Putting the Skids to Meals on Wheels

Michael Balzano

"RESOLVED . . . that in recognition of the selfless service performed, the President is hereby authorized and requested to issue a proclamation designating the week of September 16 through 22, 1979, as 'National Meals-on-Wheels Week'. . . . " With these words, the Congress prepared to celebrate the twenty-fifth anniversary of a typically American phenomenon.

But only a few weeks earlier, HEW's Administration on Aging (AoA) unveiled draft regulations for a new federal home-delivered meals program which, if left unchanged, threaten to drive meals-on-wheels right off the road.

Some birthday present! By any standard, these thousands of neighborhood programs constitute the very model of what has always been valued most in this country: tens of thousands of volunteers identifying a genuine community need, amassing private resources, and meeting that need—with a minimum of bureaucratic fuss and a maximum of effective service. Every day for twenty-five years now, and often twice a day, these local, private, nonprofit programs deliver hot meals (and often essential ties with the outside world) to the homebound. Most of them are old—but they need not be sixty years of age or older. Many pay some or all of the cost of the meals; others pay none. Local churches and charities make up the deficit. The programs are tailored to virtually individual situations—and apparently they work.

In 1972, responding to no less worthy a need but quite a different one, Congress amended Title VII of the Older Americans Act to authorize a so-called congregate nutrition program. These programs serve a hot meal to senior citizens (sixty and over) five days a week in a social—congregate—setting. There is no means test or charge for the meals; voluntary contributions are accepted. Last year these congregate centers served some 500,000 meals a day at an annual cost to the taxpayers of more than $300 million. The federal grants go to state agencies which put up 10 percent of the total costs; they in turn channel the funds through area agencies on aging which create federal programs in the form of nonprofit entities to run the centers.

So, for about six years now, there have been two nationwide networks providing meals to the elderly, each with a legitimate, different, and apparently complementary purpose: voluntary meals-on-wheels programs serving the homebound and federal Title VII programs serving the physically mobile. The one was a citizens' effort, locally designed, flexible, and privately supported; the other, necessarily encumbered by federal regulation ranging from the nutritional content of the meals to equal opportunity requirements for the hired staff. The one represented no appreciable drain on the U.S. Treasury, the other a considerable one.

In 1978, Congress began debating the creation of a national, federally funded, home-delivered meals program. It was principally concerned with the nutrition needs of the homebound elderly and saw in meals-on-wheels a logical vehicle for getting the job done.

The legislation was supported by both the National Association of Title VII Project Directors, representing existing federal grantees, and by the National Association of Meals Programs (NAMP), representing a number of meals-on-wheels programs. But the two groups disagreed on how the funds should be channeled. The Title VII directors argued that their network of congregate centers should operate the federal meals-on-wheels services—with the private programs participating only under the authority of Title VII grantees, not as direct recipients of federal grants.

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Officials at AoA argue that the intent of this provision is to require Title VII nutrition projects to purchase meals from the voluntary programs. Well, not quite: the wording is such that any organization, even a profit-making catering service, could qualify to provide the meals.

More important by far, reducing the relationship to the terms-and-conditions for "purchasing" meals—as the proposed regulations would—scarcely suggests the partnership that NAMP had in mind. Most of the local programs do a lot more than just provide meals. In addition to screening applicants, the volunteers help their clients establish eligibility for other kinds of assistance, arrange transportation, run errands, write letters, and deliver a host of other services. If participation in the federal program means simply delivering meals, many local groups will want no part of it.

So what future will they have? The experience of Twin Cities Area Meals-on-Wheels of Benton Harbor, Michigan, may be instructive. This four-year-old program used to serve forty homebound people two meals a day, operating at a monthly deficit of $350 (offset by charitable contributions). The program's director said this to me in a letter dated August 9:

> Approximately three months ago we started receiving phone calls from clients saying, "I didn't get my meal." The people who were calling were not in our program. Upon investigation, we found that a duplicate program sponsored by Title VII was developing in the area and many of the clients didn't even know where their meals were coming from. Since that time we have found a gradual decrease in the number of clients who are requiring our services. This decrease has [reduced us] to approximately 20 meals per day and it is prohibitive for us to continue to maintain a half-time person, a telephone, an office and the various other overhead items to maintain a program that only serves 20 meals per day.

Evidently some Title VII congregate programs are already in the home-delivered meals business—and are not purchasing meals from an existing voluntary program. More to the point, however, it seems clear that if the existing meals-on-wheels services choose not to participate in the new federal program—or are not *chosen* to participate—they probably will not make it.

All of which constitutes a sorry reward for local voluntary initiative. Congress apparently did not carefully assess the impact of the language authorizing the new federal program on the existing voluntary effort. And this failure has doubtless been compounded by an outbreak of extreme bureaucratic literalness in construing the statute and writing the regulations. Unless a way can be found to fund the voluntary effort directly, the law and the regulations are likely to have the unintended consequence of destroying the thousands of community-based programs that have been serving the homebound for so long at just about zero cost to the taxpayer.

Given all the congressional accolades and assurances, why did the private meals-on-wheels programs fare so poorly? One reason, surely, is that NAMP, an all-volunteer organization, lacks the funds and lobbying skills to do battle with the federal legislative/regulatory process, whereas the Title VII organization is amply supplied with both.

What is at issue in all this is the nature and purpose of government, and of the federal establishment in particular. It is fair to assume that most Americans continue to believe that the central government's principal responsibility is to undertake great enterprises—to put people on the moon, to protect the nation from its enemies, to establish broad standards of public policy—and that, otherwise, it should do only that which individuals and voluntary groups, localities and states, cannot do as well for themselves. On this assumption, it would seem that policy-makers have an obligation to fashion an approach for getting meals to the homebound that finds room for worthy national purposes, effective local enterprise, and a productive partnership between them. Surely this falls within the range of human ingenuity.

THIS MUCH can be said, however—that the dilemma facing the board of Benton Harbor's meals-on-wheels program left it with only one real alternative. Meeting on September 12—in the month commemorating the twenty-fifth anniversary of meals-on-wheels—the board decided to terminate its program.

How many other voluntary meals-on-wheels services will be run off the road by Title VII competition? With a modicum of good will and good sense, there has to be a better way. ■

NAMP's case, in contrast, was that the local voluntary programs were already in place, had a proven track record, needed money to meet a growing demand with which charitable contributions were not keeping pace, and ought to be eligible to receive federal grants. They should remain reasonably autonomous, free of burdensome federal regulations, and serve as conduits —draining off almost nothing in overhead—for federal aid to those who need it. What NAMP had in mind was a partnership, not absorption.

Another sort of concern was expressed by local programs that did not themselves want federal funds but feared the impact of a new federal meals-on-wheels program growing out of the Title VII centers. They assumed—quite rightly, as it turned out—that the two different services would operate under the same guidelines—that meals would be free and that their own "pay if and what you can" principle would not be able to withstand that competition.

As passed by Congress on October 18, 1978, the meals-on-wheels bill was incorporated into amendments to the Older Americans Act that greatly expanded social services for the elderly. Still, NAMP had solid grounds for believing that it was the intent of Congress to expand meal service to the homebound by using local voluntary meals-on-wheels programs as the main vehicle. Many members of the Senate and House authorizing committees said it was, including the chairmen, Senator Thomas Eagleton and Representative John Brademas: "In awarding funds, first consideration must be given to organizations like Meals on Wheels . . ." (Letter, *Washington Star*, July 21, 1978).

Moreover, Congress provided two separate authorizations, one for the existing congregate programs and another for home-delivered meals. This was taken as a signal of congressional intent that meals-on-wheels programs would be eligible for direct grants from the area agencies and not subsumed under the authority of Title VII projects. Finally, NAMP was not only cited in the act as one of the organizations with which the Commissioner on Aging had to consult in setting the qualifications for grants' applicants but also was assured by him that the regulations would specifically protect the local voluntary programs from being forced out of business by Title VII competition.

On July 31, 1979, the draft regulations finally appeared in *The Federal Register*. The key provision states: "The area agency may only award funds for home delivered meals to a service provider that also provides congregate meals [section 1321.147(c)(1)]." This flatly rules out all but a handful of the voluntary meals-on-wheels programs from eligibility for direct federal grants—since, by definition, it is not their purpose to serve congregate meals. It also eliminates the possibility of funding any home-delivered meals services in areas where no congregate meal center exists.

And there is this provision: "The area agency must award funds to a nutrition services provider that (i) Was a nutrition project receiving funds under the former Title VII of the Act on September 30, 1978 [section 1321.141 (b)(2)]." Which is to say that all existing Title VII programs must continue to be funded.

So much for congressional intent and signals, and so much for the commissioner's assurances!

Now, assuming some rationality in the universe and honorable intentions all around, the question has to be, Why? Why these provisions in the regulations? In a July 12, 1979, letter to NAMP, the commissioner on aging justified them as mandated in the statute itself. He cited a clause that says, with respect to nutrition services: "Each project will provide meals in a congregate setting, except that each such project may provide home delivered meals. . . ." Admittedly, this language is susceptible—especially if read in isolation—of the commissioner's interpretation that home-delivered meals may only be provided *in addition to*, rather than *instead of*, meals in a congregate setting. But to give it such an interpretation in the face of the legislative history is to conclude that the Congress actually accomplished the precise opposite of what it intended.

If the Congress fails to challenge AoA on its narrow translation of this ambiguous clause, some questions remain: Will the voluntary meals-on-wheels programs be utilized at all under the new law? And are there any provisions, as promised, to protect those local programs that do not want federal funds from inevitable Title VII competition? AoA says yes: "The nutrition services provider must purchase home delivered meals from an organization, where one exists, that (i) Demonstrates proven ability to provide home-delivered meals effectively and at reasonable costs . . . [section 1321.147(c)(2)]."