

112TH CONGRESS
2D SESSION

S. 3593

To amend the Older Americans Act of 1965 to strengthen programming, services, and outreach for diverse elders, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 20, 2012

Mr. BENNET 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 strengthen programming, services, and outreach for diverse elders, 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 “Improving Services and
5 Activities for Diverse Elders Act”.

6 **SEC. 2. OBJECTIVES.**

7 Section 101(8) of the Older Americans Act of 1965
8 (42 U.S.C. 3001(8)) is amended by inserting “and sup-
9 ports, offered in a culturally and linguistically competent
10 manner” after “community services.”.

1 **SEC. 3. DEFINITIONS.**

2 (a) CULTURAL AND LINGUISTIC COMPETENCE.—

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

5 (1) by redesignating paragraphs (13) through
6 (54) as paragraphs (14) through (55), respectively;

7 (2) by inserting after paragraph (12) the fol-
8 lowing:

9 “(13) The term ‘cultural and linguistic com-
10 petence’ means competence in a set of behaviors, at-
11 titudes, and policies that is—

12 “(A) used by an organization or among
13 professionals; and

14 “(B) enables effective work in cross-cul-
15 tural situations.”; and

16 (3) in paragraph (15)(C), as redesignated by
17 paragraph (1) of this subsection, by inserting “,
18 their family members,” before “and their primary”;

19 (4) in paragraph (29)(E), as redesignated by
20 paragraph (1) of this subsection, by inserting “, in
21 a culturally and linguistically competent manner,”
22 before “the entire community of older individuals”;

23 (5) in paragraph (39), as redesignated by para-
24 graph (1) of this subsection, by striking “(as defined
25 in paragraph (18)(B))” and inserting “(as defined
26 in paragraph (19)(B))”; and

1 (6) in paragraph (47)(D), as redesignated by
 2 paragraph (1) of this subsection, by striking “(as
 3 defined in paragraph (18)(B))” and inserting “(as
 4 defined in paragraph (19)(B))”.

5 (b) CONFORMING AMENDMENT.—Section
 6 373(c)(1)(B) of the Older Americans Act of 1965 (42
 7 U.S.C. 3030s–1(c)(1)(B)) is amended by striking “section
 8 102(22)” and inserting “section 102(23)”.

9 **SEC. 4. FUNCTIONS OF ASSISTANT SECRETARY.**

10 Section 202(a) of the Older Americans Act of 1965
 11 (42 U.S.C. 3012(a)) is amended by striking paragraph
 12 (15) and inserting the following:

13 “(15)(A) as needed, provide technical assist-
 14 ance, training through training packages, and other
 15 forms of instruction to entities consisting of State
 16 agencies, area agencies on aging, service providers,
 17 and community-based organizations, to ensure that
 18 the entities develop and implement, in a culturally
 19 and linguistically competent manner, programming,
 20 services, and outreach for older individuals with
 21 greatest economic need and older individuals with
 22 greatest social need, with particular attention to and
 23 specific objectives for providing services to low-in-
 24 come minority individuals and older individuals re-
 25 siding in rural areas; and

1 “(B) consult with national and community-
 2 based organizations representing minority individ-
 3 uals to develop the capacity of the Administration to
 4 provide such technical assistance, training, and in-
 5 struction.”.

6 **SEC. 5. ORGANIZATION.**

7 Section 305(a)(2)(C) of the Older Americans Act of
 8 1965 (42 U.S.C. 3025(a)(2)(C)) is amended—

- 9 (1) in clause (i), by striking “and” at the end;
- 10 (2) in clause (ii), by adding “and” at the end;
- 11 and
- 12 (3) by adding at the end the following:

13 “(iii) the distribution among planning
 14 and service areas of service providers who
 15 specialize in serving populations of older
 16 individuals with greatest social need;”.

17 **SEC. 6. AREA PLANS.**

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

- 20 (1) in paragraph (16), by striking “and” at the
 21 end;
- 22 (2) in paragraph (17), by striking the period
 23 and inserting a semicolon; and
- 24 (3) by adding at the end the following:

1 “(18) provide assurances that programming,
2 services, and outreach will be developed and imple-
3 mented in a culturally and linguistically competent
4 manner, for older individuals with greatest social
5 need;

6 “(19) provide assurances that staff training in-
7 cludes instruction on cultural and linguistic com-
8 petence in the provision of services to older individ-
9 uals with greatest social need;

10 “(20) provide assurances that the services of
11 providers who are contractors will be provided in a
12 culturally and linguistically competent manner; and

13 “(21) provide assurances that, to the extent
14 feasible, services provided in response to elder abuse
15 will be provided in a culturally and linguistically
16 competent manner.”.

17 **SEC. 7. STATE PLANS.**

18 Section 307(a) of the Older Americans Act of 1965
19 (42 U.S.C. 3027(a)) is amended—

20 (1) by striking paragraph (15) and inserting
21 the following:

22 “(15)(A) The plan shall provide assurances that
23 programming and services will be provided in a cul-
24 turally and linguistically competent manner to older
25 individuals with greatest social need, and that the

1 State will require the area agency on aging for each
2 planning and service area in which a significant
3 number of older individuals are limited English pro-
4 ficient—

5 “(i) to utilize in the provision of such pro-
6 gramming and services, workers who are fluent
7 in the language spoken by a predominant num-
8 ber of such older individuals who are limited
9 English proficient; and

10 “(ii) to designate an individual employed
11 by the area agency on aging, or available to
12 such area agency on aging on a full-time basis,
13 whose responsibilities will include—

14 “(I) taking such action as may be ap-
15 propriate to assure that programming,
16 services, and outreach are developed and
17 implemented in a culturally and linguis-
18 tically competent manner for older individ-
19 uals with greatest social need; and

20 “(II) providing guidance to individuals
21 engaged in the delivery of services under
22 the area plan involved to enable such indi-
23 viduals to deliver the services in a cul-
24 turally and linguistically competent man-
25 ner.

1 “(B) The plan shall provide assurances that, if
2 a substantial number of the older individuals resid-
3 ing in any planning and service area in the State are
4 limited English proficient, then the State will require
5 the area agency on aging for each such planning and
6 service area to utilize, in the delivery of outreach
7 services under section 306(a)(2)(A) in a culturally
8 and linguistically competent manner, the services of
9 workers who are fluent in the language spoken by a
10 predominant number of such older individuals who
11 are limited English proficient.”;

12 (2) by striking paragraph (20) and inserting
13 the following:

14 “(20) The plan shall provide assurances that
15 special efforts will be made to provide technical as-
16 sistance to minority providers of services and to pro-
17 viders who specialize in serving populations of older
18 individuals with greatest social need.”; and

19 (3) in paragraph (28)(B)—

20 (A) by striking clause (i) and inserting the
21 following:

22 “(i) the projected change in the number of
23 older individuals in the State, and the dispersal
24 and growth in the number of older individuals

1 with greatest social need in each planning and
2 service area in the State;” and

3 (B) by striking clause (iii) and inserting
4 the following:

5 “(iii) an analysis of how the programs,
6 policies, and services provided by the State can
7 be improved, including by coordinating with
8 area agencies on aging and by developing the
9 cultural and linguistic competence of persons
10 providing programming and services, and how
11 resource levels can be adjusted to meet the
12 needs of the changing population of older indi-
13 viduals in the State; and”.

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