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Older Americans Act Reauthorization: Side-by-Side Comparison of Current Law, H.R. 5293, and S. 3570

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Summary

Authorization of appropriations for the Older Americans Act expired at the end of FY2005, though appropriations legislation has continued funding of the act's programs. Legislation to reauthorize the act is being considered by the 109th Congress. H.R. 5293, the Senior Independence Act of 2006, was passed by the House on June 21, 2006; S. 3570, the Older Americans Act Amendments of 2006, was ordered reported by the Senate Committee on Health, Education, Labor, and Pensions on June 28, 2006. A compromise version of the House and Senate bills may be taken up before the end of the 109th Congress.

The Older Americans Act (OAA) is the major vehicle for the delivery of social and nutrition services for older persons. Originally enacted in 1965, the act supports a wide range of social services and programs for older persons. These include supportive services, congregate and home-delivered nutrition services, community service employment, the long-term care ombudsman program, and services to prevent the abuse, neglect, and exploitation of older persons. The act also supports grants to Native Americans and research, training, and demonstration activities.

H.R. 5293 and S. 3570 would authorize all titles of the act through FY2011. A number of provisions contained in both bills would require state and area agencies on aging to focus attention on planning comprehensive and coordinated systems of home and community-based services to assist older persons with long-term care needs to remain in their own homes, rather than entering institutions; require states to conduct increased planning efforts related to the growing number of older people in coming decades; and would focus attention on the needs of older people with limited English proficiency and those at risk of institutional placement. In addition, both bills would allow family caregiver services authorized under Title III to assist older people caring for their adult children with disabilities.

Both H.R. 5293 and S. 3570 make changes to the Title V community service employment program, but take different approaches. The House bill proposals are wider in scope than those in the Senate committee's bill, and many of its proposed changes emanate from the view that the program should place more emphasis on training of participants for unsubsidized employment than what exists under the current program.

S. 3570 would authorize new elder justice grant programs and a national study on the incidence of elder abuse, neglect, and exploitation. It would also require the Administration on Aging (AoA) to set up a method to collect national uniform data on elder abuse, neglect, and exploitation.

This report highlights major selected provisions of the bills and provides a section-by-section comparison of most provisions of H.R. 5293 and S. 3570. A shortened version of this report will be issued when final legislation is approved.

Contents

Introduction	1
Highlights of Selected Provisions of H.R. 5293 and S. 3570	2
Home and Community-Based Long-Term Care Services	2
Role of AoA	2
Role of State and Area Agencies on Aging	2
Aging and Disability Resource Centers (ADRCs)	3
State and Area Agency on Aging Planning for the Baby Boom Population	3
Nutrition Services	4
National Academy of Sciences Study of Nutrition	4
Other Nutrition Program Proposals	4
National Family Caregiver Support Program	5
Senior Community Service Employment Program for Older Americans	5
Limit on Time of Participant Enrollment	6
Eligibility	7
Elder Justice	7
AoA Responsibility for Elder Justice Issues	8
National Incidence Study and Data Collection Efforts	8
Grants to States and Tribal Organizations for Elder Justice Programs	8
Research and Demonstration Initiatives	8
Model Projects for Aging in Place	8
Demonstration Efforts to Address Mental Illness in Older People	9
TITLE I, DECLARATION OF OBJECTIVES; DEFINITIONS	10
DEFINITIONS	10
Assistive device, assistive technology, and assistive technology service	10
Health promotion program/evidence-based health promotion	10
Information and assistance	10
Aging and Disability Resource Center (ADRC)	11
At risk of institutional placement	11
Long-term care facility	11
Elder justice	12
Exploitation	12
Neglect	12
Self-neglect	13
Hispanic serving institution	13
Long-term care	13
Multivitamin-mineral supplement	14
Self-directed care	14
State system for long-term care	15

TITLE II, ADMINISTRATION ON AGING (AoA)	15
FUNCTIONS OF THE ASSISTANT SECRETARY ON AGING	15
Elder abuse prevention services	15
Mental health services	17
Assistive technology	17
Coordination with Centers for Medicare	
and Medicaid Services (CMS) regarding new benefits	18
Technical assistance regarding benefits outreach	
and establishment of a National Center on Senior Benefits	18
Data collection on home and community-based care	19
Evidence-based disease prevention and health promotion	19
AoA role in long-term care	20
Involvement of older individuals	
in voluntary community activities	23
AoA collaboration with other federal agencies:	
reference to impact on persons	
with limited English proficiency	24
Assistive Technology Act	24
Coordinating committee on aging	24
Functions of nutrition program officer	29
Expertise of the nutrition officer	30
Set aside of funds for evaluation projects	30
Reports on the activities under the act	30
Contracting and grant authority; commercial and	
private pay relationships; appropriate use of act funds	30
Nutrition education	32
Pension counseling and information programs	32
Authorization of appropriations for Title II activities	33
 TITLE III, GRANTS FOR STATE AND	
COMMUNITY PROGRAMS ON AGING	33
Purpose of Title III: coordination with volunteer services	33
Authorization of appropriations: supportive, nutrition,	
and disease prevention and health promotion services	33
Authorization of appropriations: National Family	
Caregiver Support Program	33
Area agency administrative funds to be use	
for needs assessment of growing elder population	34
State plans on aging: focus on older individuals	
with limited English proficiency	34
State long-term care systems	34
Puerto Rico, single planning and service area	35
AREA PLANS ON AGING	35
Area plans on aging: focus on older individuals	
with limited English proficiency	35
Area plans on aging: focus on persons at risk	
of institutional placement	36
Area plans on aging: mental health services	36
Area plans on aging: information and assistance	36
Area plans on aging: specific objectives for serving	
older individuals	37

Area plans on aging: provider agreement regarding serving older individuals	37
Area plans on aging: outreach efforts	37
Area plans on aging: use of trained volunteers	38
Area plans on aging: advisory council membership	38
Area plans on aging: increasing public awareness of mental health	38
Area plans on aging: comprehensive coordinated system for home and community-based long-term care	38
Area plans on aging: area agency costs to carry out commercial relationships	39
Area plans on aging: priority for use of funds for specified older individuals; maintaining public purpose mission and disclosure of information on contractual relationships	40
Area plans on aging: self-directed care	40
Area plans on aging: emergency preparedness	40
Area plans on aging: area agency planning for demographic changes in the older population in planning and service areas	40
STATE PLANS ON AGING	42
State plans on aging: focus on older individuals with limited English proficiency	42
State plans on aging: identifying service needs of low-income minority older individuals with limited English proficiency	42
State plans on aging: outreach to individuals with limited English proficiency	42
State plans on aging: self-directed care	42
State plans on aging: planning for demographic changes in the older population in the state	43
State plans on aging: emergency preparedness	43
State plans on aging: Aging and Disability Resource Centers (ADRCs)	44
State plans on aging: non-federal share for Title III services	45
NUTRITION SERVICES INCENTIVE PROGRAM	45
Disbursement	45
Bonus of commodities	45
High protein foods; terms and conditions	45
Cash used to buy commodities	45
Authorization of appropriations for nutrition service incentive program	46
Distribution of information regarding federal commodity processing programs	46
VOLUNTARY CONTRIBUTIONS FOR TITLE III SERVICES	46
Solicitation of voluntary contributions	46
Voluntary contributions are to supplement not supplant Title III funds	47
Mandatory cost-sharing: participation of older individuals with limited English proficiency	47
AoA study of cost-sharing	47

ALLOWABLE TITLE III SUPPORTIVE SERVICES	47
NUTRITION SERVICES	48
Nutrition services: purpose of nutrition services	48
Nutrition services: nutrition education	48
Nutrition services: multivitamin-mineral supplements	49
Nutrition services: home-delivered nutrition services	49
Consultation with nutrition experts	49
State responsibility to obtain expertise of a dietician	49
Dietary Guidelines for Americans	49
Intergenerational meals	50
Nutrition screening, education and assessment	50
Influenza and other vaccinations	50
Evaluation of the Nutrition Program	50
Improving indoor air quality in building where seniors congregate	51
CAREGIVER SUPPORT PROGRAM	51
Definitions	51
Support services for caregivers	52
Priority to caregivers providing care to older individuals	52
Coordination with volunteer services	52
Reports on caregiver program	53
Limitation on federal and non-federal funds for relative caregiver services	53
Programs of national significance	53
Allotment of funds to states	54
 TITLE IV, RESEARCH, TRAINING, AND	
DEMONSTRATION PROJECTS AND PROGRAMS	54
Grant programs	54
Authorization of appropriations for grant programs	55
Career preparation for the field of aging	56
Health care service demonstration projects in rural areas	56
Graduate programs with capability in mental health	56
Technical assistance and innovation to improve transportation for older individuals	57
Economically sustainable transportation	58
Community planning for the aging population	58
DEMONSTRATION PROJECTS FOR MULTIGENERATIONAL ACTIVITIES	58
Demonstration projects for multigenerational activities: grants and contracts	58
Demonstration projects for multigenerational activities: use of funds	59
Demonstration projects for multigenerational activities: preference	59
Demonstration projects for multigenerational activities: application	60
Demonstration projects for multigenerational activities: eligible organizations	60
Demonstration projects for multigenerational activities: local evaluation and report	60

Demonstration projects for multigenerational activities: report to Congress	60
DEFINITIONS	61
Civic engagement activity	61
Multigenerational activity	61
Multigenerational coordinator	62
Native American programs	62
MULTIDISCIPLINARY CENTERS	62
Multidisciplinary centers: grant programs	62
MULTIDISCIPLINARY HEALTH SERVICES IN COMMUNITIES	64
Multidisciplinary health services in communities: grant programs	64
COMMUNITY INNOVATIONS FOR AGING IN PLACE	66
Community Innovations for Aging in Place: authorization	66
Community Innovations for Aging in Place: definitions	66
Community Innovations for Aging in Place: grants	67
Community Innovations for Aging in Place: eligibility and application requirements	67
Community Innovations for Aging in Place: use of funds	68
Community Innovations for Aging in Place: required services	69
Community Innovations for Aging in Place: service areas	69
Community Innovations for Aging in Place: supplement and not supplant federal, state, or other funds	69
Community Innovations for Aging in Place: technical assistance ...	70
Community Innovations for Aging in Place: eligibility requirements for grants to provide technical assistance	70
Community Innovations for Aging in Place: report to Congress	70
CHOICES FOR INDEPENDENCE	71
DEMONSTRATION PROJECTS	71
Choices for Independence: authorization	71
Choices for Independence: definitions	71
Choices for Independence: grants to states	72
Choices for Independence: eligibility	72
Choices for Independence: use of funds	72
Choices for Independence: public education	73
Choices for Independence: ADRCs	73
Choices for Independence: Healthy Lifestyle Choices	74
Choices for Independence: Community Living Incentives (CLI)	75
Choices for Independence: technical assistance	77
Choices for Independence: evaluation	77
Choices for Independence: responsibilities of the Assistant Secretary	78
TITLE V, COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS	78
Title V, Community Service Employment for Older Americans	78
Program authorized: purposes	78
Agreements/grants to public and private non-profit organizations/state agencies/tribal organizations	79

PROGRAM REQUIREMENTS	79
Provision of employment for eligible individuals	79
50% of hours worked to be in community service	
employment-based training	79
Employment in communities where eligible individuals	
reside; no less than 50% of hours worked to be	
in community service employment-based training	80
Employment for individuals, including Indians	
residing on Indian reservations	80
Prohibition of participation by eligible individuals	
exceeding a specified period	80
Employment in public and private non-profit	
organizations/for-profit organizations	81
Result in unsubsidized employment	81
Contribution to the community	81
Provision of employment for eligible individuals	82
Increase in employment opportunities	82
Prohibition of Title V enrollees performing work	
of a person who is on layoff	82
Coordination with the Workforce Investment system	82
Training and payment of trainees' expenses	82
Safe and healthy conditions	83
Wages of enrollees	83
Projects to be established with advice of experienced persons	83
Payment for transportation costs/supportive services	83
Special needs individuals	83
Activities with WIA	84
Sufficient administrative funds for entities	84
Innovative work modes and job opportunities	84
Reciprocity of assessments of individuals	
under Title V and WIA	84
Non-federal share	84
Definition of administrative costs	85
Wages	86
Programmatic costs: fringe benefits	86
Programmatic costs: training	86
Programmatic costs: supportive services	86
Limit on fund for wages and benefits of enrollees	86
Consultation with area agencies on aging	87
Demonstration projects	87
Evaluation of Title V activities	88
Sense of the Senate	88
STATE PLAN	88
State Plan: submission, timing and comments	88
State Plan: comments by Governor/state chief executive officer	90
State Plan: avoidance of participant disruption	90
State Plan: collaboration by grantees that serve older Indians	90
State Plan: distribution of assistance	90
COMPETITION FOR AWARD OF GRANTS	92
Period of grant awards	92

Prohibition on competition until implementation of indicators, or January 1, 2010	92
Eligibility criteria for awards	93
PERFORMANCE MEASURES	94
Performance measures: establishment	94
Performance measures: annual requirement	94
Performance measures: agreement on expected levels	94
Performance measures: composition	95
Performance measures: indicators	95
Performance measures: additional indicators	95
Performance measures: issuance of rules on indicators	96
Performance measures: adjustments	96
Performance measures: annual publication of grantee performance	96
Performance measures: placement into unsubsidized employment	96
Performance measures: retention in employment	97
Performance measures: exemption when a grantee extends time for participation	98
CORRECTIVE ACTION AND TECHNICAL ASSISTANCE BASED ON PERFORMANCE, AND REQUIREMENTS FOR COMPETITION BASED ON PERFORMANCE	98
National organizations: technical assistance and corrective action based on performance	98
National organizations: second year of failure in meeting performance standards — reduction of 25% of funds	99
National organizations: third year of failure in meeting performance standards — withdrawal of all funds	99
National organizations: additional competition requirements where national organizations have performance levels 20% or more below the national performance standards	99
Performance measures: request by the Governor	100
States: technical assistance and corrective action based on performance	100
States: second year of failure — reduction of 25% of funds	101
States: third year of failure — withdrawal of all funds	101
Grantees serving individuals with barriers to employment	101
Prohibition on promulgation of rules negatively affecting minority serving grantees	102
Authorization of Appropriations	102
Unexpended funds	103
DEFINITIONS	103
Community service/community service employment-based training	103
Eligible individuals	103
Individuals to have priority for work opportunities	103
Exclusion of individuals who have participated in Title V projects for a specified period	104
Income	104
Program	104
Supportive services	105
Unemployed individual	105

TITLE VI, GRANTS FOR NATIVE AMERICANS	105
Distribution of funds among tribal organizations	105
Native Americans caregiver support program	106
TITLE VII, ALLOTMENTS FOR VULNERABLE ELDER RIGHTS	
PROTECTION ACTIVITIES	106
Vulnerable elder rights protection activities:	
ombudsman program	106
Native American organization provisions	106
Elder abuse, neglect, and exploitation prevention	106
ELDER JUSTICE PROGRAMS: PURPOSES	107
DEFINITIONS	108
Caregiver	108
Direct care	108
Elder	108
Elder justice	108
Eligible entity	109
Fiduciary	109
Grant	109
Law enforcement	109
Long-term care	110
Loss of capacity	110
Long-term care facility	110
Nursing facility	110
State legal assistance developer	110
State long-term care ombudsman	111
STATE AND TRIBAL GRANTS TO STRENGTHEN	
LONG-TERM CARE AND PROVIDE ASSISTANCE	
FOR ELDER JUSTICE PROGRAMS	111
State and tribal grants: authorization	111
State and tribal grants: application for eligibility	111
State and tribal grants: use of funds	111
State and tribal grants: administrative expenses	115
State and tribal grants: supplement not supplant	115
State and tribal grants: maintenance of effort	115
State and tribal grants: accountability measures	116
State and tribal grants: evaluating programs	116
State and tribal grants: compliance with applicable laws	116
State and tribal grants: eligible partnerships	116
State and tribal grants: authorization of appropriations	117
COLLECTION OF UNIFORM NATIONAL DATA	
ON ELDER ABUSE, NEGLECT, AND EXPLOITATION	117
Collection of uniform national data: authorization	117
Collection of uniform national data: purpose	117
Collection of uniform national data: phase I — development	
of methods of collection and reporting	117
Collection of uniform national data: phase I — forms	
and protection of privacy	118
Collection of uniform national data: phase II — pilot test	119
Collection of uniform national data: phase II — adjustments	
to form and methods	119

Collection of uniform national data: phase III — distribution of national data reporting forms	119
Collection of uniform national data: phase III — data collection grants, authorization	119
Collection of uniform national data: phase III — data collection grants, application	120
Collection of uniform national data: phase III — data collection grants, requirements	120
Collection of uniform national data: phase III — data collection grants, funding	120
Collection of uniform national data: phase III — required information	121
Collection of uniform national data: report	121
Collection of uniform national data: authorization of appropriations	121
Rule of construction	121

List of Tables

Table 1. Side-by-Side Comparison of Current Law, H.R. 5293, and S. 3570	10
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Older Americans Act Reauthorization: Side-by-Side Comparison of Current Law, H.R. 5293, and S. 3570

Introduction

Authorization of appropriations for the Older Americans Act of 1965 expired at the end of FY2005. The 109th Congress is considering legislation to reauthorize the act. H.R. 5293, the Senior Independence Act of 2006, was reported by the House Education and Workforce Committee on June 8, 2006,¹ and was passed by the House on June 21, 2006. S. 3570, the Older Americans Act Amendments of 2006, was ordered reported by the Senate Committee on Health, Education, Labor and Pensions on June 28, 2006. A compromise version of the House and Senate bills may be taken up before the end of the 109th Congress.

The Older Americans Act (OAA) is the major vehicle for the delivery of a wide range of supportive services, as well as nutrition services and community service employment opportunities for older people. *Title II* of the act authorizes activities of the Administration on Aging (AoA). The *Title III* nutrition program is the major single service funded by the act, and provides meals to older people in congregate settings and in their homes. *Title III* supportive services include information and assistance about accessing services, a range of home and community-based long-term care, transportation, and family caregiver support services, among many others. *Title IV* supports a wide range of research, training, and demonstration activities in the field of aging. The *Title V* community service employment program supports subsidized jobs for low-income people aged 55 and over. *Title VI* funds supportive and nutrition services for Native American older people, and *Title VII* supports the long-term care ombudsman program and services to prevent the abuse, neglect, and exploitation of older persons. For a description of Older Americans Act programs and funding, see CRS Report RL31336, *The Older Americans Act: Programs and Funding*, by Carol O'Shaughnessy.

This report highlights selected provisions of H.R. 5293 and S. 3570, and provides a section-by-section comparison of current law with the bills.

¹ *Senior Independence Act of 2006*, Comm. on Education and the Workforce, House of Representatives, H.Rept. 109-493, June 8, 2006. 109th Cong., 2nd sess.

Highlights of Selected Provisions of H.R. 5293 and S. 3570

Home and Community-Based Long-Term Care Services

Title III supports a wide range of home and community-based long-term care services, including personal care, homemaker and chore services, home-delivered nutrition services, and assisted transportation. Beyond these Title III-funded services, many state and area agencies administer home and community-based long-term care services *not* funded by Title III. These include those funded by the Medicaid Section 1915(c) home and community-based services waiver program and by the Social Services Block Grant program (Title XX of the Social Security Act). Some state and area agencies on aging are responsible for administering and managing case management and assessment of the long-term care needs of older persons and have made great strides in expanding and coordinating a variety of services to help older persons remain at home and avoid entry into institutions. In recent years, AoA has supported a wide range of projects that focus on home and community-based long-term care, including Aging and Disability Resource Centers (ADRCs).

Program planning and service delivery initiatives by states, as well as research and demonstration initiatives by AoA and the Centers for Medicare and Medicaid Services (CMS), have focused on what many believe to be an institutional bias in federal program support for long-term care. (The primary federal program that finances long-term care services is Medicaid, and most of its long-term care spending for the elderly is for nursing home care.)

In the Older Americans Act reauthorization legislation, both the Senate Committee and House bills define the roles of AoA and state and area agencies on aging with respect to home and community-based services for older people.

Role of AoA . The bills would require the Assistant Secretary on Aging within the Department of Health and Human Services (HHS) to promote the development and implementation of comprehensive, coordinated systems at federal, state, and local levels for providing long-term care in home and community-based settings, in a manner responsive to the needs and preferences of older individuals and their family caregivers. In doing so, the Assistant Secretary would be required to, among other things, conduct research and demonstration projects to identify innovative, cost-effective strategies for modifying state systems of long-term care; and target services to individuals at risk for institutional placement in order to permit them to remain in home and community-based care settings.

Role of State and Area Agencies on Aging. Likewise, the bills would require that state and area agencies on aging develop and implement a comprehensive, coordinated system, at their respective levels, to develop home and community-based services. They would accomplish this by, among other things, collaborating, coordinating and consulting with other agencies responsible for formulating, implementing and administering long-term care programs; and making recommendations regarding strategies to modify the state's long-term care system in

order to respond to the needs and preferences of older individuals and family caregivers.

Aging and Disability Resource Centers (ADRCs). In recent years, AoA has used its Title IV research and demonstration authority to award funds for ADRCs in 43 states. The ADRC grant program is a cooperative effort between AoA and CMS and was developed to assist states in their efforts to create a single, coordinated system of information and access for all persons seeking long term support to assist them in accessing services, enhance individuals' choice of services, and support informed decision-making. Both H.R. 5293 and S. 3570 would provide authority in the Older Americans Act for the Assistant Secretary to continue this initiative. In the bills, ADRCs are defined as entities that provide comprehensive information on available public and private long-term care programs, options, and resources and provide personal counseling to assist individuals to develop and implement a plan to meet long-term care needs. ADRCs are to serve as a convenient point of entry for people needing such assistance for these programs.

State and Area Agency on Aging Planning for the Baby Boom Population

The increasing numbers of people turning age 65 in the coming decades will place increasing burdens on aging service providers supported by the Older Americans Act (the first wave of the baby boom population are turning age 60 in 2006). Groups representing these providers, such as the National Association of State Units on Aging, and the National Association of Area Agencies on Aging, have proposed new Older Americans Act initiatives to assist state and area agencies in their planning efforts to prepare for the growing elderly population across the nation. While state and area agencies are already responsible for assessing the needs of the current older population in their states and areas, the baby boom population is expected to increase the need for resources as well as planning efforts.

Both H.R. 5293 and S. 3570 would require each state agency on aging, at the election of the state, to include in state plans on aging an assessment of how prepared the state is for changes in the elderly population over a 10-year period. The assessment may also include:

- an analysis of how demographic changes may affect older individuals, including those with low-income, greatest economic need, minority older individuals, those residing in rural areas, and those with limited English proficiency;
- an analysis of how the programs, policies, and services provided by states and area agencies can be improved, and how resource levels can be adjusted to meet the needs of the changing population of older individuals in the state; and
- an analysis of how the change in the number of persons age 85 years and older is expected to affect the need for supportive services.

Both bills would also authorize area agencies on aging to conduct similar activities and to make recommendations to governmental officials on actions to build

their capacity to respond to the needs of the growing aging population, including health and human services, land use, housing, transportation, public safety, workforce and economic development, among others. In addition, S. 3570 would allow an additional 1% of a state's allotment for Title III funds to be used for area plan administration to carry out these activities. This could only occur when appropriations for Title III supportive, nutrition and disease prevention and health promotion services exceed 110% of the FY2006 amount.

Nutrition Services

The Title III nutrition program is the largest single program under the Older Americans Act. Funded at \$715.1 million in FY2006, it represents 58% of Title III funds, and 40% of the act's total funding. Data for FY2004 (latest available) show that of the 249 million meals served, 57% were provided to frail older persons (and their caregivers) at home, and 43% were provided in congregate settings, such as senior centers and schools.²

The program serves a particularly vulnerable older population. AoA data show that about 62% of congregate nutrition participants, and 73% of home-delivered nutrition participants, are age 75 or older. About 52% of congregate nutrition participants, and 61% of home-delivered participants, live alone. About 56% of congregate nutrition participants, and 66% of home-delivered participants, report that the meals they receive through the program provided one-half or more of their daily food intake.³

National Academy of Sciences Study of Nutrition. Both H.R. 5293 and S. 3570 would require the Assistant Secretary to use funds set aside for evaluation to conduct an evidence-based evaluation of the nutrition program. The evaluation would be conducted by the Food and Nutrition Board of the Institute of Medicine (IOM) and is to include:

- an evaluation of the effect of nutrition projects on the health and nutrition status of participants, prevention of hunger and food insecurity, and ability of participants to remain living independently;
- a cost-benefit analysis of nutrition projects, including their potential to affect costs of Medicaid; and
- recommendations on how nutrition projects may be modified to improve outcomes, and nutritional quality of meals.

Other Nutrition Program Proposals. H.R. 5293 and S. 3570 would add several new services designed to enhance the scope of the services currently available. The bills would add assessment and counseling as services that may be available to participants. In addition, H.R. 5293 would allow nutrition projects to

² U.S. Department of Health and Human Services, *Fiscal Year 2007: Administration on Aging: Justification of Estimates for Appropriations Committees*, pp. 28-29.

³ Administration on Aging. *Highlights from the Pilot Study: Second National Survey of Older Americans Act Title III Service Recipients*. [<http://www.aoa.gov/about/results/Final-Highlights-2nd-national-survey.pdf>], accessed Sept. 1, 2006.

provide participants with a multivitamin supplement along with the meal. S. 3570 does not include this provision.

National Family Caregiver Support Program

The National Family Caregiver Support Program, added to Title III by the 2000 amendments to the act, authorizes a number of services to assist caregivers of frail older persons, including information and assistance to caregivers about available services; individual counseling; organization of support groups and caregiver training; respite services to provide families temporary relief from caregiving responsibilities; and supplemental services (such as adult day care or home care services, for example), on a limited basis, that complement care provided by family and other informal caregivers.

Under current law, priority is to be given to older persons and their families who have the greatest social and economic need, with particular attention to low income individuals, and to older persons who provide care and support to persons with mental retardation and developmental disabilities. Under current AoA guidance, parents of children with disabilities may receive caregiver services if their children are age 18 or younger. If the child is age 19-59, including, for example, adult children with developmental disabilities who still need parental care, their parents are not eligible for the act's caregiver services. Both bills would clarify that services may be provided to parents of a child with disabilities regardless of age of the child (S. 3570 specifically refers to an adult child with a developmental or related disability, while H.R. 5293 does not limit the disability type).

Under current law, grandparents or other older individuals who are relative caregivers for children under the age of 18 may receive caregiver support services if they are age 60 and older. Both H.R. 5293 and S. 3570 would decrease the age of eligibility for grandparents/relative caregivers to age 55.

Senior Community Service Employment Program for Older Americans

The community service employment program for older Americans (also known as the Senior Community Service Employment Program, or SCSEP) has as its purpose the promotion of useful part-time opportunities in community service activities for unemployed low-income persons who are 55 years or older and who have poor employment prospects. The program not only provides opportunities for part-time employment and income for older persons, but also contributes to the general welfare of communities by providing a source of labor for various community service activities. Enrollees work part-time in a variety of community service activities. The program provides for 61,050 jobs, serving about 92,300 people in FY2006.

Both H.R. 5293 and S. 3570 make changes to the Title V program, but take different approaches. The House bill proposals are wider in scope than those in the Senate Committee bill, and many of its proposed changes emanate from the view that the program should place more emphasis on training of participants for unsubsidized

employment than what exists under the current program. (H.R. 5293 would change the name of the program to *Older American Community Service Employment-Based Training Act*.) While H.R. 5293 would retain the community service nature of the jobs in which enrollees are placed, it would place more emphasis on training as part of the program and would allow enrollees to be placed in private, for-profit employment while serving as Title V enrollees.

Under the current program, participants primarily receive on-the-job training after they have been placed in a community service position, rather than formal training before placement. H.R. 5293 would decrease the amount of program funds that could be spent on wages and fringe benefits in order to allow for an increased amount to be used for training. Under current law, national and state grantees are to spend 75% of their grants for wages and fringe benefits for enrollees. The remainder is to be used for administration (between 13.5% and 15%), and other enrollee costs, such as supportive services and training (between 10% and 12.5%). H.R. 5293 would decrease the amount to be spent on wages and fringe benefits to 65%. The House Committee report indicates that this change would allow grantees to spend more of their funds on classroom training and on-the-job training.⁴

H.R. 5293 would also allow enrollees to be placed in private, for-profit organizations while receiving a Title V wage. The Senate bill does not make this change and would add a provision to underline the community service employment aspect of the program. It states that it is the sense of the Senate that the older American community service employment program was created with the intent of placing older individuals in community service positions to provide job training placements; and placing older individuals in community service positions strengthens the ability of individuals to become self-sufficient, provides much-needed volunteer support to organizations which benefit significantly from increased civic engagement, and strengthens the communities that are served by such organizations.

Limit on Time of Participant Enrollment. Under the current program, there is no time limit on how long an enrollee may spend as a Title V participant. The average length of time participants spend in the program is about 27 months. H.R. 5293 would limit participation by eligible individuals to 24 months (in the aggregate). Individual participants could stay in the program for up to four years.

S. 3570 would allow an eligible individual to participate for up to 36 months in the aggregate (and grantees may ask for a waiver of this limit under certain circumstances). Under the bill, a grantee may extend the period of participation for up to 20% of the project participants. In selecting participants for the extended period, the grantee is to give priority to certain groups, including participants age 65 and older, those who are frail older individuals, and individuals who have more than one barrier to employment, such as a disability, residence in an area of high employment, or failure to find employment after using services under Title I of the Workforce Investment Act (WIA), among other things.

⁴ *Senior Independence Act of 2006*, Comm. on Education and the Workforce, House of Representatives, H.Rept. 109-493, June 8, 2006, 109th Cong., 2nd sess., p. 58

Eligibility. The bills make a number of changes to individual eligibility. When determining an individual's eligibility, H.R. 5293 and S. 3570 would exclude as income unemployment compensation, Supplemental Security Income (SSI) benefits, and 25% of benefits received under Title II of the Social Security Act. In addition, S. 3570 would also exclude payments made to or on behalf of veterans or former members of the Armed Forces under laws administered by the Secretary of Veterans Affairs.

Elder Justice

Title VII authorizes Vulnerable Elder Rights Protection Activities. Two of the four programs authorized have received funding — the long-term care ombudsman program (whose purpose is to investigate and resolve complaints of residents of nursing facilities, board and care facilities, and other adult care homes) and the elder abuse, neglect and exploitation prevention program.⁵ Relatively limited resources have been given to domestic elder abuse issues under Title VII. Most Title VII funding is directed at the older people residing in institutions through the long-term care ombudsman program. Of \$20.2 million appropriated for FY2006 for Title VII programs, almost three-quarters was for ombudsman activities.

As older individuals continue to live longer lives, increasing the likelihood of age-related disability, those who rely on family, friends, or professionals for care could become vulnerable to abuse, neglect, and exploitation. Given these demographic trends, it is anticipated that cases of elder abuse, neglect, and exploitation will increase. It has been difficult to estimate the number of older people living in institutions and in the community who may be subject to elder abuse, neglect and exploitation. Efforts to collect data on elder abuse, neglect, and exploitation at the national level pose several problems, including variation in state statutory definitions of elder abuse making it difficult to identify actions that constitute abuse and neglect, and lack of a uniform reporting system across states.

Recognizing the need for a coordinated federal effort with a multidisciplinary approach that combines law enforcement, public health, and social services to combat abuse, neglect, and exploitation of the elderly, legislation has been considered in recent Congresses. Senator John Breaux first introduced the Elder Justice Act of 2002 (S. 2933) in the 107th Congress. A similar measure (S. 333) was introduced in the 108th Congress; the bill was approved by the Senate Finance Committee but never taken up on the Senate floor. On November 15, 2005, Senator Hatch introduced S. 2010, the Elder Justice Act; the bill was ordered reported by the Senate Finance Committee on August 3, 2006.

In addition to these efforts, Congress has included provisions related to elder justice activities in legislation to reauthorize the Older Americans Act. Both H.R. 5293 and S. 3570 focus on efforts to increase attention to elder justice issues, but take different approaches. In both bills, elder justice is defined as efforts to prevent,

⁵ Two other programs are authorized, but not funded — legal assistance development and the Native American elder rights program.

detect, treat, intervene in, and respond to elder abuse, neglect, and exploitation and to protect elders with diminished capacity while maximizing their autonomy.

AoA Responsibility for Elder Justice Issues. The House bill would authorize the Assistant Secretary to designate within the AoA responsibility for elder abuse prevention and services while the Senate Committee bill would authorize the Secretary of HHS to establish within the AoA an Office of Elder Abuse Prevention and Services.

National Incidence Study and Data Collection Efforts. S. 3570 would authorize the Assistant Secretary to carry out a study to determine the national incidence and prevalence of elder abuse, neglect, and exploitation in all settings. In addition, the bill would add a provision for the collection of uniform national data on elder abuse, neglect, and exploitation. The purpose of this provision of the bill is to improve, streamline, and promote uniform collection, maintenance, and dissemination of national data relating to the various types of elder abuse, neglect, and exploitation.

Grants to States and Tribal Organizations for Elder Justice Programs. S. 3570 would authorize funds for grants to states and Indian tribes to strengthen long-term care and provide assistance for elder justice programs. Among other things, state and tribal grants would be used for the following activities:

- prevention, detection, assessment, and treatment of, intervention in, investigation of, and response to elder abuse, neglect, and exploitation;
- examination of various types of elder shelters (referred to as “safe havens”), and to test various safe haven models; and
- support for multidisciplinary elder justice activities.

Research and Demonstration Initiatives

S. 3570 would add authority for the Assistant Secretary on Aging to conduct several new demonstration programs under Title IV. Among these are demonstration projects for model projects to assist older people to age in place, including in Naturally Occurring Retirement Communities (NORCs); and for mental health services for older people. H.R. 5293, as passed by the House, makes no changes to the Title IV research, training, and demonstration program.

New research and demonstration programs contained in S. 3570 include the following.

Model Projects for Aging in Place. Many communities around the country are experimenting with ways to assist older people who have “aged in place,” that is who have resided in their own homes independently for many years, and now may need a variety of supportive services to assist them to continue to do so. In recent years, House and Senate appropriation legislation has included earmarks for a number of projects to provide support for organizations that assist these “Naturally Occurring Retirement Communities” (NORCs). For example, for FY2007, the House and Senate Appropriations Committees have earmarked funds for,

respectively, 15 and 5 NORC projects as part of the AoA Title IV research and demonstration program.⁶

Under current Older Americans Act statute, there is no explicit authority to carry out NORC projects. S. 3570 would require that the Assistant Secretary award Title IV funds to carry out model aging in place projects, including NORCs. The aim of these projects would be to help sustain the independence of older individuals in communities where the individuals have established personal, family, and professional supportive networks. The bill defines *Naturally Occurring Retirement Community* as a residential building, a housing complex, an area (including a rural area) of single family residences, or a neighborhood composed of age-integrated housing where 40% of the heads of household are older individuals; or a critical mass of older individuals that exists, based on local factors which, taken in total, allow an organization to achieve efficiencies in the provision of health and social services to older individuals living in the community; and that is not an institutional care or assisted living setting.

Entities that would receive funds under this demonstration would be required to provide comprehensive and coordinated health and social services, including the following services: case management, case assistance, and social work services; health care management and health care assistance; education, socialization, and recreational activities; volunteer opportunities for project participants; and coordinating the services provided under Title III for eligible older individuals served by the project.

Demonstration Efforts to Address Mental Illness in Older People.

S. 3570 would add a new provision requiring the Assistant Secretary to make competitive grants to states to develop systems for the delivery of mental health screening and treatment services for older individuals who lack access to such services and programs. The purpose of the grants would be to

- increase public awareness regarding the benefits of prevention and treatment of mental disorders in older individuals;
- reduce the stigma associated with mental disorders in older individuals and other barriers to the diagnosis and treatment of the disorders; and
- reduce age-related prejudice and discrimination regarding mental disorders in older individuals.

⁶ House Committee on Appropriations, *Departments of Labor, Health and Human Services, and Education, and Related Agencies*, H.Rept. 109-515, 109th Cong., 2nd sess., p. 161ff; Senate Committee on Appropriations, *Departments of Labor, Health and Human Services, and Education and Related Agencies*, S.Rept. 109-287, 109th Cong., 2nd sess., p. 212.

Table 1. Side-by-Side Comparison of Current Law, H.R. 5293, and S. 3570

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
TITLE I, DECLARATION OF OBJECTIVES; DEFINITIONS			
DEFINITIONS			
Assistive device, assistive technology, and assistive technology service	No provision.	Defines <i>assistive device</i> , <i>assistive technology</i> , and <i>assistive technology service</i> to have the same meaning as section 3 of the Assistive Technology Act of 1998 (29 U.S.C. 3002). (p. 3)	No provision.
Health promotion program/evidence-based health promotion	Defines <i>health promotion programs</i> as programs that include, but are not limited to, programs relating to prevention and reduction of effects of chronic disabling conditions (including osteoporosis and cardiovascular disease), alcohol and substance abuse reduction, smoking cessation, weight loss and control, and stress management. These programs are part of the broader definitions of <i>disease prevention and health promotion services</i> .	Changes the term to <i>evidence-based health promotion programs</i> which include programs related to the prevention and mitigation of the effects of chronic disease (including osteoporosis, hypertension, obesity, diabetes, and cardiovascular disease), alcohol and substance abuse reduction, smoking cessation, weight loss and control, stress management, falls prevention, physical activity, and improved nutrition through the consumption of a healthful diet and multivitamin-mineral supplementation. (p. 3)	Same as H.R. 5293, but would eliminate reference to improving nutrition <i>through the consumption of a healthful diet and multivitamin-mineral supplementation</i> . (p. 2)
Information and assistance	Defines information and assistance as services that, among other things, serve the entire community of older individuals, particularly, older individuals at greatest social need and with greatest economic need.	Adds reference to older individuals at risk for institutional placement. (p. 3)	Same as H.R. 5293. (p. 2)

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
Aging and Disability Resource Center (ADRC)	No provision.	Defines <i>ADRCs</i> as a program established by a state, as part of the state's system of long-term care, to provide a coordinated system for —	Similar to H.R. 5293, except defines ADRCs as <i>center</i> (rather than <i>program</i>). (p. 4)
		• comprehensive information on available public and private long-term care programs, options, and resources; (p. 5)	Same as H.R. 5293. (p. 4)
		• personal counseling to assist individuals in assessing their existing or anticipated long-term care needs, and developing and implementing a plan for long-term care designed to meet their specific needs and circumstances; and (p. 5)	Same as H.R. 5293. (p. 4)
		• consumer access to the range of publicly-supported long-term care programs for which they may be eligible, by serving as a convenient point of entry for such programs. (p. 5)	Similar to H.R. 5293, except refers to <i>consumers</i> (rather than <i>they</i>). (p. 4)
At risk of institutional placement	No provision.	Defines <i>at risk for institutional placement</i> as an older individual who is unable to perform at least two activities of daily living without substantial human assistance (including verbal reminding, physical cuing, or supervision) and is determined by the state to be in need of placement in a long-term care facility. (p. 6)	Same as H.R. 5293, except refers to <i>substantial assistance</i> (rather than <i>substantial human assistance</i>) and does not require, but <i>includes</i> an older individual who is determined by state to be in need of placement in a long-term care facility. (p. 4)
Long-term care facility	Defines long-term care facility as — • any skilled nursing facility, as defined in section 1819(a) of the Social Security Act; • any nursing facility, as defined in section 1919(a) of the Social Security Act;	No change in current law.	Adds reference to an assisted living facility. (p. 3)

CRS-12

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
	<ul style="list-style-type: none"> for the purposes of sections 307(a)(12) and 712, a board and care facility; and any other adult care home similar to a facility or institution. 		
Elder justice	No provision.	Defines <i>elder justice</i> as efforts to prevent, detect, treat, intervene in, and respond to elder abuse, neglect, and exploitation and to protect elders with diminished capacity while maximizing their autonomy. (p. 6)	No provision in Title II of the act. Elder justice is defined in Title VII, as efforts to prevent, detect, treat, intervene in, and respond to elder abuse, neglect, and exploitation and to protect elders with diminished capacity while maximizing their autonomy; and from an individual perspective, the recognition of an elder's rights, including the right to be free of abuse, neglect, and exploitation. (p. 114)
Exploitation	Defines <i>exploitation</i> as the illegal or improper act or process of an individual, including a caregiver, using the resources of an older individual for monetary or personal benefit, profit, or gain.	Defines <i>exploitation</i> as the fraudulent or otherwise illegal, unauthorized, or improper act or process of an individual who uses the resources of an older individual for monetary or personal benefit, profit, or gain, or that results in depriving an older individual of rightful access to, or use of, benefits, resources, belongings, or assets. (p. 4)	Similar to H.R. 5293, except that reference to individual includes a <i>caregiver or fiduciary</i> . (p. 2)
Neglect	<p>Defines <i>neglect</i> as —</p> <ul style="list-style-type: none"> the failure to provide for oneself the goods or services that are necessary to avoid physical harm, mental anguish, or mental illness; or the failure of a caregiver to provide the goods or services. 	Defines <i>neglect</i> as the failure of a caregiver or fiduciary to provide goods or services that are necessary to maintain the health or safety of an elder; or self-neglect. (p. 4)	Similar to H.R. 5293, except refers to an <i>older individual</i> (rather than <i>elder</i>). (p. 3)

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
Self-neglect	No provision.	Defines <i>self-neglect</i> as an adult's inability, due to physical or mental impairment or diminished capacity, to perform essential self-care tasks including obtaining essential food, clothing, shelter, and medical care; obtaining goods and services necessary to maintain physical health, mental health, or general safety; or managing one's own financial affairs. (p. 9)	Same as H.R. 5293. (p. 3)
Hispanic serving institution	No provision.	Defines <i>Hispanic serving institution</i> to have the same meaning as in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a). (p. 6)	Same as H.R. 5293. (p. 5)
Long-term care	No provision.	Defines <i>long-term care</i> as any services, care, or items (including assistive devices), including disease prevention and health promotion services, in-home services, and case management services —	Same as H.R. 5293, except that the term long-term care does not include <i>disease prevention and health promotion services, in-home services, and case management services</i> . (p. 5)
		• intended to assist individuals in coping with, and to the extent practicable compensate for, functional impairments in carrying out activities of daily living; (p. 7)	Same as H.R. 5293. (p. 5)
		• furnished at home, in a community care setting (including a small community care setting as defined in subsection (g)(1), and a large community care setting as defined in subsection (h)(1), of section 1929 of the Social Security Act (42 U.S.C. 1396t)), or in a long-term care facility; and (p. 7)	Same as H.R. 5293. (p. 5)
		• not furnished to prevent, diagnose, treat, or cure, a medical disease or condition. (p. 7)	Same as H.R. 5293, except does not include the term <i>prevent</i> . (p. 5)

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
Multivitamin-mineral supplement	No provision.	Defines <i>multivitamin-mineral supplement</i> as a dietary supplement that provides at least two-thirds of the essential vitamins and minerals at 100 percent of the daily value levels as determined by the Food and Drug Administration. (p. 7)	No provision.
Self-directed care	No provision.	Defines <i>self-directed care</i> as an approach to providing services (including programs, benefits, supports, and technology) under this act intended to assist an older individual with activities of daily living, in which —	Same as H.R. 5293 with slightly different wording. (p. 5)
		<ul style="list-style-type: none"> services (including the amount, duration, scope, provider, and location of services) are planned, budgeted, and purchased under the direction and control of such individual; (p. 8) 	<ul style="list-style-type: none"> Same as H.R. 5293. (p. 6)
		<ul style="list-style-type: none"> the individual is provided with information and assistance as necessary and appropriate to enable informed decisions about his or her care options; (p. 8) 	<ul style="list-style-type: none"> Similar to H.R. 5293, except refers to an individual's service options (rather than <i>care options</i>). (p. 6)
		<ul style="list-style-type: none"> the individual's needs, capabilities, and preferences for services and the individual's ability to direct and control his or her receipt of services, are assessed by the area agency on aging (or other agency designated by the area agency on aging); (p. 8) 	Similar to H.R. 5293, except that services are assessed by the area agency on aging involved or the local provider agency (rather than an <i>agency designated by the area agency on aging</i>). (p. 6)
		<ul style="list-style-type: none"> based on the assessment, the area agency on aging (or other agency designated by the area agency on aging) together with the individual's family, caregiver, or legal representative develops a plan of services that specifies which services the individual will be responsible for directing; a determination of the role of family members (and others whose participation is sought by the individual) in 	Similar to H.R. 5293, except that <i>upon request the area agency on aging assists</i> the individual and the individual's family, caregiver, or legal representative in developing the plan, role of family, and budget. (p. 6)

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
		providing services under such plan; and a budget for services; (p. 9)	
		<ul style="list-style-type: none"> the area agency on aging or state agency provides for oversight of such individual's self-directed receipt of services, including steps to ensure the quality of services provided and the appropriate use of funds under this act. (p. 9) 	Same as H.R. 5293, but refers to the area agency on aging or state agency <i>involved</i> . (p. 7)
State system for long-term care	No provision.	Defines <i>state system for long-term care</i> as the federal, state, and local programs and activities administered by a state that provide, support, or facilitate access to long-term care to individuals in such state. (p. 10)	Same as H.R. 5293. (p. 7)
TITLE II, ADMINISTRATION ON AGING (AoA)			
FUNCTIONS OF THE ASSISTANT SECRETARY ON AGING			
Elder abuse prevention services	No provision.	The bill would authorize the Assistant Secretary to designate within the AoA responsibility for elder abuse prevention and services. (p. 10)	The bill would authorize the Secretary of Health and Human Services (HHS) to establish or designate within the AoA an Office of Elder Abuse Prevention and Services. (p. 7)
		The bill would require the Assistant Secretary, acting through the person designated with responsibility for elder abuse prevention and services, to develop objectives, priorities, policy and a long-term plan for —	Same as H.R. 5293. (p. 8)
		<ul style="list-style-type: none"> carrying out elder justice programs and activities relating to elder abuse prevention, detection, treatment, intervention, and response; training of individuals in these matters; and improvement of the elder justice system in the U.S.; (p. 10) 	Same as H.R. 5293. (p. 8)

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
		<ul style="list-style-type: none"> collecting and disseminating data relating to the abuse, neglect, and exploitation of older individuals; (p. 11) 	Same as H.R. 5293, would add that collecting and disseminating data will be conducted <i>annually</i> and authorizes the Secretary to include <i>vulnerable adults</i> (in addition to <i>older adults</i>). (p. 8)
		No provision.	Would also authorize the inclusion of data under section 753 (as added by the bill) after consultation with the Attorney General and in collaboration with experts from the Department of Justice. (p. 8)
		<ul style="list-style-type: none"> disseminating information concerning best practices regarding, and providing training on, carrying out activities related to abuse, neglect, and exploitation of older individuals; (p. 11) 	<ul style="list-style-type: none"> Same as H.R. 5293, but would authorize the Secretary to include <i>vulnerable adults</i> (in addition to <i>older individuals</i>). (p. 9)
		<ul style="list-style-type: none"> conducting research related to abuse, neglect, and exploitation of older individuals; (p. 11) 	<ul style="list-style-type: none"> Same as H.R. 5293, would require the Assistant Secretary to conduct research <i>in conjunction with the necessary experts</i> and authorizes the Secretary to include <i>vulnerable adults</i> (in addition to <i>older individuals</i>). (p. 9)
		<ul style="list-style-type: none"> providing technical assistance to states and other eligible entities under Title VII; (p. 11) 	<ul style="list-style-type: none"> Similar to H.R. 5293 with different wording and refers to subtitle B of Title VII as added by the bill. (p. 9)
		<ul style="list-style-type: none"> assisting states and other eligible entities under Title VII to develop strategic plans to better coordinate elder justice activities, research, and training; and (p. 11) 	No provision.
		<ul style="list-style-type: none"> promoting collaborative efforts and diminishing duplicative efforts in the development and carrying out of elder justice programs at the federal, state, and local levels. (p. 11) 	No provision.

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
National study on incidence and prevalence of elder abuse, neglect, and exploitation	No provision.	No provision.	<p>Would authorize the Assistant Secretary to:</p> <ul style="list-style-type: none"> • carry out a study to determine the national incidence and prevalence of elder abuse, neglect, and exploitation in all settings; and • implement the overall policy and a strategy to carry out the plan described above; and provide advice to the Secretary on elder justice issues and administer such programs relating to elder abuse, neglect, and exploitation as the Secretary determines to be appropriate. <p>The Secretary, acting through the Assistant Secretary, may issue such regulations as may be necessary to carry out this subsection and subtitle B of Title VII as added by the bill. (p. 9)</p>
Mental health services	No provision.	<p>The bill would authorize the Assistant Secretary to designate an officer or employee who shall be responsible for the administration of mental health services authorized under the act.</p> <p>The Assistant Secretary, acting through the officer or employee, would be required to develop objectives, priorities, and a long-term plan for supporting state and local efforts involving education, prevention, and detection, and treatment of mental disorders, including age-related dementia, depression, and Alzheimer's disease and related neurological disorders. (p. 12)</p>	No provision.
Assistive technology	Section 202(a)(5) requires the AoA to develop plans, conduct and arrange for research in the field of aging, and assist in the establishment and implementation of programs designed to meet the needs of older individuals for supportive services	The bill would add assistive technologies to the list of programs. (p. 12)	No provision.

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
	(including nutrition), hospitalization, education and training services (including preretirement training, and continuing education); low-cost transportation and housing; and health (including mental health) services.		
Coordination with Centers for Medicare and Medicaid Services (CMS) regarding new benefits	No provision.	The bill would require the Assistant Secretary to consult and coordinate activities with the CMS and other federal entities to implement and build awareness of programs providing benefits affecting older individuals. (p. 12)	Same as H.R. 5293, but does not include requirement to coordinate with <i>other federal entities</i> . (p. 10)
Technical assistance regarding benefits outreach and establishment of a National Center on Senior Benefits	Section 202(a)(20) requires the AoA to encourage and provide technical assistance to states and area agencies on aging, to carry out outreach to inform older individuals with greatest economic need who may be eligible to receive, but are not receiving, benefits under the Supplemental Security Income (SSI), Medicaid, and food stamps programs.	The bill would add reference to service providers to carry out outreach activities. It would require outreach regarding any other applicable federal programs, or any other service (including technology and internet-based decision support tools) to assist consumers to learn about, to receive benefits under, and to participate in programs for which they may be eligible. (p. 13)	No provision.
		The bill would require AoA to provide technical assistance and support for benefits enrollment assistance and outreach to support efforts to inform and enroll low-income older individuals who may be eligible to participate, but who are not participating, in federal and state programs for which they are eligible, and may in cooperation with federal partners, make grants or contracts to establish a National Center on Senior Benefits Outreach and Enrollment, which is required to —	Similar to H.R. 5293, with different wording. Also refers to <i>greatest economic need</i> . (p. 11)
		<ul style="list-style-type: none"> • maintain and update web-based decision supports and enrollment tools and integrated, person-centered systems designed to inform older individuals about the full range of 	Similar to H.R. 5293, with slightly different wording. Also refers to benefits <i>under federal and state programs</i> . (p. 11)

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
		benefits for which they may be eligible; (p. 14)	
		<ul style="list-style-type: none"> utilize cost-effective strategies to find and enroll those with greatest economic need; (p. 14) 	Same as H.R. 5293, with slightly different wording. (p. 11)
		<ul style="list-style-type: none"> create and support efforts for ADRCs, and other public and private state and community-based organizations and coalitions, including faith-based organizations, to serve as enrollment benefit centers; (p. 14) 	Same as H.R. 5293, with slightly different wording. (p. 11)
		<ul style="list-style-type: none"> develop and maintain an information clearinghouse on best practices and cost-effective methods for identifying and enrolling <i>limited income</i> older Americans in benefits for which they are eligible; and (p. 14) 	Similar to H.R. 5293, with slightly different wording. Also refers to <i>individual with greatest economic need</i> , instead of <i>limited income</i> (in the act <i>greatest economic need</i> refers to income below the federal poverty level). (p. 12)
		<ul style="list-style-type: none"> provide, in collaboration with federal partners administering programs, training and technical assistance on effective outreach screening, enrollment and follow-up strategies. (p. 14) 	Same as H.R. 5293, slightly different wording. Also refers to follow-up strategies for <i>federal and state programs</i> . (p. 12)
Data collection on home and community-based care	Section 202(a)(26)(D) requires AoA to design and implement data collection procedures, including procedures for collecting information on gaps in services needed by older individuals.	The bill would eliminate reference to <i>gaps in services needed</i> , and change reference to <i>services needed by older individuals (including services that would permit such individuals to receive long-term care in home and community-based settings)</i> . (p. 15)	Similar to H.R. 5293. (p. 12)
Evidence-based disease prevention and health promotion	No provision.	The bill would add a new provision requiring AoA to make available to states, area agencies, and service providers, information and technical assistance to support the provision of evidence-based disease prevention and health promotion services. (p. 15)	Same as H.R. 5293, but would make information available to states only. (p. 13)

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AoA role in long-term care	<p>Section 202(b) requires AoA to strengthen its involvement in the development of policy alternatives in long-term care and to give the development of community alternatives priority attention. In doing so, the Assistant Secretary is required to —</p> <ul style="list-style-type: none"> • develop planning linkages with utilization and quality control peer review organizations under Title XI of the Social Security Act, the Substance Abuse and Mental Health Services Administration (SAMHSA), and the Administration on Developmental Disabilities (ADD); • participate in all departmental and interdepartmental activities related to institutional and noninstitutional long-term health care services development; • review and comment on all departmental regulations and policies on community health and social service development for older individuals; and • participate in all departmental and interdepartmental activities to provide a leadership role for AoA, and for state and area agencies on aging in the development and implementation of national community-based long-term care programs for older individuals. 	<p>The bill would rewrite requirements for AoA's role in long-term care. It would require the Assistant Secretary to promote the development and implementation of comprehensive, coordinated systems at federal, state, and local levels for providing long-term care in home and community-based settings, in a manner responsive to the needs and preferences of older individuals and their family caregivers. In doing so, the Assistant Secretary would be required to —</p> <ul style="list-style-type: none"> • collaborate, coordinate, and consult with other federal agencies and departments responsible for formulating and implementing programs, benefits, and services related to providing long-term care, and authorize the Assistant Secretary to make grants, contracts, and cooperative agreements with funds received from other federal entities; • conduct research and demonstration projects to identify innovative, cost-effective strategies for modifying state systems of long-term care to respond to the needs and preferences of older individuals and family caregivers; and target services to individuals at risk for institutional placement, to permit them to remain in home and community-based care settings; and • establish criteria and promote the implementation (through area agencies on aging, service providers, and such other entities as the Assistant Secretary determines to be appropriate) of evidence-based programs to assist older individuals and their family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease, and disability among older individuals. (p. 16) 	<p>Same as H.R. 5293. (p. 13)</p>

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<i>Home and community-based long-term care, and models for care</i>	No provision.	Facilitate, in coordination with CMS, the Cash and Counseling National Program office, and other federal entities as appropriate, the provision of long-term care in home and community-based settings, including self-care models that —	Similar to H.R. 5293; excludes reference to <i>the Cash and Counseling National Program office and other federal entities</i> as appropriate, but would facilitate with CMS. (p. 14)
Assessment of needs		<ul style="list-style-type: none"> provide for the assessment of the needs and preferences of an individual at risk for institutional placement to help them avoid unnecessary nursing home placement and depletion of income and assets to qualify for Medicaid eligibility; (p. 17) 	Same as H.R. 5293, except refers to <i>institutional placement</i> (rather than <i>nursing home placement</i>), and has slightly different wording. (p. 14)
Option of individual to direct and control supportive services		<ul style="list-style-type: none"> respond to the needs and preferences of the individual and provide him/her (or representative, as appropriate) the option to direct and control the receipt of support services provided; and (p. 17) 	Similar to H.R. 5293 with different wording. Includes a definition of <i>representative</i> . (p. 15)
Individual plan for long-term care		<ul style="list-style-type: none"> assist an older individual (or a representative, as appropriate) develop a plan for long-term support, including the selecting, budgeting, and purchasing of home and community-based long-term care and supportive services; (For purposes of this paragraph, the term ‘representative’ means a person appointed by the eligible individual, or legally acting on the individual’s behalf to represent or advise the individual in financial or service coordination matters). (p. 17) 	Same H.R. 5293, slightly different wording. (p. 15)
AoA to play lead role in long-term care	No provision.	<p>Require the AoA to play a lead role with respect to issues concerning home and community-based long-term care, including —</p> <ul style="list-style-type: none"> directing (as the Secretary or the President determines to be appropriate) or otherwise participating in departmental and interdepartmental activities concerning long- 	Same as H.R. 5293. (p. 15)

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		<p>term care;</p> <ul style="list-style-type: none"> • reviewing and commenting on departmental rules, regulations, and policies related to providing long-term care; and • making recommendations to the Secretary with respect to home and community-based long-term care, including recommendations based on findings made through research and demonstration projects to modify state long-term care systems. (p.18) 	
Advance planning for long-term care	No provision.	Promote, in coordination with other appropriate federal agencies, enhanced public awareness for the importance of planning in advance for long-term care and the availability of information and resources to assist in such planning. (p. 19)	Same as H.R. 5293. (p. 16)
Aging and Disability Resource Centers (ADRCs)	No provision.	<p>Implement in all states ADRCs —</p> <ul style="list-style-type: none"> • to serve as visible and trusted sources of information on the full range of long-term care options that are available in the community, including both institutional and home and community-based care; • to provide personalized and consumer friendly assistance to empower people to make informed decisions about their care options; • to provide coordinated and streamlined access to all publicly supported long-term care options so that consumers can obtain the care they need through a single intake, assessment and eligibility determination process; • to help people to plan ahead for their future long-term care needs; and • to assist, in coordination with the state Health Insurance Assistance Program, Medicare beneficiaries in understanding and accessing the Prescription Drug Coverage and 	No provision. (See section on ADRCs in Title III under State plans.)

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		preventative health benefits available under the Medicare Modernization Act. (p. 19)	
National technical assistance programs for home and community-based services	No provision.	The bill would establish, either directly or through grants or contracts, national technical assistance programs to assist state agencies, area agencies on aging, and community-based service providers funded under this act in implementing home and community-based long-term care systems, including evidence-based health promotion and disease prevention programs. (p. 20)	Similar to H.R. 5293, refers to a <i>national technical assistance program</i> (rather than <i>programs</i>) and the term <i>evidence-based</i> does not include <i>health promotion and disease prevention programs</i> . (p. 16)
Performance standards for long-term care	No provision.	Develop, in collaboration with the Administrator of CMS, performance standards and measures for use by states to determine the extent to which their systems of long-term care fulfill the objectives described in this subsection. (p. 20)	Same as H.R. 5293. (p. 17)
Other long-term care activities	No provision.	Conduct such other activities as the Assistant Secretary determines to be appropriate. (p. 21)	Same as H.R. 5293. (p. 17)
Involvement of older individuals in voluntary community activities	No provision.	The bill would require the Assistant Secretary, in consultation with the Corporation for National and Community Service to —	Similar to H.R. 5293 with slightly different wording. (p. 17)
		<ul style="list-style-type: none"> encourage and permit voluntary groups active in supportive services and civic engagement, including youth organizations active at the secondary or postsecondary levels, to participate and be involved individually or through representative groups, in such programs or activities to the maximum extent feasible; (p. 21) 	Similar to H.R. 5293, but references <i>national service programs</i> . (p. 17)
		<ul style="list-style-type: none"> develop a comprehensive strategy for utilizing older individuals to address critical local needs of national concern, including the engagement of older individuals in the 	Similar to H.R. 5293, but does not reference <i>engagement of older individuals in the activities of public and nonprofit organizations, such as community-based and</i>

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		activities of public and nonprofit organizations such as community-based and faith-based organizations; and (p. 21)	<i>faith-based organizations.</i> (p. 17)
		<ul style="list-style-type: none"> encourage other community capacity building initiatives involving older individuals, with particular attention to initiatives that demonstrate the effectiveness and cost savings in meeting critical needs. (p. 21) 	Similar to H.R. 5293, but does not reference <i>with particular attention to initiatives that demonstrate the effectiveness and cost savings in meeting critical needs.</i> (p. 18)
AoA collaboration with other federal agencies: reference to impact on persons with limited English proficiency	Section 203(a) requires the heads of federal departments, agencies, or instrumentalities administering programs and services related to the Older Americans Act to develop a written analysis of their impact on older individuals (with particular attention to low-income minority older individuals and older individuals residing in rural areas) and Title V eligible individuals.	The bill would add reference to <i>older individuals with limited English proficiency.</i> (p. 22)	Same as H.R. 5293. (p.18)
Assistive Technology Act	Section 203(a) requires the AoA to coordinate, advise and consult with heads of numerous federal agencies and programs.	The bill would add reference to sections 4 and 5 of the Assistive Technology Act of 1998 (29 U.S.C. 3003-3004). (p. 22)	Same as H.R. 5293. (p. 18)
Coordinating committee on aging	No provision.	No provision.	The bill would require the Secretary of HHS to establish an interagency coordinating committee (Committee) focusing on the coordination of agencies with respect to aging issues, particularly related to demographic changes and housing needs among older individuals. This would be established in collaboration with the Secretary of Labor, the Secretary of Housing and Urban Development (HUD), the Attorney General, the Secretary of

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			<p>Transportation, the Secretary of the Treasury, the Secretary of Agriculture, the Commissioner of Social Security, the Surgeon General, the Administrator of CMS, the Director of the Centers for Disease Control and Prevention, the Director of the National Institutes of Health, the Assistant Secretary for Children and Families, the Administrator of the National Highway Traffic Safety Administration, and such other federal officials as the Secretary of HHS determines to be appropriate. (p. 18)</p> <p>The bill would require the Secretary of HHS to serve as the first chairperson of the Committee, for an initial period of two years. After the initial period, the bill would require the Secretary of HUD and the Secretary of HHS to alternate as chairpersons, each serving as chairperson for a period of two years. (p. 19)</p>
			<p>The Committee is required to:</p> <p>1) review all federal programs and services that assist older individuals in finding and affording housing, health care, and other services, including those federal programs and services that assist older individuals in accessing health care, transportation, supportive services, and assistance with daily activities, at the place or close to the place where the older individuals live;</p>
			<p>2) monitor, evaluate, and recommend improvements in programs and services administered, funded, or financed by federal, state, and local activities to assist older</p>

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			<p>individuals in meeting their housing, health care, and other service needs and make any recommendations about how the agencies can better carry out and provide the programs and services to house and serve older individuals; recommend ways to —</p> <ul style="list-style-type: none"> • facilitate aging in place, by identifying and making available the programs and services necessary to enable older individuals to remain in their homes as they age; • reduce duplication by federal agencies of programs and services to assist in meeting older individuals' housing, health care, and other service needs; • ensure collaboration among and within agencies in providing and making available programs and services so that older individuals are able to easily access needed programs and services; • work with states to better provide housing, health care, and other services to older individuals by holding individual meetings with state representatives, providing ongoing technical assistance to states about better meeting the needs of older individuals; and working with states to designate state liaisons for the Committee; • identify model programs and services to assist older individuals in meeting their housing, health care, and other service needs, including programs linking housing, health care, and other services, financing products offered by government, quasi-government, and private sector entities, and innovations in technology applications that give older individuals access to information

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			<p>on available services or that help in providing services to older individuals;</p> <ul style="list-style-type: none"> • collect and disseminate information about older individuals and the programs and services available to them to ensure that they can access comprehensive information; and • work with the Federal Interagency Forum on Age-Related Statistics, the Bureau of the Census, and member agencies to collect and maintain data relating to the housing, health care, and other service needs of older individuals so that all such data can be accessed in one place on a designated website; and to identify and address unmet data needs. (p. 20)
			3) Make recommendations to guide policy and program development across federal agencies with respect to demographic changes among older individuals; and (p. 22)
			4) Actively seek input from and consult with all appropriate and interested parties, including public health interest and research groups and foundations about these activities. (p. 23)
			Each year, the Committee is required to prepare and submit to the President, the Committee on Financial Services of the House of Representatives, the Committee on Education and the Workforce of the House of Representatives, the Committee on Banking, Housing and Urban Affairs of the Senate, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Special

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			<p>Committee on Aging of the Senate, a report that —</p> <ul style="list-style-type: none"> • describes the activities and accomplishments of the Committee in working with federal, state, and local governments, and private organizations, in coordinating programs and services to meet the requirements of the Committee; (p. 23) • assesses the level of federal assistance required to meet the needs described for the Committee; (p. 23) • incorporates an analysis from the head of each agency that is a member of the Committee that describes the barriers and impediments, including barriers and impediments in statutory and regulatory law, to the access and use by older individuals of programs and services administered by such agency; and (p. 23) • makes recommendations for appropriate legislative and administrative actions to meet the needs described for the Committee and/or coordinating programs and services designed to meet those needs. (p. 24)
			<p>The Secretary of HHS is required to appoint an executive director of the Committee, after consultation with the Secretary of HUD. On the request of the Committee, any federal government employee may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege. (p. 24)</p>

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Functions of nutrition program officer	Section 205 requires the AoA nutrition project officer to carry out a number of functions. These include: <ul style="list-style-type: none"> designing, implementing, and evaluating nutrition programs; 	The bill would change the reference to <i>designing, implementing, and evaluating evidence-based programs to support improved nutrition and regular physical activity for older individuals.</i> (p. 23)	Same as H.R. 5293. (p. 25)
	<ul style="list-style-type: none"> disseminating information to nutrition service providers about nutrition advancements. 	The bill would require the officer to conduct outreach and disseminate evidence-based information to nutrition service providers about the benefits of healthful diets and regular physical activity, including information about the most current Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341), the Food Guide Pyramid published jointly by the Secretary of HHS and the Secretary of Agriculture, and advances in nutrition science. (p. 23)	Same as H.R. 5293. (p. 25)
	No provision.	The bill would require the officer to: <ul style="list-style-type: none"> disseminate guidance that describes strategies for improving the nutritional quality of meals provided under Title III, particularly strategies for increasing the consumption of whole grains, low-fat dairy products, fruits and vegetables; (p. 24) 	Same as H.R. 5293, but does not include reference to <i>strategies for increasing the consumption of whole grains, low-fat dairy products, fruits, and vegetables.</i> (p. 26)
	No provision.	<ul style="list-style-type: none"> develop and disseminate guidelines for conducting nutrient analyses of meals, including guidelines for averaging key nutrients over an appropriate period of time; and (p. 24) 	No provision.
	No provision.	<ul style="list-style-type: none"> provide technical assistance to the AoA regional offices. (p. 24) 	Same as H.R. 5293. (p. 26)

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Expertise of the nutrition officer	Section 205(a)(2)(C) requires that the nutrition officer have expertise in nutrition and dietary services and planning.	The bill would require the officer to have expertise in nutrition, energy balance, and meal planning. (p. 24)	Similar to H.R. 5293, but does not include expertise in <i>energy balance</i> . (p. 26)
Set aside of funds for evaluation projects	Section 206 authorizes the Secretary to use such funds as may be necessary, but not to exceed \$3 million (of which \$1.5 million shall be available from Title III funds appropriated and \$1.5 million shall be available from Title IV funds), to conduct evaluations under this section.	The bill would authorize the Secretary to use up to ½ of 1 percent of Title III funds for evaluation. (For FY2006, for example, this would amount to \$6 million rather than \$3 million in current law). (p. 25)	Same as H.R. 5293. (p. 26)
Reports on the activities under the act	Section 207(b)(2) requires the Assistant Secretary to submit a report on activities under the act to — <ul style="list-style-type: none"> • the Special Committee on Aging of the Senate; • the Committee on Education and Labor of the House of Representatives; and • the Committee on Labor and Human Resources of the Senate. 	The bill would change the provision to require the report be submitted to — <ul style="list-style-type: none"> • the Special Committee on Aging of the Senate; • the Committee on Education and the Workforce of the House of Representatives; and • the Committee on Health, Education, Labor, and Pensions of the Senate. (p. 25) 	Same as H.R. 5293. (p. 27)
Contracting and grant authority; commercial and private pay relationships; appropriate use of act funds	Section 212 requires that none of the provisions are to be construed to prevent a recipient of a grant or a contract from entering into an agreement, subject to the approval of the state agency (or in the case of a grantee under Title VI, subject to the recommendation of the Director of the Office for American Indian, Alaskan Native, and Native Hawaiian Aging, and the approval of the Assistant Secretary), with a profitmaking organization to carry out the provisions of this act and of the appropriate state plan.	The bill would amend the provision to read as follows: Section 212. Contracting and Grant Authority; Private Pay Relationships; Appropriate Use of Funds. (a) In General. — Subject to subsection (b), this act shall not be construed to prevent a recipient of a grant or a contract from entering into an agreement — <ul style="list-style-type: none"> • with a profitmaking organization; • under which funds provided under such grant or contract are used to pay part or all of a cost (including an administrative cost) incurred by such recipient to carry out a contract or commercial relationship for the benefit of older individuals or their family caregivers, 	Similar to H.R. 5293, but specifies that individuals who seek services may <i>voluntarily</i> pay at their own private expense. (p. 28)

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		<p>whether such relationship is carried out to implement a provision of this act or to conduct activities inherently associated with implementing such provision; or</p> <ul style="list-style-type: none"> • under which any individual, regardless of age or income (including the family caregiver of such individual), who seeks to receive one or more services pays, at their own private expense, to receive such services based on the fair market value of such services. (p. 26) <p>(b) Ensuring Appropriate Use of Funds. — An agreement described under subsection (a) may not —</p> <ul style="list-style-type: none"> • be made without the prior approval of the state agency (or, in the case of a grantee under Title VI, without the prior recommendation of the Director of the Office for American Indian, Alaska Native, and Native Hawaiian Aging and the prior approval of the Assistant Secretary); • directly or indirectly provide for, or have the effect of, paying, reimbursing, or otherwise compensating an entity under such agreement in an amount that exceeds the fair market value of the goods or services furnished by such entity under such agreement; • result in the displacement of services otherwise available to an older individual with the greatest social need, an older individual with greatest economic need, or an older individual who is at risk for institutional placement; or • in any other way compromise, undermine, or be inconsistent with the objective of serving the needs of older individuals, as determined by the Assistant Secretary. (p. 27) 	

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Nutrition education	Section 214 authorizes the Assistant Secretary and the Secretary of Agriculture to provide technical assistance and appropriate material to agencies carrying out nutrition education programs in accordance with section 339(2)(J).	The bill would authorize the Assistant Secretary, in consultation with the Secretary of Agriculture, to conduct outreach and provide technical assistance to agencies and organizations that serve older individuals to assist them in carrying out integrated health promotion and disease prevention programs that are designed for older individuals and that include nutrition education, physical activity, and other activities to modify behavior and to improve health literacy (including information on optimal nutrition intake) through education and counseling in accordance with section 339(2)(J). (p. 27)	Same as H.R. 5293, but adds reference to <i>providing</i> information on optimal nutrition intake. (p. 29)
Pension counseling and information programs	Section 215 authorizes the Assistant Secretary to include, as part of the application, a plan to provide information, counseling, referral and assistance regarding pension and other retirement benefits, with particular emphasis on outreach to women, minorities, older individuals residing in rural areas and low-income retirees.	The bill would add reference to <i>older individuals with limited English proficiency</i> . (p. 28)	Same as H.R. 5293. (p. 30)
	Section 215 requires the Assistant Secretary to consider, among the criteria in awarding pension counseling programs grants, the applicant's ability to perform effective outreach to affected populations, particularly populations that are identified in need of special outreach.	The bill would add reference to <i>populations with limited English proficiency</i> . (p. 28)	Same as H.R. 5293. (p. 30)
	No provision.	No provision.	The bill would add reference to <i>individuals with limited English proficiency</i> to the content of the pension assistance national telephone hotline. (p. 30)

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Authorization of appropriations for Title II activities	Section 216 authorizes the appropriation of such sums as may be necessary for AoA administration, salaries and expenses, the National Elder Locator Service, and Pension Counseling and Information Programs for FY2001-FY2005.	The bill would authorize such sums as may be necessary for FY2006-FY2011. (p. 29)	Same as H.R. 5293. (p. 30)
TITLE III, GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING			
Purpose of Title III: coordination with volunteer services	Section 301 of the act states that the purpose of Title III is to encourage and assist state and area agencies on aging to develop greater capacity and foster the development and implementation of comprehensive and coordinated systems to serve older individuals by entering into cooperative arrangements with a number of <i>entities</i> , including other state agencies, Indian tribes, tribal organizations, and providers, among others.	The bill would add to the entities, organizations with experience in providing senior volunteer services, such as federal volunteer programs administered by the Corporation for National and Community Services designed to provide training, placement and stipends for volunteers in community service settings. (p. 29)	Same as H.R. 5293. (p. 31)
Authorization of appropriations: supportive, nutrition, and disease prevention and health promotion services	The law authorizes such sums as may be necessary for each of FY2001-FY2005.	The bill would authorize such sums as may be necessary for each of FY2007-FY2011. (p. 30)	Same as H.R. 5293. (p. 32)
Authorization of appropriations: National Family Caregiver Support Program	The law authorizes \$125 million for FY2001, if the aggregate amount appropriated for supportive services, congregate nutrition services, home-delivered nutrition services, and disease prevention and health promotion exceeds the FY2000 amount. It also authorizes such sums as may be necessary for FY2002-FY2005.	The bill would authorize such sums as may be necessary for each of FY2007-FY2011. (p. 30)	The bill would authorize \$170 million in FY2008; \$180 million in FY2009; \$190 million in FY2010; and \$200 million in FY2011. (p. 32)

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	The law requires that of funds authorized for the national caregiver program, 4% be reserved for national innovative approaches to caregiving, and 1% be reserved for activities of national significance to promote quality and improvement in caregiver support.	No provision.	No provision.
Area agency administrative funds to be use for needs assessment of growing elder population	No provision.	No provision.	The bill would allow an additional 1% of the state's allotment to be used for area plan administration to carry out activities related to assessment of the needs of the growing elderly population (added by the bill). This could occur only when appropriations for Title III supportive, nutrition, and disease prevention and health promotion services exceed 110% of the FY2006 appropriations level. (p. 33)
State plans on aging: focus on older individuals with limited English proficiency	Section 305(a) of the law requires state agencies to divide the state into planning and service areas that consider among other things, the distribution of older people, with particular attention to low income minority individuals and older individuals residing in rural areas and that preference in providing services will be given to these groups.	The bill would add reference to <i>older individuals with limited English proficiency</i> . (p. 31)	Same as H.R. 5293. (p. 33-34)
State long-term care systems	No provision.	The bill would require that the state agency on aging promote the development and implementation of a comprehensive, coordinated system in the state for providing long-term care in home and community-based settings, in a manner that is responsive to the needs and preferences of older individuals and their families by:	Similar to H.R. 5293, but with slightly different wording in some places. (p. 34)

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		<ul style="list-style-type: none"> • collaborating, coordinating, and consulting with other agencies responsible for formulating, implementing, and administering programs, benefits, and services regarding long-term care; • participating in state government activities regarding long-term care; • conducting analysis and making recommendations with respect to strategies for modifying the state's long-term care system in order to respond to the needs and preferences of individuals and family caregivers; facilitate provision of home and community-based care; target services to those at risk of institutional placement; and implement evidence-based programs to assist older individuals and their family caregivers in learning about and making behavioral changes to reduce the risk of injury, disease, and disability; and • providing for distribution of information on the need to plan in advance for long-term care and on the range of available public and private long-term care programs, options, and resources. (pp. 31-33) 	<p>Refers to targeting services to <i>older</i> individuals at risk of institutional placement.</p> <p>No reference to evidence-based programs.</p>
Puerto Rico, single planning and service area	No provision.	No provision.	The bill would allow the Commonwealth of Puerto Rico to designate a single planning and service area, with the approval of the Assistant Secretary. (p. 36)
AREA PLANS ON AGING			
Area plans on aging: focus on older individuals with limited English proficiency	Section 306(a)(1) requires area plans on aging to develop a comprehensive and coordinated system for supportive, nutrition, and multi-purpose senior centers	The bill would add reference to <i>older individuals with limited English proficiency</i> . (p. 33)	Same as H.R. 5293. (p. 37)

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	taking into consideration the number of older individuals with low income, the number of older individuals with greatest economic need, and the number with greatest social need (with particular attention to low-income minority people and older individuals residing in rural areas).		
Area plans on aging: focus on persons at risk of institutional placement	Section 306(a)(1) requires area plans on aging to develop a comprehensive and coordinated system for supportive, nutrition, and multi-purpose senior centers taking into consideration the number of older individuals with low-income, the number of older individuals with greatest economic need, and the number with greatest social need (with particular attention to low income minority people and older individuals residing in rural areas).	The bill would add reference to the <i>number of older individuals at risk for institutional placement</i> residing in the area. (p. 34)	Same as H.R. 5293. (p. 37)
Area plans on aging: mental health services	No provision.	No provision.	The bill would require area agencies to provide assurances that an adequate proportion of Title III funds be spent on services associated with access services, including health services (including mental health). (p. 37)
Area plans on aging: information and assistance	No provision.	No provision.	The bill would include as information and assistance, services on the availability of supportive services under part B of the act, and how to receive benefits under and participate in publicly supported programs for which the consumer may be eligible. (p. 38)

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Area plans on aging: specific objectives for serving older individuals	Section 306(a)(4) requires area plans on aging to assure that they will set specific objectives for providing services to older individuals with greatest economic and social need, and include specific objectives for providing services to low-income minority individuals and older individuals residing in rural areas.	The bill would require area plans to set objectives, <i>consistent with state policy</i> , for providing services to not only those with the greatest economic and social need, but also to individuals at risk of institutional placement, and include objectives and proposed methods to serve these individuals. (p. 34)	Similar to H.R. 5293, but wording is different. (p. 38)
Area plans on aging: provider agreement regarding serving older individuals	Section 306(a)(4)(A)(ii) requires area agencies on aging to include in provider agreements they make with service providers, a requirement that providers specify how they intend to serve the needs of low-income minority individuals (among other groups).	The bill would add reference to <i>older individuals with limited English proficiency</i> . (p. 35)	Similar to H.R. 5293. (p. 38)
Area plans on aging: outreach efforts	Section 306(a)(4)(B) requires that the area agency on aging will use outreach efforts that will identify eligible individuals for assistance, with special emphasis on those residing in rural areas, those with greatest economic and social need, those with severe disabilities, those with limited English-speaking ability, and those with Alzheimer's disease or related neurological and organic brain dysfunction.	The bill would also require outreach to older individuals <i>at risk for institutional placement</i> . (p. 35)	Similar to H.R. 5293, but also changes reference to <i>individuals with limited English proficiency</i> , instead of limited English-speaking ability. (p. 39)
	Section 306(a)(5) requires area agencies to assure that they will coordinate planning, identification, need assessment, and service provision with particular attention to individuals with severe disability, and with agencies that develop or provide services to individuals with disabilities.	The bill would require area agencies to give particular attention to <i>individuals at risk for institutional placement</i> . (p. 36)	Similar to H.R. 5293. (p. 39)

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Area plans on aging: use of trained volunteers	No provision.	The bill would require area agencies to make use of trained volunteers in providing direct services to elderly and disabled individuals needing care, and, if possible, work in coordination with volunteer programs (including programs administered by the Corporation for National Service) designed to provide training, placement and stipends for volunteers in community service settings. (p. 36)	Similar to H.R. 5293. (p. 40)
Area plans on aging: advisory council membership	Section 306(a)(6) requires area agencies on aging to establish an advisory council and specified council membership.	The bill would add to the membership, <i>family caregivers of older individuals, service providers, and the business community.</i> (p. 36)	Similar to H.R. 5293. (p. 40)
Area plans on aging: increasing public awareness of mental health	Section 306(a) requires area agencies to coordinate mental health services provided with funds expended by area agencies with mental health services provided by community health centers and by other public agencies and nonprofit private organizations.	The bill would require area agencies on aging, in coordination with the state agency on aging and the state agency responsible for mental health services, to increase public awareness of mental health disorders, to remove barriers to diagnosis and treatment, and to coordinate mental health services (including mental health screenings) with funds expended by the area agency with mental health services provided by community health centers and other agencies. (p. 37)	The bill would add reference to mental health screening. It does not include the provision regarding public awareness of mental health disorders or removing barriers to diagnosis and treatment. (p. 41)
Area plans on aging: comprehensive coordinated system for home and community-based long-term care	Section 306(a)(7) requires that area agencies on aging facilitate the coordination of community-based long-term care services to enable older individuals to remain in their own homes. Area agencies are to accomplish this by: <ul style="list-style-type: none"> • developing case management services as a component of long-term care; • involving long-term care providers in the coordination of these services; and 	The bill would rewrite the section as follows. The bill would require that area agencies facilitate the areawide development and implementation of a comprehensive, coordinated system for providing long-term care in home and community-based settings, in a manner that is responsive to the needs and preferences of older individuals and their families by: <ul style="list-style-type: none"> • collaborating, coordinating, and consulting 	Similar to H.R. 5293, but with slightly different wording in some places. (pp. 41-43)

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	<ul style="list-style-type: none"> • increasing community awareness of and involvement in addressing the needs of residents of long-term care facilities. 	<p>with other local public and private agencies responsible for formulating, implementing and administering programs, benefits, and services regarding long-term care;</p> <ul style="list-style-type: none"> • conducting analysis and making recommendations and implementing programs related to strategies for modifying the state's long-term care system in order to respond to the needs and preferences of older individuals and family caregivers; facilitate provision of home and community-based care; target services to older individuals at risk of institutional placement; • implementing evidence-based programs to assist older individuals and their family caregivers in learning about and making behavioral changes to reduce the risk of injury, disease, and disability; and • providing for distribution of information on the need to plan in advance for long-term care and on the range of available public and private long-term care programs, options, and resources. (pp. 37-39) 	
Area plans on aging: area agency costs to carry out commercial relationships	<p>Section 306(a)(14) and (15)(second paragraph (15)) prohibits area agencies from paying any costs incurred as a result of a contract or commercial relationship unrelated to the act. (These paragraphs are duplicative.)</p> <p>Section 306(a)(15) (first paragraph (15)) and (16) also prohibits area agencies from giving preference to particular individuals as a result of a contract or commercial relationship unrelated to the act. (These paragraphs are duplicative.)</p>	<p>Deletes these provisions (duplication in current law.) (p. 39) For related content, see the provisions that immediately follow (in the next row) relating to maintaining public purpose mission of Title III.</p> <p>Deletes first paragraph (15) but retains paragraph (16), essentially retaining current law. (p. 39)</p>	<p>Retains paragraph (14), but eliminates second paragraph (15). (p. 43) For related content, see the provisions that immediately follow (in the next row) relating to maintaining public purpose mission of Title III.</p> <p>Same as H.R. 5293. (p. 43)</p>

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Area plans on aging: priority for use of funds for specified older individuals; maintaining public purpose mission and disclosure of information on contractual relationships	No provision.	<p>The bill would require that area agencies assure that Title III funds will be used in a manner that gives priority in furnishing benefits and services to older individuals with greatest economic need, older individuals with great social need and older individuals at risk for institutional placement. (p. 39)</p> <p>The area agency would also be required to assure that funds will be used in a manner that is consistent with Section 306(a)(13) (regarding maintaining the integrity and public purpose of services provided and service providers, in all contractual and commercial relationships, among other things) and Section 212(b) of the act (as amended by the bill). (p. 40)</p>	<p>Similar to H.R. 5293, but adds reference to older individuals with limited English proficiency and those living in rural areas. (p. 43)</p> <p>Same as H.R. 5293.</p>
Area plans on aging: self-directed care	No provision.	The bill would require that area plans on aging provide for, to the maximum extent feasible, furnishing of services under the act consistent with self-directed care. (p. 40)	Similar to H.R. 5293 (does not include to the <i>maximum</i> extent feasible). (p. 43)
Area plans on aging: emergency preparedness	No provision.	No provision.	The bill would require area plans to include information detailing how the area agency will coordinate activities and develop long-range emergency plans with local and state emergency response agencies, relief organizations, local and state governments, and any other institutions that have responsibility for disaster relief service delivery. (p. 43)
Area plans on aging: area agency planning for demographic changes in the older population in planning and service areas	No provision.	The bill would authorize area agencies on aging to include in their area plans, an assessment of how prepared the planning and service area is for any anticipated change in the number of older individuals during the 10-year period	Same as H.R. 5293, with slightly different wording in some places. (p. 44)

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		<p>following the fiscal year for which the plan is submitted.</p> <p>The assessment may include:</p> <ul style="list-style-type: none"> • the projected change in the number of older individuals in the planning and service area; • an analysis of how this change may affect older individuals, including those with low income, greatest economic need, minority older individuals, those residing in rural areas, and those with limited English proficiency; • an analysis of how the programs, policies, and services provided in the planning and service area can be improved, and how resource levels can be adjusted to meet the needs of the changing population of older individuals in the areas, and an analysis of how the change in the number of persons age 85 and older is expected to affect the need for supportive services. (p. 40) <p>The bill would authorize area agencies on aging, in cooperation with governmental officials, state agencies, tribal organizations, or local entities, to make recommendations to government officials in the planning and service area and the state, on actions to build the capacity to meet the needs of older individuals for:</p> <ul style="list-style-type: none"> • health and human services; • land use; • housing; • transportation; • public safety; • workforce and economic development; 	<p>The bill would also add reference to emergency preparedness. (p. 45)</p>

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		<ul style="list-style-type: none"> • recreation; • education; • civic engagement; and • any other services determined by the area agency. (p. 41) 	
STATE PLANS ON AGING			
State plans on aging: focus on older individuals with limited English proficiency	Section 307(a) requires the state plan to conduct periodic evaluations on state activities and projects, including evaluations of the effectiveness of services provided to individuals with greatest economic or social need, or disabilities with particular attention to low-income minority individuals and older individuals residing in rural areas.	The bill would add reference to <i>older individuals with limited English proficiency</i> . (p. 42)	Same as H.R. 5293. (p. 46)
State plans on aging: identifying service needs of low-income minority older individuals with limited English proficiency	Section 307(a)(15) requires the state plan to identify the number of low-income minority older individuals in the state and describe the methods used to satisfy their service needs.	The bill would add reference to the number of <i>low-income older individuals with limited English proficiency</i> . (p. 42)	Similar to H.R. 5293. (p. 47)
State plans on aging: outreach to individuals with limited English proficiency	Section 307(a)(16) requires the state agency to conduct outreach to older individuals with greatest economic or social need (with particular attention to low-income minority individuals and older individuals residing in rural areas).	The bill would add reference to <i>low-income older individuals with limited English proficiency</i> . (p. 43)	Same as H.R. 5293. (p. 46)
State plans on aging: self-directed care	No provision.	The bill would require that state plans on aging provide assurances that area agencies will, to the maximum extent feasible, furnish services under the act consistent with self-directed care. (p. 43)	Same as H.R. 5293. (p. 47)

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State plans on aging: planning for demographic changes in the older population in the state	No provision.	<p>The bill requires state agencies on aging, at the election of the state, to include an assessment of how prepared the state is, under its statewide service delivery model, for a change in the number of older individuals during the 10-year period following the fiscal year for which the plan is submitted. The assessment may include:</p> <ul style="list-style-type: none"> • the projected change in the number of older individuals in the state; • an analysis of how this change may affect older individuals, including those with low-income, greatest economic need, minority older individuals, those residing in rural areas, and those with limited English proficiency; • an analysis of how the programs, policies, and services provided by the state can be improved, including coordinating with area agencies on aging, and how resource levels can be adjusted to meet the needs of the changing population of older individuals in the state; and • an analysis of how the change in the number of persons age 85 years and older is expected to affect the need for supportive services. <p>(p. 43)</p>	Same as H.R. 5293. (p. 47)
State plans on aging: emergency preparedness	No provision.	No provision.	The bill requires state plans to include information detailing how the state will coordinate activities, and develop long-range emergency preparedness plans, with area agencies on aging, local emergency response agencies, relief organizations, local governments, and any other institutions that have responsibility for disaster relief service delivery. The plan is to include information describing the involvement of the head of the

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			state agency in the development, revision, and implementation of emergency preparedness plans, including the State Public Health Emergency Preparedness and Response Plan. (p. 48)
State plans on aging: Aging and Disability Resource Centers (ADRCs)	No provision.	No provision in Title III (see ADRCs in title II above.)	<p>The bill requires the state to implement an ADRC which is to:</p> <ul style="list-style-type: none"> • serve as a visible and trusted source of information on the full range of options for long-term care, including institutional and home and community-based care, that are available in the state; • provide personalized and consumer-friendly assistance to empower individuals to make informed decisions about their long-term care options; • provide coordinated and streamlined access to all publicly funded long-term care options so that consumers can obtain the care they need through a single intake, assessment and eligibility determination process; • help individuals plan ahead for their long-term care needs; and • assist Medicare beneficiaries and prospective beneficiaries in understanding and accessing prescription drug and preventive health benefits under provisions of, and amendments made by, the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, in coordination with the entity carrying out the health insurance information, counseling and assistance program (under Section 4360 of the Omnibus Reconciliation Act of 1990) in the state. (pp. 49-50)

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State plans on aging: non-federal share for Title III services	Section 309(b)(2) requires that funds required to meet the non-federal share, in amounts that exceed the non-federal share prior to FY1981, are to be from state sources. (Prior to 1981, the required non-federal share was 10%; in 1981, the non-federal share was increased to 15%).	The bill deletes the reference to the non-federal share prior to 1981. The bill would clarify that funds required to meet the non-federal share for Title III funds be from state sources. (p. 44)	Same as H.R. 5293. (p. 50)
NUTRITION SERVICES INCENTIVE PROGRAM			
Disbursement	Section 311 of the act requires the Secretary of Agriculture to provide cash or commodities or a combination of cash and commodities to state agencies on aging.	The bill would clarify that each state agency promptly and equitably disburse amounts received under Section 311 to recipients of grants and contracts. (p. 45)	Same as H.R. 5293 (p. 51)
Bonus of commodities	Section 311 requires that agricultural commodities available under section 32 of the act of August 24, 1935, section 416 of the Agricultural Act of 1949, and under section 709 of the Food and Agricultural Act of 1965 are to be donated or used by recipients of Title III nutrition funds.	The bill would also require that additional bonus commodities are to be donated or used by recipients of Title III nutrition funds. (p. 45)	Same as H.R. 5293. (p. 51)
High protein foods; terms and conditions	No provision.	The bill would require the Secretary of Agriculture to give special emphasis to high protein foods. The Secretary of Agriculture, in consultation with the Assistant Secretary, is authorized to prescribe the terms and conditions related to donated commodities. (p. 45)	No provision.
Cash used to buy commodities	Section 311(d) requires that when a state elects to receive cash payments under Section 311, the Secretary of Agriculture is to make them to the state in an amount equivalent in value to the donated foods which the state otherwise would have received in commodities.	The bill would revise the provision to require that Section 311 funds may be used only to purchase U.S. agricultural commodities and other foods. (p. 45)	No provision.

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	No provision.	Part or all of Section 311 funds may be used to pay school food authorities to obtain U.S. commodities for nutrition projects, when state grantees and contractors, and Title VI grantees, have an agreement with the school food authority that the payments: <ul style="list-style-type: none"> • cover the cost of the commodities and • cover related expenses, including the cost of transporting, distributing, processing, storing, and handling the commodities. (p. 46) 	No provision.
Authorization of appropriations for nutrition service incentive program	Section 311(e) authorizes such sums as may be necessary for FY2001-FY2005.	The bill would authorize such sums as may be necessary for FY2007-FY2011. (p. 46)	Same as H.R. 5293. (p. 51)
Distribution of information regarding federal commodity processing programs	Section 312(f) would require that the Secretary of HHS and the Secretary of Agriculture distribute to state and area agencies on aging and nutrition service providers information on: <ul style="list-style-type: none"> • any federal commodity processing program; and • procedures to be followed to participate in the program. 	The bill would require the Assistant Secretary on Aging and the Secretary of Agriculture to distribute information on: <ul style="list-style-type: none"> • school food authorities within geographic area service by the state agency; and • the donated foods available to state and area agencies and nutrition service providers. (p. 46) 	No provision.
VOLUNTARY CONTRIBUTIONS FOR TITLE III SERVICES			
Solicitation of voluntary contributions	Section 315(b) of the act provides that voluntary contributions from older individuals shall be allowed and may be solicited for all Title III services provided that the method of soliciting contributions is noncoercive.	The bill would add to current law a provision that voluntary contributions shall be encouraged for individuals whose self-declared income is at or above 125% of the poverty line, and may be requested at contribution levels based on the actual cost of services if the method of solicitation is noncoercive. (p. 47)	The bill would add to current law a provision that voluntary contributions shall be encouraged for individuals whose self-declared income is at or above 200% of the poverty line, at contribution levels based on the actual cost of services. (p. 52)

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Voluntary contributions are to supplement not supplant Title III funds	No provision.	The bill would clarify that funds received through voluntary contributions are to supplement, not supplant, funds received under Title III. (p. 47)	Same as H.R. 5293. (p. 52)
Mandatory cost-sharing: participation of older individuals with limited English proficiency	Section 315(c) requires state and area agencies to develop plans designed to ensure that cost-sharing procedures will not decrease participation in Title III services by low income older individuals (with particular attention to low income minority individuals and older individuals residing in rural areas).	The bill would add reference to <i>older individuals with limited English proficiency</i> . (p. 48)	Same as H.R. 5293. (p. 52)
AoA study of cost-sharing	Section 315(d) requires the Assistant Secretary to conduct a study of cost-sharing to determine its impact on participation rates with particular attention to low-income and minority older individuals and older individuals residing in rural areas.	The bill would add reference to <i>older individuals with limited English proficiency</i> . (p. 48)	Same as H.R. 5293. (p. 52)
ALLOWABLE TITLE III SUPPORTIVE SERVICES	Section 321(a) requires the Assistant Secretary to carry out a program for making grants to states under state plans approved under section 307 for supportive services listed in 321(a)(1) through 321(a)(23).	The bill would change the references for the following supportive services under Section 321(a) to read: <ul style="list-style-type: none"> • services designed to provide health screening (<i>including mental health screening</i>); • services (<i>including assistive technology devices and assistive technology services</i>) designed to meet the unique needs of older individuals who are disabled, and older individuals who provide uncompensated care to their adult children with disabilities; and • effective referral to existing health (<i>including mental health</i>), employment, housing, legal, consumer, transportation, and other services (related to Senior Opportunities and Services 	Similar to H.R. 5293, but does not include change to the SOS program. (p. 53)

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		<p>(SOS)). (p. 48)</p> <p>The bill would add the following as new allowable services:</p> <ul style="list-style-type: none"> • services designed to support states, area agencies on aging, and local service providers carry out and coordinate, with respect to mental health services, activities including outreach, education, screening, and referral for treatment of older individuals; and • activities to promote and disseminate information about life-long learning programs <p>It also makes other technical and coordination changes. (p. 49)</p>	
NUTRITION SERVICES			
Nutrition services: purpose of nutrition services	No provision.	<p>The bill would add a new purpose to Title III, Nutrition Services, as follows:</p> <p>It is the purpose of this part to promote socialization and the health and well-being of older individuals by assisting such individuals to gain access to disease prevention and health promotion services (including information, nutrition services, and programs of physical activity) to delay the onset of health conditions resulting from poor nutritional health or sedentary behavior. (p. 50)</p>	<p>The bill would add a new purpose to Title III, Nutrition Services, as follows:</p> <p>It is the purpose of this part to promote socialization and the health and well-being of older individuals by assisting such individuals to gain access to nutrition services to delay the onset of adverse health conditions. (p. 54)</p>
Nutrition services: nutrition education	Section 331 allows nutrition projects to provide nutrition education services and other appropriate nutrition services.	The bill would specify that nutrition projects are to provide nutrition education, nutrition counseling, and other nutrition services, as appropriate based on the needs of meal participants. (p. 51)	Same as H.R. 5293. (p. 54)

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Nutrition services: multivitamin-mineral supplements	No provision.	The bill would allow nutrition projects to provide a multivitamin-mineral supplement, along with a meal, to participants. (p. 51)	No provision.
Nutrition services: home-delivered nutrition services	Section 336 requires the Assistant Secretary to establish the home-delivered nutrition program which is to provide at least one home-delivered hot, cold, frozen, dried, canned or supplemental foods (with a satisfactory storage life) meal per day.	The bill would add reference to <i>fresh</i> food. It would also delete the reference to (<i>with a satisfactory storage life</i>). (p. 51)	Same as H.R. 5293. (p. 55)
Consultation with nutrition experts	<p>Section 337 requires the Assistant Secretary to consult with representatives from various named organizations to develop minimum criteria of efficiency and quality for home-delivered meals services, including the American Dietetic Association, among others.</p> <p>It also requires that the criteria take into account the ability of established home delivered meals programs to continue these services without major alteration in the services.</p>	<p>The bill would eliminate reference to particular organizations and instead would specify that the Assistant Secretary is to consult with experts in the field of nutrition science, dietetics, meal planning and food service management, and aging. (p. 52)</p> <p>The bill would delete this requirement.</p>	<p>Same as H.R. 5293. (p. 55)</p> <p>No change in current law.</p>
State responsibility to obtain expertise of a dietician	Section 339 requires a state to solicit the advise of a dietician or an individual with comparable expertise in the planning of nutritional services.	The bill would require the state to solicit the advise of a dietician or other individual <i>with equivalent education and training in nutrition science</i> , or another individual with comparable expertise. (p. 52)	Similar to H.R. 5293, but does not refer to <i>equivalent</i> education and training. (p. 56)
Dietary Guidelines for Americans	<p>Section 339 requires that meals comply with the Dietary Guidelines for Americans.</p> <p>It also refers to the daily recommended dietary allowances.</p>	<p>The bill would specify that the Guidelines be the <i>most recent</i>. (p. 53)</p> <p>The bill would change the reference to <i>dietary reference intakes</i>. (p. 53)</p>	<p>Same as H.R. 5293. (p. 53)</p> <p>No change in current law.</p>

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Intergenerational meals	Nutrition projects are to encourage arrangements with schools and other facilities to promote intergenerational meals programs.	The bill would clarify that these arrangements are to be done <i>jointly</i> with schools and other facilities and are to be <i>shared</i> intergenerational meals programs. (p. 53)	Refers to joint programs but no reference to shared intergenerational programs. (p. 56)
Nutrition screening, education and assessment	Section 339(2)(J) requires that nutrition projects provide for nutrition screening, and, where appropriate, nutrition education and counseling.	The bill would also require nutrition <i>assessment</i> . (p. 54)	Same as H.R. 5293. (p. 57)
Influenza and other vaccinations	No provision.	The bill would encourage professionals who distribute home-delivered meals to provide information to homebound seniors on how to get an influenza vaccination in their local areas. (p. 54)	Similar to H.R. 5293, but would add reference to information about pneumonia and shingles vaccinations. (p. 57)
Evaluation of the Nutrition Program	No provision.	<p>The bill would require the Assistant Secretary to use funds set aside for evaluation to conduct an evidence-based evaluation of the nutrition program. This would be under a contract with the Food and Nutrition Board of the Institute of Medicine.</p> <p>The study would include:</p> <ul style="list-style-type: none"> • an evaluation of the effect of nutrition projects on the health and nutrition status of participants, prevention of hunger and food insecurity, and ability of participants to remain living independently; • a cost-benefit analysis of nutrition projects, including their potential to affect costs of Medicaid; and • recommendations on how nutrition projects may be modified to improve outcomes, and for improving nutritional quality of meals and other potential strategies to improve the nutritional status of participants, including 	<p>Similar to H.R. 5293, with some slightly different wording. (p. 57)</p> <p>Does not refer to vitamin-mineral supplementation.</p>

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		<p>vitamin-mineral supplementation.</p> <p>The Institute of Medicine would be required to establish a panel of experts within 90 days of the bill's enactment. The panel would be required to submit the report to the Assistant Secretary within 24 months of enactment. In addition, the Assistant Secretary would be required to submit a report on the findings to the House Committee on Education and the Workforce of the House and the Senate Committee on Health, Education, Labor and Pensions of the Senate. (pp. 54-56)</p>	Same as H.R. 5293 (p. 59)
Improving indoor air quality in building where seniors congregate	No provision.	The bill would require the Assistant Secretary to work in consultation with qualified experts to provide information on methods of improving indoor air quality in buildings where seniors congregate. (p. 56)	Same as H.R. 5293. (p. 60)
CAREGIVER SUPPORT PROGRAM			
Definitions			
Child	Defines child as an individual who is 18 years or younger.	The bill would define child as an individual who is 18 or younger <i>or an individual with a disability</i> . (p. 56)	The definition of <i>child</i> would be amended to include an adult child with mental retardation or a related developmental disability. (p. 60)
Family caregiver	Defines family caregiver as an adult family member, or another individual who is an informal provider of in-home and community care to an older individual.	The bill would add to the definition, caregiver of an individual with Alzheimer's disease or a related disorder with neurological and organic brain dysfunction. (p. 56)	The bill would add to the definition, caregiver of an individual with Alzheimer's disease, or a related disorder with neurological and organic brain dysfunction, who is 50 years of age or older. (p. 60)
Grandparent or older individual who is a relative caregiver	Defines grandparent or older individual who is a relative caregiver as a grandparent who is 60 and older (among other things).	The bill would change the age to 55 years and older. (p. 56)	<p>Same as H.R. 5293 regarding age of grandparents.</p> <p>It also amends the definition to specify that a</p>

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
			child of a grandparent or step-grandparent caregiver includes an adult child with mental retardation or a related developmental disability. It also includes a child who is adopted. (p. 61)
Developmental disability	No provision.	No provision.	The bill adds a definition of developmental disability and refers to the definition in Section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000. (p. 61)
Support services for caregivers	Section 373 includes as one of the support services for caregivers, individual counseling, organization of support services groups, and caregiver training to caregivers to assist them in making decisions and solving problems relating to their caregiving roles.	The bill would add reference to assisting caregivers <i>with health, nutrition, and financial literacy issues</i> . (p. 57)	Same as H.R. 5293. (p. 61)
Priority to caregivers providing care to older individuals	Section 373 stipulates that in providing services, priority is to be given to services to older individuals with the greatest social and economic need and those providing care to persons with mental retardation/development disabilities.	No change in current law.	The bill adds a new provision stipulating that in providing services for family caregivers, the state is required to give priority for services to family caregivers who provide care to older individuals. (p. 62)
Coordination with volunteer services	Section 373(d) requires area agencies on aging to coordinate the caregiver support program with other community agencies and voluntary organizations.	The bill would require area agencies to encourage the use of trained volunteers to expand available caregiver support services, and to coordinate, if possible, with volunteer programs (including programs administered by the Corporation for National Service) to provide training, placement, and stipends for volunteers in community service settings. (p. 57)	Same as H.R. 5293. (p. 62)

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
Reports on caregiver program	The state is required to submit reports to the Assistant Secretary, as required by the Assistant Secretary.	The bill would add a requirement that the reports must describe any mechanism used in the state to provide family caregivers of an older individual and relative caregivers of a child or an adult child with a disability, information about and access to various services so that caregivers can better carry out their care responsibilities. (p. 57)	Similar to H.R. 5293, but with slightly different wording. (p. 62)
Limitation on federal and non-federal funds for relative caregiver services	Section 374(g) stipulates that a state may not use more than 10% of federal and non-federal funds to support services to grandparents and older individuals who are relative caregivers.	The bill would clarify that the limitation applies to relative caregivers of children age 18 or younger. (p. 58)	No change in current law.
Programs of national significance	Section 376 requires the Assistant Secretary to carry out activities of national significance to promote quality and continuous improvement in support provided to family and other informal caregivers. This provision was sunsetted in FY2003.	The bill would repeal this section.	The bill would <i>allow</i> the Assistant Secretary to support: <ul style="list-style-type: none"> • multigenerational programs, including supports for grandparents and other older relatives raising children (such as kinship navigator programs) and those that sustain and replicate innovative multigenerational family support programs that involve senior volunteers; • programs providing support and information to families who have a child with a disability or chronic illness and to other families in need of such family support programs; • programs addressing the unique issues faced by rural caregivers; • programs focusing on the needs of older persons with Alzheimer's disease and related dementia and their caregivers; • programs supporting caregivers in the role they play in health promotion and disease prevention. (pp. 63-64)

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
Allotment of funds to states	Section 373(f) stipulates how funds are to be allotted to states for FY2001-FY2005.	The bill would update the years to FY2007-FY2011. (p. 58)	Same as H.R. 5293. (p. 63)
TITLE IV, RESEARCH, TRAINING, AND DEMONSTRATION PROJECTS AND PROGRAMS			
Grant programs	<p>Section 411(a) authorizes the Assistant Secretary to make grants to and enter into contracts with states, public agencies, private nonprofit agencies, institutions of higher education, including tribal organizations, for:</p> <ul style="list-style-type: none"> • education and training of an adequately trained workforce; • research and analysis; • performance evaluation of programs, activities, and services; • methods and practices to improve quality and effectiveness of programs, services, and activities; • demonstration of new approaches to design, deliver, and coordinate programs and services; • technical assistance; • coordination with designated state agencies under the Rehabilitation Act to provide services to older individuals who are blind; • training of graduate level professionals specializing in the mental health needs of older individuals; and • any other activities that the Assistant Secretary of AoA determines will achieve the objectives of this section. 	<p>The bill would add the following grant program categories:</p> <ul style="list-style-type: none"> • planning activities to prepare communities for the aging of the population, which include efforts to assess the aging population; activities to coordinate state and local agencies in order to meet the needs of older individuals; • training and technical assistance to support states, area agencies on aging, and tribal organizations receiving a grant under Title VI, engage in community planning activities; • development, implementation, and assessment of technology-based service models and best practices, to support the use of health monitoring and assessment technologies, communication devices, assistive technologies, and other technologies that may remotely connect family and professional caregivers to frail elderly residing in home and community-based settings or rural areas; • conducting activities of national significance to promote quality and continuous improvement in the support provided to family and other informal caregivers of older individuals through activities that include program evaluation, training, technical assistance, and research, including intergenerational programs providing support 	<p>Similar to H.R. 5293, but would change the reference to:</p> <ul style="list-style-type: none"> • planning activities to prepare communities for the aging population, which <i>may include efforts to assess the aging population</i>; • activities to coordinate <i>the activities of</i> state and local agencies; and • training and technical assistance to support states, area agencies on aging, and tribal organizations receiving <i>grants</i> under Title VI, <i>in engaging in</i> community planning activities. (p. 64) <p>Same as H.R. 5293. (p. 65)</p> <p>No provision in Title IV. Similar provision in Title III under “Programs of national significance.”</p>

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		<p>to grandparents and other older relatives raising children (such as kinship navigator programs); and involving senior volunteers who provide support and information to families who have a child with a disability or chronic illness, or other families in need of such family support; programs addressing unique issues faced by rural caregivers; programs focusing on the needs of older individuals with cognitive impairment such as Alzheimer's disease and other dementias, and their caregivers; programs supporting caregivers in the role they play in health promotion and disease prevention; and</p> <ul style="list-style-type: none"> • building public awareness of cognitive impairment such as Alzheimer's disease and related disorders with neurological and organic brain dysfunction, depression, and mental disorders; and developing and enhancing multidisciplinary systems for the delivery of mental health screening and treatment referral services to improve access to community-based mental health services for older individuals. (p. 58-59) 	No provision.
Authorization of appropriations for grant programs	Section 411(b) authorizes such sums as may be necessary for FY2001, and such sums as may be necessary for subsequent fiscal years.	The bill would authorize such sums as may be necessary for FY2006-FY2011. (p. 61)	No change in current law.

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Career preparation for the field of aging	Section 412 requires the Assistant Secretary of the AoA to make grants to a number of entities including institutions of higher education, historically Black colleges or universities, Hispanic Centers of Excellence in Applied Gerontology, and other educational institutions that serve the needs of minority students.	The bill would add reference to <i>Hispanic serving institutions</i> , and delete reference to other educational institutions that serve the needs of minority students. (p. 61)	Similar to H.R. 5293, but keeps reference to <i>other educational institutions that serve the needs of minority students</i> . (p. 66)
Health care service demonstration projects in rural areas	Section 414(a) requires the Assistant Secretary, after consultation with the state agency of the state involved, to make grants to eligible organizations to pay part or all of the cost of developing or operating model health care service projects (including those related to home health care, adult day health care, outreach, and transportation services).	The bill would add operating model health care <i>and mental health services</i> projects. (p. 61)	Similar to H.R. 5293. (p. 66)
Graduate programs with capability in mental health	Section 414(b)(1)(B)(i) requires that eligible organizations submit grant applications containing such information and assurances as the Secretary may require including, information describing the nature and extent of the applicant's coordination and cooperation with institutions of higher education that have graduate programs with capability in public health, the medical sciences, psychology, pharmacology, nursing, social work, health education, nutrition, or gerontology, for the purposes of designing and developing such projects.	The bill would add institutions of higher education having graduate programs with capability in <i>mental health</i> . (p. 61)	Similar to H.R. 5293. (p. 66)

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<p>Technical assistance and innovation to improve transportation for older individuals</p>	<p>Section 416 authorizes the Secretary to award grants or contracts to nonprofit organizations to improve transportation services for older individuals.</p> <p>A nonprofit organization receiving a grant or contract is required to use funds received under such grant or contract to provide technical assistance to assist local transit providers, area agencies on aging, senior centers and local senior support groups to encourage and facilitate coordination of federal, state, and local transportation services and resources for older individuals. Such technical assistance may include:</p> <ul style="list-style-type: none"> • developing innovative approaches for improving access by older individuals to supportive services; • preparing and disseminating information on transportation options and resources for older individuals and organizations serving such individuals through establishing a toll-free telephone number; • developing models and best practices for comprehensive integrated transportation services for older individuals, including services administered by the Secretary of Transportation, by providing ongoing technical assistance to agencies providing services under Title III and by assisting in coordination of public and community transportation services; and • providing special services to link seniors to transportation services not provided under Title III. 	<p>No provision.</p>	<p>The bill would rewrite Section 416 to include authority for the Assistant Secretary to carry out demonstration projects on transportation services, in addition to technical assistance cited in current law. (p. 66)</p> <p>In addition, the organization may use the funds to develop and carry out an innovative transportation demonstration project to create transportation services for older individuals. (p. 67)</p> <p>In carrying out a <i>demonstration</i> project or providing technical assistance the organization may carry out activities that include (in addition to other activities as cited in current law) developing innovative approaches for improving access by older individuals to transportation services, including volunteer driver programs, economically sustainable transportation programs, and programs that allow older individuals to transfer their automobiles to a provider of transportation services in exchange for the services. (p. 67)</p>

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
Economically sustainable transportation	No provision.	No provision.	In this section, the term <i>economically sustainable transportation</i> means demand responsive transportation for older individuals — <ul style="list-style-type: none"> • that may be provided through volunteers; and • that the provider will provide without receiving federal or other public financial assistance, after a period of not more than five years of providing the services under this section. (p. 68)
Community planning for the aging population	No provision.	No provision.	The bill would authorize the Secretary to establish, either directly or through grants or contracts, a national technical assistance program to assist states and area agencies on aging in planning efforts to prepare communities for the aging of the population. (p. 69)
DEMONSTRATION PROJECTS FOR MULTIGENERATIONAL ACTIVITIES			
Demonstration projects for multigenerational activities: grants and contracts	<p>Section 417. Demonstration Projects for Multigenerational Activities.</p> <p>The law authorizes the Assistant Secretary to award grants and enter into contracts with eligible organizations to establish demonstration projects to provide older individuals with multigenerational activities.</p>	Same as current law, with one change related to preference in awarding grants (see below).	<p>The bill would rewrite Section 417 to include the following: (p. 69)</p> <p>Section 417. Demonstration, Support, and Research Projects for Multigenerational Activities and Civic Engagement Activities.</p> <p>The Assistant Secretary is required to award grants and enter into contracts with eligible organizations to —</p> <ul style="list-style-type: none"> • conduct productivity and cost-benefit research to determine the effectiveness of engaging older individuals in paid and unpaid positions with public and nonprofit organizations;

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			<ul style="list-style-type: none"> • develop a national agenda and blueprint for creating paid and unpaid positions for older individuals with public and nonprofit organizations to increase the capacity of the organizations to provide needed services to communities; • carry out demonstrations and support projects to provide older individuals with multigenerational and civic engagement activities, designed to meet critical community needs; and • carry out demonstration projects to coordinate multigenerational and civic engagement activities, and facilitate development of, and participation in, these activities. (p. 70)
Demonstration projects for multigenerational activities: use of funds	<p>An eligible organization is required to use funds made available under a grant awarded, or a contract entered into, to —</p> <ul style="list-style-type: none"> • carry out a demonstration project that provides multigenerational activities, including any professional training appropriate to such activities for older individuals; and • evaluate the project. 	No change in current law.	The bill would require that an eligible organization use funds made available under a grant awarded, or a contract entered into, to carry out the activities described above, and to evaluate the activities. (p. 71)
Demonstration projects for multigenerational activities: preference	<p>In awarding grants and entering into contracts to carry out a demonstration or support project, the Assistant Secretary is to give preference to —</p> <ul style="list-style-type: none"> • eligible organizations with a demonstrated record of carrying out multigenerational activities; and • eligible organizations proposing projects that will serve older individuals with greatest economic need (with particular 	The bill would add reference to <i>older individuals with limited English proficiency</i> . (p. 61)	<p>The bill would change the reference in awarding grants and entering into contracts to carry out a demonstration or support project to require the Assistant Secretary to give preference to —</p> <ul style="list-style-type: none"> • eligible organizations with a demonstrated record of carrying out multigenerational or civic engagement activities; • eligible organizations proposing <i>multigenerational activity service</i> projects;

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	attention to low-income minority individuals and older individuals residing in rural areas).		<ul style="list-style-type: none"> • eligible organizations proposing civic engagement activity service projects that will serve communities with the greatest need; and • eligible organizations with the capacity to develop meaningful roles and assignments that use the time, skills, and experience of older individuals to serve public and nonprofit organizations. (p. 72) <p>It would add reference to <i>older individuals with limited English proficiency</i>. (p. 71)</p>
Demonstration projects for multigenerational activities: application	To be eligible to receive a grant or enter into a contract an organization is required to submit an application to the Assistant Secretary.	Same as current law.	Same as current law.
Demonstration projects for multigenerational activities: eligible organizations	Organizations eligible to receive a grant or enter into a contract are organizations that employ, or provide opportunities for, older individuals in multigenerational activities.	Same as current law.	The bill would require that organizations eligible to receive a grant or enter into a contract must have the capacity to conduct specified activities. (p. 72)
Demonstration projects for multigenerational activities: local evaluation and report	Each organization receiving a grant or a contract to carry out a demonstration is required to evaluate the multigenerational activities assisted under the project to determine the effectiveness of the multigenerational activities, the impact of such activities on child care and youth day care programs, and the impact of activities on older individuals involved in such project.	Same as current law.	The bill would require that each organization receiving a grant or a contract evaluate <i>the multigenerational or civic engagement activities</i> assisted under the project to determine the effectiveness of the activities involved, <i>the impact of such activities on the community being served and the organizations providing the activities</i> , and the impact of such activities on older individuals involved. (p. 73)
Demonstration projects for multigenerational activities: report to Congress	Not later than six months after the Assistant Secretary receives the evaluation report, the Assistant Secretary is required	Same as current law.	Similar to current law, except also requires the report to include: <ul style="list-style-type: none"> • the names or descriptive titles of the

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	<p>to prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that assesses the evaluations and includes, at a minimum —</p> <ul style="list-style-type: none"> • the names or descriptive titles of the demonstration projects; • a description of the nature and operation of the projects; • the names and addresses of organizations that conducted the projects; • a description of the methods and success of the projects in recruiting older individuals as employees and volunteers to participate in the projects; • a description of the success of the projects in retaining older individuals involved in the projects as employees and as volunteers; and • the rate of turnover of older individual employees and volunteers in the projects. 		<p>demonstration, <i>support, and research projects funded</i>; and</p> <ul style="list-style-type: none"> • <i>in the case of demonstrations and projects to support older individuals in multigenerational and civic engagement activities</i>, a description of the methods and success of the projects in recruiting older individuals as employees and volunteers to participate in the projects; • a strategy for disseminating the findings resulting from the projects to conduct productivity and cost-benefit research; and • any policy change recommendations relating to the projects. (p. 74-75)
DEFINITIONS			
Civic engagement activity	No provision.	No provision.	The bill would define <i>civic engagement</i> activity to include an opportunity that uses the time, skills, and experience of older individuals, in paid or unpaid positions with a public or nonprofit organization, to help address the unmet human, educational, health care, environmental, and public safety needs and nurture and sustain active participation in community affairs. (p. 75)
Multigenerational activity	The law defines multigenerational activity to include an opportunity to serve as a mentor or advisor in a child care program,	No provision.	The bill would define <i>multigenerational activity</i> to include an opportunity <i>that uses the time, skills, and experience of older</i>

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	a youth day care program, an educational assistance program, an at-risk youth intervention program, a juvenile delinquency treatment program, or a family support program.		<i>individuals, in paid or unpaid positions with a public or nonprofit organization, to serve as a mentor or adviser in a child care program, a youth day care program, an educational assistance program, an at-risk youth intervention program, a juvenile delinquency treatment program, a before- or after-school program, or a family support program. (p. 76)</i>
Multigenerational coordinator	No provision.	No provision.	The bill would define <i>multigenerational coordinator</i> to mean a person who builds the capacity of public and nonprofit organizations to develop meaningful roles and assignments, that use the time, skill, and experience of older individuals to serve those organizations; and nurtures productive, sustainable working relationships between older individuals and individuals in younger generations (p. 76)
Native American programs	Section 418(a)(2)(B)(I) requires each Resource Center that receives funds under this section to focus on priority areas of concern, including health problems; long term care, including home care; elder abuse; and other problems and issues regarding older Native Americans.	The bill would add reference to <i>mental health</i> services. (p. 62)	Same as H.R. 5293. (p. 77)
MULTIDISCIPLINARY CENTERS			
Multidisciplinary centers: grant programs	Section 419 authorizes the Assistant Secretary to make grants to public and private nonprofit agencies, organizations, and institutions for the purpose of establishing or supporting multidisciplinary centers of gerontology,	The bill would add reference to <i>diverse populations of older individuals residing in urban communities</i> . (p. 62)	The bill adds a new subsection to Section 419, Multidisciplinary Health Centers in Communities (see below).

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
	<p>and gerontology centers of special emphasis (including emphasis on nutrition, employment, health (including mental health), disabilities (including severe disabilities), income maintenance, counseling services, supportive services, minority populations, and older individuals residing in rural areas).</p> <p>Multidisciplinary centers of gerontology are required to conduct research and policy analysis and function as a technical resource for the Assistant Secretary, policymakers, service providers, and Congress, and to carry out a number of functions including:</p> <ul style="list-style-type: none"> • serving as a repository of information and knowledge on aging; • providing consultation and information to public and voluntary organizations in planning and developing services provided under other provisions of this act. <p>No provision.</p>	<p>The bill would require that centers also provide <i>information about best practices in long-term care service delivery, housing, and transportation.</i> (p. 62)</p> <p>The bill would delete the reference to consultation and instead require centers to <i>provide technical assistance</i> to public and voluntary organizations. (p. 62)</p> <p>The bill would require centers to <i>provide training and technical assistance to support the provision of community-based mental health services for older individuals.</i> (p. 62)</p>	<p>No change in current law.</p> <p>No change in current law.</p> <p>No change in current law.</p> <p>No change in current law.</p>

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MULTIDISCIPLINARY HEALTH SERVICES IN COMMUNITIES			
Multidisciplinary health services in communities: grant programs	No provision.	No provision.	<p>The bill would add a new provision that would require the Assistant Secretary to make grants to states, on a competitive basis, for the development and operation of systems for the delivery of mental health screening and treatment services for older individuals who lack access to such services and programs to —</p> <ul style="list-style-type: none"> • increase public awareness regarding the benefits of prevention and treatment of mental disorders in older individuals; • reduce the stigma associated with mental disorders in older individuals and other barriers to the diagnosis and treatment of the disorders; and • reduce age-related prejudice and discrimination regarding mental disorders in older individuals. (p. 79) <p>The bill would require that to be eligible to receive a grant, a state agency shall submit an application to the Assistant Secretary as required. (p. 80)</p> <p>The bill would require that a state agency that receives funds through a grant, allocate the funds to area agencies on aging to carry out multidisciplinary health services in planning and service areas in the state. In allocating the funds, the state agency is required to give priority to planning and service areas in the state that are medically underserved, and in which there are a large number of older individuals. (p. 80)</p>

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			<p>The bill would require that in carrying out this part, to more efficiently and effectively deliver services to older individuals, each area agency on aging shall —</p> <ul style="list-style-type: none"> • coordinate mental health and treatment services with other community agencies, and with voluntary organizations providing similar or related services; and • to the greatest extent practicable, integrate outreach and educational activities with existing (as of the date of the integration) health care and social service providers serving older individuals in the planning and service area involved. (p. 80) <p>The bill would require that funds made available under this part supplement, and not supplant, any federal, state, and local funds expended by a state or unit of general purpose local government (including an area agency on aging) to provide multidisciplinary health services. (p. 81)</p> <p>The bill would define <i>mental health screening and treatment services</i> to mean patient screening, diagnostic services, care planning and oversight, therapeutic interventions, and referrals, that are —</p> <ul style="list-style-type: none"> • provided pursuant to evidence-based intervention and treatment protocols (to the extent such protocols are available) for mental disorders prevalent in older individuals; and • coordinated and integrated with the services of social service, mental health, and health care providers in an area in order to improve patient outcomes; and

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			ensure, to the maximum extent feasible, the continuing independence of older individuals who are residing in the area. (p. 81)
COMMUNITY INNOVATIONS FOR AGING IN PLACE			
Community Innovations for Aging in Place: authorization	No provision.	No provision.	The bill would add the following Title IV program: <i>Sec. 422 Community Innovations for Aging in Place.</i>
Community Innovations for Aging in Place: definitions			
Eligible entity	No provision.	No provision.	Defines <i>eligible entity</i> as a nonprofit health or social service organization, a community-based nonprofit organization, an area agency on aging or other local government agency, a tribal organization, or another entity determined to be appropriate to carry out a project under this part; and that demonstrates a record of, and experience in, providing or administering group and individual health and social services for older individuals; and does not include an entity providing housing under the congregate housing service program or the multifamily service coordinator program. (p. 82)
Naturally Occurring Retirement Community (NORC)	No provision.	No provision.	Defines <i>naturally occurring retirement community</i> as a residential building, a housing complex, an area (including a rural area) of single family residences, or a neighborhood composed of age-integrated housing where 40% of the heads of household are older individuals; or a critical mass of older individuals that exists, based on local factors which, taken in total, allow an organization to achieve efficiencies in the

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			provision of health and social services to older individuals living in the community; and that is not an institutional care or assisted living setting. (p. 83)
Community Innovations for Aging in Place: grants	No provision.	No provision.	The bill would require the Assistant Secretary to make grants to eligible entities to enable the entities to pay for developing or carrying out model aging in place projects. The projects are required to permit aging in place for older individuals, including such individuals who reside in Naturally Occurring Retirement Communities, which help to sustain the independence of older individuals in communities where the individuals have established personal, family, and professional supportive networks. The entities are required to provide comprehensive and coordinated health and social services through the projects. (p. 83)
Community Innovations for Aging in Place: eligibility and application requirements	No provision.	No provision.	<p>The bill would require the Assistant Secretary to make grants for three-year periods. To be eligible to receive a grant for a project, an entity is required to submit an application to the Assistant Secretary. (p. 84)</p> <p>The bill would require that an application include:</p> <ul style="list-style-type: none"> • a description of the entity's experience in providing services to older individuals in age-integrated settings; • a definition of the contiguous service area and a description of the project boundaries in which the older individuals reside or carry out activities to sustain their well-being;

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			<ul style="list-style-type: none"> • a description of how the entity will cooperate and coordinate planning and services with agencies and organizations that provide publicly supported services for older individuals within the project boundaries, including the state agency and area agencies on aging with planning and service areas within the project boundaries; • an assurance that the entity will seek to establish cooperative relationships with interested local entities, including private agencies and businesses that provide health and social services, housing entities, community development organizations, philanthropic organizations, foundations, and other non-federal entities; • a description of the entity's protocol for referral of residents who may require long-term care services, including coordination with local information and referral agencies and ADRCs who serve as single points of entry to public services; • a description of how the entity will offer opportunities for older individuals to be involved in the governance, oversight, and operation of the project; • an assurance that the entity will submit to the Assistant Secretary such evaluations and reports as the Assistant Secretary may require; and • a plan for long-term sustainability of the project. (p. 84)
Community Innovations for Aging in Place: use of funds	No provision.	No provision.	The bill would require an eligible entity that receives a grant to use funds to provide and coordinate, through aging in place projects, services that include a comprehensive and

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
			coordinated array of community-based health and social services, which may include mental health services, for eligible older individuals. (p. 86)
Community Innovations for Aging in Place: required services	No provision.	No provision.	The bill would require the following services to be provided: <ul style="list-style-type: none"> • case management, case assistance, and social work services; • health care management and health care assistance, including disease prevention and health promotion services; • education, socialization, and recreational activities; • volunteer opportunities for project participants; and • coordinating the services provided under Title III for eligible older individuals served by the project. (p. 87)
Community Innovations for Aging in Place: service areas	No provision.	No provision.	In carrying out an aging in place project, the bill would require an eligible entity, to the extent practicable, to serve communities of low-income individuals and operate or locate projects and services, in or in close proximity to, locations where large concentrations of older individuals have aged in place and resided, such as Naturally Occurring Retirement Communities. (p. 87)
Community Innovations for Aging in Place: supplement and not supplant federal, state, or other funds	No provision.	No provision.	The bill would require that funds made available to an eligible entity under this section be used to supplement, not supplant, any federal, state, or other funds otherwise available to the entity to provide health and social services to eligible older individuals. (p. 88)

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
Community Innovations for Aging in Place: technical assistance	No provision.	No provision.	The bill would require the Assistant Secretary (or require the Assistant Secretary to make a grant on a competitive basis to an eligible nonprofit organization) to provide technical assistance to recipients of grants and to carry out other duties. (p. 88)
Community Innovations for Aging in Place: eligibility requirements for grants to provide technical assistance	No provision.	No provision.	<p>To be eligible to receive a grant to provide technical assistance, an organization is required to be a nonprofit organization (including a partnership of nonprofit organizations), that has:</p> <ul style="list-style-type: none"> • experience and expertise in providing technical assistance to entities serving older individuals; • experience evaluating and reporting on programs; and • knowledge and expertise in community-based health and social services. (p. 89) <p>To be eligible to receive a grant to provide technical assistance, the bill would require an organization (including a partnership of nonprofit organizations) to submit an application to the Assistant Secretary, including an assurance that the organization will submit an evaluation as required. (p. 89)</p>
Community Innovations for Aging in Place: report to Congress	No provision.	No provision.	<p>The bill would require the Assistant Secretary to annually prepare and submit a report to Congress that includes:</p> <ul style="list-style-type: none"> • the findings resulting from the evaluations of the model projects conducted under this section; • a description of recommended best practices regarding carrying out health and social service projects for older individuals

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			aging in place; and • recommendations for legislative or administrative actions, as the Assistant Secretary determines appropriate. (p. 89)
CHOICES FOR INDEPENDENCE DEMONSTRATION PROJECTS			
Choices for Independence: authorization	No provision.	No provision.	The bill would add a new Title IV program: <i>Sec. 423 Choices for Independence Demonstration Projects</i> . (p. 90)
Choices for Independence: definitions			
Consumer	No provision.	No provision.	Defines <i>consumer</i> as an older individual, a family member of such individual, and any other person seeking information or assistance with respect to long-term care. (p. 90)
High-risk individual	No provision.	No provision.	Defines <i>high-risk individual</i> as an older individual who has a functional impairment affecting the individual's activities of daily living; is ineligible for the Medicaid program; and meets such income and functional status criteria as are determined to be appropriate by the state involved and approved by the Assistant Secretary. (p. 90)
Qualified expenditures	No provision.	No provision.	Defines <i>qualified expenditures</i> as reported expenditures of a state under this section that have been reviewed and approved by the Assistant Secretary. (p. 90)
Service coordination	No provision.	No provision.	Defines <i>service coordination</i> as a coordinated approach taken on behalf of high-risk older individuals to facilitate the development and implementation of a long-term care plan and the choice and independence of the

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
			individuals in securing long-term care. (p. 91)
Choices for Independence: grants to states	No provision.	No provision.	<p>The bill would require the Assistant Secretary to make grants, on a competitive basis, to states to enable them to pay for the federal share of the cost of modifying their systems of long-term care in order to promote and facilitate:</p> <ul style="list-style-type: none"> • the choice and control of older individuals and their families in securing long-term care; • the coordination and cost-effectiveness of state systems of long-term care; • the provision of long-term care in home and community-based settings; and • the ability of individuals receiving long-term care to remain as independent and self-sufficient as possible. (p. 91)
Choices for Independence: eligibility	No provision.	No provision.	For a state to be eligible, the bill would require that the Governor submit an application to the Assistant Secretary containing a plan for implementation of the component strategies and other information and assurances as the Secretary determines appropriate. (p. 91)
Choices for Independence: use of funds	No provision.	No provision.	The bill would require that a state use funds to carry out a demonstration project under this section (directly or by contract) by integrating in the state's system of long-term care the following component strategies: public education, ADRCs, healthy lifestyle choices, and community living incentives.

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
Choices for Independence: public education	No provision.	No provision.	<p><i>Public education:</i> The state would be required to conduct public education activities that include media campaigns, targeted mailings, and related activities, to help ensure that consumers are aware of:</p> <ul style="list-style-type: none"> • the need to plan in advance for long term care; • available public and private long-term care options, including private long-term care insurance; and • sources of information and resources related to long-term care, including ADRCs. (p. 92)
Choices for Independence: ADRCs	No provision.	No provision.	<p><i>ADRCs:</i> The state is required to provide for community-level ADRCs, which are required to provide —</p> <ul style="list-style-type: none"> • comprehensive information on available public and private long-term care programs, options, and resources; • personal counseling and service coordination to assist consumers in assessing their existing or anticipated long-term care needs and circumstances, and developing and implementing a plan for long-term care designed to meet their specific needs and circumstances; • a convenient point of entry to the range of publicly-supported long-term care programs for which an individual may be eligible, including Medicaid, and to such other public benefit programs as the state determines to be appropriate; • a single process for consumer intake, assessment, and application for benefits, including, where appropriate and feasible, facilitating the determination of an

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			<p>individual's eligibility under such programs (including eligibility for Medicaid) by collaborating with the appropriate programmatic office; and</p> <ul style="list-style-type: none"> • the ability to respond immediately to a request for assistance from an individual or an individual's family member, in the event of a crisis situation that could result in placement in an institutional care setting; and to provide (or coordinate the provision of), available short-term assistance to temporarily preclude the need for institutional placement, until a plan for home and community-based long-term care can be developed and implemented. (p. 93) <p>The bill would require that states ensure ADRC staff are appropriately trained to understand the interactions between private long-term care insurance (especially insurance through long-term care partnership policies) and eligibility for benefits under Medicaid. (p. 95)</p>
Choices for Independence: Healthy Lifestyle Choices	No provision.	No provision.	<p><i>Healthy Lifestyle Choices:</i> The state would be required, in accordance with standards established by the Assistant Secretary, to provide for low-cost, community-level, evidence-based prevention programs and related tools to assist older individuals and their family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease, and disability among older individuals. (p. 95)</p>

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
Choices for Independence: Community Living Incentives (CLI)	No provision.	No provision.	Community Living Incentives: The state would be required to provide funding and assist with the provision of home and community-based long-term care to individuals at high risk of placement in institutional care. The state is required to ensure that individuals at greatest risk for becoming eligible for benefits under the Medicaid program receive priority for the home and community-based long-term care. (p. 95)
Needs assessment	No provision.	No provision.	The bill would require the state to provide for assessments of the needs and preferences of high-risk individuals with respect to long-term care, and based on such assessments, develop with individuals and their family members, caregivers, or legal representatives, a plan specifying the types of support, providers, budget, and if the state elects, cost-sharing contributions. (p. 96)
Funding for individual budgets	No provision.	No provision.	The bill would require that the state ensure that funding will be allocated among, and disbursed for, the budgets of high-risk individuals under long-term care plan. (p. 96)
Option to receive home and community-based long-term care	No provision.	No provision.	The bill would require that the state provide high-risk individuals with the option to receive home and community-based long-term care in a manner that permits such individuals to direct and control, in conjunction with a service coordinator, the selection, planning, budgeting, and purchasing of such care (including the amount, duration, scope, providers, and

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			location of such care), to the extent determined appropriate and feasible under the long-term care plan. The service coordinator would be required to assist high-risk individuals in purchasing from a qualified provider a range of long-term care services or supplies, not otherwise available or eligible for payment through an entity carrying out a federal or state program or a similar third party, from a qualified provider that are delivered in home and community-based settings and in a manner that best meets individuals' needs and individuals' preferences to remain in the least restrictive setting possible. (p. 97)
Federal share	No provision.	No provision.	The federal share of the cost of modifying systems of long-term care may not be more than 75% of costs (calculated on an annual basis as the state's qualified expenditures for such modifications for such year). (p. 97)
Coordination with ADRCs	No provision.	No provision.	<p>The bill would require that a state ensure that ADRCs:</p> <ul style="list-style-type: none"> • fully coordinate their activities with any health insurance information, counseling, and assistance (receiving funding under Omnibus Reconciliation Act of 1990) in the state; • be subject to such controls as the Assistant Secretary determines to be appropriate to ensure there is no conflict of interest on any referrals, for information or otherwise, made by the center for individuals receiving services through the center; and • provide no long-term care services or supplies, with the exception of case

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			management services through area agencies on aging. (p. 98)
Exclusion of payments as income for determination of benefits	No provision.	No provision.	The bill would require that payments made for a high-risk individual not be included in the gross income of the high-risk individual for purposes of the Internal Revenue Code of 1986, or be treated as income, assets, or benefits, or otherwise be taken into account, for purposes of determining the individual's eligibility for, the amount of benefits under, or the amount of cost-sharing required of the individual by any other federal or state program, other than the CLI program. (p. 98)
Choices for Independence: technical assistance	No provision.	No provision.	The Assistant Secretary, directly or by grant or contract, is required to provide for technical assistance to and oversight of states carrying out demonstration projects under this section, for purposes of administration, quality assurance, and quality improvement. (p. 99)
Choices for Independence: evaluation	No provision.	No provision.	The bill would require that the Assistant Secretary, directly or by grant or contract, provide for an evaluation of the demonstration projects carried out under this section. The Assistant Secretary is required to submit to the President a report containing the findings resulting from such evaluation not later than six months after the termination of the demonstration projects. (p. 99)

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Choices for Independence: responsibilities of the Assistant Secretary	Section 432(c)(2)(B) requires the Assistant Secretary to use evaluations of Title IV projects to improve services delivered, or the operation of projects and programs carried out, under this act.	The bill would also require the Assistant Secretary to <i>prepare an analysis of such services, projects, and programs, and how evaluations relate to improvements in services, projects, and programs, and in the AoA's strategic plan.</i> (p. 63)	Same as H.R. 5293. (p. 100)
TITLE V, COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS			
Title V, Community Service Employment for Older Americans	Title V is entitled "Community Service Employment for Older Americans."	The bill would rewrite Title V and change its name to "Older American Community Service Employment-Based Training Act." (p. 64)	No change in current law.
Program authorized: purposes	Section 502(a)(1) authorizes the Secretary of Labor to establish an older American community service employment program, with the following purposes:	The bill would authorize the Secretary to establish an older American community service <i>employment-based training program</i> . It would change the following purposes:	No change in current law.
	<ul style="list-style-type: none"> to foster and promote useful part-time opportunities in community service activities for unemployed low income persons aged 55 or older and who have poor employment prospects; 	<ul style="list-style-type: none"> to foster and promote useful part-time <i>public and private-sector employment-based training opportunities</i> for unemployed low-income eligible individuals who have poor employment prospects. (p. 64) 	No change in current law.
	No provision.	<ul style="list-style-type: none"> to foster vital social and human services to communities by providing work experience to eligible individuals in public agencies, community-based and faith-based organizations. (p. 64) 	No change in current law.
	No provision.	No provision.	The bill would add the following: for purposes of this paragraph, an underemployed person will be considered an unemployed person. (p. 100)

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Agreements/grants to public and private non-profit organizations/state agencies/tribal organizations	<p>Section 502(b)(1) authorizes the Secretary to enter into agreements with state and national public and private nonprofit agencies and organizations, state agencies or a political subdivision of a state, a combination of political subdivisions, or tribal organizations to further the purposes and goals of the program. The Secretary may not make payments unless the organization/agency meets the program requirements described below.</p> <p>The agreements may include payment of costs of projects developed by organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement the program.</p>	<p>The bill would authorize the Secretary to <i>make grants</i> to public and private nonprofit agencies and organizations, state agencies or tribal organizations to carry out the program requirements below. (p. 64)</p> <p>Similar provision, except the reference is to <i>grants</i>, not agreements.</p>	No change in current law.
PROGRAM REQUIREMENTS			
Provision of employment for eligible individuals	Section 502(b)(1)(A) requires the program to provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory personnel. Personnel shall, to the fullest extent possible, be recruited from eligible individuals.	No provision.	No change in current law.
50% of hours worked to be in community service employment-based training	No provision.	The bill would require that not less than 50% of hours worked in a program year (in the aggregate) be in community service employment-based training provided by a grantee and that the program provide authorized activities only for eligible individuals. (p. 65)	No change in current law.

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Employment in communities where eligible individuals reside; no less than 50% of hours worked to be in community service employment-based training	Section 502(b)(1)(B)(I) requires the program to provide employment for eligible individuals in the community in which they reside, or in nearby communities.	The bill would require that the program provide <i>authorized activities</i> for eligible individuals in the community in which they reside, or in nearby communities, in a program year, and that no less than 50% of hours worked (in the aggregate) shall be in community service employment-based training provided by a grantee. (p. 65)	No change in current law.
Employment for individuals, including Indians residing on Indian reservations	Section 502(b)(1)(B)(ii) requires that if a Title V project is carried out by a tribal organization, or a tribal organization funded by a state, it will provide employment for individuals including Indians who reside on an Indian reservation as defined in Section 2601(2) of the Energy Policy Act of 1992.	Similar provision, except refers to <i>authorized activities, including community service employment-based training</i> . (p. 65).	No change in current law.
Prohibition of participation by eligible individuals exceeding a specified period	No provision.	The bill would prohibit participation by eligible individuals (in the aggregate) for an average per capita period that exceeds 24 months (whether or not consecutive) during the program year and the previous program years in which a grantee carried out Title V projects. (p. 66)	The bill would allow an eligible individual to participate for up to 36 months (whether or not consecutive) in the aggregate. (p. 100) A grantee may extend the period of participation for not more than 20% of the project participants. In selecting participants for the extended period, the grantee is to give priority to: participants age 65 and older or frail older individuals and individuals who have more than one of the following barriers to employment: <ul style="list-style-type: none"> • a disability; • limited English proficiency or low literacy skills; • rural residence; • residence in an area of high employment; • homelessness or a situation that puts the

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			<p>individual at risk for homelessness; and</p> <ul style="list-style-type: none"> • failure to find employment after using services under Title I of Workforce Investment Act (WIA). (p. 101) <p>A grantee may petition for a waiver of the 36-month limit if the grantee serves a high concentration of individuals who are hard-to-serve because they have more than one barrier to employment, including a grantee who operates a project in an area where at least 60% of the counties are rural counties (as defined by the Economic Research Service of the Department of Agriculture). (p. 101)</p>
Employment in public and private non-profit organizations/for-profit organizations	Section 502(b)(1)(C) requires Title V projects to employ eligible individuals in publicly owned and operated facilities or private non-profit organizations, other than political parties exempt from taxation under Section 501(c)(3) of the IRS Code.	The bill would require Title V projects to provide employment-based training in publicly owned and operated facilities or Section 501(c)(3) private non-profit organizations <i>and in projects sponsored by profitmaking organizations</i> . It would exclude political parties exempt from taxation under Section 501(c)(3) of the IRS Code. (p. 66)	No change in current law.
Result in unsubsidized employment	No provision.	The bill would require that projects are intended to result in unsubsidized employment after an individual completes Title V participation. (p. 67)	No change in current law.
Contribution to the community	Section 502(b)(1)(D) requires that projects will contribute to the general welfare of the community.	The bill would require that projects contribute to the general welfare of the community, which may include support for children, youth and families. (p. 67)	No change in current law.

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Provision of employment for eligible individuals	Section 502(b)(1)(E) requires projects to provide employment for eligible individuals.	No provision.	No change in current law.
Increase in employment opportunities	Section 502(b)(1)(F) requires projects to result in an increase in employment opportunities over those otherwise available.	Similar provision, but wording is slightly different: it states that projects will not reduce the number of job opportunities or vacancies that would otherwise be available to non-participants. (p. 67)	No change in current law.
Prohibition of Title V enrollees performing work of a person who is on layoff	Section 502(b)(1)(G) prohibits projects from employing individuals to perform work that is the same as, or substantially the same as, that of an individual who is on layoff.	Same as current law, except refers to an individual in <i>employment-based training</i> . (p. 67)	No change in current law.
Coordination with the Workforce Investment system	Section 502(b)(1)(H) requires projects to use recruitment and selection methods, and listing of job vacancies, with the state employment agency to assure a maximum number of eligible individuals have an opportunity to participate. Also requires projects to participate in the one-stop delivery system established under WIA.	The bill would require that projects coordinate with training and other services under WIA, including the one-stop delivery system, to recruit eligible individuals to ensure that the maximum number of eligible individuals have an opportunity to participate. (p. 67)	No change in current law.
Training and payment of trainees' expenses	Section 502(b)(1)(I) requires projects to provide training, as may be necessary, to make the most efficient use of the skills and talents of participants. Also requires projects to pay for reasonable expenses, including a reasonable subsistence allowance, of people being trained.	Similar provision, except training may include community service employment-based training, work experience, on-the-job training, and classroom training. (p. 68) Deletes provision for payment of subsistence allowance while in training.	No change in current law.

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Safe and healthy conditions	Section 502(b)(1)(J) requires projects to assure safe and healthy conditions of work.	Similar provision, except refers to safe and healthy conditions in employment-based training facilities or other training facilities. (p. 68)	No change in current law.
Wages of enrollees	Section 502(b)(1)(J) requires that enrollees be paid the highest of: 1) the federal minimum wage; 2) the state or local minimum wage for the most nearly comparable covered employment; or 3) the prevailing rates of pay for persons employed in similar public occupations by the same employer.	Similar provision, except that the bill eliminates the reference to <i>public</i> occupations in number 3. (p. 68)	No change in current law.
Projects to be established with advice of experienced persons	Section 502(b)(1)(K) requires the projects be established or administered with the advice of people competent in the field of services in which employment is being provided, and who are knowledgeable about the needs of older people.	Similar provision, except advice is to be from persons competent in the field of service <i>in which job training is being provided.</i> (p. 69)	No change in current law.
Payment for transportation costs/supportive services	Section 502(b)(1)(L) requires projects to authorize payment of necessary transportation costs of eligible individuals incurred in employment.	The bill would authorize payment for necessary supportive services costs, including transportation costs of eligible individuals incurred in <i>training.</i> (p. 69)	No change in current law.
Special needs individuals	Section 502(b)(1)(M) requires projects to serve the needs of minority, limited English-speaking, and Indian eligible individuals, and those with greatest economic need, at least in proportion to their numbers in the state, and to consider their rates of poverty and unemployment, to the extent feasible.	No change in current law.	The bill would change the reference to eligible individuals with limited English proficiency. (p. 100)

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Activities with WIA	Section 502(b)(1)(Q) requires projects to provide the Secretary the description of and information on paragraphs (8) and (14) of Section 112(b) of WIA.	Refers to content of the cited sections of WIA. (p. 71)	No change in current law.
Sufficient administrative funds for entities	Section 502(b)(1)(R) requires that entities carrying out project activities, including state agencies, local entities, subgrantees, subcontractors, and affiliates, receive an amount of the administrative cost allocation that is sufficient for the administration of project activities.	Similar provision, except that the Secretary is to determine the amount of the administrative cost allocation. (p. 71)	No change in current law.
Innovative work modes and job opportunities	Section 502(b)(3) requires the Secretary to develop alternatives for innovative work modes and provide technical assistance in creating job opportunities through work sharing and other experimental methods with labor organizations, business and industry and workers and employers.	No provision. (See <i>Demonstration projects</i> , below.)	No change in current law.
Reciprocity of assessments of individuals under Title V and WIA	Section 502(b)(4) stipulates that an assessment and service strategy developed for individuals under Title V will be considered to meet the assessment requirements for qualification for training under Title I, Subtitle B of WIA. Also, an assessment and service strategy under Title I of WIA will be considered to meet the Title V requirement for an assessment and service strategy.	Similar provision. (p. 72)	No change in current law.
Non-federal share	Section 502(c)(1) authorizes the Secretary to pay a 90% federal share, except where projects are located in an emergency or disaster area or in an economically depressed area, as determined by the	No change in current law (subparagraphs are added). (p. 72)	No change in current law.

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
	Secretary in consultation with the Secretaries of Commerce and HHS. The non-federal share may be in cash or in-kind. In determining the amount of the non-federal share, the Secretary is authorized to attribute fair market value to services and facilities from non-federal sources.		
Definition of administrative costs	<p>Section 502(c)(4) stipulates that administrative costs (personnel and non-personnel, direct and indirect) are those associated with:</p> <ul style="list-style-type: none"> • accounting, budgeting, financial and cash management; • procurement and purchasing; • property management; • personnel management; • payroll; • coordination and resolution of findings arising from audits, reviews, investigations and incident reports; • audit; • general legal services; • developing systems and procedures required for administrative functions; • oversight and monitoring; • goods and services; • travel for official business; and • information systems. 	<p>The bill would add to the definition of administrative costs:</p> <ul style="list-style-type: none"> • (to accounting) related data processing; • quality assurance; • preparing program plans; • (to personnel management) personnel administration, administration of affirmative action plans, and training and staff development; • administrative salaries, including clerical and other support staff salaries; • preparing reports; • other activities necessary for the general administration of government funds and associated programs; and • costs of technical assistance, professional organization membership dues, removal of architectural barriers, operating and maintaining assistive technology, and evaluating program results against stated objectives. (p. 74) <p>It would exclude from travel costs, travel costs relating to providing services. (p. 76)</p>	No change in current law.

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
Wages	Section 502(b)(6) stipulates that funds not used for administration are to be used for programmatic costs including: • enrollee wages;	Funds not used for administration are to be used for: • participant wages;	No change in current law.
Programmatic costs: fringe benefits	• fringe benefits, including physical exams;	• benefits required by law (such as workers compensation or unemployment compensation), physical exams, compensation for federal holidays if the employer is closed, necessary sick leave not part of an accumulated sick leave program; • excludes costs of pension benefits, annual leave, accumulated sick leave or bonuses. (p. 77)	No change in current law.
Programmatic costs: training	• enrollee training, provided before or after placement, on the job, in classrooms, or other arrangements; reasonable costs of instructors, classroom rental, training supplies, materials, equipment and tuition;	Same provision, but wording is slightly different. (p. 77)	No change in current law.
Programmatic costs: supportive services	• supportive services, including transportation, health and medical services, special job-related or personal counseling, incidentals (work shoes, badges, uniforms, eyeglasses and tools) child and adult care, temporary shelter, and follow-up services.	• Excludes health and medical services. (p. 78)	No change in current law.
Limit on fund for wages and benefits of enrollees	Section 502(b)(6) stipulates that not less than 75% of federal funds be used to pay wages and benefits of enrollees.	The bill changes the amount for wages and benefits to not more than 65% of federal funds (excluding funds for pilot and demonstration and evaluation projects authorized by the bill). (p. 78)	No change in current law.

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
Consultation with area agencies on aging	Section 502(d) requires projects to consult with the respective area agency on aging, and to submit to the area agency and the state agency a description and location of the project 90 days before undertaking the project for their review and comment.	No provision.	No change in current law.
Demonstration projects	<p>Section 502(e) requires the Secretary to conduct projects designed to assure second career training and placement of individuals in private business concerns. The Secretary is required to enter into agreements with states, public agencies, nonprofit private organizations and private business. The Secretary may pay for all of the costs of these projects and shall, to the extent feasible, assure equitable geographic distribution.</p> <p>Projects are to:</p> <ul style="list-style-type: none"> • involve different kinds of work modes such as flextime, job sharing, and other arrangements relating to reduced physical exertion; • emphasize projects involving second careers and job placement and give consideration to placement in growth industries in jobs reflecting new technological skills; and • require the coordination of projects with Title I of WIA. <p>The Secretary is to carry out evaluations of these activities on a regular basis.</p>	<p>The bill would require the Secretary to carry out demonstration, pilot and evaluation projects to develop and implement techniques and approaches and to demonstrate effectiveness of specialized methods in addressing the employment and training needs of eligible individuals. (p. 78)</p> <p>The bill does not specify which entities are to receive funds, how much the Secretary will pay, or that there will be equitable distribution.</p> <p>Projects may include:</p> <ul style="list-style-type: none"> • activities linking business and eligible individuals, including assistance to participants transitioning from subsidized activities to private sector employment; • demonstration projects to attract more eligible individuals into the labor force; improve the provision of services to eligible individuals under the one-stop delivery system under WIA; enhance technological skills of eligible individuals; and provide incentives to Title V grantees for exemplary performance, and incentives to business to promote their participation in Title V; • demonstration projects described above only if they are designed to assist in developing and implementing techniques to address 	No change in current law.

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	Funds for these projects are to come from funds reserved under Section 506(a)(1).	<p>employment and training needs of eligible individuals;</p> <ul style="list-style-type: none"> • training and technical assistance to support Title V projects; • dissemination of best practices; and • evaluation of Title V activities. <p>Funds for these projects are to come from reserved funds from Section 506(a)(1). (p. 78)</p>	
Evaluation of Title V activities	Section 502(f) requires the Secretary to carry out evaluations of Title V activities, including Section 502(e) demonstration projects, on a regular basis.	Similar provision above in previous box at end but does not specify when evaluations are to take place. (p. 80)	No change in current law.
Sense of the Senate	No provision.	No provision.	<p>The bill would add a provision that it is the sense of the Senate that:</p> <ul style="list-style-type: none"> • the older American community service employment program was created with the intent of placing older individuals in community service positions to provide job training placements; and • placing older individuals in community service positions strengthens the ability of individuals to become self-sufficient, provides much-needed volunteer support to organizations which benefit significantly from increased civic engagement, and strengthens the communities that are served by such organizations. (p. 102)
STATE PLAN			
State Plan: submission, timing and comments	Section 503(a) requires the Governor to submit an annual State Senior Employment Services Coordination Plan to the Secretary.	The bill would require that <i>for a state to be eligible to receive an allotment, the chief executive officer</i> of the state must submit a single state plan to the Secretary for	No change in current law.

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	<p>The plan must contain a description of the process to ensure participation, and to include the advice and recommendations of individuals representing: state and area agencies on aging; state and local workforce investment boards; public and private non-profit organizations providing employment including Title V projects; social service organizations; Title III grantees; affected communities, and underserved older individuals, among others.</p> <p>State plans submitted by the Governor must include public comments.</p> <p>The plans must identify and address what the relationship of the number of eligible individuals in each area is to the total number of eligible individuals in the state; the relative distribution of individuals residing in urban and rural areas; and the relative distribution of eligible individuals with greatest economic and social need, and minority eligible individuals.</p>	<p><i>consideration and approval.</i> (p. 80)</p> <p>The plan is to outline a three-year strategy for the statewide provision of training and related activities. (p. 80)</p> <p>Similar provision regarding the process to ensure participation, but refers to obtaining advice and recommendations of unemployed older individuals rather than underserved older individuals. (p. 81)</p> <p>Refers to chief executive officer.</p> <p>In addition to the cited provisions in current law, the bill would add new requirements that the plan address the current and projected employment opportunities in the state, by occupation, and types of skills of local eligible individuals; the locale and populations most needed by Title V projects; and plans for coordination of Title V and WIA activities. (p. 81)</p> <p>Adds reference to individuals who have limited English proficiency. (p. 82)</p>	

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State Plan: comments by Governor/state chief executive officer	The law requires that before a proposal is submitted to the Secretary, the Governor of the state is to have a reasonable opportunity to submit recommendations to the Secretary regarding a number of factors.	Refers to chief executive officer. (p. 83)	No change in current law.
State Plan: avoidance of participant disruption	The law requires that in developing plans and considering recommendations, disruptions of community service employment opportunities for current enrollees be avoided to the maximum extent possible.	Eliminates reference to <i>community service employment</i> and refers to participants instead of enrollees. (p. 83)	No change in current law.
State Plan: collaboration by grantees that serve older Indians	National grantees (receiving separate grants to serve older Indians from funds reserved under Section 506(a)(3)) will not be required to participate in the state planning process, but <i>will</i> collaborate with the Secretary to develop a plan for projects and services for older Indians.	Changes <i>will</i> to <i>may</i> . (p. 84)	No change in current law.
State Plan: distribution of assistance	Section 506 requires the Secretary to reserve the following amounts, before allocating funds to states: <ul style="list-style-type: none"> • up to 1.5% of the total appropriation is to be reserved for Section 502(e) experimental projects to transition enrollees into private sector employment; • 0.75% of the total appropriation is to be reserved for U.S. territories; and • “such sums as may be necessary” are to be reserved for national grants to public or private organizations serving older Indians and older Pacific Island and Asian Americans. 	No change in this portion of current law (see below).	

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	<p>After these reservations, the remaining funds are divided into two amounts, one for national grant organizations and the other for state agency grants, with a requirement that funds are distributed at their FY2000 level of activities, that is, the FY2000 hold harmless amount.</p> <p>FY2000 level of activities, for national grants and for state grants, is defined as the FY2000 level of activities after deduction of funds for failure to meet performance standards as described in Section 514(e) and (f).</p> <p>Level of activities is defined as the number of authorized positions multiplied by the cost per authorized position.</p> <p>Each allotment is distributed to states according to a formula that takes into account a state's relative population 55 and older and the relative state per capita income. Each state is to receive a minimum amount of funds, defined as one-half of 1% of the total appropriation for the respective fiscal year.</p> <p>If funds for a given year are equal to, or less than, the FY2000 appropriation, states are to receive an amount in proportion to their respective FY2000 level of activities. If funds are more than the FY2000 appropriation level: (1) the population and per capita formula factors are applied; and (2) states are to receive at least 30% of the</p>	<p>The bill would change the hold harmless amount to the FY2006 level of activities. (p. 92)</p> <p>The bill would delete the reference to Section 514(e) and (f) amounts. (p. 98)</p> <p>No change in current law.</p> <p>Refers to FY2006 appropriations and level of activities.</p>	

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	<p>percentage increase above the FY2000 level.</p> <p>If funding in any fiscal year is insufficient to meet FY2000 levels of activity, then amounts are reduced proportionately. If funding exceeds the FY2000 level, up to \$35 million of the excess is to be distributed as follows: 75% of the excess is to be provided to state agencies, and 25% of the excess is to be provided to national organizations. Any funding amount over \$35 million that remains is to be distributed 50/50 to state agencies and national organizations, respectively.</p>	Refers to FY2006 level of activities.	
COMPETITION FOR AWARD OF GRANTS			
Period of grant awards	Section 514(a) requires the Secretary to award grants to eligible applicants for one year. The Secretary is to award grants for a period not to exceed three years, after establishing regulations and performance measures.	<p>The bill would require the Secretary to award grants for three year periods through a competitive process.</p> <p>If a grant recipient satisfies the performance standards established by the bill (in Section 513) during the three-year period for which any grant is made, the Secretary may award grants to the recipient to continue the project beyond the three-year period, but not longer than two successive one-year periods. (p. 109)</p>	The bill would require the Secretary to award grants to eligible applicants, through a competitive process that emphasizes meeting performance measures, to carry out projects for a four-year period. (p. 105)
Prohibition on competition until implementation of indicators, or January 1, 2010	No provision.	No provision.	The Secretary would be prohibited from carrying out a grant competition until the later of (1) the date when the Secretary implements all required performance indicators, and (2) January 1, 2010. (p. 105)
Eligibility criteria for awards	The bill would specify that an applicant is	No change in current law.	No change in current law.

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	<p>eligible to receive a grant in accordance with Section 502(b)(1) and Subsections (c) and (d).</p> <p>Section 514(c) sets the following that applicants must meet:</p> <ul style="list-style-type: none"> • administer a program serving the greatest number of eligible individuals, with particular consideration to those with the greatest economic need, greatest social need, poor employment history or prospects, and over age 60; • administer a program that provides employment for eligible individuals in communities in which individuals live, or in nearby communities, that will contribute to the general welfare of the community; • administer a program that moves eligible individuals into unsubsidized employment; • move individuals with multiple barriers to employment into unsubsidized employment; and • coordinate with other state and local organizations. <p>The applicant must include a plan for fiscal management and meet any other criteria that the Secretary deems appropriate in order to minimize disruption for current enrollees.</p>	<p>Generally retains the criteria with these changes:</p> <ul style="list-style-type: none"> • Changes age to age 65 and older in first criterion listed in current law. • Adds applicant's prior performance, if any, in meeting performance measures under Title V and other federal or state programs. (p. 110) 	<p>Generally retains the criteria but would add:</p> <ul style="list-style-type: none"> • the applicant's performance on the required indicators specified by the bill (in the case of previous recipients), and the applicant's ability to meet the required indicators (in the case of new applicants); • the applicant's ability to administer a program that provides community service; • the applicant's ability to minimize disruption in services for participants and employers; and • additional criteria specified by the Secretary. (p. 105)

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PERFORMANCE MEASURES			
Performance measures: establishment	Section 513(a)(1) requires the Secretary to establish performance measures, in consultation with grantees, subgrantees, host agencies, states, older individuals, area agencies and others.	No change in current law. (p. 101, lines 17-24)	The bill would require the Secretary to establish and implement performance measures, after consultation with the Assistant Secretary for Aging (and others listed in current law). The bill would also require the Assistant Secretary to provide recommendations to the Secretary on establishment and implementation of performance measures. (p. 103)
Performance measures: annual requirement	<p>Section 513(a)(3) and (4) requires the Secretary to annually establish national performance measures for national and state agency grantees, regardless of whether the grantee operates the program directly or through contracts, grants or agreements with other entities.</p> <p>Grantee performance is to be measured in accordance with requirements of Section 514(e)(f) (requirements on competition, technical assistance, and corrective action).</p>	<p>Similar to current law, but shortens the provisions. (p. 105, lines 5-11)</p> <p>Adds that the measures must include the core indicators and expected level of performance. (p. 105, lines 12-14)</p> <p>No provision.</p>	No change in current law.
Performance measures: agreement on expected levels	No provision.	<p>The bill would require the Secretary and each grantee to reach agreement on expected levels of performance for each program year for each of the core indicators, as specified by the bill.</p> <p>The agreement must take into account continuous improvement of performance, and adjustment factors specified by the bill.</p> <p>Funds may not be awarded until agreement is reached. (p. 102, lines 15, p. 103, lines 1-2)</p>	No provision.

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Performance measures: composition	Section 513(a)(2) requires that performance measures consist of indicators of performance and levels of performance applicable to each indicator.	The bill would establish <i>core</i> indicators and the <i>expected levels</i> of performance applicable to each indicator and additional indicators. (p. 102)	No change in current law.
Performance measures: indicators	Section 513(b) establishes <i>required</i> indicators consisting of: <ul style="list-style-type: none"> • placement and retention in unsubsidized public or private employment; • number of persons served, with particular consideration to individuals with the greatest economic and social need, poor employment history or prospects, and individuals who are age 60 and older; • community services provided; and • satisfaction of enrollees, employers, and host agencies with experiences and services provided. 	The bill would establish <i>core</i> indicators consisting of: <ul style="list-style-type: none"> • entry into unsubsidized employment; • retention in unsubsidized employment for six months; • earnings; and • hours (in the aggregate) of community service employment-based training pursuant to 502(b)(1) (that is, in accordance with the requirement that at least 50% of hours be in community service employment). (p. 106) 	No change in current law.
Performance measures: additional indicators	Section 513(b)(5) includes additional indicators as determined appropriate by the Secretary.	The bill would specify the following additional indicators: <ul style="list-style-type: none"> • retention in unsubsidized employment for one year; • number of eligible individuals served including the number of participating individuals in Section 516(2)(A)(ii) (those having priority for work opportunities); and • any other indicators determined appropriate by the Secretary to evaluate services and performance. (p. 106) 	No change in current law.

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Performance measures: issuance of rules on indicators	Section 513(c) requires the Secretary to issue rules on definition of indicators, after consultation with national and state grantees, business and labor, and providers.	Similar provision (p. 107, lines 4-8)	No change in current law.
Performance measures: adjustments	Section 513(a)(2)(B) requires that the levels of performance (applicable to indicators of performance) are to be adjusted only with respect to the following factors: <ul style="list-style-type: none"> • high rates of unemployment, poverty, or welfare reciprocity in areas served by the grantee, relative to the state or the nation; • significant downturns in areas served by the grantee or in the national economy; • significant numbers or proportion of enrollees with one or more barriers to employment served by the grantee relative to other grantees in other areas of the state or the Nation. 	The bill would specify that the expected levels of performance be adjusted according to the factors in current law, and would add another adjustment factor: <ul style="list-style-type: none"> • changes in the federal, state or local minimum wage. (p. 103) 	The bill would add other adjustments factors: <ul style="list-style-type: none"> • not less than 60% of counties in areas served by grantees are rural, as defined by the Economic Research Service of the Department of Agriculture; • the areas served by the grantee comprise a difficult to serve territory due to limited economies of scale. (p. 103)
Performance measures: annual publication of grantee performance	No provision.	The Secretary would be required annually to publish the actual performance of each grantee with respect to the levels of performance achieved for each of the core indicators, compared to expected levels of performance, including any adjustments; and the levels achieved for each of the additional indicators of performance. (p. 105, line 15)	No change in current law.
Performance measures: placement into unsubsidized employment	Section 513(a)(2)(C) requires the Secretary to establish a performance measure that places at least 20% of enrollees in unsubsidized employment (and adjusted according to the adjustment factors).	The bill would change the percentage for unsubsidized employment as follows: 22% in FY2007, 24% in FY2008, 26% in FY2009, 28% in FY2010, and 30% in FY2011. (p. 104)	No change in current law.

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	<p>No provision.</p> <p>The term <i>placement into public or private unsubsidized employment</i> means full- or part-time paid employment in the public or private sector by an enrollee for 30 days within a 90-day period without using Title V, or any other federal or state subsidy program, or the equivalent of such employment as measured by enrollee earnings through the use of wage records.</p>	<p>If a grantee achieved a level of performance less than these percentages for a preceding FY before enactment of the bill, the Secretary is required to provide technical assistance to assist the grantee to achieve the percentage. (p. 104)</p> <p>The bill does not include the definition of placement.</p>	
Performance measures: retention in employment	<p>The term <i>retention in public or private unsubsidized employment</i> means full- or part-time paid employment in the public or private sector by an enrollee for six months after the starting day of unsubsidized employment without the use of Title V funds or any other federal or state employment subsidy program.</p>	No provision.	No change in current law.

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Performance measures: exemption when a grantee extends time for participation	No provision.	No provision.	<p>The bill would prohibit the Secretary from reducing a score on a performance measure of:</p> <ul style="list-style-type: none"> • a grantee that receives a waiver to extend the period of time for enrollee participation if the grantee serves a high concentration of hard-to-serve individuals; and • a grantee that extends the enrollee participation period of time for more than 20% of participants for priority participants as specified by the bill. (p. 104)
CORRECTIVE ACTION AND TECHNICAL ASSISTANCE BASED ON PERFORMANCE, AND REQUIREMENTS FOR COMPETITION BASED ON PERFORMANCE			
National organizations: technical assistance and corrective action based on performance	<p>Section 514(e)(1) and (2) requires the Secretary to determine if a national grantee has met the performance measures, within 120 days after the end of the program year.</p> <p>If the Secretary determines that a grantee fails to meet the expected levels of performance, the Secretary is required to provide technical assistance and require the grantee to submit a corrective action plan not later than 160 days after the end of the program year. The plan must detail the steps the grantee will take to meet the national performance measures in the next program year.</p>	<p>The bill would require the Secretary to determine if a national grantee has met the <i>expected levels</i> of performance, (and adjustments) for the <i>core</i> indicators established by the bill, within 120 days after the end of the program year. (p. 107)</p> <p>No change in current law.</p>	No change in current law.

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National organizations: second year of failure in meeting performance standards — reduction of 25% of funds	Section 514(e)(2)(C) stipulates that if a grantee fails to meet the national performance measures for a second consecutive year, the Secretary is required to conduct a national competition to award 25% of the funds awarded to the grantee for the following year (minimizing to the extent possible, disruptions of services to enrollees).	Deletes the provision.	Same as H.R. 5293.
National organizations: third year of failure in meeting performance standards — withdrawal of all funds	<p>Section 515(e)(2)(D) stipulates that if a grantee fails to meet the national performance standards for a third consecutive year, the Secretary is required to conduct a national competition to award the remainder of funds (after 25% deduction specified above) for use for the following year.</p> <p>The grantee receiving the funds through the national competition must continue to serve the geographic areas served by the former grantee.</p>	Deletes the provision.	Same as H.R. 5293.
National organizations: additional competition requirements where national organizations have performance levels 20% or more below the national performance standards	In addition to the requirements above, Section 514(e)(3) requires the Secretary to take corrective action, if the Secretary determines that a project operated by a national grantee in a state has attained performance levels 20% or more below the national performance measures, and has failed to meet national performance measures (unless there are adjustment factors cited above that have to be considered.)	No provision.	<p>The bill would require the Secretary to provide technical assistance instead of taking corrective action.</p> <p>The bill would eliminate the provisions regarding the first, second and third years of failure. (pp. 106-107)</p>

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	<p><i>First year of failure:</i> After a project's first year of failure, the Secretary must require a corrective action plan, and may transfer responsibility of the project to other grantees, provide technical assistance, and take other actions.</p> <p><i>Second year of failure:</i> After a project's second year of failure, the corrective action plan may include transfer of responsibility for a portion or all of the project to a state or public or private organization, or competition for a portion or all of the funds to carry out the project among all eligible entities that meet the responsibility tests (except for the grantee that is subject to corrective action).</p> <p><i>Third year of failure:</i> After the third consecutive year of failure, the Secretary is required to conduct a competition for funds to carry out the project among all eligible entities that meet the responsibility tests (except for the grantee that is subject to corrective action).</p>		
Performance measures: request by the Governor	Section 514(e)(4) requires the Secretary to review the performance of a public or private non-profit agency or organization within a state, upon request of the Governor. If performance is not justified, the Secretary is to take corrective action.	No provision.	No change in current law.
States: technical assistance and corrective action based on performance	Section 514(f) requires the Secretary to determine if a state grantee has met the performance measures, within 120 days	The bill would require the Secretary to determine if a state grantee has met the <i>expected levels</i> of performance (and	No change in current law.

CRS-101

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
	<p>after the end of the program year.</p> <p>If the Secretary determines that a state grantee fails to meet the expected levels of performance, the Secretary is required to provide technical assistance and to require the grantee to submit a corrective action plan not later than 160 days after the end of the program year.</p> <p>The plan must detail the steps the state will take to meet the performance measures.</p>	<p>adjustments) for the <i>core</i> indicators established by the bill, within 120 days after the end of the program year. (p. 108)</p> <p>No change in current law.</p> <p>No change in current law.</p>	<p>No change in current law.</p> <p>No change in current law.</p>
States: second year of failure — reduction of 25% of funds	If a state fails to meet the national performance standards for a second consecutive year, the Secretary is required to have the state conduct a competition to award 25% of the funds awarded to the state for use during the following year (minimizing to the extent possible, disruption of services to enrollees).	Deletes the provision.	Same as H.R. 5293.
States: third year of failure — withdrawal of all funds	If a state fails to meet the national performance standards for a third consecutive year, the Secretary is required to have the state conduct a competition to award the funds allocated to the state for use during the following year.	Similar provision. (p. 109)	No provision.
Grantees serving individuals with barriers to employment	No provision.	No provision.	The bill would add a definition of individuals with barriers to employment: minority and Indian individuals, individuals with limited

CRS-102

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			<p>English proficiency, and individuals with greatest economic need. (p. 107)</p> <p>In areas where a substantial population of individuals with barriers to employment exist, a grantee that received a national grant shall give special consideration to selecting organizations (including former recipients of national organizations) with demonstrated expertise in serving individuals with barriers to employment. (p. 107)</p>
Prohibition on promulgation of rules negatively affecting minority serving grantees	No provision.	No provision.	The bill would prohibit the Secretary from promulgating rules, affecting grantees in areas where a substantial population of minority individuals exist, that would significantly compromise the ability of grantees to serve their targeted populations. (p. 108)
Authorization of Appropriations	<p>Section 515 authorizes \$475 million for FY2001 and such sums as may be necessary for FY2002-FY2005, plus such additional funds to provide for 70,000 part-time employment positions. (defined as at least 20 hours within a workweek).</p> <p>Funds are to be used on a July 1-June 30 basis.</p> <p>The Secretary is allowed to extend the period for use of funds if the Secretary determines that the extension is necessary to ensure effective use of funds.</p>	<p>The bill would authorize such sums as may be necessary for FY2007-FY2011. (p. 114)</p> <p>No change in current law.</p> <p>No change in current law.</p>	No change in current law.

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Unexpended funds	Section 515(c) allows the Secretary to recapture any unexpended funds for a program year and reobligate funds within the two succeeding programs years to be used for: (1) incentive grants; (2) technical assistance, or (3) grants or contracts for any other program under the Title.	The bill would eliminate unexpended funds to be used for incentive grants. (p. 115)	No provision.
DEFINITIONS			
Community service/community service employment-based training	Defines <i>community service</i> as social, health, welfare, and educational services (including literacy tutoring), legal and other counseling services and assistance, including tax counseling and assistance and financial counseling, and library, recreational, and other similar services; conservation, maintenance, or restoration of natural resources; community betterment or beautification; anti-pollution and environmental quality efforts; weatherization activities; economic development, and such other services essential and necessary to the community as the Secretary may prescribe by regulation.	Defines <i>community service employment-based training</i> as <i>work experience that is related</i> to the same elements as in current law. (p. 115)	No change in current law.
Eligible individuals	Defines eligible individuals as those aged 55 years and older, who have a low income, including those whose income is not more than 125% of the Office of Management and Budget (OMB) poverty guidelines.	The bill would exclude as income unemployment compensation, Supplemental Security Income (SSI) benefits, or 25% of benefits received under Title II of the Social Security Act. (p. 116)	The bill would exclude as income items excluded by H.R. 5293, as well as payments made to or on behalf of veterans or former members of the Armed Forces under laws administered by the Secretary of Veterans Affairs. (p. 108)
Individuals to have priority for work opportunities	Persons aged 60 and older are to have priority for work opportunities.	The bill would require that any individuals who meet one or more of the following criteria have priority for work opportunities —	No change in current law.

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
		<p>is 65 years of age or older; or has one or more of the following barriers to employment:</p> <ul style="list-style-type: none"> • has a disability; • has limited English proficiency or low literacy skills; • resides in a rural area; • is a veteran; • has low employment prospects; or • has failed to find employment after using services under Title I of the Workforce Investment Act of 1998. (p. 116) 	
Exclusion of individuals who have participated in Title V projects for a specified period	No provision.	<p>The bill would exclude from Title V projects, an individual who has participated in Title V projects for a period of 48 months (whether consecutive or not) after the enactment of the bill. (p. 117)</p> <p>It would also exclude an individual who has participated for a period of 24 months in the aggregate (whether or not consecutive) after the date of enactment, if the individual participated in Title V projects for more than 24 months in the aggregate (whether or not consecutive) as in effect before enactment of the bill. (p. 117)</p>	See provision above: <i>“Prohibition of participation by eligible individuals exceeding a specified period.”</i>
Income	No provision.	Defines income as income received during the 12-month period (or, at the option of the grantee, the six-month period that is not multiplied) ending on the date an eligible individual submits an application to participate in the project carried out by a grantee. (p. 118)	See eligible individuals above.
Program	Defines program as the older American community service employment program under Title V.	Defines program as the older American community service <i>employment-based training</i> program under Title V. (p. 118)	No change in current law.

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
Supportive services	No provision.	Defines supportive services as transportation, child care, dependent care, housing, and needs-related payments that are necessary to enable an individual to participate in activities authorized under Title V. (p. 118) (<i>See also supportive services under Programmatic costs, above.</i>)	No change in current law.
Unemployed individual	No provision.	Defines unemployed individual as a person without a job and who wants, and is available for, work, including an individual who may have occasional employment that does not result in a constant source of income. (p. 119)	See purpose statement above. The bill would consider an underemployed person to be an unemployed person.
TITLE VI, GRANTS FOR NATIVE AMERICANS			
Distribution of funds among tribal organizations	No provision.	No provision.	<p>Defines <i>covered year</i> as FY2006 or a subsequent fiscal year.</p> <p>The bill would clarify that if a tribal organization received a grant under this part for FY1991 as part of a consortium, the Assistant Secretary would be required to consider the tribal organization to have received a grant under this part for FY1991 for purposes of the distribution of funds. The Assistant Secretary would also be required to apply the provisions of the subsection to the tribal organization for each covered year for which the tribal organization submits an application for funds, even if the tribal organization submits a separate application from the remaining members of the consortium or an application as one of the remaining members of the consortium. (p. 109)</p>

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
Native Americans caregiver support program	Section 643 authorizes the appropriation of such sums as may be necessary for supportive services and nutrition services to Native Americans for FY2001, and such sums as may be necessary for subsequent fiscal years. For grants to tribal organizations for the Native American Caregiver Support Program, authorizes \$5.0 million for FY2001, and such sums as may be necessary for subsequent fiscal years.	The bill would authorize such sums as may be necessary for supportive services and nutrition services to Native Americans and the Native American Caregiver Support Program for FY2007-FY2011. (p. 119)	This bill would authorize for supportive services and nutrition services to Native Americans such sums as may be necessary for FY2007 and subsequent fiscal years; and for the Native American Caregiver Support Program, \$6.5 million for FY2007, \$7.0 million for FY2008, \$7.5 million for FY2009, \$8.0 million for FY2010, and \$8.5 million for FY2011. (p. 110)
TITLE VII, ALLOTMENTS FOR VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES			
Vulnerable elder rights protection activities: ombudsman program	Section 702 authorizes the appropriation of such sums as may be necessary for the ombudsman program for FY2001, and such sums as may be necessary for subsequent fiscal years.	The bill would authorize such sums as may be necessary for FY2007. (p. 119)	Same as H.R. 5293. (p. 111)
Native American organization provisions	Section 751 authorizes the appropriation of such sums as may be necessary for assisting entities and providing grants on vulnerable elder rights protection activities for FY2001, and such sums as may be necessary for subsequent fiscal years.	The bill would change the reference to FY2007. and such sums as may be necessary for subsequent fiscal years. (p. 119)	Same as H.R. 5293. (p. 112)
Elder abuse, neglect, and exploitation prevention	Section 721 authorizes the state agency the use of allotments to carry out programs for the prevention of elder abuse, neglect, and exploitation (including financial exploitation), including: <ul style="list-style-type: none"> • providing for public education and outreach to identify and prevent elder abuse, neglect, and exploitation; • ensuring the coordination of services provided by area agencies on aging; 	The bill would add the following reference: providing for public education and outreach to promote financial literacy and prevent identity theft and financial exploitation of older individuals. (p. 120)	Same as H.R. 5293. (p. 111)

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	<ul style="list-style-type: none"> • promoting the development of information and data systems; • conducting analyses of state information and identifying unmet services, enforcement, or intervention needs; • conducting training for individuals in relevant fields on the identification, prevention, and treatment of elder abuse, neglect, and exploitation; • providing technical assistance to programs that provide or have the potential to provide services for victims and their family members; • conducting special and on-going training on the topics of self-determination, individual rights, state and federal requirements concerning confidentiality, and other topics; and • promoting the development of an elder abuse, neglect, and exploitation system. 		
ELDER JUSTICE PROGRAMS: PURPOSES	No provision.	No provision.	<p>The bill would add a provision for Elder Justice Programs. The purpose of this provision would be —</p> <ul style="list-style-type: none"> • to assist states and Indian tribes in developing a comprehensive multi-disciplinary approach to elder justice; • to promote research and data collection that will fill gaps in knowledge about elder abuse, neglect, and exploitation to support innovative and effective activities of service providers and programs that are designed to address issues relating to elder abuse, neglect, and exploitation. • to assist states, Indian tribes, and local service providers in the development of

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			<p>short- and long-term strategic plans for the development and coordination of elder justice research, programs, studies, training, and other efforts; and</p> <ul style="list-style-type: none"> • to promote collaborative efforts and diminish overlap and gaps in efforts in developing the important field of elder justice. (p. 112)
DEFINITIONS			
Caregiver			Defines <i>caregiver</i> as an individual who has the responsibility for the care of an elder, either voluntarily, by contract, by receipt of payment for care, or as a result of the operation of law and means a family member or other individual who provides (on behalf of such individual or of a public or private agency, organization, or institution) compensated or uncompensated care to an elder. (p. 113)
Direct care			Defines <i>direct care</i> as care by an employee or contractor who provides assistance or long-term care services to a recipient. (p. 113)
Elder			Defines <i>elder</i> as an individual who is 60 years of age or older. (p. 114)
Elder justice			<p>Defines <i>elder justice</i> as —</p> <ul style="list-style-type: none"> • efforts to prevent, detect, treat, intervene in, and respond to elder abuse, neglect, and exploitation and to protect elders with diminished capacity while maximizing their autonomy; and • from an individual perspective, the

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
			recognition of an elder's rights, including the right to be free of abuse, neglect, and exploitation. (p. 114)
Eligible entity			Defines <i>eligible entity</i> as a state or local government agency, Indian tribe, or any other public or private entity, that is engaged in and has expertise in issues relating to elder justice. (p.114)
Fiduciary			Defines <i>fiduciary</i> as a person or entity with the legal responsibility: <ul style="list-style-type: none"> • to make decisions on behalf of and for the benefit of another person; • to act in good faith and with fairness; and • includes a trustee, a guardian, a conservator, an executor, an agency under financial power of attorney or health care power of attorney, or a representative payee. (p. 115)
Grant			Defines <i>grant</i> to include a contract, cooperative agreement, or other mechanism for providing financial assistance. (p. 115)
Law enforcement			Defines <i>law enforcement</i> as the full range of potential responders to elder abuse, neglect, and exploitation including — <ul style="list-style-type: none"> • police, sheriffs, detectives, public safety officers, and corrections personnel; • prosecutors; • medical examiners; • investigators; and • coroners. (p. 115)

CRS-110

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
Long-term care			Defines <i>long-term care</i> as supportive and health services specified by the Secretary for individuals who need assistance because the individuals have a loss of capacity for self-care due to illness, disability, or vulnerability. (p. 115)
Loss of capacity			Defines <i>loss of capacity for self-care</i> as an inability to engage effectively in activities of daily living, including eating, dressing, bathing, and management of one's financial affairs. (p.116)
Long-term care facility			Defines <i>long-term care facility</i> as a residential care provider that arranges for, or directly provides, long-term care. (p.116)
Nursing facility			Defines <i>nursing facility</i> to have the same meaning given under such term under section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a)). (p. 116)
State legal assistance developer			Defines <i>state legal assistance developer</i> as an individual whose services are provided by the state to ensure the state has sufficient leadership in securing and maintaining the legal rights of older individuals and the capacity for: coordination; technical assistance, training and other supportive functions; promoting fiscal management services; assisting older individuals in understanding their rights; and improving the quality and quantity of legal services provided to older individuals. (p.116)

CRS-111

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
State long-term care ombudsman			Defines <i>state long-term care ombudsman</i> as individual with expertise and experience in the fields of long-term care and advocacy to head the Office of the State Long-Term Care Ombudsman. (p. 116)
STATE AND TRIBAL GRANTS TO STRENGTHEN LONG-TERM CARE AND PROVIDE ASSISTANCE FOR ELDER JUSTICE PROGRAMS			
State and tribal grants: authorization	No provision.	No provision.	The bill would authorize the Assistant Secretary to award grants to states and Indian tribes to enable the states and tribes to strengthen long-term care and provide assistance for elder justice programs. (p. 117)
State and tribal grants: application for eligibility			The bill would require a state or Indian tribe, in order to be eligible to receive a grant, to submit an application as required. (p. 117)
State and tribal grants: use of funds			The bill would authorize a state or Indian tribe receiving a grant (under this subtitle) to use the funds made available through the grant to award grants to eligible entities for the following activities: (p. 117)
			Prevention, detection, assessment, and treatment of, intervention in, investigation of, and response to elder abuse, neglect, and exploitation; (p.117)
			Examine various types of elder shelters (referred to as “safe havens”), and test various safe haven models for establishing them (at home or elsewhere), that — <ul style="list-style-type: none"> • recognize autonomy and self-determination, and fully protect the due process rights of elders; and • provide a comprehensive, culturally

CRS-112

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
			sensitive, and multidisciplinary team response to allegations of elder abuse, neglect, or exploitation; provide a dedicated, elder-friendly setting; have the capacity to meet the needs of elders for care; and provide various services including nursing and forensic evaluation, therapeutic intervention, victim support and advocacy, and case review and assistance to make the elders safer at home or to find appropriate placement in safer environments, including shelters, and in some circumstances long-term care facilities, other residential care facilities, and hospitals; (p. 117)
			Establish or continue volunteer programs that focus on the issues of elder abuse, neglect, and exploitation, or to provide related services; (p. 118)
			Support multidisciplinary elder justice activities, such as — <ul style="list-style-type: none"> • supporting and studying team approaches for bringing a coordinated multidisciplinary or interdisciplinary response to elder abuse, neglect, and exploitation, including a response from individuals in social service, health care, public safety, and legal disciplines; • establishing a state or tribal coordinating council, which shall identify the individual state's or Indian tribe's needs and provide the Secretary with information and recommendations relating to efforts by the state or Indian tribe to combat elder abuse,

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			<p>neglect, and exploitation;</p> <ul style="list-style-type: none"> • providing training, technical assistance, and other methods of support to groups carrying out multidisciplinary efforts at the state or Indian tribe level (referred to in some states as “State Working Groups”); • broadening and studying various models for elder fatality and serious injury review teams, to make recommendations about their composition, protocols, functions, timing, roles, and responsibilities, with a goal of producing models and information that will allow for replication based on the needs of other states, Indian tribes, and communities; or • carrying out such other interdisciplinary or multidisciplinary efforts as the Assistant Secretary determines to be appropriate; (p. 119)
			<p>Provide training for individuals with respect to issues of elder abuse, neglect, and exploitation, consisting of —</p> <ul style="list-style-type: none"> • training within a discipline; or • cross-training activities that permit individuals in multiple disciplines to train together, fostering communication, coordinating efforts, and ensuring collaboration; (p. 120)
			<p>Address underserved populations of elders, such as —</p> <ul style="list-style-type: none"> • elders living in rural locations; • elders in minority populations; or • low-income elders; (p. 120)

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
			<p>Provide incentives for individuals to train for, seek, and maintain employment providing direct care in a long-term care facility, such as —</p> <ul style="list-style-type: none"> • to eligible entities to provide incentives to participants in programs carried out under part A of Title IV, and section 403(a)(5) of the Social Security Act (42 U.S.C. 601 et seq., 603(a)(5)) to train for and seek employment providing direct care in a long-term care facility; • to long-term care facilities to carry out programs through which the facilities offer to employees who provide direct care to residents of a long-term care facility, continuing training and varying levels of professional certification, based on observed clinical care practices and the amount of time the employees spend providing direct care; and provide, or make arrangements with employers to provide, bonuses or other increased compensation or benefits to employees who achieve professional certification under such a program; or • to long-term care facilities to enable the facilities to provide training and technical assistance to eligible employees regarding management practices using methods that are demonstrated to promote retention of employees of the facilities, such as — the establishment of basic human resource policies that reward high performance, including policies that provide improved wages and benefits on the basis of job reviews; or the establishment of other

PROVISION	CURRENT LAW	H.R. 5293, the Senior Independence Act of 2006, as passed by the House, June 21, 2006 (RFS)	S. 3570, Older Americans Act Amendments of 2006, as ordered reported by the Senate HELP Committee, June 28, 2006 (IS)
			programs that promote the provision of high quality care, such as a continuing education program that provides additional hours of training, including on-the-job training, for employees who are certified nurse aides; (p. 120)
			Encourage the establishment of eligible partnerships to develop collaborative and innovative approaches to improve the quality of, including preventing abuse, neglect, and exploitation in, long-term care; or (p. 122)
			Establish multidisciplinary panels to address and develop best practices concerning methods of — <ul style="list-style-type: none"> • improving the quality of long-term care; and • addressing abuse, including resident-to-resident abuse, in long-term care. (p. 122)
State and tribal grants: administrative expenses			The bill would require that a state or Indian tribe receiving a grant under this section not use more than 5% of the funds to pay for administrative expenses. (p. 123)
State and tribal grants: supplement not supplant			The bill would require that funds made available be used to supplement and not supplant other federal, state, and local (including tribal) funds expended to provide grant activities. (p. 123)
State and tribal grants: maintenance of effort			The bill would require the state or Indian tribe, in using the proceeds of a grant received under this section, to maintain the expenditures of the state or tribe grant activities at a level equal to at least the level

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			of such expenditures maintained by the state or tribe for the fiscal year preceding the fiscal year for which the grant is received. (p. 123)
State and tribal grants: accountability measures			The bill would require the Assistant Secretary to develop accountability measures to ensure the effectiveness of the activities conducted using funds made available under this section, including accountability measures to ensure that the grant activities benefit eligible employees and increase the stability of the long-term care workforce. (p. 123)
State and tribal grants: evaluating programs			The bill would require the Assistant Secretary to evaluate the activities conducted using funds made available under this section and use the results of such evaluation to determine the activities for which funds made available under this section may be used. (p. 124)
State and tribal grants: compliance with applicable laws			The bill would require any entity receiving funds to comply with all applicable laws, regulations, and guidelines. (p. 124)
State and tribal grants: eligible partnerships			The bill would define <i>eligible partnerships</i> as a multidisciplinary community partnership consisting of eligible entities or appropriate individuals, such as a partnership consisting of representatives in a community of nursing facility providers, state legal assistance developers, advocates for residents of long-term care facilities, state Long-term Care Ombudsmen, surveyors, the state agency with responsibility for adult protective services, the state agency with responsibility for licensing long-term care facilities, law

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			enforcement agencies, courts, family councils, residents, certified nurse aides, registered nurses, physicians, and other eligible entities and appropriate individuals. (p. 124)
State and tribal grants: authorization of appropriations			The bill would authorize the appropriation of such sums as may be necessary for each of FY2005 to FY2008 to carry out state and tribal grants to strengthen long-term care and provide assistance for elder justice programs. (p. 124)
COLLECTION OF UNIFORM NATIONAL DATA ON ELDER ABUSE, NEGLECT, AND EXPLOITATION			
Collection of uniform national data: authorization	No provision.	No provision.	The bill would add a provision for the collection of uniform national data on elder abuse, neglect, and exploitation. (p. 125)
Collection of uniform national data: purpose			The purpose of this provision of the bill would be to improve, streamline, and promote uniform collection, maintenance, and dissemination of national data relating to the various types of elder abuse, neglect, and exploitation. (p. 125)
Collection of uniform national data: phase I — development of methods of collection and reporting			The bill would require, not later than one year after the date of enactment of the Older Americans Act Amendments, the Assistant Secretary, acting through the head of the Office of Elder Abuse Prevention and Services, after consultation with the Attorney General and working with experts in relevant disciplines from the Bureau of Justice Statistics of the Office of Justice Programs of the Department of Justice, to — <ul style="list-style-type: none"> • develop a method for collecting national

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			<p>data regarding elder abuse, neglect, and exploitation; and</p> <ul style="list-style-type: none"> • develop uniform national data reporting forms adapted to each relevant entity or discipline (such as health, public safety, social and protective services, and law enforcement) reflecting the distinct manner in which each entity or discipline receives and maintains information; and the sequence and history of reports to or involvement of different entities or disciplines, independently, or the sequence and history of reports from one entity or discipline to another over time. (p. 125)
<p>Collection of uniform national data: phase I — forms and protection of privacy</p>			<p>The bill would require —</p> <ul style="list-style-type: none"> • the national data reporting forms to incorporate the definitions of Elder Justice Programs, for use in determining whether an event is reportable; and • the Secretary to ensure the protection of individual health privacy consistent with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996, and state and local privacy regulations (as applicable). (p. 125)

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Collection of uniform national data: phase II — pilot test			The bill would require that not later than one year after the date on which the activities described in subsection (b)(1) are completed, the Secretary (or the Secretary's designee) shall ensure that the national data reporting forms and data collection methods developed in accordance with such subsection are pilot tested in six states selected by the Secretary. (p. 127)
Collection of uniform national data: phase II — adjustments to form and methods			The bill would also require the Secretary, after considering the results of the pilot testing and consulting with the Attorney General and relevant experts, to adjust the national data reporting forms and data collection methods as necessary. (p. 127)
Collection of uniform national data: phase III — distribution of national data reporting forms			The bill would require the Secretary, after completion of the adjustment to the national data reporting forms under subsection (c)(2), to submit the national data reporting forms along with instructions to — <ul style="list-style-type: none"> • the heads of the relevant components of HHS, the Department of Justice, and the Department of the Treasury, and such other federal entities as may be appropriate; and • the Governor's office of each state for collection from all relevant state entities of data, including health care, social services, and law enforcement data. (p. 127)
Collection of uniform national data: phase III — data collection grants, authorization			The bill would authorize the Secretary to award grants to states to improve data collection activities relating to elder abuse, neglect, and exploitation. (p. 128)

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Collection of uniform national data: phase III — data collection grants, application			To be eligible to receive a grant, a state would be required to submit an application as required to the Secretary. (p. 128)
Collection of uniform national data: phase III — data collection grants, requirements			For the collection of uniform national data for a fiscal year, each state receiving a grant would be required to report data for the calendar year that begins during that fiscal year, using the national data reporting forms. (p. 128)
Collection of uniform national data: phase III — data collection grants, funding			<p>The bill would require the Secretary to initially distribute 50% of such funds for the first fiscal year for which a state receives grant funds. The Secretary would be required to distribute the remaining funds at the end of the calendar year that begins during that fiscal year, if the Secretary determines that the state has properly reported data required under this subsection for the calendar year.</p> <p>The bill would require the Secretary to distribute grant funds to a state under this subsection for a fiscal year if the Secretary determines that the state properly reported data required under this subsection for the calendar year that ends during that fiscal year. (p. 128)</p>

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Collection of uniform national data: phase III — required information			<p>The bill would require each report submitted under this subsection to —</p> <ul style="list-style-type: none"> • indicate the state and year in which each event occurred; and • identify the total number of events that occurred in each state during the year and the type of each event. (p. 129)
Collection of uniform national data: report			<p>The bill would require the Secretary, not later than one year after the date of enactment of the Older Americans Act Amendments and annually thereafter, to prepare and submit to the appropriate committees of Congress, including to the Senate Committee on Health, Education, Labor, and Pensions and the Senate Special Committee on Aging, a report regarding activities conducted under this section. (p. 130)</p>
Collection of uniform national data: authorization of appropriations			<p>The bill would authorize the appropriation of such sums as may be necessary to carry out the collection of uniform data on elder abuse, neglect, and exploitation for each of FY2007-FY2011. (p. 130)</p>
Rule of construction	No provision.	No provision.	<p>The bill would add that nothing in this Title shall be construed to interfere with or abridge the right of an older individual to practice the individual's religion through reliance on prayer alone for healing, in a case in which a decision to so practice the religion —</p> <ul style="list-style-type: none"> • is contemporaneously expressed by the older individual — either orally or in writing with respect to a specific illness or injury that the older individual has at the time of the decision, and when the older

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			<p>individual is competent to make the decision;</p> <ul style="list-style-type: none">• is set forth prior to the occurrence of the illness or injury in a living will, health care proxy, or other advance directive document that is validly executed and applied under state law; or• may be unambiguously deduced from the older individual's life history. (p. 130)