

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. 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@tcsg.org.

OLDER AMERICANS ACT AMENDMENTS OF 2006

(PUBLIC LAW 109-365, ENACTED OCTOBER 17, 2006)

TITLE IX – CONFORMING AMENDMENTS

Explanatory Note from TCSG on Title IX of the OAA Amendments of 2006 and the White House Conference on Aging

The OAA Amendments of 2006 (P.L. 109-365) contain a Title IX that addresses two “Conforming Amendments to Other Acts.” One is Title II of the Older Americans Act Amendments of 1987 which deals with the White House Conference on Aging. The second is the Energy Conservation and Production Act. Title IX can be found at Sec. 901 of the OAA Amendments of 2006. It reads as follows:

SEC. 901. CONFORMING AMENDMENTS TO OTHER ACTS.

(a) OLDER AMERICANS ACT AMENDMENTS OF 1987. -- Section 205(1) of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended by striking “section 102(17) of the Older Americans Act of 1965 (42 U.S.C. 3002(17))” and inserting “section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)”.

(b) ENERGY CONSERVATION AND PRODUCTION ACT.—Section 412(6) of the Energy Conservation and Production Act (42 U.S.C. 6862(6)) is amended by striking “paragraphs (4), (5), and (6), respectively, of section 102” and

inserting “section 102”.

Explanatory Note from TCSG (Cont.)

Following TCSG’s *Unofficial* Compilation of the 2000 OAA Amendments, we received feedback on the difficulty of finding the language from the 1987 OAA Amendments dealing with the White House Conference on Aging. Thus we are including below, the White House Conference language from the 1987 OAA Amendments as amended in 1992, 1993, 2000 and 2006 (*the 2006 changes are shown in italics*). For a link to the White House Conference language current through the 2000 Amendments, go to:

<http://www.whcoa.gov/about/legislation.asp>.

WHITE HOUSE CONFERENCE ON AGING – (FROM THE 1987 AMENDMENTS TO THE OAA (P.L. 100-175) AS AMENDED)

Title II of P.L. 100-175 (as amended by P.L. 102-375, title VIII, Sec. 831-836, 839(a), Sept. 30, 1992, 106 Stat. 1300-1305; P.L. 103-171, Sec. 6, Dec. 2, 1993, 107 Stat. 1992; P.L. 106-501, Sec. 211, Nov. 13, 2000, 114 Stat. 2235; and P.L. 109-365, Sec. 901(a), Oct. 17, 2006), provides that:

SEC. 201 AUTHORIZATION OF THE CONFERENCE

(a) **AUTHORITY TO CALL CONFERENCE** — Not later than December 31, 2005, the President shall convene the White House Conference on Aging in order to fulfill the purpose set forth in subsection (c) and to make fundamental policy recommendations regarding programs that are important to older individuals and to the families and communities of such individuals.

(b) **PLANNING AND DIRECTION** — The Conference described in subsection (a) shall be planned and conducted under the direction of the Secretary, in cooperation with the Assistant Secretary for Aging, the Director of the National Institute on Aging, the Administrator of the Health Care Financing Administration¹, the Social Security Administrator, and the heads of such other Federal agencies serving older individuals as are appropriate. Planning and conducting the Conference includes the assignment of personnel.

(c) **PURPOSE** — The purpose of the Conference described in subsection (a) shall be to gather individuals representing the spectrum of thought and experience in the field of aging to —

- (1) evaluate the manner in which the objectives of this Act can be met by using the resources and talents of older individuals, of families and communities of such individuals, and of individuals from the public and private sectors;
- (2) evaluate the manner in which national policies that are related to economic security and health care are prepared so that such policies serve individuals born

¹ TCSG believes a technical amendment is needed to change “Health Care Financing Administration” to “Centers for Medicare and Medicaid Services,” renamed June 14, 2001.

from 1946 to 1964 and later, as the individuals become older individuals, including an examination of the Social Security, Medicare, and Medicaid programs carried out under titles II, XVIII, and XIX of the Social Security Act (42 U.S.C. 401 et seq., 1395 et seq., and 1396 et seq.) in relation to providing services under this Act, and determine how well such policies respond to the needs of older individuals; and
(3) develop not more than 50 recommendations to guide the President, Congress and Federal agencies in serving older individuals.

(d) CONFERENCE PARTICIPANTS AND DELEGATES

(1) **PARTICIPANTS** — In order to carry out the purposes of this section, the Conference shall bring together —

- (A) representatives of Federal, State, and local governments,
- (B) professional and lay people who are working in the field of aging, and
- (C) representatives of the general public, particularly older individuals.

(2) **SELECTION OF DELEGATES** — The delegates shall be selected without regard to political affiliation or past partisan activity and shall, to the best of the appointing authority's ability, be representative of the spectrum of thought in the field of aging. Delegates shall include individuals who are professionals, individuals who are nonprofessionals, minority individuals, individuals from low-income families, representatives of Federal, State and local governments, and individuals from rural areas. A majority of such delegates shall be age 55 or older.

SEC. 202. CONFERENCE ADMINISTRATION

(a) **ADMINISTRATION** — In administering this section, the Secretary shall —

- (1) provide written notice to all members of the Policy Committee of each meeting, hearing, or working session of the Policy Committee not later than 48 hours before the occurrence of such meeting, hearing, or working session,
- (2) request the cooperation and assistance of the heads of such other Federal departments and agencies as may be appropriate in carrying out this section,
- (3) make available for public comment a proposed agenda, prepared by the Policy Committee for the Conference, which will reflect to the greatest extent possible the major issues facing older individuals consistent with the provisions of subsection (a),
- (4) prepare and make available background materials for the use of delegates to the Conference which the Secretary deems necessary, and
- (5) engage such additional personnel as may be necessary to carry out the provisions of this section without regard to provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) **DUTIES** — The Secretary shall, in carrying out the Secretary's responsibilities and functions under this section, and as part of the White House Conference on Aging, ensure that —

- (1) the agenda prepared under subsection (a)(3) for the Conference is published in the Federal Register not later than 30 days after such agenda is approved by the Policy Committee, and the Secretary may republish such agenda together with the recommendations of the Secretary regarding such agenda, and
 - (2) the personnel engaged under subsection (a)(5) shall be fairly balanced in terms of points of views represented and shall be appointed without regard to political affiliation or previous partisan activities,
 - (3) the recommendations of the Conference are not inappropriately influenced by any appointing authority or by any special interest, but will instead be the result of the independent judgment of the Conference, and
 - (4) current and adequate statistical data, including decennial census data, and other information on the well-being of older individuals in the United States are readily available, in advance of the Conference, to the delegates of the Conference, together with such information as may be necessary to evaluate Federal programs and policies relating to aging. In carrying out this subparagraph, the Secretary is authorized to make grants to, and enter into cooperative agreements with, public agencies and nonprofit private organizations.
- (c) GIFTS — The Secretary may accept, on behalf of the United States, gifts (in cash or in kind, including voluntary and uncompensated services), which shall be available to carry out this title. Gifts of cash shall be available in addition to amounts appropriated to carry out this title. Gifts may be earmarked by the donor or the executive committee for a specific purpose.
- (d) RECORDS — The Secretary shall maintain records regarding —
- (1) the sources, amounts and uses of gifts accepted under subsection (c); and
 - (2) the identity of each person receiving assistance to carry out this title, and the amount of such assistance received by each such person.

SEC. 203. POLICY COMMITTEE; RELATED COMMITTEES

(a) POLICY COMMITTEE

(1) ESTABLISHMENT — There is established a Policy Committee comprised of 17 members to be selected not later than 2 years prior to the date on which the Conference convenes, as follows:

(A) PRESIDENTIAL APPOINTEES — Nine members shall be selected by the President and shall include —

- i. three members who are officers or employees of the United States; and
- ii. six members with experience in the field of aging, including providers and consumers of aging services.

(B) HOUSE APPOINTEES — Two members shall be selected by the Speaker of the House of Representatives after consultation with the Committee on Education and the Workforce and the Committee on Ways and Means of the House of Representatives, and two members shall be selected by the Minority Leader of the

House of Representatives after consultation with such committees.

(C) SENATE APPOINTEES — Two members shall be selected by the Majority Leader of the Senate after consultation with members of the Committee on Health, Education, Labor and Pensions and the Special Committee on Aging of the Senate, and two members shall be selected by the Minority Leader of the Senate after consultation with members of such committees.

(2) DUTIES OF THE POLICY COMMITTEE — The Policy Committee shall initially meet at the call of the Secretary, but not later than 30 days after the last member is selected under subsection (a). Subsequent meetings of the Policy Committee shall be held at the call of the chairperson of the Policy Committee. Through meetings, hearings and working sessions, the Policy Committee shall —

(A) make recommendations to the Secretary to facilitate the timely convening of the Conference;

(B) formulate and approve a proposed agenda for the Conference not later than 90 days after the first meeting of the Policy Committee for the Secretary;

(C) make recommendations for participants and delegates to the Conference;

(D) establish the number of delegates to be selected under section 201(d)(2);

(E) establish an executive committee consisting of three to five members, with a majority of such members being age 55 or older, to work with Conference staff; and

(F) establish other committees as needed that have a majority of members who are age 55 or older.

(3) VOTING; CHAIRPERSON —

(A) VOTING — The Policy Committee shall act by the vote of a majority of the members present. A quorum of Committee members shall not be required to conduct Committee business.

(B) CHAIRPERSON — The President shall select the chairperson from among the members of the Policy Committee. The chairperson may vote only to break a tie vote of the other members of the Policy Committee.

(b) ADVISORY AND OTHER COMMITTEES —

(1) IN GENERAL — The President shall establish an advisory committee to the Conference, which shall include representation from the Federal Council on Aging and other public agencies and private nonprofit organizations, as appropriate. The President shall consider for appointment to the advisory committee individuals recommended by the Policy Committee.

(2) OTHER COMMITTEES — The Secretary may establish such other committees, including technical committees, as may be necessary to assist in the planning, conducting, and reviewing of the Conference.

(c) COMPOSITION OF THE COMMITTEES — Each committee established under subsection (b) shall be composed of professionals and public members, and shall include individuals from low-income families and from minority groups. A majority of the public members of each such committee shall be 55 years of age or older and individuals who

are Native Americans.

(d) **COMPENSATION** — Appointed members of any such committee (other than any officers or employees of the Federal Government), while attending conferences or meetings of the committee or otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not to exceed the daily equivalent of the maximum rate of pay payable under section 5376 of title 5, United States Code (including travel time). While away from their homes or regular places of business, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of such title for persons employed intermittently in Federal Government service.

SEC. 204 REPORT OF THE CONFERENCE

(a) **PRELIMINARY REPORT** — Not later than 100 days after the date on which the Conference adjourns, the Policy Committee shall publish and deliver to the chief executive officers of the States a preliminary report on the Conference. Comments on the preliminary report of the Conference shall be accepted by the Policy Committee.

(b) **FINAL REPORT** — Not later than 6 months after the date on which the Conference adjourns, the Policy Committee shall publish and transmit to the President and to Congress recommendations resulting from the Conference and suggestions for any administrative action and legislation necessary to implement the recommendations contained within the report.

SEC. 205 DEFINITIONS For the purposes of this title —

(1) the term “area agency on aging” has the meaning given the term in *section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)*,

(2) the term “State agency on aging” means the State agency designated under section 305(a)(1) of the Act,

(3) the term “Secretary” means the Secretary of Health and Human Services,

(4) the term “Conference” means the White House Conference on Aging, and

(5) the term “State” means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, the Trust Territory of the Pacific Islands, or the Commonwealth of the Northern Mariana Islands.

SEC. 206 AUTHORIZATION OF APPROPRIATIONS

(a) AUTHORIZATION

(1) **IN GENERAL** — There are authorized to be appropriated to carry out this section —

(A) such sums as may be necessary for the first fiscal year in which the Policy Committee plans the Conference and for the following fiscal year; and

(B) such sums as may be necessary for the fiscal year in which the Conference is held.

(2) CONTRACTS — Authority to enter into contracts under this title shall be effective only to the extent, or in such amounts, as are provided in advance in appropriations acts.

(b) AVAILABILITY OF FUNDS

(1) IN GENERAL — Except as provided in paragraph (3), funds appropriated to carry out this title and funds received as gifts under section 202 (c) shall remain available for obligation or expenditure until the expiration of the one-year period beginning on the date the Conference adjourns.

(2) UNOBLIGATED FUNDS — Except as provided in paragraph (3), any such funds neither expended nor obligated before the expiration of the one-year period beginning on the date the Conference adjourns shall be available to carry out the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

(3) CONFERENCE NOT CONVENED — If the Conference is not convened before December 31, 2005, such funds neither expended nor obligated before such date shall be available to carry out the Older Americans Act of 1965.