
5 interest unless such conflict has been—

6 “(I) identified by the State agen-
7 cy;

8 “(II) disclosed by the State agen-
9 cy to the Assistant Secretary in writ-
10 ing; and

11 “(III) remedied in accordance
12 with this subparagraph.

13 “(ii) REPORTING BY ANY PERSON OR
14 ENTITY.—Any person or entity may iden-
15 tify any potential or actual organizational
16 conflict of interest involving the Office and
17 report the conflict to the Assistant Sec-
18 retary for review and action under clause
19 (iii).

20 “(iii) ACTION BY ADMINISTRATION.—
21 In a case in which a potential or actual or-
22 ganizational conflict of interest involving
23 the Office is disclosed or reported to the
24 Assistant Secretary, the Assistant Sec-

1 retary shall require that the State agen-
2 cy—

3 “(I) remove the conflict; or

4 “(II) submit, and obtain the ap-
5 proval of the Assistant Secretary for,
6 an adequate remedial plan that indi-
7 cates how the Ombudsman will be
8 unencumbered in fulfilling all of the
9 functions specified in paragraph (3).

10 “(C) ORGANIZATIONAL CONFLICT OF IN-
11 TEREST.—In this paragraph, the term ‘organi-
12 zational conflict of interest’ includes placement
13 of the Office in an organization that—

14 “(i) is responsible for licensing or cer-
15 tifying long-term care services in the State;

16 “(ii) is an association (or an affiliate
17 of such an association) of long-term care
18 facilities, or of any other residential facili-
19 ties for older individuals;

20 “(iii) provides long-term care services,
21 including programs carried out under a
22 Medicaid waiver approved under section
23 1115 of the Social Security Act (42 U.S.C.
24 1315) or under subsection (c) or (b) of
25 1915 of the Social Security Act (42 U.S.C.

1 1396n), or under a Medicaid State plan
2 amendment under subsection (i) of section
3 1915 of the Social Security Act (42 U.S.C.
4 1396n(i));

5 “(iv) provides long-term care case
6 management;

7 “(v) sets rates for long-term care
8 services;

9 “(vi) provides adult protective serv-
10 ices;

11 “(vii) is responsible for eligibility de-
12 terminations for the Medicare program
13 carried out under title XVIII, or the Med-
14 icaid program carried out under title XIX,
15 of the Social Security Act (42 U.S.C. 1395
16 et seq., 1396 et seq.);

17 “(viii) conducts preadmission screen-
18 ing for placements in facilities described in
19 clause (ii); or

20 “(ix) makes decisions regarding ad-
21 mission of individuals to such facilities.”;

22 and

23 (D) in paragraph (5)—

24 (i) in subparagraph (A)—

1 (I) by striking “In carrying” and
2 inserting the following:

3 “(i) IN GENERAL.—In carrying”; and

4 (II) by adding at the end the fol-
5 lowing:

6 “(ii) RELATIONSHIP WITH THE OF-
7 FICE.—The program shall be a unified
8 program under the Office. Local Ombuds-
9 man entities and representatives shall re-
10 port to the Ombudsman on all functions,
11 duties, and programmatic issues related to
12 the program that are carried out or ad-
13 dressed by the entities or representatives.
14 Case and other programmatic records
15 maintained by representatives, employees,
16 or volunteers of the local Ombudsman enti-
17 ty shall be considered to be the property of
18 the Ombudsman.”; and

19 (ii) in subparagraph (B)(vi), by strik-
20 ing “support” and inserting “actively en-
21 courage and assist in”;

22 (2) in subsection (b)—

23 (A) in paragraph (1)(B)(i), by striking
24 “the medical and social records of a” and in-
25 serting “all records concerning a”; and

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

2 “(3) For purposes of section 264(c) of the Health In-
3 surance Portability and Accountability Act of 1996 (in-
4 cluding regulations issued under that section) (42 U.S.C.
5 1320d–2 note), the Ombudsman and a representative of
6 the Office shall be considered a ‘health oversight agency,’
7 so that release of residents’ individually identifiable health
8 information to the Ombudsman or representative is not
9 precluded in cases in which the requirements of clause (i)
10 or (ii) of paragraph (1)(B) are otherwise met.”;

11 (3) in subsection (d)—

12 (A) in paragraph (1), by striking “files”
13 and inserting “information”; and

14 (B) in paragraph (2)—

15 (i) in the paragraph heading, by strik-
16 ing “IDENTITY OF COMPLAINANT OR RESI-
17 DENT” and inserting “PROCEDURES”;

18 (ii) in subparagraph (A)—

19 (I) by striking “files and
20 records” each place it appears and in-
21 serting “information”; and

22 (II) by striking “and” at the end;

23 (iii) in subparagraph (B)—

1 (I) in the matter preceding clause
2 (i), by striking “files and records”
3 and inserting “information”; and

4 (II) in clause (iii), by striking the
5 period and inserting “; and”; and

6 (iv) by adding at the end the fol-
7 lowing:

8 “(C) require that the Ombudsman and
9 representatives of the Office hold all commu-
10 nications with a complainant or resident who is
11 seeking assistance in strict confidence and take
12 all reasonable steps to safeguard the confiden-
13 tiality of information provided by the complain-
14 ant or resident.”;

15 (4) in subsection (f)(3)—

16 (A) in subparagraph (C), by striking “fa-
17 cility; and” and inserting “or a related organi-
18 zation, and has not been employed by such a fa-
19 cility or organization within 2 years before the
20 date of the determination involved;”;

21 (B) in subparagraph (D), by striking
22 “and” at the end; and

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

24 “(E) does not have management responsi-
25 bility for, nor operate under the supervision of,

1 an agency with responsibility for adult protec-
2 tive services; and

3 “(F) does not serve as a guardian or in
4 another fiduciary capacity for residents of long-
5 term care facilities in an official capacity (as
6 opposed to serving as a guardian or fiduciary,
7 for a family member, in a personal capacity);
8 and”;

9 (5) in subsection (h)—

10 (A) by redesignating paragraphs (4)
11 through (9) as paragraphs (5) through (10), re-
12 spectively;

13 (B) by inserting after paragraph (3) the
14 following:

15 “(4) ensure that the Ombudsman attends train-
16 ing provided by the Administration through the Na-
17 tional Ombudsman Resource Center established in
18 section 202(a)(18);”; and

19 (C) in paragraph (10), as redesignated by
20 subparagraph (A) of this paragraph, by striking
21 “(6), or (7)” and inserting “(7), or (8)”.

22 **SEC. 604. STATE LEGAL ASSISTANCE DEVELOPMENT.**

23 Section 731 of the Older Americans Act of 1965 (42
24 U.S.C. 3058j) is amended by striking “A State agency”

1 and all that follows through “to ensure—” and inserting
2 the following:

3 “(a) STATE LEGAL SERVICES DEVELOPER.—A State
4 agency shall provide the services of an individual who shall
5 be known as a State legal services developer, who shall
6 promote, and may facilitate, the development and oper-
7 ation of an integrated legal assistance delivery system for
8 the State. To the maximum extent practicable, the indi-
9 vidual selected to serve as the developer shall—

10 “(1) agree to serve as the developer on a full-
11 time basis;

12 “(2) have a law degree from an accredited law
13 school or have been admitted to practice law in any
14 jurisdiction in the United States; and

15 “(3) possess other knowledge, skills, training,
16 and education that reflect a comprehensive under-
17 standing of legal services for older individuals.

18 “(b) OTHER PERSONNEL.—In addition to the State
19 legal services developer, the State agency shall provide the
20 services of other personnel, sufficient to ensure—”.

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