RECOMMENDATION

BE IT RESOLVED, That the American Bar Association supports the retention of and/or establishment of the U.S. Senate and House of Representatives special or select committees on aging as permanent committees.
The U.S. Senate and House of Representative Special and Select Committees serve as advocates for the nation’s vulnerable populations through in-depth investigations and hearings on subjects that cross jurisdictional lines within the House and Senate. But during the first part of the 103rd Congress, the House of Representatives allowed four of its Select Committees, including the House Select Committee on Aging, to be abolished. As the House discussed the fate of the Select Committees, Senator Harry M. Reid (D NV) proposed that the Senate Aging Committee be abolished when the Senate debated funding of its committees on February 24, 1993. A Joint Committee on the Organization of Congress, chaired by Senator David L. Boren (D OK), is scheduled to make its recommendations known before the first session of Congress adjourns. The purpose of the Joint Committee is to attempt to streamline operations and reduce Congressional expenses. In order to facilitate these reductions the Joint Committee may recommend abolition of all special committees as well as reducing the size of committees and their staffs.

The House and Senate Aging Committees have long and proud histories of service to the elderly. The House of Representatives established the Select Committee on Aging in 1974 at the urging of then Representative David Pryor. During its existence it held more than 1,000 hearings and issued special reports that have often led to greater public understanding of and legislative achievements in matters of vital importance to older Americans, such as mandatory retirement requirements, age discrimination in employment and credit, housing, the Older Americans Act, fraud, crime and elder abuse, Medicare, Medicaid, Social Security, pensions, nursing home standards and many more areas central to maintaining a decent quality of life for all older Americans.

The U.S. Senate established the Special Committee on Aging by S.Res. 33, Eighty-seventh Congress, on February 13, 1961. The purpose of the Senate Aging Committee is to conduct a “continuing study of any and all matters pertaining to problems and opportunities of older people, including, but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing and, when necessary of obtaining care and assistance.” Like its House counterpart, it has explored many issues which are critical to the elderly.
Attempts have been made over the years to abolish the Aging Committees. Until this year, those efforts have not succeeded. The Temporary Committee to Study the Senate Committee System recommended to the first session of the 95th Congress that the Senate Special Committee be abolished because of the establishment of a new sub-committee of the Committee on Human Resources. The Senate voted on February 1, 1977, 90-4, to keep the Committee and gave it permanent status similar to that of the Small Business and Veterans Committees. The vote also reduced the number of members from 16 to 9 and abolished the sub-committees. Senator Harrison Williams, the previous chair of the Special Committee and, in 1977, chair of the Committee on Human Resources argued against assigning the functions of the Committee on Aging to the Human Resources Committee because the issues related to aging cut across so many Senate jurisdictions that only a special, factfinding committee could deal with them adequately.

The accomplishments of both the House and the Senate Aging Committees are quite extensive. Hearings and investigations have resulted in identifying serious problems. The nursing home and board and care investigations in the late seventies and again in the eighties led to the Nursing Home Reform Act of 1987 (with amendments in 1990). The recent pharmaceutical overcharging investigation and hearings held over the last two years by the Senate Aging Committee have led to great efforts by the Pharmaceutical Manufacturers Association to justify their members' pricing strategies in order to avoid federal legislation. The House Committee led efforts to abolish mandatory retirement in the 1980's. The two aging committees have spearheaded major efforts to identify problems of the elderly and then to suggest strategies to solve those problems through legislation, regulation, enforcement and public education. Due to jurisdictional limits, other Congressional committees cannot pursue in-depth investigations of broad issues affecting the elderly.

As our society continues to age rapidly, it is increasingly important that there be a central point for considering elder issues. These issues need to be considered comprehensively, rather than piecemeal depending upon which committee has jurisdiction of what piece. Accordingly, the ABA should support retention and/or establishment of permanent aging committees in both the House and Senate.
The House of Representatives, through a reorganization to streamline and reduce expenditures, recommended that the Select Committees be abolished and that their work be picked up by the authorizing committees. The four committees included the Select Committee on Aging, the Select Committee on Children, Youth and Families, the Select Committee on Hunger, and the Select Committee on Narcotics Abuse and Control. Although Congressman William J. Hughes (D NJ), acting chair of the Select Aging Committee, attempted to have the whole House take a vote on the Aging Committee to extend it for a year, the leadership declined to have such a vote.

1 Developments in Aging: 1978. Senate Special Committee on Aging p. III.


At the beginning of the twentieth century, fewer than 1 in 10 Americans was age 55+, and only 1 in 25 was age 65+. By 1989, 1 in 5 Americans was at least 55 years old, and 1 in 8 was at least 65. Between 1989 and 2030, the 65+ population is expected to more than double. By the year 2030, there will be proportionately more elderly than young people in the population: 22 percent of the population will be 65+, and 21 percent will be under age 18. The population age 85+ is expected to more than triple in size between 1980 and 2030, and to be nearly seven times larger in 2050 than in 1980. Aging America: Trends and Projections, U.S. Senate Special Committee on Aging, 1991, p. XIX.
GENERAL INFORMATION FORM
To Be Appended to Reports with Recommendations
(Please refer to instructions for completing this form.)

Submitting Entity: Commission on Legal Problems of the Elderly
Submitted By: John H. Pickering

1. Summary of Recommendation(s).
   The Commission on Legal Problems of the Elderly is asking the ABA House of
   Delegates to support the retention or establishment of permanent Congressional
   committees on aging. Although there are jurisdictional subcommittees that cover distinct
   areas, the Special/Select Committees are needed to focus on in-depth issues that
   comprehensively cut across jurisdictional lines.

2. Approval by Submitting Entity.
   May 14, 1993 Commission on Legal Problems of the Elderly
   June 19, 1993 Consortium on Legal Services and the Public

3. Has this or a similar recommendation been submitted to the House or Board
   previously?
   No.

4. What existing Association policies are relevant to this recommendation and how
   would they be affected by its adoption?
   The ABA House of Delegates, August 1982 supported the establishment of the
   House Select Committee on Children, Youth & Families.

5. What urgency exists which requires action at this meeting of the House?
   The House Select Committee on Aging was abolished with three other Select
   Committees on March 30, 1993. A proposal to abolish the Senate Aging Committee was
   made during the 1994 Senate Staffing/Committee Budget. As the Joint Task Force of
   Congress looks at staffing and committee structure, it is likely that the Special and Select
   Committees may be limited in scope and staffing.

6. Status of Legislation. (If applicable.)
   None at this time.

7. Cost to the Association. (Both direct and indirect costs.)
   None.
8. Disclosure of Interest. (If applicable.)
   None.

9. Referrals.
   Senior Lawyers Division, Section on Individual Rights & Responsibilities, Section
   on Real Property, Probate and Trust, Section on Urban, State and Local Government
   Law, Government and Public Sector Lawyers Division, Young Lawyers Division,
   Judicial Administration Division

10. Contact Person. (Prior to the meeting.)
    John H. Pickering

11. Contact Person. (Who will present the report to the House.)
    John H. Pickering

12. Contact Person Regarding Amendments to This Recommendation. (Are there any
    known proposed amendments at this time? If so, please provide the name, address,
    telephone, fax and ABA/net number of the person to contact below.)
    No known proposed amendments.