

- (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.

Section 3030i, Pub. L. 89-73, title III, §342, 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)(7), title III, §318, Sept. 30, 1992, 106 Stat. 1201, 1241, defined “in-home services”.

Section 3030j, Pub. L. 89-73, title III, §343, as added Pub. L. 100-175, title I, §140(d), Nov. 29, 1987, 101 Stat. 945, provided for the State agency to develop eligibility criteria.

Section 3030k, Pub. L. 89-73, title III, §344, as added Pub. L. 100-175, title I, §140(d), Nov. 29, 1987, 101 Stat. 946, required that funds available under former part D of this subchapter be in addition to funds otherwise expended.

Section 3030l, Pub. L. 89-73, title III, §351, as added Pub. L. 100-175, title I, §141(d), Nov. 29, 1987, 101 Stat. 946; amended Pub. L. 102-375, title VII, §708(a)(2)(C), Sept. 30, 1992, 106 Stat. 1292; Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990, authorized program of grants to satisfy special needs of older individuals.

§ 3030g-23. Nutrition services impact study

(a) Study

(1) In general

The Assistant Secretary shall perform a study to assess how to measure and evaluate the discrepancy between available services and the demand for such services in the home delivered nutrition services program and the congregate nutrition services program under this part, which shall include assessing various methods (such as those that States use) to measure and evaluate the discrepancy (such as measurement through the length of waitlists).

(2) Contents

In performing the study, the Assistant Secretary shall—

(A) consider means of obtaining information in rural and underserved communities; and

(B) consider using existing tools (existing as of the date the Assistant Secretary begins the study) such as the tools developed through the Performance Outcome Measurement Project.

(3) Analysis

The Assistant Secretary shall analyze and determine which methods are the least burdensome and most effective for measuring and evaluating the discrepancy described in paragraph (1).

(b) Recommendations

(1) Preparation

Not later than 3 years after March 25, 2020, the Assistant Secretary shall prepare recommendations—

(A) on how to measure and evaluate, with the least burden and the most effectiveness, the discrepancy described in subsection (a)(1) (such as measurement through the length of waitlists); and

(B) about whether studies similar to the study described in subsection (a) should be carried out for programs carried out under this chapter, other than this part.

(2) Issuance

The Assistant Secretary shall issue the recommendations, and make the recommenda-

tions available as a notification pursuant to section 3012(a)(34) of this title and to the committees of the Senate and of the House of Representatives with jurisdiction over this chapter, and the Special Committee on Aging of the Senate.

(Pub. L. 89-73, title III, §339B, as added Pub. L. 116-131, title II, §216, Mar. 25, 2020, 134 Stat. 259.)

PART D—EVIDENCE-BASED DISEASE PREVENTION AND HEALTH PROMOTION SERVICES

Editorial Notes

CODIFICATION

Pub. L. 114-144, §4(j)(1), Apr. 19, 2016, 130 Stat. 340, inserted “Evidence-Based” before “Disease” in part heading.

Pub. L. 106-501, title III, §314(2), Nov. 13, 2000, 114 Stat. 2253, redesignated part F of this subchapter as part D.

PRIOR PROVISIONS

A prior part D, consisting of sections 3030h to 3030k of this title, related to in-home services for frail older individuals, prior to repeal by Pub. L. 106-501, title III, §314(1), Nov. 13, 2000, 114 Stat. 2253. See prior provisions notes under section 3030g-22 of this title.

§ 3030m. Program authorized

(a) Grants to States

The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 3027 of this title to provide evidence-based disease prevention and health promotion services and information at multipurpose senior centers, at congregate meal sites, through home delivered meals programs, or at other appropriate sites. In carrying out such program, the Assistant Secretary shall provide technical assistance on the delivery of evidence-based disease prevention and health promotion services in different settings and for different populations, and consult with the Directors of the Centers for Disease Control and Prevention and the National Institute on Aging.

(b) Community organizations and agencies

The Assistant Secretary shall, to the extent possible, assure that services provided by other community organizations and agencies are used to carry out the provisions of this part.

(c) Improving indoor air quality

The Assistant Secretary shall work in consultation with qualified experts to provide information on methods of improving indoor air quality in buildings where older individuals congregate.

(Pub. L. 89-73, title III, §361, as added Pub. L. 100-175, title I, §143(c), Nov. 29, 1987, 101 Stat. 947; amended Pub. L. 102-375, title III, §319(a), Sept. 30, 1992, 106 Stat. 1241; Pub. L. 103-171, §§2(13), 3(a)(13), Dec. 2, 1993, 107 Stat. 1989, 1990; Pub. L. 109-365, title III, §319, Oct. 17, 2006, 120 Stat. 2551; Pub. L. 114-144, §4(j)(2), Apr. 19, 2016, 130 Stat. 340; Pub. L. 116-131, title I, §117(b), Mar. 25, 2020, 134 Stat. 246.)

Editorial Notes

AMENDMENTS

2020—Subsec. (a). Pub. L. 116-131 inserted “provide technical assistance on the delivery of evidence-based