

(of which not to exceed \$1,500,000 shall be available from funds appropriated to carry out subchapter III of this chapter and not to exceed \$1,500,000 shall be available from funds appropriated to carry out subchapter IV of this chapter), to conduct directly evaluations under this section.”

2000—Subsec. (a). Pub. L. 106-501, §203(1), inserted “and older individuals residing in rural areas” after “low-income minority individuals” in two places.

Subsec. (c). Pub. L. 106-501, §203(2), inserted “, older individuals residing in rural areas” after “minority individuals”.

Subsecs. (g), (h). Pub. L. 106-501, §203(3), (4), redesignated subsec. (h) as (g) and struck out former subsec. (g) which related to evaluation of nutritional services provided under this chapter, establishment of an advisory council to develop recommendations for guidelines on efficiency and quality in furnishing nutrition services, and reporting to the President and Congress on recommendations and final guidelines to improve nutrition services provided under this chapter.

1993—Subsec. (g)(1). Pub. L. 103-171, §§2(5)(A), 3(a)(13), substituted “1995” for “1994” and “Assistant Secretary” for “Commissioner”.

Subsec. (g)(2). Pub. L. 103-171, §§2(5)(B), 3(a)(13), substituted “Assistant Secretary” for “Commissioner” wherever appearing and “1994” for “1993” in subpar. (B).

Subsec. (g)(3). Pub. L. 103-171, §§2(5)(C), 3(a)(13), substituted “1995” for “1994” in introductory provisions and “Assistant Secretary” for “Commissioner” in subpar. (B).

1992—Subsec. (a). Pub. L. 102-375, §207(1), inserted “their effectiveness in targeting for services under this chapter unserved older individuals with greatest economic need (including low-income minority individuals) and unserved older individuals with greatest social need (including low-income minority individuals),” after “related programs.”

Subsecs. (g), (h). Pub. L. 102-375, §207(2), added subsecs. (g) and (h) and struck out former subsec. (g) which read as follows: “The Secretary is authorized to use such sums as may be required, but not to exceed one-tenth of 1 percent of the funds appropriated under this chapter for each fiscal year, or \$300,000 whichever is lower, to conduct program and project evaluations (directly, or by grants or contracts) as required by this subchapter. In the case of allotments from such an appropriation, the amount available for such allotments (and the amount deemed appropriated therefor) shall be reduced accordingly.”

1987—Subsec. (c). Pub. L. 100-175 inserted “and older individuals with disabilities” before period at end.

1984—Subsec. (b). Pub. L. 98-459, §206(a), substituted “the Secretary develops and publishes general standards to be used by the Secretary in evaluating the programs and projects assisted under such subchapter” for “he has developed and published general standards to be used by him in evaluating the programs and projects assisted under such section or subchapter”.

Subsec. (c). Pub. L. 98-459, §206(b), inserted provision requiring the Secretary to consult with organizations concerned with older individuals, including those representing minority individuals, in carrying out evaluations under this section.

Subsec. (d). Pub. L. 98-459, §206(c), inserted reference to health and nutrition education demonstration projects conducted under section 3027(f) of this title and inserted provision requiring dissemination of summaries and analyses required by this subsection to Federal, State, and local agencies and private organizations with an interest in aging.

Subsec. (g). Pub. L. 98-459, §206, substituted “one-tenth of 1 percent” for “1 per centum”, “under this chapter for each fiscal year” for “under this chapter”, and “\$300,000 whichever is lower” for “\$1,000,000 whichever is greater”.

1981—Subsec. (b). Pub. L. 97-115, §2(h), struck out “under section 3028 of this title” after “The Secretary may not make grants or contracts”.

1978—Subsec. (c). Pub. L. 95-478, §102(g)(1), required the Secretary to conduct, where appropriate, evalua-

tions which compare the effectiveness of related programs in achieving common objectives.

Subsec. (d). Pub. L. 95-478, §102(g)(2), required publication of analyses of evaluations and substituted “full contents of which shall be transmitted to Congress and be accessible to the public” for “full contents of which shall be available to Congress and the public”.

#### 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 section 206(a) of Pub. L. 98-459 effective 60 days after Oct. 9, 1984, see section 803(b)(1) of Pub. L. 98-459, set out as a note under section 3001 of this title.

Amendment by section 206(b), (c) of 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.

Amendment by section 206(d) of Pub. L. 98-459 effective on first day of first fiscal year beginning after Oct. 9, 1984, see section 803(b)(2) 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.

### § 3018. Reports to Congress

#### (a) Annual report

Not later than one hundred and twenty days after the close of each fiscal year, the Assistant Secretary shall prepare and submit to the President and to the Congress a full and complete report on the activities carried out under this chapter. Such annual reports shall include—

(1) statistical data reflecting services and activities provided to individuals during the preceding fiscal year;

(2) statistical data collected under section 3012(a)(19)<sup>1</sup> of this title;

(3) statistical data and an analysis of information regarding the effectiveness of the State agency and area agencies on aging in targeting services to older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority individuals, older individuals residing in rural areas, low-income individuals, and frail individuals (including individuals with any physical or mental functional impairment); and

(4) a description of the implementation of the plan required by section 3012(a)(17)<sup>1</sup> of this title.

#### (b) Report on ombudsman program

(1) Not later than March 1 of each year, the Assistant Secretary shall compile a report—

(A) summarizing and analyzing the data collected under subchapters III and XI of this chapter in accordance with section 3058g(c) of this title for the then most recently concluded fiscal year;

(B) identifying significant problems and issues revealed by such data (with special em-

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

phasis on problems relating to quality of care and residents' rights);

(C) discussing current issues concerning the long-term care ombudsman programs of the States; and

(D) making recommendations regarding legislation and administrative actions to resolve such problems.

(2) The Assistant Secretary shall submit the report required by paragraph (1) to—

(A) the Special Committee on Aging of the Senate;

(B) the Committee on Education and the Workforce of the House of Representatives; and

(C) the Committee on Health, Education, Labor, and Pensions of the Senate.

(3) The Assistant Secretary shall provide the report required by paragraph (1), and make the State reports required under subchapters III and XI of this chapter in accordance with section 3058g(h)(1) of this title available, to—

(A) the Administrator of the Health Care Finance Administration;

(B) the Office of the Inspector General of the Department of Health and Human Services;

(C) the Office of Civil Rights of the Department of Health and Human Services;

(D) the Secretary of Veterans Affairs; and

(E) each public agency or private organization designated as an Office of the State Long-Term Care Ombudsman under subchapter III or XI of this chapter in accordance with section 3058g(a)(4)(A) of this title.

**(c) Outreach activities; report on evaluations to be included in annual report**

The Assistant Secretary shall, as part of the annual report submitted under subsection (a) of this section, prepare and submit a report on the outreach activities supported under this chapter, together with such recommendations as the Assistant Secretary deems appropriate. In carrying out this subsection, the Assistant Secretary shall consider—

(1) the number of older individuals reached through the activities;

(2) the dollar amount of the assistance and benefits received by older individuals as a result of such activities;

(3) the cost of such activities in terms of the number of individuals reached and the dollar amount described in paragraph (2);

(4) the effect of such activities on supportive services and nutrition services furnished under subchapter III of this chapter; and

(5) the effectiveness of State and local efforts to target older individuals with greatest economic need (including low-income minority individuals and older individuals residing in rural areas) and older individuals with greatest social need (including low-income minority individuals and older individuals residing in rural areas) to receive services under this chapter.

(Pub. L. 89-73, title II, §207, formerly §208, as added Pub. L. 93-29, title II, §201(c), May 3, 1973, 87 Stat. 35; renumbered §207, Pub. L. 97-115, §2(e)(2), Dec. 29, 1981, 95 Stat. 1596; amended Pub. L. 98-459, title II, §207, Oct. 9, 1984, 98 Stat. 1770;

Pub. L. 100-175, title I, §§103(b), (c), 155(f), Nov. 29, 1987, 101 Stat. 928, 929, 954; Pub. L. 102-54, §13(q)(9)(A), June 13, 1991, 105 Stat. 281; Pub. L. 102-375, title II, §208, title VII, §708(a)(2)(A), (c)(2), title IX, §904(a)(8), Sept. 30, 1992, 106 Stat. 1214, 1292, 1306; Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990; Pub. L. 103-437, §15(l), Nov. 2, 1994, 108 Stat. 4593; Pub. L. 106-501, title II, §204, title VIII, §801(b)(4), Nov. 13, 2000, 114 Stat. 2234, 2292; Pub. L. 109-365, title II, §206, Oct. 17, 2006, 120 Stat. 2535.)

REFERENCES IN TEXT

Section 3012(a)(17), (19) of this title, referred to in subsec. (a)(2), (4), was redesignated section 3012(a)(14) and (16), respectively, of this title and section 3012(a)(20), (22) was redesignated section 3012(a)(17), (19), respectively, by Pub. L. 106-501, title II, §201(1)(B), Nov. 13, 2000, 114 Stat. 2229.

PRIOR PROVISIONS

A prior section 207 of Pub. L. 89-73 was renumbered section 206 and is classified to section 3017 of this title.

AMENDMENTS

2006—Subsec. (b)(2)(B). Pub. L. 109-365, §206(1), substituted “the Workforce” for “Labor”.

Subsec. (b)(2)(C). Pub. L. 109-365, §206(2), substituted “Health, Education, Labor, and Pensions” for “Labor and Human Resources”.

2000—Subsec. (a)(3). Pub. L. 106-501, §801(b)(4), redesignated par. (4) as (3) and struck out former par. (3) which read as follows: “an analysis of the information received under section 3026(b)(2)(D) of this title by the Assistant Secretary;”.

Subsec. (a)(4). Pub. L. 106-501, §801(b)(4)(B), redesignated par. (5) as (4).

Pub. L. 106-501, §204(1), inserted “older individuals residing in rural areas,” after “low-income minority individuals;”.

Subsec. (a)(5). Pub. L. 106-501, §801(b)(4)(B), redesignated par. (5) as (4).

Subsec. (c)(5). Pub. L. 106-501, §204(2), inserted “and older individuals residing in rural areas” after “low-income minority individuals” in two places.

1994—Subsec. (b)(2). Pub. L. 103-437 redesignated subpars. (B) to (D) as (A) to (C), respectively, and struck out former subpar. (A) which read as follows: “the Select Committee on Aging of the House of Representatives;”.

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

1992—Subsec. (a)(4). Pub. L. 102-375, §904(a)(8), substituted “greatest economic need and older individuals with greatest social need” for “the greatest economic or social needs”.

Subsec. (a)(5). Pub. L. 102-375, §208(a), added par. (5).

Subsec. (b)(1). Pub. L. 102-375, §208(b), substituted “March 1” for “January 15” in introductory provisions.

Subsec. (b)(1)(A). Pub. L. 102-375, §708(a)(2)(A)(i), substituted “subchapters III and XI of this chapter in accordance with section 3058g(c) of this title” for “section 3027(a)(12)(C) of this title”.

Subsec. (b)(3). Pub. L. 102-375, §708(a)(2)(A)(ii)(I), substituted “under subchapters III and XI of this chapter in accordance with section 3058g(h)(1) of this title” for “by section 3027(a)(12)(H)(i) of this title”.

Subsec. (b)(3)(E). Pub. L. 102-375, §708(a)(2)(A)(ii)(II), added subpar. (E) and struck out former subpar. (E) which read as follows: “the public agencies and private organizations designated under section 3027(a)(12)(A) of this title.”

Subsec. (c). Pub. L. 102-375, §708(c)(2)(A), substituted “on the outreach activities supported under this chapter” for “on the evaluations required to be submitted under section 3027(a)(31)(D) of this title”.

Subsec. (c)(1). Pub. L. 102-375, §708(c)(2)(B), substituted “the activities” for “outreach activities supported under section 3026(a)(6)(P) of this title”.

Subsec. (c)(5). Pub. L. 102-375, §208(c), added par. (5). 1991—Subsec. (b)(3)(D). Pub. L. 102-54 substituted “Secretary of Veterans Affairs” for “Administrator of the Veterans’ Administration”.

1987—Subsec. (a). Pub. L. 100-175, §103(b), amended last sentence generally. Prior to amendment, last sentence read as follows: “Such annual reports shall include statistical data reflecting services and activities provided individuals during the preceding fiscal year.”

Subsec. (b). Pub. L. 100-175, §103(c), added subsec. (b) and struck out former subsec. (b) which read as follows: “Not later than 2 years after October 9, 1984, the Commissioner shall prepare and submit a report to the Congress on the extent to which the need for services for the prevention of the abuse of individuals is unmet, based on information gathered pursuant to section 3026(a)(6)(J) of this title.”

Subsec. (c). Pub. L. 100-175, §155(f), added subsec. (c). 1984—Pub. L. 98-459 designated existing provisions as subsec. (a), substituted “submit to the President and to the Congress” for “submit to the President for transmittal to the Congress”, and added subsec. (b).

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by section 708(a)(2)(A) and (c)(2) of Pub. L. 102-375 inapplicable with respect to fiscal year 1993, see section 4(b) of Pub. L. 103-171, set out as a note under section 3001 of this title.

Amendment by section 708(a)(2)(A) and (c)(2) of Pub. L. 102-375 inapplicable with respect to fiscal year 1992, see section 905(b)(6) of Pub. L. 102-375, set out as a note under section 3001 of this title.

#### 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.

### § 3019. Joint funding of projects

Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this chapter, where funds are provided for a single project by more than one Federal agency to any agency or organization assisted under this chapter, the Federal agency principally involved may be designated to act for all in administering the funds provided. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

(Pub. L. 89-73, title II, §208, formerly §209, as added Pub. L. 93-29, title II, §201(c), May 3, 1973, 87 Stat. 35; renumbered §208, Pub. L. 97-115, §2(e)(2), Dec. 29, 1981, 95 Stat. 1596.)

#### PRIOR PROVISIONS

A prior section 208 of Pub. L. 89-73 was renumbered section 207 and is classified to section 3018 of this title.

Provisions similar to those comprising this section were contained in Pub. L. 89-73, title VIII, §805, for-

merly title VII, §705, as added Pub. L. 91-69, §13, Sept. 17, 1969, 83 Stat. 114; renumbered title VIII, §805, Pub. L. 92-258, §1, Mar. 22, 1972, 86 Stat. 88, which was classified to section 3055 of this title, prior to repeal by Pub. L. 93-29, §202.

### § 3020. Advance funding

(a) For the purpose of affording adequate notice of funding available under this chapter, appropriations under this chapter are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, subsection (a) of this section shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

(Pub. L. 89-73, title II, §209, formerly §210, as added Pub. L. 93-29, title II, §201(c), May 3, 1973, 87 Stat. 36; renumbered §209 and amended Pub. L. 97-115, §2(e)(2), (i), Dec. 29, 1981, 95 Stat. 1596.)

#### PRIOR PROVISIONS

A prior section 209 of Pub. L. 89-73 was renumbered section 208 and is classified to section 3019 of this title.

#### AMENDMENTS

1981—Subsec. (b). Pub. L. 97-115, §2(i), substituted “subsection (a) of this section shall apply” for “the amendment made by subsection (a) of this section shall apply”.

### § 3020a. Application of other laws; costs of projects under this chapter not treated as income or benefits under other laws

(a) The provisions and requirements of chapter 71 of title 31 shall not apply to the administration of the provisions of this chapter or to the administration of any program or activity under this chapter.

(b) No part of the costs of any project under any subchapter of this chapter may be treated as income or benefits to any eligible individual (other than any wage or salary to such individual) for the purpose of any other program or provision of Federal or State law.

(Pub. L. 89-73, title II, §210, formerly §211, as added Pub. L. 94-135, title I, §102, Nov. 28, 1975, 89 Stat. 713; amended Pub. L. 95-478, title I, §102(h), Oct. 18, 1978, 92 Stat. 1515; renumbered §210 and amended Pub. L. 97-115, §2(e)(2), (j), Dec. 29, 1981, 95 Stat. 1596.)

#### CODIFICATION

In subsec. (a), “chapter 71 of title 31” substituted for “the Act of December 5, 1974 (Public Law 93-510; 88 Stat. 1604) [42 U.S.C. 4251 et seq.]” on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

#### PRIOR PROVISIONS

A prior section 210 of Pub. L. 89-73 was renumbered section 209 and is classified to section 3020 of this title.

#### AMENDMENTS

1981—Subsec. (a). Pub. L. 97-115, §2(j), struck out “and section 1469a of title 48” after “chapter 52A of this chapter”.