

## **UNOFFICIAL COMPILATION – BY TITLE**

by

THE CENTER FOR SOCIAL GERONTOLOGY (TCSG), FEBRUARY 2007

### INTRODUCTORY NOTE FROM TCSG:

The Older Americans Act was amended/reauthorized in the fall of 2006. As of February 2007, an official compilation of the Act as amended had not been printed. To assist the many organizations that would find it useful to have a complete, compiled version of the OAA which incorporates the 2006 Amendments, The Center for Social Gerontology has put together an *UNOFFICIAL* COMPILATION.

For ease of use and downloading, we are posting each Title of the Act separately on our web site. Also, we have italicized language that was added / changed in the 2006 Amendments. Furthermore, both page numbers and footnote numbers are consecutive throughout all seven Titles of the Act, despite the Act having been broken up into these separate Titles.

Because this is an *UNOFFICIAL* compilation, it is possible that there are some mistakes. *The Center for Social Gerontology takes no responsibility for any problems these mistakes may cause.* If you should find something which *YOU BELIEVE IS AN ERROR, PLEASE BE SURE TO CONTACT US*, and we will make any necessary changes. Contact: Brooke McCreary, TCSG Program Assistant at (734) 665-1126 or email [bmccreary@tcs.org](mailto:bmccreary@tcs.org).

## **OLDER AMERICANS ACT OF 1965**

**(Public Law 89–73)**

**[As Amended Through P.L. 109–365, Enacted October 17, 2006]  
(To amend the Older Americans Act of 1965 to authorize appropriations for  
fiscal years 2007 through 2011, and for other purposes.)**

## **TITLE VI—GRANTS FOR NATIVE AMERICANS**

### **STATEMENT OF PURPOSE**

SEC. 601. It is the purpose of this title to promote the delivery of supportive services, including nutrition services to American Indians, Alaskan Natives, and Native Hawaiians that are comparable to services provided under title III.

(42 U.S.C. 3057)

## **SENSE OF CONGRESS**

SEC. 602. It is the sense of the Congress that older individuals who are Indians, older individuals who are Alaskan Natives, and older individuals who are Native Hawaiians are a vital resource entitled to all benefits and services available and that such services and benefits should be provided in a manner that preserves and restores their respective dignity, self-respect, and cultural identities.

(42 U.S.C. 3057a)

## **PART A—INDIAN PROGRAM**

### **FINDINGS**

SEC. 611. The Congress finds that the older individuals who are Indians of the United States—

- (1) are a rapidly increasing population;
- (2) suffer from high unemployment;
- (3) live in poverty at a rate estimated to be as high as 61 percent;
- (4) have a life expectancy between 3 and 4 years less than the general population;
- (5) lack sufficient nursing homes, other long-term care facilities, and other health care facilities;
- (6) lack sufficient Indian area agencies on aging;
- (7) frequently live in substandard and over-crowded housing;
- (8) receive less than adequate health care;
- (9) are served under this title at a rate of less than 19 percent of the total national population of older individuals who are Indians living on Indian reservations; and
- (10) are served under title III at a rate of less than 1 percent of the total participants under that title.

(42 U.S.C. 3057b)

## **ELIGIBILITY**

SEC. 612. (a) A tribal organization of an Indian tribe is eligible for assistance under this part only if—

(1) the tribal organization represents at least 50 individuals who are 60 years of age or older; and

(2) the tribal organization demonstrates the ability to deliver supportive services, including nutritional services.

(b) An Indian tribe represented by an organization specified in subsection (a) shall be eligible for only one grant under this part for any fiscal year. Nothing in this subsection shall preclude an Indian tribe represented by an organization specified in subsection (a) from receiving a grant under section 631.

(c) For the purposes of this part the terms “Indian tribe” and “tribal organization” have the same meaning as in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(42 U.S.C. 3057c)

## **GRANTS AUTHORIZED**

SEC. 613. The Assistant Secretary may make grants to eligible tribal organizations to pay all of the costs for delivery of supportive services and nutrition services for older individuals who are Indians.

(42 U.S.C. 3057d)

## **APPLICATIONS**

SEC. 614. (a) No grant may be made under this part unless the eligible tribal organization submits an application to the Assistant Secretary which meets such criteria as the Assistant Secretary may by regulation prescribe. Each such application shall—

(1) provide that the eligible tribal organization will evaluate the need for supportive and nutrition services among older individuals who are Indians to be represented by the tribal organizations;

(2) provide for the use of such methods of administration as are necessary for the proper and efficient administration of the program to be assisted;

(3) provide that the tribal organization will make such reports in such form and containing such information, as the Assistant Secretary may reasonably require, and comply with such requirements as the Assistant Secretary may impose to assure the correctness of such reports;

(4) provide for periodic evaluation of activities and projects carried out under the application;

(5) establish objectives consistent with the purposes of this part toward which activities under the application will be directed, identify obstacles to the attainment of such objectives, and indicate the manner in which the tribal organization proposes to overcome such obstacles;

(6) provide for establishing and maintaining information and assistance services to assure that older individuals who are Indians to be served by the assistance made available under this part will have reasonably convenient access to such services;

(7) provide a preference for older individuals who are Indians for full or part-time staff positions whenever feasible;

(8) provide assistance that either directly or by way of grant or contract with appropriate entities nutrition services will be delivered to older individuals who are Indians represented by the tribal organization substantially in compliance with the provisions of part C of title III, except that in any case in which the need for nutritional services for older individuals who are Indians represented by the tribal organization is already met from other sources, the tribal organization may use the funds otherwise required to be expended under this paragraph for supportive services;

(9) provide that any legal or ombudsman services made available to older individuals who are Indians represented by the tribal organization will be substantially in compliance with the provisions of title III relating

to the furnishing of similar services;

(10) provide satisfactory assurance that fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the tribal organization, including any funds paid by the tribal organization to a recipient of a grant or contract; and

(11) contain assurances that the tribal organization will coordinate services provided under this part with services provided under title III in the same geographical area.

(b) For the purpose of any application submitted under this part, the tribal organization may develop its own population statistics, with approval from the Bureau of Indian Affairs, in order to establish eligibility.

(c)(1) The Assistant Secretary shall approve any application which complies with the provisions of subsection (a).

(2) The Assistant Secretary shall provide waivers and exemptions of the reporting requirements of subsection (a)(3) for applicants that serve Indian populations in geographically isolated areas, or applicants that serve small Indian populations, where the small scale of the project, the nature of the applicant, or other factors make the reporting requirements unreasonable under the circumstances. The Assistant Secretary shall consult with such applicants in establishing appropriate waivers and exemptions.

(3) The Assistant Secretary shall approve any application that complies with the provisions of subsection (a), except that in determining whether an application complies with the requirements of subsection (a)(8), the Assistant Secretary shall provide maximum flexibility to an applicant that seeks to take into account subsistence needs, local customs, and other characteristics that are appropriate to the unique cultural, regional, and geographic needs of the Indian populations to be served.

(4) In determining whether an application complies with the requirements of subsection (a)(12), the Assistant Secretary shall require

only that an applicant provide an appropriate narrative description of the geographic area to be served and an assurance that procedures will be adopted to ensure against duplicate services being provided to the same recipients.

(d) Whenever the Assistant Secretary determines not to approve an application submitted under subsection (a) the Assistant Secretary shall—

(1) state objections in writing to the tribal organization within 60 days after such decision;

(2) provide to the extent practicable technical assistance to the tribal organization to overcome such stated objections; and

(3) provide the tribal organization with a hearing, under such rules and regulations as the Assistant Secretary may prescribe.

(e) Whenever the Assistant Secretary approves an application of a tribal organization under this part, funds shall be awarded for not less than 12 months.

(42 U.S.C. 3057e)

#### **DISTRIBUTION OF FUNDS AMONG TRIBAL ORGANIZATIONS.**

SEC. 614A. (a) MAINTENANCE of 1991 AMOUNTS.—Subject to the availability of appropriations to carry out this part, the amount of the grant (if any) made under this part to a tribal organization for fiscal year 1992 and for each subsequent fiscal year shall be not less than the amount of the grant made under this part to the tribal organization for fiscal year 1991.

(b) USE OF ADDITIONAL AMOUNTS APPROPRIATED.—If the funds appropriated to carry out this part in a fiscal year subsequent to fiscal year 1991 exceed the funds appropriated to carry out this part in fiscal year 1991, then the amount of the grant (if any) made under this part to a tribal organization for the subsequent fiscal year shall be—

(1) increased by such amount as the Assistant Secretary considers to be appropriate, in addition to the amount of any increase required by subsection (a), so that the grant equals or more closely approaches the amount of the grant made under this part to the tribal organization for

fiscal year 1980; or

(2) an amount the Assistant Secretary considers to be sufficient if the tribal organization did not receive a grant under this part for either fiscal year 1980 or fiscal year 1991.

(c) *CLARIFICATION.*—

(1) *DEFINITION.*—*In this subsection, the term “covered year” means fiscal year 2006 or a subsequent fiscal year.*

(2) *CONSORTIA OF TRIBAL ORGANIZATIONS.*—*If a tribal organization received a grant under this part for fiscal year 1991 as part of a consortium, the Assistant Secretary shall consider the tribal organization to have received a grant under this part for fiscal year 1991 for purposes of subsections (a) and (b), and shall apply the provisions of subsections (a) and (b)(1) (under the conditions described in subsection (b)) to the tribal organization for each covered year for which the tribal organization submits an application under this part, even if the tribal organization submits—*

*(A) a separate application from the remaining members of the consortium; or*

*(B) an application as 1 of the remaining members of the consortium.*

(42 U.S.C. 3057e–1)

#### ***EFFECTIVE DATE***

*[Section number is needed. See footnote below.]<sup>9</sup>*

*The amendment made by subsection (a) [of the 2006 Amendments—SEC 614A(c) of the OAA] shall apply to grants awarded under part A of title VI of the Older Americans Act of 1965 (42 U.S.C. 3057b et seq.) during the grant period beginning April 1, 2008, and all subsequent grant periods.*

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<sup>9</sup> **Note from TCSG:** This had a Section number for the 2006 Amendments only (SEC. 601(b) of Title VI of the 2006 Amendments (P.L. 109-365)). The 2006 Amendments did not reference the Section number of the 1965 Act. Therefore TCSG believes that a technical amendment may be needed to designate the Section number of the Act.

## **SURPLUS EDUCATIONAL FACILITIES**

SEC. 615. (a) Notwithstanding any other provision of law, the Secretary of the Interior through the Bureau of Indian Affairs shall make available surplus Indian educational facilities to tribal organizations, and nonprofit organizations with tribal approval, for use as multipurpose senior centers. Such centers may be altered so as to provide extended care facilities, community center facilities, nutrition services, child care services, and other supportive services.

(b) Each eligible tribal organization desiring to take advantage of such surplus facilities shall submit an application to the Secretary of the Interior at such time and such manner, and containing or accompanied by such information, as the Secretary of the Interior determines to be necessary to carry out the provisions of this section.

(42 U.S.C. 3057f)

## **PART B—NATIVE HAWAIIAN PROGRAM**

### **FINDINGS**

SEC. 621. The Congress finds the older Native Hawaiians—

(1) have a life expectancy 10 years less than any other ethnic group in the State of Hawaii;

(2) rank lowest on 9 of 11 standard health indicies for all ethnic groups in Hawaii;

(3) are often unaware of social services and do not know how to go about seeking such assistance; and

(4) live in poverty at a rate of 34 percent.

(42 U.S.C. 3057g)

### **ELIGIBILITY**

SEC. 622. A public or nonprofit private organization having the capacity to provide services under this part for Native Hawaiians is eligible for assistance



under this part only if—

- (1) the organization will serve at least 50 individuals who have attained 60 years of age or older; and
- (2) the organization demonstrates the ability to deliver supportive services, including nutrition services.

(42 U.S.C. 3057h)

### **GRANTS AUTHORIZED**

SEC. 623. The Assistant Secretary may make grants to public and nonprofit private organizations to pay all of the costs for the delivery of supportive services and nutrition services to older Native Hawaiians.

(42 U.S.C. 3057i)

### **APPLICATION**

SEC. 624. (a) No grant may be made under this part unless the public or nonprofit private organization submits an application to the Assistant Secretary which meets such criteria as the Assistant Secretary may by regulation prescribe. Each such application shall—

- (1) provide that the organization will evaluate the need for supportive and nutrition services among older Native Hawaiians to be represented by the organization;
- (2) provide for the use of such methods of administration as are necessary for the proper and efficient administration of the program to be assisted;
- (3) provide assurances that the organization will coordinate its activities with the State agency on aging and with the activities carried out under title III in the same geographical area;
- (4) provide that the organization will make such reports in such form and containing such information as the Assistant Secretary may reasonably require, and comply with such requirements as the Assistant

Secretary may impose to ensure the correctness of such reports;

(5) provide for periodic evaluation of activities and projects carried out under the application;

(6) establish objectives, consistent with the purpose of this title, toward which activities described in the application will be directed, identify obstacles to the attainment of such objectives, and indicate the manner in which the organization proposes to overcome such obstacles;

(7) provide for establishing and maintaining information and assistance services to assure that older Native Hawaiians to be served by the assistance made available under this part will have reasonably convenient access to such services;

(8) provide a preference for Native Hawaiians 60 years of age and older for full or part-time staff positions wherever feasible;

(9) provide that any legal or ombudsman services made available to older Native Hawaiians represented by the nonprofit private organization will be substantially in compliance with the provisions of title III relating to the furnishing and similar services; and

(10) provide satisfactory assurance that the fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the nonprofit private organization, including any funds paid by the organization to a recipient of a grant or contract.

(b) The Assistant Secretary shall approve any application which complies with the provisions of subsection (a).

(c) Whenever the Assistant Secretary determines not to approve an application submitted under subsection (a) the Assistant Secretary shall—

(1) state objections in writing to the nonprofit private organization within 60 days after such decision;

(2) provide to the extent practicable technical assistance to the nonprofit private organization to overcome such stated objections; and

(3) provide the organization with a hearing under such rules and

regulations as the Assistant Secretary may prescribe.

(d) Whenever the Assistant Secretary approves an application of a nonprofit private or public organization under this part funds shall be awarded for not less than 12 months.

(42 U.S.C. 3057j)

#### **DISTRIBUTION OF FUNDS AMONG ORGANIZATIONS.**

SEC. 624A. Subject to the availability of appropriations to carry out this part, the amount of the grant (if any) made under this part to an organization for fiscal year 1992 and for each subsequent fiscal year shall be not less than the amount of the grant made under this part to the organization for fiscal year 1991.

(42 U.S.C. 3057j-1)

#### **DEFINITION**

SEC. 625. For the purpose of this part, the term “Native Hawaiian” means any individual any of whose ancestors were natives of the area which consists of the Hawaiian Islands prior to 1778.

(42 U.S.C. 3057k)

### **PART C—NATIVE AMERICAN CAREGIVER SUPPORT PROGRAM**

#### **PROGRAM.**

SEC. 631. (a) **IN GENERAL.**—The Assistant Secretary shall carry out a program for making grants to tribal organizations with applications approved under parts A and B, to pay for the Federal share of carrying out tribal programs, to enable the tribal organizations to provide multifaceted systems of the support services described in section 373 for caregivers described in section 373.

(b) **REQUIREMENTS.**—In providing services under subsection (a), a tribal organization shall meet the requirements specified for an area agency on aging

and for a State in the provisions of subsections (c), (d), and (e) of section 373 and of section 374. For purposes of this subsection, references in such provisions to a State program shall be considered to be references to a tribal program under this part.

(42 U.S.C. 3057k-11)

## **PART D—GENERAL PROVISIONS**

### **ADMINISTRATION**

SEC. 641. In establishing regulations for the purpose of part A the Assistant Secretary shall consult with the Secretary of the Interior.

(42 U.S.C. 3057l)

### **PAYMENTS**

SEC. 642. Payments may be made under this title (after necessary adjustments, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement in such installments and on such conditions as the Assistant Secretary may determine.

(42 U.S.C. 3057m)

### **AUTHORIZATION OF APPROPRIATIONS.**

SEC. 643. There are authorized to be appropriated to carry out this title—

(1) for parts A and B, such sums as may be necessary for fiscal year 2007, and such sums as may be necessary for subsequent fiscal years; and

(2) for part C, *\$6,500,000 for fiscal year 2007, \$6,800,000 for fiscal year 2008, \$7,200,000 for fiscal year 2009, \$7,500,000 for fiscal year 2010, and \$7,900,000 for fiscal year 2011.*

(42 U.S.C. 3057n)