

118TH CONGRESS
2D SESSION

S. 4574

To amend the Older Americans Act of 1965 to allow States, tribal organizations, and organizations serving Native Hawaiians flexibility to use certain funds for innovative nutrition services, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2024

Mr. BRAUN (for himself and Mr. PETERS) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Older Americans Act of 1965 to allow States, tribal organizations, and organizations serving Native Hawaiians flexibility to use certain funds for innovative nutrition services, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Innovative Nutrition
5 for Seniors Act”.

1 **SEC. 2. INNOVATIVE NUTRITION FLEXIBILITY.**

2 (a) IN GENERAL.—Part C of title III of the Older
3 Americans Act of 1965 (42 U.S.C. 3030d–21 et seq.) is
4 amended—

5 (1) by redesignating subpart 3 as subpart 4;

6 and

7 (2) by inserting after subpart 2 the following:

8 **“Subpart 3—Innovative Nutrition Flexibility**

9 **“SEC. 338. INNOVATIVE NUTRITION FLEXIBILITY.**

10 “(a) IN GENERAL.—Notwithstanding any other pro-
11 vision in this Act, a State with a State plan approved
12 under section 307 may use not more than 5 percent of
13 the amounts received by the State that are attributable
14 to funds appropriated under paragraph (1) of section
15 303(b) for the establishment and operation of innovative
16 nutrition services that—

17 “(1) improve the reach of the nutrition services
18 provided under subparts 1 and 2; and

19 “(2) address food insecurity among older indi-
20 viduals or improve the health and well-being out-
21 comes for older individuals.

22 “(b) SERVICES.—Services under this section may in-
23 clude—

24 “(1) providing carry-out meals, grab-and-go
25 meals, mobile food units, or medically-tailored meals;

1 “(2) providing medical nutrition therapy in con-
2 sultation with a dietitian or other qualified indi-
3 vidual described in section 339(1) for the prevention,
4 management, or treatment of a disease; or

5 “(3) carrying out any other nutrition activities
6 approved by the State agency.

7 “(c) NUTRITION REQUIREMENTS.—In the case of
8 any services supported under this section that provide
9 meals to older individuals, such meals shall comply with
10 the requirements for nutrition projects under section
11 339.”.

12 (b) ADMINISTRATION.—

13 (1) IN GENERAL.—Section 205(a)(2)(A) of the
14 Older Americans Act of 1965 (42 U.S.C.
15 3016(a)(2)(A)) is amended—

16 (A) in the matter preceding clause (i), by
17 striking “subparts 1 and 2 of part C of title
18 III” and inserting “subparts 1, 2, and 3 of part
19 C of title III”; and

20 (B) in clause (ix), by striking “subparts 1
21 and 2 of part C of title III” and inserting “sub-
22 parts 1, 2, and 3 of part C of title III”.

23 (2) REPORTING.—Section 308(b)(7)(C) of the
24 Older Americans Act of 1965 (42 U.S.C.
25 3028(b)(7)(C)) is amended—

1 (A) in clause (i), by striking “; and” and
 2 inserting a semicolon; and

3 (B) by adding at the end the following:

4 “(iii) subpart 3 of part C; and”.

5 (c) NATIVE AMERICANS.—Title VI of the Older
 6 Americans Act of 1965 (42 U.S.C. 3057 et seq.) is amend-
 7 ed—

8 (1) by redesignating part E (42 U.S.C. 3057l
 9 et seq.) as part F; and

10 (2) by inserting after part D (42 U.S.C.
 11 3057k–21 et seq.) the following:

12 **“PART E—INNOVATIVE NUTRITION FLEXIBILITY**
 13 **FOR NATIVE AMERICANS**

14 **“SEC. 638. INNOVATIVE NUTRITION FLEXIBILITY FOR NA-**
 15 **TIVE AMERICANS.**

16 “(a) IN GENERAL.—Notwithstanding any other pro-
 17 vision in this Act, a tribal organization receiving a grant
 18 under part A, or a public or private nonprofit private orga-
 19 nization receiving a grant under part B, may use not more
 20 than 2 percent of the amount awarded to the organization
 21 through such grant to establish and operate, or contract
 22 with a service provider to establish and operate, innovative
 23 nutrition services that—

24 “(1) improve the reach of—

1 “(A) in the case of a grant to such a tribal
2 organization, the nutrition services provided
3 under part A; and

4 “(B) in the case of a grant to such a non-
5 profit organization, the nutrition services pro-
6 vided under part B; and

7 “(2) address food insecurity among, or improve
8 the health and well-being outcomes, for—

9 “(A) in the case of a grant to such a tribal
10 organization, older individuals who are Indians;
11 and

12 “(B) in the case of a grant to such a non-
13 profit organization, older individuals who are
14 Native Hawaiians.

15 “(b) SERVICES.—Services under this section may in-
16 clude—

17 “(1) providing carry-out meals, grab-and-go
18 meals, mobile food units, or medically-tailored meals;

19 “(2) providing medical nutrition therapy in con-
20 sultation with a qualified dietitian or other indi-
21 vidual described in section 339(1) for the prevention,
22 management, or treatment of a disease; or

23 “(3) carrying out any other nutrition activities
24 approved by the applicable tribal organization or
25 nonprofit organization receiving the grant.

1 “(c) NUTRITION REQUIREMENTS.—In the case of
2 any services supported under this section that provide
3 meals, such meals shall comply with the requirements for
4 nutrition projects under section 339.”.

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