

mitted 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 OF 1984 AMENDMENT

Amendment by Pub. L. 98-459 effective Oct. 9, 1984, see section 803(a) of Pub. L. 98-459, set out as a note under section 3001 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-478 effective at close of Sept. 30, 1978, see section 504 of Pub. L. 95-478, set out as a note under section 3001 of this title.

**§ 3013a. Consultation with State agencies, area agencies on aging, and Native American grant recipients**

The Assistant Secretary shall consult and coordinate with State agencies, area agencies on aging, and recipients of grants under subchapter X in the development of Federal goals, regulations, program instructions, and policies under this chapter.

(Pub. L. 89-73, title II, § 203A, as added Pub. L. 102-375, title II, § 204, Sept. 30, 1992, 106 Stat. 1211; amended Pub. L. 103-171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

**Editorial Notes**

AMENDMENTS

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

**§ 3014. Repealed. Pub. L. 97-115, § 2(e)(1), Dec. 29, 1981, 95 Stat. 1596**

Section, Pub. L. 89-73, title II, § 204, as added Pub. L. 93-29, title II, § 201(c), May 3, 1973, 87 Stat. 32; amended Pub. L. 94-135, title I, § 112(a), Nov. 28, 1975, 89 Stat. 719; Pub. L. 95-478, title I, § 102(c), (d), title V, § 503(b)(4)(A), Oct. 18, 1978, 92 Stat. 1514, 1559, provided for establishment of a National Information and Resource Clearing House for the Aging.

**§ 3015. Gifts and donations**

**(a) Gifts and donations**

The Assistant Secretary may accept, use, and dispose of, on behalf of the United States, gifts or donations (in cash or in kind, including voluntary and uncompensated services or property), which shall be available until expended for the purposes specified in subsection (b). Gifts of cash and proceeds of the sale of property shall be available in addition to amounts appropriated to carry out this chapter.

**(b) Use of gifts and donations**

Gifts and donations accepted pursuant to subsection (a) may be used either directly, or for grants to or contracts with public or nonprofit private entities, for the following activities:

(1) The design and implementation of demonstrations of innovative ideas and best practices in programs and services for older individuals.

(2) The planning and conduct of conferences for the purpose of exchanging information, among concerned individuals and public and private entities and organizations, relating to programs and services provided under this

chapter and other programs and services for older individuals.

(3) The development, publication, and dissemination of informational materials (in print, visual, electronic, or other media) relating to the programs and services provided under this chapter and other matters of concern to older individuals.

**(c) Ethics guidelines**

The Assistant Secretary shall establish written guidelines setting forth the criteria to be used in determining whether a gift or donation should be declined under this section because the acceptance of the gift or donation would—

(1) reflect unfavorably upon the ability of the Administration, the Department of Health and Human Services, or any employee of the Administration or Department, to carry out responsibilities or official duties under this chapter in a fair and objective manner; or

(2) compromise the integrity or the appearance of integrity of programs or services provided under this chapter or of any official involved in those programs or services.

(Pub. L. 89-73, title II, § 204, as added Pub. L. 106-501, title II, § 202(2), Nov. 13, 2000, 114 Stat. 2230.)

**Editorial Notes**

PRIOR PROVISIONS

A prior section 3015, Pub. L. 89-73, title II, § 204, formerly § 205, as added Pub. L. 93-29, title II, § 201(c), May 3, 1973, 87 Stat. 33; amended Pub. L. 94-135, title I, § 101, Nov. 28, 1975, 89 Stat. 713; Pub. L. 95-478, title I, § 102(e), title V, § 503(b)(3), (4)(A), Oct. 18, 1978, 92 Stat. 1514, 1559; renumbered § 204 and amended Pub. L. 97-115, §§ 2(e)(2), (f), 11(b)(1), Dec. 29, 1981, 95 Stat. 1596, 1606; Pub. L. 98-459, title II, § 204, Oct. 9, 1984, 98 Stat. 1769; Pub. L. 100-175, title I, §§ 107(b), 108, 182(d), Nov. 29, 1987, 101 Stat. 931, 932, 964; Pub. L. 100-628, title VII, § 705(2), Nov. 7, 1988, 102 Stat. 3247; Pub. L. 102-375, title II, § 205, title IX, § 904(a)(6), Sept. 30, 1992, 106 Stat. 1211, 1306; Pub. L. 103-171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990, established a Federal Council on the Aging and provided for its membership, duties, etc., and authorized appropriations for fiscal years 1992 through 1995, prior to repeal by Pub. L. 106-501, title II, § 202(2), Nov. 13, 2000, 114 Stat. 2230.

A prior section 204 of Pub. L. 89-73 was classified to section 3014 of this title prior to repeal by Pub. L. 97-115.

**§ 3016. Authority of Assistant Secretary**

**(a) Consultative services and technical assistance; short-term training and technical instruction; research and demonstrations; preparation and dissemination of informational materials; staff and technical assistance to Federal Council on the Aging; designation of full-time nutrition professional as administrator of nutrition services**

(1) In carrying out the objectives of this chapter, the Assistant Secretary is authorized to—

(A) provide consultative services and technical assistance to public or nonprofit private agencies and organizations;

(B) provide short-term training and technical instruction;

(C) conduct research and demonstrations; and

(D) collect, prepare, publish, and disseminate special educational or informational ma-

terials, including reports of the projects for which funds are provided under this chapter.

(2)(A) The Assistant Secretary shall designate an officer or employee who shall serve on a full-time basis and who shall be responsible for the administration of the nutrition services described in subparts I and II of part C of subchapter III and shall have duties that include—

(i) designing, implementing, and evaluating evidence-based programs to support improved nutrition and regular physical activity for older individuals;

(ii) developing guidelines for nutrition providers concerning safety, sanitary handling of food, equipment, preparation, and food storage;

(iii) conducting outreach and disseminating evidence-based information to nutrition service providers about the benefits of healthful diets and regular physical activity, including information about the most current Dietary Guidelines for Americans published under section 5341 of title 7, the Food Guidance System of the Department of Agriculture, and advances in nutrition science;

(iv) promoting coordination between nutrition service providers and community-based organizations serving older individuals;

(v) developing guidelines on cost containment;

(vi) defining a long range role for the nutrition services in community-based care systems;

(vii) developing model menus and other appropriate materials for serving special needs populations and meeting cultural meal preferences;

(viii) disseminating guidance that describes strategies for improving the nutritional quality of meals provided under subchapter III, including strategies for increasing the consumption of whole grains, lowfat dairy products, fruits, and vegetables;

(ix) developing and disseminating guidelines for conducting nutrient analyses of meals provided under subparts I and II of part C of subchapter III, including guidelines for averaging key nutrients over an appropriate period of time; and

(x) providing technical assistance to the regional offices of the Administration with respect to each duty described in clauses (i) through (ix).

(B) The regional offices of the Administration shall be responsible for disseminating, and providing technical assistance regarding, the guidelines and information described in clauses (ii), (iii), and (v) of subparagraph (A) to State agencies, area agencies on aging, and persons that provide nutrition services under part C of subchapter III.

(C) The Assistant Secretary may provide technical assistance, including through the regional offices of the Administration, to State agencies, area agencies on aging, local government agencies, or leaders in age-friendly communities (as defined, for purposes of this subparagraph, in section 3013(c)(9) of this title) regarding—

(i) dissemination of, or consideration of ways to implement, best practices and rec-

ommendations from the Interagency Coordinating Committee on Healthy Aging and Age-Friendly Communities established under section 3013(c) of this title; and

(ii) methods for managing and coordinating existing programs to meet the needs of growing age-friendly communities.

(D) The officer or employee designated under subparagraph (A) shall—

(i) have expertise in nutrition, energy balance, and meal planning; and

(ii) be a registered dietitian or registered dietitian nutritionist.

**(b) Utilization of services and facilities of Federal and other public or nonprofit agencies; advance or reimbursement payments for such use**

In administering the functions of the Administration under this chapter, the Assistant Secretary may utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or organization, in accordance with agreements between the Assistant Secretary and the head thereof, and is authorized to pay therefor, in advance or by way of reimbursement, as may be provided in the agreement.

(Pub. L. 89-73, title II, § 205, formerly § 206, as added Pub. L. 93-29, title II, § 201(c), May 3, 1973, 87 Stat. 34; amended Pub. L. 95-478, title I, § 102(f), Oct. 18, 1978, 92 Stat. 1515; renumbered § 205 and amended Pub. L. 97-115, § 2(e)(2), (g), Dec. 29, 1981, 95 Stat. 1596; Pub. L. 98-459, title II, § 205, Oct. 9, 1984, 98 Stat. 1770; Pub. L. 100-175, title I, §§ 109, 110, Nov. 29, 1987, 101 Stat. 932; Pub. L. 102-375, title II, § 206, title IX, § 904(a)(7), Sept. 30, 1992, 106 Stat. 1212, 1306; Pub. L. 103-171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990; Pub. L. 106-501, title II, § 202(3), title VIII, § 801(b)(3), Nov. 13, 2000, 114 Stat. 2231, 2292; Pub. L. 109-365, title II, § 204, Oct. 17, 2006, 120 Stat. 2535; Pub. L. 114-144, § 3(c), Apr. 19, 2016, 130 Stat. 337; Pub. L. 116-131, title I, §§ 124(c), 125, Mar. 25, 2020, 134 Stat. 250, 251.)

**Editorial Notes**

**PRIOR PROVISIONS**

A prior section 205 of Pub. L. 89-73 was renumbered section 204 and is classified to section 3015 of this title.

**AMENDMENTS**

2020—Subsec. (a)(2)(C). Pub. L. 116-131, § 124(c)(2), added subpar. (C). Former subpar. (C) redesignated (D).

Subsec. (a)(2)(D). Pub. L. 116-131, § 124(c)(1), redesignated subpar. (C) as (D).

Subsec. (a)(2)(D)(ii). Pub. L. 116-131, § 125, amended cl. (ii) generally. Prior to amendment, cl. (ii) read as follows:

“(I) be a registered dietitian;

“(II) be a credentialed nutrition professional; or

“(III) have education and training that is substantially equivalent to the education and training for a registered dietitian or a credentialed nutrition professional.”

2016—Subsec. (c). Pub. L. 114-144 struck out subsec. (c). Text read as follows: “For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary.”

2006—Subsec. (a)(1)(C) to (E). Pub. L. 109-365, § 204(1)(A), in subpar. (C) inserted “and” at end, in subpar. (D) substituted period for “; and” at end, and

struck out subpar. (E) which read as follows: “provide staff and other technical assistance to the Federal Council on the Aging.”

Subsec. (a)(2)(A)(i). Pub. L. 109-365, §204(1)(B)(i)(I), amended cl. (i) generally. Prior to amendment, cl. (i) read as follows: “designing, implementing, and evaluating nutrition programs;”.

Subsec. (a)(2)(A)(iii). Pub. L. 109-365, §204(1)(B)(i)(II), amended cl. (iii) generally. Prior to amendment, cl. (iii) read as follows: “disseminating information to nutrition service providers about nutrition advancements and developments;”.

Subsec. (a)(2)(A)(viii) to (x). Pub. L. 109-365, §204(1)(B)(i)(III), (IV), added cls. (viii) to (x) and struck out former cl. (viii) which read as follows: “providing technical assistance to the regional offices of the Administration with respect to each duty described in clauses (i) through (vii).”

Subsec. (a)(2)(C)(i). Pub. L. 109-365, §204(1)(B)(ii), amended cl. (i) generally. Prior to amendment, cl. (i) read as follows: “have expertise in nutrition and dietary services and planning; and”.

2000—Subsec. (a)(2)(A). Pub. L. 106-501, §801(b)(3), substituted “subparts I and II” for “subparts I, II, and III” in introductory provisions.

Subsecs. (c) to (e). Pub. L. 106-501, §202(3), redesignated subsec. (e) as (c) and struck out former subsecs. (c) and (d) which read as follows:

“(c) Not later than 120 days after October 9, 1987, the Secretary shall issue and publish in the Federal Register proposed regulations for the administration of this chapter. After allowing a reasonable period for public comment on such proposed rules and not later than 90 days after such publication, the Secretary shall issue, in final form, regulations for the administration of this chapter.

“(d) Not later than September 1 of each fiscal year, the Assistant Secretary shall make available to the public, for the purpose of facilitating informed public comment, a statement of proposed specific goals to be achieved by implementing this chapter in the first fiscal year beginning after the date on which such statement is made available.”

1993—Subsecs. (a), (b), (d). Pub. L. 103-171 substituted “Assistant Secretary” for “Commissioner” wherever appearing.

1992—Subsec. (a). Pub. L. 102-375 designated existing provisions as par. (1), substituted “objectives” for “purposes” and “to—” for “to:” in introductory provisions, redesignated former pars. (1) to (5) as subpars. (A) to (E), respectively, and added par. (2).

1987—Subsec. (c). Pub. L. 100-175, §109, substituted “October 9, 1987” for “October 9, 1984”.

Subsecs. (d), (e). Pub. L. 100-175, §110, added subsec. (d) and redesignated former subsec. (d) as (e).

1984—Subsec. (b). Pub. L. 98-459, §205(a), substituted “the functions of the Administration” for “his functions”.

Subsecs. (c), (d). Pub. L. 98-459, §205(b), added subsec. (c) and redesignated former subsec. (c) as (d).

1981—Subsecs. (b) to (d). Pub. L. 97-115, §2(g), struck out subsec. (b) providing that a report be prepared and submitted to Congress by the Commissioner not later than Sept. 30, 1980, and redesignated subsecs. (c) and (d) as (b) and (c), respectively.

1978—Subsecs. (b) to (d). Pub. L. 95-478 added subsec. (b) and redesignated existing subsecs. (b) and (c) as (c) and (d).

#### 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 OF 1984 AMENDMENT

Amendment by Pub. L. 98-459 effective Oct. 9, 1984, see section 803(a) of Pub. L. 98-459, set out as a note under section 3001 of this title.

##### EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-478 effective at close of Sept. 30, 1978, see section 504 of Pub. L. 95-478, set out as a note under section 3001 of this title.

### § 3017. Evaluation of programs

#### (a) Authority of Secretary; scope of evaluation; persons conducting evaluation

The Secretary shall measure and evaluate the impact of all programs authorized by this chapter, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, their effectiveness in targeting for services under this chapter unserved older individuals with greatest economic need (including low-income minority individuals and older individuals residing in rural areas) and unserved older individuals with greatest social need (including low-income minority individuals and older individuals residing in rural areas), and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

#### (b) Relationship of programs to health care expenditures

Not later than July 1, 2020, the Secretary shall provide, directly or through grant or contract, for an evaluation of programs under this chapter, which shall include, to the extent practicable, an analysis of the relationship of such programs, including demonstration projects under subchapter IV of this chapter, to health care expenditures under the Medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and the Medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.). The Secretary shall oversee analyses of data obtained in connection with program evaluation to evaluate, where feasible, the relationship of programs under this chapter to health care expenditures, including under the Medicare and Medicaid programs.

#### (c) General standards

The Secretary may not make grants or contracts under subchapter IV of this chapter until the Secretary develops and publishes general standards to be used by the Secretary in evaluating the programs and projects assisted under such subchapter. Results of evaluations conducted pursuant to such standards shall be included in the reports required by section 3018 of this title.

#### (d) Opinions of program and project participants; comparison of effectiveness of related programs; consultation with organizations concerned with older individuals

In carrying out evaluations under this section, the Secretary shall, whenever possible, arrange