

United States Senate

WASHINGTON, DC 20510-1904

March 16, 2020

The Honorable Alex Azar
Secretary
U.S. Department of Health and Human Services
Washington, D.C. 20201

Dear Secretary Azar:

As the coronavirus (known as COVID-19) continues to rapidly spread throughout the United States, I write today as Chairman of the Senate Special Committee on Aging on behalf of the more than 50 million older Americans in need of expanded access to The Older Americans Act (OAA) Nutrition Programs.

Older adults are at a higher risk for experiencing serious illness from COVID-19. The Centers for Disease Control and Prevention (CDC) recommends that older adults remain in their homes as much as possible during this outbreak. The CDC has also issued guidance calling for the cancellation of events consisting of 50 people or more. In the face of this public health challenge and current mitigation guidelines, Area Agencies on Aging (AAAs) across the country are struggling to continue to run programs that meet the nutritional needs of older Americans. For example, many AAAs are having to close congregate meal sites.

At a time of heightened need for nutrition services, additional flexibilities are urgently needed to ensure that AAAs can continue to serve older Americans, and meet growing demands. Specifically, as congregate meal sites close, it is critical that the nutritional needs of those seniors can continue to be met. OAA statute (Section 308(b)) allows States to transfer up to 40 percent of funds from congregate to home-delivered services, with an additional 10 percent transfer authority by waiver from the Assistant Secretary. Current OAA regulations also prioritize home-delivered nutrition programs for older adults who are homebound “by reason of illness or incapacitating disability.” During this pandemic, additional flexibilities must be established to better support older Americans living in the community.

I, therefore, request that you use emergency authorities that were triggered by the President’s March 13th emergency declaration to direct the Administration for Community Living (ACL) to issue guidance as soon as possible, but by March 18, 2020, to allow for the flexibilities below.

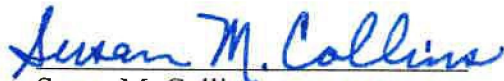
1. **Nutrition Transfer Authorization** that would afford States the flexibility to transfer up to 100 percent of their funds to home-delivered services, based on their own determination of need, without requiring any waivers from the Assistant Secretary.

2. **Expanded Definition of Homebound** to include older adults who are staying at home, or practicing “social distancing” during this emergency.

Please advise us on the steps you are planning to take to implement this request. If you have any questions, you may contact me, or have your staff contact [REDACTED]

Thank you for supporting our older Americans during this time of heightened need, and I look forward to working with you.

Sincerely,



Susan M. Collins
United States Senator