

NUTRITION SERVICES

Pub. L. 116-136, div. A, title III, §3222, Mar. 27, 2020, 134 Stat. 379, provided that:

“(a) DEFINITIONS.—In this section, the terms ‘Assistant Secretary’, ‘Secretary’, ‘State agency’, and ‘area agency on aging’ have the meanings given the terms in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

“(b) NUTRITION SERVICES TRANSFER CRITERIA.—During any portion of the COVID-19 public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d), the Secretary shall allow a State agency or an area agency on aging, without prior approval, to transfer not more than 100 percent of the funds received by the State agency or area agency on aging, respectively, and attributable to funds appropriated under paragraph (1) or (2) of section 303(b) of the Older Americans Act of 1965 (42 U.S.C. 3023(b)), between subpart 1 and subpart 2 of part C (42 U.S.C. 3030d-2 et seq.) [probably means subparts 1 and 2 of part C of title III of the Act, 42 U.S.C. 3030e; 3030f, 3030g] for such use as the State agency or area agency on aging, respectively, considers appropriate to meet the needs of the State or area served.

“(c) HOME-DELIVERED NUTRITION SERVICES WAIVER.—For purposes of State agencies’ determining the delivery of nutrition services under section 337 of the Older Americans Act of 1965 (42 U.S.C. 3030g), during the period of the COVID-19 public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d), the same meaning shall be given to an individual who is unable to obtain nutrition because the individual is practicing social distancing due to the emergency as is given to an individual who is homebound by reason of illness.

“(d) DIETARY GUIDELINES WAIVER.—To facilitate implementation of subparts 1 and 2 of part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030d-2 et seq.) [42 U.S.C. 3030e; 3030f, 3030g] during any portion of the COVID-19 public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d), the Assistant Secretary may waive the requirements for meals provided under those subparts to comply with the requirements of clauses (i) and (ii) of section 339(2)(A) of such Act (42 U.S.C. 3030g-21(2)(A)).”

NUTRITION PROJECTS FOR ELDERLY UNDER PRIOR PROVISIONS, QUALIFIED UNDER SUCCESSOR PROVISIONS, ELIGIBLE FOR FUNDS UNDER SUCH PROVISIONS; DISCONTINUANCE OF PAYMENTS FOR INEFFECTIVE ACTIVITIES

Operation of predecessor projects under successor provisions, see section 501(b) of Pub. L. 95-478, set out as a note under section 3045 of this title.

SUBPART II—HOME DELIVERED NUTRITION SERVICES

§ 3030f. Program authorized

The Assistant Secretary shall establish and carry out a program to make grants to States under State plans approved under section 3027 of this title for the establishment and operation of nutrition projects for older individuals that provide—

- (1) on 5 or more days a week (except in a rural area where such frequency is not feasible (as defined by the Assistant Secretary by rule) and a lesser frequency is approved by the State agency) at least 1 home delivered meal per day, which may consist of hot, cold, frozen, dried, canned, or fresh foods and, as appropriate, supplemental foods, and any additional meals that the recipient of a grant or contract under this subpart elects to provide; and

- (2) nutrition education, nutrition counseling, and other nutrition services, as appropriate, based on the needs of meal recipients.

(Pub. L. 89-73, title III, §336, as added Pub. L. 95-478, title I, §103(b), Oct. 18, 1978, 92 Stat. 1536; amended Pub. L. 102-375, title III, §314, Sept. 30, 1992, 106 Stat. 1238; Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990; Pub. L. 109-365, title III, §314, Oct. 17, 2006, 120 Stat. 2548; Pub. L. 114-144, §4(h), Apr. 19, 2016, 130 Stat. 339.)

Editorial Notes

AMENDMENTS

2016—Par. (1). Pub. L. 114-144 substituted “canned, or fresh foods and, as appropriate, supplemental foods, and any additional meals” for “canned, fresh, or supplemental foods and any additional meals”.

2006—Pub. L. 109-365 amended section generally. Prior to amendment, text read as follows: “The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 3027 of this title for the establishment and operation of nutrition projects for older individuals which, 5 or more days a week (except in a rural area where such frequency is not feasible (as defined by the Assistant Secretary by regulation) and a lesser frequency is approved by the State agency), provide at least one home delivered hot, cold, frozen, dried, canned, or supplemental foods (with a satisfactory storage life) meal per day and any additional meals which the recipient of a grant or contract under this subpart may elect to provide.”

1993—Pub. L. 103-171 substituted “Assistant Secretary” for “Commissioner” in two places.

1992—Pub. L. 102-375 inserted “(except in a rural area where such frequency is not feasible (as defined by the Commissioner by regulation) and a lesser frequency is approved by the State agency)” after “week” and struck out before period at end “, each of which assures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Sciences-National Research Council”.

Statutory Notes and Related Subsidiaries

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.

§ 3030g. Criteria

The Assistant Secretary, in consultation with recognized experts in the fields of nutrition science, dietetics, meal planning and food service management, and aging, 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.

(Pub. L. 89-73, title III, §337, as added Pub. L. 95-478, title I, §103(b), Oct. 18, 1978, 92 Stat. 1536; amended Pub. L. 97-115, §10(e), Dec. 29, 1981, 95 Stat. 1601; Pub. L. 100-175, title I, §182(n), Nov. 29, 1987, 101 Stat. 967; Pub. L. 102-375, title III, §315, Sept. 30, 1992, 106 Stat. 1239; Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990; Pub. L. 109-365, title III, §315, Oct. 17, 2006, 120 Stat. 2548.)

Editorial Notes

AMENDMENTS

2006—Pub. L. 109-365 amended section generally. Prior to amendment, text read as follows: “The Assistant

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".