

Secretary, in consultation with organizations of and for the aged, blind, and disabled, and with representatives from the American Dietetic Association, the Dietary Managers Association, the National Association of Area Agencies on Aging, the National Association of Nutrition and Aging Services Programs, the National Association of Meals Programs, Incorporated, and any other appropriate group, shall develop minimum criteria of efficiency and quality for the furnishing of home delivered meal services for projects described in section 3030f of this title. The criteria required by this section shall take into account the ability of established home delivered meals programs to continue such services without major alteration in the furnishing of such services."

1993—Pub. L. 103-171 substituted "Assistant Secretary" for "Commissioner".

1992—Pub. L. 102-375 inserted "the Dietary Managers Association," after "Dietetic Association,".

1987—Pub. L. 100-175 substituted "National Association of Area Agencies" for "Association of Area Agencies".

1981—Pub. L. 97-115 substituted "National Association of Nutrition and Aging Services Programs" for "National Association of Title VII Project Directors".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-175 effective Oct. 1, 1987, except not applicable with respect to any area plan submitted under section 3026(a) of this title or any State plan submitted under section 3027(a) of this title and approved for any fiscal year beginning before Nov. 29, 1987, see section 701(a), (b) of Pub. L. 100-175, set out as a note under section 3001 of this title.

EFFECTIVE DATE

Section effective at close of Sept. 30, 1978, see section 504 of Pub. L. 95-478, set out as an Effective Date of 1978 Amendment note under section 3001 of this title.

HOME-DELIVERED NUTRITION SERVICES WAIVER

Pub. L. 116-260, div. N, title VII, §732(b), Dec. 27, 2020, 134 Stat. 2105, provided that: "For purposes of determining eligibility for the delivery of nutrition services under section 337 of the Older Americans Act of 1965 (42 U.S.C. 3030g), with funds received by a State under the Older Americans Act of 1965 (42 U.S.C. 2001 [3001] et seq.) for fiscal [year] 2021, the State shall treat an older individual who is unable to obtain nutrition because the individual is practicing social distancing due to the public health emergency in the same manner as the State treats an older individual who is homebound by reason of illness."

SUBPART III—GENERAL PROVISIONS

Editorial Notes

CODIFICATION

Pub. L. 106-501, title III, §312(b), Nov. 13, 2000, 114 Stat. 2252, redesignated subpart IV of this part as subpart III.

PRIOR PROVISIONS

A prior subpart III, consisting of sections 3030g-11 to 3030g-13 of this title, related to school-based meals for volunteer older individuals and multigenerational programs, prior to repeal by Pub. L. 106-501, title III, §312(a), Nov. 13, 2000, 114 Stat. 2252.

Section 3030g-11, Pub. L. 89-73, title III, §338, as added Pub. L. 102-375, title III, §316(a), Sept. 30, 1992, 106 Stat. 1239; amended Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990, provided for establishment and implementation of the programs.

Section 3030g-12, Pub. L. 89-73, title III, §338A, as added Pub. L. 102-375, title III, §316(a), Sept. 30, 1992, 106

Stat. 1240; amended Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990; Pub. L. 103-382, title III, §391(r)(1), Oct. 20, 1994, 108 Stat. 4024, described required contents of application and criteria for selection among applicants.

Section 3030g-13, Pub. L. 89-73, title III, §338B, as added Pub. L. 102-375, title III, §316(a), Sept. 30, 1992, 106 Stat. 1240; amended Pub. L. 103-171, §3(a)(11), (13), Dec. 2, 1993, 107 Stat. 1990, required States receiving grants to submit reports evaluating projects.

§ 3030g-21. Nutrition

A State that establishes and operates a nutrition project under this chapter¹ shall—

(1) utilize the expertise of a dietitian or other individual with equivalent education and training in nutrition science, or if such an individual is not available, an individual with comparable expertise in the planning of nutritional services, and

(2) ensure that the project—

(A) provides meals that—

(i) comply with the most recent Dietary Guidelines for Americans, published by the Secretary and the Secretary of Agriculture, and

(ii) provide to each participating older individual—

(I) a minimum of 33 $\frac{1}{3}$ percent of the dietary reference intakes established by the Food and Nutrition Board of the National Academies of Sciences, Engineering, and Medicine, if the project provides one meal per day,

(II) a minimum of 66 $\frac{2}{3}$ percent of the allowances if the project provides two meals per day, and

(III) 100 percent of the allowances if the project provides three meals per day, and

(iii) to the maximum extent practicable, are adjusted to meet any special dietary needs of program participants, including meals adjusted for cultural considerations and preferences and medically tailored meals,

(B) provides flexibility to local nutrition providers in designing meals that are appealing to program participants,

(C) encourages providers to enter into contracts that limit the amount of time meals must spend in transit before they are consumed,

(D) where feasible, encourages joint arrangements with schools and other facilities serving meals to children in order to promote intergenerational meal programs,

(E) provides that meals, other than in-home meals, are provided in settings in as close proximity to the majority of eligible older individuals' residences as feasible,

(F) comply² with applicable provisions of State or local laws regarding the safe and sanitary handling of food, equipment, and supplies used in the storage, preparation, service, and delivery of meals to an older individual,

(G) ensures that meal providers solicit the advice and expertise of—

¹So in original. Title III of Pub. L. 89-73, as amended, contained parts and subparts, but not chapters.

²So in original. Probably should be "complies".

- (i) a dietitian or other individual described in paragraph (1),
- (ii) meal participants, and
- (iii) other individuals knowledgeable with regard to the needs of older individuals,

(H) ensures that each participating area agency on aging establishes procedures that allow nutrition project administrators the option to offer a meal, on the same basis as meals provided to participating older individuals, to individuals providing volunteer services during the meal hours, and to individuals with disabilities who reside at home with older individuals eligible under this chapter,¹

(I) ensures that nutrition services will be available to older individuals and to their spouses, and may be made available to individuals with disabilities who are not older individuals but who reside in housing facilities occupied primarily by older individuals at which congregate nutrition services are provided,

(J) provides for nutrition screening and nutrition education, and nutrition assessment and counseling if appropriate,

(K) encourages individuals who distribute nutrition services under subpart II to provide, to homebound older individuals, available medical information approved by health care professionals, such as informational brochures and information on how to get vaccines, including vaccines for influenza, pneumonia, and shingles, in the individuals' communities, and

(L) where feasible, encourages the use of locally grown foods in meal programs and identifies potential partnerships and contracts with local producers and providers of locally grown foods.

(Pub. L. 89-73, title III, § 339, as added Pub. L. 106-501, title III, § 313, Nov. 13, 2000, 114 Stat. 2252; amended Pub. L. 109-365, title III, § 316, Oct. 17, 2006, 120 Stat. 2548; Pub. L. 114-144, § 4(i), Apr. 19, 2016, 130 Stat. 339; Pub. L. 116-131, title II, § 215, title VII, § 701(9), Mar. 25, 2020, 134 Stat. 259, 271.)

Editorial Notes

CODIFICATION

Pub. L. 106-501, § 313, which directed amendment of subpart 4 of part C of title III of the Older Americans Act of 1965 (Pub. L. 89-73) by striking section 339 and inserting this section, was executed in this subpart, which is subpart 3 of part C of title III of the Act, by repealing prior section 3030g-21, and inserting this section, to reflect the probable intent of Congress and the redesignation of subpart 4 of part C of title III of the Act as subpart 3 by Pub. L. 106-501, § 312(b).

PRIOR PROVISIONS

A prior section 3030g-21, Pub. L. 89-73, title III, § 339, as added Pub. L. 102-375, title III, § 317, Sept. 30, 1992, 106 Stat. 1241, related to compliance with dietary guidelines prior to repeal by Pub. L. 106-501, title III, § 313, Nov. 13, 2000, 114 Stat. 2252. See Codification note above.

AMENDMENTS

2020—Par. (2)(A)(ii)(I). Pub. L. 116-131, § 701(9), substituted “National Academies of Sciences, Engineering,

and Medicine” for “Institute of Medicine of the National Academy of Sciences”.

Par. (2)(A)(iii). Pub. L. 116-131, § 215, inserted “, including meals adjusted for cultural considerations and preferences and medically tailored meals” before comma at end.

2016—Par. (1). Pub. L. 114-144, § 4(i)(1), substituted “utilize” for “solicit”.

Par. (2)(L). Pub. L. 114-144, § 4(i)(2), added subpar. (L).

2006—Par. (1). Pub. L. 109-365, § 316(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “solicit the advice of a dietitian or individual with comparable expertise in the planning of nutritional services, and”.

Par. (2)(A)(i). Pub. L. 109-365, § 316(2)(A)(i), amended cl. (i) generally. Prior to amendment, cl. (i) read as follows: “comply with the Dietary Guidelines for Americans, published by the Secretary and the Secretary of Agriculture,”.

Par. (2)(A)(ii)(I). Pub. L. 109-365, § 316(2)(A)(ii), substituted “dietary reference intakes” for “daily recommended dietary allowances as”.

Par. (2)(D). Pub. L. 109-365, § 316(2)(B), inserted “joint” after “encourages”.

Par. (2)(G). Pub. L. 109-365, § 316(2)(C), amended subpar. (G) generally. Prior to amendment, subpar. (G) read as follows: “ensures that meal providers carry out such project with the advice of dietitians (or individuals with comparable expertise), meal participants, and other individuals knowledgeable with regard to the needs of older individuals.”.

Par. (2)(H). Pub. L. 109-365, § 316(2)(D), struck out “and accompany” after “home with”.

Par. (2)(J), (K). Pub. L. 109-365, § 316(2)(E), (F), added subpars. (J) and (K) and struck out former subpar. (J) which read as follows: “provide for nutrition screening and, where appropriate, for nutrition education and counseling.”

Statutory Notes and Related Subsidiaries

TEMPORARY DIETARY GUIDELINES WAIVER

Pub. L. 116-260, div. N, title VII, § 732(c), Dec. 27, 2020, 134 Stat. 2105, provided that: “To facilitate implementation of subparts 1 [42 U.S.C. 3030e] and 2 [42 U.S.C. 3030f, 3030g] of part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030d-2 [3030d-21] et seq.), with funds received by a State for fiscal year 2021, the Assistant Secretary for Aging may waive, but continue to make every effort practicable to encourage the restoration of, the applicable requirements for meals provided under such subparts comply [sic] with the requirements of clauses (i) and (ii) of section 339(2)(A) of such Act (42 U.S.C. 3030g-21(2)(A)).”

§ 3030g-22. Payment requirement

Payments made by a State agency or an area agency on aging for nutrition services (including meals) provided under part A, B, or C may not be reduced to reflect any increase in the level of assistance provided under section 3030a of this title.

(Pub. L. 89-73, title III, § 339A, as added Pub. L. 102-375, title III, § 317, Sept. 30, 1992, 106 Stat. 1241.)

Editorial Notes

PRIOR PROVISIONS

Prior sections 3030h to 3030l were repealed by Pub. L. 106-501, title III, § 314(1), Nov. 13, 2000, 114 Stat. 2253.

Section 3030h, Pub. L. 89-73, title III, § 341, as added Pub. L. 100-175, title I, § 140(d), Nov. 29, 1987, 101 Stat. 945; amended Pub. L. 102-375, title I, § 102(b)(6), (10)(C), Sept. 30, 1992, 106 Stat. 1201, 1202; Pub. L. 103-171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990, authorized a grant program for States.