

Date of Hearing: February 18, 2014

ASSEMBLY COMMITTEE ON AGING AND LONG-TERM CARE

Mariko Yamada, Chair

AJR 29 (Brown) – As Introduced: August 5, 2013

SUBJECT: Senior Nutritional Services and Programs: funding.

SUMMARY: Urges the Congress of the United States (Congress) to restore federal funding cuts, due to sequestration, to senior nutrition programs, and to declare senior nutrition services and programs exempt from further budget cuts. Specifically, this resolution makes the following legislative findings and declarations:

- 1) In 2011, the one-hundred and twelfth Congress adopted and the President signed, the Budget Control Act of 2011 (P.L. 112-25; the Act), as both a compromise and an incentive to address federal budgetary principles.
- 2) The Act included provisions to either adopt a 10-year deficit reduction plan, or face automatic, across-the-board reductions in mandatory and discretionary funding in the amount of \$1.2 trillion during the period between 2013 and 2021, inclusive.
- 3) The automated sequester cuts were then delayed two months by the American Taxpayer Relief Act of 2012, which had the effect of amplifying initial cuts during the first fiscal year of the reduction, by delaying the implementation by two months, from January 1, 2013, to March 1, 2013.
- 4) That every federal program is cut equally under sequester, including programs authorized by the Older Americans act of 1965 (OAA) and administered by the Administration for Community Living which also oversees elder abuse prevention, caregiver support, and other supports for low-income seniors struggling with isolation due to poverty and/or disability.
- 5) That congregate nutrition programs provide important links to other in-home and community-based services including transportation, health and wellness, education, counseling, and assessments.
- 6) That home-delivered meals provide nutrition for home-bound individuals, as well as volunteers to check-up on homebound elders and other, younger, functionally challenged adults in order to decrease feelings of isolation.
- 7) That nutrition programs enhances the ability for eligible individuals to remain independent and in their own homes longer, thus preventing or delaying costly institutionalization.
- 8) That older adults are far less likely to obtain employment to compensate for lost nutrition benefits, which forces families to back-fill with resources intended to support children, thus jeopardizing entire families' well-being.
- 9) That funding reduction threatens loss of necessary equipment, as well as fragile networks created through local innovations developed by local governments, community-based organizations, and faith-based entities.

- 10) That California will suffer a \$6.6 million loss to nutrition programs during federal fiscal year 2013-14, and a loss of approximately \$5.1 million during each federal fiscal year thereafter until the end of federal fiscal year 2021-22.
- 11) That the Legislature memorializes the President and Congress to restore nutrition program funding, similar to the way funding was restored for small airport air-traffic controller services.
- 12) That nutrition program funding be exempt from any further cuts due to the disproportionate growth of the aging population and the corresponding disproportionate impact upon the senior population.

FISCAL EFFECT: Unknown

COMMENTS:

BACKGROUND: Title III of the Older Americans Act (OAA) of 1965 provides for the Nutrition Program to reduce hunger and food insecurity, promote socialization of older individuals, to promote the health and well-being of older individuals and to delay adverse health conditions through access to nutrition and other disease prevention and health promotion services. The OAA authorizes and provides appropriations to the Administration on Aging (AoA) for three different nutrition programs under Title III of the act: Congregate Nutrition Services (Title III C1), Home-Delivered Nutrition Services (Title III C2), Nutrition Services Incentive Program (NSIP).

Congregate Nutrition Services, established in 1972 and Home-Delivered Nutrition Services, established in 1978; provide meals and related nutrition services to older individuals in a variety of settings including congregate facilities where meals are provided in group settings such as senior centers; or by home-delivery to older individuals who are homebound due to illness, disability, or geographic isolation. Services are targeted to those in greatest social and economic need with particular attention to those at risk of isolation, such as low income individuals, those in rural communities, those with limited English proficiency, and those at risk of institutional care. Nutrition Services Programs help older individuals to remain independent and in their communities.

Grants for Congregate Nutrition Services and Home-Delivered Nutrition Services are allocated to states and territories by a formula based on their share of the total U.S. population aged 60 and over. Nutrition Services Incentive Program grants are allocated to states, territories, and eligible Indian Tribal Organizations. These grants are in addition to congregate and home-delivered meals and may only be used for food.

According to the California Department of Aging (CDA), the state agency overseeing nutrition program services, nutrition programs improve participants' dietary intakes and to offer opportunities to form new friendships and create informal support networks. Since adequate nutrition is critical to health, functioning, and the quality of life, the program is an important component of home and community-based services for older people. Meals incorporate dietary guidelines which focus on food and beverages that help achieve and maintain healthy weight, promote health, and prevent disease. Meals are provided through networks developed locally by the state's 33 Area Agencies on Aging (AAA) with community-based organizations.

In the 2011-12 fiscal year, the CDA and its 33 partner AAAs served or delivered 7,538,224 congregate meals, and 10,437,410 home delivered meals. Average home delivered meals run approximately \$3.24, while congregate meals run approximately \$4.86 per meal.

According to a report prepared by the National Foundation to End Senior Hunger called "*The State of Senior Hunger in America 2011*," on average, 15.2% of seniors in the U.S. are at risk of hunger, or "food insecure." This equates to about 8.8 million individuals. The report reveals that in California, 17.2% of elders face hunger. African American and Hispanic elders experience hunger at about twice the rate of whites (31.2% & 32% v. 13.3 %). Having a grandchild present in the home more than doubles the risk of food insecurity (34.91%).

**SEQUESTER:** "Sequestration" is a process of automatic, largely across-the-board federal spending reductions to meet or enforce certain budget policy goals. It was first established by the Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA, Title II of P.L. 99-177, 2 U.S.C. 900-922) to enforce deficit targets. In the 1990s, sequestration was used to enforce statutory limits on discretionary spending and a pay-as-you-go (PAYGO) requirement on direct spending and revenue legislation. After effectively expiring in 2002, sequestration was reestablished by the Statutory Pay-As-You-Go Act of 2010 (P.L. 111-139) to enforce a modified PAYGO requirement on direct spending and revenue legislation. Most recently, under the Budget Control Act of 2011 (BCA, P.L. 112-25), sequestration was tied to enforcement of new statutory limits on discretionary spending and achievement of the budget goal established for the Joint Select Committee on Deficit Reduction, also known as the "Super Committee." A sequestration was triggered by the Joint Committee's failure to achieve its goal and was originally scheduled to occur on January 2, 2013, to affect spending for FY2013. Congress enacted legislation that delayed the effective date of this sequester until March 1, 2013 (American Taxpayer Relief Act of 2012, P.L. 112-240). Social Security, Medicare, Tier 1 Railroad Retirement and VA services were exempt from the sequestered cuts. Sequestration enforces budget reductions that are indiscriminate, rather than the usual deliberative approach that includes the input of stake-holders, experts and the American people.

After sequester cuts began to go into effect in 2013, Congress acted to head-off public outcry over cuts to popular programs. Citing significant concerns about long lines at airports and flight delays caused by the potential of furloughed air-traffic controllers, Congress let the Federal Aviation Administration override strict sequestration rules and redirect funds within its budget to assure adequate staffing, especially at small airports, thereby assuring uninterrupted flight management for non-commercial aviators.

**SEQUESTER OF NUTRITION PROGRAMS:** According to CDA, sequester cuts have the effect to reducing congregate meals by 8.1% and home delivered meals by 4.3%, or, \$6.6 million (about 1,629,630 fewer meals being served or delivered). In an effort to avoid the severity of the reduced federal funds, The California State Assembly entered in to an inter-agency agreement with the California Department of Aging in to provide \$2.7 million from the Assembly's operations account, reducing the impact by about 30%. Thus, the net reduction to nutrition program funding was less than \$4 million for FFY 2013.

The federal Omnibus Budget for FFY 2014 restores all nutrition cuts, effective retroactively to October 1, 2013. At the time of this analysis, CDA did not have the data necessary to determine if sequester cuts during the FFY 2013 resulted in barriers to accessing nutrition services, though

the CDA acknowledges that local resources have been raised to address local backfill needs. However, testimony at a recent Senate Human Services Committee hearing on senior nutrition programs revealed many nutrition programs and distribution networks are stressed by the one-year reductions.

AUTHORS STATEMENT: “The sequestration of funds for senior nutrition programs comes at a time when our senior and elderly populations are growing. These cuts have many consequences as senior nutrition programs, throughout California, are being reduced or eliminated. Foremost, the health and medical needs of seniors can become compromised when there is not enough food to eat. In 2012, 2.8 million (8.8%) households with seniors experienced food insecurity. That same year, 1.1 million (9.1%) households composed of seniors living alone experience food insecurity. A study which examined the health and nutritional status of seniors found that food insecure seniors had significantly lower intakes of vital nutrients in their diets when compared to their food secure counterparts. In addition, food insecure seniors were more likely to report a fair or poor health status and had higher nutritional risk, which is associated with a range of chronic illnesses, including hypertension and an increased risk of developing diabetes. Restoring the federal funding cuts and exempting further cuts from senior nutrition programs will facilitate the ability for seniors to remain independent, avoid institutionalization and maintain a healthier life.”

According to the Author, "(F)ood is critical to health, functioning, and the quality of life. AJR 29 would memorialize Congress and President to restore federal funding cuts to senior nutrition programs and to spare senior nutrition programs from further cuts and prevent thousands of seniors from malnutrition. AJR 29 highlights the important role of nutrition programs in the lives elderly and homebound individuals who depend on meal delivery. Home delivered services allow volunteers and paid staff the opportunity to check on the welfare of fragile recipients, and to report any health or other problems they may notice during their visits. Home Delivered Meals, Congregate Nutrition and Nutrition Services Incentive programs for the elderly and homebound eligible individuals can facilitate their ability to remain independent, avoid institutionalization and maintain healthier remaining years of life."

SUPPORT: Supporters argue that the real damage is not just in the reduction of meals being served, but in the damage that fewer resources will have upon the fragile networks of distribution which often operate on shoe-string budgets and with narrow margins.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Area Agencies on Aging (C4A)  
Senior Assemblymember Gerald Richards (Hercules)

Opposition

None on file.

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