

116TH CONGRESS
2D SESSION

S. _____

To assist older Americans and people with disabilities affected by COVID–
19.

IN THE SENATE OF THE UNITED STATES

Mr. CASEY introduced the following bill; which was read twice and referred
to the Committee on _____

A BILL

To assist older Americans and people with disabilities
affected by COVID–19.

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; TABLE OF CONTENTS.**

4 (a) IN GENERAL.—This Act may be cited as the
5 “Coronavirus Relief for Seniors and People with Disabil-
6 ities Act of 2020”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SUPPLEMENTAL APPROPRIATIONS

Sec. 101. Supplemental appropriations.

2

TITLE II—MEDICAID

Sec. 201. Expanded access to medical assistance for Medicare costs during the COVID-19 public health emergency.

Sec. 202. Authority to award Medicaid HCBS grants to respond to the COVID-19 public health emergency.

TITLE III—NUTRITION SERVICES

Sec. 301. Definitions.

Sec. 302. Congregate nutrition services criteria.

Sec. 303. Home delivered nutrition services criteria.

1 **TITLE I—SUPPLEMENTAL** 2 **APPROPRIATIONS**

3 **SEC. 101. SUPPLEMENTAL APPROPRIATIONS.**

4 The following sums are hereby appropriated, out of
5 any money in the Treasury not otherwise appropriated,
6 for the fiscal year ending September 30, 2020, and for
7 other purposes, namely:

8 DEPARTMENT OF HEALTH AND HUMAN 9 SERVICES

10 CENTERS FOR MEDICARE & MEDICAID SERVICES

11 SURVEY AND CERTIFICATION ACTIVITIES

12 For an additional amount for survey and certification
13 activities authorized under sections 1862(g) and 1864 of
14 the Social Security Act (42 U.S.C. 1395y(g), 1395aa) and
15 section 353 of the Public Health Service Act (42 U.S.C.
16 263a), \$154,400,000, to remain available through Sep-
17 tember 30, 2021: *Provided*, That such amount is des-
18 ignated by the Congress as being for an emergency re-
19 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
20 anced Budget and Emergency Deficit Control Act of 1985.

1 ADMINISTRATION FOR COMMUNITY LIVING
2 AGING AND DISABILITY SERVICES PROGRAMS

3 For an additional amount for “Aging and Disability
4 Services Programs”, for carrying out the Older Americans
5 Act of 1965 (42 U.S.C. 3001 et seq.) (“OAA”),
6 \$2,851,800,000, to remain available through September
7 30, 2021, of which—

8 (1) \$1,000,000,000 shall be for providing sup-
9 portive services under part B of title III of such Act
10 (42 U.S.C. 3030d et seq);

11 (2) \$1,650,000,000 shall be for providing home
12 delivered nutrition services under subpart 2 of part
13 C of title III of such Act (42 U.S.C. 3030f et seq.);

14 (3) \$185,900,000 shall be for providing support
15 services for family caregivers under part E of title
16 III of such Act (42 U.S.C. 3030s et seq.); and

17 (4) \$15,900,000 shall be for providing elder
18 rights protection activities under title VII of such
19 Act (42 U.S.C. 3058 et seq.): *Provided*, That State
20 matching requirements under sections 304(d)(1)(D),
21 309(b)(2), and 373(g)(2) of the OAA (42 U.S.C.
22 3024(d)(1)(D), 3029(b)(2), and 3030s–1(g)(2))
23 shall not apply to any amount appropriated under
24 this heading: *Provided further*, That the amount ap-
25 propriated under this heading is designated by Con-

1 gress as being for an emergency requirement pursu-
2 ant to section 251(b)(2)(A)(i) of the Balanced Budg-
3 et and Emergency Deficit Control Act of 1985 (2
4 U.S.C. 901(b)(2)(A)(i)).

5 DEPARTMENT OF AGRICULTURE

6 FOOD AND NUTRITION SERVICE

7 COMMODITY ASSISTANCE PROGRAM

8 For an additional amount for “Commodity Assistance
9 Program”, for necessary expenses to carry out the com-
10 modity supplemental food program established under sec-
11 tion 5 of the Agriculture and Consumer Protection Act
12 of 1973 (7 U.S.C. 612c note; Public Law 93–86),
13 \$55,000,000, to remain available through September 30,
14 2021: *Provided*, That the amount appropriated under this
15 heading is designated by Congress as being for an emer-
16 gency requirement pursuant to section 251(b)(2)(A)(i) of
17 the Balanced Budget and Emergency Deficit Control Act
18 of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

19 **TITLE II—MEDICAID**

20 **SEC. 201. EXPANDED ACCESS TO MEDICAL ASSISTANCE**

21 **FOR MEDICARE COSTS DURING THE COVID-19**

22 **PUBLIC HEALTH EMERGENCY.**

23 (a) IN GENERAL.—Section 1902 of the Social Secu-
24 rity Act (42 U.S.C. 1396a) is amended—

25 (1) in subsection (a)(10)(E)—

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

3 (B) in clause (iv), by striking the semi-
4 colon and inserting “; and”; and

5 (C) by adding at the end the following new
6 clause:

7 “(v) during the period described in sub-
8 section (ss), for making medical assistance
9 available for medicare cost-sharing (as defined
10 in section 1905(p)(3)) for—

11 “(I) individuals who are described in
12 clause (ii), (iii), or (iv); and

13 “(II) individuals—

14 “(aa) who are not described in
15 clauses (i) through (iv) but who are
16 eligible for, or enrolled in, the low-in-
17 come subsidy program under section
18 1860D–14; and

19 “(bb) whose application for such
20 medical assistance is received by the
21 State (or automatically initiated pur-
22 suant to the transmittal of data under
23 section 1144(c)(3)(B)) before the end
24 of the emergency period defined in
25 section 1135(g)(1)(B).”; and

1 (2) by adding at the end the following new sub-
2 section:

3 “(ss) COVID–19 EMERGENCY ASSISTANCE PE-
4 RIOD.—For purposes of subsection (a)(10)(E)(v), the pe-
5 riod described in this subsection is the period—

6 “(1) beginning with the date of enactment of
7 this subsection; and

8 “(2) ending with the last day of the 12th month
9 that begins after the emergency period defined in
10 section 1135(g)(1)(B).”.

11 (b) TRANSMITTAL OF DATA TO STATES AND AUTO-
12 MATIC ENROLLMENT OF INDIVIDUALS.—Section
13 1144(c)(3) of the Social Security Act (42 U.S.C. 1320b–
14 14(c)(3)) is amended—

15 (1) by striking “Beginning on January 1,
16 2010” and inserting the following:

17 “(A) TRANSMITTAL OF LIS APPLICATIONS
18 TO STATES.—Beginning on January 1, 2010”;
19 and

20 (2) by adding at the end the following new sub-
21 paragraph:

22 “(B) TRANSMITTAL OF LIS ENROLLMENT
23 INFORMATION TO STATES DURING THE COVID-
24 19 PUBLIC HEALTH EMERGENCY.—During the
25 period described in section 1902(ss), the Sec-

1 retary, in coordination with the Commissioner
2 of Social Security, shall electronically transmit
3 to the appropriate State Medicaid agency data
4 related to each individual who is enrolled in the
5 low-income subsidy program under section
6 1860D–14, and such transmittal shall initiate
7 an application of the individual for benefits
8 under the Medicare Savings Program with the
9 State Medicaid agency. In order to ensure that
10 such data transmittal provides effective assist-
11 ance for purposes of State adjudication of ap-
12 plications for benefits under the Medicare Sav-
13 ings Program, the Secretary shall consult with
14 the States regarding the content, form, fre-
15 quency, and manner in which data (on a uni-
16 form basis for all States) shall be transmitted
17 under this subparagraph.”.

18 (c) ADDITIONAL APPROPRIATION FOR ADMINISTRA-
19 TIVE COSTS FOR THE DEPARTMENT OF HEALTH AND
20 HUMAN SERVICES AND THE SOCIAL SECURITY ADMINIS-
21 TRATION.—

22 (1) IN GENERAL.—There are hereby appro-
23 priated to carry out the requirement of subpara-
24 graph (B) of section 1144(c)(3) of the Social Secu-
25 rity Act (42 U.S.C. 1320b–14(c)(3)), as added by

1 subsection (b), out of any funds in the Treasury not
2 otherwise appropriated—

3 (A) \$1,000,000 to the Secretary of Health
4 and Human Services, to remain available until
5 expended; and

6 (B) \$1,000,000 to the Commissioner of
7 Social Security, to remain available until ex-
8 pended.

9 (2) SUPPLEMENT NOT SUPPLANT.—Any
10 amounts appropriated pursuant to this subsection
11 shall be in addition to any other amounts otherwise
12 appropriated pursuant to any other provision of law.

13 (d) BUDGET NEUTRALITY WITH RESPECT TO MEDI-
14 CARE ADVANTAGE PAYMENTS.—The Secretary of Health
15 and Human Services shall assess the effect of the amend-
16 ments made by subsection (a) on payments to Medicare
17 Advantage plans under part C of title XVIII of the Social
18 Security Act (42 U.S.C. 1395w–21 et seq.) and make nec-
19 essary adjustments to ensure that, during the COVID–
20 19 emergency assistance period described in subsection
21 (ss) of section 1902 of the Social Security Act (42 U.S.C.
22 1396a) (as added by subsection (a)), risk-adjusted pay-
23 ments under such part with respect to individuals newly
24 enrolled in the Medicare Savings Program (as defined in
25 section 1144 of the Social Security Act (42 U.S.C. 1320b–

1 14)) pursuant to such amendments do not exceed such
2 payments that would have been made under such part
3 with respect to such individuals if such subsection had not
4 been enacted.

5 (e) FEDERAL MEDICAL ASSISTANCE PERCENT-
6 AGE.—Section 1905 of the Social Security Act (42 U.S.C.
7 1396d) is amended—

8 (1) in subsection (b), by striking “and (ff)” and
9 inserting “(ff), and (gg)”; and

10 (2) by adding at the end the following:

11 “(gg) INCREASED FMAP FOR ADDITIONAL EXPEND-
12 ITURES FOR MEDICARE COST-SHARING PROVIDED DUR-
13 ING THE COVID-19 PUBLIC HEALTH EMERGENCY.—
14 Notwithstanding subsection (b), the Federal medical as-
15 sistance percentage for a State shall be 100 percent—

16 “(1) with respect to the additional amounts ex-
17 pended by the State for medical assistance provided
18 during the period described in section 1902(ss)
19 under the State plan under this title or a waiver of
20 such plan that are attributable to the requirements
21 imposed by section 1902(a)(10)(E)(v);

22 “(2) with respect to expenditures described in
23 section 1903(a)(7) that—

24 “(A) are made by the State during the pe-
25 riod described in section 1902(ss); and

1 “(B) the State demonstrates to the satis-
2 faction of the Secretary are attributable to ad-
3 ministrative costs related to meeting such re-
4 quirements; and

5 “(3) with respect to expenditures that are made
6 by the State to determine whether individuals who
7 are provided medical assistance for medicare cost-
8 sharing under section 1902(a)(10)(E)(v)(II) remain
9 eligible for such assistance after the period described
10 in section 1902(ss).”.

11 **SEC. 202. AUTHORITY TO AWARD MEDICAID HCBS GRANTS**
12 **TO RESPOND TO THE COVID-19 PUBLIC**
13 **HEALTH EMERGENCY.**

14 (a) IN GENERAL.—The Secretary is authorized to
15 award grants to States in accordance with this section to
16 enhance access to home and community-based services
17 during the COVID-19 public health emergency period.

18 (b) DEFINITIONS.—In this section:

19 (1) COVID-19 PUBLIC HEALTH EMERGENCY
20 PERIOD.—The term “COVID-19 public health emer-
21 gency period” means the portion of the emergency
22 period defined in paragraph (1)(B) of section
23 1135(g) of the Social Security Act (42 U.S.C.
24 1320b-5(g)) beginning on or after the date of the
25 enactment of this Act.

1 (2) ELIGIBLE INDIVIDUAL.—The term “eligible
2 individual” means an individual who is eligible for or
3 enrolled for medical assistance under a State Med-
4 icaid program.

5 (3) HOME AND COMMUNITY-BASED SERV-
6 ICES.—The term “home and community-based serv-
7 ices” means, with respect to a State Medicaid pro-
8 gram, home and community-based services (includ-
9 ing home health and personal care services) that are
10 provided under the State’s qualified HCBS program
11 or that could be provided under such a program but
12 are otherwise provided under the Medicaid program.

13 (4) INDIAN TRIBE.—The term “Indian tribe”
14 means an Indian tribe, a tribal organization, or an
15 urban Indian organization (as such terms are de-
16 fined in section 4 of the Indian Health Care Im-
17 provement Act (25 U.S.C. 1603)), and includes a
18 tribal consortium of Indian tribes or tribal organiza-
19 tions (as so defined).

20 (5) MEDICAID PROGRAM.—The term “Medicaid
21 program” means, with respect to a State, the State
22 program under title XIX of the Social Security Act
23 (42 U.S.C. 1396 et seq.) (including any waiver or
24 demonstration under such title or under section

1 1115 of such Act (42 U.S.C. 1315) relating to such
2 title).

3 (6) SECRETARY.—The term “Secretary” means
4 the Secretary of Health and Human Services.

5 (7) STATE.—The term “State” has the mean-
6 ing given such term for purposes of title XIX of the
7 Social Security Act (42 U.S.C. 1396 et seq.).

8 (8) QUALIFIED HCBS PROGRAM.—The term
9 “qualified HCBS program” means a program pro-
10 viding home and community-based services operating
11 under a State Medicaid program, whether or not op-
12 erating under waiver authority.

13 (c) GRANTS TO STATES.—

14 (1) IN GENERAL.—During the COVID–19 pub-
15 lic health emergency period, the Secretary may
16 award grants to States with applications meeting the
17 requirements of paragraph (2).

18 (2) APPLICATION REQUIREMENTS.—A State
19 seeking a grant under this section shall submit an
20 application to the Secretary at such time, in such
21 form and manner, and containing such information
22 as the Secretary shall require.

23 (3) LIMITATIONS.—

24 (A) TERMINATION OF AUTHORITY.—The
25 Secretary shall not award any grants under this

1 section with respect to a State that submits an
2 application after the date that is 60 days after
3 the end of the COVID–19 public health emer-
4 gency period.

5 (B) USE OF FUNDS.—A State to which a
6 grant is made under this section shall only use
7 grant funds in accordance with subsection (d).

8 (C) MAINTENANCE OF STATE EFFORT.—
9 Federal funds paid to a State pursuant to this
10 section must be used to supplement, but not
11 supplant, the level of State funds expended for
12 home and community-based services for eligible
13 individuals programs in effect for such individ-
14 uals at the time the grant is awarded under
15 this section.

16 (4) MONTHLY GRANT PAYMENT AMOUNTS.—

17 (A) IN GENERAL.—Subject to paragraph
18 (5), the Secretary shall pay to each State that
19 is awarded a grant under this section, for each
20 month during the State’s grant period (as de-
21 fined in subparagraph (C)), an amount equal to
22 15 percent of the amount determined for the
23 State under subparagraph (B).

24 (B) AVERAGE MONTHLY HCBS EXPENDI-
25 TURES.—The amount determined for a State

1 under this subparagraph is the amount equal
2 to—

3 (i) the sum of—

4 (I) the average annual amount of
5 State expenditures under title XIX of
6 the Social Security Act (42 U.S.C.
7 1396 et seq.) that are attributable to
8 providing medical assistance for home
9 and community-based services for the
10 3 most recent fiscal years for which
11 data is available; and

12 (II) the average annual amount,
13 if any, received by the State pursuant
14 to an MFP demonstration project
15 conducted under section 6071 of the
16 Deficit Reduction Act of 2005 (42
17 U.S.C. 1396a note) for the 3 most re-
18 cent fiscal years for which data is
19 available; divided by

20 (ii) 12.

21 (C) GRANT PERIOD DEFINED.—In this
22 paragraph, the term “grant period” means,
23 with respect to a State, the period of months—

1 (i) beginning with the month in which
2 the Secretary approves the State's applica-
3 tion for a grant under this section; and

4 (ii) ending with the 12th month that
5 begins after the end of the COVID-19
6 public health emergency period.

7 (5) GRANTS TO INDIAN TRIBES.—

8 (A) IN GENERAL.—During the COVID-19
9 public health emergency period, the Secretary
10 may award grants to an Indian tribe in the
11 same manner, and subject to the same require-
12 ments, as apply to a State, except as otherwise
13 provided in this paragraph.

14 (B) APPLICATION.—Any Indian tribe seek-
15 ing a grant under this section shall submit to
16 the Secretary an application that includes (in
17 addition to any other information the Secretary
18 shall require) an identification of the population
19 and service area or areas to be served by the
20 activities and programs that will be funded by
21 the grant.

22 (C) MONTHLY GRANT PAYMENT
23 AMOUNTS.—

24 (i) IN GENERAL.—The Secretary shall
25 pay to each Indian tribe that is awarded a

1 grant under this section, for each month
2 during the tribe's grant period (as defined
3 in clause (iii)), an amount equal to 15 per-
4 cent of the amount determined for the
5 tribe under clause (ii).

6 (ii) TRIBAL SHARE OF MONTHLY
7 HCBS EXPENDITURES.—The amount deter-
8 mined for an Indian tribe under this clause
9 is equal to the—

10 (I) the total of the average an-
11 nual amount of State expenditures
12 made by a State or States under title
13 XIX of the Social Security Act (42
14 U.S.C. 1396 et seq.) that are attrib-
15 utable to providing medical assistance
16 for home and community-based serv-
17 ices to eligible individuals who reside
18 in the service area or areas identified
19 by the tribe pursuant to subparagraph
20 (B) for the 3 most recent fiscal years
21 for which data is available; divided by

22 (II) 12.

23 (iii) GRANT PERIOD.—The term
24 “grant period” has the same meaning with
25 respect to an Indian tribe as the term has

1 with respect to a State under paragraph
2 (4)(C).

3 (D) REDUCTION OF STATE GRANT
4 AMOUNTS.—If any State in which lies a service
5 area or areas identified by an Indian tribe in a
6 successful grant application pursuant to sub-
7 paragraph (B) is also awarded a grant under
8 this section, the Secretary shall reduce the
9 amount payable to such State each month
10 under paragraph (4) by the portion of the
11 amount payable to the Indian tribe under this
12 paragraph that is attributable to expenditures
13 by the State.

14 (d) PERMISSIBLE USES OF FUNDS.—

15 (1) IN GENERAL.—A State to which a grant is
16 made under this section may use grant funds—

17 (A) to work with community partners such
18 as Area Agencies on Aging, Independent Living
19 Centers, non-profit home and community based
20 service providers, and other entities providing
21 home and community-based services;

22 (B) during the COVID–19 public health
23 emergency period, for the purposes described in
24 paragraph (2); and

1 (C) after the end of such period, for the
2 purposes described in paragraph (3).

3 (2) PERMISSIBLE USES DURING THE EMER-
4 GENCY PERIOD.—The purposes described in this
5 paragraph for which a State may use grant funds
6 awarded under this section are the following:

7 (A) To increase rates for home health and
8 direct service worker agencies to provide home
9 and community-based services under the State
10 Medicaid program, provided that any agency or
11 individual that receives payment under such an
12 increased rate increases the compensation it
13 pays its home health or direct service workers.

14 (B) To provide paid sick leave, paid family
15 leave, and paid medical leave for home health
16 workers and direct service workers.

17 (C) To provide hazard pay, overtime pay,
18 and shift differential pay for home health work-
19 ers and direct service workers.

20 (D) To provide home and community-
21 based services to eligible individuals who are on
22 waiting lists for programs approved under sec-
23 tions 1115 or 1915 of the Social Security Act
24 (42 U.S.C. 1315, 1396n).

1 (E) To purchase emergency supplies and
2 equipment necessary to enhance access to serv-
3 ices and to protect the health and well-being of
4 home health workers and direct service workers.

5 (F) To pay for home health worker and di-
6 rect service worker travel to conduct home and
7 community-based services.

8 (G) To recruit new direct service workers
9 and home health workers.

10 (H) To support family care providers of el-
11 igible individuals with needed supplies and
12 equipment and pay.

13 (I) To pay for training for direct service
14 workers and home health workers that is spe-
15 cific to the COVID–19 public health emergency.

16 (J) To pay for assistive technologies, staff-
17 ing, and other costs incurred during the public
18 health emergency in order to facility community
19 integration and ensure an individual’s person-
20 centered service plan continue to be fully imple-
21 mented.

22 (K) To support direct service workers and
23 home health workers going to nursing facilities,
24 hospitals, institutions, and quarantine settings
25 to provide services to eligible individuals who

1 usually receive home and community-based
2 services and have chosen to temporarily move to
3 a more restrictive setting.

4 (L) To prepare information and public
5 health and educational materials in accessible
6 formats about prevention, treatment, recovery
7 and other aspects of COVID–19 for eligible in-
8 dividuals, their families, and the general com-
9 munity served by home health and direct service
10 agencies, including formats accessible to people
11 with low literacy or intellectual disabilities.

12 (M) To pay for American sign language in-
13 terpreters to assist in providing home and com-
14 munity-based services to eligible individuals and
15 to inform the general public about COVID–19.

16 (N) To allow for day service providers to
17 shift to providing home-based services.

18 (O) To pay for COVID–19 testing in home
19 settings.

20 (P) To pay for other expenses deemed ap-
21 propriate by the Secretary and which meet the
22 criteria of the home and community- based set-
23 tings rule.

24 (3) PERMISSIBLE USES AFTER THE EMER-
25 GENCY PERIOD.—The purpose described in this

1 paragraph for which a State may use grant funds
2 awarded under this section is to assist eligible indi-
3 viduals who had to relocate to a nursing facility or
4 institutional setting from their homes during the
5 COVID–19 public health emergency period in—

6 (A) moving back to their homes (including
7 by paying for moving costs);

8 (B) resuming home and community-based
9 services;

10 (C) receiving mental health services and
11 necessary rehabilitative service to regain skills
12 lost while relocated during the public health
13 emergency period; and

14 (D) continuing home and community-based
15 services for eligible individuals who were served
16 from a waiting list for such services during the
17 public health emergency period.

18 (e) REPORTING REQUIREMENTS.—

19 (1) STATE REPORTING REQUIREMENTS.—Not
20 later than 18 months after the end of the COVID–
21 19 public health emergency period, any State that
22 received a grant under this section shall submit a re-
23 port to the Secretary that contains the following in-
24 formation:

1 (A) Activities and programs that were
2 funded using grant amounts.

3 (B) The number of eligible individuals who
4 were served by such activities and programs.

5 (C) The number of eligible individuals who
6 were able to resume home and community-
7 based services as a result of such activities and
8 programs.

9 (2) HHS REPORT.—Not later than 18 months
10 after the end of the COVID–19 public health emer-
11 gency period, the Secretary shall issue a public sum-
12 mary of the grants awarded under this section.

13 (f) APPROPRIATION.—

14 (1) IN GENERAL.—Subject to paragraph (2),
15 there are appropriated for fiscal year 2020 from any
16 funds in the Treasury not otherwise appropriated
17 such sums as are necessary to carry out this section,
18 to remain available until expended.

19 (2) AVAILABILITY OF APPROPRIATIONS.—
20 Amounts made available under paragraph (1) shall
21 not be available for the awarding of grants to States
22 that do not submit an application for such a grant
23 before the date described in subsection (c)(3)(A).

24 (3) UNUSED GRANT FUNDS.—A State that re-
25 ceives a grant under this section shall return to the

1 Secretary any portion of such grant that is unused
2 as of the date that is 1 year after the last day of
3 the COVID–19 public health emergency period, and
4 such returned portion shall revert to the Treasury.

5 **TITLE III—NUTRITION SERVICES**

6 **SEC. 301. DEFINITIONS.**

7 Section 302 of the Older Americans Act of 1965 (42
8 U.S.C. 3022) is amended—

9 (1) by redesignating paragraphs (2) through
10 (4) as paragraphs (3) through (5), respectively; and
11 (2) by inserting after paragraph (1) the fol-
12 lowing:

13 “(2) COVID–19 PUBLIC HEALTH EMERGENCY
14 PERIOD.—The term ‘COVID–19 public health emer-
15 gency period’ means the portion of the emergency
16 period defined in paragraph (1)(B) of section
17 1135(g) of the Social Security Act beginning on or
18 after the date of the enactment of this Act.”.

19 **SEC. 302. CONGREGATE NUTRITION SERVICES CRITERIA.**

20 (a) DEFINITIONS.—In this section:

21 (1) AREA AGENCY ON AGING; STATE AGENCY.—
22 The terms “area agency on aging” and “State agen-
23 cy” have the meanings given the terms in section
24 102 of the Older Americans Act of 1965 (42 U.S.C.
25 3002).

1 (2) COVID–19 PUBLIC HEALTH EMERGENCY
2 PERIOD.—The term “COVID–19 public health emer-
3 gency period” has the meaning given the term in
4 section 302 of such Act (42 U.S.C. 3022).

5 (b) TRANSFERS.—For purposes of section 308(b)(4)
6 of the Older Americans Act of 1965 (42 U.S.C.
7 3028(b)(4)), during the COVID–19 public health emer-
8 gency period the Secretary of Health and Human Services
9 shall allow a State agency or an area agency on aging,
10 without prior approval, to transfer not more than 100 per-
11 cent of the funds received by the State agency or area
12 agency on aging, respectively, and attributable to funds
13 appropriated under paragraph (1) or (2) of section 303(b)
14 of such Act (42 U.S.C. 3023(b)), between subpart 1 and
15 subpart 2 of part C of such Act (42 U.S.C. 3030d–21
16 et seq.) for such use as the State agency or area agency
17 on aging, respectively, considers appropriate to meet the
18 needs of the State or area served.

19 **SEC. 303. HOME DELIVERED NUTRITION SERVICES CRI-**
20 **TERIA.**

21 Section 337 of the Older Americans Act of 1965 (42
22 U.S.C. 3030g) is amended—

23 (1) by inserting “(a)” before “The Assistant
24 Secretary”; and

25 (2) by adding at the end the following:

1 “(b) For purposes of determining priority for the de-
2 livery of nutrition services under this subpart, during the
3 COVID–19 public health emergency period, the Assistant
4 Secretary shall give the same priority, as the Assistant
5 Secretary gives to an individual who is homebound by rea-
6 son of illness, to—

7 “(1) an individual who is unable to obtain nu-
8 trition because the individual is under a quarantine,
9 practicing social distancing, or otherwise unable to
10 leave home, due to the emergency;

11 “(2) a person under age 18, or an individual
12 with a disability, who resides in the same home as
13 the recipient if, according to criteria determined by
14 the area agency on aging, provision of such nutrition
15 services to the person or individual is in the best in-
16 terest of the recipient; and

17 “(3) an individual with a disability who—

18 “(A) is at home during the public health
19 emergency period; and

20 “(B) usually receives services in a day pro-
21 gram, at the individual’s place of work, or
22 through a visiting direct service worker who
23 may not be able to continue to provide services
24 during the public health emergency period.”.