

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.)

#### 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 Repealed.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) of this section. 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) of this section 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.)

#### 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 materials, 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 officer or employee designated under subparagraph (A) shall—

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

(ii)(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.

**(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.)

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

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).

#### 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) 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.

#### (c) 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

to obtain the opinions of program and project participants about the strengths and weaknesses of the programs and projects, and conduct, where appropriate, evaluations which compare the effectiveness of related programs in achieving common objectives. In carrying out such evaluations, the Secretary shall consult with organizations concerned with older individuals, including those representing minority individuals, older individuals residing in rural areas and older individuals with disabilities.

#### (d) Annual summaries and analyses of evaluation; demonstration projects; transmittal to Congress; dissemination to Federal, State, and local agencies and private organizations; accessibility to public

The Secretary shall annually publish summaries and analyses of the results of evaluative research and evaluation of program and project impact and effectiveness, including, as appropriate, health and nutrition education demonstration projects conducted under section 3027(f)<sup>1</sup> of this title, the full contents of which shall be transmitted to Congress, be disseminated to Federal, State, and local agencies and private organizations with an interest in aging, and be accessible to the public.

#### (e) Federal property

The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

#### (f) Availability to Secretary of information from executive agencies

Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this section shall be made available to him, upon request, by the departments and agencies of the executive branch.

#### (g) Funds

From the total amount appropriated for each fiscal year to carry out subchapter III, the Secretary may use such sums as may be necessary, but not to exceed ½ of 1 percent of such amount, for purposes of conducting evaluations under this section, either directly or through grants or contracts. No part of such sums may be reprogrammed, transferred, or used for any other purpose. Funds expended under this subsection shall be justified and accounted for by the Secretary.

(Pub. L. 89-73, title II, §206, formerly §207, as added Pub. L. 93-29, title II, §201(c), May 3, 1973, 87 Stat. 35; amended Pub. L. 95-478, title I, §102(g), Oct. 18, 1978, 92 Stat. 1515; renumbered §206 and amended Pub. L. 97-115, §2(e)(2), (h), Dec. 29, 1981, 95 Stat. 1596; Pub. L. 98-459, title II, §206, Oct. 9, 1984, 98 Stat. 1770; Pub. L. 100-175, title I, §106(c), Nov. 29, 1987, 101 Stat. 930; Pub. L. 102-375, title II, §207, Sept. 30, 1992, 106 Stat. 1213; Pub. L. 103-171, §§2(5), 3(a)(13), Dec. 2, 1993, 107 Stat. 1988, 1990; Pub. L. 106-501, title II, §203, Nov. 13, 2000, 114 Stat. 2234; Pub. L. 109-365, title II, §205, Oct. 17, 2006, 120 Stat. 2535.)

<sup>1</sup> See References in Text note below.