

Proposed Amendment to S.192 – “Older Americans Act Reauthorization Act of 2015”

Amend Section 4. State and Community Programs on Aging, page 14, line 6 in the following particulars:

(g) WAIVERS.—Section 316 of the Older Americans Act of 1965 (42 U.S.C. 3030c-3) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “and 307” and inserting the following: “307, 315, 321, 331, 336, 339, and 373”.

*Renumber as necessary

This proposed amendment would expand the number of provisions subject to potential waiver under the Older Americans Act. Currently, States can seek waivers only in regards to Sections 305, 306, and 307 of the Older Americans Act. In addition to these Sections, the proposed amendment would allow States to seek waivers in Sections 315, 321, 331, 336, 339, and 373.

The inability of States to seek waivers in Sections other than 305, 306, and 307 has led to a lack of flexibility and creativity in administering the Older Americans Act. Landmark provisions, such as the Nutrition Program and cost sharing sections, have become static with no mechanism to demonstrate potentially modernizing strategies.

This proposed amendment leaves in place the current requirements that any waiver under these Sections must be in relation to statewide uniformity of programs carried out under Title III of the Act, maintains that waivers can only be granted to the extent necessary to permit demonstrations, and is allowed only in limited areas for innovative approaches to assist older individuals.