

112TH CONGRESS  
2D SESSION

# S. 3593

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

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 20, 2012

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

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## A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Improving Services and  
5 Activities for Diverse Elders Act”.

6 **SEC. 2. OBJECTIVES.**

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

1 **SEC. 3. DEFINITIONS.**

2 (a) CULTURAL AND LINGUISTIC COMPETENCE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 **SEC. 5. ORGANIZATION.**

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

9           (1) in clause (i), by striking “and” at the end;

10          (2) in clause (ii), by adding “and” at the end;

11          and

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

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

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

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

20          (1) in paragraph (16), by striking “and” at the  
21          end;

22          (2) in paragraph (17), by striking the period  
23          and inserting a semicolon; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19           (3) in paragraph (28)(B)—

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

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

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

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

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

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