



SENATE JOINT MEMORIAL 16-004

BY SENATOR(S) Martinez Humenik, Todd, Tate, Newell, Aguilar, Baumgardner, Carroll, Cooke, Crowder, Garcia, Grantham, Hodge, Holbert, Jahn, Jones, Kefalas, Kerr, Merrifield, Roberts, Scheffel, Steadman, Woods, Cadman;

also REPRESENTATIVE(S) Primavera, Lebsock, Arndt, Becker J., Becker K., Brown, Buck, Buckner, Conti, Coram, Court, Danielson, DelGrosso, Duran, Esgar, Fields, Foote, Garnett, Ginal, Hamner, Joshi, Kagan, Klingenschmitt, Kraft-Tharp, Landgraf, Lawrence, Lee, Leonard, Lontine, Lundeen, McCann, Melton, Mitsch Bush, Moreno, Navarro, Nordberg, Pabon, Pettersen, Priola, Rankin, Rosenthal, Roupe, Ryden, Salazar, Sias, Singer, Thurlow, Tyler, Vigil, Willett, Williams, Wilson, Windholz, Winter, Wist, Young, Hullinghorst.

CONCERNING THE REAUTHORIZATION OF THE FEDERAL  
"OLDER AMERICANS ACT OF 1965".

WHEREAS, The federal "Older Americans Act of 1965" (OAA) was signed into law on July 14, 1965, to meet the diverse needs of the growing numbers of older adults in the United States; and

WHEREAS, In the subsequent 50 years, the OAA has become the primary vehicle for organizing, coordinating, and providing community-based services and opportunities for older adults and their families, especially in maintaining their dignity and welfare; and

WHEREAS, Although older adults may receive services under many other federal programs, today the OAA is considered to be the major vehicle for the organization and delivery of services that help older adults live and thrive in communities of their choice for as long as possible, including home-delivered and congregate meals, caregiver support, preventive health services, transportation, job training, and elder abuse prevention; and

WHEREAS, The OAA facilitates these services through a national network of 56 state agencies on aging, 629 area agencies on aging, nearly 20,000 service providers, 244 Tribal organizations, and 2 Native Hawaiian organizations representing 400 Tribes; and

WHEREAS, When the OAA was last reauthorized in 2006, the funding formula was adjusted to include a provision, known as the "hold harmless" provision, that assures each state will receive funding in an amount at least equal to its funding in 2006; and

WHEREAS, This issue is particularly important to Colorado as between 2000 and 2010, Colorado experienced the fourth fastest growing older adult population in the United States and the third fastest growth in this population between 2010 and 2014; and

WHEREAS, The "hold harmless" provision artificially froze funding at 2006 levels and required the use of these levels going forward, meaning funding levels have remained stagnant even as older adult populations grew more rapidly in some states than others; and

WHEREAS, The Congressional Research Service (CRS) has studied the effect of this provision and found that 25 states that had quickly growing older adult populations, including Colorado, did not receive the funding for programs they would have received had adjustments been made for these growing populations; and

WHEREAS, According to the CRS report, Colorado would have more than \$1.2 million in additional funding in fiscal year 2016 had there not been a "hold harmless" provision; and

WHEREAS, Overall, 40 states and territories would gain funding or not have their funding levels changed if the "hold harmless" provision was removed; and

WHEREAS, The "hold harmless" provision also directed unequitable sequester cuts, when in effect; and

WHEREAS, Colorado's aging population is projected to continue growing for at least the next 15 years, meaning the problems related to the

"hold harmless" provision will continue to be a major factor in the funding to Colorado even as demand for OAA services within the state continues to increase dramatically; and

WHEREAS, The OAA is due to be reauthorized, and, in response, the U.S. Senate passed S. 192 in 2015, which slightly modified the "hold harmless" provision in the direction of funding equity; and

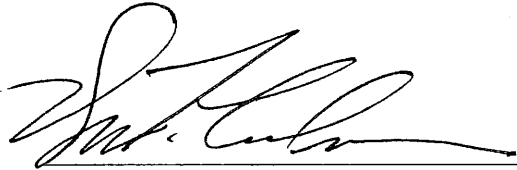
WHEREAS, All seven members of the Colorado House Delegation have signed a letter to the Chairman and Ranking Member of the House Committee on Education and the Workforce requesting elimination of the "hold harmless" provision; now, therefore,

*Be It Resolved by the Senate of the Seventieth General Assembly of the State of Colorado, the House of Representatives concurring herein:*

That, in order to allow older adults in all states equal access to critical programs regardless of where they live, we, the members of the Colorado General Assembly, hereby urge Congress to reauthorize the federal "Older Americans Act of 1965" and ensure that the reauthorization of the OAA treats all older adults fairly by eliminating the "hold harmless" provision.

*Be It Further Resolved,* That copies of this Joint Memorial be sent to: Representative Paul D. Ryan, Speaker of the House; Representative Kevin McCarthy, Majority Leader; Representative Nancy Pelosi, Minority Leader; Representative John Kline, Chairman of the House Committee on Education and the Workforce; Representative Robert C. "Bobby" Scott, Ranking Member of the House Committee on Education and the Workforce; each member of Colorado's Congressional delegation; the Honorable Sylvia Mathews Burwell, Secretary of the United States

Department of Health and Human Services; and Kathy Greenlee  
Administrator, Administration for Community Living, United States  
Department of Health and Human Services.



Bill L. Cadman  
PRESIDENT OF  
THE SENATE



Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Effie Ameen  
SECRETARY OF  
THE SENATE



Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES