

TITLE 42 - THE PUBLIC HEALTH AND WELFARE
CHAPTER 35 - PROGRAMS FOR OLDER AMERICANS
SUBCHAPTER II - ADMINISTRATION ON AGING

§ 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 of this chapter 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 of this chapter.

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- (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.

(c) Authorization of appropriations

For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary.

(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.)

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

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

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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.