

118TH CONGRESS
2D SESSION

S. 4273

To amend the Older Americans Act of 1965 to enhance the longevity, dignity, empowerment, and respect of older individuals who are Native Americans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 7, 2024

Ms. MURKOWSKI (for herself and Ms. SMITH) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Older Americans Act of 1965 to enhance the longevity, dignity, empowerment, and respect of older individuals who are Native Americans, 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 “Enhancing Native El-
5 ders’ Longevity, Dignity, Empowerment, and Respect
6 Act” or the “Native ELDER Act”.

1 **SEC. 2. OLDER AMERICANS TRIBAL ADVISORY COMMITTEE.**

2 Section 201(c) of the Older Americans Act of 1965
3 (42 U.S.C. 3011(c)) is amended by adding at the end the
4 following:

5 “(4)(A) In this paragraph:

6 “(i) The term ‘Native Hawaiian’ has the mean-
7 ing given such term in section 625.

8 “(ii) The term ‘relevant committees of Con-
9 gress’ means—

10 “(I) the Committee on Health, Education,
11 Labor, and Pensions of the Senate;

12 “(II) the Committee on Education and the
13 Workforce of the House of Representatives;

14 “(III) the Committee on Indian Affairs of
15 the Senate; and

16 “(IV) the Subcommittee on Indian and In-
17 sular Affairs of the Committee on Natural Re-
18 sources of the House of Representatives.

19 “(B)(i) From amounts appropriated pursuant to sec-
20 tion 216(a), the Assistant Secretary shall establish, within
21 the Office for American Indian, Alaskan Native, and Na-
22 tive Hawaiian Programs, an advisory committee, to be
23 known as the ‘Older Americans Tribal Advisory Com-
24 mittee’ (referred to in this paragraph as the ‘Committee’)
25 to provide advice and guidance to the Assistant Secretary
26 on matters relating to Native Americans under this Act.

1 “(ii) The Committee shall facilitate, but not supplant,
2 government-to-government consultation between the Ad-
3 ministration and Indian tribes and confer with organiza-
4 tions representing Native Hawaiians.

5 “(C)(i) The Committee shall be composed of 11 mem-
6 bers, of whom—

7 “(I) 3 shall be appointed by the Assistant Sec-
8 retary;

9 “(II) 1 shall be appointed by the chairperson of
10 the Committee on Indian Affairs of the Senate;

11 “(III) 1 shall be appointed by the ranking
12 member of the Committee on Indian Affairs of the
13 Senate;

14 “(IV) 1 shall be appointed by the chairperson
15 of the Committee on Health, Education, Labor, and
16 Pensions of the Senate;

17 “(V) 1 shall be appointed by the ranking mem-
18 ber of the Committee on Health, Education, Labor,
19 and Pensions of the Senate;

20 “(VI) 1 shall be appointed by the chairperson
21 of the Committee on Education and the Workforce
22 of the House of Representatives;

23 “(VII) 1 shall be appointed by the ranking
24 member of the Committee on Education and the
25 Workforce of the House of Representatives;

1 “(VIII) 1 shall be appointed by the chairperson
2 of the Subcommittee on Indian and Insular Affairs
3 of the Committee on Natural Resources of the
4 House of Representatives; and

5 “(IX) 1 shall be appointed by the ranking mem-
6 ber of the Subcommittee on Indian and Insular Af-
7 fairs of the Committee on Natural Resources of the
8 House of Representatives.

9 “(ii) Nominations for members of the Committee
10 shall be from any of the following:

11 “(I) Indian tribes.

12 “(II) Tribal organizations.

13 “(III) Organizations representing Native Ha-
14 waiians.

15 “(iii) To the maximum extent feasible, the Assistant
16 Secretary shall work with the individuals making appoint-
17 ments under clause (i) to ensure—

18 “(I) that the members of the Committee rep-
19 resent a diverse set of expertise on issues relating to
20 geographic regions, Indian tribes, organizations rep-
21 resenting Native Hawaiians, and the health and
22 well-being of Native Americans;

23 “(II) that not less than one member is an Alas-
24 kan Native; and

1 “(III) that not less than one member is a Na-
2 tive Hawaiian.

3 “(iv) No member of the Committee shall be an officer
4 or employee of the Federal Government.

5 “(v)(I) Each member of the Committee—

6 “(aa) subject to subclause (II), shall be ap-
7 pointed to a 3-year term; and

8 “(bb) may be reappointed to not more than 3
9 consecutive terms.

10 “(II) The first 3 appointments by the Assistant Sec-
11 retary under clause (i)(I) shall be for a 2-year term.

12 “(III) Any vacancy in the Committee shall be filled
13 in the same manner as the original appointment not more
14 than 90 days after the date on which the position becomes
15 vacant.

16 “(D)(i) The Committee shall meet in person not less
17 than twice each year.

18 “(ii) Not fewer than 1 representative from the Office
19 for American Indian, Alaskan Native, and Native Hawai-
20 ian Programs shall be present at each meeting of the Com-
21 mittee.

22 “(iii) Any representatives from the Office for Amer-
23 ican Indian, Alaskan Native, and Native Hawaiian Pro-
24 grams shall be nonvoting representatives at meetings of
25 the Committee.

1 “(E) The Committee shall—

2 “(i) identify evolving issues of relevance to Na-
3 tive Americans relating to programs of the Adminis-
4 tration under this Act;

5 “(ii) communicate to the Assistant Secretary
6 the issues identified under clause (i);

7 “(iii) submit to the Assistant Secretary rec-
8 ommendations for, and solutions to—

9 “(I) the issues identified under clause (i);

10 “(II) issues relating to this Act involving
11 Native Americans raised at the Tribal, regional,
12 or national level; and

13 “(III) issues relating to any Tribal con-
14 sultation carried out by the Administration
15 under this Act;

16 “(iv) discuss issues and proposals for changes
17 to the regulations, policies, and procedures of the
18 Administration under this Act that impact Native
19 Americans;

20 “(v) identify priorities and provide advice on
21 appropriate strategies for Tribal consultation on
22 issues under this Act at the Tribal, regional, or na-
23 tional level regarding the Administration;

24 “(vi) ensure that pertinent issues of the Admin-
25 istration under this Act are brought to the attention

1 of an Indian tribe and organization representing Na-
2 tive Hawaiians in a timely manner so that timely
3 feedback from an Indian tribe and organization rep-
4 resenting Native Hawaiians can be obtained;

5 “(vii) identify and propose solutions to any
6 interdepartmental barrier between the Administra-
7 tion and other Federal agencies; and

8 “(viii) coordinate with the Secretary of Labor,
9 the Administrator of the Centers for Medicare &
10 Medicaid Services, and the Director of the Indian
11 Health Service on relevant issues.

12 “(F)(i) Not less frequently than once each year, the
13 Committee shall submit to the Assistant Secretary and the
14 relevant committees of Congress a report that describes—

15 “(I) the activities of the Committee during the
16 previous year; and

17 “(II) recommendations for legislative or admin-
18 istrative action for the following year.

19 “(ii) Not more than 45 days after the date on which
20 the Assistant Secretary receives a report under clause (i),
21 the Assistant Secretary shall submit a written response
22 to that report to—

23 “(I) the Committee; and

24 “(II) the relevant committees of Congress.

1 “(G) Members of the Committee shall be com-
2 pensated at a rate equal to the daily equivalent of the an-
3 nual rate of basic pay prescribed for level IV of the Execu-
4 tive Schedule under section 5315 of title 5, United States
5 Code, for each day (including travel time) during which
6 the member is engaged in the performance of the duties
7 of the Committee.

8 “(H) Chapter 10 of title 5, United States Code, shall
9 not apply to the Committee.”.

10 **SEC. 3. SUPPORTING SERVICES FOR HEALTHY AGING AND**
11 **INDEPENDENCE.**

12 Section 636(b)(2) of the Older Americans Act of
13 1965 (42 U.S.C. 3057k–21(b)(2)) is amended by striking
14 “in-home assistance” and inserting “in-home assistance
15 (including for the modification of homes that is necessary
16 to facilitate the ability of older individuals to remain at
17 home)”.

18 **SEC. 4. FUNDING SET ASIDE.**

19 Section 644 of the Older Americans Act of 1965 (42
20 U.S.C. 3057o) is amended—

21 (1) by striking “not more than”; and

22 (2) in paragraphs (1) and (2), by striking
23 “2019” and inserting “2024”.

1 **SEC. 5. TECHNICAL ASSISTANCE AND TRAINING PRO-**
2 **GRAMS.**

3 Section 201(c)(3)(H) of the Older Americans Act of
4 1965 (42 U.S.C. 3011(c)(3)(H)) is amended to read as
5 follows:

6 “(H) develop and provide technical assistance
7 and training programs to grantees under title VI,
8 which technical assistance and training programs—

9 “(i) shall ensure adequate organizational
10 capacity to deliver the services under such title;
11 and

12 “(ii) may include topics such as program
13 management, data development and use, basic
14 business skills, grant development, program and
15 service innovations, and staff training and cer-
16 tification;”.

17 **SEC. 6. REPORTS.**

18 (a) ASSISTANT SECRETARY FOR AGING.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date of enactment of this Act, the Assist-
21 ant Secretary for Aging shall submit to the commit-
22 tees described in paragraph (2), and make publicly
23 available, a report that—

24 (A) evaluates the feasibility of modeling
25 the Native American Caregiver Support Pro-
26 gram under part C of title VI of the Older

1 Americans Act of 1965 (42 U.S.C. 3057k–11 et
2 seq.) on the program of comprehensive assist-
3 ance for family caregivers of eligible veterans
4 under section 1720G(a) of title 38, United
5 States Code;

6 (B) evaluates the level of need for in-home
7 services that include accessible home modifica-
8 tions for older individuals who are Native
9 Americans, including the need for provisions
10 under the Older Americans Act of 1965 to
11 prioritize accessible home modifications as in-
12 home services for such older individuals; and

13 (C) evaluates and identifies barriers to In-
14 dian tribes accessing programs under title VI of
15 the Older Americans Act of 1965, and coordina-
16 tion between programs funded under title III of
17 such Act and programs funded under title VI of
18 such Act, including by—

19 (i) assessing the impacts of popu-
20 lation-based formulas and tribal service
21 population requirements on program par-
22 ticipation;

23 (ii) identifying the number of Indians
24 unserved by programs under such title VI;

1 (iii) identifying the States making
2 grants to Indian tribes under title III of
3 such Act; and

4 (iv) providing estimates of funding
5 necessary to support programs under title
6 VI of such Act for all tribal organizations
7 not eligible under such title as in effect on
8 the date of enactment of this Act.

9 (2) COMMITTEES OF CONGRESS.—The commit-
10 tees described in this paragraph are—

11 (A) the Committee on Health, Education,
12 Labor, and Pensions of the Senate;

13 (B) the Committee on Education and the
14 Workforce of the House of Representatives;

15 (C) the Committee on Indian Affairs of the
16 Senate; and

17 (D) the Subcommittee on Indian and Insu-
18 lar Affairs of the Committee on Natural Re-
19 sources of the House of Representatives.

20 (b) SECRETARY OF LABOR.—Not later than 180 days
21 after the date of enactment of this Act, the Secretary of
22 Labor shall submit a report to Congress on how recipients
23 of funding under title V of the Older Americans Act of

1 1965 (42 U.S.C. 3056 et seq.) are serving older individ-
2 uals who are Native Americans with such funding.

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