amended Pub. L. 96–88, title V, § 509(b) Oct. 17, 1979, 93 Stat. 695, defined terms applicable to subchapter.

Section 2689s, Pub. L. 88–164, title II, § 236, as added Pub. L. 94–63, title III, § 303, July 29, 1975, 89 Stat. 329, set forth requirements respecting promulgation of regulations.

Section 2689t, Pub. L. 88–164, title II, § 237, as added Pub. L. 94–63, title III, § 303, July 29, 1975, 89 Stat. 330; amended Pub. L. 96–79, title I, § 115(k)(1), Oct. 4, 1979, 93 Stat. 610, related to required provisions of State plans.

Section 2689u, Pub. L. 88–164, title II, § 238, as added Pub. L. 94–63, title III, § 303, July 29, 1975, 89 Stat. 331; amended Pub. L. 95–622, title I, § 107, Nov. 9, 1978, 92 Stat. 3417, set forth provisions respecting catchment areas of centers.

Section 2689v, Pub. L. 88–164, title II, § 239, as added Pub. L. 94–63, title III, § 303, July 29, 1975, 89 Stat. 332, related to State control of administration.

Section 2689w, Pub. L. 88–164, title II, § 240, as added Pub. L. 94–63, title III, § 303, July 29, 1975, 89 Stat. 332, set forth recordkeeping requirements.

A prior section 240 of Pub. L. 88–164, title II, was classified to section 2688e of this title.

Section 2689x, Pub. L. 88–164, title II, § 241, as added Pub. L. 94–63, title III, § 303, July 29, 1975, 89 Stat. 332, related to exclusions from determination of amount of grant.

A prior section 241 of Pub. L. 88–164, title II, was classified to section 2688f of this title.

Section 2689y, Pub. L. 88–164, title II, § 242, as added Pub. L. 94–63, title III, § 303, July 29, 1975, 89 Stat. 332, related to determination of poverty area.

A prior section 242 of Pub. L. 88–164, title II, was classified to section 2688g of this title.

Section 2689z, Pub. L. 88–164, title II, § 243, as added Pub. L. 94–63, title III, § 303, July 29, 1975, 89 Stat. 333, required protection of personal rights under grants.

A prior section 243 of Pub. L. 88–164, title II, was classified to section 2688h of this title.

Section 2689aa, Pub. L. 88–164, title II, § 244, as added Pub. L. 94–63, title III, § 303, July 29, 1975, 89 Stat. 333, related to reimbursement of centers for mental health services.

A prior section 244 of Pub. L. 88–164, title II, was classified to section 2688i of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 902(h) of Pub. L. 97–35, set out as an Effective Date of 1981 Amendment note under section 238*l* of this title.

SUBCHAPTER IV—GENERAL PROVISIONS

§ 2691. Repealed. Pub. L. 94–103, title III, § 302(c), Oct. 4, 1975, 89 Stat. 507

Section, Pub. L. 88–164, title IV, § 401, Oct. 31, 1963, 77 Stat. 296; Pub. L. 90–31, § 4(a), June 24, 1967, 81 Stat. 79; Pub. L. 91–211, title I, §§ 102(b), 104, 105, Mar. 13, 1970, 84 Stat. 54–56; Pub. L. 91–517, title I, § 102(a), Oct. 30, 1970, 84 Stat. 1324; Pub. L. 94–63, title III, § 305(a), July 29, 1975, 89 Stat. 333, related to definitions, Federal percentages, and promulgation of percentages. See section 6000 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective with respect to appropriations under Pub. L. 94–103 for fiscal years beginning after June 30, 1975, see section 303 of Pub. L. 94–103.

§ 2692. Repealed. Pub. L. 91–211, title I, § 104, Mar. 13, 1970, 84 Stat. 55

Section, Pub. L. 88–164, title IV, § 402, Oct. 31, 1963, 77 Stat. 297; Pub. L. 89–105, § 2(a), Aug. 4, 1965, 79 Stat. 427, provided for State standards for variable Federal share of cost.

EFFECTIVE DATE OF REPEAL

Section 104 of Pub. L. 91–211 provided that the repeal by that section is effective with respect to projects under subchapter II of this chapter or part A of subchapter III of this chapter approved after June 30, 1970.

§§ 2693 to 2697b. Repealed. Pub. L. 94–103, title III, § 302(c), Oct. 4, 1975, 89 Stat. 507

Section 2693, Pub. L. 88–164, title IV, § 403, Oct. 31, 1963, 77 Stat. 297; Pub. L. 90–574, title V, § 502, Oct. 15, 1968, 82 Stat. 1012; Pub. L. 91–211, title I, § 103, Mar. 13, 1970, 84 Stat. 55; Pub. L. 91–517, title I, § 102(b), Oct. 30, 1970, 84 Stat. 1325; Pub. L. 94–63, title III, § 305(b), July 29, 1975, 89 Stat. 334, related to payments for construction, providing in: subsec. (a) for installments, payments to applicants, withholding of payments, and maximum amounts; subsec. (b) for amendment of application and revision of estimate; and subsec. (c) for use of allotments for cost of administration and limitation of amount. See section 6000 et seq. of this title.

Section 2694, Pub. L. 88–164, title IV, § 404, Oct. 31, 1963, 77 Stat. 298; Pub. L. 91–517, title I, § 102(c), Oct. 30, 1970, 84 Stat. 1325; Pub. L. 94–63, title III, § 305(c), July 29, 1975, 89 Stat. 334, related to appeals, petition, record, jurisdiction of courts of appeals, conclusiveness of findings, review by Supreme Court, and stay of administrative action. See section 6000 et seq. of this title.

Section 2695, Pub. L. 88–164, title IV, § 405, Oct. 31, 1963, 77 Stat. 298; Pub. L. 91–517, title I, § 102(b), Oct. 30, 1970, 84 Stat. 1325; Pub. L. 94–63, title III, § 305(d), July 29, 1975, 89 Stat. 334, related to recovery of expenditures under certain conditions. See section 6000 et seq. of this title.

Section 2696, Pub. L. 88–164, title IV, § 406, Oct. 31, 1963, 77 Stat. 299; Pub. L. 91–517, title I, § 102(b), Oct. 30, 1970, 84 Stat. 1325; Pub. L. 94–63, title III, § 305(e), July 29, 1975, 89 Stat. 334, related to State control of operations. See section 6000 et seq. of this title.

Section 2697, Pub. L. 88–164, title IV, § 408, as added Pub. L. 89–105, § 3, Aug. 4, 1965, 79 Stat. 429, related to records and audit. See section 6000 et seq. of this title.

Section 2697a, Pub. L. 88–164, title IV, § 409, as added Pub. L. 90–574, title III, § 304, Oct. 15, 1968, 82 Stat. 1011, related to determination of amount of grants and exclusion of duplicated grants. See section 6000 et seq. of this title.

Section 2697b, Pub. L. 88–164, title IV, § 410, as added Pub. L. 91–211, title V, § 504, Mar. 13, 1970, 84 Stat. 62, related to determination of poverty area.

EFFECTIVE DATE OF REPEAL

Repeal effective with request to appropriations under Pub. L. 94–103, for fiscal years beginning after June 30, 1975, see section 303 of Pub. L. 94–103.

SUBCHAPTER V—TRAINING OF PHYSICAL EDUCATORS AND RECREATION PERSONNEL FOR MENTALLY RETARDED AND OTHER HANDICAPPED CHILDREN

§§ 2698 to 2698b. Repealed. Pub. L. 91–230, title VI, § 662(4), Apr. 13, 1970, 84 Stat. 188

Section 2698, Pub. L. 88–164, title V, § 501, as added Pub. L. 90–170, § 7, Dec. 4, 1967, 81 Stat. 530, related to appropriations and grants for training of personnel.

Section 2698a, Pub. L. 88–164, title V, § 502, as added Pub. L. 90–170, § 7, Dec. 4, 1967, 81 Stat. 530, related to grants for research and demonstration projects, payment thereof, and evaluation of such projects.

Section 2698b, Pub. L. 88–164, title V, § 503, as added Pub. L. 90–170, § 7, Dec. 4, 1967, 81 Stat. 531, related to appointment of an advisory committee and compensation of its members and appointees.

EFFECTIVE DATE OF REPEAL

Section 662 of Pub. L. 91–230 provided that the repeal by that section is effective July 1, 1971.

CHAPTER 34—ECONOMIC OPPORTUNITY PROGRAM

Sec.
2701 to 2703. Repealed or Omitted.

Sec.
2704. Discontinued Job Corps centers; utilization for special youth programs.
2705, 2706. Repealed.
2707. Authorization of appropriations.

SUBCHAPTER I—RESEARCH AND DEMONSTRATIONS

PART A—RESEARCH, DEMONSTRATION, AND PILOT PROJECTS

2711 to 2729. Repealed.

PART B—WORK AND TRAINING FOR YOUTH AND ADULTS

2731 to 2749. Repealed or Omitted.

PART C—FEDERAL WORK-STUDY PROGRAMS

2751. Purpose; appropriations authorized.
(a) Purpose.
(b) Authorization of appropriations.
(c) ''Community services'' defined.
2752. Allocation of funds.
(a) Allocation based on previous allocation.
(b) Allocation of excess based on pro rata share.
(c) Allocation of excess based on share of excess eligible amounts.
(d) Determination of institution's need.
(e) Reallocation of excess allocations.
(f) Filing deadlines.
2753. Grants for Federal work-study programs.
(a) Agreements required.
(b) Contents of agreements.
(c) Private sector employment agreement.
2754. Sources of matching funds.
2755. Flexible use of funds.
(a) Carry-over authority.
(b) Carry-back authority.
2756. Job location and development programs.
(a) Agreements required.
(b) Contents of agreements.
2756a. Additional funds to conduct community service work-study programs.
2756b. Work colleges.
(a) Purpose.
(b) Source and use of funds.
(c) Application.
(d) Match required.
(e) Definitions.
(f) Authorization of appropriations.
2757. Repealed.

PART D—SPECIAL IMPACT PROGRAMS

2761 to 2768. Omitted or Repealed.

PART E—SPECIAL WORK AND CAREER DEVELOPMENT PROGRAMS

2769 to 2769f. Repealed.

PART F—DURATION OF PROGRAMS

2771. Repealed.

SUBCHAPTER II—URBAN AND RURAL COMMUNITY ACTION PROGRAMS

2781. Repealed.

PART A—COMMUNITY ACTION AGENCIES AND PROGRAMS

2782 to 2797. Omitted or Repealed.

PART B—FINANCIAL ASSISTANCE TO COMMUNITY ACTIONS PROGRAMS AND RELATED ACTIVITIES

2801 to 2815. Repealed.

PART C—SUPPLEMENTAL PROGRAMS AND ACTIVITIES

2821 to 2830. Omitted or Repealed.

PART D—GENERAL AND TECHNICAL PROVISIONS

2831 to 2837. Omitted or Repealed.

Sec.

SUBCHAPTER III—SPECIAL PROGRAMS TO COMBAT POVERTY IN RURAL AREAS

PART A—RURAL LOAN PROGRAM

2841, 2851 to 2856. Repealed.

PART B—ASSISTANCE FOR MIGRANT, AND OTHER SEASONALLY EMPLOYED FARMWORKERS AND THEIR FAMILIES

2861 to 2865. Repealed.

PART C—DURATION OF PROGRAM

2871. Repealed.

PART D—INDEMNITY PAYMENTS TO DAIRY FARMERS

2881. Repealed.

SUBCHAPTER IV—ASSISTANCE FOR MIGRANT AND OTHER SEASONALLY EMPLOYED FARMWORKERS AND THEIR FAMILIES

2901 to 2907. Repealed.

SUBCHAPTER V—HEADSTART AND FOLLOW THROUGH

2921 to 2925. Repealed or Omitted.

PART A—HEADSTART PROGRAMS

2928 to 2928n. Repealed or Omitted.

PART B—FOLLOW THROUGH PROGRAMS

2929 to 2929c. Repealed.

PART C—GENERAL PROVISIONS

2930 to 2930f. Repealed.

PART D—DAY CARE PROJECTS

2931 to 2933. Repealed.

SUBCHAPTER VI—ADMINISTRATION AND COORDINATION

PART A—ADMINISTRATION

2941 to 2951, 2961 to 2971g. Repealed.

PART B—COORDINATION

2972 to 2980. Repealed.

SUBCHAPTER VII—COMMUNITY ECONOMIC DEVELOPMENT

2981 to 2981c. Repealed.

PART A—URBAN AND RURAL SPECIAL IMPACT PROGRAMS

2982 to 2982d. Repealed or Omitted.

PART B—SPECIAL RURAL PROGRAMS

2983 to 2983b. Repealed.

PART C—DEVELOPMENT LOANS TO COMMUNITY ECONOMIC DEVELOPMENT PROGRAMS

2984 to 2984b. Repealed or Omitted.

PART D—SUPPORTIVE PROGRAMS AND ACTIVITIES

2985 to 2985g. Repealed.

SUBCHAPTER VIII—NATIVE AMERICAN PROGRAMS

2991. Short title.
2991a. Congressional statement of purpose.
2991b. Financial assistance for Native American projects.
(a) Authorization for financial assistance to public and nonprofit agencies; consultation with other Federal agencies to avoid duplication.
(b) Limitations of financial assistance; exceptions; non-Federal contributions.

Sec.
(c) Assistance as addition to, and not substitution for, activities previously carried out without Federal assistance; waiver; nonreservation areas.
(d) Grants to improve tribal regulation of environmental quality
2991b–1. Loan fund; demonstration project.
(a) Grants to Hawaiian agency or organization to establish revolving loan fund; purposes of fund; administrative costs; matching funds.
(b) Loans to borrowers; determinations; term; interest rate; default and collection procedures; prohibition on self-lending.
(c) Notice to Commissioner of loans in default and uncollectability of such loans; instructions by Commissioner.
(d) Payment of administrative costs; management and technical assistance.
(e) Regulations.
(f) Authorization of appropriations; investment in obligations of United States.
(g) Reports to Congress; contents.
2991b–2. Establishment of Administration for Native Americans.
(a) Establishment.
(b) Commissioner.
(c) Duties.
(d) Intra-Departmental Council on Native American Affairs.
(e) Staffing levels.
2991b–3. Grant program to ensure survival and continuing vitality of Native American languages.
(a) Authority to award grants.
(b) Purposes for which grants may be used.
(c) Applications.
(d) Participating organizations.
(e) Limitations on funding.
(f) Administration.
2991c. Technical assistance and training.
2991d. Research, demonstration, and pilot projects.
2991d–1. Panel review of applications for assistance.
(a) Establishment of formal panel; members.
(b) Duties of panel.
(c) Notice to Congressional committee chairman; information required.
2991e. Announcement of research, demonstration, or pilot projects.
2991f. Submission of plans to State and local officials.
(a) Submission to governing body of Indian reservation or Alaska Native village.
(b) Notification to chief executive officer of State or Territory.
(c) Notification to local governing officials of political subdivision.
2991g. Records and audits.
2991h. Appeals, notice, and hearing.
2992. Evaluation of projects.
(a) Description and measurement of project impact, effectiveness, and structure and mechanisms for delivery of services; frequency of evaluations.
(b) General standards for evaluation.
(c) Independent evaluations.
(d) Specificity of views.
(e) Publication of results; submission to Congress.
(f) Evaluation results as United States property.
Sec.
2992–1. Annual report.
2992a. Labor standards.
2992a–1. Staff.
2992b. Administration.
2992b–1. Additional requirements applicable to rulemaking.
(a) In general.
(b) Interpretative rule or general statement of policy; waiver of notice and public procedure regarding any other rule.
(c) Effective date of rule or general statement of policy.
(d) Statutory citation required.
(e) Rule or general statement of policy necessary as result of legislation; time for issuance.
(f) Copy of rule or general statement of policy to Congressional leaders.
2992c. Definitions.
2992d. Authorization of appropriations.
2993 to 2994d. Repealed.

SUBCHAPTER IX—EVALUATION

2995 to 2995d. Repealed or Omitted.

SUBCHAPTER X—LEGAL SERVICES CORPORATION

2996. Congressional findings and declaration of purpose.
2996a. Definitions.
2996b. Legal Services Corporation.
(a) Establishment; purpose.
(b) Principal office; agent for service of process.
(c) Status of Corporation under tax laws.
2996c. Board of Directors.
(a) Establishment; membership.
(b) Term of office.
(c) Board members not deemed officers or employees of United States.
(d) Chairman.
(e) Removal.
(f) State advisory councils.
(g) Open meetings; applicability of Government in the Sunshine provisions.
(h) Quarterly meetings.
2996d. Officers and employees.
(a) Appointment of president; outside compensation of officers prohibited; terms.
(b) Power of president to appoint and remove employees; nonpartisan appointments.
(c) Conflict of interest.
(d) Compensation.
(e) Officers and employees not deemed officers and employees of Federal Government; Corporation not deemed a department, agency, or instrumentality of Federal Government; review of annual budget.
(f) Exceptions.
(g) Freedom of information.
2996e. Powers, duties, and limitations.
(a) Powers of nonprofit corporation; additional powers.
(b) Disciplinary powers; representational questions; interference with professional responsibilities of attorneys; bar membership; restrictions; languages other than English.
(c) Participation in litigation; lobbying activities.
(d) Miscellaneous prohibitions.
(e) Political activities of Corporation employees and staff attorneys.
(f) Harassment; malicious abuse of legal process.
2996f. Grants and contracts.

Sec.
(a) Requisites.
(b) Limitations on uses.
(c) Recipient organizations.
(d) Program evaluation.
(e) Corporation president authorized to make grants and enter into contracts.
(f) Public notification.
(g) Staff-attorney program study.
(h) Study and report to Congress on special needs of eligible clients.
2996g. Records and reports.
(a) Authority to require reports.
(b) Authority to require recordkeeping; access to records.
(c) Annual report to President and Congress; contents.
(d) Copies and retention of reports.
(e) Publication in Federal Register of rules, regulations, guidelines and instructions.
2996h. Audits.
(a) Annual audit; availability of records; filing and inspection of report.
(b) Audit by General Accounting Office.
(c) Annual financial audit of recipient persons or bodies.
(d) Attorney-client privilege.
2996i. Financing.
(a) Authorization of appropriations.
(b) Availability of funds.
(c) Non-Federal funds.
(d) Limitations on grant or contract authority.
2996j. Special limitations.
2996k. Coordination.
2996*l*. Reservation of right to repeal, alter, or amend.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter referred to in sections 3131, 3141, 6861, 8624, 9902, 9912 of this title; title 2 section 452; title 5 section 8332; title 12 section 1766; title 38 section 4213.

§ 2701. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section, Pub. L. 88–452, § 2, Aug. 20, 1964, 78 Stat. 508; Pub. L. 89–794, title VI, § 614(b), Nov. 8, 1966, 80 Stat. 1472; Pub. L. 95–568, § 17(a)(1), Nov. 2, 1978, 92 Stat. 2439, set forth Congressional findings and declaration of purpose for the Economic Opportunity Act of 1964.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

SHORT TITLE OF 1978 AMENDMENT

Section 1 of Pub. L. 95–568 provided: ''That this Act [enacting sections 2716, 2856, 2929b to 2929b–3, 2979a, 2981b, 2981c, and 2995c of this title, amending this section, sections 2712, 2713, 2790, 2791, 2796, 2808, 2809, 2812, 2814, 2823 to 2825, 2828, 2830, 2833 to 2837, 2841, 2855, 2901 to 2906, 2928a to 2928h, 2928*l* to 2928n, 2929, 2929a, 2932, 2933, 2941 to 2943, 2945, 2946, 2948, 2950, 2951, 2961, 2965, 2970, 2971g, 2973, 2974, 2977, 2982a to 2982c, 2983a, 2984, 2984a, 2985a, 2985e, 2991b, 2991f, 2992b, 2992d, 2995, and 2995a of this title, repealing sections 2829, 2832, 2861 to 2865, 2871, 2929b, 2971, and 2985c–1 of this title, and enacting provisions set out as notes under this section] may be cited as the 'Economic Opportunity Amendments of 1978'.''

SHORT TITLE OF 1977 AMENDMENT

Pub. L. 95–222, § 1, Dec. 28, 1977, 91 Stat. 1619, provided that: ''This Act [amending sections 2996, 2996c, and 2996e to 2996j of this title, and enacting provisions set out as notes under sections 2996, 2996f and 2996i of this title] may be cited as the 'Legal Services Corporation Act Amendments of 1977'.''

SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94–341, § 1, July 6, 1976, 90 Stat. 803, provided that: ''This Act [enacting section 2985c–1 of this title, amending sections 2706, 2707, 2712, 2714, 2781, 2790, 2809, 2812, 2814, 2828, 2829, 2855, 2901, 2902, 2928c, 2928f, 2928*l*, 2928n, 2930e, 2930f, 2941, 2942, 2943, 2944, 2948, 2951, 2971f, 2971g, 2982a, 2982c, 2984, 2984a, and 2985 to 2985g of this title, enacting provision set out as a note under this section, and amending provisions set out as notes under this section and section 2942 of this title] may be cited as the 'Community Services Act Technical Amendments of 1976'.''

SHORT TITLE OF 1975 AMENDMENTS

Pub. L. 94–43, § 1, June 28, 1975, 89 Stat. 233, provided: ''That this Act [amending section 2756 of this title and section 1615 of Title 20, Education, and enacting provisions set out as notes under section 2756 of this title and section 1070a of Title 20] may be cited as the 'Emergency Technical Provisions Act'.''

Pub. L. 93–644, § 1, Jan. 4, 1975, 88 Stat. 2291, provided: ''That this Act [enacting sections 2706, 2707, 2711 to 2715, 2828 to 2830, 2865, 2928 to 2928n, 2929 to 2929c, 2930 to 2930f, 2971f, 2971g, 2981a, 2981b, 2985a to 2985g, 2991 to 2991h, and 2992 to 2992d of this title, amending sections 2790, 2809, 2812, 2813, 2837, 2862, 2871, 2901, 2902, 2921, 2922, 2923, 2932, 2933, 2941, 2942, 2943, 2945, 2965, 2971d, 2974, 2979, 2981, 2982, 2982a, 2982b, 2982c, 2983, 2983a, 2983b, 2984, 2984a, 2985, 2995, 2995a, and 2995b of this title, repealing sections 2703, 2705, 2942 note, and 2949 of this title, and enacting provisions set out as notes under this section and sections 2706, 2865, and 2981 of this title] may be cited as the 'Headstart, Economic Opportunity, and Community Partnership Act of 1974'.''

Section 3, formerly § 101 of Pub. L. 88–452, as added by section 3 of Pub. L. 93–644, Jan. 4, 1975, 88 Stat. 2292, and renumbered and amended by Pub. L. 94–341, § 2(a)(1), July 6, 1976, 90 Stat. 803, provided that: ''Title I through IX of this Act [subchapter I through IX of this chapter] may be cited as the 'Community Services Act of 1974'.''

SHORT TITLE OF 1974 AMENDMENTS

Pub. L. 93–355, § 1, July 25, 1974, 88 Stat. 378, provided: ''That this Act [enacting subchapter X of this title and section 2971e of this title, amending section 2809 of this title, and enacting provisions set out as notes under sections 2809 and 2996b of this title] may be cited as the 'Legal Services Corporation Act of 1974'.''

Pub. L. 88–452, title X, § 1014, as added by Pub. L. 93–355, § 2, July 25, 1974, 88 Stat. 389, provided that: ''This title [subchapter X of this chapter] may be cited as the 'Legal Services Corporation Act'.''

SHORT TITLE OF 1972 AMENDMENT

Pub. L. 92–424, § 1, Sept. 19, 1972, 86 Stat. 688, provided: ''That this Act [enacting sections 2702b, 2813 to 2815, 2827, 2971b to 2971d, 2981 to 2985, and 2995 to 2995d of this title, amending sections 2724, 2742, 2749, 2771, 2791, 2809, 2812, 2824, 2836, 2837, 2862, 2864, 2871, 2907, 2932, 2933, 2943, 2949, 2965, 2966, 2974, 2991, 2992a, 2993, 2993a, 2994b, 2994d, and 3044b of this title, repealing sections 2763 to 2768 and 2826 of this title, and enacting provisions set out as notes under sections 2942 and 3044b of this title] may be cited as the 'Economic Opportunity Amendments of 1972'.''

SHORT TITLE OF 1969 AMENDMENT

Pub. L. 91–177, § 1, Dec. 30, 1969, 83 Stat. 827, provided: ''That this Act [enacting sections 2702a, 2704, 2705, and 2769 to 2769f of this title, amending sections 2771, 2809, 2834, 2837, 2851, 2871, 2907, 2933, 2949, 2965, 2966, 2994b, and 2994d of this title, and section 8332 of Title 5, Government Officers and Employees, and enacting provisions set out as notes under this section and sections 2809, 2834, 2971a and 2994b of this title] may be cited as the 'Economic Opportunity Amendments of 1969'.''

SHORT TITLE OF 1967 AMENDMENT

Pub. L. 90–222, § 1, Dec. 23, 1967, 81 Stat. 672, provided: ''That this Act [enacting sections 2702, 2703, 2723 to 2729, 2737 to 2749, 2763 to 2768, 2795 to 2797, 2808 to 2812, 2823 to 2826, 2832 to 2837, 2862 to 2864, 2906a, 2906b, 2906c, 2931 to 2933, 2946, 2971, 2972 to 2980, 2992, 2992a, 2992b, 2993, 2993a, 2993b, 2994, 2994a, 2994b, 2994c, and 2994d of this title, amending sections 2711 to 2721, 2781, 2790, 2791, 2841, 2851, 2861, 2901, 2902, 2906, 2907, 2921 to 2925, 2941 to 2944, 2949 to 2951, 2961 to 2963, 2966, 2981, and 2991 of this title and section 105 of Title 3, The President, omitting sections 2722, 2732 to 2736, 2761, 2762, 2782 to 2789, 2792 to 2794, 2821, 2822, 2831, and 2991a to 2991e of this title, redesignating section 2946 as section 2855 of this title, and enacting provisions set out as notes under section 2702 of this title] may be cited as the 'Economic Opportunity Amendments of 1967'.''

SHORT TITLE OF 1966 AMENDMENT

Section 1 of Pub. L. 89–794 provided: ''That this Act [enacting sections 2610c, 2721, 2722, 2762, 2771, 2792, 2793, 2794, 2924, 2925, 2951, 2968, 2969, 2970, and 2991 to 2991e of this title, amending this section, sections 2581, 2583, 2713, 2714, 2716, 2732, 2733, 2734, 2735, 2761, 2782, 2783, 2785, 2786, 2787, 2788, 2802, 2821, 2831, 2851, 2854, 2871, 2881, 2902, 2905, 2906, 2907, 2921, 2922, 2923, 2941, 2942, 2943, 2944, 2945, 2946, 2950, 2961, 2963, 2965, 2966, 2981, and 3161 of this title, and sections 425 and 1077 of Title 20, Education, repealing sections 2731, 2903, and 2904 of this title, and enacting provisions set out as notes under this section and section 2981 of this title and section 425 of Title 20] may be cited as the 'Economic Opportunity Amendments of 1966'.''

SHORT TITLE OF 1965 AMENDMENT

Pub. L. 89–253, § 1, Oct. 9, 1965, 79 Stat. 973, provided: ''That this Act [amending sections 2713, 2714, 2716, 2720, 2734, 2735, 2754, 2761, 2782, 2785, 2788, 2789, 2802, 2805, 2807, 2822, 2831, 2851, 2854, 2861, 2871, 2881, 2922, 2923, 2943, 2945, 2965, and 2966 of this title and section 425 of Title 20, Education, and enacted sections 2806a, 2950, and 2967 of this title] may be cited as the 'Economic Opportunity Amendments of 1965'.''

SHORT TITLE

Section 1 of Pub. L. 88–452, Aug. 20, 1964, 78 Stat. 508, which provided that Pub. L. 88–452, which enacted this chapter, was to be cited as the ''Economic Opportunity Act of 1964'', was repealed by section 683(a) of Pub. L. 97–35.

STATEMENT OF PURPOSE OF 1978 AMENDMENT

Section 2 of Pub. L. 95–568 provided that: ''It is the purpose of this Act [see Short Title of 1978 Amendment note above] to extend and revise programs under title I through title IX [subchapter I to IX of this chapter] of the Economic Opportunity Act of 1964 (hereinafter in this Act referred to as the 'Act').''

EXECUTIVE ORDER NO. 11470

Ex. Ord. No. 11470, eff. May 26, 1969, 34 F.R. 8227, which made arrangements for the structure and conduct of a National Voluntary Action Program, was superseded by Ex. Ord. No. 11603, eff. June 30, 1971, 36 F.R. 12675, set out as a note under section 2501 of Title 22, Foreign Relations and Intercourse. Section 401 of Ex. Ord. No. 11603 which transferred the National Voluntary Action Program to ACTION as created by Reorg. Plan No. 1 of 1971 was superseded by section 1–706 of Ex. Ord. No. 12137, May 16, 1979, 44 F.R. 29023, eff. May 16, 1979, set out as a note under section 2501 of Title 22. For continuation of the National Voluntary Action Program in ACTION Agency [now Corporation for National and Community Service], see section 1–501 of Ex. Ord. No. 12137.

§ 2702. Omitted

CODIFICATION

Section, Pub. L. 90–222, § 2, Dec. 23, 1967, 81 Stat. 672, authorized appropriations for fiscal years 1968 and 1969.

EFFECTIVE DATE

Section 401 of Pub. L. 90–222 provided that: ''The amendments made by this Act [see Short Title of 1967 Amendment note set out under section 2701 of this title] shall be in effect immediately upon its enactment [Dec. 23, 1967], except as provided in this section. Until June 30, 1968, the provisions of section 202 of the Economic Opportunity Act of 1964 as in effect immediately prior to the enactment of this Act [section 2782 of this title] shall apply to community action agencies in existence and funded prior to the enactment of this Act [Dec. 23, 1967], except that in any grant or funding agreement made with such an agency prior to June 30, 1968, adequate provision shall be made for transfer of functions, obligations, records, authority, and funds to any community action agency designated pursuant to sections 210 or 211 of the Economic Opportunity Act of 1964 as amended by this Act [sections 2790 or 2791 of this title]: *Provided, however*, That nothing in this Act shall require the termination before February 1, 1969 of an existing community action agency or any program assisted under the Economic Opportunity Act of 1964 [this chapter] prior to the designation of, and provision of financial assistance to, a community action agency or other agency established under sections 210 and 211 of the Economic Opportunity Act [sections 2790 and 2791 of this title] as amended by this Act.''

ACCESS OF GENERAL ACCOUNTING OFFICE TO GRANTEE'S RECORDS

Pub. L. 91–667, title III, § 301, Jan. 1, 1971, 84 Stat. 2018, provided in part that: ''All grant agreements shall provide that the General Accounting Office shall have access to the records of the grantee which bear exclusively upon the Federal grant.''

Similar provisions were contained in Pub. L. 91–204, title III, § 301, Mar. 5, 1970, 84 Stat. 46.

INVESTIGATION AND EVALUATION OF ECONOMIC OPPORTUNITY PROGRAMS BY THE COMPTROLLER GENERAL; SUBMISSION OF FINAL REPORT BY DECEMBER 1, 1968

Title II of Pub. L. 90–222 authorized the Comptroller General of the United States to make an investigation in sufficient depth of programs and activities financed in whole or in part by funds authorized under this section in order to determine the efficiency of the administration of such programs and activities by the Office of Economic Opportunity and by local public and private agencies carrying out such programs and activities, and the extent to which such programs and activities achieve the objectives set forth in the relevant part or title of this chapter which authorizes such programs or activities, and to transmit his final report to the Congress not later than Dec. 1, 1968 containing a detailed statement of his findings and conclusions together with such recommendations, including recommendations for additional legislation as he deemed advisable.

§§ 2702a, 2702b. Omitted

CODIFICATION

Section 2702a, Pub. L. 91–177, title I, § 102, Dec. 30, 1969, 83 Stat. 827, authorized appropriations for fiscal years 1970 and 1971.

Section 2702b, which was based on section 3(a), (b)(1), (3), (c), (d)(1), (2), (e) of Pub. L. 92–424, Sept. 19, 1972, 86 Stat. 688, 689, authorized appropriations for fiscal years 1973 and 1974.

Subsection (b)(2) of section 2702b, was based on section 3(b)(2) of Pub. L. 92–424, and related to functions of Secretary of Health, Education, and Welfare with re-

spect to status of handicapped children in Headstart program. See section 9835(d) of this title.

§ 2703. Repealed. Pub. L. 93–644, § 16(b), Jan. 4, 1975, 88 Stat. 2330

Section, Pub. L. 90–222, title III, § 301, Dec. 23, 1967, 81 Stat. 728, set out criminal provisions covering operations of antipoverty agencies.

§ 2704. Discontinued Job Corps centers; utilization for special youth programs

(a) Notwithstanding any other provision of law, the Director of the Office of Economic Opportunity shall establish procedures and make arrangements which are designed to assure that facilities and equipment of Job Corps centers which are being discontinued will, where feasible, be made available for use by State or Federal agencies and other public or private agencies, institutions, and organizations with satisfactory arrangements for utilizing such facilities and equipment for conducting programs, especially those providing opportunities for low-income disadvantaged youth, including, without limitation—

(1) special remedial programs;

(2) summer youth programs;

(3) exemplary vocational preparation and training programs;

(4) cultural enrichment programs, including music, the arts, and the humanities;

(5) training programs designed to improve the qualifications of educational personnel, including instructors in vocational educational programs; and

(6) youth conservation work and other conservation programs.

(b) To achieve the objectives of this section, the Director of the Office of Economic Opportunity shall consult with, elicit the cooperation of, and utilize the services of the Administrator of the General Services Administration, and the Secretaries of Agriculture, of the Interior, and of Labor.

(Pub. L. 91–177, title I, § 113, Dec. 30, 1969, 83 Stat. 832; Pub. L. 93–644, § 9(a), Jan. 4, 1975, 88 Stat. 2310.)

CODIFICATION

Section was enacted as part of the Economic Opportunity Amendments of 1969, and not as part of the Economic Opportunity Act of 1964 which comprises this chapter.

OFFICE OF ECONOMIC OPPORTUNITY

Pub. L. 93–644, § 9(a), Jan. 4, 1975, 88 Stat. 2310 [42 U.S.C. 2941], amended the Economic Opportunity Act of 1964 [42 U.S.C. 2701 et seq.] to create the Community Services Administration, an independent agency in the executive branch, as the successor authority to the Office of Economic Opportunity, and provided that references to the Office of Economic Opportunity or to its Director were deemed to refer to the Community Services Administration or to its Director. The Community Services Administration was terminated when the Economic Opportunity Act of 1964, except for titles VIII and X, was repealed, effective Oct. 1, 1981, by section 683(a) of Pub. L. 97–35, title VI, Aug. 13, 1981, 95 Stat. 519, which is classified to section 9912(a) of this title. An Office of Community Services, headed by a Director, was established in the Department of Health and Human Services by section 676 of Pub. L. 97–35, which is classified to section 9905 of this title.

§ 2705. Repealed. Pub. L. 93–644, § 16(a), Jan. 4, 1975, 88 Stat. 2330

Section, Pub. L. 91–177, title I, § 115, Dec. 30, 1969, 83 Stat. 833, provided for withholding of Federal taxes by antipoverty agencies.

§ 2706. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section, Pub. L. 88–452, § 4, formerly title I, § 102, as added Pub. L. 93–644, § 3, Jan. 4, 1975, 88 Stat. 2292, renumbered § 4 and amended Pub. L. 94–341, § 2(a)(2), July 6, 1976, 90 Stat. 803, defined terms applicable to subchapters I to IX of this chapter.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

§ 2707. Authorization of appropriations

(a)(1) For the purpose of carrying out subchapters I, II, III, IV, V, VI, VII, VIII, and IX of this chapter, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1975 through 1977.

(2) For the purpose of carrying out the programs authorized under section 2808 of this title there is authorized to be appropriated $330,000,000 for the fiscal year 1975 and such sums as may be necessary for each of the two succeeding fiscal years.

(b) Unless the Congress has passed or formally rejected legislation extending the authorizations of appropriations for carrying out any subchapter of this chapter specified in subsection (a) of this section, or adopts a concurrent resolution providing that the provisions of this subsection shall not apply, the authorizations of appropriations specified in subsection (a) of this section are hereby automatically extended for one additional fiscal year beyond the terminal year specified in this chapter or in this section.

(c) Any funds appropriated to carry out any program under subchapters I to X of this chapter which are not obligated prior to the end of the fiscal year for which such funds were appropriated shall remain available for obligation during the succeeding fiscal year.

(Pub. L. 93–644, § 15, Jan. 4, 1975, 88 Stat. 2329; Pub. L. 94–341, § 3(d), July 6, 1976, 90 Stat. 807.)

REFERENCES IN TEXT

Subchapters I to VII, and IX of this chapter, referred to in subsecs. (a)(1) and (c), and section 2808 of this title, referred to in subsec. (a)(2), were repealed by Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519.

CODIFICATION

Section was enacted as part of the Headstart, Economic Opportunity, and Community Partnership Act of 1974, and not as part of the Economic Opportunity Act of 1964 which comprises this chapter.

AMENDMENTS

1976—Subsec. (a)(2). Pub. L. 94–341, § 3(d)(1), inserted "of such Act" after "section 221".

Subsec. (c). Pub. L. 94–341, § 3(d)(2), added subsec. (c).

SUBCHAPTER I—RESEARCH AND DEMONSTRATIONS

CODIFICATION

In the original, section 4 of Pub. L. 93–644, Jan. 4, 1975, 88 Stat. 2292, provided in part that "Title I of the

Economic Opportunity Act of 1964 is amended to read as follows: 'Title II—Research and Demonstrations' ''. Section 4 also added sections 101 to 105 to such title II of the Economic Opportunity Act of 1964. However, title II was subsequently redesignated title I of the Act by section 2(a)(3) of Pub. L. 94–341, July 6, 1976, 90 Stat. 803, and classified as subchapter I of this chapter.

EXECUTIVE ORDER NO. 11330

Ex. Ord. No. 11330, Mar. 5, 1967, 32 F.R. 3871, as amended by Ex. Ord. No. 11547, July 10, 1970, 35 Stat. 11221; Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, which established the President's Council on Youth Opportunity and the Citizens Advisory Board on Youth Opportunity and provided for their respective memberships, functions, etc., was revoked by Ex. Ord. No. 12379, § 17, Aug. 17, 1982, 47 F.R. 36100, set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

AUTHORIZATION OF APPROPRIATIONS FOR PRESIDENT'S COUNCIL ON YOUTH OPPORTUNITY

Pub. L. 91–176, Dec. 30, 1969, 83 Stat. 826, provided: ''That there is hereby authorized to be appropriated such sums as may be necessary for the expenses of the President's Council on Youth Opportunity, established by Executive Order Numbered 11330 of March 5, 1967.''

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 2707 of this title; title 20 section 3286; title 29 section 795a.

PART A—RESEARCH, DEMONSTRATION, AND PILOT PROJECTS

§§ 2711 to 2716. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section 2711, Pub. L. 88–452, title I, § 101, as added Pub. L. 93–644, § 4, Jan. 4, 1975, 88 Stat. 2292, set forth Congressional statement of purpose for provisions respecting research and demonstrations.

A prior section 2711, Pub. L. 88–452, title I, § 101, Aug. 20, 1964, 78 Stat. 508; Pub. L. 90–222, title I, § 101, Dec. 23, 1967, 81 Stat. 672, set out Congressional statement of purpose in enacting Job Corps program, prior to repeal by Pub. L. 93–203, title VI, § 614, Dec. 28, 1973, 87 Stat. 883.

Section 2712, Pub. L. 88–452, title I, § 102, as added Pub. L. 93–644, § 4, Jan. 4, 1975, 88 Stat. 2293; amended Pub. L. 94–341, § 2(a)(4), July 6, 1976, 90 Stat. 803; Pub. L. 95–568, § 17(a)(2), Nov. 2, 1978, 92 Stat. 2439, set forth provisions respecting research, demonstration, and pilot projects.

A prior section 2712, Pub. L. 88–452, title I, § 102, Aug. 20, 1964, 78 Stat. 508; Pub. L. 90–222, title I, § 101, Dec. 23, 1967, 81 Stat. 673, provided for establishment of a Job Corps, prior to repeal by Pub. L. 93–203, title VI, § 614, Dec. 28, 1973, 87 Stat. 883.

Section 2713, Pub. L. 88–452, title I, § 103, as added Pub. L. 93–644, § 4, Jan. 4, 1975, 88 Stat. 2293; amended Pub. L. 95–568, § 3(a), Nov. 2, 1978, 92 Stat. 2425, related to consultative requirements.

A prior section 2713, Pub. L. 83–452, title I, § 103, Aug. 20, 1964, 78 Stat. 508; Pub. L. 89–253, §§ 2, 3, Oct. 9, 1965, 79 Stat. 973; Pub. L. 89–794, title I, §§ 101, 102, Nov. 8, 1966, 80 Stat. 1451; Pub. L. 90–222, title I, § 101, Dec. 23, 1967, 81 Stat. 673, covered eligibility of individuals for Job Corps, prior to repeal by Pub. L. 93–203, title VI, § 614, Dec. 28, 1973, 87 Stat. 883.

Section 2714, Pub. L. 88–452, title I, § 104, as added Pub. L. 93–644, § 4, Jan. 4, 1975, 88 Stat. 2293; amended Pub. L. 94–341, § 2(a)(5), July 6, 1976, 90 Stat. 803, related to public announcement of projects.

A prior section 2714, Pub. L. 88–452, title I, § 104, Aug. 20, 1964, 78 Stat. 509; Pub. L. 80–253, §§ 4, 5, Oct. 9, 1965, 79 Stat. 973; Pub. L. 89–794, title I, §§ 103–108, Nov. 8, 1966, 80 Stat. 1452, 1453; Pub. L. 90–222, title I, § 101, Dec. 23, 1967, 81 Stat. 673, provided for screening and selection of applicants for Job Corps, prior to repeal by Pub. L. 93–203, title VI, § 614, Dec. 28, 1973, 87 Stat. 883.

Section 2715, Pub. L. 88–452, title I, § 105, as added Pub. L. 93–644, § 4, Jan. 4, 1975, 88 Stat. 2294, prohibited Federal control over curriculum, etc.

A prior section 2715, Pub. L. 88–452, title I, § 105, Aug. 20, 1964, 78 Stat. 509; Pub. L. 90–222, title I, § 101, Dec. 23, 1967, 81 Stat. 674, covered the area of reasonable likelihood of successful participation by Job Corps enrollees, prior to repeal by Pub. L. 93–203, title VI, § 614, Dec. 28, 1973, 87 Stat. 883.

Section 2716, Pub. L. 88–452, title I, § 106, as added Pub. L. 95–568, § 3(b), Nov. 2, 1978, 92 Stat. 2425, set forth authorization of appropriations.

A prior section 2716, Pub. L. 88–452, title I, § 106, Aug. 20, 1964, 78 Stat. 510; Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 662; Pub. L. 90–83, § 10(b), Sept. 11, 1967, 81 Stat. 223; Pub. L. 90–222, title I, § 101, Dec. 23, 1967, 81 Stat. 674, related to enrollment and assignment of Job Corps enrollees, prior to repeal by Pub. L. 93–203, title VI, § 614, Dec. 28, 1973, 87 Stat. 883.

See section 1501 et seq. of Title 29, Labor.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

§§ 2717 to 2729. Repealed. Pub. L. 93–203, title VI, § 614, Dec. 28, 1973, 87 Stat. 883

Section 2717, Pub. L. 88–452, title I, § 107, Aug. 20, 1964, 78 Stat. 511; Pub. L. 90–222, title I, § 101, Dec. 23, 1967, 81 Stat. 675, provided for establishment of Job Corps centers.

Section 2718, Pub. L. 88–452, title I, § 108, Aug. 20, 1964, 78 Stat. 511; Pub. L. 90–222, title I, § 101, Dec. 23, 1967, 81 Stat. 676, covered Job Corps program activities.

Section 2719, Pub. L. 88–452, title I, § 109, Aug. 20, 1964, 78 Stat. 511; Pub. L. 90–222, title I, § 101, Dec. 23, 1967, 81 Stat. 676, covered allowances and support for Job Corps enrollees.

Section 2720, Pub. L. 88–452, title I, § 110, Aug. 20, 1964, 78 Stat. 511; Pub. L. 89–253, § 7, Oct. 9, 1965, 79 Stat. 974; Pub. L. 90–222, title I, § 101, Dec. 23, 1967, 81 Stat. 677, set out standards of conduct and discipline for Job Corps enrollees.

Section 2721, Pub. L. 88–452, title I, § 111, as added Pub. L. 89–794, title I, § 110, Nov. 8, 1966, 80 Stat. 1453; amended Pub. L. 90–222, title I, § 101, Dec. 23, 1967, 81 Stat. 677, covered community participation in Job Corps activities.

Section 2722, Pub. L. 88–452, title I, § 111–1, as added Pub. L. 89–794, title I, § 111, Nov. 8, 1966, 80 Stat. 1454, provided for experimental and demonstration projects and directed Director to report to Congress no later than Mar. 1, 1968.

Section 2723, Pub. L. 88–452, title I, § 112, as added Pub. L. 90–222, title I, § 101, Dec. 23, 1967, 81 Stat. 678, provided for counseling and job placement.

Section 2724, Pub. L. 88–452, title I, § 113, as added Pub. L. 90–222, title I, § 101, Dec. 23, 1967, 81 Stat. 679; amended Pub. L. 92–424, § 27(b)(1), Sept. 19, 1972, 86 Stat. 705, covered experimental and development projects.

Section 2725, Pub. L. 88–452, title I, § 114, as added Pub. L. 90–222, title I, § 101, Dec. 23, 1967, 81 Stat. 680, covered advisory boards and committees.

Section 2726, Pub. L. 88–452, title I, § 115, as added Pub. L. 90–222, title I, § 101, Dec. 23, 1967, 81 Stat. 680, covered participation of States.

Section 2727, Pub. L. 88–452, title I, § 116, as added Pub. L. 90–222, title I, § 101, Dec. 23, 1967, 81 Stat. 681; amended Pub. L. 90–623, § 5(a), Oct. 22, 1968, 82 Stat. 1315, covered the application of provisions of Federal law.

Section 2728, Pub. L. 88–452, title I, § 117, as added Pub. L. 90–222, title I, § 101, Dec. 23, 1967, 81 Stat. 682, set out certain special limitations.

Section 2729, Pub. L. 88–452, title I, § 118, as added Pub. L. 90–222, title I, § 101, Dec. 23, 1967, 81 Stat. 682, prohibited political discrimination and political activity.

See section 1691 et seq. of Title 29, Labor.

EFFECTIVE DATE OF REPEAL

Section 614 of Pub. L. 93–203 provided that the repeal by that section is effective with respect to fiscal years after June 30, 1974.

PART B—WORK AND TRAINING FOR YOUTH AND ADULTS

§ 2731. Repealed. Pub. L. 89–794, title I, § 112(a), Nov. 8, 1966, 80 Stat. 1454

Section, Pub. L. 88–452, title I, § 111, Aug. 20, 1964, 78 Stat. 512, set out the statement of purpose for the work-training programs.

§§ 2732 to 2736. Omitted

CODIFICATION

Sections were omitted in the general amendment of Part B of this subchapter by Pub. L. 90–222, title I, § 102, Dec. 23, 1967, 81 Stat. 682.

Section 2732, Pub. L. 88–452, title I, § 112, Aug. 20, 1964, 78 Stat. 512; Pub. L. 89–794, title I, § 112(a), Nov. 8, 1966, 80 Stat. 1454, provided for the formulation and implementation of programs for students of low-income families in need of earnings to allow them to stay in school and for individuals 16 through 21 years to develop maximum occupational potential.

Section 2733, Pub. L. 88–452, title I, § 113, Aug. 20, 1964, 78 Stat. 512; Pub. L. 89–794, title I, § 112(a), Nov. 8, 1966, 80 Stat. 1454, set out the required conditions to allow payment of part or all of the costs of programs, including employment on public or locally sponsored projects, nonpolitical projects, and rates of pay, prohibited payment of wages for services on unauthorized projects, and provided for high priority projects.

Section 2734, Pub. L. 88–452, title I, § 114, Aug. 20, 1964, 78 Stat. 513; Pub. L. 89–253, § 8, Oct. 9, 1965, 79 Stat. 974; Pub. L. 89–794, title I, § 112(b), (c), Nov. 8, 1966, 80 Stat. 1455, covered the eligibility of enrollees in program, Cuban refugees, non-applicability of Federal employment laws, and the use of public agencies and private organizations in the testing, counseling, job development, and referral services to youths.

Section 2735, Pub. L. 88–452, title I, § 115, Aug. 20, 1964, 78 Stat. 513; Pub. L. 89–253, § 9, Oct. 9, 1965, 79 Stat. 974; Pub. L. 89–794, title I, § 112(d), Nov. 8, 1966, 80 Stat. 1455, limited to 90 percent of the costs the Federal assistance in any program pursuant to this part with provisions for exceptions and allowed the non-Federal contribution to be in cash or in kind, fairly evaluated.

Section 2736, Pub. L. 88–452, title I, § 116, Aug. 20, 1964, 78 Stat. 513, required the Director to establish criteria in order to achieve equitable distribution among the States.

§§ 2737 to 2749. Repealed. Pub. L. 93–203, title VI, § 614, Dec. 28, 1973, 87 Stat. 883

Section 2737, Pub. L. 88–452, title I, § 120, as added Pub. L. 90–222, title I, § 102, Dec. 23, 1967, 81 Stat. 683, set out the Congressional statement of purpose in enacting provisions for a program of work and training for youth and adults.

Section 2738, Pub. L. 88–452, title I, § 121, as added Pub. L. 90–222, title I, § 102, Dec. 23, 1967, 81 Stat. 683, covered community program areas and comprehensive work and training programs.

Section 2739, Pub. L. 88–452, title I, § 122, as added Pub. L. 90–222, title I, § 102, Dec. 23, 1967, 81 Stat. 683, set out provisions covering prime sponsors and delegate agencies. See section 812 of Title 29, Labor.

Section 2740, Pub. L. 88–452, title I, § 123, as added Pub. L. 90–222, title I, § 102, Dec. 23, 1967, 81 Stat. 684, set out the eligible activities for work and training programs.

Section 2741, Pub. L. 88–452, title I, § 124, as added Pub. L. 90–222, title I, § 102, Dec. 23, 1967, 81 Stat. 686; amended Pub. L. 90–575, title V, § 503, Oct. 16, 1968, 82 Stat. 1062, set out special conditions for programs.

Section 2742, Pub. L. 88–452, title I, § 125, as added Pub. L. 90–222, title I, § 102, Dec. 23, 1967, 81 Stat. 686; amended Pub. L. 92–424, § 5, Sept. 19, 1972, 86 Stat. 690, covered program participants.

Section 2743, Pub. L. 88–452, title I, § 126, as added Pub. L. 90–222, title I, § 102, Dec. 23, 1967, 81 Stat. 686, provided for programs dealing with long-term unemployment of persons fifty-five years and older.

Section 2744, Pub. L. 88–452, title I, § 127, as added, Pub. L. 90–222, title I, § 102, Dec. 23, 1967, 81 Stat. 687, provided for pilot projects.

Section 2745, Pub. L. 88–452, title I, § 128, as added Pub. L. 90–222, title I, § 102, Dec. 23, 1967, 81 Stat. 687, covered technical assistance and training.

Section 2746, Pub. L. 88–452, title I, § 129, as added Pub. L. 90–222, title I, § 102, Dec. 23, 1967, 81 Stat. 687, provided for role to be played by States.

Section 2747, Pub. L. 88–452, title I, § 130, as added Pub. L. 90–222, title I, § 102, Dec. 23, 1967, 81 Stat. 687, provided for equitable distribution of assistance.

Section 2748, Pub. L. 88–452, title I, § 131, as added Pub. L. 90–222, title I, § 102, Dec. 23, 1967, 81 Stat. 687, set limitation on Federal assistance.

Section 2749, Pub. L. 88–452, title I, § 132, as added Pub. L. 90–222, title I, § 102, Dec. 23, 1967, 81 Stat. 688; amended Pub. L. 92–424, § 27(b)(1), (3), Sept. 19, 1972, 86 Stat. 705, provided for development and implementation of program data.

See section 1501 et seq. of Title 29, Labor.

EFFECTIVE DATE OF REPEAL

Section 614 of Pub. L. 93–203 provided that the repeal by that section is effective with respect to fiscal years after June 30, 1974.

PART C—FEDERAL WORK-STUDY PROGRAMS

CODIFICATION

This part is part C of title IV of the Higher Education Act of 1965, Pub. L. 89–329, and not part C of Title I of the Economic Opportunity Act of 1964, Pub. L. 88–452, which comprises this chapter.

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 3796d–6, 7274e, 12561, 12572, 12604 of this title; title 8 sections 1255a, 1613; title 11 section 541; title 15 section 1603; title 20 sections 1011a, 1058, 1066, 1069b, 1070a–17, 1070a–23, 1070a–24, 1070d–33, 1070f, 1077, 1078, 1078–2, 1078–3, 1078–6, 1078–7, 1082, 1085, 1086, 1087, 1087–2, 1087c, 1087kk, 1087*ll*, 1087*oo*, 1087pp, 1087qq, 1087uu, 1087vv, 1088, 1088a, 1089, 1090, 1091, 1091a, 1091b, 1092, 1092b, 1094, 1094a, 1094b, 1095a, 1096, 1097, 1098, 1098a, 1098b, 1099a, 1099a–1, 1099a–3, 1099b, 1099c, 1099c–1, 1102b, 1104c, 1106d, 1132i–2, 1143, 1145, 6031; title 25 section 3353; title 31 section 3716; title 38 section 3698; title 48 section 1905; title 50 App. section 462.

§ 2751. Purpose; appropriations authorized

(a) Purpose

The purpose of this part is to stimulate and promote the part-time employment of students who are enrolled as undergraduate, graduate, or professional students and who are in need of earnings from employment to pursue courses of study at eligible institutions, and to encourage students receiving Federal student financial assistance to participate in community service activities that will benefit the Nation and engender in the students a sense of social responsibility and commitment to the community.

(b) Authorization of appropriations

There are authorized to be appropriated to carry out this part, $800,000,000 for fiscal year

1993 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(c) "Community services" defined

For purposes of this part, the term ''community services'' means services which are identified by an institution of higher education, through formal or informal consultation with local nonprofit, governmental, and community-based organizations, as designed to improve the quality of life for community residents, particularly low-income individuals, or to solve particular problems related to their needs, including—

(1) such fields as health care, child care, literacy training, education (including tutorial services), welfare, social services, transportation, housing and neighborhood improvement, public safety, crime prevention and control, recreation, rural development, and community improvement;

(2) work in a project, as defined in section 12511(20) of this title;

(3) support services to students with disabilities; and

(4) activities in which a student serves as a mentor for such purposes as—

(A) tutoring;

(B) supporting educational and recreational activities; and

(C) counseling, including career counseling.

(Pub. L. 89–329, title IV, §441, formerly title I, §141, as added, renumbered, and amended Pub. L. 90–575, title I, §§131(a), (b)(1), 132, 133(a), Oct. 16, 1968, 82 Stat. 1028, 1029; Pub. L. 91–95, §5, Oct. 22, 1969, 83 Stat. 143; Pub. L. 92–318, title I, §§135, 135A(a), June 23, 1972, 86 Stat. 270; Pub. L. 94–482, title I, §128(a), Oct. 12, 1976, 90 Stat. 2143; Pub. L. 96–374, title IV, §431, Oct. 3, 1980, 94 Stat. 1433; Pub. L. 99–498, title IV, §403(a), Oct. 17, 1986, 100 Stat. 1429; Pub. L. 102–325, title IV, §441(b)–(d), July 23, 1992, 106 Stat. 563; Pub. L. 103–82, title I, §111(b)(3), Sept. 21, 1993, 107 Stat. 860.)

CODIFICATION

Section was originally enacted as section 121 of the Economic Opportunity Act of 1964, Pub. L. 88–452, title I, Aug. 20, 1964, 78 Stat. 513. As such, it had been amended by Pub. L. 89–329, title IV, §441(2), Nov. 8, 1965, 79 Stat. 1249, and renumbered section 141 by Pub. L. 90–222, title I, §111(a), Dec. 23, 1967, 81 Stat. 726.

Under Pub. L. 90–575, title I, §131(a), Oct. 16, 1968, 82 Stat. 1028, section was transferred along with the remainder of part C of title I of the Economic Opportunity Act of 1964, Pub. L. 88–452, and inserted as Part C of title IV of the Higher Education Act of 1965, Pub. L. 89–329. Former Part C of title IV of Pub. L. 89–329, as originally enacted, comprising sections 441 and 442 thereof, was stricken to accommodate the transferal but the amendment of this section by section 441(2) of Pub. L. 89–329 has not been stricken. For amendment of section in addition to the transfers and redesignations treated above, see 1968 Amendment note below.

PRIOR PROVISIONS

A prior section 441 of Pub. L. 89–329 amended this section and sections 2752 to 2756 and 2761 of this title, prior to repeal by section 131(a) of Pub. L. 90–575.

AMENDMENTS

1993—Subsec. (c)(2). Pub. L. 103–82 substituted ''a project, as defined in section 12511(20) of this title'' for ''service opportunities or youth corps as defined in section 12511 of this title, and service in the agencies, institutions and activities designated in section 12544(a) of this title''.

1992—Subsec. (a). Pub. L. 102–325, §441(b), inserted before period at end '', and to encourage students receiving Federal student financial assistance to participate in community service activities that will benefit the Nation and engender in the students a sense of social responsibility and commitment to the community''.

Subsec. (b). Pub. L. 102–325, §441(c), amended subsec. (b) generally, substituting present provisions for former provisions which authorized appropriations for fiscal years 1987 to 1991.

Subsec. (c). Pub. L. 102–325, §441(d), added subsec. (c).

1986—Pub. L. 99–498 amended section generally. Prior to amendment, section read as follows:

''(a) The purpose of this part is to stimulate and promote the part-time employment of students, particularly students who are in need of earnings from employment to pursue courses of study at eligible institutions.

''(b) There are authorized to be appropriated for carrying out this part $670,000,000 for fiscal year 1981, $720,000,000 for fiscal year 1982, $760,000,000 for fiscal year 1983, $800,000,000 for fiscal year 1984, and $830,000,000 for fiscal year 1985.''

1980—Subsec. (a). Pub. L. 96–374 substituted ''particularly students who are in need of earnings from employment to pursue courses of study at eligible institutions'' for ''particularly students with great financial need, in eligible institutions who are in need of the earnings from such employment to pursue courses of study at such institutions''.

Subsec. (b). Pub. L. 96–374 substituted provisions authorizing appropriations for fiscal years 1981, 1982, 1983, 1984, and 1985 for provisions that had authorized appropriations for fiscal year 1969 through fiscal year 1982.

1976—Subsec. (b). Pub. L. 94–482 inserted provisions authorizing appropriations for fiscal year ending June 30, 1976, through fiscal year ending Sept. 30, 1982.

1972—Subsec. (a). Pub. L. 92–318, §135, substituted ''with great financial need'' for ''from low-income families''.

Subsec. (b). Pub. L. 92–318, §135A(a), authorized appropriations of $330,000,000, $360,000,000, $390,000,000, and $420,000,000 for fiscal years ending June 30, 1972, 1973, 1974, and 1975, respectively.

1969—Subsec. (b). Pub. L. 91–95 increased general authorization of appropriations for fiscal years ending June 30, 1970, and June 30, 1971.

1968—Subsec. (a). Pub. L. 90–575, §§132, 133(a), designated existing provisions as subsec. (a) and substituted ''eligible institutions'' for ''institutions of higher education''.

Subsec. (b). Pub. L. 90–575, §132, added subsec. (b).

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103–82 effective Oct. 1, 1993, see section 123 of Pub. L. 103–82, set out as a note under section 1701 of Title 16, Conservation.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–325 effective Oct. 1, 1992, see section 2 of Pub. L. 102–325, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–374 effective Oct. 1, 1980, see section 1393(a) of Pub. L. 96–374, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–482 effective 30 days after Oct. 12, 1976, except either as specifically otherwise provided or, if not so specifically otherwise provided, effective July 1, 1976, for those amendments providing for authorization of appropriations, see section 532 of Pub. L. 94–482, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1972 AMENDMENT

Section 135A(b) of Pub. L. 92–318 provided that: ''The amendment made by subsection (a) [amending this section] shall be effective after June 30, 1971.''

REFERENCES TO PART C OF TITLE I OF THE ECONOMIC OPPORTUNITY ACT OF 1964

Section 131(c) of Pub. L. 90–575 provided that: ''Any reference to any provision of part C of title I of the Economic Opportunity Act of 1964 in any law of the United States shall be deemed to be a reference to the corresponding provision of part C of title IV of the Higher Education Act of 1965 as amended by this section [this part].''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2752 of this title.

§ 2752. Allocation of funds

(a) Allocation based on previous allocation

(1) From the amount appropriated pursuant to section 2751(b) of this title for each fiscal year, the Secretary shall first allocate to each eligible institution for each succeeding fiscal year, an amount equal to 100 percent of the amount such institution received and used under this part for fiscal year 1985.

(2)(A) From the amount so appropriated, the Secretary shall next allocate to each eligible institution that began participation in the program under this part after fiscal year 1985 but is not a first or second time participant, an amount equal to the greater of—

(i) $5,000; or

(ii) 90 percent of the amount received and used under this part for the first year it participated in the program.

(B) From the amount so appropriated, the Secretary shall next allocate to each eligible institution that began participation in the program under this part after fiscal year 1985 and is a first or second time participant, an amount equal to the greatest of—

(i) $5,000;

(ii) an amount equal to (I) 90 percent of the amount received and used under this part in the second preceding fiscal year by eligible institutions offering comparable programs of instruction, divided by (II) the number of students enrolled at such comparable institutions in such fiscal year, multiplied by (III) the number of students enrolled at the applicant institution in such fiscal year; or

(iii) 90 percent of the institution's allocation under this part for the preceding fiscal year.

(C) Notwithstanding subparagraphs (A) and (B) of this paragraph, the Secretary shall allocate to each eligible institution which—

(i) was a first-time participant in the program in fiscal year 1986 or any subsequent fiscal year, and

(ii) received a larger amount under this subsection in the second year of participation,

an amount equal to 90 percent of the amount it received under this subsection in its second year of participation.

(3)(A) If the amount appropriated for any fiscal year is less than the amount required to be allocated to all institutions under paragraph (1) of this subsection, then the amount of the allocation to each such institution shall be ratably reduced.

(B) If the amount appropriated for any fiscal year is more than the amount required to be allocated to all institutions under paragraph (1) but less than the amount required to be allocated to all institutions under paragraph (2), then—

(i) the Secretary shall allot the amount required to be allocated to all institutions under paragraph (1), and

(ii) the amount of the allocation to each institution under paragraph (2) shall be ratably reduced.

(C) If additional amounts are appropriated for any such fiscal year, such reduced amounts shall be increased on the same basis as they were reduced (until the amount allocated equals the amount required to be allocated under paragraphs (1) and (2) of this subsection).

(4)(A) Notwithstanding any other provision of this section, the Secretary may allocate an amount equal to not more than 10 percent of the amount by which the amount appropriated in any fiscal year to carry out this part exceeds $700,000,000 among eligible institutions described in subparagraph (B).

(B) In order to receive an allocation pursuant to subparagraph (A) an institution shall be an eligible institution from which 50 percent or more of the Pell Grant recipients attending such eligible institution graduate or transfer to a 4-year institution of higher education.

(b) Allocation of excess based on pro rata share

From one-quarter of the remainder of the amount appropriated pursuant to section 2751(b) of this title for any fiscal year (after making the allocations required by subsection (a) of this section), the Secretary shall allocate to each eligible institution an amount which bears the same ratio to such one-quarter as the amount the eligible institution receives for such fiscal year under subsection (a) of this section bears to the amount all such institutions receive under such subsection (a) of this section.

(c) Allocation of excess based on share of excess eligible amounts

(1) From three-quarters of the remainder of the amount appropriated pursuant to section 2751(b) of this title after making the allocations required by subsection (a) of this section, the Secretary shall allocate to each eligible institution which has an excess eligible amount an amount which bears the same ratio to such remainder as such excess eligible amount bears to the sum of the excess eligible amounts of all such eligible institutions (having such excess eligible amounts).

(2) For any eligible institution, the excess eligible amount is the amount, if any, by which—

(A)(i) the amount of that institution's need (as determined under subsection (d) of this section), divided by (ii) the sum of the need of all institutions (as so determined), multiplied by (iii) the amount appropriated pursuant to section 2751(b) of this title for the fiscal year; exceeds

(B) the amount required to be allocated to that institution under subsection (a) of this section.

(d) Determination of institution's need

(1) The amount of an institution's need is equal to the sum of the self-help need of the institution's eligible undergraduate students and the self-help need of the institution's eligible graduate and professional students.

(2) To determine the self-help need of an institution's eligible undergraduate students, the Secretary shall—

(A) establish various income categories for dependent and independent undergraduate students;

(B) establish an expected family contribution for each income category of dependent and independent undergraduate students, determined on the basis of the average expected family contribution (computed in accordance with part F of this title [20 U.S.C. 1087kk et seq.]) of a representative sample within each income category for the second preceding fiscal year;

(C) compute 25 percent of the average cost of attendance for all undergraduate students;

(D) multiply the number of eligible dependent students in each income category by the lesser of—

(i) 25 percent of the average cost of attendance for all undergraduate students determined under subparagraph (C); or

(ii) the average cost of attendance for all undergraduate students minus the expected family contribution determined under subparagraph (B) for that income category, except that the amount computed by such subtraction shall not be less than zero;

(E) add the amounts determined under subparagraph (D) for each income category of dependent students; and

(F) multiply the number of eligible independent students in each income category by the lesser of—

(i) 25 percent of the average cost of attendance for all undergraduate students determined under subparagraph (C); or

(ii) the average cost of attendance for all undergraduate students minus the expected family contribution determined under subparagraph (B) for that income category, except that the amount computed by such subtraction for any income category shall not be less than zero;

(G) add the amounts determined under subparagraph (F) for each income category of independent students; and

(H) add the amounts determined under subparagraphs (E) and (G).

(3) To determine the self-help need of an institution's eligible graduate and professional students, the Secretary, for academic year 1988–1989 shall use the procedures employed for academic year 1986–1987, and, for any subsequent academic years, the Secretary shall—

(A) establish various income categories of graduate and professional students;

(B) establish an expected family contribution for each income category of graduate and professional students, determined on the basis of the average expected family contribution (computed in accordance with part F of this title [20 U.S.C. 1087kk et seq.]) of a representative sample within each income category for the second preceding fiscal year;

(C) determine the average cost of attendance for all graduate and professional students;

(D) subtract from the average cost of attendance for all graduate and professional students (determined under subparagraph (C)), the expected family contribution (determined under subparagraph (B)) for each income category, except that the amount computed by such subtraction for any income category shall not be less than zero;

(E) multiply the amounts determined under subparagraph (D) by the number of eligible students in each category; and

(F) add the amounts determined under subparagraph (E) of this paragraph for each income category.

(4)(A) For purposes of paragraphs (2) and (3), the term ''average cost of attendance'' means the average of the attendance costs for undergraduate students and for graduate and professional students, which shall include (i) tuition and fees determined in accordance with subparagraph (B), (ii) standard living expenses determined in accordance with subparagraph (C), and (iii) books and supplies determined in accordance with subparagraph (D).

(B) The average undergraduate and graduate and professional tuition and fees described in subparagraph (A)(i) shall be computed on the basis of information reported by the institution to the Secretary, which shall include (i) total revenue received by the institution from undergraduate and graduate tuition and fees for the second year preceding the year for which it is applying for an allocation, and (ii) the institution's enrollment for such second preceding year.

(C) The standard living expense described in subparagraph (A)(ii) is equal to 150 percent of the difference between the income protection allowance for a family of five with one in college and the income protection allowance for a family of six with one in college for a single independent student.

(D) The allowance for books and supplies described in subparagraph (A)(iii) is equal to $450.

(e) Reallocation of excess allocations

(1) If institutions return to the Secretary any portion of the sums allocated to such institutions under this section for any fiscal year, the Secretary shall reallot such excess to eligible institutions which used at least 10 percent of the total amount of funds granted to such institution under this section to compensate students employed in community service in the preceding fiscal year. Such excess funds shall be reallotted to institutions which qualify under this subsection on the same basis as excess eligible amounts are allocated to institutions pursuant to subsection (c) of this section. Funds received by institutions pursuant to this subsection shall be used to compensate students employed in community service.

(2) If, under paragraph (1) of this subsection, an institution returns more than 10 percent of its allocation, the institution's allocation for the next fiscal year shall be reduced by the

amount returned. The Secretary may waive this paragraph for a specific institution if the Secretary finds that enforcing this paragraph would be contrary to the interest of the program.

(f) Filing deadlines

The Secretary shall, from time to time, set dates before which institutions must file applications for allocations under this part.

(Pub. L. 89–329, title IV, § 442, formerly title I, § 142, as added, renumbered, and amended Pub. L. 90–575, title I, §§ 131(a), (b)(1), (3), 133(a), 135, Oct. 16, 1968, 82 Stat. 1028, 1029; Pub. L. 92–318, title I, § 135B, June 23, 1972, 86 Stat. 270; Pub. L. 96–374, title IV, §§ 432, 433, title XIII, § 1391(a)(1), Oct. 3, 1980, 94 Stat. 1433, 1503; Pub. L. 99–498, title IV, § 403(a), Oct. 17, 1986, 100 Stat. 1429; Pub. L. 100–50, § 11(a), June 3, 1987, 101 Stat. 348; Pub. L. 102–325, title IV, § 442, July 23, 1992, 106 Stat. 564; Pub. L. 103–208, § 2(d)(1), (2), Dec. 20, 1993, 107 Stat. 2470.)

REFERENCES IN TEXT

Part F of this title, referred to in subsec. (d)(2)(B), (3)(B), means part F of title IV of Pub. L. 89–329, Nov. 8, 1965, 79 Stat. 1219, as amended, known as the Higher Education Act of 1965. Part F of title IV of such Act is classified generally to part E (§ 1087kk et seq.) of subchapter IV of chapter 28 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

CODIFICATION

Section was originally enacted as section 122 of the Economic Opportunity Act of 1964, Pub. L. 88–452, title I, Aug. 20, 1964, 78 Stat. 514. As such, it had been amended by Pub. L. 89–329, title IV, § 441(1), Nov. 8, 1965, 79 Stat. 1249, and renumbered section 142 by Pub. L. 90–222, title I, § 111(a), Dec. 23, 1967, 81 Stat. 726.

Under Pub. L. 90–575, title I, § 131(a), Oct. 16, 1968, 82 Stat. 1028, section was transferred along with the remainder of Part C of title I of the Economic Opportunity Act of 1964, Pub. L. 88–452, and inserted as Part C of title IV of the Higher Education Act of 1965, Pub. L. 89–329. Former Part C of title IV of Pub. L. 89–329, as originally enacted, comprising sections 441 and 442 thereof, was stricken to accommodate the transferal but the amendment of this section by section 441(1) of Pub. L. 89–329 has not been stricken. For amendment of section in addition to the transfers and redesignations treated above, see 1968 Amendment note below.

AMENDMENTS

1993—Subsec. (d)(4)(C). Pub. L. 103–208, § 2(d)(1), substituted ''150 percent of the difference between the income protection allowance for a family of five with one in college and the income protection allowance for a family of six with one in college'' for ''three-fourths in the Pell Grant family size offset''.

Subsec. (e). Pub. L. 103–208, § 2(d)(2), designated existing provisions as par. (1) and added par. (2).

1992—Subsec. (a)(4). Pub. L. 102–325, § 442(a), added par. (4).

Subsec. (e). Pub. L. 102–325, § 442(b), amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows:

''(1) If an institution returns to the Secretary any portion of the sums allocated to such institution under this section for any fiscal year the Secretary shall reallocate such excess in accordance with paragraph (2). Any sums reallocated under this subsection may be used in accordance with section 2755(a)(2) of this title.

''(2) The Secretary shall reallot not to exceed 25 percent of the amount available pursuant to paragraph (1) to eligible institutions for use in initiating, improving, and expanding programs of community service-learning conducted in accordance with section 2756a of this title. The Secretary shall allocate the remainder of the amounts available pursuant to paragraph (1) to eligible institutions based upon the criteria described in section 2756a(c) of this title.''

1987—Subsec. (e)(2). Pub. L. 100–50, substituted ''not to exceed 25 percent'' for ''25 percent'' and ''section 2756a(c) of this title'' for ''subsection (c) of this section'', and made technical amendment to reference to section 2756a of this title to correct numerical designation of corresponding section of original act.

1986—Pub. L. 99–498 amended section generally, substituting provisions relating to allocation of funds for provisions relating to allotments to States.

1980—Subsec. (a). Pub. L. 96–374, §§ 432(1)–(3), 1391(a)(1), substituted ''Secretary'' for ''Commissioner'' in provisions preceding cl. (1), substituted ''1 per centum'' for ''2 per centum'' and struck out reference to Puerto Rico in cl. (1), and substituted ''subsection (f) of this section'' for ''subsection (e) of this section'' in cl. (2).

Subsecs. (b)(1), (2), (c). Pub. L. 96–374, § 1391(a)(1), substituted ''Secretary'' for ''Commissioner''.

Subsec. (d). Pub. L. 96–374, §§ 432(4), 433, designated existing provisions as par. (1), inserted ''except that the Secretary shall give preference for the first 50 per centum of such reallotments to eligible institutions for use for initiating, improving, and expanding programs of cooperative education in accordance with title VIII of this Act'' after ''this Act'' and ''second'' after ''until the close of the'' and substituted ''Secretary'' for ''Commissioner'', and added par. (2).

Subsec. (e). Pub. L. 96–374, § 432(5), struck out reference to Puerto Rico.

Subsec. (f). Pub. L. 96–374, § 1391(a)(1), substituted ''Secretary'' for ''Commissioner''.

1972—Subsec. (a). Pub. L. 92–318, § 135B(a)(2), substituted ''Ninety per centum of the remainder'' for ''The remainder''.

Subsecs. (c) to (f). Pub. L. 92–318, § 135B(a)(2), added subsec. (c) and redesignated former subsecs. (c) to (e) as (d) to (f), respectively.

1968—Subsec. (a). Pub. L. 90–575, §§ 131(b)(3), 135(a), struck out reference to reservation of an amount needed for making grants under section 2753 of this title and inserted reference to reservation of amount provided by subsec. (e).

Subsec. (c). Pub. L. 90–575, § 133(a), substituted ''eligible institution'' for ''institution of higher education''.

Subsec. (e). Pub. L. 90–575, § 135(b), added subsec. (e).

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103–208 effective as if included in the Higher Education Amendments of 1992, Pub. L. 102–325, except as otherwise provided, see section 5(a) of Pub. L. 103–208, set out as a note under section 1003 of Title 20, Education.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–325 effective Oct. 1, 1992, see section 2 of Pub. L. 102–325, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100–50 effective as if enacted as part of the Higher Education Amendments of 1986, Pub. L. 99–498, see section 27 of Pub. L. 100–50, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1986 AMENDMENT

Section 403(b)(1) of Pub. L. 99–498, as enacted by Pub. L. 100–50, § 22(c), June 3, 1987, 101 Stat. 361, provided that: ''Section 442 of the Act [this section] shall apply with respect to the allocation of funds for academic year 1988–1989 and succeeding academic years.''

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–374 effective Oct. 1, 1980, see section 1393(a) of Pub. L. 96–374, set out as a note under section 1001 of Title 20, Education.

COLLEGE WORK-STUDY ALLOTMENT FOR SPECIFIC FISCAL YEARS

For provision that, notwithstanding subsecs. (a), (b), (c), and (e) of this section, the Secretary shall apportion funds among the States so that each State's apportionment under the Work-Study Program bears the same ratio to the total amount appropriated under that program as that State's apportionment in fiscal year 1981 for that program bears to the total amount appropriated for fiscal year 1981 for that program, and that, with regard to the Work-Study Program, notwithstanding section 2756(a) of this title, from each jurisdiction's allotment of funds under that program, the Secretary shall allocate sums to institutions in that jurisdiction that did not receive an allocation in fiscal year 1979 (award year 1979–1980) under that program in a manner that will most effectively carry out the purposes of the Work-Study Program, see section 300 of Pub. L. 99–178, set out as a note under section 1070b–3 of Title 20, Education.

For similar provisions for fiscal year 1985, see section 300 of Pub. L. 98–619, set out as a note under section 1070b–3 of Title 20.

Pub. L. 98–8, title I, § 100, Mar. 24, 1983, 97 Stat. 27, provided that notwithstanding subsecs. (a), (b), (c), and (e) of this section and section 11 of Public Law 97–301, set out as a note below, the Secretary should allot the sums appropriated pursuant to section 2751(b) of this title for fiscal year 1983 among the States so that each State's allotment bore the same ratio to the total amount appropriated as that State's allotment in fiscal year 1981 bore to the total amount appropriated pursuant to that section for fiscal year 1981.

Pub. L. 97–301, § 11, Oct. 13, 1982, 96 Stat. 1403, which provided that notwithstanding subsecs. (a), (b), (c), and (e) of this section, if in fiscal year 1983, fiscal year 1984, or fiscal year 1985 the sums appropriated pursuant to section 2751(b) of this title were less than the sums appropriated pursuant to such section for the fiscal year 1981, the Secretary should allot the sums appropriated pursuant to that section for such fiscal year among the States so that each State's allotment bore the same ratio to the total amount appropriated as that State's allotment in fiscal year 1981 bore to the total amount appropriated pursuant to that section for fiscal year 1981 was repealed by Pub. L. 99–498, title IV, § 408(b), Oct. 17, 1986, 100 Stat. 1495, eff. with respect to any academic year beginning on or after July 1, 1988.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2756 of this title; title 20 sections 1089, 1095.

§ 2753. Grants for Federal work-study programs

(a) Agreements required

The Secretary is authorized to enter into agreements with institutions of higher education under which the Secretary will make grants to such institutions to assist in the operation of work-study programs as provided in this part.

(b) Contents of agreements

An agreement entered into pursuant to this section shall—

(1) provide for the operation by the institution of a program for the part-time employment of its students in work for the institution itself, work in community service or work in the public interest for a Federal, State, or local public agency or private nonprofit organization under an arrangement between the institution and such agency or organization, and such work—

(A) will not result in the displacement of employed workers or impair existing contracts for services;

(B) will be governed by such conditions of employment as will be appropriate and reasonable in light of such factors as type of work performed, geographical region, and proficiency of the employee;

(C) does not involve the construction, operation, or maintenance of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship; and

(D) will not pay any wage to students employed under this subpart[1] that is less than the current Federal minimum wage as mandated by section 206 of title 29;

(2) provide that funds granted an institution of higher education, pursuant to this section, may be used only to make payments to students participating in work-study programs, except that—

(A) in fiscal year 1994 and succeeding fiscal years, an institution shall use at least 5 percent of the total amount of funds granted to such institution under this section in any fiscal year to compensate students employed in community service, except that the Secretary may waive this subparagraph if the Secretary determines that enforcing it would cause hardship for students at an institution; and

(B) an institution may use a portion of the sums granted to it to meet administrative expenses in accordance with section 1096 of title 20, may use a portion of the sums granted to it to meet the cost of a job location and development program in accordance with section 2756 of this title, and may transfer funds in accordance with the provisions of section 1095 of title 20;

(3) provide that in the selection of students for employment under such work-study program, only students, who demonstrate financial need in accordance with part F of this title [20 U.S.C. 1087kk et seq.], and who meet the requirements of section 1091 of title 20 will be assisted, except that—

(A) if the institution's grant under this part is directly or indirectly based in part on the financial need demonstrated by students who are (i) attending the institution less than full time, or (ii) independent students; and

(B) if the total financial need of all such less than full-time and independent students at the institution exceeds 5 percent of the total financial need of all students at such institution,

then at least 5 percent of the grant shall be made available to such less than full-time and independent students;

(4) provide that for a student employed in a work-study program under this part, at the time income derived from any need-based employment is in excess of the determination of the amount of such student's need by more than $300, continued employment shall not be subsidized with funds appropriated under this part;

(5) provide that the Federal share of the compensation of students employed in the

[1] So in original. Probably should be "part".

work-study program in accordance with the agreement shall not exceed 75 percent for academic year 1993–1994 and succeeding academic years, except that the Federal share may exceed such amounts of compensation if the Secretary determines, pursuant to regulations promulgated by the Secretary establishing objective criteria for such determinations, that a Federal share in excess of such amounts is required in furtherance of the purpose of this part;

(6) include provisions to make employment under such work-study program reasonably available (to the extent of available funds) to all eligible students in the institution in need thereof, and to make equivalent employment offered or arranged by the institution reasonably available (to the extent of available funds) to all students in the institution who desire such employment;

(7) provide assurances that employment made available from funds under this part will, to the maximum extent practicable, complement and reinforce the educational program or vocational goals of each student receiving assistance under this part;

(8) provide assurances, in the case of each proprietary institution, that students attending the proprietary institution receiving assistance under this part who are employed by the institution may be employed in jobs—

(A) that are only on campus and that—

(i) to the maximum extent practicable, complement and reinforce the education programs or vocational goals of such students; and

(ii) furnish student services that are directly related to the student's education, as determined by the Secretary pursuant to regulations, except that no student shall be employed in any position that would involve the solicitation of other potential students to enroll in the school; or

(B) in community service in accordance with paragraph (2)(A) of this subsection;

(9) provide assurances that employment made available from funds under this part may be used to support programs for supportive services to students with disabilities;

(10) provide assurances that the institution will inform all eligible students of the opportunity to perform community service, and will consult with local nonprofit, governmental, and community-based organizations to identify such opportunities; and

(11) include such other reasonable provisions as the Secretary shall deem necessary or appropriate to carry out the purpose of this part.

(c) Private sector employment agreement

As part of its agreement agreement[2] described in subsection (b) of this section, an institution of higher education may, at its option, enter into an additional agreement with the Secretary which shall—

(1) provide for the operation by the institution of a program of part-time employment of its students in work for a private for-profit organization under an arrangement between the institution and such organization that complies with the requirements of subparagraphs (A) through (D) of subsection (b)(1) of this section and subsection (b)(3) of this section;

(2) provide that the institution will use not more than 25 percent of the funds made available to such institution under this part for any fiscal year for the operation of the program described in paragraph (1);

(3) provide that, notwithstanding subsection (b)(5) of this section, the Federal share of the compensation of students employed in such program will not exceed 60 percent for academic years 1987–1988 and 1988–1989, 55 percent for academic year 1989–1990, and 50 percent for academic year 1990–1991 and succeeding academic years, and that the non-Federal share of such compensation will be provided by the private for-profit organization in which the student is employed;

(4) provide that jobs under the work study program will be academically relevant; and

(5) provide that the for-profit organization will not use funds made available under this part to pay any employee who would otherwise be employed by the organization.

(Pub. L. 89–329, title IV, § 443, as added Pub. L. 96–374, title IV, § 434, Oct. 3, 1980, 94 Stat. 1434; amended Pub. L. 99–498, title IV, § 403(a), Oct. 17, 1986, 100 Stat. 1432; Pub. L. 100–50, § 11(b), (c), June 3, 1987, 101 Stat. 348; Pub. L. 102–325, title IV, §§ 441(a)(2), 443, July 23, 1992, 106 Stat. 563, 564; Pub. L. 103–208, § 2(d)(3)–(5), Dec. 20, 1993, 107 Stat. 2470.)

REFERENCES IN TEXT

Part F of this title, referred to in subsec. (b)(3), means part F of title IV of Pub. L. 89–329, Nov. 8, 1965, 79 Stat. 1219, as amended, known as the Higher Education Act of 1965. Part F of title IV of such Act is classified generally to part E (§ 1087kk et seq.) of subchapter IV of chapter 28 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

PRIOR PROVISIONS

A prior section 2753, Pub. L. 89–329, title IV, § 443, formerly title I, § 143, as added, renumbered title IV, § 443, and amended Pub. L. 90–575, title I, §§ 131(a), (b)(1), 133(a), (b), 139(1), Oct. 16, 1968, 82 Stat. 1028, 1029, 1030; Pub. L. 94–482, title I, § 128(b), Oct. 12, 1976, 90 Stat. 2143, made provision for the grants for work-study programs, prior to repeal by Pub. L. 96–374, § 434.

AMENDMENTS

1993—Subsec. (b)(2)(A). Pub. L. 103–208, § 2(d)(3), substituted "institution; and" for "institution;".

Subsec. (b)(5). Pub. L. 103–208, § 2(d)(4), amended par. (5) generally. Prior to amendment, par. (5) read as follows: "provide that the Federal share of the compensation of students employed in the work-study program in accordance with the agreement shall not exceed 75 percent for academic year 1993–1994 and succeeding academic years, except that—

"(A) the Federal share may exceed such amounts of such compensation if the Secretary determines, pursuant to regulations promulgated by the Secretary establishing objective criteria for such determinations, that a Federal share in excess of such amounts is required in furtherance of the purpose of this part; and

"(B) when a student engaged in work in community service performs such work for a private nonprofit or-

[2] So in original.

ganization other than the eligible institution, the contribution of such agency or organization shall not exceed 40 percent of the institution's share of the compensation of the student, and the eligible institution in its discretion may count such contribution toward satisfaction of the non-Federal share of the compensation of the student;''.

Subsec. (b)(8)(A) to (C). Pub. L. 103–208, § 2(d)(5), added subpars. (A) and (B) and struck out former subpars. (A) to (C) which read as follows:

''(A) on campus only, except as required in subparagraph (A) of paragraph (2);

''(B) that, to the maximum extent practicable, complement and reinforce the educational programs or vocational goals of such students; and

''(C) furnishing student services that are directly related to the student's education, as determined by the Secretary pursuant to regulations, except that no student shall be employed in any position that would involve the solicitation of other potential students to enroll in the school;''.

1992—Pub. L. 102–325, § 441(a)(2), inserted ''Federal'' after ''Grants for'' in section catchline.

Subsec. (b)(1). Pub. L. 102–325, § 443(a), inserted '', work in community service'' after ''institution itself''.

Subsec. (b)(2)(A). Pub. L. 102–325, § 443(b), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: ''an institution may use not to exceed 10 percent of the funds granted to the institution in any fiscal year to carry out the work study program described in section 2756a of this title at the increased Federal share specified in paragraph (5)(B) of this subsection, and''.

Subsec. (b)(3) to (5). Pub. L. 102–325, § 443(c)–(e), amended par. (3) to (5) generally. Prior to amendment, pars. (3) to (5) read as follows:

''(3) provide that in the selection of students for employment under such work-study program, only students who demonstrate financial need in accordance with part F of this title, and who meet the requirements of section 1091 of title 20 will be assisted, except that, if the institution's grant under this part is directly or indirectly based in part on the financial need demonstrated by students attending the institution less than full time, a reasonable proportion of the institution's grant shall be made available to such students;

''(4) provide that for a student employed in a work-study program under this part, at the time income derived from any employment (including non-work-study or both) is in excess of the determination of the amount of such student's need by more than $200, continued employment shall not be subsidized with funds appropriated under this part;

''(5) provide that the Federal share of the compensation of students employed in the work study program in accordance with the agreement will not exceed 80 percent for academic years 1987–1988 and 1988–1989, 75 percent for academic year 1989–1990, and 70 percent for academic year 1990–1991 and succeeding academic years, except that—

''(A) the Federal share may exceed such amounts of such compensation if the Secretary determines, pursuant to regulations promulgated by the Secretary establishing objective criteria for such determinations, that a Federal share in excess of such amounts is required in furtherance of the purpose of this part; and

''(B) the Federal share of the compensation of the students employed in the work study for community service-learning programs described in section 2756a of this title from funds available under paragraph (2)(A) in accordance with the agreement will not exceed 90 percent of such compensation;''.

Subsec. (b)(8)(A). Pub. L. 102–325, § 443(f)(1), inserted '', except as required in subparagraph (A) of paragraph (2)'' before semicolon at end.

Subsec. (b)(8)(C). Pub. L. 102–325, § 443(f)(2), (g)(2), inserted ''that are directly related to the student's education'' after ''student services'' and struck out ''and'' at end.

Subsec. (b)(9) to (11). Pub. L. 102–325, § 443(g)(1), (3), added pars. (9) and (10) and redesignated former par. (9) as (11).

1987—Subsec. (b). Pub. L. 100–50, § 11(b), substituted ''paragraph (5)(B)'' for ''clause (6)(B)'' in par. (2)(A), and ''paragraph (2)(A)'' for ''clause (2)(A)'' in par. (5)(B).

Subsec. (c). Pub. L. 100–50, § 11(c), substituted ''As part of its agreement'' for ''In addition to the'' and inserted ''and subsection (b)(3) of this section'' before semicolon at end of par. (1).

1986—Pub. L. 99–498 amended section generally, inserting provisions relating to private sector employment agreements.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103–208 effective as if included in the Higher Education Amendments of 1992, Pub. L. 102–325, except as otherwise provided, see section 5(a) of Pub. L. 103–208, set out as a note under section 1003 of Title 20, Education.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–325 effective Oct. 1, 1992, see section 2 of Pub. L. 102–325, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100–50 effective as if enacted as part of the Higher Education Amendments of 1986, Pub. L. 99–498, see section 27 of Pub. L. 100–50, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1986 AMENDMENT

Section 403(b)(2), formerly section 403(b), of Pub. L. 99–498, as redesignated by Pub. L. 100–50, § 22(c), June 3, 1987, 101 Stat. 361, provided that: ''Sections 443(c), 446, and 447 of the Act [sections 2753(c), 2756, and 2756a of this title] as amended by this section shall apply to periods of enrollment beginning on or after July 1, 1987.''

EFFECTIVE DATE

Section effective Oct. 1, 1980, see section 1393 of Pub. L. 96–374, set out as an Effective Date of 1980 Amendment note under section 1001 of Title 20, Education.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2755, 2756b of this title; title 20 sections 1070c–2, 1078–7.

§ 2754. Sources of matching funds

Nothing in this part shall be construed as restricting the source (other than this part) from which the institution may pay its share of the compensation of a student employed under a work-study program covered by an agreement under this part, and such share may be paid to such student in the form of services and equipment (including tuition, room, board, and books) furnished by such institution.

(Pub. L. 89–329, title IV, § 444, as added Pub. L. 99–498, title IV, § 403(a), Oct. 17, 1986, 100 Stat. 1435.)

PRIOR PROVISIONS

A prior section 2754, Pub. L. 89–329, title IV, § 444, formerly title I, § 144, as added, renumbered, and amended Pub. L. 90–575, title I, §§ 131(a), (b)(1), 133(a), (c), 134, 136, 137, 138, 139(2), Oct. 16, 1968, 82 Stat. 1028, 1029, 1030; Pub. L. 92–318, title I, §§ 135C(a)(1), 135D, 135E, June 23, 1972, 86 Stat. 271; Pub. L. 94–482, title I, § 128(c), Oct. 12, 1976, 90 Stat. 2143, set out conditions required of agreements with eligible institutions, prior to repeal by Pub. L. 96–374, title IV, § 434, Oct. 3, 1980, 94 Stat. 1434, eff. Oct. 1, 1980. See section 2753(b) of this title.

Section was originally enacted as section 124 of the Economic Opportunity Act of 1964, Pub. L. 88–452, title

I, Aug. 20, 1964, 78 Stat. 514. As such, it had been amended by Pub. L. 89–253, § 10, Oct. 9, 1965, 79 Stat. 974; Pub. L. 89–329, title IV, § 441(1), (4), (5), Nov. 8, 1965, 79 Stat. 1249; Pub. L. 90–82, §§ 1, 2, Sept. 6, 1967, 81 Stat. 194, and renumbered section 144 by Pub. L. 90–222, title I, § 111(a), Dec. 23, 1967, 81 Stat. 726.

Under Pub. L. 90–575, title I, § 131(a), Oct. 16, 1968, 82 Stat. 1028, section was transferred along with the remainder of Part C of title I of the Economic Opportunity Act of 1964, Pub. L. 88–452, and inserted as Part C of title IV of the Higher Education Act of 1964, Pub. L. 89–329. Former Part C of title IV of Pub. L. 89–329, as originally enacted, comprising sections 441 and 442 thereof, was struck out to accommodate the transferal but the amendment of this section by section 441(1), (4), (5) of Pub. L. 89–239 was not struck out.

§ 2755. Flexible use of funds

(a) Carry-over authority

(1) Of the sums granted to an eligible institution under this part for any fiscal year, 10 percent may, at the discretion of the institution, remain available for expenditure during the succeeding fiscal year to carry out programs under this part.

(2) Any of the sums so granted to an institution for a fiscal year which are not needed by that institution to operate work-study programs during that fiscal year, and which it does not wish to use during the next fiscal year as authorized in the preceding sentence, shall remain available to the Secretary for making grants under section 2753 of this title to other institutions in the same State until the close of the second fiscal year next succeeding the fiscal year for which such funds were appropriated.

(b) Carry-back authority

(1) Up to 10 percent of the sums the Secretary determines an eligible institution may receive from funds which have been appropriated for a fiscal year may be used by the Secretary to make grants under this part to such institution for expenditure during the fiscal year preceding the fiscal year for which the sums were appropriated.

(2) An eligible institution may make payments to students of wages earned after the end of the academic year, but prior to the beginning of the succeeding fiscal year, from such succeeding fiscal year's appropriations.

(Pub. L. 89–329, title IV, § 445, formerly title I, § 145, as added and renumbered Pub. L. 90–575, title I, § 131(a), (b)(1), Oct. 16, 1968, 82 Stat. 1028; amended Pub. L. 99–498, title IV, § 403(a), Oct. 17, 1986, 100 Stat. 1435; Pub. L. 102–325, title IV, § 444, July 23, 1992, 106 Stat. 566.)

CODIFICATION

Section was originally enacted as section 125 of the Economic Opportunity Act of 1964, Pub. L. 88–452, title I, Aug. 20, 1964, 78 Stat. 516. As such, it had been amended by Pub. L. 89–329, title IV, § 441(6), Nov. 8, 1965, 79 Stat. 1250, and renumbered section 145 by Pub. L. 90–222, title I, § 111(a), Dec. 23, 1967, 81 Stat. 726.

Under Pub. L. 90–575, title I, § 131(a), Oct. 16, 1968, 82 Stat. 1028, section was transferred along with the remainder of Part C of title I of the Economic Opportunity Act of 1964, Pub. L. 88–452, and inserted as Part C of title IV of the Higher Education Act of 1965, Pub. L. 89–329. Former Part C of title IV of Pub. L. 89–329, as originally enacted, comprising sections 441 and 442 thereof, was struck out to accommodate the transferal but the amendment of this section by section 441(6) of Pub. L. 89–329 has not been struck out.

AMENDMENTS

1992—Subsec. (b). Pub. L. 102–325 designated existing provisions as par. (1) and added par. (2).

1986—Pub. L. 99–498 amended section generally, substituting provisions relating to flexible use of funds for provisions relating to sources of matching funds.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–325 effective Oct. 1, 1992, see section 2 of Pub. L. 102–325, set out as a note under section 1001 of Title 20, Education.

§ 2756. Job location and development programs

(a) Agreements required

(1) The Secretary is authorized to enter into agreements with eligible institutions under which such institution may use not more than 10 percent or $50,000 of its allotment under section 2752 of this title, whichever is less, to establish or expand a program under which such institution, separately or in combination with other eligible institutions, locates and develops jobs, including community service jobs, for currently enrolled students.

(2) Jobs located and developed under this section shall be jobs that are suitable to the scheduling and other needs of such students and that, to the maximum extent practicable, complement and reinforce the educational programs or vocational goals of such students.

(b) Contents of agreements

Agreements under subsection (a) of this section shall—

(1) provide that the Federal share of the cost of any program under this section will not exceed 80 percent of such cost;

(2) provide satisfactory assurance that funds available under this section will not be used to locate or develop jobs at an eligible institution;

(3) provide satisfactory assurance that funds available under this section will not be used for the location or development of jobs for students to obtain upon graduation, but rather for the location and development of jobs available to students during and between periods of attendance at such institution;

(4) provide satisfactory assurance that the location or development of jobs pursuant to programs assisted under this section will not result in the displacement of employed workers or impair existing contracts for services;

(5) provide satisfactory assurance that Federal funds used for the purpose of this section can realistically be expected to help generate student wages exceeding, in the aggregate, the amount of such funds, and that if such funds are used to contract with another organization, appropriate performance standards are part of such contract; and

(6) provide that the institution will submit to the Secretary an annual report on the uses made of funds provided under this section and an evaluation of the effectiveness of such program in benefiting the students of such institution.

(Pub. L. 89–329, title IV, § 446, formerly title I, § 126, as added, renumbered, and amended Pub. L. 90–575, title I, §§ 131(a), (b)(2), 133(a), Oct. 16, 1968, 82 Stat. 1028, 1029; Pub. L. 94–43, § 2, June 28, 1975,

89 Stat. 233; Pub. L. 96–374, title IV, §435, title XIII, §1391(a)(1), Oct. 3, 1980, 94 Stat. 1435, 1503; Pub. L. 99–498, title IV, §403(a), Oct. 17, 1986, 100 Stat. 1435; Pub. L. 100–50, §11(d), June 3, 1987, 101 Stat. 348; Pub. L. 102–325, title IV, §445, July 23, 1992, 106 Stat. 566.)

CODIFICATION

Section was originally enacted, as section 126 of the Economic Opportunity Act of 1964, Pub. L. 88–452, title I, Aug. 20, 1964, 78 Stat. 516. As such, it had been amended by Pub. L. 89–329, title IV, §441(1), Nov. 8, 1965, 79 Stat. 1249.

Under Pub. L. 90–575, title I, §131(a), Oct. 16, 1968, 82 Stat. 1028, section was transferred along with the remainder of Part C of title I of the Economic Opportunity Act of 1964, Pub. L. 88–452, and inserted as Part C of title IV of the Higher Education Act of 1965, Pub. L. 89–329. Former Part C of title IV of Pub. L. 89–329, as originally enacted, comprising sections 441 and 442 thereof, was struck out to accommodate the transferal but the amendment of this section by section 441(1) of Pub. L. 89–329 has not been struck out. For amendment of section in addition to the transfers and redesignations treated above, see 1968 Amendment note below.

PRIOR PROVISIONS

Provisions similar to this section were contained in section 2756a of this title prior to the general revision of this part by Pub. L. 99–498.

AMENDMENTS

1992—Pub. L. 102–325 amended section generally, restating subsecs. (a) and (b) with changes in substance and structure and striking out subsec. (c) which defined ''community services''.

1987—Subsec. (b)(3) to (7). Pub. L. 100–50 redesignated pars. (4) to (7) as (3) to (6), respectively, and struck out former par. (3) which read as follows: ''provide satisfactory assurance that the institution will continue to spend in its own job location and development programs, from sources other than funds received under this section, not less than the average expenditures per year made during the most recent 3 fiscal years preceding the effective date of the agreement;''.

1986—Pub. L. 99–498 amended section generally, substituting provisions relating to job location and development programs for provisions relating to equitable distribution of assistance.

1980—Subsec. (a). Pub. L. 96–374, §§435(a), 1391(a)(1), substituted ''Secretary'' for ''Commissioner'' and inserted provision that criteria established under this subsection not result in institution's receiving an amount less than institution used under this section for fiscal year 1979, unless there has been a substantial decline in student enrollment of institution.

Subsec. (b). Pub. L. 96–374, §435(b), inserted provision that, of sums granted to an eligible institution under this part for any fiscal year, 10 per centum may, at discretion of institution, remain available for expenditure during succeeding fiscal year to carry out programs under this part, and substituted ''close of the second fiscal year next succeeding the fiscal year for which funds were appropriated'' for ''close of the fiscal year next succeeding the fiscal year for which such funds were appropriated'' in provision covering available time period during which funds not used remain available to Secretary for making grants to other institutions in same State.

Subsec. (c). Pub. L. 96–374, §435(b), added subsec. (c).

1975—Pub. L. 94–43 designated existing provisions as subsec. (a) and added subsec. (b).

1968—Pub. L. 90–575, §133(a), substituted ''eligible institutions'' for ''institutions of higher education''.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–325 effective Oct. 1, 1992, see section 2 of Pub. L. 102–325, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100–50 effective as if enacted as part of the Higher Education Amendments of 1986, Pub. L. 99–498, see section 27 of Pub. L. 100–50, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1986 AMENDMENT

Section applicable to periods of enrollment beginning on or after July 1, 1987, see section 403(b)(2) of Pub. L. 99–498, set out as a note under section 2753 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–374 effective Oct. 1, 1980, see section 1393(a) of Pub. L. 96–374, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 5 of Pub. L. 94–43 provided that:

''(a) The amendment made by the provisions of section 2 of this Act [amending this section] shall be effective with respect to appropriations for fiscal years beginning after June 30, 1974.

''(b) Subsections (b) and (d) of section 431 [now 437] of the General Education Provisions Act [section 1232(b) and (d) of Title 20, Education] shall not operate to delay the effectiveness of regulations issued by the Commissioner of Education to implement the provisions of this Act [see Short Title of 1975 Amendment note set out under section 2701 of this title].''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2753, 2756b of this title.

§2756a. Additional funds to conduct community service work-study programs

Each institution participating under this part may use up to 10 percent of the funds made available under section 1096(a) of title 20 and attributable to the amount of the institution's expenditures under this part to conduct that institution's program of community service-learning, including—

(1) development of mechanisms to assure the academic quality of the student experience,

(2) assuring student access to educational resources, expertise, and supervision necessary to achieve community service objectives, and

(3) collaboration with public and private nonprofit agencies, and programs assisted under the National and Community Service Act of 1990 [42 U.S.C. 12501 et seq.] in the planning, development, and administration of such programs.

(Pub. L. 89–329, title IV, §447, as added Pub. L. 92–318, title I, §135F, June 23, 1972, 86 Stat. 271; amended Pub. L. 94–482, title I, §128(d), Oct. 12, 1976, 90 Stat. 2143; Pub. L. 96–374, title IV, §436, title XIII, §1391(a)(1), Oct. 3, 1980, 94 Stat. 1436, 1503; Pub. L. 99–498, title IV, §403(a), Oct. 17, 1986, 100 Stat. 1436; Pub. L. 102–325, title IV, §446(a), (b), July 23, 1992, 106 Stat. 567.)

REFERENCES IN TEXT

The National and Community Service Act of 1990, referred to in par. (3), is Pub. L. 101–610, Nov. 16, 1990, 104 Stat. 3127, which is classified principally to chapter 129 (§12501 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 12501 of this title and Tables.

PRIOR PROVISIONS

Provisions similar to this section were contained in section 2756b of this title prior to the general revision of this part by Pub. L. 99–498.

AMENDMENTS

1992—Pub. L. 102–325 amended section catchline generally, struck out subsecs. (a) and (b) which related to purpose and definitions, respectively, struck out subsec. (c) designation and heading before ''Each institution participating'', substituted ''up to 10 percent of the funds made available under section 1096(a) of title 20 and attributable to the amount of the institution's expenditures under this part'' for ''funds made available under the last sentence of section 1096(a) of title 20'', and inserted '', and programs assisted under the National and Community Service Act of 1990'' after ''nonprofit agencies''.

1986—Pub. L. 99–498 amended section generally, substituting provisions relating to work-study for community service-learning on behalf of low-income individuals and families for provisions relating to job location and development programs and agreements with eligible institutions. See section 2756 of this title.

1980—Subsec. (a). Pub. L. 96–374, §§ 436, 1391(a)(1), substituted ''$25,000'' for ''$15,000'' and ''Secretary'' for ''Commissioner''.

Subsec. (b)(7). Pub. L. 96–374, § 1391(a)(1), substituted ''Secretary'' for ''Commissioner''.

1976—Subsec. (a). Pub. L. 94–482 substituted provisions authorizing agreements for job location and development programs by Commissioner, for provisions setting forth statement of purpose of community service learning programs.

Subsec. (b). Pub. L. 94–482 substituted provisions setting forth requirements for agreements for job location and development programs, for provisions authorizing appropriations for community service learning programs.

Subsec. (c). Pub. L. 94–482 struck out subsec. (c) which authorized agreements by the Commissioner for grants for community service learning programs.

Subsec. (d). Pub. L. 94–482 struck out subsec. (d) which set forth requirements for agreements for grants for community service learning programs.

Subsec. (e). Pub. L. 94–482 struck out subsec. (e) which defined ''community service''.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–325 effective Oct. 1, 1992, see section 2 of Pub. L. 102–325, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1986 AMENDMENT

Section applicable to periods of enrollment beginning on or after July 1, 1987, see section 403(b)(2) of Pub. L. 99–498, set out as a note under section 2753 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–482 effective 30 days after Oct. 12, 1976, except either as specifically otherwise provided or, if not so specifically otherwise provided, effective July 1, 1976, for those amendments providing for authorization of appropriations, see section 532 of Pub. L. 94–482, set out as a note under section 1001 of Title 20, Education.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 20 section 1096.

§ 2756b. Work colleges

(a) Purpose

The purpose of this section is to recognize, encourage, and promote the use of comprehensive work-learning programs as a valuable educational approach when it is an integral part of the institution's educational program and a part of a financial plan which decreases reliance on grants and loans.

(b) Source and use of funds

(1) Source of funds

In addition to the sums appropriated under subsection (f) of this section, funds allocated to the institution under this part and part E of this title [20 U.S.C. 1087aa et seq.] may be transferred for use under this section to provide flexibility in strengthening the self-help-through-work element in financial aid packaging.

(2) Activities authorized

From the sums appropriated pursuant to subsection (f) of this section, and from the funds available under paragraph (1), eligible institutions may, following approval of an application under subsection (c) of this section by the Secretary—

(A) support the educational costs of qualified students through self-help payments or credits provided under the work-learning program of the institution within the limits of part F of this title [20 U.S.C. 1087kk et seq.];

(B) promote the work-learning-service experience as a tool of postsecondary education, financial self-help and community service-learning opportunities;

(C) carry out activities described in section 2753 or 2756 of this title; and

(D) be used for the administration, development and assessment of comprehensive work-learning programs, including—

(i) community-based work-learning alternatives that expand opportunities for community service and career-related work; and

(ii) alternatives that develop sound citizenship, encourage student persistence, and make optimum use of assistance under this part in education and student development.

(c) Application

Each eligible institution may submit an application for funds authorized by subsection (f) of this section to use funds under subsection (b)(1) of this section at such time and in such manner as the Secretary, by regulation, may reasonably require.

(d) Match required

Funds made available to work-colleges pursuant to this section shall be matched on a dollar-for-dollar basis from non-Federal sources.

(e) Definitions

For the purpose of this section—

(1) the term ''work-college'' means an eligible institution that—

(A) has been a public or private nonprofit institution with a commitment to community service;

(B) has operated a comprehensive work-learning program for at least 2 years;

(C) requires all resident students who reside on campus to participate in a comprehensive work-learning program and the provision of services as an integral part of the institution's educational program and as part of the institution's educational philosophy; and

(D) provides students participating in the comprehensive work-learning program with the opportunity to contribute to their education and to the welfare of the community as a whole; and

(2) the term ''comprehensive student work-learning program'' means a student work/service program that is an integral and stated part of the institution's educational philosophy and program; requires participation of all resident students for enrollment, participation, and graduation; includes learning objectives, evaluation and a record of work performance as part of the student's college record; provides programmatic leadership by college personnel at levels comparable to traditional academic programs; recognizes the educational role of work-learning supervisors; and includes consequences for nonperformance or failure in the work-learning program similar to the consequences for failure in the regular academic program.

(f) Authorization of appropriations

There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 1993 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(Pub. L. 89–329, title IV, § 448, as added Pub. L. 102–325, title IV, § 447, July 23, 1992, 106 Stat. 567.)

REFERENCES IN TEXT

Parts E and F of this title, referred to in subsec. (b)(1), (2)(A), mean parts E and F, respectively, of title IV of Pub. L. 89–329, Nov. 8, 1965, 79 Stat. 1219, as amended, known as the Higher Education Act of 1965. Parts E and F of title IV of such Act are classified generally to parts D (§ 1087aa et seq.) and E (§ 1087kk et seq.), respectively, of subchapter IV of chapter 28 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

PRIOR PROVISIONS

A prior section 2756b, Pub. L. 89–329, title IV, § 448, as added Pub. L. 96–374, title IV, § 437, Oct. 3, 1980, 94 Stat. 1436, related to work study programs for community service-learning, prior to the general revision of this part by Pub. L. 99–498. See section 2756a of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1992, see section 2 of Pub. L. 102–325, set out as an Effective Date of 1992 Amendment note under section 1001 of Title 20, Education.

§ 2757. Repealed. Pub. L. 90–575, title I, § 131(a), Oct. 16, 1968, 82 Stat. 1028

Section, Pub. L. 89–329, title IV, § 442, Nov. 8, 1965, 79 Stat. 1251, authorized appropriations for the fiscal years ending June 30, 1966, 1967, and 1968, to carry out the provisions of this part. Another section 442 of Pub. L. 89–329 was added by section 131 of Pub. L. 90–575 and is set out as section 2752 of this title. For authorization of appropriations to carry out the provisions of this part for fiscal years ending after June 30, 1968, see section 2751(b) of this title.

PART D—SPECIAL IMPACT PROGRAMS

§§ 2761, 2762. Omitted

CODIFICATION

Sections were omitted in the general amendment of Part D of this subchapter by Pub. L. 90–222, title I, § 103, Dec. 23, 1967, 81 Stat. 688.

Section 2761, Pub. L. 88–452, title I, § 131, Aug. 20, 1964, 78 Stat. 516; Pub. L. 89–253, § 30(a), Oct. 9, 1965, 79 Stat. 978; Pub. L. 89–329, title IV, § 441(7), Nov. 8, 1965, 79 Stat. 1250; Pub. L. 89–794, title I, § 113(2), Nov. 8, 1966, 80 Stat. 1455, provided for establishment of special impact programs and the grants, criteria, and procedures to be used in carrying them out.

Section 2762, Pub. L. 88–452, title I, § 132, as added Pub. L. 89–794, title I, § 113(2), Nov. 8, 1966, 80 Stat. 1456, placed a limitation on Federal share of cost of special impact programs.

§§ 2763 to 2768. Repealed. Pub. L. 92–424, § 25(b), Sept. 19, 1972, 86 Stat. 703

Section 2763, Pub. L. 88–452, title I, § 150, as added Pub. L. 90–222, title I, § 103, Dec. 23, 1967, 81 Stat. 688, related to Congressional statement of purpose.

Section 2764, Pub. L. 88–452, title I, § 151, as added Pub. L. 90–222, title I, § 103, Dec. 23, 1967, 81 Stat. 688, related to establishment of programs.

Section 2765, Pub. L. 88–452, title I, § 152, as added Pub. L. 90–222, title I, § 103, Dec. 23, 1967, 81 Stat. 689, related to requirements for financial assistance.

Section 2766, Pub. L. 88–452, title I, § 153, as added Pub. L. 90–222, title I, § 103, Dec. 23, 1967, 81 Stat. 689, related to application of other Federal resources.

Section 2767, Pub. L. 88–452, title I, § 154, as added Pub. L. 90–222, title I, § 103, Dec. 23, 1967, 81 Stat. 690, related to an evaluation of effectiveness of the program.

Section 2768, Pub. L. 88–452, title I, § 155, as added Pub. L. 90–222, title I, § 103, Dec. 23, 1967, 81 Stat. 690, related to Federal share of program costs.

PART E—SPECIAL WORK AND CAREER DEVELOPMENT PROGRAMS

§§ 2769 to 2769f. Repealed. Pub. L. 93–203, title VI, § 614, Dec. 28, 1973, 87 Stat. 883

Section 2769, Pub. L. 88–452, title I, § 161, as added Pub. L. 91–177, title II, § 201, Dec. 30, 1969, 83 Stat. 833, set out Congressional statement of purpose in providing for special work and career development programs.

Section 2769a, Pub. L. 88–452, title I, § 162, as added Pub. L. 91–177, title II, § 201, Dec. 30, 1969, 83 Stat. 834, provided for special programs for unemployed.

Section 2769b, Pub. L. 88–452, title I, § 163, as added Pub. L. 91–177, title II, § 201, Dec. 30, 1969, 83 Stat. 834, provided for establishment of internal administrative procedures by Director covering special work and career development programs.

Section 2769c, Pub. L. 88–452, title I, § 164, as added Pub. L. 91–177, title II, § 201, Dec. 30, 1969, 83 Stat. 835, set out certain special conditions covering special work and career development programs.

Section 2769d, Pub. L. 88–452, title I, § 165, as added Pub. L. 91–177, title II, § 201, Dec. 30, 1969, 83 Stat. 835, set out criteria for program participants.

Section 2769e, Pub. L. 88–452, title I, § 166, as added Pub. L. 91–177, title II, § 201, Dec. 30, 1969, 83 Stat. 835, set out criteria for equitable distribution of assistance among States.

Section 2769f, Pub. L. 88–452, title I, § 167, as added Pub. L. 91–177, title II, § 201, Dec. 30, 1969, 83 Stat. 836, set limitations on Federal assistance.

See section 1501 et seq. of Title 29, Labor.

EFFECTIVE DATE OF REPEAL

Section 614 of Pub. L. 93–203 provided that the repeal by that section is effective with respect to fiscal years after June 30, 1974.

PART F—DURATION OF PROGRAMS

§ 2771. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section, Pub. L. 88–452, title I, § 171, formerly § 141, as added Pub. L. 89–794, title I, § 114, Nov. 8, 1966, 80 Stat. 1456; renumbered § 161, Pub. L. 90–222, title I, § 111(b), Dec. 23, 1967, 81 Stat. 726; renumbered § 171 and amended Pub. L. 91–177, title I, § 101(a), title II, § 201, Dec. 30, 1969, 83 Stat. 827, 833; Pub. L. 92–424, § 2(a), Sept. 19, 1972, 86 Stat. 688, authorized implementation of programs dur-

ing the fiscal year ending June 30, 1967, and the eight succeeding fiscal years.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

SUBCHAPTER II—URBAN AND RURAL COMMUNITY ACTION PROGRAMS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 2707, 3103, 5012, 6863, 6865 of this title; title 20 section 3382.

§ 2781. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section, Pub. L. 88–452, title II, § 201, Aug. 20, 1964, 78 Stat. 516; Pub. L. 90–222, title I, § 104, Dec. 23, 1967, 81 Stat. 690; Pub. L. 94–341, § 2(a)(6), July 6, 1976, 90 Stat. 803, set forth Congressional statement of purpose for urban and rural community action programs.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

PART A—COMMUNITY ACTION AGENCIES AND PROGRAMS

§§ 2782 to 2789. Omitted

CODIFICATION

Sections were omitted in the general amendment of part A of this subchapter by Pub. L. 90–222, title I, § 104, Dec. 23, 1967, 81 Stat. 691.

Section 2782, Pub. L. 88–452, title II, § 202, Aug. 20, 1964, 78 Stat. 516; Pub. L. 89–253, § 11, Oct. 9, 1965, 79 Stat. 974; Pub. L. 89–794, title II, §§ 201–203, Nov. 8, 1966, 80 Stat. 1456, 1457, defined ''community action program'', authorized promulgation of additional criteria, provided for the residence of board members in geographical areas represented, neighborhood participation, and procedures for adequate representation of groups of the poor.

Section 2783, Pub. L. 88–452, title II, § 203, Aug. 20, 1964, 78 Stat. 517; Pub. L. 89–794, title II, § 204, Nov. 8, 1966, 80 Stat. 1458, covered allotment of appropriated funds to States, reservation of appropriations, limitation on allotments to Territories and possessions, manner of allotment and reallotment, and definition of ''State''.

Section 2784, Pub. L. 88–452, title II, § 204, Aug. 20, 1964, 78 Stat. 517, authorized grants and contracts for development of community action programs.

Section 2785, Pub. L. 88–452, title II, § 205, Aug. 20, 1964, 78 Stat. 518; Pub. L. 89–253, §§ 12, 13, Oct. 9, 1965, 79 Stat. 974; Pub. L. 89–794, title II, §§ 205–211, Nov. 8, 1966, 80 Stat. 1458–1460, covered making of grants or contracts for the conduct and administration of community action programs, salary limits, a prohibition on aid to elementary and secondary education in schools, assistance eligibility, chronically unemployed poor, betterment and beautification of program area, funding of independent programs, independent programs in rural and urban areas, prohibition against membership of personnel of Office of Economic Opportunity in sponsoring organizations, financial controls within sponsoring organizations, audits, accounting, and family planning services.

Section 2786, Pub. L. 88–452, title II, § 206, Aug. 20, 1964, 78 Stat. 518; Pub. L. 89–794, title II, § 212(a), Nov. 8, 1966, 80 Stat. 1461, authorized Director to provide technical assistance and training for communities and to formulate and carry out small loan programs for small families to meet immediate and urgent family needs.

Section 2787, Pub. L. 88–452, title II, § 207, Aug. 20, 1964, 78 Stat. 518; Pub. L. 89–794, title II, § 213, Nov. 8, 1966, 80 Stat. 1461, covered research and demonstrations pertaining to the purposes of this part, limitation on expenditures, overall plans, reports, filing, review, and recommendations.

Section 2788, Pub. L. 88–452, title II, § 208, Aug. 20, 1964, 78 Stat. 519; Pub. L. 89–253, § 14, Oct. 9, 1965, 79 Stat. 975; Pub. L. 89–794, title II, § 214, Nov. 8, 1966, 80 Stat. 1462, set out limitations on Federal assistance and provided for non-Federal contributions.

Section 2789, Pub. L. 88–452, title II, § 209, Aug. 20, 1964, 78 Stat. 519; Pub. L. 89–253, §§ 15, 16, 17, Oct. 9, 1965, 79 Stat. 975, 976, provided for participation of State agencies, establishment of procedures in connection therewith, grant and contract authority, State approval of plans, notice to the Governor and the community action agency of application for programs, and limitations upon the participation of private institutions.

SAVINGS PROVISION

Applicability until June 30, 1968, of the provisions of section 2782 of this title as in effect immediately prior to the enactment of Pub. L. 90–222, which was approved Dec. 23, 1967, and which omitted section 2782 of this title in the general reorganization of part A of this subchapter by section 104 of Pub. L. 90–222, to community action agencies in existence and funded prior to the enactment of Pub. L. 90–222, with certain exceptions, and provision for the transfer of functions, obligations, records, authority, and funds in agreements made prior to June 30, 1968, to agencies designated pursuant to sections 2790 and 2791 of this title as amended by Pub. L. 90–222, see section 401 of Pub. L. 90–222, set out as an Effective Date note under section 2702 of this title.

§§ 2790, 2791. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section 2790, Pub. L. 88–452, title II, § 210, Aug. 20, 1964, 78 Stat. 519; Pub. L. 90–222, title I, § 104, Dec. 23, 1967, 81 Stat. 691; Pub. L. 93–644, §§ 5(a), (b), 9(a), Jan. 4, 1975, 88 Stat. 2294, 2310; Pub. L. 94–341, § 2(a)(7), July 6, 1976, 90 Stat. 803; Pub. L. 95–568, §§ 4(a), (b), 17(a)(3), Nov. 2, 1978, 92 Stat. 2425, 2439, related to designation of community action agencies.

Section 2791, Pub. L. 88–452, title II, § 211, Aug. 20, 1964, 78 Stat. 520; Pub. L. 90–222, title I, § 104, Dec. 23, 1967, 81 Stat. 693; Pub. L. 92–424, §§ 6, 7, Sept. 19, 1972, 86 Stat. 690; Pub. L. 95–568, §§ 4(c), 17(a)(4), Nov. 2, 1978, 92 Stat. 2425, 2439, related to community action agencies and boards.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

§§ 2792 to 2794. Omitted

CODIFICATION

Sections were omitted in the general amendment of Part A of this subchapter by Pub. L. 90–222, title I, § 104, Dec. 23, 1967, 81 Stat. 691.

Section 2792, Pub. L. 88–452, title II, § 211–1, as added Pub. L. 89–794, title II, § 215, Nov. 8, 1966, 80 Stat. 1462, created the Headstart program for preschool children, and provided a program for legal services with the recommendations of local bar associations.

Section 2793, Pub. L. 88–452, title II, § 211–2, as added Pub. L. 89–794, title II, § 216, Nov. 8, 1966, 80 Stat. 1463, provided for comprehensive health services programs, the consultation with health agencies to assure professional supervision, covered narcotic addition, and provided for reports to Congress and the President.

Section 2794, Pub. L. 88–452, title II, § 211–3, as added Pub. L. 89–794, title II, § 217, Nov. 8, 1966, 80 Stat. 1464, provided for special projects on adult basic education.

§§ 2795 to 2797. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section 2795, Pub. L. 88–452, title II, § 212, as added Pub. L. 90–222, title I, § 104, Dec. 23, 1967, 81 Stat. 694, re-

lated to specific powers and functions of community action agencies.

A prior section 212 of Pub. L. 88–452 was classified to section 2801 of this title, prior to repeal by Pub. L. 89–750, title III, § 315, Nov. 8, 1966, 80 Stat. 1222.

Section 2796, Pub. L. 88–452, title II, § 213, as added Pub. L. 90–222, title I, § 104, Dec. 23, 1967, 81 Stat. 695; amended Pub. L. 95–568, §§ 4(d), 17(a)(5), Nov. 2, 1978, 92 Stat. 2426, 2439, related to administrative standards, rules and regulations, and review and consultative requirements.

A prior section 213 of Pub. L. 88–452 was classified to section 2802 of this title, prior to repeal by Pub. L. 89–750, title III, § 315, Nov. 3, 1966, 80 Stat. 1222.

Section 2797, Pub. L. 88–452, title II, § 214, as added Pub. L. 90–222, title I, § 104, Dec. 23, 1967, 81 Stat. 696, related to housing development and service organizations.

A prior section 214 of Pub. L. 88–452 was classified to section 2803 of this title, prior to repeal by Pub. L. 89–750, title III, § 315, Nov. 3, 1966, 80 Stat. 1222.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

PART B—FINANCIAL ASSISTANCE TO COMMUNITY ACTION PROGRAMS AND RELATED ACTIVITIES

§§ 2801 to 2807. Repealed. Pub. L. 89–750, title III, § 315, Nov. 3, 1966, 80 Stat. 1222

Section 2801, Pub. L. 88–452, title II, § 212, Aug. 20, 1964, 78 Stat. 520, set out the declaration of purpose for adult basic education programs. See section 1201 of Title 20, Education.

Section 2802, Pub. L. 88–452, title II, § 213, Aug. 20, 1964, 78 Stat. 520; Pub. L. 89–253, § 19(1), Oct. 9, 1965, 79 Stat. 976; Pub. L. 89–794, title IX, § 901(c), Nov. 8, 1966, 80 Stat. 1475, provided for the making of grants to States having approved plans for adult basic education programs. See sections 1203 and 1204 of Title 20.

Section 2803, Pub. L. 88–452, title II, § 214, Aug. 20, 1964, 78 Stat. 520, set out the requirements for State plans and made provision for a hearing. See section 1205 of Title 20.

Section 2804, Pub. L. 88–452, title II, § 215, Aug. 20, 1964, 78 Stat. 521, set out the manner of allotting grant funds to the States and outlying areas. See section 1204 of Title 20.

Section 2805, Pub. L. 88–452, title II, § 216, Aug. 20, 1964, 78 Stat. 522; Pub. L. 89–253, § 18, Oct. 9, 1965, 79 Stat. 976, provided for the methods of payment of the Federal share of expenditures. See section 1206 of Title 20.

Section 2806, Pub. L. 88–452, title II, § 217, Aug. 20, 1964, 78 Stat. 522, provided for termination of payments for noncompliance with the State plan and for hearings and judicial review. See section 1207 of Title 20.

Section 2806a, Pub. L. 88–452, title II, § 218, as added Pub. L. 89–253, § 19(2), Oct. 9, 1965, 79 Stat. 976, made provision for teacher training projects. See section 1208 of Title 20.

Section 2807, Pub. L. 88–452, title II, § 219, formerly § 218, Aug. 20, 1964, 78 Stat. 523, renumbered Pub. L. 89–253, § 19(2), Oct. 9, 1965, 79 Stat. 976, set out the definitions of terms. See section 1202 of Title 20.

§§ 2808 to 2815. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section 2808, Pub. L. 88–452, title II, § 221, as added Pub. L. 90–222, title I, § 104, Dec. 23, 1967, 81 Stat. 696; amended Pub. L. 95–568, § 17(a)(6), Nov. 2, 1978, 92 Stat. 2439, set forth general provisions for financial assistance for programs and related activities.

A prior section 221 of Pub. L. 88–452 was classified to section 2831 of this title, prior to the general reorganization of Part D of this subchapter by section 104 of Pub. L. 90–222.

Section 2809, Pub. L. 88–452, title II, § 222, as added Pub. L. 90–222, title I, § 104, Dec. 23, 1967, 81 Stat. 698; amended Pub. L. 90–575, title I, § 105(b), Oct. 16, 1968, 82 Stat. 1019; Pub. L. 91–177, title I, §§ 103–106, Dec. 30, 1969, 83 Stat. 828, 829; Pub. L. 92–424, §§ 8–11, Sept. 19, 1972, 86 Stat. 690, 691; Pub. L. 93–202, Dec. 28, 1973, 87 Stat. 838; Pub. L. 93–355, § 3(d)(2), July 25, 1974, 88 Stat. 390; Pub. L. 93–644, § 5(c), (d)(1), Jan. 4, 1975, 88 Stat. 2294; Pub. L. 94–341, § 2(a)(8)–(10), July 6, 1976, 90 Stat. 804; Pub. L. 95–568, §§ 5(a)–(f), 17(a)(7), Nov. 2, 1978, 92 Stat. 2426, 2427, 2439, 2440; Pub. L. 96–88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695, related to special programs and assistance.

Section 2810, Pub. L. 88–452, title II, § 223, as added Pub. L. 90–222, title I, § 104, Dec. 23, 1967, 81 Stat. 701, related to resident employment.

Section 2811, Pub. L. 88–452, title II, § 224, as added Pub. L. 90–222, title I, § 104, Dec. 23, 1967, 81 Stat. 701, related to neighborhood centers.

Section 2812, Pub. L. 88–452, title II, § 225, as added Pub. L. 90–222, title I, § 104, Dec. 23, 1967, 81 Stat. 702; amended Pub. L. 92–424, §§ 12(a), 13, Sept. 19, 1972, 86 Stat. 692; Pub. L. 93–644, § 5(e), Jan. 4, 1975, 88 Stat. 2295; Pub. L. 94–341, § 2(a)(11), July 6, 1976, 90 Stat. 804; Pub. L. 95–568, §§ 5(g), 17(a)(8), (b), Nov. 2, 1978, 92 Stat. 2427, 2440, 2443, related to allotment of funds and limitations on assistance.

Section 2813, Pub. L. 88–452, title II, § 226, as added Pub. L. 92–424, § 14, Sept. 19, 1972, 86 Stat. 693; amended Pub. L. 93–644, § 5(d)(2), Jan. 4, 1975, 88 Stat. 2295, related to design and planning assistance programs.

Section 2814, Pub. L. 88–452, title II, § 227, as added Pub. L. 92–424, § 14, Sept. 19, 1972, 86 Stat. 693; amended Pub. L. 94–341, § 2(a)(12), July 6, 1976, 90 Stat. 804; Pub. L. 95–568, § 17(a)(9), Nov. 2, 1978, 92 Stat. 2440, set forth provisions respecting national youth sports program.

Section 2815, Pub. L. 88–452, title II, § 228, as added Pub. L. 92–424, § 14, Sept. 19, 1972, 86 Stat. 694; amended Pub. L. 93–644, § 5(a)(2), Jan. 4, 1975, 88 Stat. 2295, related to consumer action and cooperative programs.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

PART C—SUPPLEMENTAL PROGRAMS AND ACTIVITIES

§§ 2821, 2822. Omitted

CODIFICATION

Sections were omitted in the general amendment of part C of this subchapter by Pub. L. 90–222, title I, § 104, Dec. 23, 1967, 81 Stat. 703.

Section 2821, Pub. L. 88–452, title II, § 219–1, formerly § 219, Aug. 20, 1964, 78 Stat. 523; renumbered § 219–1, Pub. L. 89–794, title IX, § 901(b), Nov. 8, 1966, 80 Stat. 1475, set out the statement of purpose for the voluntary assistance program for needy children.

Section 2822, Pub. L. 88–452, title II, § 220, Aug. 20, 1964, 78 Stat. 523; Pub. L. 89–253, § 20, Oct. 9, 1965, 79 Stat. 976, provided for the establishment within the Office of Economic Opportunity of an information and coordinating center but prohibiting the interference with jurisdiction of State and local welfare agencies with respect to programs for needy children.

§§ 2823 to 2825. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section 2823, Pub. L. 88–452, title II, § 230, as added Pub. L. 90–222, title I, § 104, Dec. 23, 1967, 81 Stat. 703; amended Pub. L. 95–568, § 6(a), Nov. 2, 1978, 92 Stat. 2427, related to technical assistance and training.

Section 2824, Pub. L. 88–452, title II, § 231, as added Pub. L. 90–222, title I, § 104, Dec. 23, 1967, 81 Stat. 703; amended Pub. L. 92–424, § 15, Sept. 19, 1972, 86 Stat. 695; Pub. L. 95–568, §§ 6(b), 17(a)(10), Nov. 2, 1978, 92 Stat. 2428, 2440, set forth provisions relating to commencement and termination of State agency assistance.

Section 2825, Pub. L. 88–452, title II, § 232, as added Pub. L. 90–222, title I, § 104, Dec. 23, 1967, 81 Stat. 703;

amended Pub. L. 95–568, §§6(c), 17(a)(11), Nov. 2, 1978, 92 Stat. 2428, 2440, related to development, etc., of research and pilot programs.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

§ 2826. Repealed. Pub. L. 92–424, § 27(b)(1), Sept. 19, 1972, 86 Stat. 705

Section, Pub. L. 88–452, title II, §233, as added Pub. L. 90–222, title I, §104, Dec. 23, 1967, 81 Stat. 704, related to evaluations, reports, and independent studies.

§§ 2827, 2828. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section 2827, Pub. L. 88–452, title II, §234, as added Pub. L. 92–424, §16, Sept. 19, 1972, 86 Stat. 695, related to special assistance for projects.

Section 2828, Pub. L. 88–452, title II, §235, as added Pub. L. 93–644, §5(f), Jan. 4, 1975, 88 Stat. 2296; amended Pub. L. 94–341, §2(a)(13), July 6, 1976, 90 Stat. 804; Pub. L. 95–568, §17(a)(12), Nov. 2, 1978, 92 Stat. 2440, related to demonstration community partnership agreements.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

§ 2829. Repealed. Pub. L. 95–568, § 6(d), Nov. 2, 1978, 92 Stat. 2428

Section, Pub. L. 88–452, title II, §236, as added Pub. L. 93–644, §5(f), Jan. 4, 1975, 88 Stat. 2297; amended Pub. L. 94–341, §2(a)(14) July 6, 1976, 90 Stat. 804, set forth provisions relating to the establishment, etc., of the Intergovernmental Advisory Council on Community Services.

§ 2830. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section, Pub. L. 88–452, title II, §236, formerly §237, as added Pub. L. 93–644, §5(f), Jan. 4, 1975, 88 Stat. 2297; renumbered §237 and amended Pub. L. 95–568, §6(d), (e), Nov. 2, 1978, 92 Stat. 2428, set forth authorization of appropriations.

A prior section 236 of Pub. L. 88–452, title II, as added Pub. L. 93–644, §5(f), Jan. 4, 1975, 88 Stat. 2297; amended Pub. L. 94–341, §2(a)(14), July 6, 1976, 90 Stat. 804, related to establishment of Intergovernmental Advisory Council on Community Services and was classified to section 2829 of this title, prior to repeal by Pub. L. 95–568, §6(d), Nov. 2, 1978, 92 Stat. 2428.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

PART D—GENERAL AND TECHNICAL PROVISIONS

§ 2831. Omitted

CODIFICATION

Section, Pub. L. 88–452, title II, §221, Aug. 20, 1964, 78 Stat. 524; Pub. L. 89–253, §30(b), Oct. 9, 1965, 79 Stat. 979; Pub. L. 89–794, title II, §218, Nov. 8, 1966, 80 Stat. 1464, extended the program through June 30, 1970, and provided that only such sums may be appropriated as the Congress might authorize by law, prior to the general amendment of Part D of this subchapter by Pub. L. 90–222, title I, §104, Dec. 23, 1967, 81 Stat. 705. See section 2837 of this title.

§ 2832. Repealed. Pub. L. 95–568, § 7(a), Nov. 2, 1978, 92 Stat. 2428

Section, Pub. L. 88–452, title II, §240, as added Pub. L. 90–222, title I, §104, Dec. 23, 1967, 81 Stat. 705, set forth provisions relating to Assistant Directors for Community Action.

§§ 2833 to 2837. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section 2833, Pub. L. 88–452, title II, §241, as added Pub. L. 90–222, title I, §104, Dec. 23, 1967, 81 Stat. 705; amended Pub. L. 95–568, §17(a)(13), Nov. 2, 1978, 92 Stat. 2440, related to extension of benefits to rural areas.

Section 2834, Pub. L. 88–452, title II, §242, as added Pub. L. 90–222, title I, §104, Dec. 23, 1967, 81 Stat. 706; amended Pub. L. 91–177, title I, §107(a), Dec. 30, 1969, 83 Stat. 830; Pub. L. 95–568, §17(a)(14), Nov. 2, 1978, 92 Stat. 2440, set forth provisions respecting submission of plans to governors.

Section 2835, Pub. L. 88–452, title II, §243, as added Pub. L. 90–222, title I, §104, Dec. 23, 1967, 81 Stat. 706; amended Pub. L. 95–568, §17(a)(15), Nov. 2, 1978, 92 Stat. 2440, related to fiscal responsibility and audits.

Section 2836, Pub. L. 88–452, title II, §244, as added Pub. L. 90–222, title I, §104, Dec. 23, 1967, 81 Stat. 707; amended 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085; Pub. L. 92–424, §17, Sept. 19, 1972, 86 Stat. 695; Pub. L. 93–644, §9(a), Jan. 4, 1975, 88 Stat. 2310; Pub. L. 95–568, §§7(b), 17(a)(16), Nov. 2, 1978, 92 Stat. 2428, 2440, set forth special limitations applicable to programs.

Section 2837, Pub. L. 88–452, title II, §245, as added Pub. L. 90–222, title I, §104, Dec. 23, 1967, 81 Stat. 709; amended Pub. L. 91–177, title I, §101(b), Dec. 30, 1969, 83 Stat. 827; Pub. L. 92–424, §2(a), Sept. 19, 1972, 86 Stat. 688; Pub. L. 93–644, §14(a), Jan. 4, 1975, 88 Stat. 2329; Pub. L. 95–568, §7(c), Nov. 2, 1978, 92 Stat. 2428, set forth provisions for program duration.

Provisions similar to section 2837 were contained in section 2831 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

SUBCHAPTER III—SPECIAL PROGRAMS TO COMBAT POVERTY IN RURAL AREAS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 2707 of this title.

PART A—RURAL LOAN PROGRAM

§§ 2841, 2851 to 2856. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section 2841, Pub. L. 88–452, title III, §301, Aug. 20, 1964, 78 Stat. 524; Pub. L. 90–222, title I, §105(b), Dec. 23, 1967, 81 Stat. 709; Pub. L. 95–568, §8(b)(1), Nov. 2, 1978, 92 Stat. 2428, set forth Congressional statement of purpose for special programs to combat poverty in rural areas.

Section 2851, Pub. L. 88–452, title III, §302, Aug. 20, 1964, 78 Stat. 524; Pub. L. 89–253, §21, Oct. 9, 1965, 79 Stat. 976; Pub. L. 89–794, title III, §301(a), Nov. 8, 1966, 80 Stat. 1464; Pub. L. 90–222, title I, §105(c), Dec. 23, 1967, 81 Stat. 709; Pub. L. 91–177, title I, §108, Dec. 30, 1969, 83 Stat. 830, set forth amount, maturity date, etc., for loans to low income rural families.

Section 2852, Pub. L. 88–452, title III, §303, Aug. 20, 1964, 78 Stat. 524, set forth provisions respecting loans to rural cooperative associations.

Section 2853, Pub. L. 88–452, title III, §304, Aug. 20, 1964, 78 Stat. 524, set forth provisions relating to limitations on loans.

Section 2854, Pub. L. 88–452, title III, §305, Aug. 20, 1964, 78 Stat. 524; Pub. L. 89–253, §22, Oct. 9, 1965, 79 Stat. 977; Pub. L. 89–794, title III, §301(b), Nov. 8, 1966, 80 Stat. 1464, set forth provisions respecting terms and conditions for loans.

Section 2855, Pub. L. 88–452, title III, §306, formerly title VI, §606, Aug. 20, 1964, 78 Stat. 531; Pub. L. 89–794,

title IV, § 407, Nov. 8, 1966, 80 Stat. 1465; renumbered title III, § 306, and amended Pub. L. 90–222, title I, § 105(d), Dec. 23, 1967, 81 Stat. 709; Pub. L. 93–386, § 2(b), Aug. 23, 1974, 88 Stat. 745; Pub. L. 94–341, § 2(a)(15), July 6, 1976, 90 Stat. 804; Pub. L. 95–568, § 8(b)(2), Nov. 2, 1978, 92 Stat. 2428, set forth provisions respecting establishment, capital, etc., for revolving fund.

Section 2856, Pub. L. 88–452, title III, § 307, as added Pub. L. 95–568, § 8(a)(3), Nov. 2, 1978, 92 Stat. 2428, related to authorization of appropriations.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

PART B—ASSISTANCE FOR MIGRANT, AND OTHER SEASONALLY EMPLOYED FARMWORKERS AND THEIR FAMILIES

§§ 2861 to 2865. Repealed. Pub. L. 95–568, § 8(a)(2), Nov. 2, 1978, 92 Stat. 2428

Section 2861, Pub. L. 88–452, title III, § 311, Aug. 20, 1964, 78 Stat. 525; Pub. L. 89–253, § 23, Oct. 9, 1965, 79 Stat. 977; Pub. L. 90–222, title I, § 105(e), Dec. 23, 1967, 81 Stat. 709, set forth Congressional statement of purpose for financial assistance programs for migrant and other seasonally employed farmworkers and their families.

Section 2862, Pub. L. 88–452, title III, § 312, as added Pub. L. 90–222, title I, § 105(e), Dec. 23, 1967, 81 Stat. 709; amended Pub. L. 92–424, § 18, Sept. 19, 1972, 86 Stat. 696; Pub. L. 93–644, § 6(a), Jan. 4, 1975, 88 Stat. 2298, set forth requirements for financial assistance programs.

Section 2863, Pub. L. 88–452, title III, § 313, as added Pub. L. 90–222, title I, § 105(e), Dec. 23, 1967, 81 Stat. 710, set forth limitations on program assistance.

Section 2864, Pub. L. 88–452, title III, § 314, as added Pub. L. 90–222, title I, § 105(e), Dec. 23, 1967, 81 Stat. 710; amended Pub. L. 92–424, § 27(b)(1), (3), Sept. 19, 1972, 86 Stat. 705, set forth authorization for technical assistance and training for programs.

Section 2865, Pub. L. 88–452, title III, § 315, as added Pub. L. 93–644, § 6(b), Jan. 4, 1975, 88 Stat. 2298, set forth requirements for coordination, monitoring, and review of programs.

PART C—DURATION OF PROGRAM

§ 2871. Repealed. Pub. L. 95–568, § 8(a)(2), Nov. 2, 1978, 92 Stat. 2428

Section, Pub. L. 88–452, title III, § 321, Aug. 20, 1964, 78 Stat. 525; Pub. L. 89–253, § 30(c), Oct. 9, 1965, 79 Stat. 979; Pub. L. 89–794, title III, § 302, Nov. 8, 1966, 80 Stat. 1465; Pub. L. 91–177, title I, § 101(b), Dec. 30, 1969, 83 Stat. 827; Pub. L. 92–424, § 2(a), Sept. 19, 1972, 86 Stat. 688; Pub. L. 93–644, § 14(a), Jan. 4, 1975, 88 Stat. 2329, set forth provisions relating to duration of and authorization for appropriations for program.

PART D—INDEMNITY PAYMENTS TO DAIRY FARMERS

§ 2881. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section, Pub. L. 88–452, title III, § 331, Aug. 20, 1964, 78 Stat. 525; Pub. L. 89–16, title III, § 303, Apr. 30, 1965, 79 Stat. 108; Pub. L. 89–253, § 24, Oct. 29, 1965, 79 Stat. 977; Pub. L. 89–794, title III, § 301(c), Nov. 8, 1966, 80 Stat. 1465, related to indemnity payments to farmers.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

SUBCHAPTER IV—ASSISTANCE FOR MIGRANT AND OTHER SEASONALLY EMPLOYED FARMWORKERS AND THEIR FAMILIES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 2707 of this title.

§§ 2901 to 2906. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section 2901, Pub. L. 88–452, title IV, § 401, as added Pub. L. 95–568, § 9, Nov. 2, 1978, 92 Stat. 2429, set forth statement of purpose for program assistance.

A prior section 2901, Pub. L. 88–452, title IV, § 401, as added Pub. L. 93–644, § 7, Jan. 4, 1975, 88 Stat. 2298; amended Pub. L. 94–341, § 2(a)(16), July 6, 1976, 90 Stat. 804, related to establishment of Comprehensive Health Services Program, prior to the general revision of this subchapter by Pub. L. 95–568.

Another prior section 2901, Pub. L. 88–452, title IV, § 401, Aug. 20, 1964, 78 Stat. 526; Pub. L. 90–222, title I, § 106(a), Dec. 23, 1967, 81 Stat. 710, set forth Congressional statement of purpose of this subchapter as establishment, preservation, and strengthening of small business concerns and improvement of managerial skills employed in such enterprises, prior to repeal by Pub. L. 93–386, § 2(b), Aug. 23, 1974, 88 Stat. 745. See section 636 of Title 15, Commerce and Trade.

Section 2902, Pub. L. 88–452, title IV, § 402, as added Pub. L. 95–568, § 9, Nov. 2, 1978, 92 Stat. 2429, related to financial assistance for programs.

A prior section 2902, Pub. L. 88–452, title IV, § 402, as added Pub. L. 93–644, § 7, Jan. 4, 1975, 88 Stat. 2299; amended Pub. L. 94–341, § 2(a)(17), July 6, 1976, 90 Stat. 804, related to establishment of Alcoholic Counseling and Recovery Program and Drug Rehabilitation Program, prior to the general reorganization of this subchapter by Pub. L. 95–568.

Another prior section 2902, Pub. L. 88–452, title IV, § 402, Aug. 20, 1964, 78 Stat. 526; Pub. L. 89–794, title IV, §§ 401, 402, 405, Nov. 8, 1966, 80 Stat. 1465; Pub. L. 90–104, title I, § 108, Oct. 11, 1967, 81 Stat. 269; Pub. L. 90–222, title I, § 106(b), (c), Dec. 23, 1967, 81 Stat. 710; Pub. L. 92–320, § 2, June 27, 1972, 86 Stat. 382, related to powers of Administrator of Small Business Administration with respect to loans, and guarantees to small businesses, prior to repeal by Pub. L. 93–386, § 2(b), Aug. 23, 1974, 88 Stat. 745.

Section 2903, Pub. L. 88–452, title IV, § 403, as added Pub. L. 95–568, § 9, Nov. 2, 1978, 92 Stat. 2429, set forth limitations on assistance for programs.

A prior section 2903, Pub. L. 88–452, title IV, § 403, Aug. 20, 1964, 78 Stat. 526, required that financial assistance under former section 2902 of this title be coordinated with any community action program covering same community, prior to repeal by Pub. L. 89–794, title IV, § 403, Nov. 8, 1966, 80 Stat. 1465.

Section 2904, Pub. L. 88–452, title IV, § 404, as added Pub. L. 95–568, § 9, Nov. 2, 1978, 92 Stat. 2429, related to technical assistance, training and evaluation.

A prior section 2904, Pub. L. 88–452, title IV, § 404, Aug. 20, 1964, 78 Stat. 526, provided that lending and guaranty functions which are delegated to Small Business Administration may be financed with funds under revolving fund established by section 633(c) of Title 15, Commerce and Trade, for the purposes of sections 636(a), 636(b), and 637(a) of Title 15, prior to repeal by Pub. L. 89–794, title IV, § 403, Nov. 8, 1966, 80 Stat. 1465.

Section 2905, Pub. L. 88–452, title IV, § 405, as added Pub. L. 95–568, § 9, Nov. 2, 1978, 92 Stat. 2430, set forth special responsibilities of the Director.

A prior section 2905, Pub. L. 88–452, title IV, § 403, formerly § 405, Aug. 20, 1964, 78 Stat. 526; renumbered § 403 and amended Pub. L. 89–794, title IV, §§ 401, 406, Nov. 8, 1966, 80 Stat. 1465, set forth terms and conditions of any loans made pursuant to former section 2902 of this title, prior to repeal by Pub. L. 93–386, § 2(b), Aug. 23, 1974, 88 Stat. 745.

Section 2906, Pub. L. 88–452, title IV, § 406, as added Pub. L. 95–568, § 9, Nov. 2, 1978, 92 Stat. 2430, related to authorization of appropriations.

A prior section 2906, Pub. L. 88–452, title IV, § 404, formerly § 406, Aug. 20, 1964, 78 Stat. 527; renumbered § 404 and amended Pub. L. 89–794, title IV, §§ 401, 406, Nov. 8, 1966, 80 Stat. 1465; Pub. L. 90–222, title I, § 106(d), (3), Dec. 23, 1967, 81 Stat. 711, required Administrator to distribute financial assistance to insure that at least 50 per centum of amounts loaned or guaranteed are allotted to small business concerns located in designated urban areas, prior to repeal by Pub. L. 93–386, § 2(b), Aug. 23, 1974, 88 Stat. 745.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

§§ 2906a to 2907. Repealed. Pub. L. 93–386, § 2(b), Aug. 23, 1974, 88 Stat. 745

Section 2906a, Pub. L. 88–452, title IV, § 405, as added Pub. L. 90–222, title I, § 106(d)(3), Dec. 23, 1967, 81 Stat. 711, prohibited financial assistance for relocation which would increase unemployment in the area of original location.

Section 2906b, Pub. L. 88–452, title IV, § 406, as added Pub. L. 90–222, title I, § 106(d)(3), Dec. 23, 1967, 81 Stat. 711, authorized Administrator to provide financial assistance for payment of costs of projects supplying technical and management assistance to eligible individuals and enterprises.

Section 2906c, Pub. L. 88–452, title IV, § 407, as added Pub. L. 90–222, title I, § 106(d)(3), Dec. 23, 1967, 81 Stat. 712, authorized Administrator to insure that government contracts, subcontracts, and deposits are placed in such a way as to aid small business concerns.

Section 2907, Pub. L. 88–452, title IV, § 408, formerly § 407, Aug. 20, 1964, 78 Stat. 527; renumbered § 405 and amended Pub. L. 89–794, title IV, §§ 404, 406, Nov. 8, 1966, 80 Stat. 1465; renumbered § 408 and amended Pub. L. 90–222, title I, § 106(d)(1), Dec. 23, 1967, 81 Stat. 711; Pub. L. 91–177, title I, § 101(b), Dec. 30, 1969, 83 Stat. 827; Pub. L. 92–424, § 2(a), Sept. 19, 1972, 86 Stat. 688, set forth the duration of the program as the eight succeeding fiscal years after the start of the program in the fiscal year ending June 30, 1967.

SUBCHAPTER V—HEADSTART AND FOLLOW THROUGH

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 644, 2706 of this title; title 8 section 1255a.

§§ 2921 to 2923. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section 2921, Pub. L. 88–452, title V, § 501, Aug. 20, 1964, 78 Stat. 527; Pub. L. 89–794, title V, § 501(a), Nov. 8, 1966, 80 Stat. 1466; Pub. L. 90–222, title I, § 107(d), Dec. 23, 1967, 81 Stat. 714; Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2300, set forth short title for this subchapter as ''Headstart-Follow Through Act''.

Section 2922, Pub. L. 88–452, title V, § 502, Aug. 20, 1964, 78 Stat. 527; Pub. L. 89–253, § 25, Oct. 9, 1965, 79 Stat. 977; Pub. L. 89–794, title V, § 501(a), Nov. 8, 1966, 80 Stat. 1466; Pub. L. 90–222, title I, § 107(d), Dec. 23, 1967, 81 Stat. 714; Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2300, set forth Congressional statement of purpose for Project Headstart.

Section 2923, Pub. L. 88–452, title V, § 503, Aug. 20, 1964, 78 Stat. 528; Pub. L. 89–253, § 30(d), Oct. 9, 1965, 79 Stat. 979; Pub. L. 89–794, title V, § 501(a), Nov. 8, 1966, 80 Stat. 1466; Pub. L. 90–222, title I, § 107(d), Dec. 23, 1967, 81 Stat. 714; Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2300, set forth Congressional statement of policy with respect to migrant and Indian children.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

§§ 2924, 2925. Omitted

CODIFICATION

Section 2924, Pub. L. 88–452, title V, § 504, as added Pub. L. 89–794, title V, § 501(a), Nov. 8, 1966, 80 Stat. 1467; amended Pub. L. 90–222, title I, § 107(d), Dec. 23, 1967, 81 Stat. 714, set the fiscal year ending June 30, 1967, and the three succeeding fiscal years as the duration of the work experience, training, and day care programs, prior to the general amendment of this subchapter by Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2300.

Section 2925, Pub. L. 88–452, title V, § 505, as added Pub. L. 89–794, title V, § 501(a), Nov. 8, 1966, 80 Stat. 1467; amended Pub. L. 90–222, title I, § 107(d), Dec. 23, 1967, 81 Stat. 714, provided for the transition of training programs for needy persons requiring special family and supportive services, prior to the general amendment of this subchapter by Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2300.

PART A—HEADSTART PROGRAMS

§§ 2928 to 2928g. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section 2928, Pub. L. 88–452, title V, § 511, as added Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2300, provided for financial assistance for Headstart programs.

Section 2928a, Pub. L. 88–452, title V, § 512, as added Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2301; amended Pub. L. 95–568, § 10(a), Nov. 2, 1978, 92 Stat. 2430, set forth authorization of appropriations for programs.

Section 2928b, Pub. L. 88–452, title V, § 513, as added Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2301; amended Pub. L. 95–568, §§ 10(b), 17(a)(17), Nov. 2, 1978, 92 Stat. 2430, 2441, related to allotments, reservations, etc., for program funds.

Section 2928c, Pub. L. 88–452, title V, § 514, as added Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2302; amended Pub. L. 94–341, § 2(a)(18), July 6, 1976, 90 Stat. 804; Pub. L. 95–568, § 10(c), Nov. 2, 1978, 92 Stat. 2432, related to designation of Headstart agencies.

Section 2928d, Pub. L. 88–452, title V, § 515, as added Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2302; amended Pub. L. 95–568, § 10(d), Nov. 2, 1978, 92 Stat. 2432, set forth powers and functions of Headstart agencies.

Section 2928e, Pub. L. 88–452, title V, § 516, as added Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2302; amended Pub. L. 95–568, § 17(a)(18), Nov. 2, 1978, 92 Stat. 2441, related to submission of plans to Governors.

Section 2928f, Pub. L. 88–452, title V, § 517, as added Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2303; amended Pub. L. 94–341, § 2(a)(19), July 6, 1976, 90 Stat. 804; Pub. L. 95–568, §§ 10(e), 17(a)(19), Nov. 2, 1978, 92 Stat. 2432, 2441, related to administrative requirements and standards.

Section 2928g, Pub. L. 88–452, title V, § 518, as added Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2304; amended Pub. L. 95–568, § 10(f), Nov. 2, 1978, 92 Stat. 2432, set forth provisions respecting participation in Headstart programs.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

§ 2928g–1. Omitted

CODIFICATION

Section, Pub. L. 92–424, § 3(b)(2), Sept. 19, 1972, 86 Stat. 688, required the Secretary of Health, Education, and Welfare to establish policies and procedures to assure that handicapped children received certain enrollment opportunities in Headstart programs and that services were provided to meet their special needs and to report annually to Congress on the status of handicapped children in the Headstart programs. See section 9835(d) of this title.

§§ 2928h to 2928n. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section 2928h, Pub. L. 88–452, title V, § 519, as added Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2304; amended Pub. L. 95–568, § 17(a)(20), Nov. 2, 1978, 92 Stat. 2441, set forth provisions respecting appeals, notice, and hearing.

Section 2928i, Pub. L. 88–452, title V, § 520, as added Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2305, related to records and audits of recipients of financial assistance.

Section 2928j, Pub. L. 88–452, title V, § 521, as added Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2305, related to technical assistance and training.

Section 2928k, Pub. L. 88–452, title V, § 522, as added Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2305, related to research, demonstration, and pilot projects.

Section 2928*l*, Pub. L. 88–452, title V, § 523, as added Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2305; amended Pub. L. 94–341, § 2(a)(20), July 6, 1976, 90 Stat. 805; Pub. L. 95–568, § 10(g), (h), Nov. 2, 1978, 92 Stat. 2433, related to announcement of research, demonstration, and pilot project contracts.

Section 2928m, Pub. L. 88–452, title V, § 524, as added Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2306; amended Pub. L. 95–568, § 10(i), Nov. 2, 1978, 92 Stat. 2433, related to evaluation of programs.

Section 2928n, Pub. L. 88–452, title V, § 525, as added Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2309; amended Pub. L. 94–341, § 2(a)(22), July 6, 1976, 90 Stat. 805; Pub. L. 95–568, § 17(a)(21), Nov. 2, 1978, 92 Stat. 2441, set forth provisions respecting determination of poverty line.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

PART B—FOLLOW THROUGH PROGRAMS

§§ 2929 to 2929c. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section 2929, Pub. L. 88–452, title V, § 551, as added Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2306; amended Pub. L. 95–568, §§ 11(a), (b), 17(a)(22), Nov. 2, 1978, 92 Stat. 2433, 2441, set forth provisions respecting financial assistance for Follow Through programs.

Section 2929a, Pub. L. 88–452, title V, § 552, as added Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2307; amended Pub. L. 95–568, §§ 11(c), 17(a)(23), Nov. 2, 1978, 92 Stat. 2433, 2441, related to authorization of appropriations.

Section 2929b, Pub. L. 88–452, title V, § 553, as added Pub. L. 95–568, § 11(d)(3), Nov. 2, 1978, 92 Stat. 2434, related to research, demonstration, and pilot projects.

A prior section 2929b, Pub. L. 88–452, title V, § 553, as added Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2307, related to research, demonstration, and pilot projects, and was repealed by Pub. L. 95–568, § 11(d)(1), Nov. 2, 1978, 92 Stat. 2433.

Section 2929b–1, Pub. L. 88–452, title V, § 554, as added Pub. L. 95–568, § 11(d)(3), Nov. 2, 1978, 92 Stat. 2434, related to announcement of research, demonstration, and pilot project programs.

A prior section 554 of Pub. L. 88–452 was redesignated 557, and is classified to section 2929c of this title.

Section 2929b–2, Pub. L. 88–452, title V, § 555, as added Pub. L. 95–568, § 11(d)(3), Nov. 2, 1978, 92 Stat. 2434, set forth provisions respecting evaluation of programs.

Section 2929b–3, Pub. L. 88–452, title V, § 556, as added Pub. L. 95–568, § 11(d)(3), Nov. 2, 1978, 92 Stat. 2435, related to technical assistance and training.

Section 2929c, Pub. L. 88–452, title V, § 557, formerly § 554, as added Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2308; renumbered § 557, Pub. L. 95–568, § 11(d)(2), Nov. 2, 1978, 92 Stat. 2433, set forth special conditions for recipients of financial assistance.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

PART C—GENERAL PROVISIONS

§§ 2930 to 2930f. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section 2930, Pub. L. 88–452, title V, § 571, as added Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2308; amended Pub. L. 96–88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695, defined ''Secretary'', ''State'', and ''financial assistance''.

Section 2930a, Pub. L. 88–452, title V, § 572, as added Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2308, related to applicable labor standards.

Section 2930b, Pub. L. 88–452, title V, § 573, as added Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2309, related to comparability of wages.

Section 2930c, Pub. L. 88–452, title V, § 574, as added Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2309, related to nondiscrimination requirements.

Section 2930d, Pub. L. 88–452, title V, § 575, as added Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2309, related to unlawful demonstrations, rioting, or civil disturbances.

Section 2930e, Pub. L. 88–452, title V, § 576, as added Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2309; amended Pub. L. 94–341, § 2(a)(22), July 6, 1976, 90 Stat. 805, related to political activities.

Section 2930f, Pub. L. 88–452, title V, § 577, as added Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2310; amended Pub. L. 94–341, § 2(a)(22), July 6, 1976, 90 Stat. 805, provided for advance funding.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

PART D—DAY CARE PROJECTS

CODIFICATION

This part, formerly designated as Part B, was redesignated Part D by Pub. L. 93–644, § 8(a), Jan. 4, 1975, 88 Stat. 2300, as part of the general revision and amendment of this subchapter by Pub. L. 93–644.

§§ 2931 to 2933. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section 2931, Pub. L. 88–452, title V, § 581, formerly § 521, as added Pub. L. 90–222, title I, § 107(a), Dec. 23, 1967, 81 Stat. 713; renumbered § 581, Pub. L. 93–644, § 8(c), Jan. 4, 1975, 88 Stat. 2310, set forth Congressional statement of purpose for day care projects.

Section 2932, Pub. L. 88–452, title V, § 582, formerly § 522, as added Pub. L. 90–222, title I, § 107(a), Dec. 23, 1967, 81 Stat. 713; amended Pub. L. 92–424, § 19, Sept. 19, 1972, 86 Stat. 696; renumbered § 582 and amended Pub. L. 93–644, § 8(b), (c), Jan. 4, 1975, 88 Stat. 2310; Pub. L. 95–568, § 17(a)(24), Nov. 2, 1978, 92 Stat. 2441, set forth authority, etc., for projects.

Section 2933, Pub. L. 88–452, title V, § 583, formerly § 523, as added Pub. L. 90–222, title I, § 107(a), Dec. 23, 1967, 81 Stat. 714; amended Pub. L. 91–177, title I, § 101(c), Dec. 30, 1969, 83 Stat. 827; Pub. L. 92–424, § 2(b), Sept. 19, 1972, 86 Stat. 688; renumbered § 583 and amended Pub. L. 93–644, §§ 8(b), (c), 14(b), Jan. 4, 1975, 88 Stat. 2310, 2329; Pub. L. 94–341, § 3(c), July 6, 1976, 90 Stat. 807; Pub. L. 95–568, § 12, Nov. 2, 1978, 92 Stat. 2435, related to program duration.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

SUBCHAPTER VI—ADMINISTRATION AND COORDINATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 2707 of this title.

PART A—ADMINISTRATION

§§ 2941 to 2948. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section 2941, Pub. L. 88–452, title VI, § 601, Aug. 20, 1964, 78 Stat. 528; Pub. L. 89–794, title VI, § 601(a), Nov. 8, 1966, 80 Stat. 1468; Pub. L. 90–222, title I, § 108(a), Dec. 23, 1967, 81 Stat. 714; Pub. L. 93–644, § 9(a), Jan. 4, 1975, 88 Stat. 2310; Pub. L. 94–341, § 2(a)(23)–(28), July 6, 1976, 90 Stat. 805; Pub. L. 95–568, §§ 13(a), 17(a)(25), Nov. 2, 1978, 92 Stat. 2435, 2441, related to establishment, etc., of Community Services Administration.

Section 2942, Pub. L. 88–452, title VI, § 602, Aug. 20, 1964, 78 Stat. 528; Pub. L. 89–794, title VI, §§ 602, 603, Nov. 8, 1966, 80 Stat. 1468; Pub. L. 90–222, title I, § 108(b), Dec. 23, 1967, 81 Stat. 714; Pub. L. 91–375, § 6(n), Aug. 12, 1970, 84 Stat. 783; Pub. L. 93–386, § 2(b), Aug. 23, 1974, 88 Stat. 745; Pub. L. 93–644, § 9(c)(1), Jan. 4, 1975, 88 Stat. 2314; Pub. L. 94–341, § 2(a)(29), (30), July 6, 1976, 90 Stat. 805; Pub. L. 95–568, §§ 13(b), 17(a)(26), Nov. 2, 1978, 92 Stat. 2435, 2441, related to authority of Director.

Section 2943, Pub. L. 88–452, title VI, § 603, Aug. 20, 1964, 78 Stat. 530; Pub. L. 89–253, § 26, Oct. 9, 1965, 79 Stat. 977; Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 662; Pub. L. 89–794, title VI, § 604, Nov. 8, 1966, 80 Stat. 1469; Pub. L. 90–222, title I, § 108(c), Dec. 23, 1967, 81 Stat. 714; Pub. L. 92–424, § 20, Sept. 19, 1972, 86 Stat. 696; Pub. L. 93–644, § 9(c)(2), Jan. 4, 1975, 88 Stat. 2314; Pub. L. 94–341, § 2(a)(31), July 6, 1976, 90 Stat. 805; Pub. L. 95–568, § 17(a)(27), Nov. 2, 1978, 92 Stat. 2442; 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783, related to political activities of personnel of overall community action agencies.

Section 2944, Pub. L. 88–452, title VI, § 604, Aug. 20, 1964, 78 Stat. 531; Pub. L. 89–794, title IX, § 901(d), Nov. 8, 1966, 80 Stat. 1475; Pub. L. 90–222, title I, § 108(d), Dec. 23, 1967, 81 Stat. 715; Pub. L. 94–341, § 2(a)(32), (33), July 6, 1976, 90 Stat. 805, set forth appeals, notice, and hearing procedures.

Section 2945, Pub. L. 88–452, title VI, § 605, Aug. 20, 1964, 78 Stat. 531; Pub. L. 89–253, § 27, Oct. 9, 1965, 79 Stat. 978; Pub. L. 89–794, title VI, § 605, Nov. 8, 1966, 80 Stat. 1469; Pub. L. 93–644, § 9(c)(3), Jan. 4, 1975, 88 Stat. 2314; Pub. L. 95–568, § 13(c), Nov. 2, 1978, 92 Stat. 2435, related to establishment, etc., of National Advisory Council on Economic Opportunity.

Section 2946, Pub. L. 88–452, title VI, § 606, as added Pub. L. 90–222, title I, § 108(e), Dec. 23, 1967, 81 Stat. 715; amended Pub. L. 95–568, § 17(a)(28), Nov. 2, 1978, 92 Stat. 2442, related to announcement of research and demonstration contracts.

A prior section 606 of Pub. L. 88–452, which was classified to this section, was renumbered as section 306 of Pub. L. 88–452 by section 105(d) of Pub. L. 90–222 and classified to section 2855 of this title.

Section 2947, Pub. L. 88–452, title VI, § 607, Aug. 20, 1964, 78 Stat. 532, related to labor standards.

Section 2948, Pub. L. 88–452, title VI, § 608, Aug. 20, 1964, 78 Stat. 532; Pub. L. 94–341, § 2(a)(34), July 6, 1976, 90 Stat. 805; Pub. L. 95–568, § 13(d), Nov. 2, 1978, 92 Stat. 2435, related to annual reports by Director.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

COMMUNITY ACTION PROGRAMS AND COMMUNITY ECONOMIC DEVELOPMENT POWERS NOT SUBJECT TO DELEGATION

Pub. L. 92–424, § 28, Sept. 19, 1972, 86 Stat. 705, which prohibited the Director of the Office of Economic Opportunity from delegating his functions under section 221 and title VII of such Act [section 2808 of this title and subchapter VII of this chapter] to any other agency, was repealed by section 9(b) of Pub. L. 93–644, Jan. 4, 1975, 88 Stat. 2314, as amended by Pub. L. 94–341, § 3(b)(1), July 6, 1976, 90 Stat. 807, effective on the date on which a reorganization plan is effective under section 2941 of this title, as amended by section 9(a) of Pub. L. 93–644.

§ 2949. Repealed. Pub. L. 93–644, § 9(c)(6), Jan. 4, 1975, 88 Stat. 2314

Section, Pub. L. 88–452, title VI, § 609, Aug. 20, 1964, 78 Stat. 532; Pub. L. 90–222, title I, § 108(f), Dec. 23, 1967, 81 Stat. 715; Pub. L. 91–177, title I, § 109, Dec. 30, 1969, 83 Stat. 830; Pub. L. 92–424, §§ 12(b), 21, Sept. 19, 1972, 86 Stat. 692, 696; Pub. L. 93–386, § 2(b), Aug. 23, 1974, 88 Stat. 745, defined the terms ''State'', ''financial assistance'', ''permanent resident of the United States'', ''Director'', and ''lower living standard budget''.

§§ 2950, 2951. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section 2950, Pub. L. 88–452, title VI, § 609, formerly § 610, as added Pub. L. 89–253, § 28, Oct. 9, 1965, 79 Stat. 978; amended Pub. L. 89–794, title VI, § 601(b), Nov. 8, 1966, 80 Stat. 1468; Pub. L. 90–222, title I, § 108(g), Dec. 23, 1967, 81 Stat. 716; renumbered § 609 and amended Pub. L. 95–568, §§ 13(e), 17(a)(29), Nov. 2, 1978, 92 Stat. 2436, 2442, related to programs for the elderly poor.

Section 2951, Pub. L. 88–452, title VI, § 610, formerly § 610–1, as added Pub. L. 89–794, title VI, § 606, Nov. 8, 1966, 80 Stat. 1470; amended Pub. L. 90–222, title I, § 108(h), Dec. 23, 1967, 81 Stat. 716; Pub. L. 93–608, § 1(23), Jan. 2, 1975, 88 Stat. 1970; Pub. L. 94–341, § 2(a)(35), July 6, 1976, 90 Stat. 805; renumbered § 610 and amended Pub. L. 95–568, §§ 13(e), (f), 17(a)(30), Nov. 2, 1978, 92 Stat. 2436, 2442, set forth provisions respecting wage comparability, minimum wages, salary relationship to previous earnings, and adjustments.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

§§ 2961 to 2970. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section 2961, Pub. L. 88–452, title VI, § 611, Aug. 20, 1964, 78 Stat. 532; Pub. L. 89–794, title VI, § 607, Nov. 8, 1966, 80 Stat. 1470; Pub. L. 90–222, title I, § 108(i), Dec. 23, 1967, 81 Stat. 716; Pub. L. 95–568, § 17(a)(31), Nov. 2, 1978, 92 Stat. 2442, related to benefit limitations for those voluntarily poor.

Section 2962, Pub. L. 88–452, title VI, § 612, Aug. 20, 1964, 78 Stat. 533; Pub. L. 90–222, title I, § 108(j), Dec. 23, 1967, 81 Stat. 716, related to joint funding.

Section 2963, Pub. L. 88–452, title VI, § 613, Aug. 20, 1964, 78 Stat. 533; Pub. L. 89–794, title VI, § 608, Nov. 8, 1966, 80 Stat. 1471; Pub. L. 90–222, title I, § 108(k), Dec. 23, 1967, 81 Stat. 717, related to unlawful activities.

Section 2964, Pub. L. 88–452, title VI, § 614, Aug. 20, 1964, 78 Stat. 533, prohibited Federal control over curriculum, personnel, etc.

Section 2965, Pub. L. 88–452, title VI, § 615, Aug. 20, 1964, 78 Stat. 533; Pub. L. 89–253, § 30(e), Oct. 9, 1965, 79 Stat. 979; Pub. L. 89–794, title VI, § 609, Nov. 8, 1966, 80 Stat. 1471; Pub. L. 91–177, title I, § 101(b), Dec. 30, 1969, 83 Stat. 827; Pub. L. 92–424, § 2(a), Sept. 19, 1972, 86 Stat. 688; Pub. L. 93–644, § 14(a), Jan. 4, 1975, 88 Stat. 2329; Pub. L. 95–568, § 13(g), Nov. 2, 1978, 92 Stat. 2436, related to duration of program.

Section 2966, Pub. L. 88–452, title VI, § 616, Aug. 20, 1964, 78 Stat. 533; Pub. L. 89–253, § 29, Oct. 9, 1965, 79 Stat. 978; Pub. L. 89–794, title VI, § 610, Nov. 8, 1966, 80 Stat. 1471; Pub. L. 90–222, title I, § 108(*l*), Dec. 23, 1967, 81 Stat. 717; Pub. L. 91–177, title I, § 110, Dec. 30, 1969, 83 Stat. 831; Pub. L. 92–424, § 4, Sept. 19, 1972, 86 Stat. 690, related to transfer of funds.

Section 2967, Pub. L. 88–452, title VI, § 617, as added Pub. L. 89–253, § 30(f), Oct. 9, 1965, 79 Stat. 979, related to benefit distribution between urban and rural areas.

Section 2968, Pub. L. 88–452, title VI, § 618, as added Pub. L. 89–794, title VI, § 611, Nov. 8, 1966, 80 Stat. 1471, related to restrictions on additional positions.

Section 2969, Pub. L. 88–452, title VI, § 619, as added Pub. L. 89–794, title VI, § 612, Nov. 8, 1966, 80 Stat. 1472, set forth limitations on Federal administrative expenses.

Section 2970, Pub. L. 88–452, title VI, § 620, as added Pub. L. 89–794, title VI, § 614(a), Nov. 8, 1966, 80 Stat. 1472; amended Pub. L. 95–568, § 13(h), Nov. 2, 1978, 92 Stat. 2436, related to maximum use of private enterprise resources.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

EXECUTIVE ORDER NO. 11466

Ex. Ord. No. 11466, eff. Apr. 18, 1969, 34 F.R. 6727, formerly set out as a note under section 2962 of this title, which related to the administration of certain jointly funded projects, was superseded by Ex. Ord. No. 11867, eff. June 19, 1975, 40 F.R. 26253, formerly set out as a note under section 7103 of Title 31, Money and Finance.

§ 2971. Repealed. Pub. L. 95–568, § 13(i), Nov. 2, 1978, 92 Stat. 2436

Section, Pub. L. 88–452, title VI, § 621, as added Pub. L. 90–222, title I, § 108(m)(1), Dec. 23, 1967, 81 Stat. 717, related to responsibilities for ''Follow Through'' program.

§§ 2971a to 2971g. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section 2971a, Pub. L. 88–452, title VI, § 621, formerly § 622, as added Pub. L. 91–177, title I, § 111(a), Dec. 30, 1969, 83 Stat. 831; renumbered § 621, Pub. L. 95–568, § 13(i), Nov. 2, 1978, 92 Stat. 2436, set forth advance funding requirements.

Section 2971b, Pub. L. 88–452, title VI, § 622, formerly § 623, as added Pub. L. 92–424, § 22, Sept. 19, 1972, 86 Stat. 696; renumbered § 622, Pub. L. 95–568, § 13(i), Nov. 2, 1978, 92 Stat. 2436, related to publication of guidelines in the Federal Register.

Section 2971c, Pub. L. 88–452, title VI, § 623, formerly § 624, as added Pub. L. 92–424, § 23, Sept. 19, 1972, 86 Stat. 696; renumbered § 623, Pub. L. 95–568, § 13(i), Nov. 2, 1978, 92 Stat. 2436, set forth nondiscrimination provisions.

Section 2971d, Pub. L. 88–452, title VI, § 624, formerly § 625, as added Pub. L. 92–424, § 24, Sept. 19, 1972, 86 Stat. 697; amended Pub. L. 93–644, § 9(d), Jan. 4, 1975, 88 Stat. 2314; renumbered § 624, Pub. L. 95–568, § 13(i), Nov. 2, 1978, 92 Stat. 2436, related to applicability, etc., of the poverty line.

Section 2971e, Pub. L. 88–452, title VI, § 625, formerly § 626, as added Pub. L. 93–355, § 3(f), July 25, 1974, 88 Stat. 390; renumbered § 625, Pub. L. 95–568, § 13(i), Nov. 2, 1978, 92 Stat. 2436, related to independence of the Legal Services Corporation.

Section 2971f, Pub. L. 88–452, title VI, § 626, as added Pub. L. 93–644, § 9(e), Jan. 4, 1975, 88 Stat. 2314; renumbered § 627, Pub. L. 94–341, § 2(c), July 6, 1976, 90 Stat. 806; renumbered § 626, Pub. L. 95–568, § 13(i), Nov. 2, 1978, 92 Stat. 2436, set forth provisions relating to criminal activity and penalties.

Section 2971g, Pub. L. 88–452, title VI, § 627, as added Pub. L. 93–644, § 9(e), Jan. 4, 1975, 88 Stat. 2314; renumbered § 628, Pub. L. 94–341, § 2(c), July 6, 1976, 90 Stat. 806; renumbered § 627 and amended Pub. L. 95–568, §§ 13(i), 17(a)(32), Nov. 2, 1978, 92 Stat. 2436, 2442, related to withholding of certain Federal taxes by antipoverty agencies.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

PART B—COORDINATION

§§ 2972 to 2978. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section 2972, Pub. L. 88–452, title VI, § 630, as added Pub. L. 90–222, title I, § 108(m)(3), Dec. 23, 1967, 81 Stat. 717, related to coordination of activities and policy statement attendant thereto.

Section 2973, Pub. L. 88–452, title VI, § 631, as added Pub. L. 90–222, title I, § 108(m)(3), Dec. 23, 1967, 81 Stat. 718; amended Pub. L. 95–568, § 17(a)(33), Nov. 2, 1978, 92 Stat. 2442, related to establishment, etc., of Economic Opportunity Council.

Section 2974, Pub. L. 88–452, title VI, § 632, as added Pub. L. 90–222, title I, § 108(m)(3), Dec. 23, 1967, 81 Stat. 718; amended Pub. L. 92–424, § 27(b)(2), Sept. 19, 1972, 86 Stat. 705; Pub. L. 93–644, § 9(c)(4), Jan. 4, 1975, 88 Stat. 2314; Pub. L. 95–568, §§ 13(j), 17(a)(34), Nov. 2, 1978, 92 Stat. 2436, 2442, set forth responsibilities of the Director.

Section 2975, Pub. L. 88–452, title VI, § 633, as added Pub. L. 90–222, title I, § 108(m)(3), Dec. 23, 1967, 81 Stat. 719, related to cooperation of other Federal agencies.

Section 2976, Pub. L. 88–452, title VI, § 634, as added Pub. L. 90–222, title I, § 108(m)(3), Dec. 23, 1967, 81 Stat. 719, related to combinations among projects and programs.

Section 2977, Pub. L. 88–452, title VI, § 635, as added Pub. L. 90–222, title I, § 108(m)(3), Dec. 23, 1967, 81 Stat. 719; amended Pub. L. 95–568, § 17(a)(35), Nov. 2, 1978, 92 Stat. 2443, related to establishment, etc., of information center.

Section 2978, Pub. L. 88–452, title VI, § 636, as added Pub. L. 90–222, title I, § 108(m)(3), Dec. 23, 1967, 81 Stat. 720, prohibited duplication of existing functions by new departments or agencies.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

§ 2979. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section, Pub. L. 88–452, title VI, § 637, as added Pub. L. 90–222, title I, § 108(m)(3), Dec. 23, 1967, 81 Stat. 720; amended Pub. L. 93–644, § 9(c)(5), Jan. 4, 1975, 88 Stat. 2314, related to special responsibilities and training programs.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

§§ 2979a, 2980. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section 2979a, Pub. L. 88–452, title VI, § 638, as added Pub. L. 95–568, § 13(k), Nov. 2, 1978, 92 Stat. 2436, related to utilization, etc., of regional offices.

Section 2980, Pub. L. 88–452, title VI, § 639, formerly § 638, as added Pub. L. 90–222, title I, § 108(m)(3), Dec. 23, 1967, 81 Stat. 721; renumbered § 639, Pub. L. 95–568, § 13(k), Nov. 2, 1978, 92 Stat. 2436, defined applicable terms.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

SUBCHAPTER VII—COMMUNITY ECONOMIC DEVELOPMENT

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 2707 of this title.

§§ 2981 to 2981c. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section 2981, Pub. L. 88–452, title VII, § 701, as added Pub. L. 92–424, § 25(a), Sept. 19, 1972, 86 Stat. 697; amended Pub. L. 93–644, § 10(a), Jan. 4, 1975, 88 Stat. 2315, set forth Congressional statement of purpose with respect to community economic development programs.

A prior section 2981, Pub. L. 88–452, title VII, § 701, Aug. 20, 1964, 78 Stat. 534; Pub. L. 89–794, title VII, § 701(a), Nov. 8, 1966, 80 Stat. 1472; Pub. L. 90–222, title I, § 109, Dec. 23, 1967, 81 Stat. 722, respecting treatment of income for certain public assistance purposes, related to provisions of State plans and withholding of payments.

Section 2981a, Pub. L. 88–452, title VII, § 702, as added Pub. L. 93–644, § 10(a), Jan. 4, 1975, 88 Stat. 2315, defined ''community development corporation''.

Section 2981b, Pub. L. 88–452, title VII, § 703, as added Pub. L. 93–644, § 10(a), Jan. 4, 1975, 88 Stat. 2316; amended Pub. L. 95–568, § 14(a), Nov. 2, 1978, 92 Stat. 2436, related to authorization of appropriations.

Section 2981c, Pub. L. 88–452, title VII, § 704, as added Pub. L. 95–568, § 14(b), Nov. 2, 1978, 92 Stat. 2436, related to establishment, etc., of advisory community investment boards, and the National Board.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

PART A—URBAN AND RURAL SPECIAL IMPACT PROGRAMS

§§ 2982 to 2982c. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section 2982, Pub. L. 88–452, title VII, § 711, as added Pub. L. 92–424, § 25(a), Sept. 19, 1972, 86 Stat. 698; amended Pub. L. 93–644, § 10(a), Jan. 4, 1975, 88 Stat. 2316, set forth Congressional statement of policy with respect to urban and rural special impact programs.

Section 2982a, Pub. L. 88–452, title VII, § 712, as added Pub. L. 92–424, § 25(a), Sept. 19, 1972, 86 Stat. 698; amended Pub. L. 93–386, § 2(b), Aug. 23, 1974, 88 Stat. 745; Pub. L. 93–644, § 10(a), Jan. 4, 1975, 88 Stat. 2316; Pub. L. 94–341, § 2(b)(1), July 6, 1976, 90 Stat. 805; Pub. L. 95–568, § 14(c), Nov. 2, 1978, 92 Stat. 2437, related to establishment and scope of programs.

Section 2982b, Pub. L. 88–452, title VII, § 713, as added Pub. L. 92–424, § 25(a), Sept. 19, 1972, 86 Stat. 698; amended Pub. L. 93–644, § 10(a), Jan. 4, 1975, 88 Stat. 2317; Pub. L. 95–568, §§ 14(d), (e), 17(a)(36), Nov. 2, 1978, 92 Stat. 2437, 2443, set forth financial assistance requirements for programs.

Section 2982c, Pub. L. 88–452, title VII, § 714, as added Pub. L. 92–424, § 25(a), Sept. 19, 1972, 86 Stat. 699; amended Pub. L. 93–644, § 10(a), Jan. 4, 1975, 88 Stat. 2318; Pub. L. 94–341, § 2(b)(2), (3), July 6, 1976, 90 Stat. 805; Pub. L. 95–568, § 14(f), Nov. 2, 1978, 92 Stat. 2438, related to Federal share of program costs.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

§ 2982d. Omitted

CODIFICATION

Section, Pub. L. 88–452, title VII, § 715, as added Pub. L. 92–424, § 25(a), Sept. 19, 1972, 86 Stat. 700, related to Federal share of program costs, prior to general amendment of this subchapter by Pub. L. 93–644, § 10(a), Jan. 4, 1975, 88 Stat. 2315, and was covered by section 2982c of this title.

PART B—SPECIAL RURAL PROGRAMS

§§ 2983 to 2983b. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section 2983, Pub. L. 88–452, title VII, § 721, as added Pub. L. 92–424, § 25(a), Sept. 19, 1972, 86 Stat. 700; amended Pub. L. 93–644, § 10(a), Jan. 4, 1975, 88 Stat. 2318, set forth Congressional statement of purpose for special rural programs.

Section 2983a, Pub. L. 88–452, title VII, § 722, as added Pub. L. 92–424, § 25(a), Sept. 19, 1972, 86 Stat. 700; amended Pub. L. 93–644, § 10(a), Jan. 4, 1975, 88 Stat. 2318; Pub. L. 95–568, § 14(g), Nov. 2, 1978, 92 Stat. 2438, related to financial assistance for programs.

Section 2983b, Pub. L. 88–452, title VII, § 723, as added Pub. L. 92–424, § 25(a), Sept. 19, 1972, 86 Stat. 701; amended Pub. L. 93–644, § 10(a), Jan. 4, 1975, 88 Stat. 2319, set forth limitations on assistance.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

PART C—DEVELOPMENT LOANS TO COMMUNITY ECONOMIC DEVELOPMENT PROGRAMS

§§ 2984, 2984a. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section 2984, Pub. L. 88–452, title VII, § 731, as added Pub. L. 92–424, § 25(a), Sept. 19, 1972, 86 Stat. 701; amended Pub. L. 93–644, § 10(a), Jan. 4, 1975, 88 Stat. 2319; Pub. L. 94–341, § 2(b)(4), (5), 90 Stat. 805, 806; Pub. L. 95–568, §§ 14(h), 17(a)(37), Nov. 2, 1978, 92 Stat. 2438, 2443, set forth prerequisites, etc., for development loans for community economic development programs.

Section 2984a, Pub. L. 88–452, title VII, § 732, as added Pub. L. 92–424, § 25(a), Sept. 19, 1972, 86 Stat. 702; amended Pub. L. 93–644, § 10(a), Jan. 4, 1975, 88 Stat. 2320; Pub. L. 94–341, § 2(b)(6), July 6, 1976, 90 Stat. 806; Pub. L. 95–568, § 14(i), Nov. 2, 1978, 92 Stat. 2438, related to Model Community Economic Development Finance Corporation.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

§ 2984b. Omitted

CODIFICATION

Section, Pub. L. 88–452, title VII, § 733, as added Pub. L. 92–424, § 25(a), Sept. 19, 1972, 86 Stat. 703, provided for evaluation and research and a report to Congress, prior to the general amendment of this subchapter by Pub. L. 93–644, § 10(a), Jan. 4, 1975, 88 Stat. 2315.

PART D—SUPPORTIVE PROGRAMS AND ACTIVITIES

§§ 2985 to 2985c. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section 2985, Pub. L. 88–452, title VII, § 741, as added Pub. L. 92–424, § 25(a), Sept. 19, 1972, 86 Stat. 703; amended Pub. L. 93–644, § 10(a), Jan. 4, 1975, 88 Stat. 2321; Pub. L. 94–341, § 2(b)(7), (8), July 6, 1976, 90 Stat. 806, related to technical and training assistance for supportive programs and activities.

Section 2985a, Pub. L. 88–452, title VII, § 742, as added Pub. L. 93–644, § 10(a), Jan. 4, 1975, 88 Stat. 2321; amended 94–341, § 2(b)(9)–(12), July 6, 1976, 90 Stat. 806; Pub. L. 95–568, § 14(j), Nov. 2, 1978, 92 Stat. 2438, related to application of other resources.

Section 2985b, Pub. L. 88–452, title VII, § 743, as added Pub. L. 93–644, § 10(a), Jan. 4, 1975, 88 Stat. 2322; amended Pub. L. 94–341, § 2(b)(13), July 6, 1976, 90 Stat. 806, related to application of Department of Housing and Urban Development programs.

Section 2985c, Pub. L. 88–452, title VII, § 744, as added Pub. L. 93–644, § 10(a), Jan. 4, 1975, 88 Stat. 2322; amended Pub. L. 94–341, § 2(b)(14), (17)(A), (B), July 6, 1976, 90 Stat. 806, related to applicability of Department of Agriculture and Farmers Home Administration programs.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

§ 2985c–1. Repealed. Pub. L. 95–568, § 14(k), Nov. 2, 1978, 92 Stat. 2438

Section, Pub. L. 88–452, title VII, § 745, formerly § 744(b), as added Pub. L. 93–644, § 10(a), Jan. 4, 1975, 88

Stat. 2322; renumbered § 745 and amended Pub. L. 94–341, § 2(b)(15), (17)(C), July 6, 1976, 90 Stat. 806, set forth provisions relating to report by Director on availability and effectiveness of Federal agency programs.

§§ 2985d to 2985g. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section 2985d, Pub. L. 88–452, title VII, § 745, as added Pub. L. 93–644, § 10(a), Jan. 4, 1975, 88 Stat. 2322; renumbered § 746, Pub. L. 94–341, § 2(b)(16), July 6, 1976, 90 Stat. 806; renumbered § 745, Pub. L. 95–568, § 14(k), Nov. 2, 1978, 92 Stat. 2438, related to coordination and eligibility.

Section 2985e, Pub. L. 88–452, title VII, § 746, as added Pub. L. 93–644, § 10(a), Jan. 4, 1975, 88 Stat. 2322; renumbered § 747, Pub. L. 94–341, § 2(b)(16), July 6, 1976, 90 Stat. 806; renumbered § 746 and amended Pub. L. 95–568, § 14(k), (*l*), Nov. 2, 1978, 92 Stat. 2438, 2439, related to evaluation, research, and demonstration.

Section 2985f, Pub. L. 88–452, title VII, § 747, as added Pub. L. 93–644, § 10(a), Jan. 4, 1975, 88 Stat. 2323; renumbered § 748, Pub. L. 94–341, § 2(b)(16), July 6, 1976, 90 Stat. 806; renumbered § 747, Pub. L. 95–568, § 14(k), Nov. 2, 1978, 92 Stat. 2438, related to program planning grants.

Section 2985g, Pub. L. 88–452, title VII, § 748, as added Pub. L. 93–644, § 10(a), Jan. 4, 1975, 88 Stat. 2323; renumbered § 749, Pub. L. 94–341, § 2(16), July 6, 1976, 90 Stat. 806; renumbered § 748, Pub. L. 95–568, § 14(k), Nov. 2, 1978, 92 Stat. 2438, set forth nondiscrimination provisions.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

SUBCHAPTER VIII—NATIVE AMERICAN PROGRAMS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 2707, 3020d, 4953, 4973, 5055, 9912, 11701 of this title; title 20 section 7902; title 29 section 795a; title 38 section 3764.

§ 2991. Short title

This subchapter may be cited as the ''Native American Programs Act of 1974''.

(Pub. L. 88–452, title VIII, § 801, as added Pub. L. 93–644, § 11, Jan. 4, 1975, 88 Stat. 2323.)

PRIOR PROVISIONS

A prior section 2991, Pub. L. 88–452, title VIII, § 801, as added Pub. L. 89–794, title VIII, § 801. Nov. 8, 1966, 80 Stat. 1472; amended Pub. L. 90–222, title I, § 110, Dec. 23, 1967, 81 Stat. 722; Pub. L. 92–424, § 26(a), Sept. 19, 1972, 86 Stat. 703, related to Congressional statement of purpose, prior to repeal by Pub. L. 93–113, title VI, § 603, Oct. 1, 1973, 87 Stat. 417. See section 4951 of this title.

SHORT TITLE OF 1992 AMENDMENTS

Pub. L. 102–524, § 1, Oct. 26, 1992, 106 Stat. 3434, provided that: ''This Act [enacting section 2991b–3 of this title and amending section 2992d of this title], other than section 4 [enacting provisions set out as a note under section 2001 of Title 25, Indians], may be cited as the 'Native American Languages Act of 1992'.''

Pub. L. 102–375, title VIII, § 821, Sept. 30, 1992, 106 Stat. 1295, provided that: ''This subtitle [subtitle C (§§ 821, 822) of title VIII of Pub. L. 102–375, enacting sections 2991b–2, 2991c, 2992–1, 2992a–1, and 2992b of this title, amending sections 2991a to 2991b–1, 2991d to 2992, 2992c, and 2992d of this title, and repealing former sections 2991c and 2992b of this title] may be cited as the 'Native American Programs Act Amendments of 1992'.''

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101–408, § 1, Oct. 4, 1990, 104 Stat. 883, provided that: ''This Act [amending sections 2991b and 2992d of this title] may be cited as the 'Indian Environmental Regulatory Enhancement Act of 1990'.''

SHORT TITLE OF 1987 AMENDMENT

Pub. L. 100–175, title V, § 501, Nov. 29, 1987, 101 Stat. 973, provided that: ''This title [enacting sections 2991b–1, 2991d–1 and 2992b–1 of this title and amending sections 2991a, 2991b, 2991d–1, 2991f, 2992c, and 2992d of this title] may be cited as the 'Native American Programs Act Amendments of 1987'.''

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98–558, title X, § 1001, Oct. 30, 1984, 98 Stat. 2905, provided that: ''This title [amending sections 2991b, 2992b to 2992d of this title] may be cited as the 'Native American Programs Act Amendments of 1984'.''

§ 2991a. Congressional statement of purpose

The purpose of this subchapter is to promote the goal of economic and social self-sufficiency for American Indians, Native Hawaiians, other Native American Pacific Islanders (including American Samoan Natives), and Alaska Natives.

(Pub. L. 88–452, title VIII, § 802, as added Pub. L. 93–644, § 11, Jan. 4, 1975, 88 Stat. 2324; amended Pub. L. 100–175, title V, §§ 504(b)(1), 506(c)(1), Nov. 29, 1987, 101 Stat. 975, 978; Pub. L. 102–375, title VIII, § 822(21), Sept. 30, 1992, 106 Stat. 1300; Pub. L. 103–171, § 5(1), Dec. 2, 1993, 107 Stat. 1991.)

PRIOR PROVISIONS

A prior section 2991a, Pub. L. 88–452, title VIII, § 802, as added Pub. L. 89–794, title VIII, § 801, Nov. 8, 1966, 80 Stat. 1473, covered recruitment, selection, training, referral, and assignment of volunteers and consent of Governors of States in which these activities were conducted, prior to the general amendment of this subchapter by Pub. L. 90–222, title I, § 110, Dec. 23, 1967, 81 Stat. 722.

AMENDMENTS

1993—Pub. L. 103–171 substituted ''Alaska'' for ''Alaskan''.

1992—Pub. L. 102–375, which directed the substitution of ''Alaska Native'' for ''Alaskan Native'', could not be executed because the words ''Alaskan Native'' did not appear.

1987—Pub. L. 100–175, § 506(c)(1), substituted ''Native Hawaiians'' for ''Hawaiian Natives''.

Pub. L. 100–175, § 504(b)(1), inserted '', other Native American Pacific Islanders (including American Samoan Natives),'' after ''Hawaiian Natives''.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by section 504(b)(1) of Pub. L. 100–175 effective Oct. 1, 1987, and amendment by section 506(c)(1) of Pub. L. 100–175 effective upon expiration of 90-day period beginning Nov. 29, 1987, see section 701(a), (c) of Pub. L. 100–175, set out as a note under section 3001 of this title.

ALASKA FEDERATION OF NATIVES' STUDY AND REPORT WITH PROPOSALS TO IMPLEMENT RECOMMENDATIONS OF ALASKA NATIVES COMMISSION

Pub. L. 104–270, Oct. 9, 1996, 110 Stat. 3301, provided that:

''SECTION 1. CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY.

''The Congress finds and declares the following:

''(1) The Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives (hereafter in this Act referred to as the 'Alaska Natives Commission') was established by Public Law 101–379 (42 U.S.C. 2991a note) following the publication in 1989 of the 'Report on the Status of Alaska Natives: A Call for Action' by the Alaska Federation of Natives and after extensive congressional hearings which focused on the need for the first comprehensive assessment of

the social, cultural, and economic condition of Alaska's 86,000 Natives since the enactment of the Alaska Native Claims Settlement Act, Public Law 92–203 [43 U.S.C. 1601 et seq.].

''(2) The 14-member Alaska Natives Commission held 15 regional hearings throughout Alaska between July 1992 and October 1993, and 2 statewide hearings in Anchorage coinciding with the Conventions of 1992 and 1993 of the Alaska Federation of Natives. In May 1994, the Alaska Natives Commission issued its 3 volume, 440 page report. As required by Public Law 101–379, the report was formally conveyed to the Congress, the President of the United States, and the Governor of Alaska.

''(3) The Alaska Natives Commission found that many Alaska Native individuals, families, and communities were experiencing a social, cultural, and economic crisis marked by rampant unemployment, lack of economic opportunity, alcohol abuse, depression, and morbidity and mortality rates that have been described by health care professionals as 'staggering'.

''(4) The Alaska Natives Commission found that due to the high rate of unemployment and lack of economic opportunities for Alaska Natives, government programs for the poor have become the foundation of many village economies. Displacing traditional Alaska Native social safety nets, these well-meaning programs have undermined the healthy interdependence and self-sufficiency of Native tribes and families and have put Native tribes and families at risk of becoming permanent dependencies of Government.

''(5) Despite these seemingly insurmountable problems, the Alaska Natives Commission found that Alaska Natives, building on the Alaska Native Claims Settlement Act, had begun a unique process of critical self-examination which, if supported by the United States Congress through innovative legislation, and effective public administration at all levels including traditional Native governance, could provide the basis for an Alaska Native social, cultural, economic, and spiritual renewal.

''(6) The Alaska Natives Commission recognized that the key to the future well-being of Alaska Natives lay in—

''(A) the systematic resumption of responsibility by Alaska Natives for the well-being of their members,

''(B) the strengthening of their economies,

''(C) the strengthening, operation, and control of their systems of governance, social services, education, health care, and law enforcement, and

''(D) exercising rights they have from their special relationship with the Federal Government and as citizens of the United States and Alaska.

''(7) The Alaska Natives Commission recognized that the following 3 basic principles must be respected in addressing the myriad of problems facing Alaska Natives:

''(A) Self-reliance.

''(B) Self-determination.

''(C) Integrity of Native cultures.

''(8) There is a need to address the problems confronting Alaska Natives. This should be done rapidly, with certainty, and in conformity with the real economic, social, and cultural needs of Alaska Natives.

''(9) Congress retains and has exercised its constitutional authority over Native affairs in Alaska subsequent to the Treaty of Cession and does so now through this Act.

''SEC. 2. ALASKA NATIVE IMPLEMENTATION STUDY.

''(a) FINDINGS.—The Congress finds and declares that—

''(1) the Alaska Natives Commission adopted certain recommendations raising important policy questions which are unresolved in Alaska and which require further study and review before Congress considers legislation to implement solutions to address these recommendations; and

''(2) the Alaska Federation of Natives is the representative body of statewide Alaska Native interests best suited to further investigate and report to Congress with proposals to implement the recommendations of the Alaska Natives Commission.

''(b) GRANT.—The Secretary of Health and Human Services shall make a grant to the Alaska Federation of Natives to conduct the study and submit the report required by this section. Such grant may only be made if the Alaska Federation of Natives agrees to abide by the requirements of this section.

''(c) STUDY.—Pursuant to subsection (b), the Alaska Federation of Natives shall—

''(1) examine the recommendations of the Alaska Natives Commission;

''(2) examine initiatives in the United States, Canada, and elsewhere for successful ways that issues similar to the issues addressed by the Alaska Natives Commission have been addressed;

''(3) conduct hearings within the Alaska Native community on further ways in which the Commission's recommendations might be implemented; and

''(4) recommend enactment of specific provisions of law and other actions the Congress should take to implement such recommendations.

''(d) CONSIDERATION OF LOCAL CONTROL.—In developing its recommendations pursuant to subsection (c)(4), the Alaska Federation of Natives shall give specific attention to the ways in which the recommendations may be achieved at the local level with maximum local control of the implementation of the recommendations.

''(e) REPORT.—Not later than 12 months after the date on which the grant is made under subsection (b), the Alaska Federation of Natives shall submit a report on the study conducted under this section, together with the recommendations developed pursuant to subsection (c)(4), to the President and the Congress and to the Governor and legislature of the State of Alaska. In addition, the Alaska Federation of Natives shall make the report available to Alaska Native villages and organizations and to the general public.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $350,000 for the grant under subsection (b).

''(g) ADDITIONAL STATE FUNDING.—The Congress encourages the State of Alaska to provide the additional funding necessary for the completion of the study under this section.''

ALASKA NATIVES COMMISSION

Pub. L. 101–379, § 12, Aug. 18, 1990, 104 Stat. 478, established a Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives to conduct a comprehensive review of Federal and State policies and programs affecting Alaska Natives in order to identify specific actions that could be taken to help assure that public policy goals were more fully realized among Alaska Natives, further provided for membership, meetings, and other administrative affairs of the Commission, as well as specific powers and duties, further directed the Commission to submit, by no later than 18 months after its first meeting, a report with recommendations to the President, the Congress, the Governor of Alaska, and the legislature of the State of Alaska, and further provided for funding as well as termination of the Commission 180 days after the date of submission of its report.

NATIVE HAWAIIANS STUDY COMMISSION

Pub. L. 96–565, title III, §§ 301–307, Dec. 22, 1980, 94 Stat. 3324–3326, known as the Native Hawaiians Study Commission Act, established the Native Hawaiians Study Commission to study the culture, needs, and concerns of Native Hawaiians, and to issue a report and make recommendations to Congress. The Commission was required to have its first meeting not less than 90-days after Dec. 22, 1980, produce a draft report no later than 1 year after its first meeting and a final report no later than 9 months later. The Commission ceased to

exist upon the expiration of the 60-day period following the submission of its final report.

§ 2991b. Financial assistance for Native American projects

(a) Authorization for financial assistance to public and nonprofit agencies; consultation with other Federal agencies to avoid duplication

The Commissioner is authorized to provide financial assistance, on a single year or multiyear basis, to public and nonprofit private agencies, including but not limited to, governing bodies of Indian tribes on Federal and State reservations, Alaska Native villages and regional corporations established by the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], and such public and nonprofit private agencies serving Native Hawaiians, and Indian and Alaska Native organizations in urban or rural areas that are not Indian reservations or Alaska Native villages, for projects pertaining to the purposes of this subchapter. The Commissioner is authorized to provide financial assistance to public and nonprofit private agencies serving other Native American Pacific Islanders (including American Samoan Natives) for projects pertaining to the purposes of this Act. In determining the projects to be assisted under this subchapter, the Commissioner shall consult with other Federal agencies for the purpose of eliminating duplication or conflict among similar activities or projects and for the purpose of determining whether the findings resulting from those projects may be incorporated into one or more programs for which those agencies are responsible. Every determination made with respect to a request for financial assistance under this section shall be made without regard to whether the agency making such request serves, or the project to be assisted is for the benefit of, Indians who are not members of a federally recognized tribe. To the greatest extent practicable, the Commissioner shall ensure that each project to be assisted under this subchapter is consistent with the priorities established by the agency which receives such assistance.

(b) Limitations of financial assistance; exceptions; non-Federal contributions

Financial assistance extended to an agency under this subchapter shall not exceed 80 per centum of the approved costs of the assisted project, except that the Commissioner may approve assistance in excess of such percentage if the Commissioner determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this subchapter. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services. The Commissioner shall not require non-Federal contributions in excess of 20 per centum of the approved costs of programs or activities assisted under this subchapter.

(c) Assistance as addition to, and not substitution for, activities previously carried out without Federal assistance; waiver; nonreservation areas

(1) No project shall be approved for assistance under this subchapter unless the Commissioner is satisfied that the activities to be carried out under such project will be in addition to, and not in substitution for, comparable activities previously carried out without Federal assistance, except that the Commissioner may waive this requirement in any case in which the Commissioner determines, in accordance with regulations establishing objective criteria, that application of the requirement would result in unnecessary hardship or otherwise be inconsistent with the purposes of this subchapter.

(2) No project may be disapproved for assistance under this subchapter solely because the agency requesting such assistance is an Indian organization in a nonreservation area or serves Indians in a nonreservation area.

(d) Grants to improve tribal regulation of environmental quality

(1) The Commissioner shall award grants to Indian tribes for the purpose of funding 80 percent of the costs of planning, developing, and implementing programs designed to improve the capability of the governing body of the Indian tribe to regulate environmental quality pursuant to Federal and tribal environmental laws.

(2) The purposes for which funds provided under any grant awarded under paragraph (1) may be used include, but are not limited to—

(A) the training and education of employees responsible for enforcing, or monitoring compliance with, environmental quality laws,

(B) the development of tribal laws on environmental quality, and

(C) the enforcement and monitoring of environmental quality laws.

(3) The 20 percent of the costs of planning, developing, and implementing a program for which a grant is awarded under paragraph (1) that are not to be paid from such grant may be paid by the grant recipient in cash or through the provision of property or services, but only to the extent that such cash or property is from any source (including any Federal agency) other than a program, contract, or grant authorized under this subchapter.

(4) Grants shall be awarded under paragraph (1) on the basis of applications that are submitted by Indian tribes to the Commissioner in such form as the Commissioner shall prescribe.

(Pub. L. 88–452, title VIII, § 803, as added Pub. L. 93–644, § 11, Jan. 4, 1975, 88 Stat. 2324; amended Pub. L. 95–568, § 17(a)(39), Nov. 2, 1978, 92 Stat. 2443; Pub. L. 98–558, title X, § 1002, Oct. 30, 1984, 98 Stat. 2905; Pub. L. 100–175, title V, §§ 502(1), 504(a), 506(c)(2), Nov. 29, 1987, 101 Stat. 973, 975, 978; Pub. L. 101–408, § 2, Oct. 4, 1990, 104 Stat. 883; Pub. L. 102–375, title VIII, § 822(1), (21), Sept. 30, 1992, 106 Stat. 1295, 1300; Pub. L. 102–497, § 9(a), Oct. 24, 1992, 106 Stat. 3257; Pub. L. 103–171, § 5(2), Dec. 2, 1993, 107 Stat. 1991.)

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in subsec. (a), is Pub. L. 92–203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§ 1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

This Act, referred to in subsec. (a), probably means the Native American Programs Act of 1974, Pub. L.

88–452, title VIII, as added by Pub. L. 93–644, § 11, Jan. 4, 1975, 88 Stat. 2324, which is classified generally to this subchapter, see section 2991 of this title.

PRIOR PROVISIONS

A prior section 2991b, Pub. L. 88–452, title VIII, § 803, as added Pub. L. 89–794, title VIII, § 801, Nov. 8, 1966, 80 Stat. 1473, provided for stipend for volunteers, living, travel, and leave allowances, and subsistence, prior to the general amendment of this subchapter by Pub. L. 90–222, title I, § 110, Dec. 23, 1967, 81 Stat. 722.

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–171 substituted ''areas that are not Indian reservations or Alaska Native villages'' for ''nonreservation areas''.

1992—Subsec. (a). Pub. L. 102–497 struck out '', subject to the availability of funds appropriated under the authority of section 2992d(c) of this title,'' after ''Commissioner is authorized'' in second sentence.

Pub. L. 102–375, § 822(21), substituted ''Alaska Native villages'' for ''Alaskan Native villages''.

Pub. L. 102–375, § 822(1)(A), (B)(i), substituted ''Commissioner'' for ''Secretary'' wherever appearing and substituted ''Indian and Alaska Native organizations'' for ''Indian organizations''.

Pub. L. 102–375, § 822(1)(B)(ii), which directed the substitution of ''area that is not an Indian reservation or Alaska Native village'' for ''nonreservation area'', could not be executed because the words ''nonreservation area'' did not appear.

Subsecs. (b), (c)(1), (d)(1), (4). Pub. L. 102–375, § 822(1)(A), substituted ''Commissioner'' for ''Secretary'' wherever appearing.

1990—Subsec. (d). Pub. L. 101–408 added subsec. (d).

1987—Subsec. (a). Pub. L. 100–175, § 506(c)(2), substituted ''Native Hawaiians'' for ''Hawaiian Natives''.

Pub. L. 100–175, §§ 502(1), 504(a), inserted '', on a single year or multiyear basis,'' after ''assistance'' in first sentence and inserted after first sentence ''The Secretary is authorized, subject to the availability of funds appropriated under the authority of section 2992d(c) of this title, to provide financial assistance to public and nonprofit private agencies serving other Native American Pacific Islanders (including American Samoan Natives) for projects pertaining to the purposes of this Act.''

1984—Subsec. (a). Pub. L. 98–558, § 1002(a), inserted at end ''Every determination made with respect to a request for financial assistance under this section shall be made without regard to whether the agency making such request serves, or the project to be assisted is for the benefit of, Indians who are not members of a federally recognized tribe. To the greatest extent practicable, the Secretary shall ensure that each project to be assisted under this subchapter is consistent with the priorities established by the agency which receives such assistance.''

Subsec. (c)(1). Pub. L. 98–558, § 1002(b), designated existing provisions as par. (1) and added par. (2).

1978—Pub. L. 95–568 substituted in subsecs. (b) and (c) ''the Secretary determines'' for ''he determines''.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by sections 502(1) and 504(a) of Pub. L. 100–175 effective Oct. 1, 1987, and amendment by section 506(c)(2) of Pub. L. 100–175 effective upon expiration of 90-day period beginning Nov. 29, 1987, see section 701(a), (c) of Pub. L. 100–175, set out as a note under section 3001 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2991b–2, 2991b–3, 2991d–1, 2991f, 2992d of this title.

§ 2991b–1. Loan fund; demonstration project

(a) Grants to Hawaiian agency or organization to establish revolving loan fund; purposes of fund; administrative costs; matching funds

(1) In order to provide funding that is not available from private sources, the Commissioner shall award grants to the Office of Hawaiian Affairs of the State of Hawaii (referred to in this section as the ''Office''), which shall use such grants to establish and carry out, in the State of Hawaii, a demonstration project involving the establishment of a revolving loan fund—

(A) from which the Office shall make loans to Native Hawaiian organizations and to individual Native Hawaiians for the purpose of promoting economic development in the State of Hawaii; and

(B) into which all payments, interest, charges, and other amounts collected from loans made under subparagraph (A) shall be deposited notwithstanding any other provision of law.

(2) The agreement under which a grant is awarded under paragraph (1) shall contain provisions which set forth the administrative costs of the grantee that are to be paid out of the funds provided under the grant and a requirement that the grantee contribute to the revolving loan fund an amount of non-Federal funds equal to the amount of such grant.

(b) Loans to borrowers; determinations; term; interest rate; default and collection procedures; prohibition on self-lending

(1) The Office may make loans to a borrower under subsection (a)(1)(A) of this section only if the Office determines that—

(A) the borrower is unable to obtain financing from other sources on reasonable terms and conditions; and

(B) there is a reasonable prospect that the borrower will repay the loan.

(2) Loans made under subsection (a)(1)(A) of this section shall be—

(A) for a term that does not exceed 5 years; and

(B) at a rate of interest that is 2 percentage points below the average market yield on the most recent public offering of United States Treasury bills occurring before the date on which the loan is made.

(3) The Office may require any borrower of a loan made under subsection (a)(1)(A) of this section to provide such collateral as the Office determines to be necessary to secure the loan.

(4) Prior to making loans under subsection (a)(1)(A) of this section, the Office shall establish written procedures and definitions pertaining to defaults and collections of payments under the loans which shall be subject to the review and approval of the Commissioner. Such Office shall provide to each applicant for a loan under subsection (a)(1)(A) of this section, at the time application for the loan is made, a written copy of such procedures and definitions.

(5) The Office may not lend to itself any of the funds awarded under the grant.

(c) Notice to Commissioner of loans in default and uncollectability of such loans; instructions by Commissioner

(1) The Office shall provide the Commissioner at regular intervals written notice of each loan made under subsection (a)(1)(A) of this section that is in default and the status of such loan.

(2)(A) After making reasonable efforts to collect all amounts payable under a loan made under subsection (a)(1)(A) of this section that is in default, the Office shall notify the Commissioner that such loan is uncollectable or collectable only at an unreasonable cost. Such notice shall include recommendations for future action to be taken by the Office.

(B) Upon receiving such notice, the Commissioner shall instruct the Office—

(i) to continue with its collection activities;

(ii) to cancel, adjust, compromise, or reduce the amount of such loan; or

(iii) to modify any term or condition of such loan, including any term or condition relating to the rate of interest or the time of payment of any installment of principal or interest, or portion thereof, that is payable under such loan.

(C) The Office shall carry out all instructions received under subparagraph (B) from the Commissioner.

(d) Payment of administrative costs; management and technical assistance

(1) The Office shall, out of funds available in the revolving loan fund established under such subsection—

(A) pay expenses incurred by the Office in administering the revolving loan fund; and

(B) provide competent management and technical assistance to borrowers of loans made under subsection (a)(1)(A) of this section to assist the borrowers to achieve the purposes of such loans.

(2) The Commissioner shall provide to the Office such management and technical assistance as the Office may request in order to carry out the provisions of this section.

(e) Regulations

Not later than 120 days after November 29, 1987, the Commissioner, in consultation with appropriate agencies of the State of Hawaii and community-based Native Hawaiian organizations, shall prescribe regulations which set forth the procedures and criteria to be used—

(1) in making loans under subsection (a)(1)(A) of this section; and

(2) in canceling, adjusting, compromising, and reducing under subsection (c) of this section the outstanding amounts of such loans.

The Commissioner may prescribe such other regulations as may be necessary to carry out the purposes of this section, including regulations involving reporting and auditing.

(f) Authorization of appropriations; investment in obligations of United States

(1) There is authorized to be appropriated for each of the fiscal years 1992, 1993, and 1994, $1,000,000 for the purpose of carrying out the provisions of this section. Any amount appropriated under this paragraph shall remain available for expenditure without fiscal year limitation.

(2) The revolving loan fund that is required to be established under subsection (a)(1) of this section shall be maintained as a separate account. Any portion of the revolving loan fund that is not required for expenditure shall be invested in obligations of the United States or in obligations guaranteed or insured by the United States.

(g) Reports to Congress; contents

(1) The Commissioner, in consultation with the Office, shall submit a report to the President pro tempore of the Senate and the Speaker of the House of Representatives not later than January 1 following each fiscal year, regarding the administration of this section in such fiscal year.

(2) Such report shall include the views and recommendations of the Commissioner with respect to the revolving loan fund established under subsection (a)(1) of this section and with respect to loans made from such fund, and shall—

(A) describe the effectiveness of the operation of such fund in improving the economic and social self-sufficiency of Native Hawaiians;

(B) specify the number of loans made in such fiscal year;

(C) specify the number of loans outstanding as of the end of such fiscal year; and

(D) specify the number of borrowers who fail in such fiscal year to repay loans in accordance with the agreements under which such loans are required to be repaid.

(Pub. L. 88–452, title VIII, § 803A, as added Pub. L. 100–175, title V, § 506(a), Nov. 29, 1987, 101 Stat. 976; amended Pub. L. 102–375, title VIII, § 822(2), Sept. 30, 1992, 106 Stat. 1296; Pub. L. 103–171, § 5(3), Dec. 2, 1993, 107 Stat. 1991.)

AMENDMENTS

1993—Subsecs. (b) to (d)(1). Pub. L. 103–171, § 5(3)(A), struck out ''to which a grant is awarded under subsection (a)(1) of this section'' before ''may make loans'' in subsec. (b)(1), before ''may require any borrower'' in subsec. (b)(3), before ''shall establish written'' in subsec. (b)(4), before ''may not lend'' in subsec. (b)(5), before ''shall provide the Commissioner'' in subsec. (c)(1), before ''shall notify the Commissioner'' in subsec. (c)(2)(A), and before ''shall, out of funds'' in subsec. (d)(1).

Subsec. (d)(2). Pub. L. 103–171, § 5(3)(B), struck out ''to which a grant is made under subsection (a)(1) of this section'' after ''Commissioner shall provide to the Office''.

Subsec. (f)(1). Pub. L. 103–171, § 5(3)(C), substituted ''each of the fiscal years 1992, 1993, and 1994, $1,000,000'' for ''fiscal years 1988, 1989, and 1990 the aggregate amount $3,000,000 for all such fiscal years''.

1992—Pub. L. 102–375, § 822(2)(C), (D), substituted ''Commissioner'' for ''Secretary'' wherever appearing in subsecs. (a)(1), (b)(4), (c), (d)(2), and (e) and ''Office'' for ''agency or organization'' wherever appearing in subsecs. (b)(1), (3) to (5), (c), and (d).

Pub. L. 102–375, § 822(2)(B), which directed the amendment of this section by substituting ''Office'' for ''agency or organization to which a grant is awarded under subsection (a)(1) of this section'' wherever appearing, could not be executed because the words ''agency or organization to which a grant is awarded under subsection (a)(1) of this section'' did not appear in the original.

Subsec. (a)(1). Pub. L. 102–375, § 822(2)(A), substituted ''the Office of Hawaiian Affairs of the State of Hawaii (referred to in this section as the 'Office')'' for ''one agency of the State of Hawaii, or to one community-based Native Hawaiian organization whose purpose is the economic and social self-sufficiency of Native Hawaiians'', struck out ''5-year'' before ''demonstration'', and in subpar. (A) substituted ''the Office'' for ''such agency or Native Hawaiian organization''.

Subsec. (a)(2). Pub. L. 102–375, § 822(2)(E), inserted before period at end ''and a requirement that the grantee contribute to the revolving loan fund an amount of non-Federal funds equal to the amount of such grant''.

Subsec. (b)(6). Pub. L. 102–375, § 822(2)(F) struck out par. (6) which prohibited making of loan from revolving fund after close of 5-year period beginning on Nov. 29, 1987.

Subsec. (f)(1). Pub. L. 102–375, § 822(2)(G), which directed substitution of ''each of the fiscal years 1992, 1993, and 1994, $1,000,000'' for ''fiscal years 1988, 1989, and 1990 the aggregate amount of $3,000,000 for all such fiscal years'', could not be executed because the words ''fiscal years 1988, 1989, and 1990 the aggregate amount of $3,000,000 for all such fiscal years'' did not appear.

Subsec. (f)(3). Pub. L. 102–375, § 822(2)(H), struck out par. (3) which read as follows:

''(A) All monies that are in the revolving loan fund at the close of the 5-year period beginning on November 29, 1987, and that are not otherwise needed (as determined by the Secretary) to carry out the provisions of this section shall be deposited in the Treasury of the United States as miscellaneous receipts.

''(B) All monies deposited in the revolving loan fund after the close of such period pursuant to subsection (a)(1)(B) of this section shall be deposited into the Treasury of the United States as miscellaneous receipts.''

Subsec. (g). Pub. L. 102–375, § 822(2)(I), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows:

''(1) The Secretary, in consultation with the agency or organization to which a grant is awarded under subsection (a)(1) of this section, shall submit to the Congress—

''(A) an interim report not later than 2 years after November 29, 1987; and

''(B) a final report not later than 4 years after November 29, 1987;

regarding the administration of this section.

''(2) Each such report shall include the views and recommendations of the Secretary regarding—

''(A) the effectiveness of the demonstration project;

''(B) whether the demonstration project should be expanded to other groups eligible for assistance under this subchapter; and

''(C) whether the duration of the demonstration project should be extended.''

EFFECTIVE DATE

Section effective upon expiration of 90-day period beginning Nov. 29, 1987, see section 701(c) of Pub. L. 100–175, set out as an Effective Date of 1987 Amendment note under section 3001 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2992d of this title.

§ 2991b–2. Establishment of Administration for Native Americans

(a) Establishment

There is established in the Department of Health and Human Services (referred to in this subchapter as the ''Department'') the Administration for Native Americans (referred to in this subchapter as the ''Administration''), which shall be headed by a Commissioner of the Administration for Native Americans (referred to in this subchapter as the ''Commissioner''). The Administration shall be the agency responsible for carrying out the provisions of this subchapter.

(b) Commissioner

The Commissioner shall be appointed by the President, by and with the advice and consent of the Senate.

(c) Duties

The Commissioner shall—

(1) provide for financial assistance, loan funds, technical assistance, training, research and demonstration projects, and other activities, described in this subchapter;

(2) serve as the effective and visible advocate on behalf of Native Americans within the Department, and with other departments and agencies of the Federal Government regarding all Federal policies affecting Native Americans;

(3) with the assistance of the Intra-Departmental Council on Native American Affairs established by subsection (d)(1) of this section, coordinate activities within the Department leading to the development of policies, programs, and budgets, and their administration affecting Native Americans, and provide quarterly reports and recommendations to the Secretary;

(4) collect and disseminate information related to the social and economic conditions of Native Americans, and assist the Secretary in preparing an annual report to the Congress about such conditions;

(5) give preference to agencies described in section 2991b(a) of this title that are eligible for assistance under this subchapter, in entering into contracts for technical assistance, training, and evaluation under this subchapter; and

(6) encourage agencies that carry out projects under this subchapter, to give preference to Native Americans, in hiring and entering into contracts to carry out such projects.

(d) Intra-Departmental Council on Native American Affairs

(1) There is established in the Office of the Secretary the Intra-Departmental Council on Native American Affairs. The Commissioner shall be the chairperson of such Council and shall advise the Secretary on all matters affecting Native Americans that involve the Department. The Director of the Indian Health Service shall serve as vice chairperson of the Council.

(2) The membership of the Council shall be the heads of principal operating divisions within the Department, as determined by the Secretary, and such persons in the Office of the Secretary as the Secretary may designate.

(3) In addition to the duties described in subsection (c)(3) of this section, the Council shall, within 180 days following September 30, 1992, prepare a plan, including legislative recommendations, to allow tribal governments and other organizations described in section 2991b(a) of this title to consolidate grants administered by the Department and to designate a single of-

fice to oversee and audit the grants. Such plan shall be submitted to the committees of the Senate and the House of Representatives having jurisdiction over the Administration for Native Americans.

(e) Staffing levels

The Secretary shall assure that adequate staff and administrative support is provided to carry out the purpose of this subchapter. In determining the staffing levels of the Administration, the Secretary shall consider among other factors the unmet needs of the Native American population, the need to provide adequate oversight and technical assistance to grantees, the need to carry out the activities of the Council, the additional reporting requirements established, and the staffing levels previously maintained in support of the Administration.

(Pub. L. 88–452, title VIII, § 803B, as added Pub. L. 102–375, title VIII, § 822(3), Sept. 30, 1992, 106 Stat. 1296; amended Pub. L. 103–171, § 5(4), Dec. 2, 1993, 107 Stat. 1992.)

AMENDMENTS

1993—Subsec. (c)(5). Pub. L. 103–171, § 5(4)(A), substituted ''agencies described in section 2991b(a) of this title that'' for ''individuals who''.

Subsec. (c)(6). Pub. L. 103–171, § 5(4)(B), substituted ''Native Americans,'' for ''such individuals''.

§ 2991b–3. Grant program to ensure survival and continuing vitality of Native American languages

(a) Authority to award grants

The Secretary shall award a grant to any agency or organization that is—

(1) eligible for financial assistance under section 2991b(a) of this title; and

(2) selected under subsection (c) of this section;

to be used to assist Native Americans in ensuring the survival and continuing vitality of Native American languages.

(b) Purposes for which grants may be used

The purposes for which each grant awarded under subsection (a) of this section may be used include, but are not limited to—

(1) the establishment and support of a community Native American language project to bring older and younger Native Americans together to facilitate and encourage the transfer of Native American language skills from one generation to another;

(2) the establishment of a project to train Native Americans to teach a Native American language to others or to enable them to serve as interpreters or translators of such language;

(3) the development, printing, and dissemination of materials to be used for the teaching and enhancement of a Native American language;

(4) the establishment or support of a project to train Native Americans to produce or participate in a television or radio program to be broadcast in a Native American language;

(5) the compilation, transcription, and analysis of oral testimony to record and preserve a Native American language; and

(6) the purchase of equipment (including audio and video recording equipment, computers, and software) required to conduct a Native American language project.

(c) Applications

For the purpose of making grants under subsection (a) of this section, the Secretary shall select applicants from among agencies and organizations described in such subsection on the basis of applications submitted to the Secretary at such time, in such form, and containing such information as the Secretary shall require, but each application shall include at a minimum—

(1) a detailed description of the current status of the Native American language to be addressed by the project for which a grant under subsection (a) of this section is requested, including a description of existing programs and projects, if any, in support of such language;

(2) a detailed description of the project for which such grant is requested;

(3) a statement of objectives that are consonant with the purpose described in subsection (a) of this section;

(4) a detailed description of a plan to be carried out by the applicant to evaluate such project, consonant with the purpose for which such grant is made;

(5) if appropriate, an identification of opportunities for the replication of such project or the modification of such project for use by other Native Americans; and

(6) a plan for the preservation of the products of the Native American language project for the benefit of future generations of Native Americans and other interested persons.

(d) Participating organizations

If a tribal organization or other eligible applicant decides that the objectives of its proposed Native American language project would be accomplished more effectively through a partnership arrangement with a school, college, or university, the applicant shall identify such school, college, or university as a participating organization in the application submitted under subsection (c) of this section.

(e) Limitations on funding

(1) Share

Notwithstanding any other provision of this subchapter, a grant made under subsection (a) of this section may not be expended to pay more than 80 percent of the cost of the project that is assisted by such grant. Not less than 20 percent of such cost—

(A) shall be in cash or in kind, fairly evaluated, including plant, equipment, or services; and

(B)(i) may be provided from any private or non-Federal source; and

(ii) may include funds (including interest) distributed to a tribe—

(I) by the Federal Government pursuant to the satisfaction of a claim made under Federal law;

(II) from funds collected and administered by the Federal Government on behalf of such tribe or its constituent members; or

(III) by the Federal Government for general tribal administration or tribal development under a formula or subject to a tribal budgeting priority system, such as, but not limited to, funds involved in the settlement of land or other judgment claims, severance or other royalty payments, or payments under the Indian Self-Determination Act (25 U.S.C. 450f et seq.) or tribal budget priority system.

(2) Duration

The Secretary may make grants made under subsection (a) of this section on a 1-year, 2-year, or 3-year basis.

(f) Administration

(1) The Secretary shall carry out this section through the Administration for Native Americans.

(2)(A) Not later than 180 days after October 26, 1992, the Secretary shall appoint a panel of experts for the purpose of assisting the Secretary to review—

(i) applications submitted under subsection (a) of this section;

(ii) evaluations carried out to comply with subsection (c)(4) of this section; and

(iii) the preservation of products required by subsection (c)(5) of this section.

(B) Such panel shall include, but not be limited to—

(i) a designee of the Institute of American Indian and Alaska Native Culture and Arts Development;

(ii) a designee of the regional centers funded under section 3215[1] of title 20;

(iii) representatives of national, tribal, and regional organizations that focus on Native American language, or Native American cultural,[2] research, development, or training; and

(iv) other individuals who are recognized for their expertise in the area of Native American language.

Recommendations for appointment to such panel shall be solicited from Indian tribes and tribal organizations.

(C) The duties of such panel include—

(i) making recommendations regarding the development and implementation of regulations, policies, procedures, and rules of general applicability with respect to the administration of this section;

(ii) reviewing applications received under subsection (c) of this section;

(iii) providing to the Secretary a list of recommendations for the approval of such applications—

(I) in accordance with regulations issued by the Secretary; and

(II) the relative need for the project; and

(iv) reviewing evaluations submitted to comply with subsection (c)(4) of this section.

(D)(i) Subject to clause (ii), a copy of the products of the Native American language project for which a grant is made under subsection (a) of this section—

(I) shall be transmitted to the Institute of American Indian and Alaska Native Culture and Arts Development; and

(II) may be transmitted, in the discretion of the grantee, to national and regional repositories of similar material;

for preservation and use consonant with their respective responsibilities under other Federal law.

(ii) Based on the Federal recognition of the sovereign authority of Indian tribes over all aspects of their cultures and language and except as provided in clause (iii), an Indian tribe may make a determination—

(I) not to transmit copies of such products under clause (i) or not to permit the redistribution of such copies; or

(II) to restrict in any manner the use or redistribution of such copies after transmission under such clause.

(iii) Clause (ii) shall not be construed to authorize Indian tribes—

(I) to limit the access of the Secretary to such products for purposes of administering this section or evaluating such products; or

(II) to sell such products, or copies of such products, for profit to the entities referred to in clause (i).

(Pub. L. 88–452, title VIII, § 803C, as added Pub. L. 102–524, § 2, Oct. 26, 1992, 106 Stat. 3434.)

REFERENCES IN TEXT

The Indian Self-Determination Act, referred to in subsec. (e)(1)(B)(ii)(III), is title I of Pub. L. 93–638, Jan. 4, 1975, 88 Stat. 2206, as amended, which is classified principally to part A (§ 450f et seq.) of subchapter II of chapter 14 of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 450 of Title 25 and Tables.

Section 3215 of title 20, referred to in subsec. (f)(2)(B)(ii), was in the original a reference to section 5135 of the Elementary and Secondary Education Act of 1965, Pub. L. 89–10. Section 5135 of that Act was omitted in the general amendment of Pub. L. 89–10 by Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3519.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2992d of this title.

§ 2991c. Technical assistance and training

The Commissioner shall provide, directly or through other arrangements—

(1) technical assistance to the public and private agencies in planning, developing, conducting, and administering projects under this subchapter;

(2) short-term in-service training for specialized or other personnel that is needed in connection with projects receiving financial assistance under this subchapter; and

(3) upon denial of a grant application, technical assistance to a potential grantee in revising a grant proposal.

(Pub. L. 88–452, title VIII, § 804, as added Pub. L. 102–375, title VIII, § 822(4), Sept. 30, 1992, 106 Stat. 1298.)

PRIOR PROVISIONS

A prior section 2991c, Pub. L. 88–452, title VIII, § 804, as added Pub. L. 93–644, § 11, Jan. 4, 1975, 88 Stat. 2324,

[1] See References in Text note below.

[2] So in original. The comma probably should not appear.

authorized Secretary to provide technical assistance and training in developing, conducting, and administering projects under this subchapter and short-term in-service training for specialized personnel, prior to repeal by Pub. L. 102–375, § 822(4).

Another prior section 2991c, Pub. L. 88–452, title VIII, § 804, as added Pub. L. 89–794, title VIII, § 801, Nov. 8, 1966, 80 Stat. 1473; amended Pub. L. 90–83, § 10(b), Sept. 11, 1967, 81 Stat. 224, provided for applicability of specified Federal laws, oath or affirmation, and status of volunteers as Federal employees and as persons employed in executive branch of Federal Government, prior to the general amendment of this subchapter by Pub. L. 90–222, title I, § 110, Dec. 23, 1967, 81 Stat. 722.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2992d of this title.

§ 2991d. Research, demonstration, and pilot projects

(a) The Commissioner may provide financial assistance through grants or contracts for research, demonstration, or pilot projects conducted by public or private agencies which are designed to test or assist in the development of new approaches or methods that will aid in overcoming special problems or otherwise furthering the purposes of this subchapter.

(b) The Commissioner shall establish an overall plan to govern the approval of research, demonstration, and pilot projects and the use of all research authority under this subchapter. The plan shall set forth specific objectives to be achieved and priorities among such objectives.

(Pub. L. 88–452, title VIII, § 805, as added Pub. L. 93–644, § 11, Jan. 4, 1975, 88 Stat. 2324; amended Pub. L. 102–375, title VIII, § 822(5), Sept. 30, 1992, 106 Stat. 1298.)

PRIOR PROVISIONS

A prior section 2991d, Pub. L. 88–452, title VIII, § 805, as added Pub. L. 89–794, title VIII, § 801, Nov. 8, 1966, 80 Stat. 1474, provided for special programs and projects and placing limitations on the use of appropriated funds, prior to the general amendment of this subchapter by Pub. L. 90–222, title I, § 110, Dec. 23, 1967, 81 Stat. 722.

AMENDMENTS

1992—Subsecs. (a), (b). Pub. L. 102–375 substituted ''Commissioner'' for ''Secretary''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2991d–1, 2991f of this title.

§ 2991d–1. Panel review of applications for assistance

(a) Establishment of formal panel; members

(1) The Commissioner shall establish a formal panel review process for purposes of—

(A) evaluating applications for financial assistance under sections 2991b and 2991d of this title; and

(B) determining the relative merits of the projects for which such assistance is requested.

(2) To implement the process established under paragraph (1), the Commissioner shall appoint members of review panels from among individuals who are not officers or employees of the Administration for Native Americans. In making appointments to such panels, the Commissioner shall give preference to American Indians, Native Hawaiians, other Native American Pacific Islanders (including American Samoan Natives), and Alaska Natives.

(b) Duties of panel

Each review panel appointed under subsection (a)(2) of this section that reviews any application for financial assistance shall—

(1) determine the merit of each project described in such application;

(2) rank such application with respect to all other applications it reviews for the fiscal year involved, according to the relative merit of all of the projects that are described in such application and for which financial assistance is requested; and

(3) submit to the Commissioner a list that identifies all applications reviewed by such panel and arranges such applications according to rank determined under paragraph (2).

(c) Notice to Congressional committee chairman; information required

Upon the request of the chairman of the Committee on Indian Affairs of the Senate or of the chairman of the Committee on Education and Labor of the House of Representatives made with respect to any application for financial assistance under section 2991b or 2991d of this title, the Commissioner shall transmit to the chairman written notice—

(1) identifying such application;

(2) containing a copy of the list submitted to the Commissioner under subsection (b)(3) of this section in which such application is ranked;

(3) specifying which other applications ranked in such list have been approved by the Commissioner under sections 2991b and 2991d of this title; and

(4) if the Commissioner has not approved each application superior in merit, as indicated on such list, to the application with respect to which such notice is transmitted, containing a statement of the reasons relied upon by the Commissioner for—

(A) approving the application with respect to which such notice is transmitted; and

(B) failing to approve each pending application that is superior in merit, as indicated on such list, to the application described in subparagraph (A).

(Pub. L. 88–452, title VIII, § 806, as added and amended Pub. L. 100–175, title V, §§ 502(4), 504(b)(2), Nov. 29, 1987, 101 Stat. 973, 975; Pub. L. 102–375, title VIII, § 822(6), (21), Sept. 30, 1992, 106 Stat. 1298, 1300; Pub. L. 103–171, § 5(5), Dec. 2, 1993, 107 Stat. 1992; Pub. L. 103–437, § 15(k), Nov. 2, 1994, 108 Stat. 4593.)

PRIOR PROVISIONS

A prior section 806 of Pub. L. 88–452 was renumbered section 807 and is classified to section 2991e of this title.

Another prior section 806 of Pub. L. 88–452, title VIII, as added Pub. L. 89–794, title VIII, § 801, Nov. 8, 1966, 80 Stat. 1474, provided for duration of VISTA program through June 30, 1970, and was classified to section 2991e of this title, prior to the general amendment of this subchapter by Pub. L. 90–222, title I, § 110, Dec. 23, 1967, 81 Stat. 722.

AMENDMENTS

1994—Subsec. (c). Pub. L. 103–437 substituted ''Committee on Indian Affairs'' for ''Select Committee on Indian Affairs''.

1993—Subsec. (a)(2). Pub. L. 103–171 substituted ''Alaska'' for ''Alaskan''.

1992—Pub. L. 102–375, § 822(6), substituted ''Commissioner'' for ''Secretary'' wherever appearing.

Subsec. (a)(2). Pub. L. 102–375, § 822(21), which directed the substitution of ''Alaska Native'' for ''Alaskan Native'', could not be executed because the words ''Alaskan Native'' did not appear.

1987—Subsec. (a)(2). Pub. L. 100–175, § 504(b)(2), which directed that par. (2) be amended by inserting ''other Native American Pacific Islanders (including American Samoan Natives),'' after ''Hawaiian Natives,'' was executed by making the insertion after ''Native Hawaiians,'' to reflect the probable intent of Congress.

CHANGE OF NAME

Committee on Education and Labor of House of Representatives treated as referring to Committee on Economic and Educational Opportunities of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Economic and Educational Opportunities of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Fifth Congress, Jan. 7, 1997.

EFFECTIVE DATE

Enactment and amendment by Pub. L. 100–175 effective Oct. 1, 1987, see section 701 of Pub. L. 100–175, set out as an Effective Date of 1987 Amendment note under section 3001 of this title.

§ 2991e. Announcement of research, demonstration, or pilot projects

(a) The Commissioner shall make a public announcement concerning—

(1) the title, purpose, intended completion date, identity of the grantee or contractor, and proposed cost of any grant or contract with a private or non-Federal public agency for a research, demonstration, or pilot project; and

(2) except in cases in which the Commissioner determines that it would not be consistent with the purposes of this subchapter, the results, findings, data, or recommendations made or reported as a result of such activities.

(b) The public announcements required by subsection (a) of this section shall be made within thirty days of making such grants or contracts, and the public announcements required by subsection (b) of this section shall be made within thirty days of the receipt of such results.

(Pub. L. 88–452, title VIII, § 807, formerly § 806, as added Pub. L. 93–644, § 11, Jan. 4, 1975, 88 Stat. 2325; renumbered § 807, Pub. L. 100–175, title V, § 502(3), Nov. 29, 1987, 101 Stat. 973; amended Pub. L. 102–375, title VIII, § 822(7), Sept. 30, 1992, 106 Stat. 1298.)

PRIOR PROVISIONS

A prior section 807 of Pub. L. 88–452 was renumbered section 808 and is classified to section 2991f of this title.

A prior section 2991e, Pub. L. 88–452, title VIII, § 806, as added Pub. L. 89–794, title VIII, § 801, Nov. 8, 1966, 80 Stat. 1474, provided for duration of the VISTA program through June 30, 1970, prior to the general amendment of this subchapter by Pub. L. 90–222, title I, § 110, Dec. 23, 1967, 81 Stat. 722.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102–375 substituted ''Commissioner'' for ''Secretary'' in two places.

§ 2991f. Submission of plans to State and local officials

(a) Submission to governing body of Indian reservation or Alaska Native village

No financial assistance may be provided to any project under section 2991b of this title or any research, demonstration, or pilot project under section 2991d of this title, which is to be carried out on or in an Indian reservation or Alaska Native village, unless a plan setting forth the project has been submitted to the governing body of that reservation or village and the plan has not been disapproved by the governing body within thirty days of its submission.

(b) Notification to chief executive officer of State or Territory

No financial assistance may be provided to any project under section 2991b of this title or any research, demonstration, or pilot project under section 2991d of this title, which is to be carried out in a State or Territory other than on or in an Indian reservation or Alaska Native village or Hawaiian Homestead, unless the Commissioner has notified the chief executive officer of the State or Territory of the decision of the Commissioner to provide that assistance.

(c) Notification to local governing officials of political subdivision

No financial assistance may be provided to any project under section 2991b of this title or any research, demonstration, or pilot project under section 2991d of this title, which is to be carried out in a city, county, or other major political subdivision of a State or Territory, other than on or in an Indian reservation or Alaska Native village, or Hawaiian Homestead, unless the Commissioner has notified the local governing officials of the political subdivision of the decision of the Commissioner to provide that assistance.

(Pub. L. 88–452, title VIII, § 808, formerly § 807, as added Pub. L. 93–644, § 11, Jan. 4, 1975, 88 Stat. 2325; amended Pub. L. 95–568, § 17(a)(40), Nov. 2, 1978, 92 Stat. 2443; renumbered § 808 and amended Pub. L. 100–175, title V, §§ 502(3), 504(b)(3), Nov. 29, 1987, 101 Stat. 973, 975; Pub. L. 102–375, title VIII, § 822(8), (21), Sept. 30, 1992, 106 Stat. 1298, 1300.)

PRIOR PROVISIONS

A prior section 808 of Pub. L. 88–452 was renumbered section 809 and is classified to section 2991g of this title.

AMENDMENTS

1992—Pub. L. 102–375 substituted ''Alaska Native village'' for ''Alaskan Native village'' and ''Commissioner'' for ''Secretary'' wherever appearing.

1987—Subsecs. (b), (c). Pub. L. 100–175, § 504(b)(3), inserted ''or territory'' after ''State'' wherever appearing.

1978—Subsecs. (b), (c). Pub. L. 95–568 substituted ''the decision of the Secretary'' for ''his decision''.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100–175 effective Oct. 1, 1987, see section 701(a) of Pub. L. 100–175, set out as a note under section 3001 of this title.

§ 2991g. Records and audits

(a) Each agency which receives financial assistance under this subchapter shall keep such records as the Commissioner may prescribe, including records which fully disclose the amount and disposition by that agency of such financial assistance, the total cost of the project in connection with which such financial assistance is given or used, the amount of that portion of the cost of the project supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Commissioner and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any agency which receives financial assistance under this subchapter that are pertinent to the financial assistance received under this subchapter.

(Pub. L. 88–452, title VIII, § 809, formerly § 808, as added Pub. L. 93–644, § 11, Jan. 4, 1975, 88 Stat. 2325; renumbered § 809, Pub. L. 100–175, title V, § 502(3), Nov. 29, 1987, 101 Stat. 973; amended Pub. L. 102–375, title VIII, § 822(9), Sept. 30, 1992, 106 Stat. 1298.)

PRIOR PROVISIONS

A prior section 809 of Pub. L. 88–452 was renumbered section 810 and is classified to section 2991h of this title.

AMENDMENTS

1992—Subsecs. (a), (b). Pub. L. 102–375 substituted ''Commissioner'' for ''Secretary''.

§ 2991h. Appeals, notice, and hearing

(a) The Commissioner shall prescribe procedures to assure that—

(1) financial assistance under this subchapter shall not be suspended, except in emergency situations, unless the assisted agency has been given reasonable notice and opportunity to show cause why such action should not be taken; and

(2) financial assistance under this subchapter shall not be terminated, and application for refunding shall not be denied, and a suspension of financial assistance shall not be continued for longer than thirty days, unless the assisted agency has been afforded reasonable notice and opportunity for a full and fair hearing.

(b) If an application is rejected on the grounds that the applicant is ineligible or that activities proposed by the applicant are ineligible for funding, the applicant may appeal to the Secretary, not later than 30 days after the date of receipt of notification of such rejection, for a review of the grounds for such rejection. On appeal, if the Secretary finds that an applicant is eligible or that its proposed activities are eligible, such eligibility shall not be effective until the next cycle of grant proposals are considered by the Administration.

(Pub. L. 88–452, title VIII, § 810, formerly § 809, as added Pub. L. 93–644, § 11, Jan. 4, 1975, 88 Stat. 2326; renumbered § 810, Pub. L. 100–175, title V, § 502(3), Nov. 29, 1987, 101 Stat. 973; amended Pub. L. 102–375, title VIII, § 822(10), Sept. 30, 1992, 106 Stat. 1298.)

PRIOR PROVISIONS

A prior section 810 of Pub. L. 88–452 was renumbered section 811 and is classified to section 2992 of this title.

Another prior section 810 of Pub. L. 88–452, title VIII, as added Pub. L. 90–222, title I, § 110, Dec. 23, 1967, 81 Stat. 722, related to authority to establish full-time programs and was classified to section 2992 of this title, prior to repeal by Pub. L. 93–113, title VI, § 603, Oct. 1, 1973, 87 Stat. 417.

AMENDMENTS

1992—Pub. L. 102–375 substituted ''Commissioner'' for ''Secretary'', designated existing provisions as subsec. (a), and added subsec. (b).

§ 2992. Evaluation of projects

(a) Description and measurement of project impact, effectiveness, and structure and mechanisms for delivery of services; frequency of evaluations

(1) The Commissioner shall provide, directly or through grants or contracts, for the evaluation of projects assisted under this subchapter including evaluations that describe and measure the impact of such projects, their effectiveness in achieving stated goals, their impact on related programs, 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 projects. Evaluations shall be conducted by persons not directly involved in the administration of the program or project evaluated.

(2) The projects assisted under this subchapter shall be evaluated in accordance with this section not less frequently than at 3-year intervals.

(b) General standards for evaluation

Prior to obligating funds for the programs and projects covered by this subchapter with respect to fiscal year 1976, the Commissioner shall develop and publish general standards for evaluation of program and project effectiveness in achieving the objectives of this subchapter. The extent to which such standards have been met shall be considered in deciding whether to renew or supplement financial assistance authorized under this subchapter.

(c) Independent evaluations

In carrying out evaluations under this subchapter, the Commissioner may require agencies which receive assistance under this subchapter to provide for independent evaluations.

(d) Specificity of views

In carrying out evaluations under this subchapter, the Commissioner shall, whenever feasible, arrange to obtain the specific views of persons participating in and served by programs and projects assisted under this subchapter about such programs and projects.

(e) Publication of results; submission to Congress

The Commissioner shall publish the results of evaluative research and summaries of evaluations of program and project impact and effec-

tiveness not later than ninety days after the completion thereof. The Commissioner shall submit to the appropriate committees of the Congress copies of all such research studies and evaluation summaries.

(f) Evaluation results as United States property

The Commissioner shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with assistance under this subchapter shall become the property of the United States.

(Pub. L. 88–452, title VIII, § 811, formerly § 810, as added Pub. L. 93–644, § 11, Jan. 4, 1975, 88 Stat. 2326; renumbered § 811, Pub. L. 100–175, title V, § 502(3), Nov. 29, 1987, 101 Stat. 973; amended Pub. L. 102–375, title VIII, § 822(11), Sept. 30, 1992, 106 Stat. 1298.)

PRIOR PROVISIONS

A prior section 2992, Pub. L. 88–452, title VIII, § 810, as added Pub. L. 90–222, title I, § 110, Dec. 23, 1967, 81 Stat. 722, related to authority to establish full-time programs, prior to repeal by Pub. L. 93–113, title VI, § 603, Oct. 1, 1973, 87 Stat. 417.

A prior section 811 of Pub. L. 88–452 was renumbered section 812 and is classified to section 2992a of this title.

Another prior section 811 of Pub. L. 88–452, title VIII, as added Pub. L. 90–222, title I, § 110, Dec. 23, 1967, 81 Stat. 723; amended Pub. L. 92–424, § 26(b), Sept. 19, 1972, 86 Stat. 703, related to terms of service and was classified to section 2992a of this title, prior to repeal by Pub. L. 93–113, title VI, § 603, Oct. 1, 1973, 87 Stat. 417.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102–375 substituted ''Commissioner'' for ''Secretary'', designated existing provisions as par. (1), and added par. (2).

Subsecs. (b) to (f). Pub. L. 102–375, § 822(11)(A), substituted ''Commissioner'' for ''Secretary'' wherever appearing.

§ 2992–1. Annual report

The Secretary shall, not later than January 31 of each year, prepare and transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives an annual report on the social and economic conditions of American Indians, Native Hawaiians, other Native American Pacific Islanders (including American Samoan Natives), and Alaska Natives, together with such recommendations to Congress as the Secretary considers to be appropriate.

(Pub. L. 88–452, title VIII, § 811A, as added Pub. L. 102–375, title VIII, § 822(12), Sept. 30, 1992, 106 Stat. 1299.)

§ 2992a. Labor standards

All laborers and mechanics employed by contractors or subcontractors in the construction, alteration, or repair, including painting or decorating, of buildings or other facilities in connection with projects assisted under this subchapter, shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act [40 U.S.C. 276a et seq.]. The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950, and section 276c of title 40.

(Pub. L. 88–452, title VIII, § 812, formerly § 811, as added Pub. L. 93–644, § 11, Jan. 4, 1975, 88 Stat. 2327; renumbered § 812, Pub. L. 100–175, title V, § 502(3), Nov. 29, 1987, 101 Stat. 973.)

REFERENCES IN TEXT

The Davis-Bacon Act, referred to in text, is act Mar. 3, 1931, ch. 411. 46 Stat. 1494, as amended, which is classified generally to sections 276a to 276a–5 of Title 40, Public Buildings, Property, and Works. For complete classification of that Act to the Code, see Short Title note set out under section 276a of Title 40 and Tables.

Reorganization Plan Numbered 14 of 1950, referred to in text, is Reorg. Plan No. 14 of 1950, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267, which is set out in the Appendix to Title 5, Government Organization and Employees.

PRIOR PROVISIONS

A prior section 2992a, Pub. L. 88–452, title VIII, § 811, as added Pub. L. 90–222, title I, § 110, Dec. 23, 1967, 81 Stat. 723; amended Pub. L. 92–424, § 26(b), Sept. 19, 1972, 86 Stat. 703, related to terms of service, providing in: subsec. (a) for commitment to full-time service; subsec. (b) for one-year enrollment and shorter enrollment for volunteer associates; and subsec. (c) for oath or affirmation, prior to repeal by Pub. L. 93–113, title VI, § 603, Oct. 1, 1973, 87 Stat. 417.

A prior section 812 of Pub. L. 88–452 was renumbered section 813 and is classified to section 2992b of this title.

Another prior section 812 of Pub. L. 88–452, title VIII, as added Pub. L. 90–222, title I, § 110, Dec. 23, 1967, 81 Stat. 723, related to support of full-time volunteers and was classified to section 2992b of this title, prior to repeal by Pub. L. 93–113, title VI, § 603, Oct. 1, 1973, 87 Stat. 417.

§ 2992a–1. Staff

In all personnel actions of the Administration, preference shall be given to individuals who are eligible for assistance under this subchapter. Such preference shall be implemented in the same fashion as the preference given to veterans referred to in section 2108(3)(C) of title 5. The Commissioner shall take such additional actions as may be necessary to promote recruitment of such individuals for employment in the Administration.

(Pub. L. 88–452, title VIII, § 812A, as added Pub. L. 102–375, title VIII, § 822(13), Sept. 30, 1992, 106 Stat. 1299.)

§ 2992b. Administration

Nothing in this subchapter shall be construed to prohibit interagency funding agreements made between the Administration and other agencies of the Federal Government for the development and implementation of specific grants or projects.

(Pub. L. 88–452, title VIII, § 813, as added Pub. L. 102–375, title VIII, § 822(14), Sept. 30, 1992, 106 Stat. 1299.)

PRIOR PROVISIONS

A prior section 2992b, Pub. L. 88–452, title VIII, § 813, formerly § 812, as added Pub. L. 93–644, § 11, Jan. 4, 1975, 88 Stat. 2327; amended Pub. L. 95–568, § 17(a)(41), Nov. 2, 1978, 92 Stat. 2443; Pub. L. 98–558, title X, § 1003, Oct. 30, 1984, 98 Stat. 2905; renumbered § 813, Pub. L. 100–175, title V, § 502(3), Nov. 29, 1987, 101 Stat. 973, related to ad-

ministration, delegation of authority, and interagency funding agreements, prior to repeal by Pub. L. 102–375, title VIII, § 822(14), Sept. 30, 1992, 106 Stat. 1299.

Another prior section 2992b, Pub. L. 88–452, title VIII, § 812, as added Pub. L. 90–222, title I, § 110, Dec. 23, 1967, 81 Stat. 723, related to support of full-time volunteers, providing in: subsec. (a) for stipend and allowances; subsec. (b) for payment upon completion of term and advancement of accrued stipend; and subsec. (c) for counseling, prior to repeal by Pub. L. 93–113, title VI, § 603, Oct. 1, 1973, 87 Stat. 417.

A prior section 813 of Pub. L. 88–452 was renumbered section 815 and is classified to section 2992c of this title.

§ 2992b–1. Additional requirements applicable to rulemaking

(a) In general

Notwithstanding subsection (a) of section 553 of title 5, and except as otherwise provided in this section, such section 553 shall apply with respect to the establishment and general operation of any program that provides loans, grants, benefits, or contracts authorized by this subchapter.

(b) Interpretative rule or general statement of policy; waiver of notice and public procedure regarding any other rule

(1) Subparagraph (A) of the last sentence of section 553(b) of title 5 shall not apply with respect to any interpretative rule or general statement of policy—

(A) proposed under this subchapter; or

(B) applicable exclusively to any program, project, or activity authorized by, or carried out under, this subchapter.

(2) Subparagraph (B) of the last sentence of section 553(b) of title 5, shall not apply with respect to any rule (other than an interpretative rule or a general statement of policy)—

(A) proposed under this subchapter; or

(B) applicable exclusively to any program, project, or activity authorized by, or carried out under, this subchapter.

(3) The first 2 sentences of section 553(b) of title 5 shall apply with respect to any rule (other than an interpretative rule, a general statement of policy, or a rule of agency organization, procedure, or practice) that is—

(A) proposed under this subchapter; or

(B) applicable exclusively to any program, project, or activity authorized by, or carried out under, this subchapter;

unless the Secretary for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in such rule) that notice and public procedure thereon are contrary to the public interest or would impair the effective administration of any program, project, or activity with respect to which such rule is issued.

(c) Effective date of rule or general statement of policy

Notwithstanding section 553(d) of title 5, no rule (including an interpretative rule) or general statement of policy that—

(1) is issued to carry out this subchapter; or

(2) applies exclusively to any program, project, or activity authorized by, or carried out under, this subchapter;

may take effect until 30 days after the publication required under the first 2 sentences of section 553(b) of title 5.

(d) Statutory citation required

Each rule (including an interpretative rule) and each general statement of policy to which this section applies shall contain after each of its sections, paragraphs, or similar textual units a citation to the particular provision of statutory or other law that is the legal authority for such section, paragraph, or unit.

(e) Rule or general statement of policy necessary as result of legislation; time for issuance

Except as provided in subsection (c) of this section, if as a result of the enactment of any law affecting the administration of this subchapter it is necessary or appropriate for the Secretary to issue any rule (including any interpretative rule) or a general statement of policy, the Secretary shall issue such rule or such general statement of policy not later than 180 days after the date of the enactment of such law.

(f) Copy of rule or general statement of policy to Congressional leaders

Whenever an agency publishes in the Federal Register a rule (including an interpretative rule) or a general statement of policy to which subsection (c) of this section applies, such agency shall transmit a copy of such rule or such general statement of policy to the Speaker of the House of Representatives and the President pro tempore of the Senate.

(Pub. L. 88–452, title VIII, § 814, as added Pub. L. 100–175, title V, § 503(a), Nov. 29, 1987, 101 Stat. 974.)

PRIOR PROVISIONS

A prior section 814 of Pub. L. 88–452 was renumbered section 816 and is classified to section 2992d of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1987, see section 701(a) of Pub. L. 100–175, set out as an Effective Date of 1987 Amendment note under section 3001 of this title.

§ 2992c. Definitions

As used in this subchapter, the term—

(1) ''financial assistance'' includes assistance advanced by grant, agreement, or contract, but does not include the procurement of plant or equipment, or goods or services;

(2) ''Indian reservation or Alaska Native village'' includes the reservation of any federally or State recognized Indian tribe, including any band, nation, pueblo, or rancheria, any former reservation in Oklahoma, and community under the jurisdiction of an Indian tribe, including a band, nation, pueblo, or rancheria, with allotted lands or lands subject to a restriction against alienation imposed by the United States or a State, and any lands of or under the jurisdiction of an Alaska Native village or group, including any lands selected by Alaska Natives or Alaska Native organizations under the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.];

(3) ''Native Hawaiian'' means any individual any of whose ancestors were natives of the area which consists of the Hawaiian Islands prior to 1778;

(4) the term ''rule'' has the meaning given it in section 551(4) of title 5, as amended from time to time;

(5) ''Secretary'' means the Secretary of Health and Human Services; and

(6) the term ''Native American Pacific Islander'' means an individual who is indigenous to a United States territory or possession located in the Pacific Ocean, and includes such individual while residing in the United States.

(Pub. L. 88–452, title VIII, § 815, formerly § 813, as added Pub. L. 93–644, § 11, Jan. 4, 1975, 88 Stat. 2327; amended Pub. L. 98–558, title X, § 1004, Oct. 30, 1984, 98 Stat. 2906; renumbered § 815 and amended Pub. L. 100–175, title V, §§ 502(2), 503(b), Nov. 29, 1987, 101 Stat. 973, 975; Pub. L. 102–375, title VIII, § 822(21), Sept. 30, 1992, 106 Stat. 1300; Pub. L. 102–497, § 9(b), Oct. 24, 1992, 106 Stat. 3257; Pub. L. 103–171, § 5(6), Dec. 2, 1993, 107 Stat. 1992.)

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in par. (2), is Pub. L. 92–203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§ 1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

AMENDMENTS

1993—Par. (2). Pub. L. 103–171, § 5(6)(A), substituted ''selected by Alaska Natives'' for ''selected by Alaskan Natives''.

Par. (4). Pub. L. 103–171, § 5(6)(B), inserted semicolon at end.

1992—Par. (2). Pub. L. 102–375 substituted ''Alaska Native village'' for ''Alaskan Native village'' in two places and ''Alaska Native organizations'' for ''Alaskan Native organizations''.

Par. (6). Pub. L. 102–497 added par. (6).

1987—Pars. (4), (5). Pub. L. 100–175, § 503(b), added par. (4) and redesignated former par. (4) as (5).

1984—Par. (4). Pub. L. 98–558 added par. (4).

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100–175 effective Oct. 1, 1987, see section 701(a) of Pub. L. 100–175, set out as a note under section 3001 of this title.

§ 2992d. Authorization of appropriations

(a) There are authorized to be appropriated for the purpose of carrying out the provisions of this subchapter (other than sections 2991b(d), 2991b–1, 2991b–3 of this title, subsection (e)[1] of this section, and any other provision of this subchapter for which there is an express authorization of appropriations), such sums as may be necessary for fiscal years 1992, 1993, 1994, and 1995.

(b) Not less than 90 per centum of the funds made available to carry out the provisions of this subchapter (other than sections 2991b(d), 2991b–1, 2991b–3, 2991c of this title, subsection (e)[1] of this section, and any other provision of this subchapter for which there is an express authorization of appropriations) for a fiscal year shall be expended to carry out section 2991b(a) of this title for such fiscal year.

(c) There is authorized to be appropriated $8,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, and 1996, for the purpose of carrying out the provisions of section 2991b(d) of this title.

(d)(1) For fiscal year 1994, there are authorized to be appropriated such sums as may be necessary for the purpose of—

(A) establishing demonstration projects to conduct research related to Native American studies and Indian policy development; and

(B) continuing the development of a detailed plan, based in part on the results of the projects, for the establishment of a National Center for Native American Studies and Indian Policy Development.

(2) Such a plan shall be delivered to the Congress not later than 30 days after September 30, 1992.

(e) There are authorized to be appropriated to carry out section 2991b–3 of this title, $2,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, 1996, and 1997.

(Pub. L. 88–452, title VIII, § 816, formerly § 814, as added Pub. L. 93–644, § 11, Jan. 4, 1975, 88 Stat. 2327; amended Pub. L. 95–568, § 15, Nov. 2, 1978, 92 Stat. 2439; Pub. L. 98–558, title X, § 1005, Oct. 30, 1984, 98 Stat. 2906; renumbered § 816 and amended Pub. L. 100–175, title V, §§ 502(2), 505, 506(b), Nov. 29, 1987, 101 Stat. 973, 975, 978; Pub. L. 100–581, title II, § 215, Nov. 1, 1988, 102 Stat. 2941; Pub. L. 101–408, § 3, Oct. 4, 1990, 104 Stat. 883; Pub. L. 102–375, title VIII, § 822(15)–(20), Sept. 30, 1992, 106 Stat. 1299; Pub. L. 102–497, § 9(c), Oct. 24, 1992, 106 Stat. 3258; Pub. L. 102–524, § 3, Oct. 26, 1992, 106 Stat. 3437; Pub. L. 103–171, § 5(6), Dec. 2, 1993, 107 Stat. 1992.)

REFERENCES IN TEXT

Subsection (e) of this section, referred to in subsecs. (a) and (b), was redesignated subsec. (d) of this section by Pub. L. 103–171, § 5(6)(D), Dec. 2, 1993, 107 Stat. 1992.

AMENDMENTS

1993—Subsecs. (a), (b). Pub. L. 103–171, § 5(6)(A), substituted ''2991b–1,'' for ''2991b–1''.

Subsec. (c). Pub. L. 103–171, § 5(6)(B), substituted ''is'' for ''are''.

Subsec. (d). Pub. L. 103–171, § 5(6)(D), redesignated subsec. (e) as (d).

Subsec. (e). Pub. L. 103–171, § 5(6)(D), redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

Pub. L. 103–171, § 5(6)(C), substituted ''fiscal year 1994'' for ''fiscal years 1992 and 1993''.

Subsec. (f). Pub. L. 103–171, § 5(6)(D), redesignated subsec. (f) as (e).

1992—Subsec. (a). Pub. L. 102–524, § 3(1), inserted reference to section 2991b–3 of this title.

Pub. L. 102–375, § 822(15), substituted '', 2991b–1 of this title, subsection (e) of this section, and any other provision of this subchapter for which there is an express authorization of appropriations'' for ''and 2991b–1 of this title'' and ''1992, 1993, 1994, and 1995'' for ''1988, 1989, 1990, and 1991''.

Subsec. (b). Pub. L. 102–524, § 3(1), inserted reference to section 2991b–3 of this title.

Pub. L. 102–375, § 822(16), substituted '', 2991b–1, 2991c of this title, subsection (e) of this section, and any other provision of this subchapter for which there is an express authorization of appropriations'' for ''and 2991b–1 of this title''.

Subsec. (c). Pub. L. 102–497 redesignated subsec. (d) as (c) and struck out former subsec. (c) which read as follows: ''There are authorized to be appropriated $500,000 for each of the fiscal years 1992, 1993, 1994, and 1995 for the purpose of providing financial assistance to other Native American Pacific Islanders (including American Samoan Natives) under section 2991b(a) of this title.''

Pub. L. 102–375, § 822(17), (18), redesignated par. (1) as subsec. (c), substituted ''There are'' for ''Except as provided in paragraph (2), there are'', substituted ''1992, 1993, 1994, and 1995'' for ''1988, 1989, 1990, and 1991'', and struck out par. (2) which read as follows: ''No funds

[1] See References in Text note below.

may be appropriated under paragraph (1) for a fiscal year unless the amount appropriated under subsection (a) of this section for such fiscal year exceeds 105 percent of the amount appropriated under subsection (a) of this section for fiscal year 1987.''

Subsec. (d). Pub. L. 102–497, § 9(c)(2), redesignated subsec. (d) as (c).

Pub. L. 102–375, § 822(19), struck out ''1991,'' before ''1992,''.

Subsec. (e). Pub. L. 102–375, § 822(20), added subsec. (e).

Subsec. (f). Pub. L. 102–524, § 3(2), added subsec. (f).

1990—Subsecs. (a), (b). Pub. L. 101–408, § 3(1), inserted reference to section 2991b(d).

Subsec. (d). Pub. L. 101–408, § 3(2), added subsec. (d).

1988—Subsec. (c)(2). Pub. L. 100–581 substituted ''fiscal year 1987'' for ''the preceding fiscal year''.

1987—Subsec. (a). Pub. L. 100–175, § 506(b), inserted ''(other than section 2991b–1 of this title)'' after ''this subchapter''.

Pub. L. 100–175, § 505(1), substituted ''1988, 1989, 1990, and 1991'' for ''1979 through 1986''.

Subsec. (b). Pub. L. 100–175, § 506(b), inserted ''(other than section 2991b–1 of this title)'' after ''this subchapter''.

Subsec. (c). Pub. L. 100–175, § 505(2), added subsec. (c).

1984—Pub. L. 98–558 designated existing provisions as subsec. (a), substituted ''1986'' for ''1981'', and added subsec. (b).

1978—Pub. L. 95–568 substituted appropriations authorization for fiscal years 1979 through 1981 for prior such authorization for fiscal years 1975 through 1977.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by section 505 of Pub. L. 100–175 effective Oct. 1, 1987, and amendment by section 506(b) of Pub. L. 100–175 effective upon expiration of 90-day period beginning Nov. 29, 1987, see section 701(a), (c) of Pub. L. 100–175, set out as a note under section 3001 of this title.

§§ 2993 to 2993b. Repealed. Pub. L. 93–113, title VI, § 603, Oct. 1, 1973, 87 Stat. 417

Section 2993, Pub. L. 88–452, title VIII, § 820, as added Pub. L. 90–222, title I, § 110, Dec. 23, 1967, 81 Stat. 724; amended Pub. L. 92–424, § 26(c), Sept. 19, 1972, 86 Stat. 703, related to community service programs, providing in: subsec. (a) for term of service and range of activities; subsec. (b) for support and allowances; and subsec. (c) for allowance of service as non-Federal contribution.

Section 2993a, Pub. L. 88–452, title VIII, § 821, as added Pub. L. 90–222, title I, § 110, Dec. 23, 1967, 81 Stat. 724; amended Pub. L. 92–424, § 26(d), Sept. 19, 1972, 86 Stat. 703, related to special volunteer programs.

Section 2993b, Pub. L. 88–452, title VIII, § 822, as added Pub. L. 90–222, title I, § 110, Dec. 23, 1967, 81 Stat. 724, related to demonstration projects to help young adult criminal offenders.

Such former provisions are covered by various sections as follows:

Former Sections	*Present Sections*
2993(a)	See 4992(a)
2993(b)	See 4974(c)
2993(c)	Repealed
2993a	4973(a), 4992(a)
2993b	Repealed

§§ 2994 to 2994d. Repealed. Pub. L. 93–113, title VI, § 603, Oct. 1, 1973, 87 Stat. 417

Section 2994, Pub. L. 88–452, title VIII, § 831, as added Pub. L. 90–222, title I, § 110, Dec. 23, 1967, 81 Stat. 725, related to coordination with other programs.

Section 2994a, Pub. L. 88–452, title VIII, § 832, as added Pub. L. 90–222, title I, § 110, Dec. 23, 1967, 81 Stat. 725, related to participation of older persons.

Section 2994b, Pub. L. 88–452, title VIII, § 833, as added Pub. L. 90–222, title I, § 110, Dec. 23, 1967, 81 Stat. 726; amended Pub. L. 90–623, § 5(b), Oct. 22, 1968, 82 Stat. 1315; Pub. L. 91–177, title I, § 112(b), Dec. 30, 1969, 83 Stat. 832; Pub. L. 92–424, § 3(d)(3), Sept. 19, 1972, 86 Stat. 689, related to application of Federal law.

Section 2994c, Pub. L. 88–452, title VIII, § 834, as added Pub. L. 90–222, title I, § 110, Dec. 23, 1967, 81 Stat. 726, related to special limitations.

Section 2994d, Pub. L. 88–452, title VIII, § 835, as added Pub. L. 90–222, title I, § 110, Dec. 23, 1967, 81 Stat. 726; amended Pub. L. 91–177, title I, § 101(b), Dec. 30, 1969, 83 Stat. 827; Pub. L. 92–424, § 2(a), Sept. 19, 1972, 86 Stat. 688, related to duration of program.

Such former provisions are covered by various sections as follows:

Former Sections	*Present Sections*
2994	5050
2994a	4957
2994b(a)	5055(a)
2994b(b)(1), (2)	5055(b)(1) to (3)
2994b(c)(1), (2)	5055(c)(1), (2)
2994c	5044
2994d	5053

SUBCHAPTER IX—EVALUATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 2707 of this title; title 29 section 795a.

§§ 2995 to 2995c. Repealed. Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section 2995, Pub. L. 88–452, title IX, § 901, as added Pub. L. 92–424, § 27(a), Sept. 19, 1972, 86 Stat. 704; amended Pub. L. 93–644, § 12, Jan. 4, 1975, 88 Stat. 2328; Pub. L. 95–568, § 17(a)(42), Nov. 2, 1978, 92 Stat. 2443, related to program and project evaluation.

Section 2995a, Pub. L. 88–452, title IX, § 902, as added Pub. L. 92–424, § 27(a), Sept. 19, 1972, 86 Stat. 704; amended Pub. L. 93–644, § 12, Jan. 4, 1975, 88 Stat. 2329; Pub. L. 95–568, § 17(a)(43), Nov. 2, 1978, 92 Stat. 2443, related to cooperation and consultation with other Federal agencies.

Section 2995b, Pub. L. 88–452, title IX, § 903, as added Pub. L. 92–424, § 27(a), Sept. 19, 1972, 86 Stat. 704; amended Pub. L. 93–644, § 12, Jan. 4, 1975, 88 Stat. 2329, related to evaluation by other Federal agencies.

Section 2995c, Pub. L. 88–452, title IX, § 904, as added Pub. L. 95–568, § 16, Nov. 2, 1978, 92 Stat. 2439, set forth authorization of appropriations.

A prior section 2995c, Pub. L. 88–452, title IX, § 904, as added Pub. L. 92–424, § 27(a), Sept. 19, 1972, 86 Stat. 705, which provided for the publication of summaries of evaluations of the results of research, was omitted as superseded in the general reorganization and amendment of this subchapter by Pub. L. 93–644, § 12, Jan. 4, 1975, 88 Stat. 2327.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title.

§ 2995d. Omitted

CODIFICATION

Section, Pub. L. 88–452, title IX, § 905, as added Pub. L. 92–424, § 27(a), Sept. 19, 1972, 86 Stat. 705, allowed head of any agency administering a program authorized under this chapter to conduct evaluations and take other action to same extent as Director under this subchapter, prior to the general amendment of this subchapter by Pub. L. 93–644, § 12, Jan. 4, 1975, 88 Stat. 2327.

SUBCHAPTER X—LEGAL SERVICES CORPORATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 3020d, 3027, 4953, 9912 of this title.

§ 2996. Congressional findings and declaration of purpose

The Congress finds and declares that—

(1) there is a need to provide equal access to the system of justice in our Nation for individuals who seek redress of grievances;

(2) there is a need to provide high quality legal assistance to those who would be otherwise unable to afford adequate legal counsel and to continue the present vital legal services program;

(3) providing legal assistance to those who face an economic barrier to adequate legal counsel will serve best the ends of justice and assist in improving opportunities for low-income persons consistent with the purposes of this chapter;

(4) for many of our citizens, the availability of legal services has reaffirmed faith in our government of laws;

(5) to preserve its strength, the legal services program must be kept free from the influence of or use by it of political pressures; and

(6) attorneys providing legal assistance must have full freedom to protect the best interests of their clients in keeping with the Code of Professional Responsibility, the Canons of Ethics, and the high standards of the legal profession.

(Pub. L. 88–452, title X, § 1001, as added Pub. L. 93–355, § 2, July 25, 1974, 88 Stat. 378; amended Pub. L. 95–222, § 2, Dec. 28, 1977, 91 Stat. 1619.)

AMENDMENTS

1977—Par. (3). Pub. L. 95–222 inserted provision relating to assistance in improving opportunities for low-income persons consistent with this chapter.

EFFECTIVE DATE OF 1977 AMENDMENT

Section 17(b) of Pub. L. 95–222 provided that: ''The amendments made by provisions of this Act other than sections 11 and 15 [amending this section and sections 2996c, 2996e, 2996f, 2996g, 2996h, 2996i, and 2996j of this title] shall be effective on the date of enactment of this Act [Dec. 28, 1977].''

SHORT TITLE OF 1977 AMENDMENT

Section 1 of Pub. L. 95–222 provided that: ''This Act [amending this section and sections 2996c and 2996e to 2996j of this title, and enacting provisions set out as notes under sections 2701, 2996, 2996f and 2996i of this title] may be cited as the 'Legal Services Corporation Act Amendments of 1977'.''

SHORT TITLE

Pub. L. 93–355, § 1, July 25, 1974, 88 Stat. 378, provided: ''That this Act [enacting this subchapter and section 2971e of this title, amending section 2809 of this title, and enacting provisions set out as notes under this section and sections 2809 and 2996b of this title] may be cited as the 'Legal Services Corporation Act of 1974'.''

Pub. L. 88–452, title X, § 1014, as added by Pub. L. 93–355, § 2, July 25, 1974, 88 Stat. 378, provided that: ''This title [enacting this subchapter] may be cited as the 'Legal Services Corporation Act'.''

§ 2996a. Definitions

As used in this subchapter, the term—

(1) ''Board'' means the Board of Directors of the Legal Services Corporation;

(2) ''Corporation'' means the Legal Services Corporation established under this subchapter;

(3) ''eligible client'' means any person financially unable to afford legal assistance;

(4) ''Governor'' means the chief executive officer of a State;

(5) ''legal assistance'' means the provision of any legal services consistent with the purposes and provisions of this subchapter;

(6) ''recipient'' means any grantee, contractee, or recipient of financial assistance described in clause (A) of section 2996e(a)(1) of this title;

(7) ''staff attorney'' means an attorney who receives more than one-half of his annual professional income from a recipient organized solely for the provision of legal assistance to eligible clients under this subchapter; and

(8) ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(Pub. L. 88–452, title X, § 1002, as added Pub. L. 93–355, § 2, July 25, 1974, 88 Stat. 378.)

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 2996b. Legal Services Corporation

(a) Establishment; purpose

There is established in the District of Columbia a private nonmembership nonprofit corporation, which shall be known as the Legal Services Corporation, for the purpose of providing financial support for legal assistance in noncriminal proceedings or matters to persons financially unable to afford legal assistance.

(b) Principal office; agent for service of process

The Corporation shall maintain its principal office in the District of Columbia and shall maintain therein a designated agent to accept service of process for the Corporation. Notice to or service upon the agent shall be deemed notice to or service upon the Corporation.

(c) Status of Corporation under tax laws

The Corporation, and any legal assistance program assisted by the Corporation, shall be eligible to be treated as an organization described in section 170(c)(2)(B) of title 26 and as an organization described in section 501(c)(3) of title 26 which is exempt from taxation under section 501(a) of title 26. If such treatments are conferred in accordance with the provisions of title 26, the Corporation, and legal assistance programs assisted by the Corporation, shall be subject to all provisions of title 26 relevant to the conduct of organizations exempt from taxation.

(Pub. L. 88–452, title X, § 1003, as added Pub. L. 93–355, § 2, July 25, 1974, 88 Stat. 379; amended Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095.)

AMENDMENTS

1986—Subsec. (c). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'' wherever appearing, which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

TRANSITION TO LEGAL SERVICES CORPORATION PROGRAM

Section 3(a)–(d)(1), (e) of Pub. L. 93–355 provided that:

''(a) Notwithstanding any other provision of law, effective ninety days after the date of the first meeting of the Board of Directors of the Legal Services Corporation established under the Legal Services Corporation Act (title X of the Economic Opportunity Act of 1964, as added by this Act) [this subchapter], the Legal Services Corporation shall succeed to all rights of the Federal Government to capital equipment in the possession of legal services programs or activities assisted pursuant to section 222(a)(3), 230, 232 [sections 2809(a)(3), 2823, and 2825 of this title], or any other provision of the Economic Opportunity Act of 1964 [this chapter].

''(b) Within ninety days after the first meeting of the Board, all assets, liabilities, obligations, property, and records as determined by the Director of the Office of Management and Budget, in consultation with the Director of the Office of Economic Opportunity [now the Director of the Office of Community Services] or the head of any successor authority, to be employed directly or held or used primarily, in connection with any function of the Director of the Office of Economic Opportunity or the head of any successor authority in carrying out legal services activities under the Economic Opportunity Act of 1964 [this chapter], shall be transferred to the Corporation. Personnel transferred to the Corporation from the Office of Economic Opportunity or any successor authority shall be transferred in accordance with applicable laws and regulations, and shall not be reduced in compensation for one year after such transfer, except for cause. The Director of the Office of Economic Opportunity or the head of any successor authority shall take whatever action is necessary and reasonable to seek suitable employment for personnel who do not transfer to the Corporation.

''(c) Collective-bargaining agreements in effect on the date of enactment of this Act [July 25, 1974], covering employees transferred to the Corporation shall continue to be recognized by the Corporation until the termination date of such agreements, or until mutually modified by the parties.

''(d)(1) Notwithstanding any other provision of law, the Director of the Office of Economic Opportunity [now the Director of the Office of Community Services] or the head of any successor authority shall take such action as may be necessary, in cooperation with the president of the Legal Services Corporation, including the provision (by grant or otherwise) of financial assistance to recipients and the Corporation and the furnishing of services and facilities to the Corporation—

''(A) to assist the Corporation in preparing to undertake, and in the initial undertaking of, its responsibilities under this title [this subchapter];

''(B) out of appropriations available to him, to make funds available to meet the organizational and administrative expenses of the Corporation;

''(C) within ninety days after the first meeting of the Board, to transfer to the Corporation all unexpended balances of funds appropriated for the purpose of carrying out legal services programs and activities under the Economic Opportunity Act of 1964 [this chapter] or successor authority; and

''(D) to arrange for the orderly continuation by such Corporation of financial assistance to legal services programs and activities assisted pursuant to the Economic Opportunity Act of 1964 [this chapter] or successor authority.

Whenever the Director of the Office of Economic Opportunity or the head of any successor authority determines that an obligation to provide financial assistance pursuant to any contract or grant for such legal services will extend beyond six months after the date of enactment of this Act [July 25, 1974], he shall include, in any such contract or grant, provisions to assure that the obligation to provide such financial assistance may be assumed by the Legal Services Corporation, subject to such modifications of the terms and conditions of such contract or grant as the Corporation determines to be necessary.

''(2) [Omitted. Provided for the repeal of section 2809(a)(3) of this title.]

''(e) There are authorized to be appropriated for the fiscal year ending June 30, 1975, such sums as may be necessary for carrying out this section.''

§ 2996c. Board of Directors

(a) Establishment; membership

The Corporation shall have a Board of Directors consisting of eleven voting members appointed by the President, by and with the advice and consent of the Senate, no more than six of whom shall be of the same political party. A majority shall be members of the bar of the highest court of any State, and none shall be a full-time employee of the United States. Effective with respect to appointments made after December 28, 1977, but not later than July 31, 1978, the membership of the Board shall be appointed so as to include eligible clients, and to be generally representative of the organized bar, attorneys providing legal assistance to eligible clients, and the general public.

(b) Term of office

The term of office of each member of the Board shall be three years, except that five of the members first appointed, as designated by the President at the time of appointment, shall serve for a term of two years. Each member of the Board shall continue to serve until the successor to such member has been appointed and qualified. The term of initial members shall be computed from the date of the first meeting of the Board. The term of each member other than initial members shall be computed from the date of termination of the preceding term. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term. No member shall be reappointed to more than two consecutive terms immediately following such member's initial term.

(c) Board members not deemed officers or employees of United States

The members of the Board shall not, by reason of such membership, be deemed officers or employees of the United States.

(d) Chairman

The President shall select from among the voting members of the Board a chairman, who shall serve for a term of three years. Thereafter the Board shall annually elect a chairman from among its voting members.

(e) Removal

A member of the Board may be removed by a vote of seven members for malfeasance in office or for persistent neglect of or inability to discharge duties, or for offenses involving moral turpitude, and for no other cause.

(f) State advisory councils

Within six months after the first meeting of the Board, the Board shall request the Governor of each State to appoint a nine-member advisory council for such State. A majority of the members of the advisory council shall be appointed,

after recommendations have been received from the State bar association, from among the attorneys admitted to practice in the State, and the membership of the council shall be subject to annual reappointment. If ninety days have elapsed without such an advisory council appointed by the Governor, the Board is authorized to appoint such a council. The advisory council shall be charged with notifying the Corporation of any apparent violation of the provisions of this subchapter and applicable rules, regulations, and guidelines promulgated pursuant to this subchapter. The advisory council shall, at the same time, furnish a copy of the notification to any recipient affected thereby, and the Corporation shall allow such recipient a reasonable time (but in no case less than thirty days) to reply to any allegation contained in the notification.

(g) Open meetings; applicability of Government in the Sunshine provisions

All meetings of the Board, of any executive committee of the Board, and of any advisory council established in connection with this subchapter shall be open and shall be subject to the requirements and provisions of section 552b of title 5 (relating to open meetings).

(h) Quarterly meetings

The Board shall meet at least four times during each calendar year.

(Pub. L. 88–452, title X, § 1004, as added Pub. L. 93–355, § 2, July 25, 1974, 88 Stat. 379; amended Pub. L. 95–222, §§ 3, 4, Dec. 28, 1977, 91 Stat. 1619.)

AMENDMENTS

1977—Subsec. (a). Pub. L. 95–222, § 3, inserted provision relating to appointments made after Dec. 28, 1977.

Subsec. (g). Pub. L. 95–222, § 4, substituted provisions relating to applicability of section 552b of title 5, for provisions setting forth requirements respecting availability of minutes of public meetings.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–222 effective Dec. 28, 1977, see section 17(b) of Pub. L. 95–222, set out as a note under section 2996 of this title.

COMPENSATION OF MEMBERS OF BOARD OF DIRECTORS

Pub. L. 97–377, title I, § 101(d), Dec. 21, 1982, 96 Stat. 1876, provided: ''That no member of the Board of Directors of the Legal Services Corporation shall be compensated for his services to the Corporation except for the payment of an attendance fee at meetings of the Board at a rate not to exceed the highest daily rate for grade fifteen (15) of the General Schedule and necessary travel expenses to attend Board meetings in accordance with the Standard Government Travel Regulations.''

§ 2996d. Officers and employees

(a) Appointment of president; outside compensation of officers prohibited; terms

The Board shall appoint the president of the Corporation, who shall be a member of the bar of the highest court of a State and shall be a non-voting ex officio member of the Board, and such other officers as the Board determines to be necessary. No officer of the Corporation may receive any salary or other compensation for services from any source other than the Corporation during his period of employment by the Corporation, except as authorized by the Board. All officers shall serve at the pleasure of the Board.

(b) Power of president to appoint and remove employees; nonpartisan appointments

(1) The president of the Corporation, subject to general policies established by the Board, may appoint and remove such employees of the Corporation as he determines necessary to carry out the purposes of the Corporation.

(2) No political test or political qualification shall be used in selecting, appointing, promoting, or taking any other personnel action with respect to any officer, agent, or employee of the Corporation or of any recipient, or in selecting or monitoring any grantee, contractor, or person or entity receiving financial assistance under this subchapter.

(c) Conflict of interest

No member of the Board may participate in any decision, action, or recommendation with respect to any matter which directly benefits such member or pertains specifically to any firm or organization with which such member is then associated or has been associated within a period of two years.

(d) Compensation

Officers and employees of the Corporation shall be compensated at rates determined by the Board, but not in excess of the rate of level V of the Executive Schedule specified in section 5316 of title 5.

(e) Officers and employees not deemed officers and employees of Federal Government; Corporation not deemed a department, agency, or instrumentality of Federal Government; review of annual budget

(1) Except as otherwise specifically provided in this subchapter, officers and employees of the Corporation shall not be considered officers or employees, and the Corporation shall not be considered a department, agency, or instrumentality, of the Federal Government.

(2) Nothing in this subchapter shall be construed as limiting the authority of the Office of Management and Budget to review and submit comments upon the Corporation's annual budget request at the time it is transmitted to the Congress.

(f) Exceptions

Officers and employees of the Corporation shall be considered officers and employees of the Federal Government for purposes of the following provisions of title 5: subchapter I of chapter 81 (relating to compensation for work injuries); chapter 83 (relating to civil service retirement); chapter 87 (relating to life insurance); and chapter 89 (relating to health insurance). The Corporation shall make contributions at the same rates applicable to agencies of the Federal Government under the provisions referred to in this subsection.

(g) Freedom of information

The Corporation and its officers and employees shall be subject to the provisions of section 552 of title 5 (relating to freedom of information).

(Pub. L. 88–452, title X, § 1005, as added Pub. L. 93–355, § 2, July 25, 1974, 88 Stat. 380.)

REIMBURSEMENT OF OFFICERS OR EMPLOYEES

Pub. L. 97–377, title I, § 101(d), Dec. 21, 1982, 96 Stat. 1876, provided: ''That no officer or employee of the Legal Services Corporation or a recipient program shall be reimbursed for membership in a private club, or be paid severance pay in excess of what would be paid a Federal employee for comparable service.''

§ 2996e. Powers, duties, and limitations

(a) Powers of nonprofit corporation; additional powers

To the extent consistent with the provisions of this subchapter, the Corporation shall exercise the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act (except for section 1005(*o*) of title 29 of the District of Columbia Code). In addition, the Corporation is authorized—

(1)(A) to provide financial assistance to qualified programs furnishing legal assistance to eligible clients, and to make grants to and contracts with—

(i) individuals, partnerships, firms, corporations, and nonprofit organizations, and

(ii) State and local governments (only upon application by an appropriate State or local agency or institution and upon a special determination by the Board that the arrangements to be made by such agency or institution will provide services which will not be provided adequately through non-governmental arrangements),

for the purpose of providing legal assistance to eligible clients under this subchapter, and (B) to make such other grants and contracts as are necessary to carry out the purposes and provisions of this subchapter;

(2) to accept in the name of the Corporation, and employ or dispose of in furtherance of the purposes of this subchapter, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise; and

(3) to undertake directly, or by grant or contract, the following activities relating to the delivery of legal assistance—

(A) research, except that broad general legal or policy research unrelated to representation of eligible clients may not be undertaken by grant or contract,

(B) training and technical assistance, and

(C) to serve as a clearinghouse for information.

(b) Disciplinary powers; representational questions; interference with professional responsibilities of attorneys; bar membership; restrictions; languages other than English

(1)(A) The Corporation shall have authority to insure the compliance of recipients and their employees with the provisions of this subchapter and the rules, regulations, and guidelines promulgated pursuant to this subchapter, and to terminate, after a hearing in accordance with section 2996j of this title, financial support to a recipient which fails to comply.

(B) No question of whether representation is authorized under this subchapter, or the rules, regulations or guidelines promulgated pursuant to this subchapter, shall be considered in, or affect the final disposition of, any proceeding in which a person is represented by a recipient or an employee of a recipient. A litigant in such a proceeding may refer any such question to the Corporation which shall review and dispose of the question promptly, and take appropriate action. This subparagraph shall not preclude judicial review available under applicable law.

(2) If a recipient finds that any of its employees has violated or caused the recipient to violate the provisions of this subchapter or the rules, regulations, and guidelines promulgated pursuant to this subchapter, the recipient shall take appropriate remedial or disciplinary action in accordance with the types of procedures prescribed in the provisions of section 2996j of this title.

(3) The Corporation shall not, under any provision of this subchapter, interfere with any attorney in carrying out his professional responsibilities to his client as established in the Canons of Ethics and the Code of Professional Responsibility of the American Bar Association (referred to collectively in this subchapter as ''professional responsibilities'') or abrogate as to attorneys in programs assisted under this subchapter the authority of a State or other jurisdiction to enforce the standards of professional responsibility generally applicable to attorneys in such jurisdiction. The Corporation shall ensure that activities under this subchapter are carried out in a manner consistent with attorneys' professional responsibilities.

(4) No attorney shall receive any compensation, either directly or indirectly, for the provision of legal assistance under this subchapter unless such attorney is admitted or otherwise authorized by law, rule, or regulation to practice law or provide such assistance in the jurisdiction where such assistance is initiated.

(5) The Corporation shall insure that (A) no employee of the Corporation or of any recipient (except as permitted by law in connection with such employee's own employment situation), while carrying out legal assistance activities under this subchapter, engage in, or encourage others to engage in, any public demonstration or picketing, boycott, or strike; and (B) no such employee shall, at any time, engage in, or encourage others to engage in, any of the following activities: (i) any rioting or civil disturbance, (ii) any activity which is in violation of an outstanding injunction of any court of competent jurisdiction, (iii) any other illegal activity, or (iv) any intentional identification of the Corporation or any recipient with any political activity prohibited by section 2996f(a)(6) of this title. The Board, within ninety days after its first meeting, shall issue rules and regulations to provide for the enforcement of this paragraph and section 2996f(a)(5) of this title, which rules shall include, among available remedies, provisions, in accordance with the types of procedures prescribed in the provisions of section 2996j of this title, for suspension of legal assistance supported under this subchapter, suspension of an employee of the Corporation or of any employee of any recipient by such recipient, and, after consideration of other remedial measures and after a hearing in accordance with section 2996j of this title, the termination of such assistance or employment, as deemed appropriate for the violation in question.

(6) In areas where significant numbers of eligible clients speak a language other than English as their principal language, the Corporation shall, to the extent feasible, provide that their principal language is used in the provision of legal assistance to such clients under this subchapter.

(c) Participation in litigation; lobbying activities

The Corporation shall not itself—

(1) participate in litigation unless the Corporation or a recipient of the Corporation is a party, or a recipient is representing an eligible client in litigation in which the interpretation of this subchapter or a regulation promulgated under this subchapter is an issue, and shall not participate on behalf of any client other than itself; or

(2) undertake to influence the passage or defeat of any legislation by the Congress of the United States or by any State or local legislative bodies, except that personnel of the Corporation may testify or make other appropriate communication (A) when formally requested to do so by a legislative body, a committee, or a member thereof, or (B) in connection with legislation or appropriations directly affecting the activities of the Corporation.

(d) Miscellaneous prohibitions

(1) The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, or employee, except as reasonable compensation for services or reimbursement for expenses.

(3) Neither the Corporation nor any recipient shall contribute or make available corporate funds or program personnel or equipment to any political party or association, or the campaign of any candidate for public or party office.

(4) Neither the Corporation nor any recipient shall contribute or make available corporate funds or program personnel or equipment for use in advocating or opposing any ballot measures, initiatives, or referendums. However, an attorney may provide legal advice and representation as an attorney to any eligible client with respect to such client's legal rights.

(5) No class action suit, class action appeal, or amicus curiae class action may be undertaken, directly or through others, by a staff attorney, except with the express approval of a project director of a recipient in accordance with policies established by the governing body of such recipient.

(6) Attorneys employed by a recipient shall be appointed to provide legal assistance without reasonable compensation only when such appointment is made pursuant to a statute, rule, or practice applied generally to attorneys practicing in the court where the appointment is made.

(e) Political activities of Corporation employees and staff attorneys

(1) Employees of the Corporation or of recipients shall not at any time intentionally identify the Corporation or the recipient with any partisan or nonpartisan political activity associated with a political party or association, or the campaign of any candidate for public or party office.

(2) Employees of the Corporation and staff attorneys shall be deemed to be State or local employees for purposes of chapter 15 of title 5, except that no staff attorney may be a candidate in a partisan political election.

(f) Harassment; malicious abuse of legal process

If an action is commenced by the Corporation or by a recipient and a final order is entered in favor of the defendant and against the Corporation or a recipient's plaintiff, the court shall, upon motion by the defendant and upon a finding by the court that the action was commenced or pursued for the sole purpose of harassment of the defendant or that the Corporation or a recipient's plaintiff maliciously abused legal process, enter an order (which shall be appealable before being made final) awarding reasonable costs and legal fees incurred by the defendant in defense of the action, except when in contravention of a State law, a rule of court, or a statute of general applicability. Any such costs and fees shall be directly paid by the Corporation.

(Pub. L. 88–452, title X, § 1006, as added Pub. L. 93–355, § 2, July 25, 1974, 88 Stat. 381; amended Pub. L. 95–222, §§ 5(a), (b), 6, 7(a), 8, Dec. 28, 1977, 91 Stat. 1619, 1620.)

REFERENCES IN TEXT

The District of Columbia Nonprofit Corporation Act, referred to in subsec. (a), is Pub. L. 87–569, Aug. 6, 1962, 76 Stat. 265, as amended, which appears in chapter 5 (§ 29–501 et seq.) of Title 29, Corporations, of the District of Columbia Code. Section 1005(*o*) of title 29 of the District of Columbia Code, referred to in subsec. (a), means section 5(*o*) of the District of Columbia Nonprofit Corporation Act which now appears in section 29–505(15) of such Title 29.

AMENDMENTS

1977—Subsec. (a)(3). Pub. L. 95–222, § 5(a), (b), substituted ", or" for "and not" and in par. (A) inserted exception for broad general legal or policy research.

Subsec. (b)(1). Pub. L. 95–222, § 6(a), designated existing provisions as subpar. (A) and added subpar. (B).

Subsec. (c)(1). Pub. L. 95–222, § 6(b), inserted provisions setting forth situations when the Corporation may participate in litigation.

Subsec. (d)(6). Pub. L. 95–222, § 6(c), added par. (6).

Subsec. (e)(2). Pub. L. 95–222, § 7(a), inserted provisions relating to staff attorneys.

Subsec. (f). Pub. L. 95–222, § 8, substituted "the court shall" for "the court may".

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–222 effective Dec. 28, 1977, see section 17(b) of Pub. L. 95–222, set out as a note under section 2996 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2996a, 2996i of this title.

§ 2996f. Grants and contracts

(a) Requisites

With respect to grants or contracts in connection with the provision of legal assistance to eligible clients under this subchapter, the Corporation shall—

(1) insure the maintenance of the highest quality of service and professional standards, the preservation of attorney-client relationships, and the protection of the integrity of the adversary process from any impairment in furnishing legal assistance to eligible clients;

(2)(A) establish, in consultation with the Director of the Office of Management and Budget and with the Governors of the several States, maximum income levels (taking into account family size, urban and rural differences, and substantial cost-of-living variations) for individuals eligible for legal assistance under this subchapter;

(B) establish guidelines to insure that eligibility of clients will be determined by recipients on the basis of factors which include—

(i) the liquid assets and income level of the client,

(ii) the fixed debts, medical expenses, and other factors which affect the client's ability to pay,

(iii) the cost of living in the locality, and

(iv) such other factors as relate to financial inability to afford legal assistance, which may include evidence of a prior determination that such individual's lack of income results from refusal or unwillingness, without good cause, to seek or accept an employment situation; and

(C) insure that (i) recipients, consistent with goals established by the Corporation, adopt procedures for determining and implementing priorities for the provision of such assistance, taking into account the relative needs of eligible clients for such assistance (including such outreach, training, and support services as may be necessary), including particularly the needs for service on the part of significant segments of the population of eligible clients with special difficulties of access to legal services or special legal problems (including elderly and handicapped individuals); and (ii) appropriate training and support services are provided in order to provide such assistance to such significant segments of the population of eligible clients;

(3) insure that grants and contracts are made so as to provide the most economical and effective delivery of legal assistance to persons in both urban and rural areas;

(4) insure that attorneys employed full time in legal assistance activities supported in major part by the Corporation refrain from (A) any compensated outside practice of law, and (B) any uncompensated outside practice of law except as authorized in guidelines promulgated by the Corporation;

(5) insure that no funds made available to recipients by the Corporation shall be used at any time, directly or indirectly, to influence the issuance, amendment, or revocation of any executive order or similar promulgation by any Federal, State, or local agency, or to undertake to influence the passage or defeat of any legislation by the Congress of the United States, or by any State or local legislative bodies, or State proposals by initiative petition, except where—

(A) representation by an employee of a recipient for any eligible client is necessary to the provision of legal advice and representation with respect to such client's legal rights and responsibilities (which shall not be construed to permit an attorney or a recipient employee to solicit a client, in violation of professional responsibilities, for the purpose of making such representation possible); or

(B) a governmental agency, legislative body, a committee, or a member thereof—

(i) requests personnel of the recipient to testify, draft, or review measures or to make representations to such agency, body, committee, or member, or

(ii) is considering a measure directly affecting the activities under this subchapter of the recipient or the Corporation.

(6) insure that all attorneys engaged in legal assistance activities supported in whole or in part by the Corporation refrain, while so engaged, from—

(A) any political activity, or

(B) any activity to provide voters or prospective voters with transportation to the polls or provide similar assistance in connection with an election (other than legal advice and representation), or

(C) any voter registration activity (other than legal advice and representation);

(7) require recipients to establish guidelines, consistent with regulations promulgated by the Corporation, for a system for review of appeals to insure the efficient utilization of resources and to avoid frivolous appeals (except that such guidelines or regulations shall in no way interfere with attorneys' professional responsibilities);

(8) insure that recipients solicit the recommendations of the organized bar in the community being served before filling staff attorney positions in any project funded pursuant to this subchapter and give preference in filling such positions to qualified persons who reside in the community to be served;

(9) insure that every grantee, contractor, or person or entity receiving financial assistance under this subchapter or predecessor authority under this chapter which files with the Corporation a timely application for refunding is provided interim funding necessary to maintain its current level of activities until (A) the application for refunding has been approved and funds pursuant thereto received, or (B) the application for refunding has been finally denied in accordance with section 2996j of this title; and

(10) insure that all attorneys, while engaged in legal assistance activities supported in whole or in part by the Corporation, refrain from the persistent incitement of litigation and any other activity prohibited by the Canons of Ethics and Code of Professional Responsibility of the American Bar Association, and insure that such attorneys refrain from personal representation for a private fee in any cases in which they were involved while engaged in such legal assistance activities.

(b) Limitations on uses

No funds made available by the Corporation under this subchapter, either by grant or contract, may be used—

(1) to provide legal assistance (except in accordance with guidelines promulgated by the Corporation) with respect to any fee-generating case (which guidelines shall not preclude the provision of legal assistance in cases in which a client seeks only statutory benefits and appropriate private representation is not available);

(2) to provide legal assistance with respect to any criminal proceeding, except to provide assistance to a person charged with a misdemeanor or lesser offense or its equivalent in an Indian tribal court;

(3) to provide legal assistance in civil actions to persons who have been convicted of a criminal charge where the civil action arises out of alleged acts or failures to act and the action is brought against an officer of the court or against a law enforcement official for the purpose of challenging the validity of the criminal conviction;

(4) for any of the political activities prohibited in paragraph (6) of subsection (a) of this section;

(5) to make grants to or enter into contracts with any private law firm which expends 50 percent or more of its resources and time litigating issues in the broad interests of a majority of the public;

(6) to support or conduct training programs for the purpose of advocating particular public policies or encouraging political activities, labor or antilabor activities, boycotts, picketing, strikes, and demonstrations, as distinguished from the dissemination of information about such policies or activities, except that this provision shall not be construed to prohibit the training of attorneys or paralegal personnel necessary to prepare them to provide adequate legal assistance to eligible clients;

(7) to initiate the formation, or act as an organizer, of any association, federation, or similar entity, except that this paragraph shall not be construed to prohibit the provision of legal assistance to eligible clients;

(8) to provide legal assistance with respect to any proceeding or litigation which seeks to procure a nontherapeutic abortion or to compel any individual or institution to perform an abortion, or assist in the performance of an abortion, or provide facilities for the performance of an abortion, contrary to the religious beliefs or moral convictions of such individual or institution;

(9) to provide legal assistance with respect to any proceeding or litigation relating to the desegregation of any elementary or secondary school or school system, except that nothing in this paragraph shall prohibit the provision of legal advice to an eligible client with respect to such client's legal rights and responsibilities; or

(10) to provide legal assistance with respect to any proceeding or litigation arising out of a violation of the Military Selective Service Act [50 App. U.S.C. 451 et seq.] or of desertion from the Armed Forces of the United States, except that legal assistance may be provided to an eligible client in a civil action in which such client alleges that he was improperly classified prior to July 1, 1973, under the Military Selective Service Act or prior corresponding law.

(c) Recipient organizations

In making grants or entering into contracts for legal assistance, the Corporation shall insure that any recipient organized solely for the purpose of providing legal assistance to eligible clients is governed by a body at least 60 percent of which consists of attorneys who are members of the bar of a State in which the legal assistance is to be provided (except that the Corporation (1) shall, upon application, grant waivers to permit a legal services program, supported under section 2809(a)(3)[1] of this title, which on July 25, 1974, has a majority of persons who are not attorneys on its policy-making board to continue such a non-attorney majority under the provisions of this subchapter, and (2) may grant, pursuant to regulations issued by the Corporation, such a waiver for recipients which, because of the nature of the population they serve, are unable to comply with such requirement) and at least one-third of which consists of persons who are, when selected, eligible clients who may also be representatives of associations or organizations of eligible clients. Any such attorney, while serving on such board, shall not receive compensation from a recipient.

(d) Program evaluation

The Corporation shall monitor and evaluate and provide for independent evaluations of programs supported in whole or in part under this subchapter to insure that the provisions of this subchapter and the bylaws of the Corporation and applicable rules, regulations, and guidelines promulgated pursuant to this subchapter are carried out.

(e) Corporation president authorized to make grants and enter into contracts

The president of the Corporation is authorized to make grants and enter into contracts under this subchapter.

(f) Public notification

At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor, the State bar association of any State, and the principal local bar associations (if there be any) of any community, where legal assistance will thereby be initiated, of such grant, contract, or project. Notification shall include a reasonable description of the grant application or proposed contract or project and request comments and recommendations.

(g) Staff-attorney program study

The Corporation shall provide for comprehensive, independent study of the existing staff-attorney program under this chapter and, through the use of appropriate demonstration projects, of alternative and supplemental methods of delivery of legal services to eligible clients, including judicare, vouchers, prepaid legal insurance, and contracts with law firms; and, based

[1] See References in Text note below.

upon the results of such study, shall make recommendations to the President and the Congress, not later than two years after the first meeting of the Board, concerning improvements, changes, or alternative methods for the economical and effective delivery of such services.

(h) Study and report to Congress on special needs of eligible clients

The Corporation shall conduct a study on whether eligible clients who are—

(1) veterans,

(2) native Americans,

(3) migrants or seasonal farm workers,

(4) persons with limited English-speaking abilities, and

(5) persons in sparsely populated areas where a harsh climate and an inadequate transportation system are significant impediments to receipt of legal services[2]

have special difficulties of access to legal services or special legal problems which are not being met. The Corporation shall report to Congress not later than January 1, 1979, on the extent and nature of any such problems and difficulties and shall include in the report and implement appropriate recommendations.

(Pub. L. 88–452, title X, § 1007, as added Pub. L. 93–355, § 2, July 25, 1974, 88 Stat. 383; amended Pub. L. 95–222, §§ 7(b), 9(a), (b)(1), (c), 10–13, Dec. 28, 1977, 91 Stat. 1620–1623.)

REFERENCES IN TEXT

The Military Selective Service Act, referred to in subsec. (b)(10), is act June 24, 1948, ch. 625, 62 Stat. 604, as amended, which is classified principally to section 451 et seq. of Title 50, Appendix, War and National Defense. For complete classification of this Act to the Code, see References in Text note set out under section 451 of Title 50, Appendix and Tables.

Section 2809 of this title, referred to in subsec. (c), was repealed by Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519.

AMENDMENTS

1977—Subsec. (a)(2)(B)(iv). Pub. L. 95–222, § 9(a), substituted provisions setting forth factors which may be included in determining financial ability, for provisions setting forth factors required to be included in determining financial ability.

Subsec. (a)(2)(C). Pub. L. 95–222, § 9(b)(1), expanded existing provisions by requiring the Corporation to establish procedures for determining and implementing priorities and criteria for such priorities, and inserted provisions relating to appropriate training and support services.

Subsec. (a)(5). Pub. L. 95–222, § 9(c), in introductory text inserted prohibition relating to influencing the passage or defeat of State proposals by initiative referendum, in subpar. (A) substituted provisions relating to representation by an employee of a recipient for any eligible client, for provisions relating to representation by an attorney as attorney for any eligible client, and in subpar. (B) designated existing provision as cl. (i), inserted exception for testifying, drafting, or reviewing measures, and added cl. (ii).

Subsec. (a)(6). Pub. L. 95–222, § 7(b), struck out provisions relating to prohibitions against political activities by staff attorneys of the types described under cls. (B) and (C) of this par. and section 1502(a) of title 5.

Subsec. (b). Pub. L. 95–222, § 10, redesignated and reorganized provisions of former par. (1) as pars. (1) to (3) and, as so redesignated, enumerated criteria for assistance under such pars., redesignated former pars. (2) and (3) as (4) and (5), respectively, struck out former par. (4) relating to assistance to any unemancipated person of less than eighteen years of age, redesignated former par. (5) as (6), redesignated former par. (6) as (7) and, as so redesignated, inserted provision relating to initiation and provision relating to acting as an organizer, and struck out provisions relating to organization, assistance or encouragement to organize, or to plan for the creation, formation or structuring of entities, and provision respecting guidelines for assistance to clients, redesignated former par. (7) as (9) and, as so redesignated, inserted exception for legal advice to clients, reenacted par. (8) without change, and redesignated former par. (9) as (10) and, as so redesignated, inserted exception for actions concerning classifications prior to July 1, 1973.

Subsec. (c). Pub. L. 95–222, § 11, substituted provisions requiring recipients to include at least one-third membership of eligible clients or eligible clients who may also be representatives of associations or organizations of eligible clients, for provisions requiring recipients to include at least one individual eligible to receive legal assistance.

Subsec. (f). Pub. L. 95–222, § 12, inserted provision requiring notice to principal local bar association, if any, of community.

Subsec. (h). Pub. L. 95–222, § 13, added subsec. (h).

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by sections 7(b), 9(a), (b)(1), (c), 10, 12, and 13 of Pub. L. 95–222 effective Dec. 28, 1977, see section 17(b) of Pub. L. 95–222, set out as a note under section 2996 of this title.

Section 17(a)(1) of Pub. L. 95–222 provided that: ''The amendment made by section 11 of this Act [amending this section] shall be effective six months after the first day of the first calendar month following the date of enactment of this Act [Dec. 28, 1977].''

IMPLEMENTATION OF SYSTEM FOR COMPETITIVE AWARD OF GRANTS AND CONTRACTS

Pub. L. 101–515, title VI, § 607 (part), Nov. 5, 1991, 104 Stat. 2153, provided: ''That after October 1, 1991, (but not before) the Board of Directors of the Legal Services Corporation shall develop and implement a system for the competitive award of all grants and contracts, including support centers, except that nothing herein shall prohibit the Corporation Board, members, or staff from engaging in in-house reviews of or holding hearings on proposals for a system for the competitive award of all grants and contracts, including support centers, and that nothing herein shall apply to any competitive awards program currently in existence''.

Pub. L. 101–162, title VI, § 608 (part), Nov. 21, 1989, 103 Stat. 1036, provided: ''That none of the funds appropriated under this Act or under any prior Acts for the Legal Services Corporation shall be used to consider, develop, or implement any system for the competitive award of grants or contracts until such action is authorized pursuant to a majority vote of a Board of Directors of the Legal Services Corporation composed of eleven individuals nominated by the President after January 20, 1989, and subsequently confirmed by the United States Senate, except that nothing herein shall prohibit the Corporation Board, members, or staff from engaging in in-house reviews of or holding hearings on proposals for a system for the competitive award of all grants and contracts, including support centers, and that nothing herein shall apply to any competitive awards program currently in existence; subsequent to confirmation such new Board of Directors shall develop and implement a proposed system for the competitive award of all grants and contracts''.

Pub. L. 100–459, title VI, § 605, Oct. 1, 1988, 102 Stat. 2227, provided: ''That a Board of Directors of the Legal Services Corporation, composed of individuals nominated by the President after January 20, 1989 and subse-

[2] So in original. Probably should be followed by a comma.

quently confirmed by the United States Senate, shall develop and implement a system for the competitive award of all grants and contracts, including support centers, to take effect after September 30, 1989.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2996e, 2996g of this title.

§ 2996g. Records and reports

(a) Authority to require reports

The Corporation is authorized to require such reports as it deems necessary from any grantee, contractor, or person or entity receiving financial assistance under this subchapter regarding activities carried out pursuant to this subchapter.

(b) Authority to require recordkeeping; access to records

The Corporation is authorized to prescribe the keeping of records with respect to funds provided by grant or contract and shall have access to such records at all reasonable times for the purpose of insuring compliance with the grant or contract or the terms and conditions upon which financial assistance was provided.

(c) Annual report to President and Congress; contents

The Corporation shall publish an annual report which shall be filed by the Corporation with the President and the Congress. Such report shall include a description of services provided pursuant to section 2996f(a)(2)(C)(i) and (ii) of this title.

(d) Copies and retention of reports

Copies of all reports pertinent to the evaluation, inspection, or monitoring of any grantee, contractor, or person or entity receiving financial assistance under this subchapter shall be submitted on a timely basis to such grantee, contractor, or person or entity, and shall be maintained in the principal office of the Corporation for a period of at least five years subsequent to such evaluation, inspection, or monitoring. Such reports shall be available for public inspection during regular business hours, and copies shall be furnished, upon request, to interested parties upon payment of such reasonable fees as the Corporation may establish.

(e) Publication in Federal Register of rules, regulations, guidelines and instructions

The Corporation shall afford notice and reasonable opportunity for comment to interested parties prior to issuing rules, regulations, and guidelines, and it shall publish in the Federal Register at least 30 days prior to their effective date all its rules, regulations, guidelines, and instructions.

(Pub. L. 88–452, title X, § 1008, as added Pub. L. 93–355, § 2, July 25, 1974, 88 Stat. 386; amended Pub. L. 95–222, § 9(b)(2), Dec. 28, 1977, 91 Stat. 1621.)

AMENDMENTS

1977—Subsec. (c). Pub. L. 95–222 inserted provisions setting forth required contents of annual report.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–222 effective Dec. 28, 1977, see section 17(b) of Pub. L. 95–222, set out as a note under section 2996 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2996h of this title.

§ 2996h. Audits

(a) Annual audit; availability of records; filing and inspection of report

(1) The accounts of the Corporation shall be audited annually. Such audits shall be conducted in accordance with generally accepted auditing standards by independent certified public accountants who are certified by a regulatory authority of the jurisdiction in which the audit is undertaken.

(2) The audits shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and other papers or property belonging to or in use by the Corporation and necessary to facilitate the audits shall be made available to the person or persons conducting the audits; and full facilities for verifying transactions with the balances and securities held by depositories, fiscal agents, and custodians shall be afforded to any such person.

(3) The report of the annual audit shall be filed with the General Accounting Office and shall be available for public inspection during business hours at the principal office of the Corporation.

(b) Audit by General Accounting Office

(1) In addition to the annual audit, the financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited by the General Accounting Office in accordance with such rules and regulations as may be prescribed by the Comptroller General of the United States.

(2) Any such audit shall be conducted at the place or places where accounts of the Corporation are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and other papers or property belonging to or in use by the Corporation and necessary to facilitate the audit; and full facilities for verifying transactions with the balances and securities held by depositories, fiscal agents, and custodians shall be afforded to such representatives. All such books, accounts, financial records, reports, files, and other papers or property of the Corporation shall remain in the possession and custody of the Corporation throughout the period beginning on the date such possession or custody commences and ending three years after such date, but the General Accounting Office may require the retention of such books, accounts, financial records, reports, files, papers, or property for a longer period under section 3523(c) of title 31.

(3) A report of such audit shall be made by the Comptroller General to the Congress and to the President, together with such recommendations with respect thereto as he shall deem advisable.

(c) Annual financial audit of recipient persons or bodies

(1) The Corporation shall conduct, or require each grantee, contractor, or person or entity receiving financial assistance under this sub-

chapter to provide for, an annual financial audit. The report of each such audit shall be maintained for a period of at least five years at the principal office of the Corporation.

(2) Upon request, the Corporation shall submit to the Comptroller General of the United States copies of such reports, and the Comptroller General may, in addition, inspect the books, accounts, financial records, files, and other papers or property belonging to or in use by such grantee, contractor, or person or entity, which relate to the disposition or use of funds received from the Corporation. Such audit reports shall be available for public inspection, during regular business hours, at the principal office of the Corporation.

(d) Attorney-client privilege

Notwithstanding the provisions of this section or section 2996g of this title, neither the Corporation nor the Comptroller General shall have access to any reports or records subject to the attorney-client privilege.

(Pub. L. 88–452, title X, § 1009, as added Pub. L. 93–355, § 2, July 25, 1974, 88 Stat. 387; amended Pub. L. 95–222, § 14, Dec. 28, 1977, 91 Stat. 1623; Pub. L. 104–66, title II, § 2111, Dec. 21, 1995, 109 Stat. 730.)

CODIFICATION

In subsec. (b)(2), ''section 3523(c) of title 31'' substituted for ''section 117(b) of the Accounting and Auditing Act of 1950 (31 U.S.C. 67(b))'' 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.

AMENDMENTS

1995—Subsec. (c)(2). Pub. L. 104–66 substituted ''Upon request, the'' for ''The'' in first sentence.

1977—Subsec. (b)(2). Pub. L. 95–222 inserted provisions relating to duration of retention of books, etc., by Corporation.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–222 effective Dec. 28, 1977, see section 17(b) of Pub. L. 95–222, set out as a note under section 2996 of this title.

§ 2996i. Financing

(a) Authorization of appropriations

There are authorized to be appropriated for the purpose of carrying out the activities of the Corporation, $90,000,000 for fiscal year 1975, $100,000,000 for fiscal year 1976, and such sums as may be necessary for fiscal year 1977. There are authorized to be appropriated for the purpose of carrying out the activities of the Corporation $205,000,000 for the fiscal year 1978, and such sums as may be necessary for each of the two succeeding fiscal years. The first appropriation may be made available to the Corporation at any time after six or more members of the Board have been appointed and qualified. Appropriations for that purpose shall be made for not more than two fiscal years, and shall be paid to the Corporation in annual installments at the beginning of each fiscal year in such amounts as may be specified in Acts of Congress making appropriations.

(b) Availability of funds

Funds appropriated pursuant to this section shall remain available until expended.

(c) Non-Federal funds

Non-Federal funds received by the Corporation, and funds received by any recipient from a source other than the Corporation, shall be accounted for and reported as receipts and disbursements separate and distinct from Federal funds; but any funds so received for the provision of legal assistance shall not be expended by recipients for any purpose prohibited by this subchapter, except that this provision shall not be construed to prevent recipients from receiving other public funds or tribal funds (including foundation funds benefiting Indians or Indian tribes) and expending them in accordance with the purposes for which they are provided, or to prevent contracting or making other arrangements with private attorneys, private law firms, or other State or local entities of attorneys, or with legal aid societies having separate public defender programs, for the provision of legal assistance to eligible clients under this subchapter.

(d) Limitations on grant or contract authority

Not more than 10 percent of the amounts appropriated pursuant to subsection (a) of this section for any fiscal year shall be available for grants or contracts under section 2996e(a)(3) of this title in any such year.

(Pub. L. 88–452, title X, § 1010, as added Pub. L. 93–355, § 2, July 25, 1974, 88 Stat. 388; amended Pub. L. 95–222, §§ 5(c), 15, Dec. 28, 1977, 91 Stat. 1619, 1623.)

AMENDMENTS

1977—Subsec. (a). Pub. L. 95–222, § 15, inserted provisions authorizing appropriations for fiscal year 1978 and two succeeding fiscal years, and substituted provisions requiring appropriations to be made for not more than two fiscal years and payments in annual installments at beginning of each fiscal year in appropriated amounts, for provisions requiring appropriations to be for not more than two fiscal years, and, if for more than one year, in payments in annual installments at beginning of each fiscal year in appropriated amounts.

Subsec. (d). Pub. L. 95–222, § 5(c), added subsec. (d).

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by section 5(c) of Pub. L. 95–222 effective Dec. 28, 1977, see section 17(b) of Pub. L. 95–222, set out as a note under section 2996 of this title.

Section 17(a)(2) of Pub. L. 95–222 provided that: ''The amendment made by section 15 of this Act [amending this section] shall be effective with respect to fiscal years beginning after September 30, 1977.''

§ 2996j. Special limitations

The Corporation shall prescribe procedures to insure that—

(1) financial assistance under this subchapter shall not be suspended unless the grantee, contractor, or person or entity receiving financial assistance under this subchapter has been given reasonable notice and opportunity to show cause why such action should not be taken; and

(2) financial assistance under this subchapter shall not be terminated, an application for refunding shall not be denied, and a suspension of financial assistance shall not be continued for longer than thirty days, unless the grantee, contractor, or person or entity re-

ceiving financial assistance under this subchapter has been afforded reasonable notice and opportunity for a timely, full, and fair hearing, and, when requested, such hearing shall be conducted by an independent hearing examiner. Such hearing shall be held prior to any final decision by the Corporation to terminate financial assistance or suspend or deny funding. Hearing examiners shall be appointed by the Corporation in accordance with procedures established in regulations promulgated by the Corporation.

(Pub. L. 88–452, title X, § 1011, as added Pub. L. 93–355, § 2, July 25, 1974, 88 Stat. 388; amended Pub. L. 95–222, § 16, Dec. 28, 1977, 91 Stat. 1624.)

AMENDMENTS

1977—Par. (2). Pub. L. 95–222 inserted provisions relating to function and appointment of an independent hearing examiner, and the time for any hearings.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–222 effective Dec. 28, 1977, see section 17(b) of Pub. L. 95–222, set out as a note under section 2996 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2996e, 2996f of this title.

§ 2996k. Coordination

The President may direct that appropriate support functions of the Federal Government may be made available to the Corporation in carrying out its activities under this subchapter, to the extent not inconsistent with other applicable law.

(Pub. L. 88–452, title X, § 1012, as added Pub. L. 93–355, § 2, July 25, 1974, 88 Stat. 388.)

EX. ORD. NO. 11874. DELEGATION OF FUNCTIONS TO DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET

Ex. Ord. No. 11874 eff. July 25, 1975, 40 F.R. 31737, provided:

By virtue of the authority vested in me by Section 1012 of the Economic Opportunity Act of 1964, as amended by the Legal Services Corporation Act of 1974 (88 Stat. 388, 42 U.S.C. 2996k), and Section 301 of Title 3 of the United States Code, and as President of the United States, the Director of the Office of Management and Budget is hereby designated and empowered to exercise the authority vested in the President by said Section 1012 of the Economic Opportunity Act of 1964, as amended [this section], to direct that appropriate support functions of the Federal Government may be made available to the Legal Services Corporation in carrying out its activities, to the extent not inconsistent with other applicable law. Such functions shall be provided under terms and conditions as may be agreed upon by the Legal Services Corporation and the Federal agencies involved.

GERALD R. FORD.

§ 2996*l*. Reservation of right to repeal, alter, or amend

The right to repeal, alter, or amend this subchapter at any time is expressly reserved.

(Pub. L. 88–452, title X, § 1013, as added Pub. L. 93–355, § 2, July 25, 1974, 88 Stat. 388.)

CHAPTER 35—PROGRAMS FOR OLDER AMERICANS

SUBCHAPTER I—DECLARATION OF OBJECTIVES AND DEFINITIONS

Sec.
3001. Congressional declaration of objectives.
3002. Definitions.
3003. Congressional declaration of additional objectives.

SUBCHAPTER II—ADMINISTRATION ON AGING

3011. Establishment of Administration on Aging.
(a) Function and operation.
(b) Appointment of Assistant Secretary.
(c) Office for American Indian, Alaskan Native, and Native Hawaiian Programs; Director.
(d) Office of Long-Term Care Ombudsman Programs.
3012. Functions of Assistant Secretary.
(a) Duties and functions of Administration.
(b) Policy alternatives in long-term care.
(c) Encouragement by Assistant Secretary of program and activity by voluntary social services group; establishment of and technical assistance to State and area volunteer coordinators.
(d) National Center on Elder Abuse.
(e) National Aging Information Center.
3013. Federal agency cooperation.
3013a. Consultation with State agencies, area agencies on aging, and Native American grant recipients.
3014. Repealed.
3015. Federal Council on the Aging.
(a) Establishment; membership; term; representation of interests; qualification; previously appointed members.
(b) Appointment of class 1, class 2, and class 3 members; vacancies; compensation and travel expenses.
(c) Chairperson; meetings.
(d) Duties of Federal Council on the Aging.
(e) Staff, information, and other assistance.
(f) Reports to President; transmittal to Congress.
(g) Authorization of appropriations.
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.
(b) Utilization of services and facilities of Federal and other public or nonprofit agencies; advance or reimbursement payments for such use.

Sec.
(c) Regulations; notice and comment.
(d) Publication of goals.
(e) Authorization of appropriations.
3017. Evaluation of programs.
(a) Authority of Secretary; scope of evaluation; persons conducting evaluation.
(b) General standards.
(c) Opinions of program and project participants; comparison of effectiveness of related programs; consultation with organizations concerned with older individuals.
(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.
(e) Federal property.
(f) Availability to Secretary of information from executive agencies.
(g) Evaluation of nutritional services; establishment of advisory council; report on recommendations and final guidelines to the President and Congress.
(h) Funds.
3018. Reports to Congress.
(a) Annual report.
(b) Report on ombudsman program.
(c) Outreach activities; report on evaluations to be included in annual report.
3019. Joint funding of projects.
3020. Advance funding.
3020a. Application of other laws; costs of projects under this chapter not treated as income or benefits under other laws.
3020b. Reduction of paperwork.
3020c. Contracting and grant authority.
3020d. Surplus property eligibility.
3020e. Nutrition education.
3020f. Authorization of appropriations.
(a) Administration.
(b) Salaries and expenses.

SUBCHAPTER III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

PART A—GENERAL PROVISIONS

3021. Purpose and program.
(a) Congressional declaration of purpose.
(b) Administration of program.
(c) Ombudsman program.
3022. Definitions.
3023. Authorization of appropriations; uses of funds.
3024. Allotment to States.
(a) Formula for computation of amount.
(b) Unused funds.
(c) Withholding of funds; disbursement.
(d) Costs of administration, ombudsman program, demonstration projects, supportive services, senior centers and nutrition services; payment and determination of non-Federal share.
(e) Volunteer services coordinator.
3025. Designation of State agencies.
(a) Duties of designated agency.
(b) Planning and service area designated; Indian reservations; redesignation; adjustment of State allotment; review by Assistant Secretary; additional planning and service areas; right to first refusal to units of local government; procedures and review of boundaries.
(c) Eligible State area agencies; development of area; preferred area agency on aging designees.
(d) Publication for review and comment; contents.
3026. Area plans.
(a) Preparation and development by area agency on aging; requirements.
(b) Waiver of requirements; notice and hearing; opportunity to testify; record.
(c) Transportation services; funds.
(d) Confidentiality of information relating to legal assistance.
(e) Withholding of area funds.
3027. State plans.
(a) Criteria for eligibility; contents.
(b) Approval by Assistant Secretary; waiver of requirements.
(c) Notice and hearing prior to disapproval.
(d) Discontinuance of payments; disbursement of withheld funds to agencies with approved plans; matching funds.
(e) Appeal.
(f) Confidentiality of information relating to legal assistance; protection of commercial information.
3028. Cost of administration of State plans.
(a) Activities constituting administration; use of excess funds to supplement cost of administration of area plans; election to pay costs from sums received for administration of area plans.
(b) Formula for computation of allotment; application for additional funds; approval of application by Assistant Secretary; limitation on amount of additional funds; transfer of funds.
(c) Availability of funds under this section to provide services under parts B and C.
3029. Payments of grants or contracts.
(a) Advances or reimbursement; installments; assistance in development of State plan.
(b) Matching funds; percentage limitation.
(c) Reduction of State allotment.
3030. Disaster relief reimbursements.
(a) Application; limitations.
(b) Setting aside of funds by Assistant Secretary.

Sec.
(c) Effect on other laws.
3030a. Availability of surplus commodities.
(a) Donation of products; amount of assistance.
(b) Cash payments in lieu of food commodities.
(c) Authorization of appropriations; final reimbursement claims; reduction of cents-per-meal level.
(d) Dissemination of information.
3030b. Recapture of payments made for multipurpose senior centers.
3030c. Audit; request for information.
3030c–1. Rights relating to in-home services for frail older individuals.

PART B—SUPPORTIVE SERVICES

3030d. Grants for supportive services.

PART C—NUTRITION SERVICES

SUBPART I—CONGREGATE NUTRITION SERVICES

3030e. Grants for establishment and operation of nutrition projects.

SUBPART II—HOME DELIVERED NUTRITION SERVICES

3030f. Grants for establishment and operation of nutrition projects for older individuals.
3030g. Efficiency and quality criteria.

SUBPART III—SCHOOL-BASED MEALS FOR VOLUNTEER OLDER INDIVIDUALS AND MULTIGENERATIONAL PROGRAMS

3030g–11. Establishment.
(a) In general.
(b) Federal share.
3030g–12. Application and selection of providers.
(a) Contents of application.
(b) Selection among applicants.
3030g–13. Reports.
(a) Reports by States.
(b) Reports by Assistant Secretary.

SUBPART IV—GENERAL PROVISIONS

3030g–21. Compliance with dietary guidelines.
3030g–22. Payment requirement.

PART D—IN-HOME SERVICES FOR FRAIL OLDER INDIVIDUALS

3030h. Program authorized.
3030i. ''In-home services'' defined.
3030j. State criteria.
3030k. Maintenance of effort.

PART E—ADDITIONAL ASSISTANCE FOR SPECIAL NEEDS OF OLDER INDIVIDUALS

3030*l*. Program authorized.

PART F—DISEASE PREVENTION AND HEALTH PROMOTION SERVICES

3030m. Program authorized.
(a) Grants to States.
(b) Community organizations and agencies.
3030n. Distribution to area agencies on aging.
3030*o*. ''Disease prevention and health promotion services'' defined.

PART G—SUPPORTIVE ACTIVITIES FOR CARETAKERS WHO PROVIDE IN-HOME SERVICES TO FRAIL OLDER INDIVIDUALS

3030p. Program authorized.
3030q. ''In-home services'' defined.
3030r. Maintenance of effort.

Sec.
SUBCHAPTER IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

3030aa. Statement of purpose.
3030bb. Administration.
(a) Administration.
(b) Technical assistance and cooperation.
(c) Minorities.
(d) Consultation.
(e) Evaluation and compliance.

PART A—EDUCATION AND TRAINING

3030jj. Purpose.
3031. Grants and contracts.
(a) Purposes.
(b) Educational activities; inservice training.
(c) Recruitment and training of personnel; Alzheimer's disease and related disorders.
(d) Data on number of individuals to be trained and number of older individuals to be served.
(e) Grants and contracts for training of service providers.
3032. Multidisciplinary centers of gerontology and gerontology centers of special emphasis; establishment and support; requirements; data.

PART B—RESEARCH, DEMONSTRATIONS, AND OTHER ACTIVITIES

3034. Purpose.
3035. Research and development projects.
(a) Authority to make grants or enter into contracts.
(b) Policy or practical application statement.
(c) Selection criteria.
3035a. Demonstration projects.
(a) Authority to make grants or enter into contracts for model projects and for development of prototype health education and promotion programs.
(b) Projects which are to be given special consideration.
(c) Procedures for identification of persons needing supportive services, compilation of available services, and development of information and referral services.
(d) Development of grants and contracts in consultation with gerontology centers; dissemination of project results; reports on music, art, and dance-movement therapy projects.
3035b. Special projects in comprehensive long-term care.
(a) Definitions.
(b) Resource Centers.
(c) Projects.
(d) Use of funds.
(e) Preference.
(f) Application.
(g) Eligible entities.
(h) Report.
(i) Availability of funds.
3035c. Special demonstration and support projects for legal assistance for older individuals.
(a) Authority to make grants or enter into contracts.

Sec.
(b) Requisite assurances.
(c) Grants or contracts with national nonprofit legal assistance organizations.
3035d. National impact activities.
(a) Authority to make grants or enter into contracts.
(b) Use of appropriated funds.
3035e. Utility and home heating cost demonstration projects.
3035f. Ombudsman, legal assistance, and advocacy demonstration projects.
3035g. Consumer protection demonstration projects for services provided in home.
(a) Grants; uses.
(b) Application; contents.
(c) Geographic distribution of assistance.
(d) Report on evaluations; contents; recommendations.
(e) Nature of projects; prohibition.
3035h. Demonstration projects for multigenerational activities.
(a) Grants and contracts.
(b) Use of funds.
(c) Awards.
(d) Application.
(e) Eligible organizations.
(f) Local evaluation and report.
(g) Report to Congress.
(h) ''Multigenerational activity'' defined.
3035i. Supportive services in federally assisted housing demonstration program.
(a) Grants.
(b) Use of grants.
(c) Award of grants.
(d) Application.
(e) Eligible agencies.
(f) Guidelines.
(g) Evaluations and reports.
3035j. Neighborhood senior care program.
(a) Definitions.
(b) Service grants.
(c) Technical resource center.
3035k. Information and assistance systems development projects.
(a) Grants.
(b) Application.
(c) Guidelines.
(d) Evaluation and report.
3035*l*. Senior transportation demonstration program grants.
(a) Establishment.
(b) Use of funds.
(c) Award of grants.
(d) Application.
(e) Eligible entities.
(f) Report.
3035m. Resource Centers on Native American Elders.
(a) Establishment.
(b) Functions.
(c) Preference.
(d) Consultation.
(e) Eligible entities.
(f) Report to Congress.
3035n. Demonstration programs for older individuals with developmental disabilities.
(a) Definitions.
(b) Establishment.
(c) Use of funds.
(d) Application.
3035*o*. Housing demonstration programs.
(a) Housing ombudsman demonstration programs.
(b) Foreclosure and eviction assistance and relief services demonstration programs.
(c) Evaluations and reports.
3035p. Private resource enhancement projects.
(a) Grants.
(b) Award of grants and contracts.
(c) Monitoring.
3035q. Career preparation for the field of aging.
(a) Grants.
(b) Definitions.
3035r. Pension rights demonstration projects.
(a) Definitions.
(b) Establishment.
(c) Pension rights information programs.
(d) Training program.
(e) Duration.
(f) Report to Congress.
(g) Administrative expenses.

PART C—GENERAL PROVISIONS

3037. Authorization of appropriations.
3037a. Payments of grants.
(a) Contributions of recipients.
(b) Adjustments; advances or reimbursement; installments; conditions.
(c) Consultation with designated State agency as prerequisite to grant or contract.
3037b. Responsibilities of Assistant Secretary.
(a) Grants and contracts; nondelegation of authority.
(b) Annual report to Congress.
(c) Evaluation of programs.

SUBCHAPTER V—MULTIPURPOSE SENIOR CENTERS

PART A—ACQUISITION, ALTERATION, OR RENOVATION OF MULTIPURPOSE SENIOR CENTERS

3041 to 3041f. Repealed.

PART B—INITIAL STAFFING OF MULTIPURPOSE SENIOR CENTERS

3042. Repealed.

SUBCHAPTER VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

3044 to 3044e. Repealed.

SUBCHAPTER VII—NUTRITION PROGRAM FOR THE ELDERLY

3045 to 3045i. Repealed.

SUBCHAPTER VIII—GENERAL PROVISIONS

3051 to 3055. Repealed.

SUBCHAPTER IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

3056. Older American Community Service Employment Program.
(a) Employment.
(b) Authority of Secretary; execution of agreements with terms and conditions for furthering purposes and goals of program; regulations for execution of subchapter provisions; development of alternatives for innovative work modes; creation of job opportunities; Senior Environmental Employment Corps.

Sec.
(c) Authority of Secretary; project costs; non-Federal share; administration costs.
(d) Project and program distribution review; notice and opportunity for hearing.
(e) Second career training and job placement experimental projects; equitable geographic distribution; project criteria; evaluation of program; interim and final reports.
3056a. Administration of community service projects.
(a) Consideration of needs of localities, employment situation and skills of eligible participants, and potential projects and number and percentage of eligible individuals in local population; coordination of programs by Secretary of Labor.
(b) Coordination of Older American Community Service Employment Program with other Federal programs; prohibition against use of appropriations under this chapter for other Federal programs; distribution of information relating to age discrimination.
(c) Use of services, equipment, personnel, and facilities of Federal and other agencies; cooperation with other public and private agencies in such use.
(d) Payments; advances; reimbursement; installments.
(e) Delegation of functions prohibited.
(f) Senior Environmental Employment Corps and energy conservation projects.
3056b. Participants without status of Federal employees; contractual requirement of workmen's compensation.
3056c. Interagency cooperation.
(a) Assistant Secretary for Aging.
(b) Director of Office of Community Services; Secretary of Health and Human Services; other Federal agencies.
(c) Administrator of Environmental Protection Agency; Secretary of Energy.
(d) Secretary of Education.
3056d. National grants or contracts and State allotments for projects.
(a) Reservation of appropriations; national activities based on level of activities in fiscal year 1978; equitable distribution of aggregate activities; transitional employment funds; allotment of excess appropriations based on amount appropriated in fiscal year 1991; allotment formula; preferences in awards; demographics.
(b) Reallotments.
(c) Equitable distribution of assistance.
(d) Compliance reports by State agencies.

Sec.
3056e. Definitions.
3056f. Authorization of appropriations.
3056g. Employment assistance and Federal housing and food stamp programs.
3056h. Dual eligibility.
3056i. Treatment of assistance.

SUBCHAPTER X—GRANTS FOR NATIVE AMERICANS

3057. Statement of purpose.
3057a. Sense of Congress.

PART A—INDIAN PROGRAM

3057b. Findings.
3057c. Eligibility.
3057d. Grants authorized.
3057e. Applications.
(a) Approval criteria; provisions and assurances.
(b) Population statistics development.
(c) Approval by Assistant Secretary.
(d) Disapproval by Assistant Secretary.
(e) Funds per year.
3057e–1. Distribution of funds among tribal organizations.
(a) Maintenance of 1991 amounts.
(b) Use of additional amounts appropriated.
3057f. Surplus educational facilities.
(a) Multipurpose senior centers.
(b) Applications; submission; contents.

PART B—NATIVE HAWAIIAN PROGRAM

3057g. Findings.
3057h. Eligibility.
3057i. Grants authorized.
3057j. Application.
(a) Approval criteria; provisions and assurances.
(b) Approval by Assistant Secretary.
(c) Disapproval by Assistant Secretary.
(d) Funds per year.
3057j–1. Distribution of funds among organizations.
3057k. ''Native Hawaiian'' defined.

PART C—GENERAL PROVISIONS

3057*l*. Administration.
3057m. Payments.
3057n. Authorization of appropriations.

SUBCHAPTER XI—ALLOTMENTS FOR VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES

PART A—STATE PROVISIONS

SUBPART I—GENERAL STATE PROVISIONS

3058. Establishment.
3058a. Authorization of appropriations.
(a) Ombudsman program.
(b) Prevention of elder abuse, neglect, and exploitation.
(c) State elder rights and legal assistance development program.
(d) Outreach, counseling, and assistance program.
3058b. Allotment.
(a) In general.
(b) Reallotment.

Sec.
(c) Withholding.
3058c. Organization.
3058d. Additional State plan requirements.
(a) Eligibility.
(b) Privilege.
3058e. Demonstration projects.
(a) Establishment.
(b) Benefits.

SUBPART II—OMBUDSMAN PROGRAMS

3058f. Definitions.
3058g. State Long-Term Care Ombudsman program.
(a) Establishment.
(b) Procedures for access.
(c) Reporting system.
(d) Disclosure.
(e) Consultation.
(f) Conflict of interest.
(g) Legal counsel.
(h) Administration.
(i) Liability.
(j) Noninterference.
3058h. Regulations.

SUBPART III—PROGRAMS FOR PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION

3058i. Prevention of elder abuse, neglect, and exploitation.
(a) Establishment.
(b) Use of allotments.
(c) Approach.
(d) Coordination.
(e) Requirements.
(f) Designation.

SUBPART IV—STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT PROGRAM

3058j. State elder rights and legal assistance development.
(a) Establishment.
(b) Functions.

SUBPART V—OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM

3058k. State outreach, counseling, and assistance program for insurance and public benefits.
(a) Definitions.
(b) Establishment.
(c) Insurance and public benefits.
(d) Administration.
(e) Maintenance of effort.
(f) Coordination.

PART B—NATIVE AMERICAN ORGANIZATION PROVISIONS

3058aa. Native American program.
(a) Establishment.
(b) Application.
(c) Eligible entity.
(d) Authorization of appropriations.

PART C—GENERAL PROVISIONS

3058bb. Definitions.
3058cc. Administration.
3058dd. Technical assistance.
(a) Other agencies.
(b) Assistant Secretary.
3058ee. Audits.
(a) Access.
(b) Limitation.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1395b–4, 1760, 4913, 6024, 6042, 8004, 9904, 11292, 11701 of this title; title 7 sections 1431, 1431e, 7501; title 29 sections 794e, 1732, 2231.

SUBCHAPTER I—DECLARATION OF OBJECTIVES AND DEFINITIONS

§ 3001. Congressional declaration of objectives

The Congress hereby finds and declares that, in keeping with the traditional American concept of the inherent dignity of the individual in our democratic society, the older people of our Nation are entitled to, and it is the joint and several duty and responsibility of the governments of the United States, of the several States and their political subdivisions, and of Indian tribes to assist our older people to secure equal opportunity to the full and free enjoyment of the following objectives:

(1) An adequate income in retirement in accordance with the American standard of living.

(2) The best possible physical and mental health which science can make available and without regard to economic status.

(3) Obtaining and maintaining suitable housing, independently selected, designed and located with reference to special needs and available at costs which older citizens can afford.

(4) Full restoration services for those who require institutional care, and a comprehensive array of community-based, long-term care services adequate to appropriately sustain older people in their communities and in their homes, including support to family members and other persons providing voluntary care to older individuals needing long-term care services.

(5) Opportunity for employment with no discriminatory personnel practices because of age.

(6) Retirement in health, honor, dignity—after years of contribution to the economy.

(7) Participating in and contributing to meaningful activity within the widest range of civic, cultural, education and training and recreational opportunities.

(8) Efficient community services, including access to low-cost transportation, which provide a choice in supported living arrangements and social assistance in a coordinated manner and which are readily available when needed, with emphasis on maintaining a continuum of care for vulnerable older individuals.

(9) Immediate benefit from proven research knowledge which can sustain and improve health and happiness.

(10) Freedom, independence, and the free exercise of individual initiative in planning and managing their own lives, full participation in the planning and operation of community-based services and programs provided for their benefit, and protection against abuse, neglect, and exploitation.

(Pub. L. 89–73, title I, § 101, July 14, 1965, 79 Stat. 219; Pub. L. 93–29, title I, § 102, May 3, 1973, 87 Stat. 30; Pub. L. 95–478, title I, § 101, Oct. 18, 1978, 92 Stat. 1513; Pub. L. 97–115, § 2(a)(1), Dec. 29, 1981, 95 Stat. 1595; Pub. L. 98–459, title I, § 102, Oct. 9, 1984, 98 Stat. 1767; Pub. L. 100–175, title I, § 101, Nov. 29, 1987, 101 Stat. 928; Pub. L. 102–375,

title I, § 101, title IX, § 904(a)(1), Sept. 30, 1992, 106 Stat. 1197, 1305.)

AMENDMENTS

1992—Par. (4). Pub. L. 102–375, § 101, inserted ", including support to family members and other persons providing voluntary care to older individuals needing long-term care services" after "homes".

Par. (8). Pub. L. 102–375, § 904(a)(1), substituted "vulnerable older individuals" for "the vulnerable elderly".

1987—Pub. L. 100–175, § 101(1), substituted "United States," for "United States and" and inserted ", and of Indian tribes" after "subdivisions".

Par. (3). Pub. L. 100–175, § 101(2), substituted "Obtaining and maintaining suitable" for "Suitable".

Par. (7). Pub. L. 100–175, § 101(3), substituted "Participating in and contributing to" for "Pursuit of".

Par. (10). Pub. L. 100–175, § 101(4), substituted "lives," for "lives and", and inserted ", and protection against abuse, neglect, and exploitation" before period at end.

1984—Par. (4). Pub. L. 98–459, § 102(a), inserted reference to a comprehensive array of community-based, long-term care services adequate to appropriately sustain older people in their communities and in their homes.

Par. (8). Pub. L. 98–459, § 102(b), inserted reference to emphasis on maintaining a continuum of care for the vulnerable elderly.

Par. (10). Pub. L. 98–459, § 102(c), inserted reference to full participation in the planning and operation of community-based services and programs provided for the benefit of older people.

1981—Par. (7). Pub. L. 97–115 included a reference to education and training.

1978—Par. (8). Pub. L. 95–478 included objective of community services which provide a choice in supported living arrangements.

1973—Par. (8). Pub. L. 93–29 inserted reference to access to low-cost transportation.

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 103–171, § 4(b), Dec. 2, 1993, 107 Stat. 1991, provided that: "The amendments made by—

"(1) sections 303(a)(2), 303(a)(3), 304 (excluding paragraphs (1) and (2) of subsection (a)), 305, 306, 307, and 317 [enacting sections 3030g–21 and 3030g–22 of this title and amending sections 3023 to 3027 of this title], and

"(2) title VII [enacting sections 3058 to 3058ee of this title and amending sections 1395i–3, 1396r, 3012, 3018, 3021, 3023, 3027, 3030d, and 3030*l* of this title],

of the Older Americans Act Amendments of 1992 (Public Law 102–375; 106 Stat. 1221 et seq.) shall not apply with respect to fiscal year 1993."

Section 905 of Pub. L. 102–375 provided that:

"(a) IN GENERAL.—Except as provided in section 811(b) [42 U.S.C. 1766 note], any other provision of this Act [see Tables for classification] (other than this section), and in subsection (b) of this section, this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act [Sept. 30, 1992].

"(b) APPLICATION OF AMENDMENTS.—

"(1) FEDERAL COUNCIL ON AGING.—Incumbent members of the Federal Council on Aging may serve on the Council until their successors are appointed under section 204 of the Older Americans Act of 1965 (42 U.S.C. 3015) as amended by section 205 of this Act.

"(2) STATE AND COMMUNITY PROGRAMS ON AGING.—The amendments made by sections 303(a)(2), 303(a)(3), 303(f), 304, 305, 306, 307, 316, 317, and 320 [enacting sections 3030g–11 to 3030g–13, 3030g–21, 3030g–22, and 3030p to 3030r of this title and amending sections 3023 to 3027 of this title] shall not apply with respect to fiscal year 1992.

"(3) PROJECT REPORTS.—The amendments made by sections 410, 411, 413, 414, 415, 416, 418, and 419 [enacting sections 3035i, 3035j, 3035*l* to 3035*o*, 3035q, and 3035r of this title] shall not apply with respect to fiscal year 1992.

"(4) COMMUNITY SERVICE EMPLOYMENT.—The amendments made by sections 501, 504, and 506 [enacting section 3056h of this title and amending sections 3056, 3056d, and 3056e of this title] shall not apply with respect to fiscal year 1992.

"(5) INDIAN AND NATIVE HAWAIIAN PROGRAMS.—The amendments made by sections 601 and 603 [amending sections 3057e and 3057j of this title] shall not apply with respect to fiscal year 1992.

"(6) VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES.—The amendments made by title VII [enacting sections 3058 to 3058k and 3058aa to 3058ee of this title and amending sections 1395i–3, 1396r, 3012, 3018, 3021, 3023, 3027, 3030d, and 3030*l* of this title] shall not apply with respect to fiscal year 1992."

EFFECTIVE DATE OF 1987 AMENDMENT

Section 701 of Pub. L. 100–175 provided that:

"(a) GENERAL EFFECTIVE DATE.—Except as provided in subsections (b) and (c), this Act and the amendments made by this Act [see Short Title of 1987 Amendment note below] shall take effect on October 1, 1987.

"(b) APPLICATION OF AMENDMENTS.—The amendments made by title I of this Act [enacting sections 3030h to 3030p, 3035f, 3035g, 3056g, and 3057 to 3057n of this title, amending sections 3001, 3002, 3011 to 3013, 3015 to 3018, 3020c, 3021 to 3029, 3030a, 3030d, 3030g, 3030aa, 3030bb, 3030jj, 3031, 3032, 3035a, 3035b, 3035d, 3037, 3056, 3056a, 3056d, 3056e, and 3056f of this title, repealing sections 3058 to 3058d of this title, enacting provisions set out as notes under this section, sections 3026, 3027, and 3057b of this title, and section 2 of Title 29, and repealing provisions set out as a note under section 3058 of this title] shall not apply with respect to—

"(1) any area plan submitted under section 306(a) of the Older Americans Act of 1965 [section 3026(a) of this title], or

"(2) any State plan submitted under section 307(a) of such Act [section 3027(a) of this title],

and approved for any fiscal year beginning before the date of the enactment of this Act [Nov. 29, 1987].

"(c) EFFECTIVE DATE OF SECTION 506.—The amendments made by section 506 of this Act [enacting section 2991b–1 of this title and amending sections 2991a, 2991b, and 2992d of this title] shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act [Nov. 29, 1987]."

EFFECTIVE DATE OF 1984 AMENDMENT

Section 803 of Pub. L. 98–459 provided that:

"(a) Except as provided in subsection (b), this Act and the amendments made by this Act [enacting sections 3030aa, 3030bb, 3030jj, 3034, and 3037b of this title, amending this section, sections 1762a, 3011 to 3013, 3015 to 3018, 3020b, 3021 to 3029, 3030a, 3030c, 3030d, 3031, 3032, 3035, 3035a to 3035e, 3037, 3037a, 3056, 3056a, 3056d to 3056f, 3057a, 3057c, and 3057g of this title and sections 623, 630, and 631 of Title 29, Labor, and enacting provisions set out as notes under this section, section 3056 of this title, and section 631 of Title 29, and amending provisions set out as a note under former section 3045 of this title] shall take effect on the date of the enactment of this Act [Oct. 9, 1984].

"(b)(1) The amendment made by section 206(a) [amending section 3017 of this title] shall take effect 60 days after the date of the enactment of this Act [Oct. 9, 1984].

"(2) The amendment made by section 206(d) [amending section 3017 of this title] shall take effect on the first day of the first fiscal year beginnning [sic] after the date of the enactment of this Act [Oct. 9, 1984].

"(3) The amendment made by section 411(b) [amending section 3037 of this title] shall not apply with respect to any grant or payment made before the date of the enactment of this Act [Oct. 9, 1984].

"(4) The amendment made by section 701 [enacting subchapter XI of this chapter] shall take effect on October 1, 1984."

EFFECTIVE DATE OF 1978 AMENDMENT

Section 504 of Pub. L. 95–478 provided that: "This Act [see Short Title of 1978 Amendment note below], and

the amendments made by this Act, shall take effect at the close of September 30, 1978.''

SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103–171, § 1, Dec. 2, 1993, 107 Stat. 1988, provided that: ''This Act [see Tables for classification] may be cited as the 'Older Americans Act Technical Amendments of 1993'.''

SHORT TITLE OF 1992 AMENDMENT

Section 1(a) of Pub. L. 102–375 provided that: ''This Act [see Tables for classification] may be cited as the 'Older Americans Act Amendments of 1992'.''

SHORT TITLE OF 1987 AMENDMENT

Section 1 of Pub. L. 100–175 provided that: ''This Act [enacting sections 280c to 280c–5, 2991b–1, 2991d–1, 2992b–1, 3030h to 3030p, 3035f, 3035g, 3056g, and 3057 to 3057n of this title, amending this section and sections 1766, 2991a, 2991b, 2991d–1, 2991f, 2992c, 2992d, 3002, 3011 to 3013, 3015 to 3018, 3020c, 3021 to 3029, 3030a, 3030d, 3030g, 3030aa, 3030bb, 3030jj, 3031, 3032, 3035a, 3035b, 3035d, 3037, 3056, 3056a, 3056d, 3056e, and 3056f of this title, repealing sections 3058 to 3058d, of this title, enacting provisions set out as notes under this section, sections 201, 285e–2, 2991, 3026, 3027, and 3057b of this title, and section 2 of Title 29, Labor, and repealing provisions set out as a note under section 3058 of this title] may be cited as the 'Older Americans Act Amendments of 1987'.''

SHORT TITLE OF 1986 AMENDMENT

Pub. L. 99–269, § 1, Apr. 1, 1986, 100 Stat. 78, provided: ''That this Act [amending section 3030a of this title and enacting provisions set out as notes under section 3030a of this title] may be cited as the 'Older Americans Act Amendments of 1986'.''

SHORT TITLE OF 1984 AMENDMENT

Section 1 of Pub. L. 98–459 provided that: ''This Act [enacting sections 3030aa, 3030bb, 3030jj, 3034, 3037b, and 3058 to 3058d of this title, amending this section, sections 1762a, 3011 to 3013, 3015 to 3018, 3020b, 3021 to 3029, 3030a, 3030c, 3030d, 3031, 3032, 3035, 3035a to 3035e, 3037, 3037a, 3056, 3056a, 3056d to 3056f, 3057a, 3057c, and 3057g of this title, and sections 623, 630, and 631 of Title 29, Labor, and enacting provisions set out as notes under this section, sections 3056 and 3058 of this title, and section 631 of Title 29, and amending provisions set out as a note under section 3045 of this title] may be cited as the 'Older Americans Act Amendments of 1984'.''

SHORT TITLE OF 1981 AMENDMENT

Section 1(a) of Pub. L. 97–115 provided that: ''This act [enacting sections 3031, 3032, 3035 to 3035e, 3037, and 3037a of this title, amending this section, sections 3002 to 3003, 3012, 3013, 3015 to 3020d, 3021 to 3028, 3030, 3030a, 3030d, 3030g, 3035b, 3035e, 3036, 3056, 3056a, 3056c, 3056d, 3056f, 3057 to 3057g, 8622, 9902 to 9904, and 9911 of this title, and section 1087–2 of Title 20, Education, repealing section 3014 of this title, and enacting a provision set out as a note under section 3045 of this title] may be cited as the 'Older American Act Amendments of 1981'.''

SHORT TITLE OF 1978 AMENDMENT

Section 1(a) of Pub. L. 95–478 provided that: ''This Act [enacting sections 3020b to 3020d, 3030 to 3030g, 3035b to 3035h, 3057 to 3057g and 6106a of this title, amending this section, sections 3002, 3011 to 3017, 3020a, 3021 to 3029, 3031 to 3035, 3036 to 3037a, 3056 to 3056f, 5001, 5011, 5012, 5082, 6101, 6103 and 6104 of this title, repealing sections 3035a, 3041 to 3041f, 3042 and 3045 to 3045i of this title, enacting provisions set out as notes under this section and sections 1975c, 3021, and 3045 of this title, amending provisions set out as a note under this section, and repealing provision set out as a note under section 3056 of this title] may be cited as the 'Comprehensive Older Americans Act Amendments of 1978'.''

SHORT TITLE OF 1975 AMENDMENT

Pub. L. 94–135, § 1, Nov. 28, 1975, 89 Stat. 713, provided: ''That this Act [enacting chapter 76 and sections 3002, 3020a, 3024, 3028, 3034, 3045f, and 3056 to 3056f of this title, amending sections 289k–5, 3002, 3012, 3014, 3015, 3022, 3023, 3024, 3025, 3026, 3028, 3033, 3034, 3037, 3037a, 3041d, 3041f, 3045b, 3045d, 3045e, 3045f, 3045g, 5011, 5012, and 5082 of this title and sections 1008a, 1208a, and 1341 of Title 20, Education, repealing sections 3061 to 3067 of this title, enacting provisions set out as notes under section 5001 of this title and section 871 of Title 29, Labor, and amending provisions set out as a note under section 2809 of this title] may be cited as the 'Older Americans Amendments of 1975'.''

Pub. L. 89–73, title V, § 501, formerly title IX, § 901, as added by Pub. L. 94–135, title I, § 113(a), Nov. 28, 1975, 89 Stat. 720, and renumbered by Pub. L. 95–478, title I, § 105(a), Oct. 18, 1978, 92 Stat. 1547, provided that: ''The provisions of this title [enacting subchapter IX of this chapter] may be cited as the 'Older American Community Service Employment Act'.''

SHORT TITLE OF 1973 AMENDMENT

Section 1 of Pub. L. 93–29 provided: ''That this Act [enacting chapter 35A of this title, subchs. III to V of this chapter, sections 3003, 3012, 3013 to 3020, 3044, 3045 of this title, and sections 351, 351c, 361 to 364, 1008a, and 1208a of Title 20, Education, amending this section, sections 3011, 3012, 3044a, 3044b, 3044e, and 3045a to 3045f of this title, and sections 351c, 351d, 351e, 1211, 1504, and 1505 of Title 20, repealing former subchs. III (sections 3021 to 3024a, and 3025 of this title), IV (sections 3031 and 3032 of this title), V (sections 3041 to 3043 of this title), and VIII (sections 3051 to 3055 of this title) of this chapter, and enacting provisions set out as notes under sections 2809, 3044b, and 3061 of this title and section 361 of Title 20] may be cited as the 'Older Americans Comprehensive Services Amendments of 1973'.''

SHORT TITLE OF 1967 AMENDMENT

Pub. L. 90–42, § 1, July 1, 1967, 81 Stat. 106, provided: ''That this Act [enacting section 3043 of this title and amending sections 3002, 3021, 3022, 3024, 3031, and 3051 to 3053 of this title] may be cited as the 'Older Americans Act Amendments of 1967'.''

SHORT TITLE

Section 1 of Pub. L. 89–73 provided: ''That this Act [enacting this chapter] may be cited as the 'Older Americans Act of 1965'.''

REGULATIONS

Section 902 of Pub. L. 102–375 provided that: ''Except as otherwise specifically provided, the Secretary of Health and Human Services shall, not later than 120 days after the date of the enactment of this Act [Sept. 30, 1992], issue proposed regulations to carry out the amendments made by titles I through VII [see Tables for classification].''

STUDY OF EFFECTIVENESS OF STATE LONG-TERM CARE OMBUDSMAN PROGRAMS

Section 211 of Pub. L. 102–375, as amended by Pub. L. 103–171, § 4(a)(2), Dec. 2, 1993, 107 Stat. 1991, provided that: ''Not later than January 1, 1995, the Commissioner on Aging [now Assistant Secretary for Aging] shall, in consultation with State agencies, State Long-Term Care Ombudsmen, the National Ombudsman Resource Center established under section 202(a)(21) of the Older Americans Act of 1965 [42 U.S.C. 3012(a)(21)] (as added by section 202(b)(2) of this Act), and professional ombudsmen associations, directly, or by grant or contract, conduct a study, and submit a report to the committees specified in section 207(b)(2) of such Act [42 U.S.C. 3018(b)(2)], analyzing separately with respect to each State—

''(1) the availability of services, and the unmet need for services, under the State Long-Term Care Om-

budsman programs in effect under sections 307(a)(12) and 712 [42 U.S.C. 3027(a)(12), 3058g] of the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) to residents of long-term care facilities (as defined in section 102 of such Act [42 U.S.C. 3002]);

''(2) the effectiveness of the programs in providing the services to the residents, including residents of board and care facilities (as defined in section 102 of such Act) and of similar adult care facilities;

''(3) the adequacy of Federal and other resources available to carry out the programs on a statewide basis in each State;

''(4) compliance and barriers to such compliance of the States in carrying out the programs;

''(5) any actual and potential conflicts of interest in the administration and operation of the programs; and

''(6) the need for and feasibility of providing ombudsman services to older individuals (as defined in section 102 of such Act) who are not in long-term care facilities and who use long-term care services and other health care services, by analyzing and assessing current State agency practices in programs in which the State Long-Term Care Ombudsmen provide services to older individuals in settings in addition to long-term care facilities, taking into account variations in—

''(A) settings where services are provided;

''(B) the types of clients served;

''(C) the types of complaints and problems handled;

''(D) State regulation of long-term care provided in settings other than long-term care facilities; and

''(E) possible conflicts of interest between the State Long-Term Care Ombudsman programs under such Act [42 U.S.C. 3001 et seq.] and area agencies on aging (as defined in section 102 of such Act [42 U.S.C. 3002]) who provide to older individuals long-term care services both in such settings and in long-term care facilities.''

STUDY ON BOARD AND CARE FACILITY QUALITY

Section 212 of Pub. L. 102–375 provided that:

''(a) ARRANGEMENT FOR STUDY COMMITTEE.—The Secretary of Health and Human Services shall enter into an arrangement, in accordance with subsection (d), to establish a study committee described in subsection (c) to conduct a study through the Institute of Medicine of the National Academy of Sciences on the quality of board and care facilities for older individuals (as defined in section 102 [42 U.S.C. 3002] of the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.)) and the disabled.

''(b) SCOPE OF STUDY.—The study shall include—

''(1) an examination of existing quality, health, and safety requirements for board and care facilities and the enforcement of such requirements for their adequacy and effectiveness, with special attention to their effectiveness in promoting good personal care;

''(2) an examination of, and recommendations with respect to, the appropriate role of Federal, State, and local governments in assuring the health and safety of residents of board and care facilities; and

''(3) specific recommendations to the Congress and the Secretary, by not later than 20 months after the date of the enactment of this Act [Sept. 30, 1992], concerning the establishment of minimum national standards for the quality, health, and safety of residents of such facilities and the enforcement of such standards.

''(c) COMPOSITION OF STUDY COMMITTEE.—The study committee shall be composed of members as appointed from among the following:

''(1) NATIONAL ACADEMY OF SCIENCES.—The members of the National Academy of Sciences with experience in long-term care. The members so appointed shall include—

''(A) physicians;

''(B) experts on the administration of drugs to older individuals, and disabled individuals receiving long-term care services; and

''(C) experts on the enforcement of life-safety codes in long-term care facilities.

''(2) RESIDENTS.—Residents of board and care facilities (including privately owned board and care facilities), and representatives of such residents or of organizations that advocate on behalf of such residents. Members so appointed shall include—

''(A) residents of a nonprofit board and care facility; or

''(B) individuals who represent—

''(i) residents of nonprofit board and care facilities; or

''(ii) organizations that advocate on behalf of residents of nonprofit board and care facilities.

''(3) OPERATORS.—Operators of board and care facilities (including privately owned board and care facilities), and individuals who represent such operators or organizations that represent the interests of such operators. Members so appointed shall include—

''(A) operators of a nonprofit board and care facility; or

''(B) individuals who represent—

''(i) operators of nonprofit board and care facilities; or

''(ii) organizations that represent the interests of operators of nonprofit board and care facilities.

''(4) OFFICERS.—

''(A) STATE OFFICERS.—Elected and appointed State officers who have responsibility relating to the health and safety of residents of board and care facilities.

''(B) REPRESENTATIVES.—Representatives of such officers or of organizations representing such officers.

''(C) OTHER INDIVIDUALS.—Other individuals with relevant expertise.

''(d) USE OF INSTITUTE OF MEDICINE.—The Secretary shall request the National Academy of Sciences, through the Institute of Medicine, to establish, appoint, and provide administrative support for the study committee under an arrangement under which the actual expenses incurred by the Academy in carrying out such functions will be paid by the Secretary. If the National Academy of Sciences is willing to do so, the Secretary shall enter into such arrangement with the Academy.

''(e) INVOLVEMENT OF OTHERS.—

''(1) GOVERNMENT OFFICIALS.—The study committee shall conduct its work in a manner that provides for the consultation with Members of Congress or their representatives, officials of the Department of Health and Human Services, and officials of State and local governments who are not members of the study committee.

''(2) EXPERTS.—The study committee may consult with any individual or organization with expertise relating to the issues involved in the activities of the study committee.

''(f) REPORT.—Not later than 20 months after an arrangement is entered into under subsection (d), the study committee shall submit, to the Secretary, the Speaker of the House of Representatives, and the President pro tempore of the Senate, a report containing the results of the study referred to in subsection (a) and the recommendations made under subsection (b).

''(g) BOARD AND CARE FACILITY DEFINED.—In this section, the term 'board and care facility' means a facility described in section 1616(e) of the Social Security Act (42 U.S.C. 1372e(e) [42 U.S.C. 1382e(e)]).

''(h) AUTHORIZATION.—There are authorized to be appropriated to carry out this section $1,500,000 for fiscal year 1992 and such sums as may be necessary for subsequent fiscal years.''

STUDY ON HOME CARE QUALITY

Section 213 of Pub. L. 102–375 provided that:

''(a) ESTABLISHMENT STUDY OF COMMITTEE.—The Secretary of Health and Human Services shall enter into an arrangement, in accordance with subsection (d), to establish a study committee described in subsection (c)

to conduct a study through the Institute of Medicine of the National Academy of Sciences on the quality of home care services for older individuals and disabled individuals.

''(b) SCOPE OF STUDY.—The study shall include—

''(1) an examination of existing quality, health and safety requirements for home care services and the enforcement of such requirements for their adequacy, effectiveness, and appropriateness;

''(2) an examination of, and recommendations with respect to, the appropriate role of Federal, State, and local governments in ensuring the health and safety of patients and clients of home care services; and

''(3) specific recommendations to the Congress and the Secretary, not later than 20 months after the date of the enactment of this Act [Sept. 30, 1992], concerning the establishment of minimum national standards for the quality, health, and safety of patients and clients of such services and the enforcement of such standards.

''(c) COMPOSITION OF STUDY COMMITTEE.—The study committee shall be composed of members appointed from among—

''(1) individuals with experience in long-term care, including nonmedical home care services;

''(2) patients and clients of home care services (including privately provided home care services and services funded under the Older Americans Act of 1965 [42 U.S.C. 3001 et seq.]) or individuals who represent such patients and clients or organizations that advocate on behalf of such patients and clients;

''(3) providers of home care services (including privately provided home care services and services funded under the Older Americans Act of 1965) or individuals who represent such providers or organizations that advocate on behalf of such providers;

''(4) elected and appointed State officers who have responsibility relating to the health and safety of patients and clients of home care services, or representatives of such officers or of organizations representing such officers; and

''(5) other individuals with relevant expertise.

''(d) USE OF INSTITUTE OF MEDICINE.—The Secretary shall request the National Academy of Sciences, through the Institute of Medicine, to establish, appoint, and provide administrative support for the committee under an arrangement under which the actual expenses incurred by the Academy in carrying out such functions will be paid by the Secretary. If the National Academy of Sciences is willing to do so, the Secretary shall enter into such arrangement with the Academy.

''(e) INVOLVEMENT OF OTHERS.—

''(1) MEMBERS AND OFFICIALS.—The committee shall conduct its work in a manner that provides for consultation with Members of Congress or their representatives, officials of the Department of Health and Human Services, and officials of State and local governments who are not members of the committee.

''(2) INDIVIDUAL OR ORGANIZATION WITH EXPERTISE.—The committee may consult with any individual or organization with expertise relating to the issues involved in the activities of the committee.

''(f) REPORT.—Not later than 20 months after an arrangement is entered into under subsection (d), the committee shall submit, to the Secretary, the Speaker of the House of Representatives, and the President pro tempore of the Senate, a report containing the results of the study referred to in subsection (a).

''(g) AUTHORIZATION.—There are authorized to be appropriated to carry out this section $1,000,000 for fiscal year 1992 and such sums as may be necessary for subsequent fiscal years.''

LONG-TERM HEALTH CARE WORKERS

Subtitle A of title VIII of Pub. L. 102–375 provided that:

''SEC. 801. DEFINITIONS.

''As used in this subtitle:

''(1) NURSING HOME NURSE AIDE.—The term 'nursing home nurse aide' means an individual employed at a nursing or convalescent home who assists in the care of patients at such home under the direction of nursing and medical staff.

''(2) HOME HEALTH CARE AIDE.—The term 'home health care aide' means an individual who—

''(A) is employed by a government, charitable, nonprofit, or proprietary agency; and

''(B) cares for elderly, convalescent, or handicapped individuals in the home of the individuals by performing routine home assistance (such as housecleaning, cooking, and laundry) and assisting in the health care of such individuals under the direction of a physician or nurse.

''SEC. 802. INFORMATION REQUIREMENTS.

''(a) NATIONAL CENTER FOR HEALTH STATISTICS.—The Director of the National Center for Health Statistics of the Centers for Disease Control [now Centers for Disease Control and Prevention] shall collect, and prepare a report containing—

''(1) demographic information on home health care aides and nursing home nurse aides, including information on the—

''(A) age, race, marital status, education, number of children and other dependents, gender, and primary language, of the aides; and

''(B) location of facilities at which the aides are employed in—

''(i) rural communities; or

''(ii) urban or suburban communities; and

''(2) information on the role of the aides in providing institution-based and home-based long-term care.

''(b) DEPARTMENT OF LABOR.—The Secretary of Labor shall—

''(1) collect, and prepare a report containing, information on home health care aides, including—

''(A) information on conditions of employment, including—

''(i) the length of employment of the aides with the current employer of the aides;

''(ii) the number of aides who are—

''(I) employed by a for-profit employer;

''(II) employed by a nonprofit private employer;

''(III) employed by a charitable employer;

''(IV) employed by a government employer; or

''(V) independent contractors;

''(iii) the number of full-time, part-time, and temporary positions for the aides;

''(iv) the ratio of the aides to professional staff;

''(v) the types of tasks performed by the aides, the level of skill needed to perform the tasks, and whether the tasks are completed in a institution-based or home-based setting; and

''(vi) the average number and range of hours worked each week by the aides; and

''(B) information on availability of the employment benefits for home health care aides and a description of the benefits, including—

''(i) information on health insurance coverage;

''(ii) the type of pension plan coverage;

''(iii) the amount of vacation leave;

''(iv) wage rates; and

''(v) the extent of work-related training provided; and

''(2) collect, and prepare a report containing, information on nursing home nurse aides, including—

''(A) the information described in subparagraphs (A) and (B) of paragraph (1); and

''(B) information on—

''(i) the type of facility of the employer of the aides, such as a skilled nursing facility, as defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a)), or an intermediate care facility within the meaning of section 1121(a) of the Social Security Act (42 U.S.C. 1320a(a));

''(ii) the number of beds at the facility; and

''(iii) the ratio of the aides to residents of the facility.

''SEC. 803. REPORTS.

''(a) REPORTS TO COMMISSIONER ON AGING [now ASSISTANT SECRETARY FOR AGING].—

''(1) TRANSMITTAL.—

''(A) NATIONAL CENTER FOR HEALTH STATISTICS REPORT.—Not later than March 1, 1994, the Director of the National Center for Health Statistics of the Centers for Disease Control [now Centers for Disease Control and Prevention] shall transmit to the Commissioner on Aging the report required by section 802(a).

''(B) DEPARTMENT OF LABOR REPORTS.—

''(i) HOME HEALTH CARE AIDES.—Not later than March 1, 1993, the Secretary of Labor shall transmit to the Commissioner on Aging a plan for the collection of the information described in section 802(b)(1). Not later than March 1, 1995, the Secretary of Labor shall transmit to the Commissioner on Aging the report required by section 802(b)(1).

''(ii) NURSING HOME NURSE AIDES.—Not later than March 1, 1994, the Secretary of Labor shall transmit to the Commissioner on Aging the report required by section 802(b)(2).

''(2) PREPARATION.—

''(A) NATIONAL CENTER FOR HEALTH STATISTICS REPORT.—The report required by section 802(a) shall be prepared and organized in such a manner as the Director of the National Center for Health Statistics may determine to be appropriate.

''(B) DEPARTMENT OF LABOR REPORTS.—The reports required by paragraphs (1) and (2) of section 802(b) shall be prepared and organized in such a manner as the Secretary of Labor may determine to be appropriate.

''(3) PRESENTATION OF INFORMATION.—The reports required by section 802 shall not identify by name individuals supplying information for purposes of the reports. The reports shall present information collected in the aggregate.

''(b) REPORT TO CONGRESS.—The Commissioner on Aging [now Assistant Secretary for Aging] shall review the reports required by section 802 and shall submit to the appropriate committees of Congress a report containing—

''(1) the reports required by section 802;

''(2) the comments of the Commissioner on the reports; and

''(3) additional information, regarding the roles of nursing home nurse aides and home health care aides in providing long-term care, obtained through the State Long-Term Care Ombudsman program established under sections 307(a)(12) and 712 of the Older Americans Act of 1965 [42 U.S.C. 3027(a)(12), 3058g].

''SEC. 804. OCCUPATIONAL CODE.

''The Secretary of Labor shall include an occupational code covering nursing home nurse aides and an occupational code covering home health care aides in each wage survey of relevant industries conducted by the Department of Labor that begins after the date of enactment of this Act [Sept. 30, 1992].''

LIMITATION ON AUTHORITY TO ENTER INTO CONTRACTS

Section 901 of Pub. L. 102–375 provided that: ''Any authority to enter into contracts under this Act [see Tables for classification] or an amendment made by this Act shall be effective only to the extent or in such amounts as are provided in advance in appropriations Acts.''

WHITE HOUSE CONFERENCE ON AGING

Title II of Pub. L. 100–175, as amended by Pub. L. 102–375, title VIII, §§ 831–836, 839(a), Sept. 30, 1992, 106 Stat. 1300–1305; Pub. L. 103–171, § 6, Dec. 2, 1993, 107 Stat. 1992, provided that:

''SEC. 201. WHITE HOUSE CONFERENCE AUTHORIZED.

''(a) FINDINGS.—The Congress finds that—

''(1) the number of individuals 55 years of age or older was approximately 52,923,000 in 1990, and will, by the year 2040, be approximately 103,646,000,

''(2) more than 1 of every 8 persons 55 years of age or older will be hospitalized during the next year,

''(3) the out-of-pocket costs to older individuals for health care increased from 12.3 percent in 1977 to 18.2 percent in 1988,

''(4) there is a great need to ensure access and the quality of affordable health care to all older individuals,

''(5) the need for a comprehensive and responsive long-term care delivery system is great,

''(6) the availability and cost of suitable housing, together with suitable services needed for independent or semi-independent living, still cause concern to older individuals,

''(7) the ability to lead an independent or semi-independent life is contingent, in many cases, upon the availability of a comprehensive and effective social service system for older individuals,

''(8) the availability and access to opportunities for continued productivity and employment is of great importance to middle-aged and older individuals who want or need to work,

''(9) the fulfillment, dignity, and satisfaction of retirees still depend on the continuing development of a consistent national retirement policy,

''(10) there is a continuing need to maintain and preserve the national policy with respect to increasing, coordinating, and expediting biomedical and other appropriate research directed at determining the causes and effects of the aging process,

''(11) false stereotypes about aging and the process of aging continue to be prevalent throughout the United States and policies should be nurtured to overcome such stereotypes, and

''(12) the talents and experience of older individuals represent a valuable community resource which should be developed and more widely shared within the local community.

''(b) POLICY.—It is the policy of the Congress that—

''(1) the Federal Government should work jointly with the States and their citizens to develop recommendations and plans for action to meet the challenges and needs of older individuals, consistent with the objectives of this section, and

''(2) in developing programs for the aging pursuant to this section emphasis should be directed toward individual, private, and public initiatives and resources intended to enhance the economic security and self-sufficiency of elder Americans.

''SEC. 202. AUTHORIZATION OF THE CONFERENCE.

''(a) AUTHORITY TO CALL CONFERENCE.—Not later than May 31, 1995, the President shall convene the White House Conference on Aging in order to develop recommendations for additional research and action in the field of aging which will further the policy set forth in subsection (b).

''(b) PLANNING AND DIRECTION.—The Conference shall be planned and conducted under the direction of the Secretary in cooperation with the Commissioner on Aging [now Assistant Secretary for Aging] and the Director of the National Institute on Aging, and the heads of such other Federal departments and agencies as are appropriate. Such assistance may include the assignment of personnel.

''(c) PURPOSE OF THE CONFERENCE.—The purpose of the Conference shall be—

''(1) to increase the public awareness of the interdependence of generations and the essential contributions of older individuals to society for the well-being of all generations;

''(2) to identify the problems facing older individuals and the commonalities of the problems with problems of younger generations;

''(3) to examine the well-being of older individuals, including the impact the wellness of older individuals has on our aging society;

''(4) to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate for maintaining and improving the well-being of the aging;

''(5) to develop recommendations for the coordination of Federal policy with State and local needs and the implementation of such recommendations; and

''(6) to review the status and multigenerational value of recommendations adopted at previous White House Conferences on Aging.

''(d) CONFERENCE PARTICIPANTS AND DELEGATES.—

''(1) PARTICIPANTS.—In order to carry out the purposes of this section, the Conference shall bring together—

''(A) representatives of Federal, State, and local governments,

''(B) professional and lay people who are working in the field of aging, and

''(C) representatives of the general public, particularly older individuals.

''(2) SELECTION OF DELEGATES.—The delegates shall be selected without regard to political affiliation or past partisan activity and shall, to the best of the appointing authority's ability, be representative of the spectrum of thought in the field of aging. Delegates shall include individuals who are professionals, individuals who are nonprofessionals, minority individuals, and individuals from low-income families.

''SEC. 203. CONFERENCE ADMINISTRATION.

''(a) ADMINISTRATION.—In administering this section, the Secretary shall—

''(1) provide written notice to all members of the Policy Committee of each meeting, hearing, or working session of the Policy Committee not later than 48 hours before the occurrence of such meeting, hearing, or working session,

''(2) request the cooperation and assistance of the heads of such other Federal departments and agencies as may be appropriate in the carrying out of this section,

''(3) furnish all reasonable assistance, including financial assistance, to State agencies on the aging and to area agencies on the aging, and to other appropriate organizations (including organizations representing older Indians), to enable them to organize and conduct conferences in conjunction with the Conference,

''(4) make available for public comment a proposed agenda, prepared by the Policy Committee, for the Conference which will reflect to the greatest extent possible the major issues facing older individuals consistent with the provisions of subsection (a),

''(5) prepare and make available background materials for the use of delegates to the Conference which the Secretary deems necessary, and

''(6) engage such additional personnel as may be necessary to carry out the provisions of this section without regard to provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

''(b) DUTIES.—The Secretary shall, in carrying out the Secretary's responsibilities and functions under this section, and as part of the White House Conference on Aging, ensure that—

''(1) the conferences under subsection (a)(3) shall—

''(A) include a conference on older Indians to identify conditions that adversely affect older Indians, to propose solutions to ameliorate such conditions, and to provide for the exchange of information relating to the delivery of services to older Indians, and

''(B) be so conducted as to assure broad participation of older individuals,

''(2) the agenda prepared under subsection (a)(4) for the Conference is published in the Federal Register not later than 30 days after such agenda is approved by the Policy Committee, and the Secretary may republish such agenda together with the recommendations of the Secretary regarding such agenda,

''(3) the personnel engaged under subsection (a)(6) shall be fairly balanced in terms of points of views represented and shall be appointed without regard to political affiliation or previous partisan activities,

''(4) the recommendations of the Conference are not inappropriately influenced by any appointing authority or by any special interest, but will instead be the result of the independent judgment of the Conference, and

''(5) current and adequate statistical data, including decennial census data, and other information on the well-being of older individuals in the United States are readily available, in advance of the Conference, to the delegates of the Conference, together with such information as may be necessary to evaluate Federal programs and policies relating to aging. In carrying out this subparagraph, the Secretary is authorized to make grants to, and enter into cooperative agreements with, public agencies and nonprofit private organizations.

''(c) GIFTS.—The Secretary may accept, on behalf of the United States, gifts (in cash or in kind, including voluntary and uncompensated services), which shall be available to carry out this title. Gifts of cash shall be available in addition to amounts appropriated to carry out this title.

''(d) RECORDS.—The Secretary shall maintain records regarding—

''(1) the sources, amounts, and uses of gifts accepted under subsection (c); and

''(2) the identity of each person receiving assistance to carry out this title, and the amount of such assistance received by each such person.

''SEC. 204. POLICY COMMITTEE; RELATED COMMITTEES.

''(a) POLICY COMMITTEE.—

''(1) ESTABLISHMENT.—There is established a Policy Committee comprised of 25 members to be selected, not later than December 31, 1993, as follows:

''(A) PRESIDENTIAL APPOINTEES.—Thirteen members shall be selected by the President and shall include—

''(i) 3 members who are officers or employees of the United States; and

''(ii) 10 members with experience in the field of aging, who may include representatives of public aging agencies, institution-based organizations, and minority aging organizations.

''(B) HOUSE APPOINTEES.—Four members shall be selected by the Speaker of the House of Representatives, after consultation with the Minority Leader of the House of Representatives, and shall include members of the Committee on Education and Labor of the House of Representatives, the Committee on Ways and Means of the House of Representatives, and the Select Committee on Aging of the House of Representatives. Not more than 3 members selected under this subparagraph may be associated or affiliated with the same political party.

''(C) SENATE APPOINTEES.—Four members shall be selected by the Majority Leader of the Senate, after consultation with the Minority Leader of the Senate, and shall include members of the Committee on Labor and Human Resources of the Senate, the Committee on Finance of the Senate, and the Special Committee on Aging of the Senate. Not more than 3 members selected under this subparagraph may be associated or affiliated with the same political party.

''(D) JOINT APPOINTEES.—Four members shall be selected jointly by the Speaker of the House of Representatives and the Majority Leader of the Senate, after consultation with the minority leaders of the House and Senate, and shall include representatives with experience in the field of aging, who may include representatives described in subsection (a)(1)(A)(ii). Not more than 2 members selected under this subparagraph may be associated or affiliated with the same political party.

''(2) DUTIES OF THE POLICY COMMITTEE.—The Policy Committee shall initially meet at the call of the Sec-

retary, but not later than 30 days after the last member is selected under subsection (a). Subsequent meetings of the Policy Committee shall be held at the call of the chairperson of the Policy Committee. Through meetings, hearings, and working sessions, the Policy Committee shall—

''(A) make recommendations to the Secretary to facilitate the timely convening of the Conference;

''(B) formulate and approve a proposed agenda for the Conference not later than 90 days after the first meeting of the Policy Committee;

''(C) make recommendations for participants and delegates of the Conference;

''(D) establish the number of delegates to be selected under section 202(d)(2); and

''(E) formulate and approve the initial report of the Conference in accordance with section 205.

''(3) QUORUM; COMMITTEE VOTING; CHAIRPERSON.—

''(A) QUORUM.—Thirteen members shall constitute a quorum for the purpose of conducting the business of the Policy Committee, except that 17 members shall constitute a quorum for purposes of approving the agenda required by paragraph (2)(B) and the report required by paragraph (2)(E).

''(B) VOTING.—The Policy Committee shall act by the vote of the majority of the members present.

''(C) CHAIRPERSON.—The President shall select a chairperson from among the members of the Policy Committee. The chairperson may vote only to break a tie vote of the other members of the Policy Committee.

''(b) ADVISORY AND OTHER COMMITTEES.—

''(1) IN GENERAL.—The President shall establish an advisory committee to the Conference which shall include representation from the Federal Council on Aging and other public agencies and private nonprofit organizations as appropriate. The President shall consider for appointment to the advisory committee individuals recommended by the Policy Committee.

''(2) OTHER COMMITTEES.—The Secretary may establish such other committees, including technical committees, as may be necessary to assist in the planning, conducting, and reviewing of the Conference.

''(c) COMPOSITION OF COMMITTEES.—Each committee established under subsection (b) shall be composed of professionals and public members, and shall include individuals from low-income families and from minority groups. A majority of the public members of each such committee shall be 55 years of age or older, and individuals who are Native Americans.

''(d) COMPENSATION.—Appointed members of any such committee (other than any officers or employees of the Federal Government), while attending conferences or meetings of the committee or otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not to exceed the daily equivalent of the maximum rate of pay payable under section 5376 of title 5, United States Code (including travel time). While away from their homes or regular places of business, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of such title for persons employed intermittently in Federal Government service.

''SEC. 205. REPORT OF THE CONFERENCE.

''(a) PROPOSED REPORT.—A proposed report of the Conference, which shall include a statement of comprehensive coherent national policy on aging together with recommendations for the implementation of the policy, shall be published and submitted to the chief executive officers of the States not later than 90 days following the date on which the Conference is adjourned. The findings and recommendations included in the published proposed report shall be immediately available to the public.

''(b) RESPONSE TO PROPOSED REPORT.—The chief executive officers of the States, after reviewing and soliciting recommendations and comments on the report of the Conference, shall submit to the Policy Committee, not later than 90 days after receiving the report, their views and findings on the recommendations of the Conference.

''(c) REPORTS.—

''(1) INITIAL REPORT.—The Policy Committee shall, after reviewing the views and recommendations of the chief executive officers of the States, prepare and approve an initial report of the Conference, which shall include a compilation of the actions of the chief executive officers of the States and take into consideration the views and findings of such officers.

''(2) Not later than 60 days after such initial report is transmitted by the Policy Committee, the Secretary shall publish such initial report in the Federal Register. The Secretary may republish a final report together with such additional views and recommendations as the Secretary considers to be appropriate.

''(d) RECOMMENDATIONS OF POLICY COMMITTEE.—The Policy Committee shall, within 90 days after submission of the views of the chief executive officers of the States, publish and transmit to the President and to the Congress recommendations for the administrative action and the legislation necessary to implement the recommendations contained within the report.

''SEC. 206. DEFINITIONS.

''For the purposes of this title—

''(1) the term 'area agency on aging' has the meaning given the term in section 102(17) of the Older Americans Act of 1965 (42 U.S.C. 3002(17)),

''(2) the term 'State agency on aging' means the State agency designated under section 305(a)(1) of the Act,

''(3) the term 'Secretary' means the Secretary of Health and Human Services,

''(4) the term 'Conference' means the White House Conference on Aging, and

''(5) the term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, the Trust Territory of the Pacific Islands, or the Commonwealth of the Northern Mariana Islands.

''SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for fiscal years 1992 through 1996 to carry out this title.

''(2) CONTRACTS.—Authority to enter into contracts under this title shall be effective only to the extent, or in such amounts as are, provided in advance in appropriations Acts.

''(b) AVAILABILITY OF FUNDS.—

''(1) IN GENERAL.—Except as provided in paragraph (3), funds appropriated to carry out this title and funds received as gifts under section 203(c) shall remain available for obligation or expenditure until the expiration of the one-year period beginning on the date the Conference adjourns.

''(2) UNOBLIGATED FUNDS.—Except as provided in paragraph (3), any such funds neither expended nor obligated before the expiration of the one-year period beginning on the date the Conference adjourns shall be available to carry out the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

''(3) CONFERENCE NOT CONVENED.—If the Conference is not convened before December 31, 1995, such funds neither expended nor obligated before such date shall be available to carry out the Older Americans Act of 1965.''

[For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.]

[Section 837 of Pub. L. 102–375 provided that: ''All personnel assigned or engaged under section 202(b) or section 203(a)(5) of the Older Americans Act Amendments of 1987 [Pub. L. 100–175, set out above] (42 U.S.C. 3001 note) as in effect immediately before the date of the enactment of this Act [Sept. 30, 1992] shall continue to be

assigned or engaged under such section after such date notwithstanding the amendments made by this subtitle [amending title II of Pub. L. 100–175, set out above].'']

Pub. L. 95–478, title II, §§ 201–207, Oct. 18, 1978, 92 Stat. 1551–1554, as amended by Pub. L. 96–88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695, authorized the President to call a White House Conference on Aging in 1981 to develop recommendations relating to economic well-being, health care, housing, social services, and employment of the aging.

EXECUTIVE ORDER NO. 11022

Ex. Ord. No. 11022, May 14, 1962, 27 F.R. 4659, as amended by Ex. Ord. No. 11376, Oct. 17, 1967, 32 F.R. 14545; Ex. Ord. No. 12106, Dec. 28, 1978, 44 F.R. 1053, which established the President's Council on Aging and provided for its membership, functions, etc., was revoked by Ex. Ord. No. 12379, § 12, Aug. 17, 1982, 47 F.R. 36099, set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

§ 3002. Definitions

For the purposes of this chapter—

(1) The term ''Secretary'' means the Secretary of Health and Human Services, except that for purposes of subchapter IX of this chapter such term means the Secretary of Labor.

(2) The term ''Assistant Secretary'' means the Assistant Secretary for Aging.

(3) The term ''State'' means any of the several States, the District of Columbia, the Virgin Islands of the United States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(4) The term ''nonprofit'' as applied to any agency, institution, or organization means an agency, institution, or organization which is, or is owned and operated by, one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(5) The term ''Indian'' means a person who is a member of an Indian tribe.

(6) Except for the purposes of subchapter X of this chapter, the term ''Indian tribe'' means any tribe, band, nation, or other organized group or community of Indians (including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (Public Law 92–203; 85 Stat. 688) [43 U.S.C. 1601 et seq.]) which (A) is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; or (B) is located on, or in proximity to, a Federal or State reservation or rancheria.

(7) Except for the purposes of subchapter X of this chapter, the term ''tribal organization'' means the recognized governing body of any Indian tribe, or any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body. In any case in which a contract is let or grant made to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting or making of such contract or grant.

(8) The term ''disability'' means (except when such term is used in the phrase ''severe disability'', ''developmental disabilities'', ''physical or mental disability'', ''physical and mental disabilities'', or ''physical disabilities'') a disability attributable to mental or physical impairment, or a combination of mental and physical impairments, that results in substantial functional limitations in 1 or more of the following areas of major life activity: (A) self-care, (B) receptive and expressive language, (C) learning, (D) mobility, (E) self-direction, (F) capacity for independent living, (G) economic self-sufficiency, (H) cognitive functioning, and (I) emotional adjustment.

(9) The term ''severe disability'' means a severe, chronic disability attributable to mental or physical impairment, or a combination of mental and physical impairments, that—

(A) is likely to continue indefinitely; and

(B) results in substantial functional limitation in 3 or more of the major life activities specified in subparagraphs (A) through (G) of paragraph (8).

(10) The term ''assistive technology'' means technology, engineering methodologies, or scientific principles appropriate to meet the needs of, and address the barriers confronted by, older individuals with functional limitations.

(11) The term ''information and referral'' includes information relating to assistive technology.

(12) The term ''Trust Territory of the Pacific Islands'' includes the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(13) The term ''abuse'' means the willful—

(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

(B) deprivation by a person, including a caregiver, of goods or services that are necessary to avoid physical harm, mental anguish, or mental illness.

(14) The term ''Administration'' means the Administration on Aging.

(15) The term ''adult child with a disability'' means a child who—

(A) is 18 years of age or older;

(B) is financially dependent on an older individual who is a parent of the child; and

(C) has a disability.

(16) The term ''aging network'' means the network of—

(A) State agencies, area agencies on aging, title VI [subchapter X of this chapter] grantees, and the Administration; and

(B) organizations that—

(i)(I) are providers of direct services to older individuals; or

(II) are institutions of higher education; and

(ii) receive funding under this chapter.

(17) The term ''area agency on aging'' means an area agency on aging designated under section 3025(a)(2)(A) of this title or a State agency performing the functions of an area agency on aging under section 3025(b)(5) of this title.

(18) The term ''art therapy'' means the use of art and artistic processes specifically selected and administered by an art therapist, to accomplish the restoration, maintenance, or improvement of the mental, emotional, or social functioning of an older individual.

(19) The term ''board and care facility'' means an institution regulated by a State pursuant to section 1382e(e) of this title.

(20) The term ''caregiver'' means an individual who has the responsibility for the care of an older individual, either voluntarily, by contract, by receipt of payment for care, or as a result of the operation of law.

(21) The term ''caretaker'' means a family member or other individual who provides (on behalf of such individual or of a public or private agency, organization, or institution) uncompensated care to an older individual who needs supportive services.

(22) The term ''case management service''—

(A) means a service provided to an older individual, at the direction of the older individual or a family member of the individual—

(i) by an individual who is trained or experienced in the case management skills that are required to deliver the services and coordination described in subparagraph (B); and

(ii) to assess the needs, and to arrange, coordinate, and monitor an optimum package of services to meet the needs, of the older individual; and

(B) includes services and coordination such as—

(i) comprehensive assessment of the older individual (including the physical, psychological, and social needs of the individual);

(ii) development and implementation of a service plan with the older individual to mobilize the formal and informal resources and services identified in the assessment to meet the needs of the older individual, including coordination of the resources and services—

(I) with any other plans that exist for various formal services, such as hospital discharge plans; and

(II) with the information and assistance services provided under this chapter;

(iii) coordination and monitoring of formal and informal service delivery, including coordination and monitoring to ensure that services specified in the plan are being provided;

(iv) periodic reassessment and revision of the status of the older individual with—

(I) the older individual; or

(II) if necessary, a primary caregiver or family member of the older individual; and

(v) in accordance with the wishes of the older individual, advocacy on behalf of the older individual for needed services or resources.

(23) The term ''dance-movement therapy'' means the use of psychotherapeutic movement as a process facilitated by a dance-movement therapist, to further the emotional, cognitive, or physical health of an older individual.

(24) The term ''elder abuse'' means abuse of an older individual.

(25) The term ''elder abuse, neglect, and exploitation'' means abuse, neglect, and exploitation, of an older individual.

(26) The term ''exploitation'' means the illegal or improper act or process of an individual, including a caregiver, using the resources of an older individual for monetary or personal benefit, profit, or gain.

(27) The term ''focal point'' means a facility established to encourage the maximum collocation and coordination of services for older individuals.

(28) The term ''frail'' means, with respect to an older individual in a State, that the older individual is determined to be functionally impaired because the individual—

(A)(i) is unable to perform at least two activities of daily living without substantial human assistance, including verbal reminding, physical cueing, or supervision; or

(ii) at the option of the State, is unable to perform at least three such activities without such assistance; or

(B) due to a cognitive or other mental impairment, requires substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to the individual or to another individual.

(29) The term ''greatest economic need'' means the need resulting from an income level at or below the poverty line.

(30) The term ''greatest social need'' means the need caused by noneconomic factors, which include—

(A) physical and mental disabilities;

(B) language barriers; and

(C) cultural, social, or geographical isolation, including isolation caused by racial or ethnic status, that—

(i) restricts the ability of an individual to perform normal daily tasks; or

(ii) threatens the capacity of the individual to live independently.

(31) The term ''information and assistance service'' means a service for older individuals that—

(A) provides the individuals with current information on opportunities and services available to the individuals within their communities, including information relating to assistive technology;

(B) assesses the problems and capacities of the individuals;

(C) links the individuals to the opportunities and services that are available;

(D) to the maximum extent practicable, ensures that the individuals receive the services needed by the individuals, and are aware of the opportunities available to the individuals, by establishing adequate follow-up procedures; and

(E) serves the entire community of older individuals, particularly—

(i) older individuals with greatest social need; and

(ii) older individuals with greatest economic need.

(32) The term ''institution of higher education'' has the meaning given the term in section 1141(a) of title 20.

(33) The term ''legal assistance''—

(A) means legal advice and representation provided by an attorney to older individuals with economic or social needs; and

(B) includes—

(i) to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the direct supervision of an attorney; and

(ii) counseling or representation by a nonlawyer where permitted by law.

(34) The term ''long-term care facility'' means—

(A) any skilled nursing facility, as defined in section 1395i–3(a) of this title;

(B) any nursing facility, as defined in section 1396r(a) of this title;

(C) for purposes of sections 3027(a)(12) and 3058g of this title, a board and care facility; and

(D) any other adult care home similar to a facility or institution described in subparagraphs (A) through (C).

(35) The term ''multipurpose senior center'' means a community facility for the organization and provision of a broad spectrum of services, which shall include provision of health (including mental health), social, nutritional, and educational services and the provision of facilities for recreational activities for older individuals.

(36) The term ''music therapy'' means the use of musical or rhythmic interventions specifically selected by a music therapist to accomplish the restoration, maintenance, or improvement of social or emotional functioning, mental processing, or physical health of an older individual.

(37) The term ''neglect'' means—

(A) the failure to provide for oneself the goods or services that are necessary to avoid physical harm, mental anguish, or mental illness; or

(B) the failure of a caregiver to provide the goods or services.

(38) The term ''older individual'' means an individual who is 60 years of age or older.

(39) The term ''physical harm'' means bodily injury, impairment, or disease.

(40) The term ''planning and service area'' means an area designated by a State agency under section 3025(a)(1)(E) of this title, including a single planning and service area described in section 3025(b)(5)(A) of this title.

(41) The term ''poverty line'' means the official poverty line (as defined by the Office of Management and Budget, and adjusted by the Secretary in accordance with section 9902(2) of this title.

(42) The term ''representative payee'' means a person who is appointed by a governmental entity to receive, on behalf of an older individual who is unable to manage funds by reason of a physical or mental incapacity, any funds owed to such individual by such entity.

(43) The term ''State agency'' means the agency designated under section 3025(a)(1) of this title.

(44) The term ''supportive service'' means a service described in section 3030d(a) of this title.

(Pub. L. 89–73, title I, § 102, July 14, 1965, 79 Stat. 219; Pub. L. 90–42, § 5(a), July 1, 1967, 81 Stat. 107; Pub. L. 91–69, § 10(a), Sept. 17, 1969, 83 Stat. 114; Pub. L. 94–135, title I, §§ 104(b), 114(a), Nov. 28, 1975, 89 Stat. 714, 725; Pub. L. 95–478, title V, § 503(a), Oct. 18, 1978, 92 Stat. 1559; Pub. L. 97–115, § 2(a)(2), (3), Dec. 29, 1981, 95 Stat. 1595; Pub. L. 100–175, title I, §§ 136(a)(1), 146(a), 182(a), (b)(1), Nov. 29, 1987, 101 Stat. 942, 950, 964; Pub. L. 100–628, title VII, § 705(1), Nov. 7, 1988, 102 Stat. 3247; Pub. L. 102–375, title I, § 102(a), (b)(1)(A), title IX, § 904(a)(2), Sept. 30, 1992, 106 Stat. 1197, 1200, 1306; Pub. L. 103–171, §§ 2(1), 3(a)(1), Dec. 2, 1993, 107 Stat. 1988, 1989.)

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in par. (6), is Pub. L. 92–203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§ 1601 et seq.) of Title 43, Public Lands. For complete classification of this Act of the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

AMENDMENTS

1993—Par. (2). Pub. L. 103–171, § 3(a)(1), amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''The term 'Commissioner' means, unless the context otherwise requires, the Commissioner of the Administration.''

Par. (3). Pub. L. 103–171, § 2(1), substituted ''Virgin Islands of the United States'' for ''Virgin Islands''.

1992—Par. (2). Pub. L. 102–375, § 904(a)(2), which directed amendment of par. (2) by substituting ''United States Virgin Islands'' for ''Virgin Islands'', could not be executed because ''Virgin Islands'' did not appear in par. (2).

Pub. L. 102–375, § 102(b)(1)(A), substituted ''Administration'' for ''Administration on Aging''.

Pars. (13) to (44). Pub. L. 102–375, § 102(a), added pars. (13) to (44).

1988—Par. (10). Pub. L. 100–628, § 705(1)(A), redesignated par. (8) defining ''assistive technology'' as (10).

Par. (11). Pub. L. 100–628, § 705(1)(A), redesignated par. (9) defining ''information and referral'' as (11).

Par. (12). Pub. L. 100–628, § 705(1)(B), redesignated par. (8) defining ''Trust Territory of the Pacific Islands'' as (12).

1987—Par. (1). Pub. L. 100–175, § 182(a), substituted ''except that for purposes of subchapter IX of this chapter such term means the Secretary of Labor'' for ''other than for purposes of subchapter IX of this chapter''.

Par. (3). Pub. L. 100–175, § 182(b)(1)(A), substituted ''means any of the several States,'' for ''includes'' and ''the Commonwealth of Puerto Rico'' for ''Puerto Rico''.

Par. (8). Pub. L. 100–175, § 182(b)(1)(B), added par. (8) defining ''Trust Territory of the Pacific Islands''.

Pub. L. 100–175, § 146(a), added par. (8) defining ''assistive technology''.

Pub. L. 100–175, § 136(a)(1), added par. (8) defining ''disability''.

Par. (9). Pub. L. 100–175, § 146(a), added par. (9) defining ''information and referral''.

Pub. L. 100–175, § 136(a)(1), added par. (9) defining ''severe disability''.

1981—Par. (1). Pub. L. 97–115, § 2(a)(2), substituted ''Secretary of Health and Human Services'' for ''Secretary of Health, Education, and Welfare''.

Par. (3). Pub. L. 97–115, § 2(a)(3)(A), inserted reference to the Commonwealth of the Northern Mariana Islands.

Pars. (6), (7). Pub. L. 97–115, § 2(a)(3)(B), (C), substituted ''Except for the purposes of subchapter X of this chapter, the term'' for ''The term''.

1978—Par. (1). Pub. L. 95–478, § 503(a)(1), inserted '', other than for purposes of subchapter IX of this chapter''.

Pars. (4) to (7). Pub. L. 95–478, § 503(a)(2), redesignated second par. (4), which was enacted by Pub. L. 94–135, § 104(b), as par. (5) and redesignated existing pars. (5) and (6) as (6) and (7), respectively.

1975—Par. (1). Pub. L. 94–135, § 114(a), substituted a period for the semicolon.

Pars. (4) to (6). Pub. 94–135, § 104(b), added pars. (4) to (6).

1969—Par. (3). Pub. L. 91–69 enlarged term ''State'' to include the Trust Territory of the Pacific Islands.

1967—Par. (2). Pub. L. 90–42, § 5(a)(1), inserted '', unless the context otherwise requires,'' after ''means''.

Par. (4). Pub. L. 90–42, § 5(a)(2), enlarged term nonprofit institution or organization to include nonprofit agencies.

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 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.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6862 of this title.

§ 3003. Congressional declaration of additional objectives

The Congress finds that millions of older citizens in this Nation are suffering unnecessary harm from the lack of adequate services. It is therefore the purpose of this Act, in support of the objectives of this chapter, to—

(1) make available comprehensive programs which include a full range of health, education, and supportive services to our older citizens who need them,

(2) give full and special consideration to older citizens with special needs in planning such programs, and, pending the availability of such programs for all older citizens, give priority to the elderly with the greatest economic and social need.

(3) provide comprehensive programs which will assure the coordinated delivery of a full range of essential services to our older citizens, and, where applicable, also furnish meaningful employment opportunities for many individuals, including older persons, young persons, and volunteers from the community, and

(4) insure that the planning and operation of such programs will be undertaken as a partnership of older citizens, community agencies, and State and local governments, with appropriate assistance from the Federal Government.

(Pub. L. 93–29, title I, § 101, May 3, 1973, 87 Stat. 30; Pub. L. 97–115, § 3(d), Dec. 29, 1981, 95 Stat. 1597.)

REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 93–29, May 3, 1973, 87 Stat. 30, as amended, known as the Older Americans Comprehensive Services Amendments of 1973. For complete classification of this Act to the Code, see Short Title of 1973 Amendment note set out under section 3001 of this title and Tables.

CODIFICATION

Section was not enacted as part of the Older Americans Act of 1965 which comprises this chapter.

AMENDMENTS

1981—Par. (1). Pub. L. 97–115 substituted ''supportive services'' for ''social services''.

SUBCHAPTER II—ADMINISTRATION ON AGING

§ 3011. Establishment of Administration on Aging

(a) Function and operation

There is established in the Office of the Secretary an Administration on Aging which shall be headed by an Assistant Secretary for Aging. Except for subchapter IX of this chapter, the Administration shall be the agency for carrying out this chapter. There shall be a direct reporting relationship between the Assistant Secretary and the Secretary. In the performance of the functions of the Assistant Secretary, the Assistant Secretary shall be directly responsible to the Secretary. The Secretary shall not approve or require any delegation of the functions of the Assistant Secretary (including the functions of the Assistant Secretary carried out through regional offices) to any other officer not directly responsible to the Assistant Secretary.

(b) Appointment of Assistant Secretary

The Assistant Secretary shall be appointed by the President by and with the advice and consent of the Senate.

(c) Office for American Indian, Alaskan Native, and Native Hawaiian Programs; Director

(1) There is established in the Administration an Office for American Indian, Alaskan Native, and Native Hawaiian Programs.

(2) The Office shall be headed by a Director of the Office for American Indian, Alaskan Native, and Native Hawaiian Aging appointed by the Assistant Secretary.

(3) The Director of the Office for American Indian, Alaskan Native, and Native Hawaiian Aging shall—

(A)(i) evaluate the adequacy of outreach under subchapter III of this chapter and subchapter X of this chapter for older individuals who are Native Americans and recommend to the Assistant Secretary necessary action to improve service delivery, outreach, coordination between subchapter III and subchapter X services, and particular problems faced by older Indians and Native Hawaiians; and

(ii) include a description of the results of such evaluation and recommendations in the annual report required by section 3018(a) of this title to be submitted by the Assistant Secretary;

(B) serve as the effective and visible advocate in behalf of older individuals who are Native Americans within the Department of Health and Human Services and with other departments and agencies of the Federal Government regarding all Federal policies affecting such individuals, with particular attention to services provided to Native Americans by the Indian Health Service;

(C) coordinate activities between other Federal departments and agencies to assure a continuum of improved services through memoranda of agreements or through other appropriate means of coordination;

(D) administer and evaluate the grants provided under this chapter to Indian tribes, public agencies and nonprofit private organizations serving Native Hawaiians;

(E) recommend to the Assistant Secretary policies and priorities with respect to the development and operation of programs and activities conducted under this chapter relating to older individuals who are Native Americans;

(F) collect and disseminate information related to problems experienced by older Native Americans, including information (compiled with assistance from public or nonprofit private entities, including institutions of higher education, with experience in assessing the characteristics and health status of older individuals who are Native Americans) on elder abuse, in-home care, health problems, and other problems unique to Native Americans;

(G) develop research plans, and conduct and arrange for research, in the field of American Native aging with a special emphasis on the gathering of statistics on the status of older individuals who are Native Americans;

(H) develop and provide technical assistance and training programs to grantees under subchapter X of this chapter;

(I) promote coordination—

(i) between the administration of subchapter III of this chapter and the administration of subchapter X of this chapter; and

(ii) between programs established under subchapter III of this chapter by the Assistant Secretary and programs established under subchapter X of this chapter by the Assistant Secretary;

including sharing among grantees information on programs funded, and on training and technical assistance provided, under such subchapters; and

(J) serve as the effective and visible advocate on behalf of older individuals who are Indians, Alaskan Natives, and Native Hawaiians, in the States to promote the enhanced delivery of services and implementation of programs, under this chapter and other Federal Acts, for the benefit of such individuals.

(d) Office of Long-Term Care Ombudsman Programs

(1) There is established in the Administration the Office of Long-Term Care Ombudsman Programs (in this subsection referred to as the ''Office'').

(2)(A) The Office shall be headed by a Director of the Office of Long-Term Care Ombudsman Programs (in this subsection referred to as the ''Director'') who shall be appointed by the Assistant Secretary from among individuals who have expertise and background in the fields of long-term care advocacy and management. The Director shall report directly to the Assistant Secretary.

(B) No individual shall be appointed Director if—

(i) the individual has been employed within the previous 2 years by—

(I) a long-term care facility;

(II) a corporation that then owned or operated a long-term care facility; or

(III) an association of long-term care facilities;

(ii) the individual—

(I) has an ownership or investment interest (represented by equity, debt, or other financial relationship) in a long-term care facility or long-term care service; or

(II) receives, or has the right to receive, directly or indirectly remuneration (in cash or in kind) under a compensation arrangement with an owner or operator of a long-term care facility; or

(iii) the individual, or any member of the immediate family of the individual, is subject to a conflict of interest.

(3) The Director shall—

(A) serve as an effective and visible advocate on behalf of older individuals who reside in long-term care facilities, within the Department of Health and Human Services and with other departments, agencies, and instrumentalities of the Federal Government regarding all Federal policies affecting such individuals;

(B) review and make recommendations to the Assistant Secretary regarding—

(i) the approval of the provisions in State plans submitted under section 3027(a) of this title that relate to State Long-Term Care Ombudsman programs; and

(ii) the adequacy of State budgets and policies relating to the programs;

(C) after consultation with State Long-Term Care Ombudsmen and the State agencies, make recommendations to the Assistant Secretary regarding—

(i) policies designed to assist State Long-Term Care Ombudsmen; and

(ii) methods to periodically monitor and evaluate the operation of State Long-Term Care Ombudsman programs, to ensure that the programs satisfy the requirements of section 3027(a)(12) of this title and section 3058g of this title, including provision of service to residents of board and care facilities and of similar adult care facilities;

(D) keep the Assistant Secretary and the Secretary fully and currently informed about—

(i) problems relating to State Long-Term Care Ombudsman programs; and

(ii) the necessity for, and the progress toward, solving the problems;

(E) review, and make recommendations to the Secretary and the Assistant Secretary re-

garding, existing and proposed Federal legislation, regulations, and policies regarding the operation of State Long-Term Care Ombudsman programs;

(F) make recommendations to the Assistant Secretary and the Secretary regarding the policies of the Administration, and coordinate the activities of the Administration with the activities of other Federal entities, State and local entities, and nongovernmental entities, relating to State Long-Term Care Ombudsman programs;

(G) supervise the activities carried out under the authority of the Administration that relate to State Long-Term Care Ombudsman programs;

(H) administer the National Ombudsman Resource Center established under section 3012(a)(21) of this title and make recommendations to the Assistant Secretary regarding the operation of the National Ombudsman Resource Center;

(I) advocate, monitor, and coordinate Federal and State activities of Long-Term Care Ombudsmen under this chapter;

(J) submit to the Speaker of the House of Representatives and the President pro tempore of the Senate an annual report on the effectiveness of services provided under section 3027(a)(12) of this title and section 3058g of this title;

(K) have authority to investigate the operation or violation of any Federal law administered by the Department of Health and Human Services that may adversely affect the health, safety, welfare, or rights of older individuals; and

(L) not later than 180 days after September 30, 1992, establish standards applicable to the training required by section 3058g(h)(4) of this title.

(Pub. L. 89–73, title II, § 201, July 14, 1965, 79 Stat. 220; Pub. L. 93–29, title II, § 201(a), May 3, 1973, 87 Stat. 30; Pub. L. 93–351, § 2(a), July 12, 1974, 88 Stat. 357; Pub. L. 95–478, title V, § 503(b)(1), Oct. 18, 1978, 92 Stat. 1559; Pub. L. 98–459, title II, § 201, Oct. 9, 1984, 98 Stat. 1767; Pub. L. 100–175, title I, §§ 102, 107(a), 182(c), Nov. 29, 1987, 101 Stat. 928, 931, 964; Pub. L. 102–375, title I, § 102(b)(1)(A), (2), title II, § 201, title IX, § 904(a)(3), Sept. 30, 1992, 106 Stat. 1200, 1201, 1202, 1306; Pub. L. 103–171, § 3(a)(2), Dec. 2, 1993, 107 Stat. 1989.)

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–171, § 3(a)(2)(A), (D), substituted ''an Assistant Secretary for Aging'' for ''a Commissioner on Aging'' and substituted ''the Assistant Secretary'' for ''the Commissioner'' wherever appearing.

Subsec. (b). Pub. L. 103–171, § 3(a)(2)(D), substituted ''Assistant Secretary'' for ''Commissioner''.

Subsec. (c)(2). Pub. L. 103–171, § 3(a)(2)(B)(i), (D), substituted ''a Director of the Office for'' for ''an Associate Commissioner on'' and ''Assistant Secretary'' for ''Commissioner''.

Subsec. (c)(3). Pub. L. 103–171, § 3(a)(2)(B)(ii), (D), substituted ''Director of the Office for'' for ''Associate Commissioner on'' in introductory provisions and ''Assistant Secretary'' for ''Commissioner'' wherever appearing in subpars. (A), (E), and (I)(ii).

Subsec. (d)(2). Pub. L. 103–171, § 3(a)(2)(C), (D), substituted ''a Director of the Office of Long-Term Care Ombudsman Programs'' for ''an Associate Commissioner for Ombudsman Programs'' in subpar. (A), ''Director'' for ''Associate Commissioner'' wherever appearing, and ''Assistant Secretary'' for ''Commissioner'' in two places in subpar. (A).

Subsec. (d)(3). Pub. L. 103–171, § 3(a)(2)(C)(ii), (D), substituted ''Director'' for ''Associate Commissioner'' in introductory provisions and ''Assistant Secretary'' for ''Commissioner'' in subpars. (B) to (F) and (H).

1992—Subsec. (a). Pub. L. 102–375, §§ 102(b)(2), 201(a), struck out ''(hereinafter in this chapter referred to as the 'Administration')'' after ''Administration on Aging'' and ''(hereinafter in this chapter referred to as the 'Commissioner')'' after ''Commissioner on Aging'' and inserted ''(including the functions of the Commissioner carried out through regional offices)'' after ''functions of the Commissioner''.

Subsec. (c)(1). Pub. L. 102–375, § 102(b)(1)(A), substituted ''Administration'' for ''Administration on Aging''.

Subsec. (c)(3)(A)(i). Pub. L. 102–375, § 904(a)(3)(A), inserted ''individuals who are'' before ''Native Americans''.

Subsec. (c)(3)(B). Pub. L. 102–375, §§ 201(b)(1), 904(a)(3)(A), (B), inserted ''individuals who are'' before ''Native Americans within'' and substituted ''affecting such individuals, with particular attention to services provided to Native Americans by the Indian Health Service'' for ''affecting older Native Americans''.

Subsec. (c)(3)(E). Pub. L. 102–375, § 904(a)(3)(A), (C), substituted ''this chapter'' for ''the chapter'' and inserted ''individuals who are'' after ''older''.

Subsec. (c)(3)(F). Pub. L. 102–375, § 201(b)(2), inserted before semicolon '', including information (compiled with assistance from public or nonprofit private entities, including institutions of higher education, with experience in assessing the characteristics and health status of older individuals who are Native Americans) on elder abuse, in-home care, health problems, and other problems unique to Native Americans''.

Subsec. (c)(3)(G). Pub. L. 102–375, § 904(a)(3)(A), inserted ''individuals who are'' before ''Native Americans''.

Subsec. (c)(3)(I), (J). Pub. L. 102–375, § 201(b)(3)–(5), added subpars. (I) and (J).

Subsec. (d). Pub. L. 102–375, § 201(c), added subsec. (d).

1987—Subsec. (a). Pub. L. 100–175, § 182(c), substituted ''the functions of the Commissioner'' for ''his functions''.

Pub. L. 100–175, § 102, substituted ''between the Commissioner and the Secretary'' for ''between the Commissioner and the Office of the Secretary'' and ''responsible to the Secretary'' for ''responsible to the Office of the Secretary''.

Subsec. (c). Pub. L. 100–175, § 107(a), added subsec. (c).

1984—Subsec. (a). Pub. L. 98–459, § 201(1), (3), (4), substituted ''the agency'' for ''the principal agency'', inserted provision requiring establishment of a direct reporting relationship between Commissioner and Office of the Secretary, and substituted ''approve or require'' for ''approve''.

Pub. L. 98–459, § 201(2), which directed that ''the functions of the Administration'' be substituted for ''his functions'' in second sentence could not be executed because ''his functions'' appeared only in third sentence.

1978—Subsec. (a). Pub. L. 95–478 substituted ''subchapter IX of this chapter'' for ''subchapter VI of this chapter and as otherwise specifically provided by the Older Americans Comprehensive Services Amendments of 1973''.

1974—Subsec. (a). Pub. L. 93–351 struck out provisions which had authorized the Secretary of Health, Education, and Welfare, under certain conditions, to approve a delegation of the functions of the Commissioner on Aging to officers not directly responsible to the Commissioner.

1973—Subsec. (a). Pub. L. 93–29 added subsec. (a). Former provision established the Administration on Aging in the Department of Health, Education, and Welfare.

Subsec. (b). Pub. L. 93–29 struck out provision respecting the direction of the Administration by a Com-

missioner on Aging, now incorporated in subsec. (a) of this section.

CHANGE OF NAME

Section 3(c) of Pub. L. 103–171 provided that: ''Any reference to the Commissioner on Aging in any order, rule, guideline, contract, grant, suit, or proceeding that is pending, enforceable, or in effect on the date of the enactment of this Act [Dec. 2, 1993] shall be deemed to be a reference to the Assistant Secretary for Aging.''

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.

MODIFICATION OF DELEGATION OF FUNCTIONS OF COMMISSIONER ON AGING IN EFFECT ON JULY 12, 1974

Section 2(b) of Pub. L. 93–351 provided that: ''Any delegation of the functions of the Commissioner on Aging [now Assistant Secretary for Aging] in effect on the date of enactment of this Act [July 12, 1974], issued pursuant to section 201(a) of such Act [subsec. (a) of this section], shall be modified by the Commissioner to comply with the provisions of the amendment made by this section [amending this section].''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3012 of this title.

§ 3012. Functions of Assistant Secretary

(a) Duties and functions of Administration

It shall be the duty and function of the Administration to—

(1) serve as the effective and visible advocate for older individuals within the Department of Health and Human Services and with other departments, agencies, and instrumentalities of the Federal Government by maintaining active review and commenting responsibilities over all Federal policies affecting older individuals;

(2) collect and disseminate information related to problems of the aged and aging;

(3) directly assist the Secretary in all matters pertaining to problems of the aged and aging;

(4) administer the grants provided by this chapter;

(5) develop plans, conduct and arrange for research in the field of aging, and assist in the establishment and implementation of programs designed to meet the needs of older individuals for supportive services, including nutrition, hospitalization, education and training services (including preretirement training, and continuing education), low-cost transportation and housing, and health (including mental health) services;

(6) provide technical assistance and consultation to States and political subdivisions thereof with respect to programs for the aged and aging;

(7) prepare, publish, and disseminate educational materials dealing with the welfare of older individuals;

(8) gather statistics in the field of aging which other Federal agencies are not collecting, and take whatever action is necessary to achieve coordination of activities carried out or assisted by all departments, agencies, and instrumentalities of the Federal Government with respect to the collection, preparation, and dissemination of information relevant to older individuals;

(9) stimulate more effective use of existing resources and available services for the aged and aging, including existing legislative protections with particular emphasis on the application of the Age Discrimination in Employment Act of 1967 [29 U.S.C. 621 et seq.];

(10) develop basic policies and set priorities with respect to the development and operation of programs and activities conducted under authority of this chapter;

(11) coordinate Federal programs and activities related to such purposes;

(12) coordinate, and assist in, the planning and development by public (including Federal, State, and local agencies) and private organizations of programs for older individuals, with a view to the establishment of a nationwide network of comprehensive, coordinated services and opportunities for such individuals;

(13) convene conferences of such authorities and officials of public (including Federal, State, and local agencies) and nonprofit private organizations concerned with the development and operation of programs for older individuals as the Assistant Secretary deems necessary or proper for the development and implementation of policies related to the objectives of this chapter;

(14) develop and operate programs providing services and opportunities as authorized by this chapter which are not otherwise provided by existing programs for older individuals;

(15) carry on a continuing evaluation of the programs and activities related to the objectives of this chapter, with particular attention to the impact of medicare and medicaid, the Age Discrimination in Employment Act of 1967 [29 U.S.C. 621 et seq.], and the programs of the National Housing Act [12 U.S.C. 1701 et seq.] relating to housing for older individuals and the setting of standards for the licensing of nursing homes, intermediate care homes, and other facilities providing care for such individuals;

(16) provide information and assistance to private organizations for the establishment and operation by them of programs and activities related to the objectives of this chapter;

(17) develop, in coordination with other agencies, a national plan for meeting the needs for trained personnel in the field of aging, and for training persons for carrying out programs related to the objectives of this chapter, and conduct and provide for the conducting of such training;

(18) consult with national organizations representing minority individuals to develop and

disseminate training packages and to provide technical assistance efforts designed to assist State and area agencies on aging, and service providers, in providing services to older individuals with greatest economic need or individuals with greatest social need, with particular attention to and specific objectives for providing services to low-income minority individuals;

(19) collect for each fiscal year, for fiscal years beginning after September 30, 1988, directly or by contract, statistical data regarding programs and activities carried out with funds provided under this chapter, including—

(A) with respect to each type of service or activity provided with such funds—

(i) the aggregate amount of such funds expended to provide such service or activity;

(ii) the number of individuals who received such service or activity; and

(iii) the number of units of such service or activity provided;

(B) the number of senior centers which received such funds; and

(C) the extent to which each area agency on aging designated under section 3025(a) of this title satisfied the requirements of paragraphs (2) and (5)(A) of section 3026(a) of this title;

(20) obtain from—

(A) the Department of Agriculture information explaining the requirements for eligibility to receive benefits under the Food Stamp Act of 1977 [7 U.S.C. 2011 et seq.]; and

(B) the Social Security Administration information explaining the requirements for eligibility to receive supplemental security income benefits under title XVI of the Social Security Act [42 U.S.C. 1381 et seq.] (or assistance under a State plan program under title XVI of that Act);

and distribute such information, in written form, to State agencies, for redistribution to area agencies on aging, to carry out outreach activities and application assistance;

(21)(A) establish and operate the National Ombudsman Resource Center (in this paragraph referred to as the ''Center''), under the administration of the Director of the Office of Long-Term Care Ombudsman Programs, that will—

(i) by grant or contract—

(I) conduct research;

(II) provide training, technical assistance, and information to State Long-Term Care Ombudsmen;

(III) analyze laws, regulations, programs, and practices; and

(IV) provide assistance in recruiting and retaining volunteers for State Long-Term Care Ombudsman programs by establishing a national program for recruitment efforts that utilizes the organizations that have established a successful record in recruiting and retaining volunteers for ombudsman or other programs;

relating to Federal, State, and local long-term care ombudsman policies; and

(ii) assist State Long-Term Care Ombudsmen in the implementation of State Long-Term Care Ombudsman programs; and

(B) make available to the Center not less than the amount of resources made available to the Long-Term Care Ombudsman National Resource Center for fiscal year 1990;

(22) issue regulations, and conduct strict monitoring of State compliance with the requirements in effect, under this chapter to prohibit conflicts of interest and to maintain the integrity and public purpose of services provided and service providers, under this chapter in all contractual and commercial relationships, and include in such regulations a requirement that as a condition of being designated as an area agency on aging such agency shall—

(A) disclose to the Assistant Secretary and the State agency involved—

(i) the identity of each nongovernmental entity with which such agency has a contract or commercial relationship relating to providing any service to older individuals; and

(ii) the nature of such contract or such relationship;

(B) demonstrate that a loss or diminution in the quantity or quality of the services provided, or to be provided, under this chapter by such agency has not resulted and will not result from such contract or such relationship;

(C) demonstrate that the quantity or quality of the services to be provided under this chapter by such agency will be enhanced as a result of such contract or such relationship; and

(D) on the request of the Assistant Secretary or the State, for the purpose of monitoring compliance with this chapter (including conducting an audit), disclose all sources and expenditures of funds received or expended to provide services to older individuals;

(23) encourage, and provide technical assistance to, States and area agencies on aging to carry out outreach to inform older individuals with greatest economic need who may be eligible to receive, but are not receiving, supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) (or assistance under a State plan program under such title), medical assistance under title XIX of such Act (42 U.S.C. 1396 et seq.), and benefits under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), of the requirements for eligibility to receive such benefits and such assistance;

(24) establish information and assistance services as priority services for older individuals;

(25) develop guidelines for area agencies on aging to follow in choosing and evaluating providers of legal assistance;

(26) develop guidelines and a model job description for choosing and evaluating legal assistance developers referred to in sections 3027(a)(18) and 3058j(b)(2) of this title;

(27)(A) conduct a study to determine ways in which Federal funds might be more effectively

targeted to low-income minority older individuals, and older individuals residing in rural areas, to better meet the needs of States with a disproportionate number of older individuals with greatest economic need and older individuals with greatest social need;

(B) conduct a study to determine ways in which Federal funds might be more effectively targeted to better meet the needs of States with disproportionate numbers of older individuals, including methods of allotting funds under subchapter III of this chapter, using the most recent estimates of the population of older individuals; and

(C) not later than January 1, 1995, submit a report containing the findings resulting from the studies described in subparagraphs (A) and (B) to the Speaker of the House of Representatives and the President pro tempore of the Senate;

(28) provide technical assistance, training, and other means of assistance to State agencies, area agencies on aging, and service providers regarding State and local data collection and analysis;

(29) design and implement, for purposes of compliance with paragraph (19), uniform data collection procedures for use by State agencies, including—

(A) uniform definitions and nomenclature;

(B) standardized data collection procedures;

(C) a participant identification and description system;

(D) procedures for collecting information on gaps in services needed by older individuals, as identified by service providers in assisting clients through the provision of the supportive services; and

(E) procedures for the assessment of unmet needs for services under this chapter; and

(30) require that all Federal grants and contracts made under this subchapter and subchapter IV of this chapter be made in accordance with a competitive bidding process established by the Assistant Secretary by regulation.

(b) Policy alternatives in long-term care

In order to strengthen the involvement of the Administration in the development of policy alternatives in long-term care and to insure that the development of community alternatives is given priority attention, the Assistant Secretary shall—

(1) develop planning linkages with utilization and quality control peer review organizations under title XI of the Social Security Act [42 U.S.C. 1301 et seq.], with the Substance Abuse and Mental Health Services Administration and the Administration on Developmental Disabilities;

(2) participate in all departmental and interdepartmental activities which concern issues of institutional and noninstitutional long-term health care services development;

(3) review and comment on all departmental regulations and policies regarding community health and social service development for older individuals; and

(4) participate in all departmental and interdepartmental activities to provide a leadership role for the Administration, State agencies, and area agencies on aging in the development and implementation of a national community-based long-term care program for older individuals.

(c) Encouragement by Assistant Secretary of program and activity by voluntary social services group; establishment of and technical assistance to State and area volunteer coordinators

(1) In executing the duties and functions of the Administration under this chapter and carrying out the programs and activities provided for by this chapter, the Assistant Secretary, in consultation with the Corporation for National and Community Service, shall take all possible steps to encourage and permit voluntary groups active in supportive services, including youth organizations active at the high school or college levels, to participate and be involved individually or through representative groups in such programs or activities to the maximum extent feasible, through the performance of advisory or consultative functions, and in other appropriate ways.

(2)(A) In executing the duties and functions of the Administration under this chapter and in carrying out the programs and activities provided for by this chapter, the Assistant Secretary shall act to encourage and assist the establishment and use of—

(i) area volunteer service coordinators, as described in section 3026(a)(12) of this title, by area agencies on aging; and

(ii) State volunteer service coordinators, as described in section 3027(a)(31) of this title, by State agencies.

(B) The Assistant Secretary shall provide technical assistance to the area and State volunteer services coordinators.

(d) National Center on Elder Abuse

(1) The Assistant Secretary shall establish and operate the National Center on Elder Abuse (in this subsection referred to as the ''Center'').

(2) In operating the Center, the Assistant Secretary shall—

(A) annually compile, publish, and disseminate a summary of recently conducted research on elder abuse, neglect, and exploitation;

(B) develop and maintain an information clearinghouse on all programs (including private programs) showing promise of success, for the prevention, identification, and treatment of elder abuse, neglect, and exploitation;

(C) compile, publish, and disseminate training materials for personnel who are engaged or intend to engage in the prevention, identification, and treatment of elder abuse, neglect, and exploitation;

(D) provide technical assistance to State agencies and to other public and nonprofit private agencies and organizations to assist the agencies and organizations in planning, improving, developing, and carrying out programs and activities relating to the special problems of elder abuse, neglect, and exploitation; and

(E) conduct research and demonstration projects regarding the causes, prevention,

identification, and treatment of elder abuse, neglect, and exploitation.

(3)(A) The Assistant Secretary shall carry out paragraph (2) through grants or contracts.

(B) The Assistant Secretary shall issue criteria applicable to the recipients of funds under this subsection. To be eligible to receive a grant or enter into a contract under subparagraph (A), an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

(C) The Assistant Secretary shall—

(i) establish research priorities for making grants or contracts to carry out paragraph (2)(E); and

(ii) not later than 60 days before the date on which the Assistant Secretary establishes such priorities, publish in the Federal Register for public comment a statement of such proposed priorities.

(4) The Assistant Secretary shall make available to the Center such resources as are necessary for the Center to carry out effectively the functions of the Center under this chapter and not less than the amount of resources made available to the Resource Center on Elder Abuse for fiscal year 1990.

(e) National Aging Information Center

(1)(A) The Assistant Secretary shall make grants or enter into contracts with eligible entities to establish the National Aging Information Center (in this subsection referred to as the ''Center'') to—

(i) provide information about education and training projects established under part A, and research and demonstration projects, and other activities, established under part B, of subchapter IV of this chapter to persons requesting such information;

(ii) annually compile, analyze, publish, and disseminate—

(I) statistical data collected under subsection (a)(19) of this section;

(II) census data on aging demographics; and

(III) data from other Federal agencies on the health, social, and economic status of older individuals and on the services provided to older individuals;

(iii) biennially compile, analyze, publish, and disseminate statistical data collected on the functions, staffing patterns, and funding sources of State agencies and area agencies on aging;

(iv) analyze the information collected under section 3011(c)(3)(F) of this title by the Director of the Office for American Indian, Alaskan Native, and Native Hawaiian Aging, and the information provided by the Resource Centers on Native American Elders under section 3035m of this title;

(v) provide technical assistance, training, and other means of assistance to State agencies, area agencies on aging, and service providers, regarding State and local data collection and analysis; and

(vi) be a national resource on statistical data regarding aging;[1]

[1] So in original. The semicolon probably should be a period.

(B) To be eligible to receive a grant or enter into a contract under subparagraph (A), an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

(C) Entities eligible to receive a grant or enter into a contract under subparagraph (A) shall be organizations with a demonstrated record of experience in education and information dissemination.

(2)(A) The Assistant Secretary shall establish procedures specifying the length of time that the Center shall provide the information described in paragraph (1) with respect to a particular project or activity. The procedures shall require the Center to maintain the information beyond the term of the grant awarded, or contract entered into, to carry out the project or activity.

(B) The Assistant Secretary shall establish the procedures described in subparagraph (A) after consultation with—

(i) practitioners in the field of aging;

(ii) older individuals;

(iii) representatives of institutions of higher education;

(iv) national aging organizations;

(v) State agencies;

(vi) area agencies on aging;

(vii) legal assistance providers;

(viii) service providers; and

(ix) other persons with an interest in the field of aging.

(Pub. L. 89–73, title II, § 202, July 14, 1965, 79 Stat. 220; Pub. L. 93–29, title II, § 201(b), May 3, 1973, 87 Stat. 31; Pub. L. 94–135, title I, § 114(b), (c), Nov. 28, 1975, 89 Stat. 725; Pub. L. 95–478, title I, § 102(a), title V, § 503(b)(2), (4), Oct. 18, 1978, 92 Stat. 1513, 1559; Pub. L. 97–115, §§ 2(b), (c), 3(d), Dec. 29, 1981, 95 Stat. 1595, 1597; Pub. L. 98–459, title II, § 202, Oct. 9, 1984, 98 Stat. 1768; Pub. L. 100–175, title I, §§ 103(a), 105(a), 106(a), 155(a), Nov. 29, 1987, 101 Stat. 928, 930, 952; Pub. L. 102–321, title I, § 163(c)(2)(A), July 10, 1992, 106 Stat. 377; Pub. L. 102–375, title I, § 102(b)(10)(A), title II, § 202(a)–(f), title VII, § 708(c)(1), title IX, § 904(a)(4), Sept. 30, 1992, 106 Stat. 1202, 1205–1208, 1292, 1306; Pub. L. 103–82, title IV, § 405(g)(1), Sept. 21, 1993, 107 Stat. 921; Pub. L. 103–171, §§ 2(2), (3), 3(a)(3), Dec. 2, 1993, 107 Stat. 1988, 1990.)

REFERENCES IN TEXT

The Age Discrimination in Employment Act of 1967, referred to in subsec. (a)(9), (15), is Pub. L. 90–202, Dec. 15, 1967, 81 Stat. 602, as amended, which is classified generally to chapter 14 (§ 621 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 29 and Tables.

The National Housing Act, referred to in subsec. (a)(15), is act June 27, 1934, ch. 847, 48 Stat. 1246, as amended, which is classified principally to chapter 13 (§ 1701 et seq.) of Title 12, Banks and Banking. For complete classification of this Act to the Code, see section 1701 of Title 12 and Tables.

The Food Stamp Act of 1977, referred to in subsec. (a)(20)(A), (23), is Pub. L. 88–525, Aug. 31, 1964, 78 Stat. 703, as amended, which is classified generally to chapter 51 (§ 2011 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 7 and Tables.

The Social Security Act, referred to in subsecs. (a)(20)(B), (23), and (b)(1), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Titles XI, XVI, and XIX of that Act are classified generally to subchapters XI (§ 1301 et seq.), XVI (§ 1381 et seq.), and XIX (§ 1396 et seq.), respectively, of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

AMENDMENTS

1993—Pub. L. 103–171, § 3(a)(3)(A), substituted ''Assistant Secretary'' for ''Commissioner'' in section catchline.

Subsec. (a)(13). Pub. L. 103–171, § 3(a)(3)(D), substituted ''Assistant Secretary'' for ''Commissioner''.

Subsec. (a)(18). Pub. L. 103–171, § 2(2), struck out '', and service providers,'' after ''area agencies'' and inserted the phrase after ''on aging''.

Subsec. (a)(21)(A). Pub. L. 103–171, § 3(a)(3)(B), substituted ''Director of the Office of Long-Term Care Ombudsman Programs'' for ''Associate Commissioner for Ombudsman Programs''.

Subsec. (a)(22)(A), (D). Pub. L. 103–171, § 3(a)(3)(D), substituted ''Assistant Secretary'' for ''Commissioner''.

Subsec. (a)(27)(C). Pub. L. 103–171, § 2(3), substituted ''1995'' for ''1994''.

Subsecs. (a)(30), (b), (c). Pub. L. 103–171, § 3(a)(3)(D), substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing.

Subsec. (c)(1). Pub. L. 103–82 substituted ''the Corporation for National and Community Service'' for ''the Director of the ACTION Agency''.

Subsecs. (d), (e). Pub. L. 103–171, § 3(a)(3)(D), substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing.

Subsec. (e)(1)(A)(iv). Pub. L. 103–171, § 3(a)(3)(C), substituted ''Director of the Office for'' for ''Associate Commissioner on''.

1992—Subsec. (a)(1). Pub. L. 102–375, § 904(a)(4)(A)(i), substituted ''older individuals'' for ''the elderly'' in two places.

Subsec. (a)(3). Pub. L. 102–375, § 202(a)(1), inserted ''directly'' before ''assist''.

Subsec. (a)(11). Pub. L. 102–375, § 202(a)(2), substituted ''coordinate'' for ''provide for the coordination of''.

Subsec. (a)(13). Pub. L. 102–375, § 904(a)(4)(A)(iii), substituted ''objectives'' for ''purposes''.

Subsec. (a)(15). Pub. L. 102–375, § 904(a)(4)(A)(ii), (iii), substituted ''objectives'' for ''purposes'', ''older individuals'' for ''the elderly'', and ''such individuals'' for ''older people''.

Subsec. (a)(16), (17). Pub. L. 102–375, § 904(a)(4)(A)(iii), substituted ''objectives'' for ''purposes''.

Subsec. (a)(18). Pub. L. 102–375, § 202(a)(3)(B), substituted ''greatest economic need or individuals with greatest social need, with particular attention to and specific objectives for providing services to low-income minority individuals'' for ''the greatest economic or social needs''.

Pub. L. 102–375, § 202(a)(3)(A), inserted '', and service providers,'' after ''agencies''.

Pub. L. 102–375, § 102(b)(10)(A), substituted ''area agencies on aging'' for ''area agencies''.

Subsec. (a)(19)(A). Pub. L. 102–375, § 202(a)(4)(A), inserted ''or activity'' after ''service'' wherever appearing.

Subsec. (a)(20). Pub. L. 102–375, § 708(c)(1), struck out ''under section 3027(a)(31) of this title'' after ''application assistance''.

Subsec. (a)(21) to (30). Pub. L. 102–375, § 202(a)(4)(B), (b), added pars. (21) to (30).

Subsec. (b)(1). Pub. L. 102–375, § 904(a)(4)(B)(i), struck out ''with health systems agencies designated under section 300*l*–4 of this title,'' after ''linkages''.

Pub. L. 102–321, § 163(c)(2)(A), substituted ''the Substance Abuse and Mental Health Services Administration'' for ''the Alcohol, Drug Abuse, and Mental Health Administration''.

Subsec. (b)(3). Pub. L. 102–375, § 904(a)(4)(B)(ii), substituted ''older individuals'' for ''the elderly''.

Subsec. (b)(4). Pub. L. 102–375, § 202(c), added par. (4).

Subsec. (c). Pub. L. 102–375, § 202(d), designated existing provisions as par. (1) and added par. (2).

Subsec. (d). Pub. L. 102–375, § 202(e), added subsec. (d).

Subsec. (e). Pub. L. 102–375, § 202(f), added subsec. (e).

1987—Subsec. (a)(5). Pub. L. 100–175, § 105(a), inserted ''(including mental health)'' after ''health''.

Subsec. (a)(19), (20). Pub. L. 100–175, §§ 103(a), 155(a), added pars. (19) and (20).

Subsec. (b)(1). Pub. L. 100–175, § 106(a), inserted reference to the Alcohol, Drug Abuse, and Mental Health Administration and the Administration on Developmental Disabilities.

1984—Subsec. (a)(5). Pub. L. 98–459, § 202(a)(1), substituted ''establishment and implementation of'' for ''establishment of and carry out''.

Subsec. (a)(9). Pub. L. 98–459, § 202(a)(2), inserted '', including existing legislative protections with particular emphasis on the application of the Age Discrimination in Employment Act of 1967''.

Subsec. (a)(18). Pub. L. 98–459, § 202(a)(3)–(5), added par. (18).

Subsec. (b)(1). Pub. L. 98–459, § 202(b), inserted ''and with utilization and quality control peer review organizations under title XI of the Social Security Act''.

Subsec. (c). Pub. L. 98–459, § 202(c), substituted ''the duties and functions of the Administration'' for ''his duties and functions''.

1981—Pub. L. 97–115, § 2(b)(1), substituted ''Commissioner'' for ''Administration'' in section catchline.

Subsec. (a)(1). Pub. L. 97–115, § 2(b)(2), substituted ''Department of Health and Human Services'' for ''Department of Health, Education, and Welfare''.

Subsec. (a)(2). Pub. L. 97–115, § 2(b)(3), substituted ''collect and disseminate'' for ''serve as a clearinghouse for''.

Subsec. (a)(5). Pub. L. 97–115, §§ 2(b)(4), 3(d), substituted ''supportive services'' for ''social services'' and ''hospitalization, education and training services (including preretirement training, and continuing education), low-cost transportation and housing'' for ''hospitalization, preretirement training, continuing education, low-cost transportation and housing''.

Subsec. (a)(8). Pub. L. 97–115, § 2(b)(5), inserted provisions authorizing and directing Administration to take whatever action is necessary to achieve coordination of activities carried out or assisted by all departments, agencies, and instrumentalities of the Federal Government with respect to collection, preparation, and dissemination of information relevant to older individuals.

Subsec. (a)(12), (16). Pub. L. 97–115, § 2(b)(6), (7), substituted ''private organizations'' for ''nonprofit private organizations''.

Subsec. (c). Pub. L. 97–115, §§ 2(c), 3(d), substituted ''Director of the ACTION Agency'' for ''Director of Action'' and ''supportive services'' for ''social services''.

1978—Subsec. (a)(1) to (4). Pub. L. 95–478, § 102(a)(1), added par. (1) and redesignated former pars. (1) to (3) as (2) to (4), respectively. Former par. (4) redesignated (5).

Subsec. (a)(5). Pub. L. 95–478, §§ 102(a)(1), 503(b)(4)(A), redesignated former par. (4) as (5) and substituted ''older individuals'' for ''older persons''. Former par. (5) redesignated (6).

Subsec. (a)(6). Pub. L. 95–478, § 102(a)(1), redesignated former par. (5) as (6). Former par. (6) redesignated (7).

Subsec. (a)(7). Pub. L. 95–478, §§ 102(a)(1), 503(b)(4)(A), redesignated former par. (6) as (7) and substituted ''older individuals'' for ''older persons''. Former par. (7) redesignated (8).

Subsec. (a)(8) to (11). Pub. L. 95–478, § 102(a)(1), redesignated former pars. (7) to (10) as (8) to (11). Former par. (11) redesignated (12).

Subsec. (a)(12). Pub. L. 95–478, §§ 102(a)(1), 503(b)(4), redesignated former par. (11) as (12) and substituted ''older individuals'' and ''such individuals'' for ''older persons'' and ''such persons''. Former par. (12) redesignated (13).

Subsec. (a)(13). Pub. L. 95–478, §§ 102(a)(1), 503(b)(4)(A), redesignated former par. (12) as (13) and substituted

''older individuals'' for ''older persons''. Former par. (13) redesignated (14).

Subsec. (a)(14). Pub. L. 95–478, § 102(a)(1), redesignated former par. (13) as (14). Former par. (14) redesignated (15).

Subsec. (a)(15) to (17). Pub. L. 95–478, §§ 102(a)(1), 503(b)(2), redesignated former par. (14) as (15), substituted ''Age Discrimination in Employment Act of 1967'' for ''Age Discrimination Act of 1967'' and redesignated former pars. (15) and (16) as (16) and (17), respectively.

Subsecs. (b), (c). Pub. L. 95–478, § 102(a)(2), added subsec. (b) and redesignated former subsec. (b) as (c).

1975—Pub. L. 94–135, § 114(b), substituted ''Administration'' for ''Office'' in section catchline.

Subsec. (a)(8). Pub. L. 94–135, § 114(c), struck out ''and'' after ''aged and aging;''.

1973—Subsec. (a). Pub. L. 93–29, § 201(b)(1)–(3), in par. (4), substituted ''research'' for ''research and demonstration programs'' and made it the function of the Administration to assist in the establishment of any carry out programs designed to meet the needs of older persons for social services, including nutrition, hospitalization, preretirement training, continuing education, low-cost transportation and housing, and health services; added pars. (9) to (16); and designated existing provisions as subsec. (a), respectively.

Subsec. (b). Pub. L. 93–29, § 201(b)(3), added subsec. (b).

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103–82 effective Apr. 4, 1994, see section 406(b) of Pub. L. 103–82, set out as a note under section 8332 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1992 AMENDMENTS

Amendment by section 708(c)(1) 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(c)(1) 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.

Amendment by Pub. L. 102–321 effective Oct. 1, 1992, see section 801(c) of Pub. L. 102–321, set out as a note under section 236 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.

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.

DEADLINE FOR DEVELOPMENT OF DATA COLLECTION PROCEDURES

Section 202(h) of Pub. L. 102–375 provided that: ''Not later than 1 year after the date of the enactment of this Act [Sept. 30, 1992], the data collection procedures required by section 202(a)(29) of the Older Americans Act of 1965 [42 U.S.C. 3012(a)(29)] shall be developed by the Commissioner on Aging [now Assistant Secretary for Aging], jointly with the Assistant Secretary of Planning and Evaluation of the Department of Health and Human Services, after—

''(1) requesting advisory information under such Act [42 U.S.C. 3001 et seq.] from State agencies, local governments, area agencies on aging, recipients of grants under title VI of such Act [42 U.S.C. 3057 et seq.], and local providers of services under such Act; and

''(2) considering the data collection systems carried out by State agencies in the States then identified as exemplary by the General Accounting Office.

Not later than 1 year after developing such data collection procedures, the Commissioner on Aging shall test such procedures, submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report summarizing the results of such test, and implement such procedures (as modified, if appropriate, to reflect such results).''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3011, 3018, 3027, 3037, 3058d, 3058g of this title.

§ 3013. Federal agency cooperation

(a)(1) The Assistant Secretary, in carrying out the objectives and provisions of this chapter, shall coordinate, advise, consult with, and cooperate with the head of each department, agency, or instrumentality of the Federal Government proposing or administering programs or services substantially related to the objectives of this chapter, with respect to such programs or services. In particular, the Assistant Secretary shall coordinate, advise, consult, and cooperate with the Secretary of Labor in carrying out subchapter IX of this chapter and with the Corporation for National and Community Service in carrying out this chapter.

(2) The head of each department, agency, or instrumentality of the Federal Government proposing to establish programs and services substantially related to the objectives of this chapter shall consult with the Assistant Secretary prior to the establishment of such programs and services. To achieve appropriate coordination, the head of each department, agency, or instrumentality of the Federal Government administering any program substantially related to the objectives of this chapter, particularly administering any program referred to in subsection (b) of this section, shall consult and cooperate with the Assistant Secretary in carrying out such program. In particular, the Secretary of Labor shall consult and cooperate with the Assistant Secretary in carrying out the Job Training Partnership Act (29 U.S.C. 1501 et seq.).

(3) The head of each department, agency, or instrumentality of the Federal Government administering programs and services substantially related to the objectives of this chapter shall collaborate with the Assistant Secretary in carrying out this chapter, and shall develop a written analysis, for review and comment by the Assistant Secretary, of the impact of such programs and services on—

(A) older individuals (with particular attention to low-income minority older individuals) and eligible individuals (as defined in section 3056e of this title); and

(B) the functions and responsibilities of State agencies and area agencies on aging.

(b) For the purposes of subsection (a) of this section, programs related to the objectives of this chapter shall include—

(1) the Job Training Partnership Act [29 U.S.C. 1501 et seq.],

(2) title II of the Domestic Volunteer Service Act of 1973 [42 U.S.C. 5000 et seq.],

(3) titles XVI, XVIII, XIX, and XX of the Social Security Act [42 U.S.C. 1381 et seq., 1395 et seq., 1396 et seq., 1397 et seq.],

(4) sections 1715v and 1715w of title 12,

(5) the United States Housing Act of 1937 [42 U.S.C. 1437 et seq.],

(6) section 1701q of title 12,

(7) title I of the Housing and Community Development Act of 1974 [42 U.S.C. 5301 et seq.],

(8) title I of Higher Education Act of 1965 [20 U.S.C. 1001 et seq.] and the Adult Education Act [20 U.S.C. 1201 et seq.],

(9) sections 5309 and 5310 of title 49,

(10) the Public Health Service Act [42 U.S.C. 201 et seq.], including block grants under title XIX of such Act [42 U.S.C. 300w et seq.],

(11) the Low-Income Home Energy Assistance Act of 1981 [42 U.S.C. 8621 et seq.],

(12) part A of the Energy Conservation in Existing Buildings Act of 1976 [42 U.S.C. 6861 et seq.], relating to weatherization assistance for low income persons,

(13) the Community Services Block Grant Act [42 U.S.C. 9901 et seq.],

(14) demographic statistics and analysis programs conducted by the Bureau of the Census under title 13,

(15) parts II and III of title 38,

(16) the Rehabilitation Act of 1973 [29 U.S.C. 701 et seq.],

(17) the Developmental Disabilities and Bill of Rights Act [42 U.S.C. 6000 et seq.], and

(18) the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, established under part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750–3766b)).

(Pub. L. 89–73, title II, §203, as added Pub. L. 93–29, title II, §201(c), May 3, 1973, 87 Stat. 32; amended Pub. L. 95–478, title I, §102(b), Oct. 18, 1978, 92 Stat. 1513; Pub. L. 97–115, §2(d), Dec. 29, 1981, 95 Stat. 1595; Pub. L. 98–459, title II, §203, Oct. 9, 1984, 98 Stat. 1768; Pub. L. 100–175, title I, §§104(a), 105(b), 106(b), Nov. 29, 1987, 101 Stat. 929, 930; Pub. L. 102–240, title III, §3003(b), Dec. 18, 1991, 105 Stat. 2088; Pub. L. 102–375, title II, §203, title IX, §904(a)(5), Sept. 30, 1992, 106 Stat. 1210, 1306; Pub. L. 103–82, title IV, §405(g)(2), Sept. 21, 1993, 107 Stat. 921; Pub. L. 103–171, §§2(4), 3(a)(13), Dec. 2, 1993, 107 Stat. 1988, 1990.)

REFERENCES IN TEXT

The Job Training Partnership Act, referred to in subsecs. (a)(2) and (b)(1), is Pub. L. 97–300, Oct. 13, 1982, 96 Stat. 1322, as amended, which is classified generally to chapter 19 (§1501 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of Title 29 and Tables.

The Domestic Volunteer Service Act of 1973, referred to in subsec. (b)(2), is Pub. L. 93–113, Oct. 1, 1973, 87 Stat. 394, as amended. Title II of the Domestic Volunteer Service Act of 1973 is classified generally to subchapter II (§5000 et seq.) of chapter 66 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4950 of this title and Tables.

The Social Security Act, referred to in subsec. (b)(3), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Titles XVI, XVIII, XIX, and XX of the Social Security Act are classified generally to subchapters XVI (§1381 et seq.), XVIII (§1395 et seq.), XIX (§1396 et seq.), and XX (§1397 et seq.), respectively, of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

The United States Housing Act of 1937, referred to in subsec. (b)(5), is act Sept. 1, 1937, ch. 896, as revised generally by Pub. L. 93–383, title II, §201(a), Aug. 22, 1974, 88 Stat. 653, which is classified generally to chapter 8 (§1437 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1437 of this title and Tables.

The Housing and Community Development Act of 1974, referred to in subsec. (b)(7), is Pub. L. 93–383, Aug. 22, 1974, 88 Stat. 633, as amended. Title I of the Housing and Community Development Act of 1974 is classified principally to chapter 69 (§5301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

The Higher Education Act of 1965, referred to in subsec. (b)(8), is Pub. L. 89–329, Nov. 8, 1965, 79 Stat. 1219, as amended. Title I of the Higher Education Act of 1965 is classified generally to subchapter I (§1001 et seq.) of chapter 28 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

The Adult Education Act, referred to in subsec. (b)(8), is title III of Pub. L. 89–750, Nov. 3, 1966, 80 Stat. 1216, as amended, which is classified generally to chapter 30 (§1201 et seq.) of Title 20. For complete classification of this Act to the Code, see Short Title note set out under section 1201 of Title 20 and Tables.

The Public Health Service Act, referred to in subsec. (b)(10), is act July 1, 1944, ch. 373, 58 Stat. 682, as amended, which is classified generally to chapter 6A (§201 et seq.) of this title. Title XIX of the Public Health Service Act is classified to subchapter XVII (§300w et seq.) of chapter 6A of this title. For complete classification of this Act to the Code, see Short Title note set out under section 201 of this title and Tables.

The Low-Income Home Energy Assistance Act of 1981, referred to in subsec. (b)(11), is title XXVI of Pub. L. 97–35, Aug. 13, 1981, 95 Stat. 893, as amended, which is classified generally to subchapter II (§8621 et seq.) of chapter 94 of this title. For complete classification of this Act to the Code, see note set out under section 8621 of this title and Tables.

The Energy Conservation in Existing Buildings Act of 1976, referred to in subsec. (b)(12), is title IV of Pub. L. 94–385, Aug. 14, 1976, 90 Stat. 1150, as amended. Part A of the Energy Conservation in Existing Buildings Act of 1976 is classified generally to part A (§6861 et seq.) of subchapter III of chapter 81 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6801 of this title and Tables.

The Community Services Block Grant Act, referred to in subsec. (b)(13), is subtitle B (§§671–683) of title VI of Pub. L. 97–35, Aug. 13, 1981, 95 Stat. 511, as amended, which is classified generally to chapter 106 (§9901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9901 of this title and Tables.

The Rehabilitation Act of 1973, referred to in subsec. (b)(16), is Pub. L. 93–112, Sept. 26, 1973, 87 Stat. 355, as amended, which is classified generally to chapter 16 (§701 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

The Developmental Disabilities and Bill of Rights Act, referred to in subsec. (b)(17), probably means the Developmental Disabilities Assistance and Bill of Rights Act, which is title I of Pub. L. 88–164, as added by Pub. L. 94–103, Oct. 4, 1975, 89 Stat. 496, and amended, and is classified generally to chapter 75 (§6000 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6000 of this title and Tables.

The Omnibus Crime Control and Safe Streets Act of 1968, referred to in subsec. (b)(18), is Pub. L. 90–351, June

19, 1968, 82 Stat. 197, as amended. Part E of title I of the Act is classified generally to subchapter V (§ 3750 et seq.) of chapter 46 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3711 of this title and Tables.

CODIFICATION

In subsec. (b)(9), ''sections 5309 and 5310 of title 49'' substituted for ''sections 3, 9, and 16 of the Federal Transit Act'' on authority of Pub. L. 103–272, § 6(b), July 5, 1994, 108 Stat. 1378, the first section of which enacted subtitles II, III, and V to X of Title 49, Transportation. Previously, section 9 of the Federal Transit Act, classified to section 1607a of former Title 49, Transportation, was repealed by Pub. L. 95–599, title III, § 305(a), Nov. 6, 1978, 92 Stat. 2473, and a new section 9 of the Act, classified to section 1607a of former Title 49, was enacted by Pub. L. 97–424, title III, § 303, formerly § 303(a), Jan. 6, 1983, 96 Stat. 2141. The new section 9 of the Act was repealed and reenacted as sections 5307 and 5336 of Title 49, Transportation, by Pub. L. 103–272, §§ 1(b), 7(b), July 5, 1994, 108 Stat. 795, 840, 1379.

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–171, § 3(a)(13), substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing.

Subsec. (a)(1). Pub. L. 103–82 substituted ''the Corporation for National and Community Service'' for ''the ACTION Agency''.

Subsec. (a)(3). Pub. L. 103–171, § 2(4), struck out ''Federal'' before ''department'' in introductory provisions.

1992—Subsec. (a). Pub. L. 102–375, § 203(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ''The Commissioner, in carrying out the purposes and provisions of this chapter, shall advise, consult, and cooperate with the head of each Federal agency or department proposing or administering programs or services substantially related to the purposes of this chapter, with respect to such programs or services. The head of each Federal agency or department proposing to establish programs and services substantially related to the purposes of this chapter shall consult with the Commissioner prior to the establishment of such programs and services. The head of each Federal agency administering any program substantially related to the purposes of this chapter, particularly administering any program set forth in subsection (b) of this section, shall, to achieve appropriate coordination, consult and cooperate with the Commissioner in carrying out such program.''

Subsec. (b). Pub. L. 102–375, § 904(a)(5), substituted ''objectives of this chapter'' for ''purposes of this chapter''.

Subsec. (b)(18). Pub. L. 102–375, § 203(b), added par. (18).

1991—Subsec. (b)(9). Pub. L. 102–240 substituted references to sections of the Federal Transit Act for sections of the Urban Mass Transportation Act of 1964, which for purposes of codification were translated as sections of title 49, Appendix, thus requiring no change in text.

1987—Subsec. (b)(10). Pub. L. 100–175, § 105(b), inserted reference to block grants under title XIX of the Public Health Service Act.

Subsec. (b)(15). Pub. L. 100–175, § 104(a), added par. (15).

Subsec. (b)(16), (17). Pub. L. 100–175, § 106(b), added pars. (16) and (17).

1984—Subsec. (b)(1). Pub. L. 98–459, § 203(a), substituted ''Job Training Partnership Act'' for ''Comprehensive Employment and Training Act''.

Subsec. (b)(3). Pub. L. 98–459, § 203(b), inserted reference to title XVI of the Social Security Act.

Subsec. (b)(8). Pub. L. 98–459, § 203(c), struck out ''the community schools program under the Elementary and Secondary Education Act of 1965,'' before ''title I'' and the comma after ''Higher Education Act of 1965''.

Subsec. (b)(9). Pub. L. 98–459, § 203(d), struck out reference to section 1604 of title 49, Appendix.

Subsec. (b)(10) to (14). Pub. L. 98–459, § 203(e), added pars. (10) to (14).

1981—Subsec. (a). Pub. L. 97–115, § 2(d)(1), substituted ''purposes'' for ''purpose''.

Subsec. (b). Pub. L. 97–115, § 2(d)(2), substituted ''purposes of this chapter'' for ''purpose of this chapter'' in provisions preceding par. (1), substituted ''Comprehensive Employment and Training Act'' for ''Comprehensive Employment and Training Act of 1973'' in par. (1), struck out par. (8) which referred to section 2809(a)(8) of this title, redesignated par. (9) as (8) and inserted references to title I of the Higher Education Act of 1965 and to the Adult Education Act, and redesignated par. (10) as (9).

1978—Subsec. (a). Pub. L. 95–478 added subsec. (a) and struck out similar prior provisions stating that ''Federal agencies proposing to establish programs substantially related to the purposes of this chapter shall consult with the Administration on Aging prior to the establishment of such services, and Federal agencies administering such programs shall cooperate with the Administration on Aging in carrying out such services''.

Subsec. (b). Pub. L. 95–478 added subsec. (b).

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103–82 effective Apr. 4, 1994, see section 406(b) of Pub. L. 103–82, set out as a note under section 8332 of Title 5, Government Organization and Employees.

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3026 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 of this chapter 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 establish-

ment of a National Information and Resource Clearing House for the Aging.

§ 3015. Federal Council on the Aging

(a) Establishment; membership; term; representation of interests; qualification; previously appointed members

(1) There is established a Federal Council on the Aging to be composed of 15 members. Except as provided in subsection (b)(1)(A) of this section, members shall serve for terms of 3 years, ending on March 31 regardless of the actual date of appointment, without regard to the provisions of title 5. Members shall be appointed from among individuals who have expertise and experience in the field of aging by each appointing authority so as to be representative of rural and urban older individuals, national organizations with an interest in aging, business, labor, minorities, Indian tribes, and the general public. At least three of the members appointed by each appointing authority shall be older individuals. No full-time officer or employee of the Federal Government may be appointed as a member of the Council.

(2) Members appointed to the Federal Council on the Aging established by this section prior to October 9, 1992, who are serving on such date, shall continue to serve on the Federal Council established by paragraph (1) of this subsection until members are appointed in accordance with subsection (b)(1) of this section.

(b) Appointment of class 1, class 2, and class 3 members; vacancies; compensation and travel expenses

(1)(A)(i) The initial members of the Federal Council on the Aging shall be appointed on April 1, 1993, as follows:

(I) 5 members, who shall be referred to as class 1 members, shall be appointed for a term of 1 year;

(II) 5 members, who shall be referred to as class 2 members, shall be appointed for a term of 2 years; and

(III) 5 members, who shall be referred to as class 3 members, shall be appointed for a term of 3 years.

(ii) Members appointed in 1994 and each third year thereafter shall be referred to as class 1 members. Members appointed in 1995 and each third year thereafter shall be referred to as class 2 members. Members appointed in 1996 and each third year thereafter shall be referred to as class 3 members.

(B)(i) Members of each class shall be appointed in the manner prescribed by this subparagraph.

(ii) Of the members of class 1, two shall be appointed by the President, two by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader, and one by the Speaker of the House of Representatives upon the recommendation of the Majority Leader and the Minority Leader.

(iii) Of the members of class 2, two shall be appointed by the President, one by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader, and two by the Speaker of the House of Representatives upon the recommendation of the Majority Leader and the Minority Leader.

(iv) Of the members of class 3, one shall be appointed by the President, two by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader, and two by the Speaker of the House of Representatives upon the recommendation of the Majority Leader and the Minority Leader.

(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

(4) Members of the Council shall, while serving on business of the Council, be entitled to receive compensation at a rate not to exceed the daily equivalent of the rate specified for level V of the Executive Schedule under section 5316 of title 5, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b)[1] of title 5 for persons in the Government service employed intermittently.

(c) Chairperson; meetings

The President shall designate the Chairperson from among the members appointed to the Council. The Council shall meet at the call of the Chairperson at least quarterly.

(d) Duties of Federal Council on the Aging

The Council shall—

(1) advise and assist the President on matters relating to the special needs of older individuals;

(2) directly advise the Assistant Secretary on matters affecting the special needs of older individuals for services and assistance under this chapter;

(3) review and evaluate, on a continuing basis, Federal policies regarding the aging and programs and other activities affecting the aging conducted or assisted by all Federal departments and agencies for the purpose of appraising their value and their impact on the lives of older individuals and of identifying duplication and gaps among the types of services provided under such programs and activities;

(4) serve as a spokesman on behalf of older individuals by making recommendations to the President, to the Secretary, to the Assistant Secretary, and to the Congress with respect to Federal policies regarding the aging and federally conducted or assisted programs and other activities relating to or affecting them;

(5) inform the public about the problems and needs of the aging by collecting and dissemi-

[1] See References in Text note below.

nating information, conducting or commissioning studies and publishing the results thereof, and by issuing publications and reports; and

(6) provide public forums for discussing and publicizing the problems and needs of the aging and obtaining information relating thereto by conducting public hearings, and by conducting or sponsoring conferences, workshops, and other such meetings.

(e) Staff, information, and other assistance

The Council shall have staff personnel, appointed by the Chairperson, to assist it in carrying out its activities. The head of each Federal department and agency shall make available to the Council such information and other assistance as it may require to carry out its activities.

(f) Reports to President; transmittal to Congress

Beginning with the year 1974 the Council shall make interim reports and an annual report of its findings and recommendations to the President not later than March 31 of each year. The President shall transmit each such report to the Congress together with his comments and recommendations.

(g) Authorization of appropriations

There are authorized to be appropriated to carry out this section $300,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

(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.)

REFERENCES IN TEXT

The provisions of title 5 governing appointments, referred to in subsec. (a)(1), are classified to section 3301 et seq. of Title 5, Government Organization and Employees.

Section 5703 of title 5, referred to in subsec. (b)(4), was amended generally by Pub. L. 94–22, § 4, May 19, 1975, 89 Stat. 85, and, as so amended, does not contain a subsec. (b).

PRIOR PROVISIONS

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.

AMENDMENTS

1993—Subsec. (d)(2), (4). Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner''.

1992—Subsec. (a)(1). Pub. L. 102–375, § 205(a)(1), substituted ''Except as provided in subsection (b)(1)(A) of this section, members shall serve for terms of 3 years, ending on March 31 regardless of the actual date of appointment,'' for ''Members shall serve for terms of three years'' and inserted ''from among individuals who have expertise and experience in the field of aging''.

Subsec. (a)(2). Pub. L. 102–375, § 205(a)(2), substituted ''1992'' for ''1984''.

Subsec. (b)(1)(A). Pub. L. 102–375, § 205(b), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: ''The members appointed in 1985 shall be referred to as class 1 members; the members appointed in 1986 shall be referred to as class 2 members; and the members appointed in 1987 shall be referred to as class 3 members.''

Subsec. (b)(4). Pub. L. 102–375, § 904(a)(6)(A), substituted ''equivalent of the rate specified for level V of the Executive Schedule under section 5316'' for ''rate specified for grade GS–18 in section 5332''.

Subsec. (d)(1). Pub. L. 102–375, § 904(a)(6)(B), substituted ''individuals'' for ''Americans''.

Subsec. (d)(2). Pub. L. 102–375, § 205(c)(3), added par. (2). Former par. (2) redesignated (3).

Pub. L. 102–375, § 205(c)(1), inserted before semicolon at end ''and of identifying duplication and gaps among the types of services provided under such programs and activities''.

Subsec. (d)(3). Pub. L. 102–375, § 904(a)(6)(B), substituted ''individuals'' for ''Americans''.

Pub. L. 102–375, § 205(c)(2), redesignated par. (2) as (3). Former par. (3) redesignated (4).

Subsec. (d)(4). Pub. L. 102–375, § 904(a)(6)(B), substituted ''individuals'' for ''Americans''.

Pub. L. 102–375, § 205(c)(2), redesignated par. (3) as (4). Former par. (4) redesignated (5).

Subsec. (d)(5), (6). Pub. L. 102–375, § 205(c)(2), redesignated pars. (4) and (5) as (5) and (6), respectively.

Subsec. (f). Pub. L. 102–375, § 205(d), substituted ''interim reports'' for ''such interim reports as it deems advisable''.

Subsec. (g). Pub. L. 102–375, § 205(e), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: ''There are authorized to be appropriated to carry out the provisions of this section $210,000 for the fiscal year 1988, $221,000 for the fiscal year 1989, $232,000 for the fiscal year 1990, and $243,000 for the fiscal year 1991.''

1988—Subsec. (a)(1). Pub. L. 100–628 inserted a comma after ''minorities''.

1987—Subsec. (a)(1). Pub. L. 100–175, §§ 107(b), 108(a), inserted ''Indian tribes'' after ''minorities'' in third sentence and substituted ''three'' for ''two'' in fourth sentence.

Subsec. (d)(3). Pub. L. 100–175, § 182(d), inserted ''to'' after ''Secretary,''.

Subsec. (g). Pub. L. 100–175, § 108(b), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: ''There are authorized to be appropriated to carry out the provisions of this section $228,900 for fiscal year 1984 and $200,000 for each of the fiscal years 1985, 1986, and 1987.''

1984—Subsec. (a). Pub. L. 98–459, § 204(a), redesignated existing provisions as par. (1), struck out reference to appointment by the President with the advice and consent of the Senate, inserted references to appointment by each appointing authority, substituted reference to rural and urban older individuals for reference to rural and urban older Americans, inserted reference to minorities, and reduced from five to two the number of members of the Council required to be older individuals, and added par. (2).

Subsec. (b)(1). Pub. L. 98–459, § 204(b), substituted provisions regarding the appointment of class 1, class 2, and class 3 members by the President, the President pro tempore of the Senate and the Speaker of the House of Representatives for provisions that of the members first appointed, five had to be appointed for a term of one year, five had to be appointed for a term of two years, and five had to be appointed for a term of three years, as designated by the President at the time of appointment.

Subsec. (b)(2). Pub. L. 98–459, § 204(c)(1), substituted ''such member's predecessor'' for ''his predecessor''.

Subsec. (c). Pub. L. 98–459, § 204(c)(2), substituted ''Chairperson'' for ''Chairman'' in two places.

Subsec. (d)(2). Pub. L. 98–459, § 204(c)(3), redesignated par. (3) as (2) and struck out former par. (2) which had

required the Council to assist the Commissioner in making an appraisal of needs pursuant to the functions carried out by the Commissioner under section 3031 of this title.

Subsec. (d)(3) to (6). Pub. L. 98–459, § 204(c)(3), redesignated pars. (4) to (6) as (3) to (5), respectively.

Subsec. (e). Pub. L. 98–459, § 204(c)(4), substituted ''Chairperson'' for ''Chairman''.

Subsec. (g). Pub. L. 98–459, § 204(d), struck out provisions which had authorized the appropriation of $200,000 for fiscal year 1982 and $214,000 for fiscal year 1983, and inserted provisions authorizing appropriations of $200,000 for each of the fiscal years 1985, 1986, and 1987.

1981—Subsec. (c). Pub. L. 97–115, § 2(f)(1), substituted ''at least quarterly'' for ''but not less often than four times a year''.

Subsec. (d)(2). Pub. L. 97–115, § 11(b)(1), substituted ''an appraisal of needs pursuant to the functions carried out by the Commissioner under section 3031 of this title'' for ''the appraisal of needs required by section 3032 of this title''.

Subsec. (d)(5). Pub. L. 97–115, § 2(f)(2), struck out provisions that had required that the function of informing the public about the problems and needs of the aging be carried out in consultation with the National Information and Resource Clearing House for the Aging.

Subsecs. (g), (h). Pub. L. 97–115, § 2(f)(3), (4), redesignated subsec. (h) as (g) and substituted provisions authorizing appropriations of $200,000 for fiscal year 1982, $214,000 for fiscal year 1983, and $228,900 for fiscal year 1984 for provisions which authorized appropriation of ''such sums as may be necessary'' to carry out provisions of this section for fiscal years 1979, 1980, and 1981. Former subsec. (g), which directed the undertaking of a thorough evaluation and study of programs conducted under this chapter, was struck out.

1978—Subsec. (a). Pub. L. 95–478, §§ 102(e)(1), 503(b)(4)(A), substituted ''rural and urban older Americans'' for ''older Americans'', barred any full-time officer or employee of the Federal Government from being appointed a member of the Council, and substituted ''older individuals'' for ''older persons''.

Subsec. (c). Pub. L. 95–478, § 102(e)(2), struck out requirement that the Secretary and the Commissioner on Aging be ex officio members of the Council.

Subsec. (d)(3). Pub. L. 95–478, § 503(b)(3), struck out ''and'' at end.

Subsec. (e). Pub. L. 95–478, § 102(e)(3), substituted provision for appointment by the Chairman of staff personnel for the Council for prior requirement that the Secretary and the Commissioner make staff available to the Council, and substituted requirement that heads of Federal departments and agencies make information and other assistance available to the Council for prior provision for such availability from the Secretary and the Commissioner.

Subsec. (g). Pub. L. 95–478, § 102(e)(4)(A), added subsec. (g) and struck out former subsec. (g) which provided that the Council undertake a study of the interrelationships of benefit programs for the elderly operated by Federal, State, and local government agencies and following completion of this study, but no later than Jan. 1, 1976, the President submit to Congress recommendations designed to bring greater uniformity of eligibility standards and to eliminate the negative impact that one program's standards may have on another.

Subsec. (h). Pub. L. 95–478, § 102(e)(4)(B), added subsec. (h) and struck out former subsec. (h) which provided that the Council undertake a study of the combined impact of all taxes on the elderly and upon completion of the study, but no later than Jan. 1, 1976, the President submit to Congress, and to the Governor and legislatures of the States, the result of this study and any recommendations he deemed necessary.

Subsec. (i). Pub. L. 95–478, § 102(e)(4)(B), struck out subsec. (i) which provided that the Council undertake a study or studies concerning the effects of the formulae specified in section 3023 of this title for allotment among the States of sums appropriated for area planning and social service programs authorized under subchapter III of this chapter and upon completion of this study, but no later than Jan. 1, 1975, to report the results, together with recommendations for change in the formulae, to the Commissioner, the Secretary of Health, Education, and Welfare, the Committee on Labor and Public Welfare of the Senate, and the Committee on Education and Labor of the House of Representatives.

1975—Subsecs. (g), (h). Pub. L. 94–135 substituted ''January 1, 1976'' for ''eighteen months after May 3, 1973''.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by section 205 of Pub. L. 102–375 effective Sept. 30, 1992, except that incumbent members of the Federal Council on Aging may serve on the Council until their successors are appointed under this section as amended by section 205 of Pub. L. 102–375, see section 905 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.

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 29 section 2212.

§ 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;

(D) collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this chapter; and

(E) provide staff and other technical assistance to the Federal Council on the Aging.

(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, II, and III of part C of sub-

chapter III of this chapter and shall have duties that include—

(i) designing, implementing, and evaluating nutrition programs;

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

(iii) disseminating information to nutrition service providers about nutrition advancements and developments;

(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; and

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

(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.

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

(i) have expertise in nutrition and dietary services and 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) Regulations; notice and comment

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) Publication of goals

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.

(e) 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.)

PRIOR PROVISIONS

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

Provisions similar to those comprising subsecs. (a) and (c) of this section were contained in Pub. L. 89–73, title VIII, § 802, formerly title VI, § 602, July 14, 1965, 79 Stat. 226; Pub. L. 90–42, § 5(e), (f), July 1, 1967, 81 Stat. 107, 108; renumbered title VII, § 702, Pub. L. 91–69, § 9, Sept. 17, 1969, 83 Stat. 111; renumbered title VIII, § 802, Pub. L. 92–258, § 1, Mar. 22, 1972, 86 Stat. 88, which was classified to section 3052 of this title, prior to repeal by Pub. L. 93–29, § 202.

AMENDMENTS

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 unserved older individuals with greatest social need (including low-income minority individuals), 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 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) 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) Evaluation of nutritional services; establishment of advisory council; report on recommendations and final guidelines to the President and Congress

(1) Not later than June 30, 1995, the Assistant Secretary, in consultation with the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services, shall complete an evaluation of nutrition services provided under this chapter, to evaluate for fiscal years 1992 and 1993—

(A) their effectiveness in serving special populations of older individuals;

(B) the quality of nutrition provided by such services;

(C) average meal costs (including the cost of food, related administrative costs, and the cost of supportive services relating to nutrition services), taking into account regional differences and size of projects;

(D) the characteristics of participants;

(E) the applicability of health, safety, and dietary standards;

(F) the appraisal of such services by recipients;

(G) the efficiency of delivery and administration of such services;

(H) the amount, sources, and ultimate uses of funds transferred under section 3028(b)(5) of this title to provide such services;

(I) the amount, sources, and uses of other funds expended to provide such services, including the extent to which funds received under this chapter are used to generate additional funds to provide such services;

(J) the degree of nutritional expertise used to plan and manage coordination with other State and local services;

(K) nonfood cost factors incidental to providing nutrition services under this chapter;

(L) the extent to which commodities provided by the Secretary of Agriculture under section 3030a(a) of this title are used to provide such services;

(M) and for the 8-year period ending September 30, 1992, the characteristics, and changes in the characteristics, of such nutrition services;

(N) differences between older individuals who receive nutrition services under section 3030e of this title and older individuals who receive nutrition services under section 3030f of this title, with specific reference to age, in-

come, health status, receipt of food stamp benefits, and limitations on activities of daily living;

(O) the impact of the increase in nutrition services provided under section 3030f of this title, the factors that caused such increase, and the effect of such increase on nutrition services authorized under section 3030f of this title;

(P) how, and the extent to which, nutrition services provided under this chapter generally, and under section 3030e of this title specifically, are integrated with long-term care programs;

(Q) the impact of nutrition services provided under this chapter on older individuals, including the impact on their dietary intake and opportunities for socialization;

(R) the adequacy of the daily recommended dietary allowances described in section 3030g–21 of this title; and

(S) the impact of transferring funds under section 3028(b)(5) of this title and how funds transferred under such section are expended to provide nutrition services.

(2)(A)(i) The Assistant Secretary shall establish an advisory council to develop recommendations for guidelines on efficiency and quality in furnishing nutrition services described in subparts I, II, and III of part C of subchapter III of this chapter.

(ii) The council shall be composed of members appointed by the Assistant Secretary from among individuals nominated by the Secretary of Agriculture, the American Dietetic Association, the Dietary Managers Association, the National Association of Nutrition and Aging Service Programs, the National Association of Meal Programs, the National Association of State Units on Aging, the National Association of Area Agencies on Aging, and other appropriate organizations.

(B) Not later than June 30, 1994, the Assistant Secretary, in consultation with the Secretary of Agriculture and taking into consideration the recommendations of the council, shall publish interim guidelines of the kind described in subparagraph (A)(i).

(3) Not later than September 30, 1995, the Secretary shall—

(A) submit to the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate recommendations and final guidelines to improve nutrition services provided under this chapter; and

(B) require the Assistant Secretary to implement such recommendations administratively, to the extent feasible.

(h) Funds

The Secretary may use such sums as may be necessary, but not to exceed $3,000,000 (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. 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.)

PRIOR PROVISIONS

A prior section 206 of Pub. L. 89–73 was renumbered section 205 and is classified to section 3016 of this title.

Provisions similar to those comprising subsec. (g) of this section were contained in Pub. L. 89–73, title VIII, § 804, formerly title VII, § 704, as added Pub. L. 91–69, § 12, Sept. 17, 1969, 83 Stat. 114; renumbered title VIII, § 804, Pub. L. 92–258, § 1, Mar. 22, 1972, 86 Stat. 88, which was classified to section 3054 of this title, prior to repeal by Pub. L. 93–29, § 202.

AMENDMENTS

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, evaluations 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 29 section 2212.

§ 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) of this title;

(3) an analysis of the information received under section 3026(b)(2)(D) of this title by the Assistant Secretary;

(4) 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, low-income individuals, and frail individuals (including individuals with any physical or mental functional impairment); and

(5) a description of the implementation of the plan required by section 3012(a)(17) 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 emphasis 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 Labor of the House of Representatives; and

(C) the Committee on Labor and Human Resources 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 with greatest social need (including low-income minority individuals) 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.)

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

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).

CHANGE OF NAME

Committee on Education and Labor of House of Representatives treated as referring to Committee on Economic and Educational Opportunities of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Economic and Educational Opportunities of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Fifth Congress, Jan. 7, 1997.

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3011, 3017, 3028, 3035b, 3035g 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, formerly 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''.

1978—Subsec. (a). Pub. L. 95–478, § 102(h)(1), (2), designated existing provisions as subsec. (a) and provided for nonapplication of provisions relating to Congressional declaration of policy respecting ''Insular Areas''.

Subsec. (b). Pub. L. 95–478, § 102(h)(1), added subsec. (b).

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.

§ 3020b. Reduction of paperwork

In order to reduce unnecessary, duplicative, or disruptive demands for information, the Assistant Secretary, in consultation with State agencies and other appropriate agencies and organizations, shall continually review and evaluate all requests by the Administration for information under this chapter and take such action as may be necessary to reduce the paperwork required under this chapter. The Assistant Secretary shall request only such information as the Assistant Secretary deems essential to carry out the objectives and provisions of this chapter and, in gathering such information, shall make use of uniform service definitions to the extent that such definitions are available.

(Pub. L. 89–73, title II, § 211, formerly § 212, as added Pub. L. 95–478, title I, § 102(i), Oct. 18, 1978, 92 Stat. 1515; renumbered § 211, Pub. L. 97–115, § 2(e)(2), Dec. 29, 1981, 95 Stat. 1596; amended Pub. L. 98–459, title II, § 208, Oct. 9, 1984, 98 Stat. 1771; Pub. L. 102–375, title I, § 102(b)(1)(A), (9)(A), title IX, § 904(a)(9), Sept. 30, 1992, 106 Stat. 1200, 1201, 1306; Pub. L. 103–171, §§ 2(6), 3(a)(13), Dec. 2, 1993, 107 Stat. 1988, 1990.)

PRIOR PROVISIONS

A prior section 211 of Pub. L. 89–73 was renumbered section 210 and is classified to section 3020a of this title.

AMENDMENTS

1993—Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing and ''State agencies'' for ''State agencies,''.

1992—Pub. L. 102–375, § 904(a)(9), substituted ''objectives'' for ''purposes'' in last sentence.

Pub. L. 102–375, § 102(b)(9)(A), struck out ''designated under section 3025(a)(1) of this title'' after ''in consultation with State agencies''.

Pub. L. 102–375, § 102(b)(1)(A), substituted ''Administration'' for ''Administration on Aging''.

1984—Pub. L. 98–459 inserted provision requiring the Commissioner, in gathering information, to make use of uniform service definitions to the extent that such definitions are available.

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

Section effective at close of Sept. 30, 1978, see section 504 of Pub. L. 95–478, set out as an Effective Date of 1978 Amendment note under section 3001 of this title.

§ 3020c. Contracting and grant authority

None of the provisions of this chapter shall be construed to prevent a recipient of a grant or a contract from entering into an agreement, subject to the approval of the State agency (or in the case of a grantee under subchapter X of this chapter, subject to the recommendation of the Director of the Office for American Indian, Alaskan Native, and Native Hawaiian Aging and the approval of the Assistant Secretary), with a profitmaking organization to carry out the provisions of this chapter and of the appropriate State plan.

(Pub. L. 89–73, title II, § 212, formerly § 213, as added Pub. L. 95–478, title I, § 102(i), Oct. 18, 1978,

92 Stat. 1516; amended Pub. L. 97–35, title VI, § 606(c), Aug. 13, 1981, 95 Stat. 486; renumbered § 212, Pub. L. 97–115, § 2(e)(2), Dec. 29, 1981, 95 Stat. 1596; Pub. L. 100–175, title I, § 107(c), Nov. 29, 1987, 101 Stat. 931; Pub. L. 103–171, § 3(a)(4), Dec. 2, 1993, 107 Stat. 1990.)

PRIOR PROVISIONS

A prior section 212 of Pub. L. 89–73 was renumbered section 211 and is classified to section 3020b of this title.

AMENDMENTS

1993—Pub. L. 103–171 substituted ''Director of the Office for'' for ''Associate Commissioner on'' and ''Assistant Secretary'' for ''Commissioner''.

1987—Pub. L. 100–175 inserted ''(or in the case of a grantee under subchapter X of this chapter, subject to the recommendation of the Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging and the approval of the Commissioner)'' after ''State agency''.

1981—Pub. L. 97–35 struck out provisions respecting demonstration of superiority by the organization.

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

Section effective at close of Sept. 30, 1978, see section 504 of Pub. L. 95–478, set out as an Effective Date of 1978 Amendment note under section 3001 of this title.

§ 3020d. Surplus property eligibility

Any State or local government agency, and any nonprofit organization or institution, which receives funds appropriated for programs for older individuals under this chapter, under title IV or title XX of the Social Security Act [42 U.S.C. 601 et seq., 1397 et seq.], or under titles VIII and X of the Economic Opportunity Act of 1964 [42 U.S.C. 2991 et seq., 2996 et seq.] and the Community Services Block Grant Act [42 U.S.C. 9901 et seq.], shall be deemed eligible to receive for such programs, property which is declared surplus to the needs of the Federal Government in accordance with laws applicable to surplus property.

(Pub. L. 89–73, title II, § 213, formerly § 214, as added Pub. L. 95–478, title I, § 102(i), Oct. 18, 1978, 92 Stat. 1516; renumbered § 213 and amended Pub. L. 97–115, § 2(e)(2), (k), Dec. 29, 1981, 95 Stat. 1596.)

REFERENCES IN TEXT

The Social Security Act, referred to in text, is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as Titles IV and XX of the Social Security Act are classified generally to subchapters IV (§ 601 et seq.) and XX (§ 1397 et seq.), respectively, of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

The Economic Opportunity Act of 1964, referred to in text, is Pub. L. 88–452, Aug. 20, 1964, 78 Stat. 508, as amended, which was classified generally to chapter 34 (§ 2701 et seq.) of this title prior to repeal, except for titles VIII and X, by Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519. Titles VIII and X of the Economic Opportunity Act of 1964 are classified generally to subchapters VIII (§ 2991 et seq.) and X (§ 2996 et seq.) of chapter 34 of this title. For complete classification of this Act to the Code, see Tables.

The Community Services Block Grant Act, referred to in text, is subtitle B (§§ 671–683) of title VI of Pub. L. 97–35, Aug. 13, 1981, 95 Stat. 511, as amended, which is classified generally to chapter 106 (§ 9901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9901 of this title and Tables.

PRIOR PROVISIONS

A prior section 213 of Pub. L. 89–73 was renumbered section 212 and is classified to section 3020c of this title.

AMENDMENTS

1981—Pub. L. 97–115, § 2(k), substituted ''titles VIII and X of the Economic Opportunity Act of 1964 and the Community Services Block Grant Act'' for ''the Economic Opportunity Act of 1964''.

EFFECTIVE DATE

Section effective at close of Sept. 30, 1978, see section 504 of Pub. L. 95–478, set out as an Effective Date of 1978 Amendment note under section 3001 of this title.

CROSS REFERENCES

Disposal of surplus property generally, see section 484 of Title 40, Public Buildings, Property, and Works.

§ 3020e. Nutrition education

The Assistant Secretary and the Secretary of Agriculture may provide technical assistance and appropriate material to agencies carrying out nutrition education programs in accordance with section 3027(a)(13)(J) of this title.

(Pub. L. 89–73, title II, § 214, as added Pub. L. 102–375, title II, § 209, Sept. 30, 1992, 106 Stat. 1215; 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''.

§ 3020f. Authorization of appropriations

(a) Administration

For purposes of carrying out this chapter, there are authorized to be appropriated for the Administration such sums as may be necessary for fiscal years 1992, 1993, 1994, and 1995.

(b) Salaries and expenses

There are authorized to be appropriated for salaries and expenses of the Administration on Aging—

(1) $17,000,000 for fiscal year 1992, $20,000,000 for fiscal year 1993, $24,000,000 for fiscal year 1994, and $29,000,000 for fiscal year 1995; and

(2) such additional sums as may be necessary for each such fiscal year to enable the Assistant Secretary to provide for not fewer than 300 full-time employees (or the equivalent thereof) in the Administration on Aging.

(Pub. L. 89–73, title II, § 215, as added Pub. L. 102–375, title II, § 210, Sept. 30, 1992, 106 Stat. 1215; amended Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

AMENDMENTS

1993—Subsec. (b)(2). Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner''.

SUBCHAPTER III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1395i–3, 1396r, 1438, 1762a, 3011, 3012, 3015, 3017, 3018, 3030*l*, 3035*l*, 3035p, 3037, 3037a, 3056a, 3057, 3057b, 3057e, 3057j, 3058b, 3058j, 3058k, 5021, 8011, 8012 of this title.

PART A—GENERAL PROVISIONS

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 3030g–22 of this title.

§ 3021. Purpose and program

(a) Congressional declaration of purpose

(1) It is the purpose of this subchapter to encourage and assist State agencies and area agencies on aging to concentrate resources in order to develop greater capacity and foster the development and implementation of comprehensive and coordinated systems to serve older individuals by entering into new cooperative arrangements in each State with the persons described in paragraph (2), for the planning, and for the provision of, supportive services, and multipurpose senior centers, in order to—

(A) secure and maintain maximum independence and dignity in a home environment for older individuals capable of self care with appropriate supportive services;

(B) remove individual and social barriers to economic and personal independence for older individuals;

(C) provide a continuum of care for vulnerable older individuals; and

(D) secure the opportunity for older individuals to receive managed in-home and community-based long-term care services.

(2) The persons referred to in paragraph (1) include—

(A) State agencies and area agencies on aging;

(B) other State agencies, including agencies that administer home and community care programs;

(C) Indian tribes, tribal organizations, and Native Hawaiian organizations;

(D) the providers, including voluntary organizations or other private sector organizations, of supportive services, nutrition services, and multipurpose senior centers; and

(E) organizations representing or employing older individuals or their families.

(b) Administration of program

(1) In order to effectively carry out the purpose of this subchapter, the Assistant Secretary shall administer programs under this subchapter through the Administration.

(2) In carrying out the provisions of this subchapter, the Assistant Secretary may request the technical assistance and cooperation of the Department of Education, the Department of Labor, the Department of Housing and Urban Development, the Department of Transportation, the Office of Community Services, the Department of Veterans Affairs, the Substance Abuse and Mental Health Services Administration,,[1] and such other agencies and departments of the Federal Government as may be appropriate.

(c) Ombudsman program

The Assistant Secretary shall provide technical assistance and training (by contract, grant, or otherwise) to State long-term care ombudsman programs established under section 3027(a)(12) of this title in accordance with section 3058g of this title, and to individuals within such programs designated under section 3058g of this title to be representatives of a long-term care ombudsman, in order to enable such ombudsmen and such representatives to carry out the ombudsman program effectively.

(Pub. L. 89–73, title III, § 301, as added Pub. L. 95–478, title I, § 103(b), Oct. 18, 1978, 92 Stat. 1516; amended Pub. L. 97–115, § 3(a), (d), Dec. 29, 1981, 95 Stat. 1596, 1597; Pub. L. 98–459, title III, § 301, Oct. 9, 1984, 98 Stat. 1771; Pub. L. 100–175, title I, §§ 104(b), 105(c), 121, 129(a), Nov. 29, 1987, 101 Stat. 929, 930, 933, 934; Pub. L. 100–628, title VII, § 705(3), Nov. 7, 1988, 102 Stat. 3247; Pub. L. 102–54, § 13(q)(9)(B), June 13, 1991, 105 Stat. 281; Pub. L. 102–321, title I, § 163(c)(2)(B), July 10, 1992, 106 Stat. 377; Pub. L. 102–375, title I, § 102(b)(1)(A), title III, § 301, title VII, § 708(a)(2)(B), Sept. 30, 1992, 106 Stat. 1200, 1219, 1292; Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

PRIOR PROVISIONS

A prior section 3021, Pub. L. 89–73, title III, § 301, as added Pub. L. 93–29, title III, § 301, May 3, 1973, 87 Stat. 36, related to the purpose of this subchapter, prior to the general amendment of this subchapter by Pub. L. 95–478.

Another prior section 3021, Pub. L. 89–73, title III, § 301, July 14, 1965, 79 Stat. 220; Pub. L. 90–42, § 2(a), July 1, 1967, 81 Stat. 106; Pub. L. 91–69, § 2(a), Sept. 17, 1969, 83 Stat. 108, related to a description of activities and authorized appropriations for fiscal years ending June 30, 1966, through 1972, prior to repeal by Pub. L. 93–29, title III, § 301, May 3, 1973, 87 Stat. 36.

AMENDMENTS

1993—Subsecs. (b), (c). Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing.

1992—Subsec. (a). Pub. L. 102–375, § 301, amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ''It is the purpose of this subchapter to encourage and assist State and area agencies to concentrate resources in order to develop greater capacity and foster the development and implementation of comprehensive and coordinated service systems to serve older individuals by entering into new cooperative arrangements in each State with State and area agencies, with Indian tribes, tribal organizations, and Native Hawaiian organizations, and with the providers, including voluntary organizations, of supportive services, including nutrition services and multipurpose senior centers, for the planning, and for the provision of, supportive services, nutrition services, and multipurpose senior centers, in order to—

''(1) secure and maintain maximum independence and dignity in a home environment for older individuals capable of self care with appropriate supportive services;

''(2) remove individual and social barriers to economic and personal independence for older individuals; and

''(3) provide a continuum of care for the vulnerable elderly.''

Subsec. (b)(1). Pub. L. 102–375, § 102(b)(1)(A), substituted ''Administration'' for ''Administration on Aging''.

[1] So in original.

Subsec. (b)(2). Pub. L. 102–321 substituted ''the Substance Abuse and Mental Health Services Administration'' for ''the Alcohol, Drug Abuse, and Mental Health Administration''.

Subsec. (c). Pub. L. 102–375, § 708(a)(2)(B), substituted ''in accordance with section 3058g of this title, and to individuals within such programs designated under section 3058g of this title'' for '', and to individuals designated under such section''.

1991—Subsec. (b)(2). Pub. L. 102–54 substituted ''Department of Veterans Affairs'' for ''Veterans' Administration''.

1988—Subsec. (a). Pub. L. 100–628 substituted ''Native Hawaiian organizations,'' for ''Native Hawaiian organizations,,''.

1987—Subsec. (a). Pub. L. 100–175, § 121, inserted '', with Indian tribes, tribal organizations, and Native Hawaiian organizations,'' after second reference to ''agencies''.

Subsec. (b)(2). Pub. L. 100–175, § 105(c), inserted ''the Alcohol, Drug Abuse, and Mental Health Administration,'' after ''Veterans' Administration,''.

Pub. L. 100–175, § 104(b), inserted '', the Veterans' Administration,'' after ''Office of Community Services''.

Subsec. (c). Pub. L. 100–175, § 129(a), added subsec. (c).

1984—Subsec. (a). Pub. L. 98–459 substituted ''area agencies'' for ''local agencies'' in two places, inserted ''and implementation'', inserted '', including voluntary organizations,'', and struck out ''for the provision of'' after ''planning''.

1981—Subsec. (a). Pub. L. 97–115, § 3(d), substituted ''supportive services'' for ''social services'' in two places.

Subsec. (b)(2). Pub. L. 97–115, § 3(a), substituted ''cooperation of the Department of Education, the Department of Labor, the Department of Housing and Urban Development, the Department of Transportation, the Office of Community Services, and such other agencies and departments'' for ''cooperation of the Department of Labor, the Community Services Administration, the Department of Housing and Urban Development, the Department of Transportation, and such other agencies and departments''.

EFFECTIVE DATE OF 1992 AMENDMENTS

Amendment by section 708(a)(2)(B) 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)(B) 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.

Amendment by Pub. L. 102–321 effective Oct. 1, 1992, see section 801(c) of Pub. L. 102–321, set out as a note under section 836 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.

EFFECTIVE DATE

Part effective at close of Sept. 30, 1978, see section 504 of Pub. L. 95–478, set out as an Effective Date of 1978 Amendment note under section 3001 of this title.

COORDINATION AND CONSOLIDATION OF SERVICES UNDER CHAPTER

Section 103(a) of Pub. L. 95–478 provided that:

''(1) The Congress finds that—

''(A) approximately 3 percent of the eligible population is presently served under community services programs authorized under the Older Americans Act of 1965 [this chapter], 17 percent of whom are minority group members;

''(B) approximately 1 percent of the eligible population is presently served by the nutrition program authorized under the Older Americans Act of 1965 [this chapter], 21 percent of whom are minority group members;

''(C) there is program fragmentation at the national, State, and local levels which inhibits effective use of existing resources; and

''(D) coordination and consolidation of services provided under the Older Americans Act of 1965 [this chapter] allowing greater local determination to assess the need for services will facilitate achieving the goals of the Older Americans Act of 1965.

''(2) It is the purpose of the amendments made by subsection (b) [amending sections 3021 to 3029 of this title and enacting sections 3030 to 3030g of this title] to combine within a consolidated title, subject to the modifications imposed by the provisions and requirements of the amendments made by subsection (b), the programs authorized by title III, title V, and title VII of the Older Americans Act of 1965 [former subchapters III, V, and VII of this chapter, respectively, as in effect prior to their revision by Pub. L. 95–478] in the fiscal year 1978, and funds appropriated to carry out such consolidated title shall be used solely for the purposes and for the assistance of the same types of programs authorized under the provisions of such titles.''

§ 3022. Definitions

For the purpose of this subchapter—

(1) The term ''comprehensive and coordinated system'' means a system for providing all necessary supportive services, including nutrition services, in a manner designed to—

(A) facilitate accessibility to, and utilization of, all supportive services and nutrition services provided within the geographic area served by such system by any public or private agency or organization;

(B) develop and make the most efficient use of supportive services and nutrition services in meeting the needs of older individuals;

(C) use available resources efficiently and with a minimum of duplication; and

(D) encourage and assist public and private entities that have unrealized potential for meeting the service needs of older individuals to assist the older individuals on a voluntary basis.

(2) The term ''unit of general purpose local government'' means—

(A) a political subdivision of the State whose authority is general and not limited to only one function or combination of related functions; or

(B) an Indian tribal organization.

(3) The term ''education and training service'' means a supportive service designed to assist older individuals to better cope with their economic, health, and personal needs through services such as consumer education, continuing education, health education, preretirement education, financial planning, and other education and training services which will advance the objectives of this chapter.

(Pub. L. 89–73, title III, § 302, as added Pub. L. 95–478, title I, § 103(b), Oct. 18, 1978, 92 Stat. 1517;

amended Pub. L. 97–115, § 3(b), (d), Dec. 29, 1981, 95 Stat. 1596, 1597; Pub. L. 98–459, title III, § 302, Oct. 9, 1984, 98 Stat. 1771; Pub. L. 100–175, title I, §§ 136(a)(2), 144(a), 182(b)(2), (e)(1), Nov. 29, 1987, 101 Stat. 943, 948, 964; Pub. L. 102–375, title I, § 102(b)(3), title III, § 302, Sept. 30, 1992, 106 Stat. 1201, 1220; Pub. L. 103–171, § 2(7), Dec. 2, 1993, 107 Stat. 1988.)

PRIOR PROVISIONS

A prior section 3022, Pub. L. 89–73, title III, § 302, as added Pub. L. 93–29, title III, § 301, May 3, 1973, 87 Stat. 36, Pub. L. 94–135, title I, § 103, Nov. 28, 1975, 89 Stat. 713, related to definitions, prior to the general amendment of this subchapter by Pub. L. 95–478.

Another prior section 3022, Pub. L. 89–73, title III, § 302, July 14, 1965, 79 Stat. 221; Pub. L. 90–42, §§ 2(b), 5(g), July 1, 1967, 81 Stat. 107, 108; Pub. L. 91–69, §§ 3(a), 4(d), 6, 10(b), Sept. 17, 1969, 83 Stat. 108, 110, 114, related to allotments to States, providing in subsec. (a) amount of allotments, subsec. (b) reallotments, and subsec. (c) availability for grant percentage payments, and duration of project support, prior to repeal by Pub. L. 93–29, title III, § 301, May 3, 1973, 87 Stat. 36.

AMENDMENTS

1993—Par. (10). Pub. L. 103–171 struck out par. (10) which defined ''multipurpose senior center''.

1992—Par. (1)(D). Pub. L. 102–375, § 302, added subpar. (D).

Pars. (2), (3). Pub. L. 102–375, § 102(b)(3)(A), (B), redesignated pars. (7) and (8) as (2) and (3), respectively, and struck out former pars. (2) and (3) which defined ''information and referral source'' and ''long-term care facility'', respectively.

Pars. (4) to (6). Pub. L. 102–375, § 102(b)(3)(A), struck out pars. (4) to (6) which defined ''legal assistance'', ''planning and service area'', and ''State agency'', respectively.

Pars. (7), (8). Pub. L. 102–375, § 102(b)(3)(B), redesignated pars. (7) and (8) as (2) and (3), respectively.

Par. (9). Pub. L. 102–375, § 102(b)(3)(A), struck out par. (9) which defined ''older individual''.

Par. (11). Pub. L. 102–375, § 102(b)(3)(A), struck out par. (11) which defined ''focal point''.

Pars. (14) to (21). Pub. L. 102–375, § 102(b)(3)(A), struck out pars. (14) to (21) which defined ''abuse'', ''elder abuse'', ''caretaker'', ''exploitation'', ''neglect'', ''physical harm'', ''greatest economic need'', and ''greatest social need'', respectively.

1987—Par. (6). Pub. L. 100–175, § 182(b)(2), redesignated par. (7) as (6) and struck out former par. (6) which read as follows: ''The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.''

Pars. (7) to (9). Pub. L. 100–175, § 182(b)(2)(B), redesignated pars. (8) to (10) as (7) to (9), respectively. Former par. (7) redesignated (6).

Par. (10). Pub. L. 100–175, §§ 136(a)(2), 182(b)(2)(B), redesignated par. (11) as (10) and inserted ''(including mental health)'' after ''health''. Former par. (10) redesignated (9).

Par. (11). Pub. L. 100–175, § 182(b)(2)(B), redesignated par. (12) as (11). Former par. (11) redesignated (10).

Pars. (12), (13). Pub. L. 100–175, § 182(b)(2)(B), which directed the redesignation of pars. (13) and (14) as (12) and (13), respectively, could not be executed because no pars. (13) and (14) had been enacted. A former par. (12) was redesignated (11).

Pars. (14) to (19). Pub. L. 100–175, §§ 144(a), 182(b)(2)(B), added pars. (15) to (20) and redesignated them as (14) to (19), respectively.

Par. (20). Pub. L. 100–175, § 182(b)(2)(B), (e)(1), added par. (20) and redesignated former par. (20) as (19).

Pub. L. 100–175, § 144(a), added par. (20).

Par. (21). Pub. L. 100–175, § 182(e)(1), added par. (21).

1984—Par. (2)(B). Pub. L. 98–459, § 302(1), substituted ''employs, where feasible,'' for ''employs'', and inserted ''to assess the needs and capacities of older individuals,''.

Par. (4). Pub. L. 98–459, § 302(2), substituted ''legal assistance'' for ''legal services''.

Par. (6). Pub. L. 98–459, § 302(3), substituted '', and the Commonwealth of the Northern Mariana Islands'' for ''and the Northern Mariana Islands''.

Pars. (10) to (12). Pub. L. 98–459, § 302(4), added pars. (10) to (12).

1981—Par. (1). Pub. L. 97–115, § 3(d), substituted ''supportive services'' for ''social services'' in provisions preceding subpar. (A) and in subpars. (A) and (B).

Par. (3). Pub. L. 97–115, § 3(b)(1), inserted provision relating to any category of institutions regulated by a State pursuant to provisions of section 1382e(e) of this title (for purposes of section 3027(a)(12) of this title).

Par. (9). Pub. L. 97–115, § 3(b)(2), added par. (9).

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3035p of this title.

§ 3023. Authorization of appropriations; uses of funds

(a)(1) There are authorized to be appropriated $461,376,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, for the purpose of making grants under part B of this subchapter (relating to supportive services and senior centers).

(2) Funds appropriated under paragraph (1) shall be available to carry out section 3058g of this title.

(b)(1) There are authorized to be appropriated $505,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, for the purpose of making grants under subpart I of part C of this subchapter (relating to congregate nutrition services).

(2) There are authorized to be appropriated $120,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, for the purpose of making grants under subpart II of part C of this subchapter (relating to home delivered nutrition services).

(3) There are authorized to be appropriated $15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, to carry out subpart III of part C of this subchapter (relating to school-based meals for volunteer older individuals and multigenerational programs).

(c) Grants made under part B, and subparts I and II of part C, of this subchapter may be used for paying part of the cost of—

(1) the administration of area plans by area agencies on aging designated under section 3025(a)(2)(A) of this title, including the prepa-

ration of area plans on aging consistent with section 3026 of this title and the evaluation of activities carried out under such plans; and

(2) the development of comprehensive and coordinated systems for supportive services, congregate and home delivered nutrition services under subparts I and II of part C of this subchapter, the development and operation of multipurpose senior centers, and the delivery of legal assistance.

(d) There are authorized to be appropriated $45,388,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, for the purpose of making grants under part D of this subchapter (relating to in-home services).

(e) There are authorized to be appropriated such sums as may be necessary for the fiscal years 1992, 1993, 1994, and 1995, to carry out part E of this subchapter (relating to special needs).

(f) There are authorized to be appropriated $25,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, for the purpose of making grants under part F of this subchapter (relating to periodic preventive health, health education, and promotion services).

(g) There are authorized to be appropriated $15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, to carry out part G of this subchapter (relating to supportive activities for caretakers).

(Pub. L. 89–73, title III, § 303, as added Pub. L. 95–478, title I, § 103(b), Oct. 18, 1978, 92 Stat. 1518; amended Pub. L. 97–115, § 3(c), (d), Dec. 29, 1981, 95 Stat. 1597; Pub. L. 98–459, title III, § 303, Oct. 9, 1984, 98 Stat. 1771; Pub. L. 100–175, title I, §§ 122(a), (b), 129(c)(1), 140(a), 141(a), 143(a), 144(b), 145, 155(b), Nov. 29, 1987, 101 Stat. 933, 935, 944, 946, 947, 949, 950, 952; Pub. L. 102–375, title III, §§ 303, 316(b), title VII, § 708(c)(3), Sept. 30, 1992, 106 Stat. 1220, 1241, 1293.)

PRIOR PROVISIONS

A prior section 3023, Pub. L. 89–73, title III, § 303, as added Pub. L. 93–29, title III, § 301 May 3, 1973, 87 Stat. 37; Pub. L. 94–135, title I, §§ 104(a), (c), (d), 112(b), 114(d), Nov. 28, 1975, 89 Stat. 714, 715, 719, 725, related to area planning and social service programs, prior to the general amendment of this subchapter by Pub. L. 95–478.

Another prior section 3023, Pub. L. 89–73, title III, § 303, July 14, 1965, 79 Stat. 222; Pub. L. 91–69, §§ 3(b), 4(a), Sept. 17, 1969, 83 Stat. 108, related to state plans, providing in subsec. (a) for approval by Secretary, contents, notice and hearing prior to disapproval; subsec. (b) noncompliance and cancellation of payments; and subsec. (c) appeals, petitions, record, jurisdiction of courts of appeals, conclusiveness of findings, review by Supreme Court, and stay of administrative action, prior to repeal by Pub. L. 93–29, title III, § 301, May 3, 1973, 87 Stat. 36.

AMENDMENTS

1992—Subsec. (a)(1). Pub. L. 102–375, § 708(c)(3), struck out ''for purposes other than outreach activities and application assistance under section 3027(a)(31) of this title'' after ''senior centers)''.

Pub. L. 102–375, § 303(a)(1), substituted ''$461,376,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995'' for ''$379,575,000 for the fiscal year 1988, $398,554,000 for the fiscal year 1989, $418,481,000 for the fiscal year 1990, and $439,406,000 for the fiscal year 1991''.

Subsec. (a)(2). Pub. L. 102–375, § 303(a)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''Subject to subsection (h) of this section, there are authorized to be appropriated $20,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991 to carry out section 3027(a)(12) of this title.''

Subsec. (a)(3). Pub. L. 102–375, § 303(a)(3), struck out par. (3) which read as follows: ''Subject to subsection (h) of this section, there are authorized to be appropriated $10,000,000 for fiscal year 1989, $10,000,000 for fiscal year 1990, and such sums as may be necessary for fiscal year 1991 to carry out section 3026(a)(6)(P) of this title. Amounts appropriated under this subsection shall remain available until expended.''

Subsec. (b)(1). Pub. L. 102–375, § 303(b)(1), substituted ''$505,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995'' for ''$414,750,000 for the fiscal year 1988, $435,488,000 for the fiscal year 1989, $457,262,000 for the fiscal year 1990, and $480,125,000 for the fiscal year 1991''.

Subsec. (b)(2). Pub. L. 102–375, § 303(b)(2), substituted ''$120,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995'' for ''$79,380,000 for the fiscal year 1988, $83,349,000 for the fiscal year 1989, $87,516,000 for the fiscal year 1990, and $91,892,000 for the fiscal year 1991''.

Subsec. (b)(3). Pub. L. 102–375, § 303(b)(3), added par. (3).

Subsec. (c). Pub. L. 102–375, § 316(b)(1), substituted ''part B, and subparts I and II of part C, of this subchapter'' for ''parts B and C of this subchapter''.

Subsec. (c)(2). Pub. L. 102–375, § 316(b)(2), inserted ''under subparts I and II of part C of this subchapter'' after ''nutrition services''.

Subsec. (d). Pub. L. 102–375, § 303(c), substituted ''$45,388,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995,'' for ''$25,000,000 for fiscal year 1988, $26,250,000 for fiscal year 1989, $27,563,000 for fiscal year 1990, and $28,941,000 for fiscal year 1991''.

Subsec. (e). Pub. L. 102–375, § 303(d), substituted ''There are authorized to be appropriated such sums as may be necessary for the fiscal years 1992, 1993, 1994, and 1995,'' for ''Subject to subsection (h) of this section, there are authorized to be appropriated $25,000,000 for fiscal year 1988, $25,000,000 for fiscal year 1989, and such sums as may be necessary for each of the fiscal years 1990 and 1991''.

Subsec. (f). Pub. L. 102–375, § 303(e), substituted ''There are authorized to be appropriated $25,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995,'' for ''Subject to subsection (h) of this section, there are authorized to be appropriated $5,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991''.

Subsec. (g). Pub. L. 102–375, § 303(f), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: ''Subject to subsection (h) of this section, there are authorized to be appropriated $5,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991, to carry out part G of this subchapter (relating to abuse, neglect, and exploitation of older individuals).''

Subsec. (h). Pub. L. 102–375, § 303(g), struck out subsec. (h) which read as follows: ''No funds may be appropriated under subsection (a)(2), (a)(3), (e), (f), or (g) of this section for a fiscal year unless the aggregate amount appropriated for such fiscal year to carry out this subchapter (other than sections 3026(a)(6)(P), 3027(a)(12), and 3030a of this title, and parts E, F, and G of this subchapter), subchapter IV of this chapter (other than sections 3035f and 3035g of this title), subchapter IX of this chapter, and subchapter X of this chapter exceeds 105 percent of the aggregate amount appropriated for the preceding fiscal year to carry out such subchapters.''

1987—Subsec. (a). Pub. L. 100–175, §§ 129(c)(1), 155(b), designated existing provisions as par. (1), inserted ''for

purposes other than outreach activities and application assistance under section 3027(a)(31) of this title'', and added pars. (2) and (3).

Pub. L. 100–175, § 122(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ''There are authorized to be appropriated $350,300,000 for fiscal year 1984, $325,700,000 for fiscal year 1985, $343,600,000 for fiscal year 1986, and $361,500,000 for fiscal year 1987, for the purpose of making grants under part B of this subchapter (relating to supportive services and senior centers).''

Subsec. (b). Pub. L. 100–175, § 122(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows:

''(1) There are authorized to be appropriated $365,300,000 for fiscal year 1984, $360,800,000 for fiscal year 1985, $376,500,000 for fiscal year 1986, and $395,000,000 for fiscal year 1987, for the purpose of making grants under subpart I of part C of this subchapter (relating to congregate nutrition services).

''(2) There are authorized to be appropriated $68,700,000 for fiscal year 1984, $69,100,000 for fiscal year 1985, $72,000,000 for fiscal year 1986, and $75,600,000 for fiscal year 1987, for the purpose of making grants under subpart II of part C of this subchapter (relating to home delivered nutrition services).''

Subsec. (d). Pub. L. 100–175, § 140(a), added subsec. (d).

Subsec. (e). Pub. L. 100–175, § 141(a), added subsec. (e).

Subsec. (f). Pub. L. 100–175, § 143(a), added subsec. (f).

Subsec. (g). Pub. L. 100–175, § 144(b), added subsec. (g).

Subsec. (h). Pub. L. 100–175, § 145, added subsec. (h).

1984—Subsec. (a). Pub. L. 98–459, § 303(a), struck out provisions authorizing appropriations of $300,000,000 for fiscal year 1979, $360,000,000 for fiscal year 1980, $480,000,000 for fiscal year 1981, $306,000,000 for fiscal year 1982, and $327,400,000 for fiscal year 1983, and inserted provisions authorizing appropriations of $325,700,000 for fiscal year 1985, $343,600,000 for fiscal year 1986, and $361,500,000 for fiscal year 1987.

Subsec. (b)(1). Pub. L. 98–459, § 303(b)(1), struck out provisions authorizing appropriations of $350,000,000 for fiscal year 1979, $375,000,000 for fiscal year 1980, $400,000,000 for fiscal year 1981, $319,100,000 for fiscal year 1982, and $341,400,000 for fiscal year 1983, and inserted provisions authorizing appropriations of $360,800,000 for fiscal year 1985, $376,500,000 for fiscal year 1986, and $395,000,000 for fiscal year 1987.

Subsec. (b)(2). Pub. L. 98–459, § 303(b)(2), struck out provisions authorizing appropriations of $80,000,000 for fiscal year 1979, $100,000,000 for fiscal year 1980, $120,000,000 for fiscal year 1981, $60,000,000 for fiscal year 1982, and $64,200,000 for fiscal year 1983, and inserted provisions authorizing appropriations of $69,100,000 for fiscal year 1985, $72,000,000 for fiscal year 1986, and $75,600,000 for fiscal year 1987.

Subsec. (c)(2). Pub. L. 98–459, § 303(c), substituted ''legal assistance'' for ''legal services''.

1981—Subsec. (a). Pub. L. 97–115, § 3(c)(1), inserted provisions authorizing appropriations of $306,000,000 for fiscal year 1982, $327,400,000 for fiscal year 1983, and $350,300,000 for fiscal year 1984, and substituted ''(relating to supportive services and senior centers)'' for ''(relating to social services)''.

Subsec. (b)(1). Pub. L. 97–115, § 3(c)(2), inserted provisions authorizing appropriations of $319,100,000 for fiscal year 1982, $341,400,000 for fiscal year 1983, and $365,300,000 for fiscal year 1984.

Subsec. (b)(2). Pub. L. 97–115, § 3(c)(3), inserted provisions authorizing appropriations of $60,000,000 for fiscal year 1982, $64,200,000 for fiscal year 1983, and $68,700,000 for fiscal year 1984.

Subsec. (c)(2). Pub. L. 97–115, § 3(d), substituted ''supportive services'' for ''social services''.

EFFECTIVE DATE OF 1992 AMENDMENTS

Amendment by sections 303(a)(2), (3) and 708(c)(3) of Pub. L. 103–171 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 sections 303(a)(2), (3), (f), 316(b), and 708(c)(3) of Pub. L. 102–375 inapplicable with respect to fiscal year 1992, see section 905(b)(2), (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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3015, 3024, 3027, 3028, 4728 of this title.

§ 3024. Allotment to States

(a) Formula for computation of amount

(1) Subject to paragraphs (2) and (3), from the sums appropriated under section 3023 of this title for each fiscal year, each State shall be allotted an amount which bears the same ratio to such sums as the population of older individuals in such State bears to the population of older individuals in all States, except that (A) no State shall be allotted less than one-half of 1 percent of the sum appropriated for the fiscal year for which the determination is made; (B) Guam, the United States Virgin Islands, and the Trust Territory of the Pacific Islands, shall each be allotted not less than one-fourth of 1 percent of the sum appropriated for the fiscal year for which the determination is made; and (C) American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than one-sixteenth of 1 percent of the sum appropriated for the fiscal year for which the determination is made. For the purposes of paragraph (3) and the exception contained in subparagraph (A) only, the term ''State'' does not include Guam, American Samoa, the United States Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

(2) No State shall be allotted less than the total amount allotted to the State under paragraph (1) of this subsection and section 3028 of this title for fiscal year 1987.

(3) No State shall be allotted, from the amount appropriated under section 3023(g) of this title, less than $50,000 for any fiscal year.

(4) The number of individuals aged 60 or older in any State and in all States shall be determined by the Assistant Secretary on the basis of the most recent data available from the Bureau of the Census, and other reliable demographic data satisfactory to the Assistant Secretary.

(b) Unused funds

Whenever the Assistant Secretary determines that any amount allotted to a State under part B or C of this subchapter for a fiscal year under this section will not be used by such State for carrying out the purpose for which the allotment was made, the Assistant Secretary shall make such allotment available for carrying out such purpose to one or more other States to the

extent the Assistant Secretary determines that such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this subchapter, be regarded as part of such State's allotment (as determined under subsection (a) of this section) for such year, but shall remain available until the end of the succeeding fiscal year.

(c) Withholding of funds; disbursement

If the Assistant Secretary finds that any State has failed to qualify under the State plan requirements of section 3027 of this title or the Assistant Secretary does not approve the funding formula required under section 3025(a)(2)(C) of this title, the Assistant Secretary shall withhold the allotment of funds to such State referred to in subsection (a) of this section. The Assistant Secretary shall disburse the funds so withheld directly to any public or private nonprofit institution or organization, agency, or political subdivision of such State submitting an approved plan under section 3027 of this title, which includes an agreement that any such payment shall be matched in the proportion determined under subsection (d)(1)(D) of this section for such State, by funds or in-kind resources from non-Federal sources.

(d) Costs of administration, ombudsman program, demonstration projects, supportive services, senior centers and nutrition services; payment and determination of non-Federal share

(1) From any State's allotment, after the application of section 3028(b) of this title, under this section for any fiscal year—

(A) such amount as the State agency determines, but not more than 10 percent thereof, shall be available for paying such percentage as the agency determines, but not more than 75 percent, of the cost of administration of area plans;

(B) such amount (excluding any amount attributable to funds appropriated under section 3023(a)(3) of this title) as the State agency determines to be adequate for conducting an effective ombudsman program under section 3027(a)(12) of this title shall be available for conducting such program;

(C) not less than $150,000 and not more than 4 percent of the amount allotted to the State for carrying out part B of this subchapter, shall be available for conducting outreach demonstration projects under section 3058e of this title; and

(D) the remainder of such allotment shall be available to such State only for paying such percentage as the State agency determines, but not more than 85 percent of the cost of supportive services, senior centers, and nutrition services under this subchapter provided in the State as part of a comprehensive and coordinated system in planning and service areas for which there is an area plan approved by the State agency.

(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Assistant Secretary may attribute fair market value to services and facilities contributed from non-Federal sources.

(e) Volunteer services coordinator

Grants made from allotments received under this subchapter may be used for paying for the costs of providing for an area volunteer services coordinator (as described in section 3026(a)(12) of this title) or a State volunteer services coordinator (as described in section 3027(a)(31) of this title).

(Pub. L. 89–73, title III, § 304, as added Pub. L. 95–478, title I, § 103(b), Oct. 18, 1978, 92 Stat. 1519; amended Pub. L. 97–115, § 4, Dec. 29, 1981, 95 Stat. 1597; Pub. L. 98–459, title III, § 304, Oct. 9, 1984, 98 Stat. 1772; Pub. L. 100–175, title I, §§ 123, 155(c), (d), 182(f), Nov. 29, 1987, 101 Stat. 933, 952, 965; Pub. L. 102–375, title III, § 304, title IX, § 904(a)(10), Sept. 30, 1992, 106 Stat. 1221, 1306; Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

PRIOR PROVISIONS

A prior section 3024, Pub. L. 89–73, title III, § 304, as added Pub. L. 93–29, title III, § 301, May 3, 1973, 87 Stat. 38; Pub. L. 94–135, title I, §§ 105, 106(c), Nov. 28, 1975, 89 Stat. 715, 716, related to designation of state and area agencies, area plan provisions, and transportation services and funds, prior to the general amendment of this subchapter by Pub. L. 95–478. See sections 3025 and 3026 of this title.

Another prior section 3024, Pub. L. 89–73, title III, § 304, July 14, 1965, 79 Stat. 223; Pub. L. 90–42, § 3, July 1, 1967, 81 Stat. 107; Pub. L. 91–69, § 4(b), Sept. 17, 1969, 83 Stat. 108, related to planning, coordination, and evaluation and administration of State plans, providing in: subsec. (a) authorization of appropriations, amount of payment, and availability of unexpended funds; subsec. (b) amount of allotment, determination of additional amount, adjustments, minimum amount, and availability of unexpended amount; subsec. (c) reallotment to other States; and subsec. (d) minimum State expenditure of funds, prior to repeal by Pub. L. 93–29, title III, § 301, May 3, 1973, 87 Stat. 36.

Provisions similar to those comprising this section were contained in Pub. L. 89–73, title III, § 303, as added Pub. L. 93–29, title III, § 301, May 3, 1973, 87 Stat. 37; Pub. L. 94–135, title I, §§ 104(a), (c), (d), 112(b), 114(d), Nov. 28, 1975, 89 Stat. 714, 715, 719, 725, which was classified to section 3023 of this title prior to repeal by Pub. L. 95–478.

A prior section 3024a, Pub. L. 89–73, title III, § 305, as added Pub. L. 91–69, § 5, Sept. 17, 1969, 83 Stat. 110, related to areawide model projects, grants to or contracts with State agencies, amount, purposes of projects, and authorization of appropriations, prior to repeal by Pub. L. 93–29, title III, § 301, May 3, 1973, 87 Stat. 36.

AMENDMENTS

1993—Subsecs. (a)(4), (b), (c), (d)(2). Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing.

1992—Subsec. (a)(1). Pub. L. 102–375, § 904(a)(10), substituted ''of older individuals'' for ''aged 60 or older'' in two places, ''United States Virgin Islands'' for ''Virgin Islands'' in two places, and ''contained in subparagraph (A)'' for ''contained in clause (A)''.

Subsec. (a)(2). Pub. L. 102–375, § 304(a)(1), substituted ''1987'' for ''1984''.

Subsec. (a)(3). Pub. L. 102–375, § 304(a)(2), amended par. (3) generally. Prior to amendment, par. (3) read as follows: ''No State shall be allotted, from the amount appropriated pursuant to section 3023(a)(3) of this title, less than $50,000 for any fiscal year.''

Subsec. (a)(4). Pub. L. 102–375, § 304(a)(3), substituted ''data available from the Bureau of the Census, and

other reliable demographic data satisfactory'' for ''satisfactory data available''.

Subsec. (c). Pub. L. 102–375, § 304(b), inserted ''or the Commissioner does not approve the funding formula required under section 3025(a)(2)(C) of this title'' after ''requirements of section 3027 of this title''.

Subsec. (d)(1)(C). Pub. L. 102–375, § 304(c), amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: ''after September 30, 1986, such amount (excluding any amount attributable to funds appropriated under section 3023(a)(3) of this title) as the State agency determines to be adequate, but not more than 1 percent, for conducting effective demonstration projects in health and nutrition education under section 3027(f) of this title shall be available for conducting such projects; and''.

Subsec. (e). Pub. L. 102–375, § 304(d), added subsec. (e).

1987—Subsec. (a)(1). Pub. L. 100–175, § 155(c)(1), substituted ''paragraphs (2) and (3)'' for ''paragraph (2)'' and ''purposes of paragraph (3) and'' for ''purpose of''.

Subsec. (a)(3), (4). Pub. L. 100–175, § 155(c)(2), added par. (3) and redesignated former par. (3) as (4).

Subsec. (d)(1). Pub. L. 100–175, § 182(f), inserted a comma after ''section 3028(b) of this title''.

Subsec. (d)(1)(A). Pub. L. 100–175, § 123, substituted ''10 percent'' for ''8.5 percent''.

Subsec. (d)(1)(B), (C). Pub. L. 100–175, § 155(d), inserted ''(excluding any amount attributable to funds appropriated under section 3023(a)(3) of this title)'' after ''amount''.

1984—Subsec. (a)(1). Pub. L. 98–459, § 304(a)(1)–(5), substituted ''Subject to paragraph (2), from'' for ''From'', substituted ''under section 3023 of this title'' for ''under parts B and C'', substituted ''Commonwealth of the Northern Mariana Islands'' for ''Northern Mariana Islands'' in two places, substituted ''and (C)'' for ''(C)'', and struck out ''; and (D) no State shall be allotted an amount less than the State received for fiscal year 1978''.

Subsec. (a)(2), (3). Pub. L. 98–459, § 304(a)(6)–(8), added par. (2), redesignated former par. (2) as (3), and substituted ''available to the Commissioner'' for ''available to him''.

Subsec. (b). Pub. L. 98–459, § 304(b), substituted ''the Commissioner shall make'' for ''he shall make'' and ''to the extent the Commissioner determines'' for ''to the extent he determines''.

Subsec. (c). Pub. L. 98–459, § 304(c), substituted ''subsection (d)(1)(D) of this section'' for ''subsection (d)(1)(B) of this section'' and ''or in-kind resources'' for ''for in-kind resources''.

Subsec. (d)(1). Pub. L. 98–459, § 304(d), inserted '', after the application of section 3028(b) of this title'' in provisions before par. (1), added subpar. (C), and redesignated former subpar. (C) as (D).

1981—Subsec. (a)(1). Pub. L. 97–115, § 4(a), substituted ''under parts B and C for each fiscal year'' for ''under parts B and C for fiscal years 1979, 1980, and 1981''.

Subsec. (d)(1)(B). Pub. L. 97–115, § 4(c)(3), added subpar. (B). Former subpar. (B) redesignated (C).

Subsec. (d)(1)(C). Pub. L. 97–115, § 4(b), (c)(2), redesignated subpar. (B) as (C) and substituted ''85 percent of the cost of supportive services, senior centers, and nutrition services under this subchapter'' for ''90 percent in fiscal years 1979 and 1980, and 85 percent in fiscal year 1981, of the cost of social services and nutrition services authorized under parts B and C''.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by section 304 (excluding pars. (1) and (2) of subsec. (a)) 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 304 of Pub. L. 102–375 inapplicable with respect to fiscal year 1992, see section 905(b)(2) 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.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3023, 3027, 3028, 3029, 3057c, 3058b, 3058e of this title.

§ 3025. Designation of State agencies

(a) Duties of designated agency

In order for a State to be eligible to participate in programs of grants to States from allotments under this subchapter—

(1) the State shall, in accordance with regulations of the Assistant Secretary, designate a State agency as the sole State agency to—

(A) develop a State plan to be submitted to the Assistant Secretary for approval under section 3027 of this title;

(B) administer the State plan within such State;

(C) be primarily responsible for the planning, policy development, administration, coordination, priority setting, and evaluation of all State activities related to the objectives of this chapter;

(D) serve as an effective and visible advocate for older individuals by reviewing and commenting upon all State plans, budgets, and policies which affect older individuals and providing technical assistance to any agency, organization, association, or individual representing the needs of older individuals; and

(E) divide the State into distinct planning and service areas (or in the case of a State specified in subsection (b)(5)(A) of this section, designate the entire State as a single planning and service area), in accordance with guidelines issued by the Assistant Secretary, after considering the geographical distribution of older individuals in the State, the incidence of the need for supportive services, nutrition services, multipurpose senior centers, and legal assistance, the distribution of older individuals who have greatest economic need (with particular attention to low-income minority individuals) residing in such areas, the distribution of older individuals who have greatest social need (with particular attention to low-income minority individuals) residing in such areas, the distribution of older individuals who are Indians residing in such areas, the distribution of resources available to provide such services or centers, the boundaries of existing areas within the State which were drawn for the planning or administration of supportive services programs,

the location of units of general purpose local government within the State, and any other relevant factors; and

(2) the State agency shall—

(A) except as provided in subsection (b)(5) of this section, designate for each such area after consideration of the views offered by the unit or units of general purpose local government in such area, a public or private nonprofit agency or organization as the area agency on aging for such area;

(B) provide assurances, satisfactory to the Assistant Secretary, that the State agency will take into account, in connection with matters of general policy arising in the development and administration of the State plan for any fiscal year, the views of recipients of supportive services or nutrition services, or individuals using multipurpose senior centers provided under such plan;

(C) in consultation with area agencies, in accordance with guidelines issued by the Assistant Secretary, and using the best available data, develop and publish for review and comment a formula for distribution within the State of funds received under this subchapter that takes into account—

(i) the geographical distribution of older individuals in the State; and

(ii) the distribution among planning and service areas of older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority older individuals;

(D) submit its formula developed under subparagraph (C) to the Assistant Secretary for approval;

(E) provide assurances that preference will be given to providing services to older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority individuals, and include proposed methods of carrying out the preference in the State plan;

(F) provide assurances that the State agency will require use of outreach efforts described in section 3027(a)(24) of this title; and

(G)(i) set specific objectives, in consultation with area agencies on aging, for each planning and service area for providing services funded under this subchapter to low-income minority older individuals;

(ii) provide an assurance that the State agency will undertake specific program development, advocacy, and outreach efforts focused on the needs of low-income minority older individuals; and

(iii) provide a description of the efforts described in clause (ii) that will be undertaken by the State agency.

(b) Planning and service area designated; Indian reservations; redesignation; adjustment of State allotment; review by Assistant Secretary; additional planning and service areas; right to first refusal to units of local government; procedures and review of boundaries

(1) In carrying out the requirement of subsection (a)(1) of this section, the State may designate as a planning and service area any unit of general purpose local government which has a population of 100,000 or more. In any case in which a unit of general purpose local government makes application to the State agency under the preceding sentence to be designated as a planning and service area, the State agency shall, upon request, provide an opportunity for a hearing to such unit of general purpose local government. A State may designate as a planning and service area under subsection (a)(1) of this section, any region within the State recognized for purposes of areawide planning which includes one or more such units of general purpose local government when the State determines that the designation of such a regional planning and service area is necessary for, and will enhance, the effective administration of the programs authorized by this subchapter. The State may include in any planning and service area designated under subsection (a)(1) of this section such additional areas adjacent to the unit of general purpose local government or regions so designated as the State determines to be necessary for, and will enhance the effective administration of the programs authorized by this subchapter.

(2) The State is encouraged in carrying out the requirement of subsection (a)(1) of this section to include the area covered by the appropriate economic development district involved in any planning and service area designated under subsection (a)(1) of this section, and to include all portions of an Indian reservation within a single planning and service area, if feasible.

(3) The chief executive officer of each State in which a planning and service area crosses State boundaries, or in which an interstate Indian reservation is located, may apply to the Assistant Secretary to request redesignation as an interstate planning and service area comprising the entire metropolitan area or Indian reservation. If the Assistant Secretary approves such an application, the Assistant Secretary shall adjust the State allotments of the areas within the planning and service area in which the interstate planning and service area is established to reflect the number of older individuals within the area who will be served by an interstate planning and service area not within the State.

(4) Whenever a unit of general purpose local government, a region, a metropolitan area or an Indian reservation is denied designation under the provisions of subsection (a)(1) of this section, such unit of general purpose local government, region, metropolitan area, or Indian reservation may appeal the decision of the State agency to the Assistant Secretary. The Assistant Secretary shall afford such unit, region, metropolitan area, or Indian reservation an opportunity for a hearing. In carrying out the provisions of this paragraph, the Assistant Sec-

retary may approve the decision of the State agency, disapprove the decision of the State agency and require the State agency to designate the unit, region, area, or Indian reservation appealing the decision as a planning and service area, or take such other action as the Assistant Secretary deems appropriate.

(5)(A) A State which on or before October 1, 1980, had designated, with the approval of the Assistant Secretary, a single planning and service area covering all of the older individuals in the State, in which the State agency was administering the area plan, may after that date designate one or more additional planning and service areas within the State to be administered by public or private nonprofit agencies or organizations as area agencies on aging, after considering the factors specified in subsection (a)(1)(E) of this section. The State agency shall continue to perform the functions of an area agency on aging for any area of the State not included in a planning and service area for which an area agency on aging has been designated.

(B) Whenever a State agency designates a new area agency on aging after October 9, 1984, the State agency shall give the right to first refusal to a unit of general purpose local government if (i) such unit can meet the requirements of subsection (c) of this section, and (ii) the boundaries of such a unit and the boundaries of the area are reasonably contiguous.

(C)(i) A State agency shall establish and follow appropriate procedures to provide due process to affected parties, if the State agency initiates an action or proceeding to—

(I) revoke the designation of the area agency on aging under subsection (a) of this section;

(II) designate an additional planning and service area in a State;

(III) divide the State into different planning and services[1] areas; or

(IV) otherwise affect the boundaries of the planning and service areas in the State.

(ii) The procedures described in clause (i) shall include procedures for—

(I) providing notice of an action or proceeding described in clause (i);

(II) documenting the need for the action or proceeding;

(III) conducting a public hearing for the action or proceeding;

(IV) involving area agencies on aging, service providers, and older individuals in the action or proceeding; and

(V) allowing an appeal of the decision of the State agency in the action or proceeding to the Assistant Secretary.

(iii) An adversely affected party involved in an action or proceeding described in clause (i) may bring an appeal described in clause (ii)(V) on the basis of—

(I) the facts and merits of the matter that is the subject of the action or proceeding; or

(II) procedural grounds.

(iv) In deciding an appeal described in clause (ii)(V), the Assistant Secretary may affirm or set aside the decision of the State agency. If the Assistant Secretary sets aside the decision, and the State agency has taken an action described in subclauses (I) through (III) of clause (i), the State agency shall nullify the action.

(c) Eligible State area agencies; development of area; preferred area agency on aging designees

An area agency on aging designated under subsection (a) of this section shall be—

(1) an established office of aging which is operating within a planning and service area designated under subsection (a) of this section;

(2) any office or agency of a unit of general purpose local government, which is designated to function only for the purpose of serving as an area agency on aging by the chief elected official of such unit;

(3) any office or agency designated by the appropriate chief elected officials of any combination of units of general purpose local government to act only on behalf of such combination for such purpose;

(4) any public or nonprofit private agency in a planning and service area, or any separate organizational unit within such agency, which is under the supervision or direction for this purpose of the designated State agency and which can and will engage only in the planning or provision of a broad range of supportive services, or nutrition services within such planning and service area; or

(5) in the case of a State specified in subsection (b)(5) of this section, the State agency;

and shall provide assurance, determined adequate by the State agency, that the area agency on aging will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program in accordance with the plan within the planning and service area. In designating an area agency on aging within the planning and service area or within any unit of general purpose local government designated as a planning and service area the State shall give preference to an established office on aging, unless the State agency finds that no such office within the planning and service area will have the capacity to carry out the area plan.

(d) Publication for review and comment; contents

The publication for review and comment required by paragraph (2)(C) of subsection (a) of this section shall include—

(1) a descriptive statement of the formula's assumptions and goals, and the application of the definitions of greatest economic or social need,

(2) a numerical statement of the actual funding formula to be used,

(3) a listing of the population, economic, and social data to be used for each planning and service area in the State, and

(4) a demonstration of the allocation of funds, pursuant to the funding formula, to each planning and service area in the State.

(Pub. L. 89–73, title III, § 305, as added Pub. L. 95–478, title I, § 103(b), Oct. 18, 1978, 92 Stat. 1520; amended Pub. L. 97–115, §§ 3(d), 5, Dec. 29, 1981, 95 Stat. 1597; Pub. L. 98–459, title III, § 305, Oct. 9, 1984, 98 Stat. 1773; Pub. L. 100–175, title I, §§ 124,

[1] So in original. Probably should be ''service''.

132(a), 134(a)(1), 182(e)(2), (g), (h), Nov. 29, 1987, 101 Stat. 933, 939, 940, 965; Pub. L. 100–628, title VII, § 705(4), Nov. 7, 1988, 102 Stat. 3247; Pub. L. 102–375, title I, § 102(b)(9)(B), (10)(B)–(D), title III, § 305, title IX, § 904(a)(11), Sept. 30, 1992, 106 Stat. 1201, 1202, 1222, 1306; Pub. L. 103–171, §§ 2(8), 3(a)(13), Dec. 2, 1993, 107 Stat. 1988, 1990.)

PRIOR PROVISIONS

A prior section 3025, Pub. L. 89–73, title III, § 305, as added Pub. L. 93–29, title III, § 301, May 3, 1973, 87 Stat. 41; Pub. L. 94–135, title I, §§ 106(a), (b), 114(e), Nov. 28, 1975, 89 Stat. 715, 725, related to State plans, prior to the general amendment of this subchapter by Pub. L. 95–478. See section 3027 of this title.

Another prior section 3025, Pub. L. 89–73, title III, § 306, formerly § 305, July 14, 1965, 79 Stat. 224; renumbered § 306, Pub. L. 91–69, § 5, Sept. 17, 1969, 83 Stat. 110, related to payments of grants for State and community programs on aging, adjustments, advances or reimbursement, and installments, prior to repeal by Pub. L. 93–29, title III, § 301, May 3, 1973, 87 Stat. 36.

Provisions similar to those comprising this section were contained in Pub. L. 89–73, title III, § 304, as added Pub. L. 93–29, title III, § 301, May 3, 1973, 87 Stat. 38; Pub. L. 94–135, title I, §§ 105, 106(c), Nov. 28, 1975, 89 Stat. 715, 716, which was classified to section 3024 of this title prior to repeal by Pub. L. 95–478.

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–171, § 3(a)(13), substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing.

Subsec. (b)(1). Pub. L. 103–171, § 2(8), substituted ''area under subsection (a)(1) of this section'' for ''area under clause (1) of subsection (a) of this section'' and ''designated under subsection (a)(1) of this section'' for ''designated under clause (1) of subsection (a) of this section''.

Subsec. (b)(2). Pub. L. 103–171, § 2(8), substituted ''requirement of subsection (a)(1) of this section'' for ''requirement of clause (1) of subsection (a) of this section''.

Subsec. (b)(3) to (5). Pub. L. 103–171, § 3(a)(13), substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing.

1992—Subsec. (a)(1)(C). Pub. L. 102–375, § 305(a)(1), amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: ''be primarily responsible for the coordination of all State activities related to the purposes of this chapter;''.

Subsec. (a)(1)(D). Pub. L. 102–375, § 904(a)(11)(A)(i)(I), substituted ''older individuals'' for ''the elderly'' wherever appearing.

Subsec. (a)(1)(E). Pub. L. 102–375, § 904(a)(11)(A)(i)(II), (III), inserted ''individuals who are'' before ''Indians'' and substituted ''older individuals'' for ''individuals aged 60 and older''.

Subsec. (a)(2). Pub. L. 102–375, § 904(a)(11)(A)(ii)(I), which directed the substitution of ''subparagraph'' for ''clause'', could not be executed because of the intervening amendment by Pub. L. 102–375, § 102(b)(9)(B). See below.

Pub. L. 102–375, § 102(b)(9)(B), struck out ''designated under clause (1)'' after ''agency'' in introductory provisions.

Subsec. (a)(2)(C). Pub. L. 102–375, § 305(a)(2), amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: ''develop a formula, in accordance with guidelines issued by the Commissioner, for the distribution within the State of funds received under this subchapter, taking into account, to the maximum extent feasible, the best available statistics on the geographical distribution of individuals aged 60 and older in the State, and publish such formula for review and comment in accordance with subsection (d) of this section;''.

Subsec. (a)(2)(D). Pub. L. 102–375, § 904(a)(11)(A)(ii)(II), substituted ''subparagraph'' for ''subclause''.

Pub. L. 102–375, § 305(a)(2)(B), substituted ''for approval'' for ''for review and comment''.

Subsec. (a)(2)(E). Pub. L. 102–375, § 904(a)(11)(A)(ii)(III), substituted ''greatest economic need and older individuals with greatest social need'' for ''the greatest economic or social needs''.

Pub. L. 102–375, § 305(a)(2)(C), struck out ''and'' at end.

Subsec. (a)(2)(F). Pub. L. 102–375, § 305(a)(2)(D), amended subpar. (F) generally. Prior to amendment, subpar. (F) read as follows: ''assure the use of outreach efforts that will identify individuals eligible for assistance under this chapter, with special emphasis on older individuals with the greatest economic or social needs (with particular attention to low-income minority individuals) and inform such individuals of the availability of such assistance.''

Subsec. (a)(2)(G). Pub. L. 102–375, § 305(a)(2)(E), added subpar. (G).

Subsec. (b)(1). Pub. L. 102–375, § 904(a)(11)(B)(i), substituted ''requirement of subsection (a)(1) of this section'' for ''requirement of clause (1) of subsection (a) of this section''.

Subsec. (b)(2). Pub. L. 102–375, § 904(a)(11)(B)(ii), substituted ''designated under subsection (a)(1) of this section'' for ''designated under such clause''.

Subsec. (b)(4). Pub. L. 102–375, § 904(a)(11)(B)(i), substituted ''subsection (a)(1) of this section'' for ''clause (1) of subsection (a) of this section''.

Subsec. (b)(5)(A). Pub. L. 102–375, § 102(b)(10)(B), substituted ''area agency on aging'' for ''area agency'' in two places.

Subsec. (b)(5)(C). Pub. L. 102–375, § 305(b), added subpar. (C).

Subsec. (c). Pub. L. 102–375, § 102(b)(10)(D), substituted ''area agency on aging'' for ''area agency'' in concluding provisions of first sentence.

Subsec. (c)(2). Pub. L. 102–375, § 102(b)(10)(C), substituted ''area agency on aging'' for ''area agency''.

Subsec. (d). Pub. L. 102–375, § 904(a)(11)(C), substituted ''paragraph'' for ''clause'' in introductory provisions.

1988—Subsec. (a)(1)(E). Pub. L. 100–628, § 705(4)(A), substituted ''such areas,'' for ''such areas,,'' before ''distribution of resources''.

Subsec. (d). Pub. L. 100–628, § 705(4)(B), redesignated subpars. (A), (B), (C), and (D) as pars. (1), (2), (3), and (4), respectively.

1987—Subsec. (a)(1)(E). Pub. L. 100–175, §§ 132(a)(1), 134(a)(1), 182(g), substituted ''the distribution of older individuals who have greatest economic need (with particular attention to low-income minority individuals) residing in such areas, the distribution of older individuals who have greatest social need (with particular attention to low-income minority individuals) residing in such areas,'' for ''the distribution of older individuals who have low incomes residing in such areas'', inserted ''the distribution of older Indians residing in such areas,'' after second reference to ''such areas,'', and substituted ''legal assistance'' for ''legal services''.

Subsec. (a)(2)(C). Pub. L. 100–175, § 182(h), inserted ''in accordance with subsection (d) of this section'' before semicolon at end.

Subsec. (a)(2)(F). Pub. L. 100–175, § 132(a)(2), added subpar. (F).

Subsec. (c)(2). Pub. L. 100–175, § 124(1), inserted ''to function only'' after ''designated''.

Subsec. (c)(3). Pub. L. 100–175, § 124(2), inserted ''only'' after ''to act''.

Subsec. (c)(4). Pub. L. 100–175, § 124(3), inserted '', or any separate organizational unit within such agency,'' after first reference to ''area'' and substituted ''and will engage only'' for ''engage''.

Subsec. (d). Pub. L. 100–175, § 182(e)(2), struck out par. (1) designation before ''The publication for review'' and struck out par. (2) which read as follows: ''For purposes of clause (2)(E) of subsection (a) of this section and paragraph (1) of this subsection, the term 'greatest economic need' means the need resulting from an income level at or below the poverty threshold established by the Bureau of the Census, and the term 'greatest social need' means the need caused by noneconomic factors

which include physical and mental disabilities, language barriers, and cultural or social isolation including that caused by racial or ethnic status which restricts an individual's ability to perform normal daily tasks or which threatens his or her capacity to live independently.''

1984—Subsec. (a)(1)(E). Pub. L. 98–459, § 305(a)(1), substituted ''subsection (b)(5)(A) of this section'' for ''subsection (b)(5) of this section''.

Subsec. (a)(2)(E). Pub. L. 98–459, § 305(a)(2), inserted '', with particular attention to low-income minority individuals,''.

Subsec. (b)(3). Pub. L. 98–459, § 305(b)(1), substituted ''the Commissioner shall adjust'' for ''he shall adjust''.

Subsec. (b)(5). Pub. L. 98–459, § 305(b), designated existing provisions as subpar. (A) and added subpar. (B).

Subsec. (d). Pub. L. 98–459, § 305(c), added subsec. (d).

1981—Subsec. (a)(1)(E). Pub. L. 97–115, §§ 3(d), 5(a), substituted ''divide the State into distinct planning and service areas (or in the case of a State specified in subsection (b)(5) of this section, designate the entire State as a single planning and service area)'' for ''divide the State into distinct areas'' and ''supportive services'' for ''social services'' in two places.

Subsec. (a)(2)(A). Pub. L. 97–115, § 5(b), substituted ''except as provided in subsection (b)(5) of this section, designate for each such area'' for ''determine for which planning and service area an area plan will be developed, in accordance with section 3026 of this title, and for each such area designate,''.

Subsec. (a)(2)(B). Pub. L. 97–115, § 3(d), substituted ''supportive services'' for ''social services''.

Subsec. (b)(5). Pub. L. 97–115, § 5(c), added par. (5).

Subsec. (c)(4). Pub. L. 97–115, § 3(d), substituted ''supportive services'' for ''social services''.

Subsec. (c)(5). Pub. L. 97–115, § 5(d), added par. (5).

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by section 305 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 305 of Pub. L. 102–375 inapplicable with respect to fiscal year 1992, see section 905(b)(2) 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3002, 3012, 3023, 3024, 3026, 3027, 3028, 3058c, 5001, 11261, 11292 of this title.

§ 3026. Area plans

(a) Preparation and development by area agency on aging; requirements

Each area agency on aging designated under section 3025(a)(2)(A) of this title shall, in order to be approved by the State agency, prepare and develop an area plan for a planning and service area for a two-, three-, or four-year period determined by the State agency, with such annual adjustments as may be necessary. Each such plan shall be based upon a uniform format for area plans within the State prepared in accordance with section 3027(a)(1) of this title. Each such plan shall—

(1) provide, through a comprehensive and coordinated system, for supportive services, nutrition services, and, where appropriate, for the establishment, maintenance, or construction of multipurpose senior centers, within the planning and service area covered by the plan, including determining the extent of need for supportive services, nutrition services, and multipurpose senior centers in such area (taking into consideration, among other things, the number of older individuals with low incomes residing in such area, the number of older individuals who have greatest economic need (with particular attention to low-income minority individuals) residing in such area, the number of older individuals who have greatest social need (with particular attention to low-income minority individuals) residing in such area, and the number of older individuals who are Indians residing in such area, and the efforts of voluntary organizations in the community), evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of supportive services, nutrition services, or multipurpose senior centers in such area, for the provision of such services or centers to meet such need;

(2) provide assurances that an adequate proportion, as required under section 3027(a)(22) of this title, of the amount allotted for part B of this subchapter to the planning and service area will be expended for the delivery of each of the following categories of services—

(A) services associated with access to services (transportation, outreach, information and assistance, and case management services);

(B) in-home services (homemaker and home health aide, visiting and telephone reassurance, chore maintenance, and supportive services for families of older individuals who are victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction); and

(C) legal assistance;

and specify annually in such plan, as submitted or as amended, in detail the amount of funds expended for each such category during the fiscal year most recently concluded;

(3)(A) designate, where feasible, a focal point for comprehensive service delivery in each community, giving special consideration to designating multipurpose senior centers (including multipurpose senior centers operated by organizations referred to in paragraph (6)(E)(ii)) as such focal point; and

(B) specify, in grants, contracts, and agreements implementing the plan, the identity of each focal point so designated;

(4) provide for the establishment and maintenance of information and assistance services in sufficient numbers to assure that all older individuals within the planning and service area covered by the plan will have reasonably convenient access to such services, with particular emphasis on linking services available to isolated older individuals and older individuals with Alzheimer's disease or related dis-

orders with neurological and organic brain dysfunction (and the caretakers of individuals with such disease or disorders);

(5)(A)(i) provide assurances that the area agency on aging will set specific objectives for providing services to older individuals with greatest economic need and older individuals with greatest social need, include specific objectives for providing services to low-income minority individuals, and include proposed methods of carrying out the preference in the area plan;

(ii) provide assurances that the area agency on aging will include in each agreement made with a provider of any service under this subchapter, a requirement that such provider will—

(I) specify how the provider intends to satisfy the service needs of low-income minority individuals in the area served by the provider;

(II) to the maximum extent feasible, provide services to low-income minority individuals in accordance with their need for such services; and

(III) meet specific objectives established by the area agency on aging, for providing services to low-income minority individuals within the planning and service area; and

(iii) with respect to the fiscal year preceding the fiscal year for which such plan is prepared—

(I) identify the number of low-income minority older individuals in the planning and service area;

(II) describe the methods used to satisfy the service needs of such minority older individuals; and

(III) provide information on the extent to which the area agency on aging met the objectives described in clause (i);

(B) provide assurances that the area agency on aging will use outreach efforts that will—

(i) identify individuals eligible for assistance under this chapter, with special emphasis on—

(I) older individuals residing in rural areas;

(II) older individuals with greatest economic need (with particular attention to low-income minority individuals);

(III) older individuals with greatest social need (with particular attention to low-income minority individuals);

(IV) older individuals with severe disabilities;

(V) older individuals with limited English-speaking ability; and

(VI) older individuals with Alzheimer's disease or related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals); and

(ii) inform the older individuals referred to in subclauses (I) through (VI) of clause (i), and the caretakers of such individuals, of the availability of such assistance; and

(C) contain an assurance that the area agency on aging will ensure that each activity undertaken by the agency, including planning, advocacy, and systems development, will include a focus on the needs of low-income minority older individuals;

(6) provide that the area agency on aging will—

(A) conduct periodic evaluations of, and public hearings on, activities carried out under the area plan and an annual evaluation of the effectiveness of outreach conducted under paragraph (5)(B);

(B) furnish appropriate technical assistance, and timely information in a timely manner, to providers of supportive services, nutrition services, or multipurpose senior centers in the planning and service area covered by the area plan;

(C) take into account in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under such plan;

(D) serve as the advocate and focal point for older individuals within the community by (in cooperation with agencies, organizations, and individuals participating in activities under the plan) monitoring, evaluating, and commenting upon all policies, programs, hearings, levies, and community actions which will affect older individuals;

(E)(i) where possible, enter into arrangements with organizations providing day care services for children or adults, and respite for families, so as to provide opportunities for older individuals to aid or assist on a voluntary basis in the delivery of such services to children, adults, and families; and

(ii) if possible regarding the provision of services under this subchapter, enter into arrangements and coordinate with organizations that have a proven record of providing services to older individuals, that—

(I) were officially designated as community action agencies or community action programs under section 210 of the Economic Opportunity Act of 1964 (42 U.S.C. 2790)[1] for fiscal year 1981, and did not lose the designation as a result of failure to comply with such Act; or

(II) came into existence during fiscal year 1982 as direct successors in interest to such community action agencies or community action programs;

and that meet the requirements under section 9904(c)(3) of this title;

(F) establish an advisory council consisting of older individuals (including minority individuals) who are participants or who are eligible to participate in programs assisted under this chapter, representatives of older individuals, local elected officials, providers of veterans' health care (if appropriate), and the general public, to advise continuously the area agency on aging on all matters relating to the development of the area plan, the administration of the plan and operations conducted under the plan;

(G) develop and publish methods by which priority of services is determined, particu-

[1] See References in Text note below.

larly with respect to the delivery of services under paragraph (2);

(H) establish effective and efficient procedures for coordination of—

(i) entities conducting programs that receive assistance under this chapter within the planning and service area served by the agency; and

(ii) entities conducting other Federal programs for older individuals at the local level, with particular emphasis on entities conducting programs described in section 3013(b) of this title, within the area;

(I) conduct efforts to facilitate the coordination of community-based, long-term care services designed to retain individuals in their homes, thereby deferring unnecessary, costly institutionalization, and designed to include the development of case management services as a component of the long-term care services;

(J) identify the public and private nonprofit entities involved in the prevention, identification, and treatment of the abuse, neglect, and exploitation of older individuals, and based on such identification, determine the extent to which the need for appropriate services for such individuals is unmet;

(K) facilitate the involvement of long-term care providers in the coordination of community-based long-term care services and work to ensure community awareness of and involvement in addressing the needs of residents of long-term care facilities;

(L) coordinate the categories of services specified in paragraph (2) for which the area agency on aging is required to expend funds under part B of this subchapter, with activities of community-based organizations established for the benefit of victims of Alzheimer's disease and the families of such victims;

(M) coordinate any mental health services provided with funds expended by the area agency on aging for part B of this subchapter with the mental health services provided by community health centers and by other public agencies and nonprofit private organizations;

(N) if there is a significant population of older individuals who are Indians in the planning and service area of the area agency on aging, the area agency on aging shall conduct outreach activities to identify such individuals in such area and shall inform such individuals of the availability of assistance under this chapter;

(O)(i) compile available information on institutions of higher education in the planning and service area regarding—

(I) the courses of study offered to older individuals by such institutions; and

(II) the policies of such institutions with respect to the enrollment of older individuals with little or no payment of tuition, on a space available basis, or on another special basis;

and include in such compilation such related supplementary information as may be necessary; and

(ii) based on the results of such compilation, make a summary of such information available to older individuals at multipurpose senior centers, congregate nutrition sites, and other appropriate places;

(P) establish a grievance procedure for older individuals who are dissatisfied with or denied services under this subchapter;

(Q) enter into voluntary arrangements with nonprofit entities (including public and private housing authorities and organizations) that provide housing (such as housing under section 1701q of title 12) to older individuals, to provide—

(i) leadership and coordination in the development, provision, and expansion of adequate housing, supportive services, referrals, and living arrangements for older individuals; and

(ii) advance notification and nonfinancial assistance to older individuals who are subject to eviction from such housing;

(R) list the telephone number of the agency in each telephone directory that is published, by the provider of local telephone service, for residents in any geographical area that lies in whole or in part in the service and planning area served by the agency—

(i) under the name ''Area Agency on Aging'';

(ii) in the unclassified section of the directory; and

(iii) to the extent possible, in the classified section of the directory, under a subject heading designated by the Assistant Secretary by regulation; and

(S) identify the needs of older individuals and describe methods the area agency on aging will use to coordinate planning and delivery of transportation services (including the purchase of vehicles) to assist older individuals, including those with special needs, in the area;

(7) provide assurances that any amount received under part D of this subchapter will be expended in accordance with such part;

(8) provide assurances that any amount received under part E of this subchapter will be expended in accordance with such part;

(9) provide assurances that any amount received under part F of this subchapter will be expended in accordance with such part;

(10) provide assurances that any amount received under part G of this subchapter will be expended in accordance with such part;

(11) provide assurances that the area agency on aging, in carrying out the State Long-Term Care Ombudsman program under section 3027(a)(12) of this title, will expend not less than the total amount of funds appropriated under this chapter and expended by the agency in fiscal year 1991 in carrying out such a program under this subchapter;

(12) in the discretion of the area agency on aging, provide for an area volunteer services coordinator, who shall—

(A) encourage, and enlist the services of, local volunteer groups to provide assistance and services appropriate to the unique needs

of older individuals within the planning and service area;

(B) encourage, organize, and promote the use of older individuals as volunteers to local communities within the area; and

(C) promote the recognition of the contribution made by volunteers to programs administered under the area plan;

(13)(A) describe all activities of the area agency on aging, whether funded by public or private funds; and

(B) provide an assurance that the activities conform with—

(i) the responsibilities of the area agency on aging, as set forth in this subsection; and

(ii) the laws, regulations, and policies of the State served by the area agency on aging;

(14) provide assurances that the area agency on aging will—

(A) maintain the integrity and public purpose of services provided, and service providers, under this subchapter in all contractual and commercial relationships;

(B) disclose to the Assistant Secretary and the State agency—

(i) the identity of each nongovernmental entity with which such agency has a contract or commercial relationship relating to providing any service to older individuals; and

(ii) the nature of such contract or such relationship;

(C) demonstrate that a loss or diminution in the quantity or quality of the services provided, or to be provided, under this subchapter by such agency has not resulted and will not result from such contract or such relationship;

(D) demonstrate that the quantity or quality of the services to be provided under this subchapter by such agency will be enhanced as a result of such contract or such relationship; and

(E) on the request of the Assistant Secretary or the State, for the purpose of monitoring compliance with this chapter (including conducting an audit), disclose all sources and expenditures of funds such agency receives or expends to provide services to older individuals;

(15) provide assurances that funds received under this subchapter will not be used to pay any part of a cost (including an administrative cost) incurred by the area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this subchapter;

(16) provide assurances that preference in receiving services under this subchapter will not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement this subchapter;

(17) provide assurances that projects in the planning and service area will reasonably accommodate participants as described in section 3027(a)(13)(G) of this title;

(18) provide assurances that the area agency on aging will, to the maximum extent practicable, coordinate the services it provides under this title with services provided under subchapter X of this chapter;

(19)(A) provide an assurance that the area agency on aging will pursue activities to increase access by older individuals who are Native Americans to all aging programs and benefits provided by the agency, including programs and benefits under this subchapter, if applicable; and

(B) specify the ways in which the area agency on aging intends to implement the activities; and

(20) provide that case management services provided under this subchapter through the area agency on aging will—

(A) not duplicate case management services provided through other Federal and State programs;

(B) be coordinated with services described in subparagraph (A); and

(C) be provided by—

(i) a public agency; or

(ii) a nonprofit private agency that—

(I) does not provide, and does not have a direct or indirect ownership or controlling interest in, or a direct or indirect affiliation or relationship with, an entity that provides, services other than case management services under this subchapter; or

(II) is located in a rural area and obtains a waiver of the requirement described in subclause (I).

(b) Waiver of requirements; notice and hearing; opportunity to testify; record

(1) Each State, in approving area agency on aging plans under this section, shall waive the requirement described in paragraph (2) of subsection (a) of this section for any category of services described in such paragraph if the area agency on aging demonstrates to the State agency that services being furnished for such category in the area are sufficient to meet the need for such services in such area.

(2)(A) Before an area agency on aging requests a waiver under paragraph (1) of this subsection, the area agency on aging shall conduct a timely public hearing in accordance with the provisions of this paragraph. The area agency on aging requesting a waiver shall notify all interested parties in the area of the public hearing and furnish the interested parties with an opportunity to testify.

(B) The area agency on aging shall prepare a record of the public hearing conducted pursuant to subparagraph (A) and shall furnish the record of the public hearing with the request for a waiver made to the State under paragraph (1).

(C) Whenever the State agency proposes to grant a waiver to an area agency on aging under this subsection, the State agency shall publish the intention to grant such a waiver together with the justification for the waiver at least 30 days prior to the effective date of the decision to grant the waiver. An individual or a service provider from the area with respect to which the proposed waiver applies is entitled to request a hearing before the State agency on the request to grant such waiver. If, within the 30-day period

described in the first sentence of this subparagraph, an individual or service provider requests a hearing under this subparagraph, the State agency shall afford such individual or provider an opportunity for a hearing.

(D) If the State agency waives the requirement described in paragraph (2) of subsection (a) of this section, the State agency shall provide to the Assistant Secretary—

(i) a report regarding such waiver that details the demonstration made by the area agency on aging to obtain such waiver;

(ii) a copy of the record of the public hearing conducted pursuant to subparagraph (A); and

(iii) a copy of the record of any public hearing conducted pursuant to subparagraph (C).

(c) Transportation services; funds

(1) Subject to regulations prescribed by the Assistant Secretary, an area agency on aging designated under section 3025(a)(2)(A) of this title or, in areas of a State where no such agency has been designated, the State agency, may enter into agreements with agencies administering programs under the Rehabilitation Act of 1973 [29 U.S.C. 701 et seq.], and titles XIX and XX of the Social Security Act [42 U.S.C. 1396 et seq., 1397 et seq.] for the purpose of developing and implementing plans for meeting the common need for transportation services of individuals receiving benefits under such Acts and older individuals participating in programs authorized by this subchapter.

(2) In accordance with an agreement entered into under paragraph (1), funds appropriated under this subchapter may be used to purchase transportation services for older individuals and may be pooled with funds made available for the provision of transportation services under the Rehabilitation Act of 1973 [29 U.S.C. 701 et seq.], and titles XIX and XX of the Social Security Act [42 U.S.C. 1396 et seq., 1397 et seq.].

(d) Confidentiality of information relating to legal assistance

An area agency on aging may not require any provider of legal assistance under this subchapter to reveal any information that is protected by the attorney-client privilege.

(e) Withholding of area funds

(1) If the head of a State agency finds that an area agency on aging has failed to comply with Federal or State laws, including the area plan requirements of this section, regulations, or policies, the State may withhold a portion of the funds to the area agency on aging available under this subchapter.

(2)(A) The head of a State agency shall not make a final determination withholding funds under paragraph (1) without first affording the area agency on aging due process in accordance with procedures established by the State agency.

(B) At a minimum, such procedures shall include procedures for—

(i) providing notice of an action to withhold funds;

(ii) providing documentation of the need for such action; and

(iii) at the request of the area agency on aging, conducting a public hearing concerning the action.

(3)(A) If a State agency withholds the funds, the State agency may use the funds withheld to directly administer programs under this subchapter in the planning and service area served by the area agency on aging for a period not to exceed 180 days, except as provided in subparagraph (B).

(B) If the State agency determines that the area agency on aging has not taken corrective action, or if the State agency does not approve the corrective action, during the 180-day period described in subparagraph (A), the State agency may extend the period for not more than 90 days.

(Pub. L. 89–73, title III, § 306, as added Pub. L. 95–478, title I, § 103(b), Oct. 18, 1978, 92 Stat. 1522; amended Pub. L. 97–115, §§ 3(d), 6, Dec. 29, 1981, 95 Stat. 1597, 1598; Pub. L. 98–459, title III, § 306, Oct. 9, 1984, 98 Stat. 1774; Pub. L. 100–175, title I, §§ 104(c), 125–127, 130(a), 131(a), 132(b), 133, 134(a)(2), (b), 135, 136(b), 137(a), 140(b), 141(b), 143(b), 144(c), 155(e)(1), 182(e)(3), (i), (j), Nov. 29, 1987, 101 Stat. 930, 934, 938–944, 946, 947, 949, 952, 965; Pub. L. 100–628, title VII, § 705(5), Nov. 7, 1988, 102 Stat. 3247; Pub. L. 102–375, title I, § 102(b)(4), (10)(C), (E), title III, § 306, title IX, § 904(a)(12), Sept. 30, 1992, 106 Stat. 1201, 1202, 1223, 1307; Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

REFERENCES IN TEXT

The Economic Opportunity Act of 1964, referred to in subsec. (a)(6)(E)(ii)(I), is Pub. L. 88–452, Aug. 20, 1964, 78 Stat. 508, as amended, which was classified generally to chapter 34 (§ 2701 et seq.) of this title prior to repeal, except for titles VIII and X, by Pub. L. 97–35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519. Titles VIII and X of the Act are classified generally to subchapters VIII (§ 2991 et seq.) and X (§ 2996 et seq.) of chapter 34 of this title. Section 210 of the Act was classified to section 2790 of this title prior to repeal by Pub. L. 97–35. For complete classification of this Act to the Code, see Tables.

The Social Security Act, referred to in subsec. (c), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Titles XIX and XX of the Act are classified generally to subchapters XIX (§ 1396 et seq.) and XX (§ 1397 et seq.), respectively, of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

The Rehabilitation Act of 1973, referred to in subsec. (c), is Pub. L. 93–112, Sept. 26, 1973, 87 Stat. 355, as amended, which is classified generally to chapter 16 (§ 701 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

PRIOR PROVISIONS

A prior section 3026, Pub. L. 89–73, title III, § 306, as added Pub. L. 93–29, title III, § 301, May 3, 1973, 87 Stat. 43; amended Pub. L. 94–135, title I, § 107, Nov. 28, 1975, 89 Stat. 716, related to the planning, coordination, evaluation, and administration of State plans, prior to the general amendment of this subchapter by Pub. L. 95–478. See section 3028 of this title.

Provisions similar to those comprising this section were contained in Pub. L. 89–73, title III, § 304, as added Pub. L. 93–29, title III, § 301, May 3, 1973, 87 Stat. 38; amended Pub. L. 94–135, title I, §§ 105, 106(c), Nov. 28, 1975, 89 Stat. 715, 716, which was classified to section 3024 of this title prior to repeal by Pub. L. 95–478.

AMENDMENTS

1993—Subsecs. (a)(6)(R)(iii), (14)(B), (E), (b)(2)(D), (c)(1). Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner''.

1992—Subsec. (a)(1). Pub. L. 102–375, § 904(a)(12)(A)(i), inserted ''individuals who are'' before ''Indians''.

Subsec. (a)(2)(A). Pub. L. 102–375, § 306(a), substituted '', information and assistance, and case management services'' for '', and information and assistance''.

Pub. L. 102–375, § 102(b)(4), substituted ''information and assistance'' for ''information and referral''.

Subsec. (a)(2)(B). Pub. L. 102–375, § 904(a)(12)(A)(ii), substituted ''older individuals who are'' for ''elderly''.

Subsec. (a)(3). Pub. L. 102–375, § 306(b), designated existing provisions as subpar. (A), inserted ''(including multipurpose senior centers operated by organizations referred to in paragraph (6)(E)(ii))'' after ''centers'', and added subpar. (B).

Subsec. (a)(4). Pub. L. 102–375, § 306(c)(1), inserted before semicolon at end '', with particular emphasis on linking services available to isolated older individuals and older individuals with Alzheimer's disease or related disorders with neurological and organic brain dysfunction (and the caretakers of individuals with such disease or disorders)''.

Pub. L. 102–375, § 102(b)(4), substituted ''information and assistance'' for ''information and referral''.

Subsec. (a)(5)(A)(i). Pub. L. 102–375, § 904(a)(12)(A)(iii), substituted ''greatest economic need and older individuals with greatest social need'' for ''the greatest economic or social needs''.

Pub. L. 102–375, § 306(c)(2)(A)(i), substituted ''the area agency on aging will set specific objectives for'' for ''preference will be given to'' and ''include specific objectives for providing services'' for ''with particular attention''.

Subsec. (a)(5)(A)(ii). Pub. L. 102–375, § 102(b)(10)(C), substituted ''area agency on aging'' for ''area agency''.

Subsec. (a)(5)(A)(ii)(I). Pub. L. 102–375, § 306(c)(2)(A)(ii)(I), struck out ''and'' at end.

Subsec. (a)(5)(ii)(II). Pub. L. 102–375, § 306(c)(2)(A)(ii)(II), amended subcl. (II) generally. Prior to amendment, subcl. (II) read as follows: ''attempt to provide services to low-income minority individuals in at least the same proportion as the population of low-income minority older individuals bears to the population of older individuals of the area served by such provider; and''.

Subsec. (a)(5)(A)(ii)(III). Pub. L. 102–375, § 306(c)(2)(A)(ii)(III), added subcl. (III).

Subsec. (a)(5)(A)(iii)(III). Pub. L. 102–375, § 306(c)(2)(A)(iii), added subcl. (III).

Subsec. (a)(5)(B). Pub. L. 102–375, § 306(c)(2)(B), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: ''assure the use of outreach efforts that will identify individuals eligible for assistance under this chapter, with special emphasis on rural elderly, older individuals who have greatest economic need (with particular attention to low-income minority individuals), older individuals who have greatest social need (with particular attention to low-income minority individuals), and older individuals with severe disabilities, and inform such individuals of the availability of such assistance;''.

Subsec. (a)(5)(C). Pub. L. 102–375, § 306(c)(2)(C), added subpar. (C).

Subsec. (a)(6)(B). Pub. L. 102–375, § 306(d)(1), inserted '', and timely information in a timely manner,'' after ''assistance''.

Subsec. (a)(6)(D). Pub. L. 102–375, § 904(a)(12) (A)(iv)(I), substituted ''older individuals'' for ''the elderly'' in two places.

Pub. L. 102–375, § 306(d)(2), inserted ''(in cooperation with agencies, organizations, and individuals participating in activities under the plan)'' after ''community by''.

Subsec. (a)(6)(E). Pub. L. 102–375, § 306(d)(3), designated existing provisions as cl. (i) and added cl. (ii).

Subsec. (a)(6)(F). Pub. L. 102–375, § 102(b)(10)(C), substituted ''area agency on aging'' for ''area agency''.

Subsec. (a)(6)(G). Pub. L. 102–375, § 904(a)(12)(A)(iv)(II), substituted ''paragraph'' for ''clause''.

Subsec. (a)(6)(H). Pub. L. 102–375, § 306(d)(4), amended subpar. (H) generally. Prior to amendment, subpar. (H) read as follows: ''establish effective and efficient procedures for coordination between the programs assisted under this subchapter and programs described in section 3013(b) of this title;''.

Subsec. (a)(6)(I). Pub. L. 102–375, § 306(d)(5), substituted ''include the development of case management services as a component of the long-term care services'' for ''emphasize the development of client-centered case management systems as a component of such services''.

Subsec. (a)(6)(N). Pub. L. 102–375, § 904(a)(12) (A)(iv)(IV), which directed substitution of ''such individuals in such area and shall inform such individuals'' for ''elder Indians in such area and shall inform such older Indians'', was executed by making the substitution for ''older Indians in such area and shall inform such older Indians'' to reflect the probable intent of Congress.

Pub. L. 102–375, §§ 102(b)(10)(E), 904(a)(12) (A)(iv)(III), substituted ''population of older individuals who are Indians'' for ''population of older Indians'' and ''area agency on aging'' for ''area agency'' in two places.

Subsec. (a)(6)(O)(ii). Pub. L. 102–375, § 306(d)(6), struck out ''and'' at end.

Subsec. (a)(6)(P) to (S). Pub. L. 102–375, § 306(d)(7), (8), added subpars. (P) to (S) and struck out former subpar. (P) which read as follows: ''with funds and information received under section 3027(a)(31) of this title from the State agency—

''(i) carry out activities to identify older individuals with greatest economic need who may be eligible to receive, but are not receiving, supplemental security income benefits under title XVI of the Social Security Act (or assistance under a State plan program under title XVI of that Act), medical assistance under title XIX of the Social Security Act, and benefits under the Food Stamp Act of 1977;

''(ii) conduct outreach activities to inform older individuals of the requirements for eligibility to receive such assistance and such benefits; and

''(iii) assist older individuals to apply for such assistance and such benefits;''.

Subsec. (a)(11). Pub. L. 102–375, § 306(e), added par. (11).

Subsec. (a)(12) to (20). Pub. L. 102–375, § 306(f), added pars. (12) to (20).

Subsec. (b)(1). Pub. L. 102–375, § 904(a)(12)(B)(i), inserted ''on aging'' before ''plans'' and substituted ''paragraph'' for ''clause'' in two places.

Subsec. (b)(2)(C). Pub. L. 102–375, § 102(b)(10)(C), substituted ''area agency on aging'' for ''area agency''.

Subsec. (b)(2)(D). Pub. L. 102–375, § 904(a)(12)(B)(ii), substituted ''paragraph'' for ''clause''.

Subsec. (e). Pub. L. 102–375, § 306(g), added subsec. (e).

1988—Subsec. (a)(1). Pub. L. 100–628 substituted ''such area,'' for ''such area,,'' before ''and the number of older Indians''.

1987—Subsec. (a). Pub. L. 100–175, § 182(e)(3), struck out last sentence which read as follows: ''For purposes of clause (5)(A), the term 'greatest economic need' means the need resulting from an income level at or below the poverty threshold established by the Bureau of the Census and the term 'greatest social need' means the need caused by noneconomic factors which include physical and mental disabilities, language barriers, cultural or social isolation including that caused by racial or ethnic status which restricts an individual's ability to perform normal daily tasks or which threaten his or her capacity to live independently.''

Subsec. (a)(1). Pub. L. 100–175, § 134(a)(2), inserted '', and the number of older Indians residing in such area,'' before last reference to ''and'' in parenthetical.

Pub. L. 100–175, § 132(b)(1), inserted '', the number of older individuals who have greatest economic need (with particular attention to low-income minority individuals) residing in such area, the number of older individuals who have greatest social need (with particular attention to low-income minority individuals) residing in such area,'' after ''residing in such area''.

Subsec. (a)(2). Pub. L. 100–175, § 130(a)(1), inserted '', as required under section 3027(a)(22) of this title,'' after ''adequate proportion''.

Subsec. (a)(2)(B). Pub. L. 100–175, §182(j), substituted ''related disorders with neurological and organic brain dysfunction'' for ''other neurological and organic brain disorders of the Alzheimer's type''.

Subsec. (a)(5)(A). Pub. L. 100–175, §131(a), designated existing provisions as cl. (i) and added cls. (ii) and (iii).

Subsec. (a)(5)(B). Pub. L. 100–175, §136(b), inserted ''and older individuals with severe disabilities,'' after second reference to ''individuals),''.

Pub. L. 100–175, §132(b)(2), inserted ''older individuals who have greatest economic need (with particular attention to low-income minority individuals), older individuals who have greatest social need (with particular attention to low-income minority individuals),'' after ''rural elderly''.

Subsec. (a)(6)(A). Pub. L. 100–175, §§125, 132(b)(3), inserted '', and public hearings on,'' after ''evaluations of'' and ''and an annual evaluation of the effectiveness of outreach conducted under paragraph (5)(B)'' before semicolon at end.

Subsec. (a)(6)(E). Pub. L. 100–175, §126, inserted ''or adults, and respite for families,'' after ''for children'' and '', adults, and families'' after ''to children''.

Subsec. (a)(6)(F). Pub. L. 100–175, §104(c), inserted ''providers of veterans' health care (if appropriate),'' after ''elected officials,''.

Subsec. (a)(6)(G). Pub. L. 100–175, §182(i), struck out ''and'' after ''clause (2);''.

Subsec. (a)(6)(L). Pub. L. 100–175, §127, added subpar. (L).

Subsec. (a)(6)(M). Pub. L. 100–175, §133, added subpar. (M).

Subsec. (a)(6)(N). Pub. L. 100–175, §134(b), added subpar. (N).

Subsec. (a)(6)(O). Pub. L. 100–175, §135, added subpar. (O).

Subsec. (a)(6)(P). Pub. L. 100–175, §155(e)(1), added subpar. (P).

Subsec. (a)(7). Pub. L. 100–175, §140(b), added par. (7).

Subsec. (a)(8). Pub. L. 100–175, §141(b), added par. (8).

Subsec. (a)(9). Pub. L. 100–175, §143(b), added par. (9).

Subsec. (a)(10). Pub. L. 100–175, §144(c), added par. (10).

Subsec. (b)(2)(C), (D). Pub. L. 100–175, §130(a)(2), added subpars. (C) and (D).

Subsec. (d). Pub. L. 100–175, §137(a), added subsec. (d).

1984—Subsec. (a). Pub. L. 98–459, §306(a)(5)(E), inserted provisions defining ''greatest economic need'' and ''greatest social need'' following par. (6).

Subsec. (a)(1). Pub. L. 98–459, §306(a)(1), inserted ''and the efforts of voluntary organizations in the community''.

Subsec. (a)(2). Pub. L. 98–459, §306(a)(2)(A), inserted ''each of the following categories of services'' in provisions preceding subpar. (A).

Pub. L. 98–459, §306(a)(2)(D), substituted ''and specify annually in such plan, as submitted or as amended, in detail the amount of funds expended for each such category during the fiscal year most recently concluded'' for ''and that some funds will be expended for each such category of services'' in provisions following subpar. (C).

Subsec. (a)(2)(B). Pub. L. 98–459, §306(a)(2)(B), substituted ''chore maintenance, and supportive services for families of elderly victims of Alzheimer's disease and other neurological and organic brain disorders of the Alzheimer's type'' for ''and chore maintenance''.

Subsec. (a)(2)(C). Pub. L. 98–459, §306(a)(2)(C), substituted ''legal assistance'' for ''legal services''.

Subsec. (a)(3). Pub. L. 98–459, §306(a)(3), substituted '', giving special consideration'' for ''to encourage the maximum collocation and coordination of services for older individuals, and give special consideration''.

Subsec. (a)(5)(A). Pub. L. 98–459, §306(a)(4), inserted '', with particular attention to low-income minority individuals,''.

Subsec. (a)(6)(F). Pub. L. 98–459, §306(a)(5)(A), (B), (D), redesignated subpar. (G) as (F), substituted ''consisting of older individuals (including minority individuals)'' for ''consisting of older individuals'', and struck out former subpar. (F) which had required the area agency on aging to enter, where possible, into arrangements with local educational agencies, institutions of higher education, and nonprofit private organizations, to use services provided for older individuals under the community schools program under the Elementary and Secondary Education Act of 1965.

Subsec. (a)(6)(G), (H). Pub. L. 98–459, §306(a)(5)(D), redesignated subpars. (H) and (I) as (G) and (H), respectively. Former subpar. (G) redesignated (F).

Subsec. (a)(6)(I). Pub. L. 98–459, §306(a)(5)(C)–(E), added subpar. (I). Former subpar. (I) redesignated (H).

Subsec. (a)(6)(J), (K). Pub. L. 98–459, §306(a)(5)(E), added subpars. (J) and (K).

Subsec. (b). Pub. L. 98–459, §306(b), designated existing provisions as par. (1) and added par. (2).

1981—Subsec. (a). Pub. L. 97–115, §§3(d), 6(a), (b), substituted ''for a two-, three-, or four-year period determined by the State agency,'' for ''for a 3-year period'' in provisions preceding par. (1), substituted ''supportive services'' for ''social services'' in par. (1) in three places, substituted ''an adequate portion'' for ''at least 50 percent'' in provisions of par. (2) preceding subpar. (A), and substituted ''supportive services'' for ''social services'' in par. (6)(B).

Subsec. (b). Pub. L. 97–115, §6(c), struck out par. (1) providing that each State, in approving area agency plans under this section, could, for fiscal years 1979 and 1980, waive any particular requirement relating to the delivery of services or the establishment or operation of multipurpose senior centers which such agency could not meet because of the consolidation authorized by the Comprehensive Older Americans Act Amendments of 1978, except that the State agency could grant such a waiver only if the area agency demonstrated to the State agency that it was taking steps to meet the requirements of this subchapter, but that in any event the State agency could not grant a waiver for any requirement of this chapter in effect on Sept. 30, 1978, struck out par. (2) designation, made mandatory the formerly discretionary waiver by each State, in approving area agency plans under this section, of the requirement described in clause (2) of subsection (a) of this section for any category of services described in such clause if the area agency on aging demonstrates to the State agency that services being furnished for such category in the area are sufficient to meet the need for such services in such area, and struck out provisions that if the State agency granted a waiver with respect to any category, then the area agency had to expend under clause (2) of subsection (a) of this section a percentage of the amount allotted for part B to the planning and service area, for the categories with respect to which such waiver did not apply, that had been agreed upon by the State agency and the area agency.

Effective Date of 1992 Amendment

Amendment by section 306 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 306 of Pub. L. 102–375 inapplicable with respect to fiscal year 1992, see section 905(b)(2) 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.

REFERENCE TO COMMUNITY, MIGRANT, PUBLIC HOUSING, OR HOMELESS HEALTH CENTER CONSIDERED REFERENCE TO HEALTH CENTER

Reference to community health center, migrant health center, public housing health center, or homeless health center considered reference to health center, see section 4(c) of Pub. L. 104–299, set out as a note under section 254b of this title.

IMPLEMENTATION INFORMATION

Section 155(g) of Pub. L. 100–175 directed Commissioner on Aging, not later than Sept. 1, 1988, to analyze and compile information on successful and unsuccessful activities carried out to conduct outreach of the type described in 42 U.S.C. 3026(a)(6)(P) and distribute such information to State agencies on aging for dissemination to interested area agencies on aging to assist such area agencies in designing outreach activities.

EVALUATION OF GUIDELINES

Section 155(h) of Pub. L. 100–175 provided that: ''The Commissioner on Aging [now Assistant Secretary for Aging] shall issue guidelines to be followed by State agencies on aging and area agencies on aging in conducting evaluations of outreach activities carried out under section 306(a)(6)(P), of the Older Americans Act of 1965 [subsec. (a)(6)(P) of this section], as added by subsection (e). Such guidelines shall be designed to ensure that such evaluations are based on uniform criteria that provide a basis for the valid comparison of such outreach activities conducted by the various area agencies.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3012, 3018, 3023, 3024, 3027, 3030i, 3058g of this title.

§ 3027. State plans

(a) Criteria for eligibility; contents

Except as provided in the succeeding sentence and section 3029(a) of this title, each State, in order to be eligible for grants from its allotment under this subchapter for any fiscal year, shall submit to the Assistant Secretary a State plan for a two-, three-, or four-year period determined by the State agency, with such annual revisions as are necessary, which meets such criteria as the Assistant Secretary may by regulation prescribe. If the Assistant Secretary determines, in the discretion of the Assistant Secretary, that a State failed in 2 successive years to comply with the requirements under this subchapter, then the State shall submit to the Assistant Secretary a State plan for a 1-year period that meets such criteria, for subsequent years until the Assistant Secretary determines that the State is in compliance with such requirements. Each such plan shall comply with all of the following requirements:

(1) The plan shall contain assurances that the State plan will be based upon area plans developed by area agencies on aging within the State designated under section 3025(a)(2)(A) of this title and that the State will prepare and distribute a uniform format for use by area agencies on aging in developing area plans under section 3026 of this title.

(2) The plan shall provide that each area agency on aging designated under section 3025(a)(2)(A) of this title will develop and submit to the State agency for approval an area plan which complies with the provisions of section 3026 of this title.

(3)(A) The plan shall provide that the State agency will evaluate the need for supportive services (including legal assistance and transportation services), nutrition services, and multipurpose senior centers within the State and determine the extent to which existing public or private programs meet such need. To conduct the evaluation, the State agency shall use the procedures implemented under section 3012(a)(29) of this title.

(B) The plan shall provide assurances that the State agency will spend in each fiscal year, for services to older individuals residing in rural areas in the State assisted under this subchapter, an amount equal to not less than 105 percent of the amount expended for such services (including amounts expended under subchapter V and subchapter VII of this chapter) in fiscal year 1978.

(4) The plan shall provide for the use of such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Assistant Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods) as are necessary for the proper and efficient administration of the plan, and, where necessary, provide for the reorganization and reassignment of functions to assure such efficient administration.

(5) The plan shall provide that the State agency will afford an opportunity for a hearing upon request to any area agency on aging submitting a plan under this subchapter, to any provider of a service under such a plan, or to any applicant to provide a service under such a plan. The State agency shall establish and publish procedures for requesting and conducting such hearing.

(6) The plan shall provide that the State agency will make such reports, in such form, and containing such information, as the Assistant Secretary may require, and comply with such requirements as the Assistant Secretary may impose to insure the correctness of such reports.

(7)(A) The plan shall provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this subchapter to the State, including any such funds paid to the recipients of a grant or contract.

(B) The plan shall provide assurances that—

(i) no individual (appointed or otherwise) involved in the designation of the State agency or an area agency on aging, or in the designation of the head of any subdivision of the State agency or of an area agency on aging, is subject to a conflict of interest prohibited under this chapter;

(ii) no officer, employee, or other representative of the State agency or an area agency on aging is subject to a conflict of interest prohibited under this chapter; and

(iii) mechanisms are in place to identify and remove conflicts of interest prohibited under this chapter.

(C) The plan shall provide assurances that the State agency and each area agency on aging will—

(i) maintain the integrity and public purpose of services provided, and service providers, under the State plan in all contractual and commercial relationships;

(ii) disclose to the Assistant Secretary—

(I) the identity of each nongovernmental entity with which the State agency or area agency on aging has a contract or commercial relationship relating to providing any service to older individuals; and

(II) the nature of such contract or such relationship;

(iii) demonstrate that a loss or diminution in the quantity or quality of the services provided, or to be provided, under this chapter by such agency has not resulted and will not result from such contract or such relationship;

(iv) demonstrate that the quantity or quality of the services to be provided under the State plan will be enhanced as a result of such contract or such relationship; and

(v) on the request of the Assistant Secretary, for the purpose of monitoring compliance with this chapter (including conducting an audit), disclose all sources and expenditures of funds the State agency and area agency on aging receive or expend to provide services to older individuals.

(8) The plan shall provide that the State agency will conduct periodic evaluations of, and public hearings on, activities and projects carried out under the State plan, including an evaluation of the effectiveness of the State agency in reaching older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority individuals. In conducting such evaluations and public hearings, the State agency shall solicit the views and experiences of entities that are knowledgeable about the needs and concerns of low-income minority older individuals.

(9) The plan shall provide for establishing and maintaining information and assistance services in sufficient numbers to assure that all older individuals in the State who are not furnished adequate information and assistance services under section 3026(a)(4) of this title will have reasonably convenient access to such services.

(10) The plan shall provide that no supportive services, nutrition services, or in-home services (as defined in section 3030i of this title) will be directly provided by the State agency or an area agency on aging, except where, in the judgment of the State agency, provision of such services by the State agency or an area agency on aging is necessary to assure an adequate supply of such services, or where such services are directly related to such State or area agency on aging's administrative functions, or where such services of comparable quality can be provided more economically by such State or area agency on aging.

(11) The plan shall provide that subject to the requirements of merit employment systems of State and local governments—

(A) preference shall be given to older individuals; and

(B) special consideration shall be given to individuals with formal training in the field of aging (including an educational specialty or emphasis in aging and a training degree or certificate in aging) or equivalent professional experience in the field of aging;

for any staff positions (full time or part time) in State and area agencies for which such individuals qualify.

(12) The plan shall provide assurances that the State agency will carry out, through the Office of the State Long-Term Care Ombudsman, a State Long-Term Care Ombudsman program in accordance with section 3058g of this title and this subchapter.

(13) The plan shall provide with respect to nutrition services that—

(A) each project providing nutrition services will be available to older individuals and to their spouses, and may be made available to handicapped or disabled individuals who have not attained 60 years of age but who reside in housing facilities occupied primarily by older individuals at which congregate nutrition services are provided;

(B) primary consideration shall be given to the provision of meals in a congregate setting, except that each area agency on aging (i) may award funds made available under this subchapter (other than under section 3023(b)(3) of this title) to organizations for the provision of home delivered meals to older individuals in accordance with the provisions of subpart II of part C of this subchapter, based upon a determination of need made by the recipient of a grant or contract entered into under this subchapter, without requiring that such organizations also provide meals to older individuals in a congregate setting; and (ii) shall, in awarding such funds, select such organizations in a manner which complies with the provisions of subparagraph (H);

(C)(i) each project will permit recipients of grants or contracts to solicit voluntary contributions for meals furnished in accordance with guidelines established by the Assistant Secretary, taking into consideration the income ranges of eligible individuals in local communities and other sources of income of the recipients of a grant or contract; and

(ii) such voluntary contributions will be used to increase the number of meals served by the project involved, to facilitate access to such meals, and to provide other supportive services directly related to nutrition services;

(D) in the case of meals served in a congregate setting, a site for such services and for comprehensive supportive services is furnished in as close proximity to the majority of eligible individuals' residences as feasible, with particular attention upon a multipurpose senior center, a school, a church, or

other appropriate community facility, preferably within walking distance where possible, and where appropriate, transportation to such site is furnished;

(E) each project will establish outreach activities which assure that the maximum number of eligible individuals may have an opportunity to participate;

(F) each project will establish and administer the nutrition project with the advice of dietitians (or individuals with comparable expertise), persons competent in the field of service in which the nutrition project is being provided, older individuals who will participate in the program, and of persons who are knowledgeable with regard to the needs of older individuals;

(G) each project will provide special menus, where feasible and appropriate, to meet the particular dietary needs arising from the health requirements, religious requirements, or ethnic backgrounds of eligible individuals;

(H) each area agency on aging will give consideration, where feasible, in the furnishing of home delivered meals to the use of organizations which (i) have demonstrated an ability to provide home delivered meals efficiently and reasonably; and (ii) furnish assurances to the area agency on aging that such an organization will maintain efforts to solicit voluntary support and that funds made available under this subchapter to the organization will not be used to supplant funds from non-Federal sources;

(I) each area agency on aging shall establish procedures that will allow nutrition project administrators the option to offer a meal, on the same basis as meals are provided to participating older individuals, to individuals providing volunteer services during the meal hours, and to individuals with disabilities who reside at home with and accompany older individuals who are eligible under this chapter;

(J) each nutrition project shall provide nutrition education on at least a semiannual basis to participants in programs described in part C of this subchapter;

(K) each project shall comply with applicable provisions of State or local laws regarding the safe and sanitary handling of food, equipment, and supplies used in the storage, preparation, service, and delivery of meals to an older individual;

(L) the State agency will monitor, coordinate, and assist in the planning of nutritional services, with the advice of a dietitian or an individual with comparable expertise; and

(M) the State agency will—

(i) develop nonfinancial criteria for eligibility to receive nutrition services under section 3030f of this title; and

(ii) periodically evaluate recipients of such services to determine whether they continue to meet such criteria.

(14) The plan shall provide, with respect to the acquisition (in fee simple or by lease for 10 years or more), alteration, or renovation of existing facilities (or the construction of new facilities in any area in which there are no suitable structures available, as determined by the State agency, after full consideration of the recommendations made by area agencies on aging, to be a focal point for the delivery of services assisted under this subchapter) to serve as multipurpose senior centers, that—

(A) the plan contains or is supported by reasonable assurances that (i) for not less than 10 years after acquisition, or not less than 20 years after the completion of construction, the facility will be used for the purpose for which it is to be acquired or constructed, unless for unusual circumstances the Assistant Secretary waives the requirement of this division; (ii) sufficient funds will be available to meet the non-Federal share of the cost of acquisition or construction of the facility; (iii) sufficient funds will be available when acquisition or construction is completed, for effective use of the facility for the purpose for which it is being acquired or constructed; and (iv) the facility will not be used and is not intended to be used for sectarian instruction or as a place for religious worship;

(B) the plan contains or is supported by reasonable assurances that, in the case of purchase or construction, there are no existing facilities in the community suitable for leasing as a multipurpose senior center;

(C) the plans and specifications for the facility are in accordance with regulations relating to minimum standards of construction, promulgated with particular emphasis on securing compliance with the requirements of the Act of August 12, 1968, commonly known as the Architectural Barriers Act of 1968 [42 U.S.C. 4151 et seq.];

(D) the plan contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the facility will be paid wages at rates not less than those prevailing for similar work in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a–5; commonly known as the Davis-Bacon Act), and the Secretary of Labor shall have, with respect to the labor standards specified in this subparagraph, the authority and functions set forth in reorganization plan numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 276c of title 40; and

(E) the plan contains assurances that the State agency will consult with the Secretary of Housing and Urban Development with respect to the technical adequacy of any proposed alteration or renovation.

(15) The plan shall provide that with respect to legal assistance—

(A) the plan contains assurances that area agencies on aging will (i) enter into contracts with providers of legal assistance which can demonstrate the experience or capacity to deliver legal assistance; (ii) include in any such contract provisions to assure that any recipient of funds under division (i) will be subject to specific restrictions and regulations promulgated under the

Legal Services Corporation Act [42 U.S.C. 2996 et seq.] (other than restrictions and regulations governing eligibility for legal assistance under such Act and governing membership of local governing boards) as determined appropriate by the Assistant Secretary; and (iii) attempt to involve the private bar in legal assistance activities authorized under this subchapter, including groups within the private bar furnishing services to older individuals on a pro bono and reduced fee basis;

(B) the plan contains assurances that no legal assistance will be furnished unless the grantee administers a program designed to provide legal assistance to older individuals with social or economic need and has agreed, if the grantee is not a Legal Services Corporation project grantee, to coordinate its services with existing Legal Services Corporation projects in the planning and service area in order to concentrate the use of funds provided under this subchapter on individuals with the greatest such need; and the area agency on aging makes a finding, after assessment, pursuant to standards for service promulgated by the Assistant Secretary, that any grantee selected is the entity best able to provide the particular services;

(C) the State agency will provide for the coordination of the furnishing of legal services to older individuals within the State, and provide advice and technical assistance in the provision of legal services to older individuals within the State and support the furnishing of training and technical assistance for legal services for older individuals;

(D) the plan contains assurances, to the extent practicable, that legal services furnished under the plan will be in addition to any legal services for older individuals being furnished with funds from sources other than this chapter and that reasonable efforts will be made to maintain existing levels of legal services for older individuals; and

(E) the plan contains assurances that area agencies on aging will give priority to legal assistance related to income, health care, long-term care, nutrition, housing, utilities, protective services, defense of guardianship, abuse, neglect, and age discrimination.

(16) The plan shall provide, whenever the State desires to provide for a fiscal year for services for the prevention of abuse of older individuals—

(A) the plan contains assurances that any area agency on aging carrying out such services will conduct a program consistent with relevant State law and coordinated with existing State adult protective service activities for—

(i) public education to identify and prevent abuse of older individuals;

(ii) receipt of reports of abuse of older individuals;

(iii) active participation of older individuals participating in programs under this chapter through outreach, conferences, and referral of such individuals to other social service agencies or sources of assistance where appropriate and consented to by the parties to be referred; and

(iv) referral of complaints to law enforcement or public protective service agencies where appropriate;

(B) the State will not permit involuntary or coerced participation in the program of services described in this paragraph by alleged victims, abusers, or their households; and

(C) all information gathered in the course of receiving reports and making referrals shall remain confidential unless all parties to the complaint consent in writing to the release of such information, except that such information may be released to a law enforcement or public protective service agency.

(17) The plan shall provide assurances that each State will provide inservice training opportunities for personnel of agencies and programs funded under this chapter.

(18) The plan shall provide assurances that each State will assign personnel (one of whom shall be known as a legal assistance developer) to provide State leadership in developing legal assistance programs for older individuals throughout the State.

(19) The plan shall provide, with respect to education and training services, assurances that area agencies on aging may enter into grants and contracts with providers of education and training services which can demonstrate the experience or capacity to provide such services (except that such contract authority shall be effective for any fiscal year only to such extent, or in such amounts, as are provided in appropriations Acts).

(20) The plan shall provide assurances that, if a substantial number of the older individuals residing in any planning and service area in the State are of limited English-speaking ability, then the State will require the area agency on aging for each such planning and service area—

(A) to utilize, in the delivery of outreach services under section 3026(a)(2)(A) of this title, the services of workers who are fluent in the language spoken by a predominant number of such older individuals who are of limited English-speaking ability; and

(B) to designate an individual employed by the area agency on aging, or available to such area agency on aging on a full-time basis, whose responsibilities will include—

(i) taking such action as may be appropriate to assure that counseling assistance is made available to such older individuals who are of limited English-speaking ability in order to assist such older individuals in participating in programs and receiving assistance under this chapter; and

(ii) providing guidance to individuals engaged in the delivery of supportive services under the area plan involved to enable such individuals to be aware of cultural sensitivities and to take into account effectively linguistic and cultural differences.

(21) The plan shall provide assurances that the State agency, in carrying out the State Long-Term Care Ombudsman program under

subsection (a)(12) of this section, will expend not less than the total amount expended by the agency in fiscal year 1991 in carrying out such a program under this subchapter.

(22) The plan shall specify a minimum percentage of the funds received by each area agency on aging for part B of this subchapter that will be expended, in the absence of the waiver granted under section 3026(b)(1) of this title, by such area agency on aging to provide each of the categories of services specified in section 3026(a)(2) of this title.

(23) The plan shall, with respect to the fiscal year preceding the fiscal year for which such plan is prepared—

(A) identify the number of low-income minority older individuals in the State; and

(B) describe the methods used to satisfy the service needs of such minority older individuals.

(24) The plan shall provide assurances that the State agency will require outreach efforts that will—

(A) identify individuals eligible for assistance under this chapter, with special emphasis on—

(i) older individuals residing in rural areas;

(ii) older individuals with greatest economic need (with particular attention to low-income minority individuals);

(iii) older individuals with greatest social need (with particular attention to low-income minority individuals);

(iv) older individuals with severe disabilities;

(v) older individuals with limited English-speaking ability; and

(vi) older individuals with Alzheimer's disease or related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals); and

(B) inform the older individuals referred to in clauses (i) through (vi) of subparagraph (A), and the caretakers of such individuals, of the availability of such assistance.

(25) The plan shall provide, with respect to the needs of older individuals with severe disabilities, assurances that the State will coordinate planning, identification, assessment of needs, and service for older individuals with disabilities with particular attention to individuals with severe disabilities with the State agencies with primary responsibility for individuals with disabilities, including severe disabilities, and develop collaborative programs, where appropriate, to meet the needs of older individuals with disabilities.

(26) The plan shall provide assurances that area agencies on aging will conduct efforts to facilitate the coordination of community-based, long-term care services, pursuant to section 3026(a)(6)(I) of this title, for older individuals who—

(A) reside at home and are at risk of institutionalization because of limitations on their ability to function independently;

(B) are patients in hospitals and are at risk of prolonged institutionalization; or

(C) are patients in long-term care facilities, but who can return to their homes if community-based services are provided to them.

(27) The plan shall provide assurances of consultation and coordination in planning and provision of in-home services under section 3030h of this title with State and local agencies and private nonprofit organizations which administer and provide services relating to health, social services, rehabilitation, and mental health services.

(28) The plan shall provide assurances that if the State receives funds appropriated under section 3023(e) of this title, the State agency and area agencies on aging will expend such funds to carry out part E of this subchapter.

(29) The plan shall, with respect to the fiscal year preceding the fiscal year for which such plan is prepared, describe the methods used to satisfy the service needs of older individuals who reside in rural areas.

(30) The plan shall include the assurances and description required by section 3058d(a) of this title.

(31)(A) If 50 percent or more of the area plans in the State provide for an area volunteer services coordinator, as described in section 3026(a)(12) of this title, the State plan shall provide for a State volunteer services coordinator, who shall—

(i) encourage area agencies on aging to provide for area volunteer services coordinators;

(ii) coordinate the volunteer services offered between the various area agencies on aging;

(iii) encourage, organize, and promote the use of older individuals as volunteers to the State;

(iv) provide technical assistance, which may include training, to area volunteer services coordinators; and

(v) promote the recognition of the contribution made by volunteers to the programs administered under the State plan.

(B) If fewer than 50 percent of the area plans in the State provide for an area volunteer services coordinator, the State plan may provide for the State volunteer services coordinator described in subparagraph (A).

(32) The plan shall provide assurances that special efforts will be made to provide technical assistance to minority providers of services.

(33) The plan—

(A) shall include the statement and the demonstration required by paragraphs (2) and (4) of section 3025(d) of this title; and

(B) may not be approved unless the Assistant Secretary approves such statement and such demonstration.

(34) The plan shall provide an assurance that the State agency will coordinate programs under this subchapter and subchapter X of this chapter, if applicable.

(35) The plan shall—

(A) provide an assurance that the State agency will pursue activities to increase access by older individuals who are Native Americans to all aging programs and benefits provided by the agency, including pro-

grams and benefits under this subchapter, if applicable; and

(B) specify the ways in which the State agency intends to implement the activities.

(36) If case management services are offered to provide access to supportive services, the plan shall provide that the State agency shall ensure compliance with the requirements specified in section 3026(a)(20) of this title.

(37) The plan shall identify for each fiscal year, the actual and projected additional costs of providing services under this subchapter, including the cost of providing access to such services, to older individuals residing in rural areas in the State (in accordance with a standard definition of rural areas specified by the Assistant Secretary).

(38) The plan shall provide assurances that funds received under this subchapter will not be used to pay any part of a cost (including an administrative cost) incurred by the State or an area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this subchapter.

(39) The plan shall provide assurances that preference in receiving services under this subchapter will not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement this subchapter.

(40) The plan shall provide assurances that if the State receives funds appropriated under section 3023(g) of this title the State agency and area agencies on aging will expend such funds to carry out part G of this subchapter.

(41) The plan shall provide assurances that demonstrable efforts will be made—

(A) to coordinate services provided under this chapter with other State services that benefit older individuals; and

(B) to provide multigenerational activities, such as opportunities for older individuals to serve as mentors or advisers in child care, youth day care, educational assistance, at-risk youth intervention, juvenile delinquency treatment, and family support programs.

(42) The plan shall provide assurances that the State will coordinate public services within the State to assist older individuals to obtain transportation services associated with access to services provided under this subchapter, to services under subchapter X of this chapter, to comprehensive counseling services, and to legal assistance.

(43) The plan shall provide that the State agency shall issue guidelines applicable to grievance procedures required by section 3026(a)(6)(P) of this title.

(44) The plan shall include assurances that the State has in effect a mechanism to provide for quality in the provision of in-home services under this subchapter.

(b) Approval by Assistant Secretary; waiver of requirements

(1) The Assistant Secretary shall approve any State plan which the Assistant Secretary finds fulfills the requirements of subsection (a) of this section, except the Assistant Secretary may not approve such plan unless the Assistant Secretary determines that the formula submitted under section 3025(a)(2)(D) of this title complies with the guidelines in effect under section 3025(a)(2)(C) of this title.

(2) The Assistant Secretary, in approving any State plan under this section, may waive the requirement described in paragraph (3)(B) of subsection (a) of this section if the State agency demonstrates to the Assistant Secretary that the service needs of older individuals residing in rural areas in the State are being met, or that the number of older individuals residing in such rural areas is not sufficient to require the State agency to comply with such requirement.

(c) Notice and hearing prior to disapproval

(1) The Assistant Secretary shall not make a final determination disapproving any State plan, or any modification thereof, or make a final determination that a State is ineligible under section 3025 of this title, without first affording the State reasonable notice and opportunity for a hearing.

(2) Not later than 30 days after such final determination, a State dissatisfied with such final determination may appeal such final determination to the Secretary for review. If the State timely appeals such final determination in accordance with subsection (e)(1) of this section, the Secretary shall dismiss the appeal filed under this paragraph.

(3) If the State is dissatisfied with the decision of the Secretary after review under paragraph (2), the State may appeal such decision not later than 30 days after such decision and in the manner described in subsection (e) of this section. For purposes of appellate review under the preceding sentence, a reference in subsection (e) of this section to the Assistant Secretary shall be deemed to be a reference to the Secretary.

(d) Discontinuance of payments; disbursement of withheld funds to agencies with approved plans; matching funds

Whenever the Assistant Secretary, after reasonable notice and opportunity for a hearing to the State agency, finds that—

(1) the State is not eligible under section 3025 of this title,

(2) the State plan has been so changed that it no longer complies substantially with the provisions of subsection (a) of this section, or

(3) in the administration of the plan there is a failure to comply substantially with any such provision of subsection (a) of this section,

the Assistant Secretary shall notify such State agency that no further payments from its allotments under section 3024 of this title and section 3028 of this title will be made to the State (or, in the Assistant Secretary's discretion, that further payments to the State will be limited to projects under or portions of the State plan not affected by such failure), until the Assistant Secretary is satisfied that there will no longer be any failure to comply. Until the Assistant Secretary is so satisfied, no further payments shall be made to such State from its allotments under section 3024 of this title and section 3028 of this title (or payments shall be limited to

projects under or portions of the State plan not affected by such failure). The Assistant Secretary shall, in accordance with regulations the Assistant Secretary shall prescribe, disburse the funds so withheld directly to any public or nonprofit private organization or agency or political subdivision of such State submitting an approved plan in accordance with the provisions of this section. Any such payment shall be matched in the proportions specified in section 3024 of this title.

(e) Appeal

(1) A State which is dissatisfied with a final action of the Assistant Secretary under subsection (b), (c), or (d) of this section may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within 30 days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Assistant Secretary, or any officer designated by the Assistant Secretary for such purpose. The Assistant Secretary thereupon shall file in the court the record of the proceedings on which the Assistant Secretary's action is based, as provided in section 2112 of title 28.

(2) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Assistant Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Assistant Secretary may modify or set aside the Assistant Secretary's order. The findings of the Assistant Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Assistant Secretary to take further evidence, and the Assistant Secretary shall, within 30 days, file in the court the record of those further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Assistant Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28.

(3) The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Assistant Secretary's action.

(f) Confidentiality of information relating to legal assistance; protection of commercial information

(1) Neither a State, nor a State agency, may require any provider of legal assistance under this subchapter to reveal any information that is protected by the attorney-client privilege.

(2) Information disclosed under section 3026(a)(14)(B)(i) of this title or subsection (a)(7)(C)(ii)(I) of this section may be disclosed to the public by the State agency or the State only if such information could be disclosed under section 552 of title 5 by an agency of the United States.

(Pub. L. 89–73, title III, § 307, as added Pub. L. 95–478, title I, § 103(b), Oct. 18, 1978, 92 Stat. 1524; amended Pub. L. 97–115, §§ 3(d), 7, Dec. 29, 1981, 95 Stat. 1597, 1598; Pub. L. 98–459, title III, § 307, Oct. 9, 1984, 98 Stat. 1775; Pub. L. 100–175, title I, §§ 128, 129(d), (e), 130(b), 131(b), 132(c), 136(c), 137(b), 138, 140(c), 141(c), 142, 144(d), 155(e)(2), 182(k), Nov. 29, 1987, 101 Stat. 934, 935, 938–940, 943, 944, 946, 947, 949, 953, 965; Pub. L. 100–628, title VII, § 705(6), Nov. 7, 1988, 102 Stat. 3247; Pub. L. 102–375, title I, § 102(b)(4), (5), (10)(A), (C), (E), (F), title III, § 307, title VII, § 708(c)(4), title IX, § 904(a)(13), Sept. 30, 1992, 106 Stat. 1201, 1202, 1228, 1293, 1308; Pub. L. 103–171, §§ 2(9), 3(a)(5), Dec. 2, 1993, 107 Stat. 1988, 1990.)

REFERENCES IN TEXT

Subchapter V and subchapter VII of this chapter, referred to in subsec. (a)(3)(B), were repealed by Pub. L. 95–478, title V, § 501(a), Oct. 18, 1978, 92 Stat. 1558.

Act of August 12, 1968, commonly known as the Architectural Barriers Act of 1968, referred to in subsec. (a)(14)(C), is Pub. L. 90–480, Aug. 12, 1968, 82 Stat. 718, as amended, which is classified generally to chapter 51 (§ 4151 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4151 of this title and Tables.

Act of March 3, 1931 (40 U.S.C. 276a—276a–5; commonly known as the Davis-Bacon Act), referred to in subsec. (a)(14)(D), is act Mar. 3, 1931, ch. 411, 46 Stat. 1494, as amended, which is classified generally to sections 276a to 276a–5 of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 276a of Title 40 and Tables.

Reorganization plan numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), referred to in subsec. (a)(14)(D), is set out in the Appendix to Title 5, Government Organization and Employees.

The Legal Services Corporation Act, referred to in subsec. (a)(15)(A), is title X of Pub. L. 88–452, as added by Pub. L. 93–355, § 2, July 25, 1974, 88 Stat. 378, as amended, which is classified generally to subchapter X (§ 2996 et seq.) of chapter 34 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2996 of this title and Tables.

PRIOR PROVISIONS

A prior section 3027, Pub. L. 89–73, title III, § 307, as added Pub. L. 93–29, title III, § 301, May 3, 1973, 87 Stat. 44, related to payment of grants or contracts, prior to the general amendment of this subchapter by Pub. L. 95–478. See section 3029 of this title.

Provisions similar to those comprising this section were contained in Pub. L. 89–73, title III, § 305, as added Pub. L. 93–29, title III, § 301, May 3, 1973, 87 Stat. 41; Pub. L. 94–135, title I, §§ 106(a), (b), 114(e), Nov. 28, 1975, 89 Stat. 715, 725, which was classified to section 3025 of this title prior to repeal by Pub. L. 95–478.

AMENDMENTS

1993—Pub. L. 103–171, § 3(a)(5)(B), substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing.

Subsec. (a)(8). Pub. L. 103–171, § 2(9)(A)(i), substituted ''knowledgeable'' for ''knowledgable''.

Subsec. (a)(24). Pub. L. 103–171, § 2(9)(A)(ii), substituted period for semicolon at end.

Subsec. (b)(2). Pub. L. 103–171, § 2(9)(B), substituted ''such requirement'' for ''the requirement described in clause (3)(B) of subsection (a) of this section''.

Subsecs. (d), (e). Pub. L. 103–171, § 3(a)(5)(A), substituted ''Assistant Secretary's'' for ''Commissioner's'' wherever appearing.

1992—Subsec. (a). Pub. L. 102–375, § 307(a)(1), (2), inserted ''the succeeding sentence and'' after ''provided in'' in first sentence and inserted after first sentence ''If the Commissioner determines, in the discretion of the Commissioner, that a State failed in 2 successive years to comply with the requirements under this subchapter, then the State shall submit to the Commis-

sioner a State plan for a 1-year period that meets such criteria, for subsequent years until the Commissioner determines that the State is in compliance with such requirements.'' before ''Each such plan shall comply''.

Subsec. (a)(1). Pub. L. 102–375, §102(b)(10)(F), substituted ''agencies on aging in'' for ''agencies in''.

Subsec. (a)(3)(A). Pub. L. 102–375, §307(a)(3), inserted ''and transportation services'' after ''legal assistance'' and inserted at end ''To conduct the evaluation, the State agency shall use the procedures implemented under section 3012(a)(29) of this title.''

Subsec. (a)(5). Pub. L. 102–375, §307(b), inserted at end ''The State agency shall establish and publish procedures for requesting and conducting such hearing.''

Subsec. (a)(7). Pub. L. 102–375, §307(c), designated existing provisions as subpar. (A) and added subpars. (B) and (C).

Subsec. (a)(8). Pub. L. 102–375, §904(a)(13)(A)(i), substituted ''greatest economic need and older individuals with greatest social need'' for ''the greatest economic or social needs''.

Pub. L. 102–375, §307(d), inserted at end ''In conducting such evaluations and public hearings, the State agency shall solicit the views and experiences of entities that are knowledgable about the needs and concerns of low-income minority older individuals.''

Subsec. (a)(9). Pub. L. 102–375, §102(b)(4), substituted ''information and assistance'' for ''information and referral'' in two places.

Subsec. (a)(10). Pub. L. 102–375, §102(b)(5), substituted ''section 3030i of this title'' for ''section 3030i(1) of this title''.

Subsec. (a)(11). Pub. L. 102–375, §307(e), substituted ''governments—'' for ''governments, preference shall be given to individuals aged 60 or older'' and added subpars. (A) and (B).

Subsec. (a)(12). Pub. L. 102–375, §307(f), amended par. (12) generally, substituting provisions requiring the plan to provide assurances that a State Long-Term Care Ombudsman program be carried out in accordance with section 3058g of this title for provisions setting out, in subpars. (A) to (K), the assurances required to be provided by the plan with respect to such a program.

Subsec. (a)(13)(A). Pub. L. 102–375, §904(a)(13)(A)(ii)(I), (II), substituted ''to older individuals'' for ''to individuals aged 60 or older'' and ''by older individuals'' for ''by the elderly''.

Subsec. (a)(13)(B). Pub. L. 102–375, §904(a)(13)(A)(ii)(III), substituted ''subparagraph'' for ''subclause''.

Pub. L. 102–375, §307(g)(1), inserted ''(other than under section 3023(b)(3) of this title)'' after ''available under this subchapter''.

Pub. L. 102–375, §102(b)(10)(C), substituted ''area agency on aging'' for ''area agency''.

Subsec. (a)(13)(F). Pub. L. 102–375, §307(g)(2), inserted ''dietitians (or individuals with comparable experience),'' after ''advice of'' and substituted ''project will'' for ''project may''.

Subsec. (a)(13)(H). Pub. L. 102–375, §307(g)(3), struck out ''and'' at end.

Pub. L. 102–375, §102(b)(10)(E), substituted ''area agency on aging'' for ''area agency'' in two places.

Subsec. (a)(13)(I). Pub. L. 102–375, §904(a)(13)(A)(ii)(IV), substituted ''participating older individuals'' for ''elderly participants''.

Pub. L. 102–375, §307(g)(4), substituted semicolon for period at end.

Pub. L. 102–375, §102(b)(10)(C), substituted ''area agency on aging'' for ''area agency''.

Subsec. (a)(13)(J) to (M). Pub. L. 102–375, §307(g)(5), added subpars. (J) to (M).

Subsec. (a)(14). Pub. L. 102–375, §102(b)(10)(A), substituted ''area agencies on aging'' for ''area agencies''.

Subsec. (a)(14)(D). Pub. L. 102–375, §904(a)(13)(A)(iii), substituted ''subparagraph'' for ''clause''.

Subsec. (a)(15)(B). Pub. L. 102–375, §102(b)(10)(C), substituted ''area agency on aging'' for ''area agency''.

Subsec. (a)(15)(E). Pub. L. 102–375, §307(h), added subpar. (E).

Subsec. (a)(16). Pub. L. 102–375, §307(i), substituted ''shall provide,'' for ''shall provide that'' and ''provide for a'' for '', if funds are not appropriated under section 3023(g) of this title for a fiscal year, provide that for such''.

Subsec. (a)(16)(B). Pub. L. 102–375, §904(a)(13)(A)(iv), substituted ''paragraph'' for ''clause''.

Subsec. (a)(18). Pub. L. 102–375, §307(j), inserted ''(one of whom shall be known as a legal assistance developer)'' after ''personnel''.

Subsec. (a)(20)(A). Pub. L. 102–375, §708(c)(4), substituted ''section 3026(a)(2)(A) of this title'' for ''sections 3026(a)(2)(A) and 3026(a)(6)(P) of this title''.

Subsec. (a)(21). Pub. L. 102–375, §307(k), amended par. (21) generally. Prior to amendment, par. (21) read as follows: ''The State plan shall provide that the State agency, from funds allotted under section 3024(a) of this title for part B of this subchapter and for paragraph (12) (relating to the State long-term care ombudsman) shall expend to carry out paragraph (12), for each fiscal year in which the allotment for part B of this subchapter for the State is not less than the allotment for fiscal year 1987 for part B of this subchapter for such State, an amount which is not less than the amount expended from funds received under this chapter by such State in fiscal year 1987 to carry out paragraph (12) as in effect before the effective date of the Older Americans Act Amendments of 1987. This paragraph shall not apply to American Samoa, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.''

Subsec. (a)(22). Pub. L. 102–375, §102(b)(10)(E), substituted ''area agency on aging'' for ''area agency'' in two places.

Subsec. (a)(24). Pub. L. 102–375, §307(*l*), amended par. (24) generally. Prior to amendment, par. (24) read as follows: ''The plan shall provide assurances that the State agency will require outreach efforts that will—

''(A) identify older individuals who are eligible for assistance under this subchapter, with special emphasis on older individuals with greatest economic need (with particular attention to low-income minority individuals), older individuals with greatest social need (with particular attention to low-income minority individuals), and older individuals who reside in rural areas; and

''(B) inform such individuals of the availability of such assistance.''

Subsec. (a)(30). Pub. L. 102–375, §307(m), amended par. (30) generally. Prior to amendment, par. (30) read as follows: ''The plan shall provide assurances that if the State receives funds appropriated under section 3023(g) of this title, the State agency and area agencies on aging will expend such funds to carry out part G of this subchapter.''

Subsec. (a)(31). Pub. L. 102–375, §307(n), amended par. (31) generally, substituting provisions relating to an area or State volunteer services coordinator for provisions that State agency make funds available to eligible area agencies on aging based on number of older individuals with greatest economic need and inadequacy of outreach activities and application assistance, that State agency require area agency to submit application describing and evaluating activities for which funds were sought, that State agency distribute to area agencies certain eligibility information, and that State agency submit to Commissioner a report on evaluations required to be submitted to it by area agencies.

Subsec. (a)(32) to (44). Pub. L. 102–375, §307(n), added pars. (32) to (44).

Subsec. (b)(1). Pub. L. 102–375, §307(*o*), inserted before period at end '', except the Commissioner may not approve such plan unless the Commissioner determines that the formula submitted under section 3025(a)(2)(D) of this title complies with the guidelines in effect under section 3025(a)(2)(C) of this title''.

Subsec. (b)(2). Pub. L. 102–375, §904(a)(13)(B), substituted ''described in paragraph'' for ''described in clause''.

Subsec. (c). Pub. L. 102–375, §307(p), designated existing provisions as par. (1) and added pars. (2) and (3).

Subsec. (f). Pub. L. 102–375, §307(q), (r), redesignated subsec. (g) as subsec. (f)(1), added subsec. (f)(2), and struck out former subsec. (f) which related to demonstration projects for health and nutrition education.

Subsec. (g). Pub. L. 102–375, §307(r)(1), redesignated subsec. (g) as subsec. (f)(1).

1988—Subsec. (a)(3)(A). Pub. L. 100–628 substituted a period for ''; and'' at end.

1987—Subsec. (a). Pub. L. 100–175, §182(k)(1), substituted ''Each such plan shall comply with all of the following requirements:'' for ''Each such plan shall—''.

Subsec. (a)(1), (2). Pub. L. 100–175, §182(k)(2), (3), inserted ''The plan shall'' and substituted a period for semicolon.

Subsec. (a)(3)(A). Pub. L. 100–175, §182(k)(4)(A), inserted ''The plan shall''.

Subsec. (a)(3)(B), (4) to (7). Pub. L. 100–175, §182(k)(4)(B), (5)–(8), inserted ''The plan shall'' and substituted a period for semicolon.

Subsec. (a)(8). Pub. L. 100–175, §182(k)(9), inserted ''The plan shall'' and substituted a period for semicolon.

Pub. L. 100–175, §132(c)(1), inserted '', including an evaluation of the effectiveness of the State agency in reaching older individuals with the greatest economic or social needs, with particular attention to low-income minority individuals'' before semicolon.

Pub. L. 100–175, §128, inserted '', and public hearings on,'' after ''evaluations of''.

Subsec. (a)(9). Pub. L. 100–175, §182(k)(10), inserted ''The plan shall'' and substituted a period for semicolon.

Subsec. (a)(10). Pub. L. 100–175, §182(k)(11), inserted ''The plan shall'' and substituted a period for semicolon.

Pub. L. 100–175, §140(c)(1), which directed that par. (10) be amended by substituting ''nutrition services, or in-home services (as defined in section 3030i(1) of this title)'' for ''including nutrition services,'', was executed by making the substitution for ''or nutrition services,'' to reflect the probable intent of Congress and a previous amendment made by Pub. L. 98–459, §307(a)(2). See 1984 Amendment note below.

Subsec. (a)(11). Pub. L. 100–175, §182(k)(12), inserted ''The plan shall'' and substituted a period for semicolon.

Subsec. (a)(12). Pub. L. 100–175, §129(d), amended par. (12) generally, revising and restating as subpars. (A) to (K) provisions of former subpars. (A) to (E).

Subsec. (a)(13). Pub. L. 100–175, §182(k)(13), inserted ''The plan shall'', and in subpar. (I) substituted a period for semicolon.

Subsec. (a)(13)(I). Pub. L. 100–175, §136(c)(1), inserted '', and to individuals with disabilities who reside at home with and accompany older individuals who are eligible under this chapter'' before semicolon.

Subsec. (a)(14). Pub. L. 100–175, §182(k)(14), inserted ''The plan shall'', and in subpar. (E) substituted a period for semicolon.

Subsec. (a)(15). Pub. L. 100–175, §182(k)(15), inserted ''The plan shall'', and in subpar. (D) substituted a period for semicolon.

Subsec. (a)(16). Pub. L. 100–175, §182(k)(16), inserted ''The plan shall'', and in subpar. (C) substituted a period for semicolon.

Pub. L. 100–175, §144(d)(1), substituted '', if funds are not appropriated under section 3023(g) of this title for a fiscal year, provide that for such fiscal year'' for second reference to ''provide''.

Subsec. (a)(17) to (19). Pub. L. 100–175, §182(k)(17)–(19), inserted ''The plan shall'' and substituted a period for semicolon.

Subsec. (a)(20). Pub. L. 100–175, §182(k)(20), inserted ''The plan shall'', and in subpar. (B)(ii) substituted a period for ''; and''.

Subsec. (a)(20)(A). Pub. L. 100–175, §155(e)(2)(A), substituted ''sections 3026(a)(2)(A) and 3026(a)(6)(P) of this title'' for ''section 3026(a)(2)(A) of this title''.

Subsec. (a)(21). Pub. L. 100–175, §129(e), amended par. (21) generally. Prior to amendment, par. (21) read as follows: ''provide that the State agency, from funds allotted under section 3024(a) of this title for part B will use an amount equal to an amount not less than 1 percent of such allotment or $20,000, whichever is greater, for the purpose of carrying out the provisions of clause (12), except that (A) the requirement of this clause shall not apply in any fiscal year in which a State spends from State or local sources an amount equal to the amount required to be spent by this clause; and (B) the provisions of this clause shall not apply to American Samoa, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.''

Subsec. (a)(22). Pub. L. 100–175, §130(b), added par. (22).

Subsec. (a)(23). Pub. L. 100–175, §131(b), added par. (23).

Subsec. (a)(24). Pub. L. 100–175, §132(c)(2), added par. (24).

Subsec. (a)(25). Pub. L. 100–175, §136(c)(2), added par. (25).

Subsec. (a)(26). Pub. L. 100–175, §138, added par. (26).

Subsec. (a)(27). Pub. L. 100–175, §140(c)(2), added par. (27).

Subsec. (a)(28). Pub. L. 100–175, §141(c), added par. (28).

Subsec. (a)(29). Pub. L. 100–175, §142, added par. (29).

Subsec. (a)(30). Pub. L. 100–175, §144(d)(2), added par. (30).

Subsec. (a)(31). Pub. L. 100–175, §155(e)(2)(B), added par. (31).

Subsec. (g). Pub. L. 100–175, §137(b), added subsec. (g).

1984—Subsec. (a)(3)(A). Pub. L. 98–459, §307(a)(1), substituted ''legal assistance'' for ''legal services''.

Subsec. (a)(10). Pub. L. 98–459, §307(a)(2), substituted ''supportive services or nutrition services'' for ''supportive services, including nutrition services'', and inserted '', or where such services are directly related to such State or area agency on aging's administrative functions, or where such services of comparable quality can be provided more economically by such State or area agency on aging''.

Subsec. (a)(12)(A). Pub. L. 98–459, §307(a)(3)(A)–(C), substituted '', other than an agency or organization which is responsible'' for ''which is not responsible'', ''which is an association'' for ''which is not an association'', and ''which provides an individual who will, on a full-time basis—'' for ''which will—'', in provision preceding cl. (i).

Subsec. (a)(12)(A)(iv). Pub. L. 98–459, §307(a)(3)(D), substituted ''training staff and volunteers'' for ''training volunteers''.

Subsec. (a)(12)(E). Pub. L. 98–459, §307(a)(3)(E)–(G), added subpar. (E).

Subsec. (a)(13)(B). Pub. L. 98–459, §307(a)(4)(A), substituted ''subclause (H)'' for ''subparagraph (H)''.

Subsec. (a)(13)(C)(i). Pub. L. 98–459, §307(a)(4)(B), substituted ''solicit voluntary contributions'' for ''charge participating individuals''.

Subsec. (a)(13)(C)(ii). Pub. L. 98–459, §307(a)(4)(C), substituted ''voluntary contributions'' for ''charges''.

Subsec. (a)(15). Pub. L. 98–459, §307(a)(5), substituted ''legal assistance'' for ''legal services'' in provision preceding subpar. (A).

Subsec. (a)(15)(A). Pub. L. 98–459, §307(a)(5), substituted ''legal assistance'' for ''legal services'' wherever appearing.

Subsec. (a)(15)(B). Pub. L. 98–459, §307(a)(6), in amending subpar. (B) generally, substituted provisions requiring assurances regarding the furnishing of legal assistance by grantees administering programs designed to provide legal assistance to older individuals with social or economic need for provisions requiring assurances regarding the furnishing of legal services by grantees who were either recipients of funds under the Legal Services Corporation Act or who administered programs designed to provide legal services to all older individuals with social or economic need.

Subsec. (a)(16) to (18). Pub. L. 98–459, §307(a)(10), added pars. (16) to (18). Former pars. (16) to (18) redesignated (19) to (21), respectively.

Subsec. (a)(19), (20). Pub. L. 98–459, §307(a)(9), redesignated former pars. (16) and (17) as (19) and (20), respectively.

Subsec. (a)(20)(B)(ii). Pub. L. 98–459, § 307(a)(7), substituted ''; and'' for the period at the end.

Subsec. (a)(21). Pub. L. 98–459, § 307(a)(9), redesignated former par. (18) as (21).

Subsec. (a)(21)(B). Pub. L. 98–459, § 307(a)(8), substituted ''Commonwealth of the Northern Mariana Islands'' for ''Northern Mariana Islands''.

Subsec. (b)(1). Pub. L. 98–459, § 307(b), substituted ''the Commissioner finds'' for ''he finds''.

Subsec. (d). Pub. L. 98–459, § 307(c), substituted ''in the Commissioner's discretion'' for ''in his discretion'', ''until the Commissioner is satisfied'' for ''until he is satisfied'', ''Until the Commissioner is so satisfied'' for ''Until he is so satisfied'', ''the Commissioner shall prescribe'' for ''he shall prescribe'', and ''the provisions of this section'' for ''the provisions of section 307''.

Subsec. (e)(1). Pub. L. 98–459, § 307(d)(1), substituted ''designated by the Commissioner'' for ''designated by him'' and ''the Commissioner's action is based'' for ''he based his action''.

Subsec. (e)(2). Pub. L. 98–459, § 307(d)(2), substituted ''set aside the Commissioner's order'' for ''set aside his order''.

Subsec. (f). Pub. L. 98–459, § 307(e), added subsec. (f).

1981—Subsec. (a). Pub. L. 97–115, § 7(a), substituted ''for a two-, three-, or four-year period determined by the State agency'' for ''for a 3-year period'' in provisions preceding par. (1).

Subsec. (a)(3)(A), (10). Pub. L. 97–115, § 3(d), substituted ''supportive services'' for ''social services''.

Subsec. (a)(13)(A). Pub. L. 97–115, § 7(b), substituted ''aged 60 or older and to their spouses, and may be made available to handicapped or disabled individuals who have not attained 60 years of age but who reside in housing facilities occupied primarily by the elderly at which congregate nutrition services are provided'' for ''aged 60 or older, and to their spouses''.

Subsec. (a)(13)(B). Pub. L. 97–115, § 7(c), substituted ''primary consideration shall be given to the provision of meals in a congregate setting, except that each area agency (i) may award funds made available under this subchapter to organizations for the provision of home delivered meals to older individuals in accordance with the provisions of subpart II of part C, based upon a determination of need made by the recipient of a grant or contract entered into under this subchapter, without requiring that such organizations also provide meals to older individuals in a congregate setting; and (ii) shall, in awarding such funds, select such organizations in a manner which complies with the provisions of subparagraph (H)'' for ''each project will provide meals in a congregate setting, except that each such project may provide home delivered meals based upon a determination of need made by the recipient of a grant or contract entered into under this subchapter''.

Subsec. (a)(13)(C)(ii). Pub. L. 97–115, § 7(d), inserted '', to facilitate access to such meals, and to provide other supportive services directly related to nutrition services'' after ''the project involved''.

Subsec. (a)(13)(D). Pub. L. 97–115, §§ 3(d), 7(e), inserted ''in the case of meals served in a congregate setting,'' before ''a site for such services'', substituted ''supportive services'' for ''social services'', and struck out ''or home delivered meals are furnished to eligible individuals who are homebound'' after ''transportation to such site is furnished''.

Subsec. (a)(13)(I). Pub. L. 97–115, § 7(f), substituted ''each area agency shall establish procedures that will allow nutrition project administrators the option to offer a meal, on the same basis as meals are provided to elderly participants, to individuals providing volunteer services during the meal hours'' for ''each State agency may only for fiscal years 1979 and 1980, use not to exceed 20 percent for the amounts allotted under part C to the State for supportive services, including recreational activities, informational services, health and welfare counseling, and referral services, directly related to the delivery of congregate or home delivered meals, except that the Commissioner may approve an application from a State to use not to exceed 50 percent of its amount allotted under part C in areas with unusually high supportive services costs''.

Subsec. (a)(16) to (18). Pub. L. 97–115, § 7(g), added pars. (16) and (17) and redesignated former par. (16) as (18).

Subsec. (b)(2), (3). Pub. L. 97–115, § 7(h), redesignated par. (3) as (2). Former par. (2), which related to the authority of the Commissioner to waive particular requirements of State plans for fiscal years 1979 and 1980, was struck out.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by sections 307 and 708(c)(4) 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 sections 307 and 708(c)(4) of Pub. L. 102–375 inapplicable with respect to fiscal year 1992, see section 905(b)(2), (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.

ASSESSMENT OF UNSATISFIED DEMAND FOR SUPPORTIVE SERVICES PROVIDED AT SENIOR CENTERS AND OTHER SITES

Section 111 of Pub. L. 100–175 directed Commissioner on Aging, not later than Sept. 30, 1989, to submit to Congress a report assessing national unmet need for supportive services, nutrition services, and multipurpose senior centers by summarizing in detail for each State the results of the most recent evaluation conducted by the State agency under the then current plan submitted under 42 U.S.C. 3027(a)(3)(A) and containing recommendations of the Secretary with respect to need for administrative action and legislation relating to satisfying the demand for supportive services provided at senior centers and other sites.

STUDY OF OMBUDSMAN PROGRAM

Section 129(b) of Pub. L. 100–175 directed Commissioner on Aging, not later than Dec. 31, 1989, to conduct a study and submit a report to Congress concerning involvement in the ombudsman program established under 42 U.S.C. 3027(a)(12) and its impact upon issues and problems affecting residents of board and care facilities and other similar adult care homes who are older individuals as defined in 42 U.S.C. 3022(10), and the effectiveness of recruiting, supervising, and retaining volunteer ombudsmen.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1395i–3, 1396r, 3002, 3011, 3012, 3017, 3020e, 3021, 3024, 3025, 3026, 3028, 3029, 3030d, 3030e, 3030f, 3030g–11, 3030h, 3030i, 3030*l*, 3030m, 3030p, 3035a, 3035c, 3035*o*, 3057e, 3058d of this title.

§ 3028. Cost of administration of State plans

(a) Activities constituting administration; use of excess funds to supplement cost of administration of area plans; election to pay costs from sums received for administration of area plans

(1) Amounts available to States under subsection (b)(1) of this section may be used to

make grants to States for paying such percentages as each State agency determines, but not more than 75 percent, of the cost of the administration of its State plan, including the preparation of the State plan, the evaluation of activities carried out under such plan, the collection of data and the carrying out of analyses related to the need for supportive services, nutrition services, and multipurpose senior centers within the State, and dissemination of information so obtained, the provision of short-term training to personnel of public or nonprofit private agencies and organizations engaged in the operation of programs authorized by this chapter, and the carrying out of demonstration projects of statewide significance relating to the initiation, expansion, or improvement of services assisted under this subchapter.

(2) Any sums available to a State under subsection (b)(1) of this section for part of the cost of the administration of its State plan which the State determines is not needed for such purpose may be used by the State to supplement the amount available under section 3024(d)(1)(A) of this title to cover part of the cost of the administration of area plans.

(3) Any State which has been designated a single planning and service area under section 3025(a)(1)(E) of this title covering all, or substantially all, of the older individuals in such State, as determined by the Assistant Secretary, may elect to pay part of the costs of the administration of State and area plans either out of sums received under this section of out of sums made available for the administration of area plans under section 3024(d)(1)(A) of this title, but shall not pay such costs out of sums received or allotted under both such sections.

(b) Formula for computation of allotment; application for additional funds; approval of application by Assistant Secretary; limitation on amount of additional funds; transfer of funds

(1) If for any fiscal year the aggregate amount appropriated under section 3023 of this title does not exceed $800,000,000, then—

(A) except as provided in clause (ii), the greater of 5 percent of the allotment to a State under section 3024(a)(1) of this title or $300,000; and

(B) in the case of Guam, American Samoa, the United States Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands, the greater of 5 percent of such allotment or $75,000;

shall be available to such State to carry out the purposes of this section.

(2) If for any fiscal year the aggregate amount appropriated under section 3023 of this title exceeds $800,000,000, then—

(A) except as provided in clause (ii), the greater of 5 percent of the allotment to a State under section 3024(a)(1) of this title or $500,000; and

(B) in the case of Guam, American Samoa, the United States Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands, the greater of 5 percent of such allotment or $100,000;

shall be available to such State to carry out the purposes of this section.

(3)(A) If the aggregate amount appropriated under section 3023 of this title for a fiscal year does not exceed $800,000,000, then any State which desires to receive amounts, in addition to amounts allotted to such State under paragraph (1), to be used in the administration of its State plan in accordance with subsection (a) of this section may transmit an application to the Assistant Secretary in accordance with this paragraph. Any such application shall be transmitted in such form, and according to such procedures, as the Assistant Secretary may require, except that such application may not be made as part of, or as an amendment to, the State plan.

(B) The Assistant Secretary may approve any application transmitted by a State under subparagraph (A) if the Assistant Secretary determines, based upon a particularized showing of need, that—

(i) the State will be unable to fully and effectively administer its State plan and to carry out programs and projects authorized by this subchapter unless such additional amounts are made available by the Assistant Secretary;

(ii) the State is making full and effective use of its allotment under paragraph (1) and of the personnel of the State agency and area agencies designated under section 3025(a)(2)(A) of this title in the administration of its State plan in accordance with subsection (a) of this section; and

(iii) the State agency and area agencies on aging of such State are carrying out, on a full-time basis, programs and activities which are in furtherance of the objectives of this chapter.

(C) The Assistant Secretary may approve that portion of the amount requested by a State in its application under subparagraph (A) which the Assistant Secretary determines has been justified in such application.

(D) Amounts which any State may receive in any fiscal year under this paragraph may not exceed three-fourths of 1 percent of the sum of the amounts allotted under section 3024(a) of this title to such State to carry out the State plan for such fiscal year.

(E) No application by a State under subparagraph (A) shall be approved unless it contains assurances that no amounts received by the State under this paragraph will be used to hire any individual to fill a job opening created by the action of the State in laying off or terminating the employment of any regular employee not supported under this chapter in anticipation of filling the vacancy so created by hiring an employee to be supported through use of amounts received under this paragraph.

(4)(A) Notwithstanding any other provision of this subchapter and except as provided in subparagraph (B), with respect to funds received by a State and attributable to funds appropriated under paragraph (1) or (2) of section 3023(b) of this title, the State may elect in its plan under section 3027(a)(13) regarding part C of this subchapter, to transfer not more than 30 percent of the funds so received between subpart I and sub-

part II of part C of this subchapter, for use as the State considers appropriate to meet the needs of the area served. The Assistant Secretary shall approve any such transfer unless the Assistant Secretary determines that such transfer is not consistent with the objectives of this chapter.

(B) If a State demonstrates, to the satisfaction of the Assistant Secretary, that funds received by the State and attributable to funds appropriated under paragraph (1) or (2) of section 3023(b) of this title, including funds transferred under subparagraph (A) without regard to this subparagraph, for fiscal year 1993, 1994, 1995, or 1996 are insufficient to satisfy the need for services under subpart I or subpart II of part C of this subchapter, then the Assistant Secretary may grant a waiver that permits the State to transfer under subparagraph (A) to satisfy such need—

(i) an additional 18 percent of the funds so received for fiscal year 1993;

(ii) an additional 15 percent of the funds so received for each of the fiscal years 1994 and 1995; and

(iii) an additional 10 percent of the funds so received for fiscal year 1996.

(5)(A) Notwithstanding any other provision of this subchapter and except as provided in subparagraph (B), of the funds received by a State attributable to funds appropriated under subsection (a)(1), and paragraphs (1) and (2) of subsection (b), of section 3023 of this title, the State may elect to transfer not more than 30 percent for fiscal year 1993, not more than 25 percent for fiscal year 1994, not more than 25 percent for fiscal year 1995, and not more than 20 percent for fiscal year 1996, between programs under part B of this subchapter and part C of this subchapter, for use as the State considers appropriate. The State shall notify the Assistant Secretary of any such election.

(B)(i) If a State demonstrates, to the satisfaction of the Assistant Secretary, that funds received by the State and attributable to funds appropriated under part B of this subchapter or part C of this subchapter (including funds transferred under subparagraph (A) without regard to this subparagraph) for fiscal year 1994 or 1995 are insufficient to satisfy the need for services under such part, then the Assistant Secretary may grant a waiver that permits the State to transfer under subparagraph (A) to satisfy such need an additional 5 percent of the funds so received for such fiscal year.

(ii) If a State demonstrates, to the satisfaction of the Assistant Secretary, that funds received by the State and attributable to funds appropriated under part B of this subchapter or part C of this subchapter (including funds transferred under subparagraph (A) without regard to this subparagraph) for fiscal year 1996 are insufficient to satisfy the need for services under such part, then the Assistant Secretary may grant a waiver that permits the State to transfer under subparagraph (A) to satisfy such need an additional 8 percent of the funds so received for such fiscal year.

(C) At a minimum, the application described in subparagraph (A) shall include a description of the amount to be transferred, the purposes of the transfer, the need for the transfer, and the impact of the transfer on the provision of services from which the funding will be transferred. The Assistant Secretary shall approve or deny the application in writing.

(6) A State agency may not delegate to an area agency on aging or any other entity the authority to make a transfer under paragraph (4)(A) or (5)(A).

(7) The Assistant Secretary shall annually collect, and include in the report required by section 3018(a) of this title, data regarding the transfers described in paragraphs (4)(A) and (5)(A), including—

(A) the amount of funds involved in the transfers, analyzed by State;

(B) the rationales for the transfers;

(C) in the case of transfers described in paragraphs (4)(A) and (5)(A), the effect of the transfers of the provision of services, including the effect on the number of meals served, under—

(i) subpart I of part C of this subchapter; and

(ii) subpart II of part C of this subchapter; and

(D) in the case of transfers described in paragraph (5)(A)—

(i) in the case of transfers to part B of this subchapter, information on the supportive services, or services provided through senior centers, for which the transfers were used; and

(ii) the effect of the transfers on the provision of services provided under—

(I) part B of this subchapter; and

(II) part C of this subchapter, including the effect on the number of meals served.

(c) Availability of funds under this section to provide services under parts B and C

The amounts of any State's allotment under subsection (b) of this section for any fiscal year which the Assistant Secretary determines will not be required for that year for the purposes described in subsection (a)(1) of this section shall be available to provide services under part B of this subchapter or part C of this subchapter, or both, in the State.

(Pub. L. 89–73, title III, § 308, as added Pub. L. 95–478, title I, § 103(b), Oct. 18, 1978, 92 Stat. 1530; amended Pub. L. 97–115, §§ 3(d), 8, Dec. 29, 1981, 95 Stat. 1597, 1600; Pub. L. 98–459, title III, § 308, Oct. 9, 1984, 98 Stat. 1777; Pub. L. 100–175, title I, §§ 129(c)(2), 182(*l*), Nov. 29, 1987, 101 Stat. 935, 966; Pub. L. 102–375, title I, § 102(b)(9)(C), (10)(A), title III, § 308, title IX, § 904(a)(14), Sept. 30, 1992, 106 Stat. 1202, 1234, 1308; Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

PRIOR PROVISIONS

A prior section 3028, Pub. L. 89–73, title III, § 308, as added Pub. L. 93–29, title III, § 301, May 3, 1973, 87 Stat. 44; Pub. L. 94–135, title I, §§ 108, 112(c), Nov. 28, 1975, 89 Stat. 717, 719, related to model projects, prior to the general amendment of this subchapter by Pub. L. 95–478.

Provisions similar to those comprising this section were contained in Pub. L. 89–73, title III, § 306, as added Pub. L. 93–29, title III, § 301, May 3, 1973, 87 Stat. 43; Pub. L. 94–135, title I, § 107, Nov. 28, 1975, 89 Stat. 716, which was classified to section 3026 of this title prior to repeal by Pub. L. 95–478.

AMENDMENTS

1993—Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing.

1992—Subsec. (a)(3). Pub. L. 102–375, § 308(1), inserted ''been'' after ''Any State which has''.

Subsec. (b)(1)(B), (2)(B). Pub. L. 102–375, § 904(a)(14)(A), inserted ''United States'' before ''Virgin Islands''.

Subsec. (b)(3)(B)(iii). Pub. L. 102–375, §§ 102(b)(9)(C), (10)(A), 904(a)(14)(B), inserted ''on aging'' after ''area agencies'', struck out ''designated under section 3025 of this title'' after ''such State'', and substituted ''objectives'' for ''purposes''.

Subsec. (b)(4). Pub. L. 102–375, §§ 308(2)(A), 904(a)(14)(B), designated existing provisions as subpar. (A), inserted ''and except as provided in subparagraph (B)'' after ''provision of this subchapter'', substituted ''received by a State and attributable to funds appropriated under paragraph (1) or (2) of section 3023(b) of this title, the'' for ''received under section 3023(b)(1) and (2) of this title, a'', ''not more than 30 percent of the funds so received'' for ''a portion of the funds appropriated'', and ''objectives'' for ''purposes'', and added subpar. (B).

Subsec. (b)(5) to (7). Pub. L. 102–375, § 308(2)(B), added pars. (5) to (7) and struck out former par. (5) which read as follows:

''(A) Notwithstanding any other provisions of this subchapter and except as provided in subparagraph (B), with respect to funds received under subsection (a)(1) and subsection (b) of section 3023 of this title, a State may elect to transfer not more than 20 per centum of the funds allotted for any fiscal year between programs under part B and part C of this subchapter, for use as the State considers appropriate. The State shall notify the Commissioner of any such election.

''(B) Of the funds received under subsections (a)(1) and (b) of section 3023 of this title, a State may elect to transfer under subparagraph (A) not more than 30 percent of the funds allotted for any fiscal year.''

1987—Subsec. (b)(1). Pub. L. 100–175, § 182(*l*)(1), (2), struck designation ''(A)'' after ''(1)'' and redesignated former cls. (i) and (ii) as subpars. (A) and (B), respectively.

Subsec. (b)(2). Pub. L. 100–175, § 182(*l*)(3), struck designation ''(A)'' after ''(1)'' and redesignated former cls. (i) and (ii) as subpars. (A) and (B), respectively.

Subsec. (b)(3)(C). Pub. L. 100–175, § 182(*l*)(4), substituted ''the Commissioner'' for ''he''.

Subsec. (b)(5)(A). Pub. L. 100–175, § 182(*l*)(5), substituted ''allotted'' for ''appropriated''.

Pub. L. 100–175, § 129(c)(2)(A), substituted ''received under subsection (a)(1)'' for ''received under subsection (a)''.

Subsec. (b)(5)(B). Pub. L. 100–175, § 182(*l*)(6), substituted provision that State may elect to transfer not more than 30 percent of funds allotted for any fiscal year for provision that State may elect to transfer not more than 27 percent of funds allotted for fiscal year 1985, not more than 29 percent of funds allotted for fiscal year 1986, and not more than 30 percent of funds allotted for fiscal year 1987.

Pub. L. 100–175, § 182(*l*)(5), substituted ''allotted'' for ''appropriated''.

Pub. L. 100–175, § 129(c)(2)(B), inserted ''subsections (a)(1) and (b) of'' after first reference to ''under''.

1984—Subsec. (a)(1). Pub. L. 98–459, § 308(a)(1), substituted ''Amounts available to States under subsection (b)(1) of this section'' for ''Amounts appropriated under section 3023 of this title''.

Subsec. (a)(2). Pub. L. 98–459, § 308(a)(2), substituted ''available to a State under subsection (b)(1) of this section'' for ''received by a State under this section''.

Subsec. (b)(1). Pub. L. 98–459, § 308(b)(6), added par. (1). Former par. (1), which contained provisions, with respect to allotments to States for State planning, coordination, evaluation, and administration of State plans, that each State had to be allotted funds on the basis of its population aged 60 or older as compared to all States, and specifying minimum amounts for each State of no less than one-half of 1 percent of appropriations or $300,000, whichever was greater, and for territories of no less than one-fourth of 1 percent of appropriations or $75,000, whichever was greater, was struck out.

Subsec. (b)(2). Pub. L. 98–459, § 308(b)(6), added par. (2). Former par. (2) redesignated (3).

Subsec. (b)(3). Pub. L. 98–459, § 308(b)(4), (5), redesignated former par. (2) as (3) and struck out former par. (3) which had provided that each State would be entitled to an allotment under this section for any fiscal year in an amount which is not less than the amount of the allotment to which such State was entitled under former par. (1) for the fiscal year ending June 30, 1975.

Subsec. (b)(3)(A). Pub. L. 98–459, § 308(b)(1), substituted ''If the aggregate amount appropriated under section 3023 of this title for a fiscal year does not exceed $800,000,000, then any'' for ''Any''.

Subsec. (b)(4). Pub. L. 98–459, § 308(b)(2), (4), (5), redesignated par. (5) as (4), and substituted ''unless the Commissioner determines'' for ''unless he determines'', and struck out former par. (4) which had provided that the number of individuals aged 60 or older in any State and in all States had to be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

Subsec. (b)(5), (6). Pub. L. 98–459, § 308(b)(3), (5), redesignated par. (6) as (5), inserted ''(A)'' after paragraph designation and ''and except as provided in subparagraph (B)'', and added subpar. (B). Former par. (5) redesignated (4).

1981—Subsec. (a)(1). Pub. L. 97–115, § 3(d), substituted ''supportive services'' for ''social services''.

Subsec. (b)(6). Pub. L. 97–115, § 8, added par. (6).

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.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3017, 3024, 3027, 3029 of this title.

§ 3029. Payments of grants or contracts

(a) Advances or reimbursement; installments; assistance in development of State plan

Payments of grants or contracts under this subchapter may be made (after necessary adjustments resulting from previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Assistant Secretary may determine. From a State's allotment for a fiscal year which is available under section 3028 of this title the Assistant Secretary may pay to a State which does not have a State plan approved under section 3027 of this title such amounts as the Assistant Secretary deems appropriate for the purpose of assisting such State in developing a State plan.

(b) Matching funds; percentage limitation

(1) For each fiscal year, not less than 25 percent of the non-Federal share of the total expenditures under the State plan which is required by section 3024(d) of this title shall be met from funds from State or local public sources.

(2) Funds required to meet the non-Federal share required by section 3024(d)(1)(D) of this title, in amounts exceeding the non-Federal share required prior to fiscal year 1981, shall be met from State sources.

(c) Reduction of State allotment

A State's allotment under section 3024 of this title for a fiscal year shall be reduced by the percentage (if any) by which its expenditures for such year from State sources under its State plan approved under section 3027 of this title are less than its average annual expenditures from such sources for the period of 3 fiscal years preceding such year.

(Pub. L. 89–73, title III, § 309, as added Pub. L. 95–478, title I, § 103(b), Oct. 18, 1978, 92 Stat. 1532; amended Pub. L. 98–459, title III, § 309, Oct. 9, 1984, 98 Stat. 1779; Pub. L. 100–175, title I, § 139, Nov. 29, 1987, 101 Stat. 944; Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

PRIOR PROVISIONS

A prior section 3029, Pub. L. 89–73, title III, § 309, as added Pub. L. 93–351, § 3, July 12, 1974, 88 Stat. 357, related to transportation projects, prior to the general amendment of this subchapter by Pub. L. 95–478. See section 3026 of this title.

Provisions similar to those comprising this section were contained in Pub. L. 89–73, title III, § 307, as added Pub. L. 93–29, title III, § 301, May 3, 1973, 87 Stat. 44, which was classified to section 3027 of this title prior to repeal by Pub. L. 95–478.

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–171 substituted "Assistant Secretary" for "Commissioner" wherever appearing.

1987—Subsec. (c). Pub. L. 100–175 substituted "its average annual expenditures from such sources for the period of 3 fiscal years preceding such year" for "its expenditures from such sources for the preceding fiscal year".

1984—Subsec. (a). Pub. L. 98–459, § 309(a), substituted "as the Commissioner deems appropriate" for "as he deems appropriate".

Subsec. (b)(2). Pub. L. 98–459, § 309(b), substituted "section 3024(d)(1)(D)" for "section 3024(d)(1)(B)".

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3027 of this title.

§ 3030. Disaster relief reimbursements

(a) Application; limitations

(1) The Assistant Secretary may provide reimbursements to any State, upon application for such reimbursement, for funds such State makes available to area agencies on aging in such State for the delivery of supportive services (and related supplies) during any major disaster declared by the President in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act [42 U.S.C. 5121 et seq.].

(2) Total payments to all States under paragraph (1) in any fiscal year shall not exceed 2 percent of the total amount appropriated and available to carry out subchapter IV of this chapter.

(3) If the Assistant Secretary decides, in the 5-day period beginning on the date such disaster is declared by the President, to provide an amount of reimbursement under paragraph (1) to a State, then the Assistant Secretary shall provide not less than 75 percent of such amount to such State not later than 5 days after the date of such decision.

(b) Setting aside of funds by Assistant Secretary

(1) At the beginning of each fiscal year the Assistant Secretary shall set aside, for payment to States under subsection (a) of this section, an amount equal to 2 percent of the total amount appropriated and available to carry out subchapter IV of this chapter.

(2) Amounts set aside under paragraph (1) which are not obligated by the end of the third quarter of any fiscal year shall be made available to carry out subchapter IV of this chapter.

(c) Effect on other laws

Nothing in this section shall be construed to prohibit expenditures by States for disaster relief for older individuals in excess of amounts reimbursable under this section, by using funds made available to them under other sections of this chapter or under other provisions of Federal or State law, or from private sources.

(Pub. L. 89–73, title III, § 310, as added Pub. L. 95–478, title I, § 103(b), Oct. 18, 1978, 92 Stat. 1533; amended Pub. L. 97–115, §§ 3(d), 11(b)(2), Dec. 29, 1981, 95 Stat. 1597, 1606; Pub. L. 100–707, title I, § 109(q), Nov. 23, 1988, 102 Stat. 4709; Pub. L. 102–375, title I, § 102(b)(10)(A), title III, § 309, Sept. 30, 1992, 106 Stat. 1202, 1235; Pub. L. 103–171, §§ 2(10), 3(a)(13), Dec. 2, 1993, 107 Stat. 1989, 1990.)

REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (a)(1), is Pub. L. 93–288, May 22, 1974, 88 Stat. 143, as amended, which is classified principally to chapter 68 (§ 5121 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of this title and Tables.

AMENDMENTS

1993—Pub. L. 103–171, § 3(a)(13), substituted "Assistant Secretary" for "Commissioner" wherever appearing in subsecs. (a)(1), (3) and (b)(1).

Subsec. (a)(1). Pub. L. 103–171, § 2(10), substituted "Robert T. Stafford Disaster Relief and Emergency Assistance Act" for "Disaster Relief and Emergency Assistance Act".

1992—Subsec. (a)(1). Pub. L. 102–375, §§ 102(b)(10)(A), 309(1)(A), substituted "area agencies on aging" for

''area agencies'' and inserted ''(and related supplies)'' after ''supportive services''.

Subsec. (a)(2). Pub. L. 102–375, § 309(2), substituted ''2 percent'' for ''5 percent'' and ''to carry out subchapter IV of this chapter'' for ''for carrying out the purposes of section 3035a of this title''.

Subsec. (a)(3). Pub. L. 102–375, § 309(1)(B), added par. (3).

Subsec. (b)(1). Pub. L. 102–375, § 309(2), substituted ''2 percent'' for ''5 percent'' and ''to carry out subchapter IV of this chapter'' for ''for carrying out the purposes of section 3035a of this title''.

Subsec. (b)(2). Pub. L. 102–375, § 309(2)(B), substituted ''to carry out subchapter IV of this chapter'' for ''for carrying out the purposes of section 3035a of this title''.

1988—Subsec. (a)(1). Pub. L. 100–707 substituted ''Disaster Relief and Emergency Assistance Act'' for ''Disaster Relief Act of 1974''.

1981—Subsec. (a)(1). Pub. L. 97–115, § 3(d), substituted ''supportive services'' for ''social services''.

Subsecs. (a)(2), (b)(1), (2). Pub. L. 97–115, § 11(b)(2), substituted reference to section 3035a of this title for reference to section 3035b of this title.

EFFECTIVE DATE

Section effective at the close of Sept. 30, 1978, see section 504 of Pub. L. 95–478, set out as an Effective Date of 1978 Amendment note under section 3001 of this title.

§ 3030a. Availability of surplus commodities

(a) Donation of products; amount of assistance

(1) Agricultural commodities and products purchased by the Secretary of Agriculture under section 612c of title 7, shall be donated to a recipient of a grant or contract to be used for providing nutrition services in accordance with the provisions of this subchapter.

(2) The Commodity Credit Corporation shall dispose of food commodities under section 1431 of title 7 by donating them to a recipient of a grant or contract to be used for providing nutrition services in accordance with the provisions of this subchapter.

(3) Dairy products purchased by the Secretary of Agriculture under section 1446a–1 of title 7 shall be used to meet the requirements of programs providing nutrition services in accordance with the provisions of this subchapter.

(4)(A) Subject to the authorization of appropriations specified in subsection (c) of this section, in donating commodities under this subsection, the Secretary of Agriculture shall maintain—

(i) for fiscal year 1992, a level of assistance equal to the greater of—

(I) a per meal rate equal to the amount appropriated under subsection (c) of this section for fiscal year 1992, divided by the number of meals served in the preceding fiscal year; or

(II) 61 cents per meal; and

(ii) for fiscal year 1993 and each subsequent fiscal year, an annually programmed level of assistance equal to the greater of—

(I) a per meal rate equal to the amount appropriated under subsection (c) of this section for the fiscal year, divided by the number of meals served in the preceding fiscal year; or

(II) 61 cents per meal, adjusted in accordance with changes in the series for food away from home, of the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor, based on the 12-month period ending on July 1 of the preceding year.

(B) Among the commodities delivered under this subsection, the Secretary shall give special emphasis to high protein foods, meat, and meat alternates. The Secretary of Agriculture, in consultation with the Assistant Secretary for Aging, is authorized to prescribe the terms and conditions respecting the donating of commodities under this subsection.

(b) Cash payments in lieu of food commodities

(1) Notwithstanding any other provision of law, a State may, for purposes of the programs authorized by this chapter, elect to receive cash payments in lieu of donated foods for all or any portion of its project. In any case in which a State makes such an election, the Secretary of Agriculture shall make cash payments to such State in an amount equivalent in value to the donated foods which the State otherwise would have received if such State had retained its commodity distribution.

(2) When such payments are made, the State agency shall promptly and equitably disburse any cash it receives in lieu of commodities to recipients of grants or contracts. Such disbursements shall only be used by such recipients of grants or contracts to purchase United States agricultural commodities and other foods for their nutrition projects.

(3) Nothing in this subsection shall be construed to authorize the Secretary of Agriculture to require any State to elect to receive cash payments under this subsection.

(c) Authorization of appropriations; final reimbursement claims; reduction of cents-per-meal level

(1)(A) There are authorized to be appropriated $250,000,000 for fiscal year 1992, $310,000,000 for fiscal year 1993, $380,000,000 for fiscal year 1994, and $460,000,000 for fiscal year 1995, to carry out the provisions of this section (other than subsection (a)(1) of this section).

(B) Effective on the first day of the first month beginning after October 9, 1984, no State may receive reimbursement under the provisions of this section unless the State submits final reimbursement claims for meals within 90 days after the last day of the quarter for which the reimbursement is claimed.

(2)(A) Except as provided in subparagraph (B), in any fiscal year in which compliance with subsection (a)(4) of this section costs more than the amounts authorized under paragraph (1) of this subsection for that fiscal year the Secretary of Agriculture shall reduce the cents per meal level determined pursuant to subsection (a)(4) of this section for that fiscal year as necessary to meet the authorization of appropriations for that fiscal year.

(B) In each fiscal year, the final reimbursement claims shall be adjusted to use the full amount appropriated under this subsection for the fiscal year.

(d) Dissemination of information

In each fiscal year, the Secretary of Agriculture and the Secretary of Health and Human

Services shall jointly disseminate to State agencies, area agencies on aging, and providers of nutrition services assisted under this subchapter, information concerning—

(1) the existence of any Federal commodity processing program in which such State agencies, area agencies on aging, and providers may be eligible to participate; and

(2) the procedures to be followed to participate in the program.

(Pub. L. 89–73, title III, §311, as added Pub. L. 95–478, title I, §103(b), Oct. 18, 1978, 92 Stat. 1533; amended Pub. L. 97–115, §9, Dec. 29, 1981, 95 Stat. 1600; Pub. L. 98–459, title III, §310, Oct. 9, 1984, 98 Stat. 1779; Pub. L. 99–269, §§2, 3(b), 4, Apr. 1, 1986, 100 Stat. 78; Pub. L. 100–175, title I, §122(c), Nov. 29, 1987, 101 Stat. 933; Pub. L. 102–375, title I, §102(b)(10)(A), title III, §310, Sept. 30, 1992, 106 Stat. 1202, 1236; Pub. L. 103–171, §3(a)(6), Dec. 2, 1993, 107 Stat. 1990.)

AMENDMENTS

1993—Subsec. (a)(4)(B). Pub. L. 103–171 substituted ''Assistant Secretary for Aging'' for ''Commissioner''.

1992—Subsec. (a)(4). Pub. L. 102–375, §310(1), designated existing provisions as subpars. (A) and (B) and, in subpar. (A), substituted ''shall maintain—'' for ''shall maintain an annually programmed level of assistance of not less than 56.76 cents per meal during fiscal years 1986 through 1991.'' and added cls. (i) and (ii).

Subsec. (c)(1)(A). Pub. L. 102–375, §310(2)(A), substituted ''$250,000,000 for fiscal year 1992, $310,000,000 for fiscal year 1993, $380,000,000 for fiscal year 1994, and $460,000,000 for fiscal year 1995'' for ''$151,000,000 for the fiscal year 1988, $166,000,000 for the fiscal year 1989, $183,000,000 for the fiscal year 1990, and $201,000,000 for the fiscal year 1991''.

Subsec. (c)(2). Pub. L. 102–375, §310(2)(B), designated existing provisions as subpar. (A), substituted ''Except as provided in subparagraph (B), in'' for ''In'', and added subpar. (B).

Subsec. (d)(1). Pub. L. 102–375, §102(b)(10)(A), substituted ''area agencies on aging'' for ''area agencies''.

1987—Subsec. (a)(4). Pub. L. 100–175, §122(c)(1), substituted ''fiscal years 1986 through 1991'' for ''fiscal year 1986 and during each fiscal year thereafter'' and struck out after first sentence ''The amount specified in this paragraph shall be adjusted on an annual basis for each fiscal year after September 30, 1986, to reflect changes in the series for food away from home of the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor. Such adjustment shall be computed to the nearest one-fourth cent.''

Subsec. (c)(1)(A). Pub. L. 100–175, §122(c)(2), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows:

''(i) There are authorized to be appropriated $144,000,000 for fiscal year 1986 and $144,000,000 for fiscal year 1987 to carry out this section (other than subsection (a)(1) of this section).

''(ii) The provisions of the second and third sentences of subsection (a)(4) of this section shall not apply for fiscal years 1986 and 1987.''

1986—Subsec. (a)(4). Pub. L. 99–269, §2, substituted ''56.76 cents per meal during fiscal year 1986 and during'' for ''15 cents per meal during fiscal year 1976, 25 cents per meal during fiscal year 1977 and fiscal year 1978, and 30 cents per meal for'' and ''September 30, 1986'' for ''June 30, 1975''.

Subsec. (c)(1)(A). Pub. L. 99–269, §3(b), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: ''There are authorized to be appropriated $105,000,000 for fiscal year 1984, $120,800,000 for fiscal year 1985, $125,900,000 for fiscal year 1986, and $132,000,000 for fiscal year 1987, to carry out the provisions of this section (other than the provisions of subsection (a)(1) of this section) and such additional sums as may be necessary for each such fiscal year to maintain the level of reimbursement for the number of meals served under such provisions in fiscal year 1983.''

Subsec. (d). Pub. L. 99–269, §4, added subsec. (d).

1984—Subsec. (a)(4). Pub. L. 98–459, §310(a)(1), (2), substituted ''subsection (c) of this section'' for ''subsection (d) of this section'' and ''Consumer Price Index for All Urban Consumers'' for ''Consumer Price Index''.

Subsec. (c). Pub. L. 98–459, §310(b)(1), which directed the amendment of this section by redesignating subsec. (d)(1) as (c)(1), was executed by redesignating subsec. (d) as (c) to reflect the probable intent of Congress.

Subsec. (c)(1). Pub. L. 98–459, §310(b)(2), (3), inserted ''(A)'' after paragraph designation, struck out therein provisions authorizing appropriations of $93,200,000 for fiscal year 1982 and $100,000,000 for fiscal year 1983, inserted provisions authorizing appropriations of $120,800,000 for fiscal year 1985, $125,900,000 for fiscal year 1986, and $132,000,000 for fiscal year 1987, substituted ''fiscal year 1983'' for ''fiscal year 1981'' at the end, and added subpar. (B).

Subsec. (c)(2). Pub. L. 98–459, §310(b)(4), substituted ''appropriations'' for ''appropriation''.

Subsec. (d). Pub. L. 98–459, §310(b)(1), redesignated subsec. (d) as (c). See 1984 Amendment note for subsec. (c) above.

1981—Subsec. (a)(4). Pub. L. 97–115, §9(a), substituted ''Subject to the authorization of appropriations specified in subsection (d) of this section, in donating'' and ''30 cents per meal for each fiscal year thereafter'' for ''In donating'' and ''30 cents per meal during the three succeeding fiscal years'', respectively.

Subsecs. (b), (c). Pub. L. 97–115, §9(b), redesignated subsec. (c) as (b). Former subsec. (b), providing for the purchase, during fiscal years ending before Oct. 1, 1981, of high protein foods, meats, and meat alternatives by the Secretary of Agriculture for distribution to recipients of grants or contracts to be used for providing nutrition services in accordance with the provisions of this subchapter, was struck out.

Subsec. (d). Pub. L. 97–115, §9(c), added subsec. (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 1986 AMENDMENT

Section 5 of Pub. L. 99–269 provided that: ''This Act and the amendments made by this Act [amending this section and enacting provisions set out as notes under this section and section 3001 of this title] shall take effect on October 1, 1985.''

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

Section effective at close of Sept. 30, 1978, see section 504 of Pub. L. 95–478, set out as an Effective Date of 1978 Amendment note under section 3001 of this title.

ESTABLISHMENT OF MAXIMUM RATE OF REIMBURSEMENT TO STATES FOR MEALS; AVAILABILITY OF FUNDS

Pub. L. 104–37, title IV, Oct. 21, 1995, 109 Stat. 324, provided in part: ''That hereafter notwithstanding any other provision of law, for meals provided pursuant to the Older Americans Act of 1965 [42 U.S.C. 3001 et seq.], a maximum rate of reimbursement to States will be established by the Secretary, subject to reduction if obligations would exceed the amount of available funds, with any unobligated funds to remain available only

for obligation in the fiscal year beginning October 1, 1996.''

AUTHORIZATION OF APPROPRIATIONS

Section 3(a) of Pub. L. 99–269 provided that: ''There is authorized to be appropriated $127,800,000 for fiscal year 1985, in order to provide reimbursement at the level of 56.76 cents per meal during fiscal year 1985, determined under section 311(a)(4) of the Older Americans Act of 1965 (42 U.S.C. 3030a(a)(4)), for meals served under section 311 of such Act in such fiscal year. For purposes of subsections (a) and (b) of section 311 of such Act, the sum authorized to be appropriated by this subsection shall be deemed to have been authorized to be appropriated for fiscal year 1985 by section 311(c)(1) of such Act. For purposes of section 311(c)(1)(B) of such Act, the date of the enactment of this Act shall be deemed to be the last day of each quarter of fiscal year 1985 for which reimbursement is claimed.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1762a, 3017, 3030g–22 of this title; title 7 section 1431e.

§ 3030b. Recapture of payments made for multipurpose senior centers

If, within 10 years after acquisition, or within 20 years after the completion of construction, of any facility for which funds have been paid under this subchapter—

(1) the owner of the facility ceases to be a public or nonprofit private agency or organization; or

(2) the facility ceases to be used for the purposes for which it was acquired (unless the Assistant Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so);

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

(Pub. L. 89–73, title III, § 312, as added Pub. L. 95–478, title I, § 103(b), Oct. 18, 1978, 92 Stat. 1534; amended Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

AMENDMENTS

1993—Par. (2). Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner''.

EFFECTIVE DATE

Section effective at close of Sept. 30, 1978, see section 504 of Pub. L. 95–478, set out as an Effective Date of 1978 Amendment note under section 3001 of this title.

§ 3030c. Audit; request for information

(a) The Assistant Secretary and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to a grant or contract received under this subchapter.

(b) State agencies and area agencies on aging shall not request information or data from providers which is not pertinent to services furnished pursuant to this chapter or a payment made for such services.

(Pub. L. 89–73, title III, § 313, as added Pub. L. 95–478, title I, § 103(b), Oct. 18, 1978, 92 Stat. 1535; amended Pub. L. 98–459, title III, § 311, Oct. 9, 1984, 98 Stat. 1779; Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner''.

1984—Pub. L. 98–459 designated existing provisions as subsec. (a) and added subsec. (b).

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

Section effective at close of Sept. 30, 1978, see section 504 of Pub. L. 95–478, set out as an Effective Date of 1978 Amendment note under section 3001 of this title.

§ 3030c–1. Rights relating to in-home services for frail older individuals

The Assistant Secretary shall require entities that provide in-home services under this subchapter to promote the rights of each older individual who receives such services. Such rights include the following:

(1) The right—

(A) to be fully informed in advance about each in-home service provided by such entity under this subchapter and about any change in such service that may affect the well-being of such individual; and

(B) to participate in planning and changing an in-home service provided under this subchapter by such entity unless such individual is judicially adjudged incompetent.

(2) The right to voice a grievance with respect to such service that is or fails to be so provided, without discrimination or reprisal as a result of voicing such grievance.

(3) The right to confidentiality of records relating to such individual.

(4) The right to have the property of such individual treated with respect.

(5) The right to be fully informed (orally and in writing), in advance of receiving an in-home service under this subchapter, of such individual's rights and obligations under this subchapter.

(Pub. L. 89–73, title III, § 314, as added Pub. L. 102–375, title III, § 311, Sept. 30, 1992, 106 Stat. 1237; amended Pub. L. 103–171, §§ 2(11), 3(a)(13), Dec. 2, 1993, 107 Stat. 1989, 1990.)

AMENDMENTS

1993—Pub. L. 103–171 struck out ''(a) PROMOTION.—'' before ''The Assistant'' and substituted ''Assistant Secretary'' for ''Commissioner''.

PART B—SUPPORTIVE SERVICES

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 3023, 3024, 3026, 3028, 3030g–22, 3035*l* of this title.

§ 3030d. Grants for supportive services

(a) The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 3027 of this title for any of the following supportive services:

(1) health (including mental health), education and training, welfare, informational, recreational, homemaker, counseling, or referral services;

(2) transportation services to facilitate access to supportive services or nutrition services, or both;

(3) services designed to encourage and assist older individuals to use the facilities and services (including information and assistance services) available to them, including language translation services to assist older individuals with limited-English speaking ability to obtain services under this subchapter;

(4) services designed (A) to assist older individuals to obtain adequate housing, including residential repair and renovation projects designed to enable older individuals to maintain their homes in conformity with minimum housing standards; (B) to adapt homes to meet the needs of older individuals who have physical disabilities; (C) to prevent unlawful entry into residences of older individuals, through the installation of security devices and through structural modifications or alterations of such residences; or (D) to receive applications from older individuals for housing under section 1701q of title 12;

(5) services designed to assist older individuals in avoiding institutionalization and to assist individuals in long-term care institutions who are able to return to their communities, including client assessment through case management and integration and coordination of community services such as preinstitution evaluation and screening and home health services, homemaker services, shopping services, escort services, reader services, and letter writing services, through resource development and management to assist such individuals to live independently in a home environment;

(6) services designed to provide to older individuals legal assistance and other counseling services and assistance, including—

(A) tax counseling and assistance, financial counseling, and counseling regarding appropriate health and life insurance coverage;

(B) representation—

(i) of individuals who are wards (or are allegedly incapacitated); and

(ii) in guardianship proceedings of older individuals who seek to become guardians, if other adequate representation is unavailable in the proceedings; and

(C) provision, to older individuals who provide uncompensated care to their adult children with disabilities, of counseling to assist such older individuals with permanency planning for such children;

(7) services designed to enable older individuals to attain and maintain physical and mental well-being through programs of regular physical activity, exercise, music therapy, art therapy, and dance-movement therapy;

(8) services designed to provide health screening to detect or prevent illnesses, or both, that occur most frequently in older individuals;

(9) services designed to provide, for older individuals, preretirement counseling and assistance in planning for and assessing future postretirement needs with regard to public and private insurance, public benefits, lifestyle changes, relocation, legal matters, leisure time, and other appropriate matters;

(10) services of an ombudsman at the State level to receive, investigate, and act on complaints by older individuals who are residents of long-term care facilities and to advocate for the well-being of such individuals;

(11) services which are designed to meet the unique needs of older individuals who are disabled, and of older individuals who provide uncompensated care to their adult children with disabilities;

(12) services to encourage the employment of older workers, including job and second career counseling and, where appropriate, job development, referral, and placement;

(13) crime prevention services and victim assistance programs for older individuals;

(14) a program, to be known as ''Senior Opportunities and Services'', designed to identify and meet the needs of low-income older individuals in one or more of the following areas: (A) development and provision of new volunteer services; (B) effective referral to existing health, employment, housing, legal, consumer, transportation, and other services; (C) stimulation and creation of additional services and programs to remedy gaps and deficiencies in presently existing services and programs; and (D) such other services as the Assistant Secretary may determine are necessary or especially appropriate to meet the needs of low-income older individuals and to assure them greater self-sufficiency;

(15) services for the prevention of abuse of older individuals in accordance with subpart III of part A of subchapter XI of this chapter and section 3027(a)(16) of this title;

(16) inservice training and State leadership for legal assistance activities;

(17) health and nutrition education services, including information concerning prevention, diagnosis, treatment, and rehabilitation of age-related diseases and chronic disabling conditions;

(18) services designed to enable mentally impaired older individuals to attain and maintain emotional well-being and independent living through a coordinated system of support services;

(19) services designed to support family members and other persons providing voluntary care to older individuals that need long-term care services;

(20) services designed to provide information and training for individuals who are or may become guardians or representative payees of older individuals, including information on the powers and duties of guardians and representative payees and on alternatives to guardianships;

(21) services to encourage and facilitate regular interaction between school-age children

and older individuals, including visits in long-term care facilities, multipurpose senior centers, and other settings; or

(22) any other services;

if such services meet standards prescribed by the Assistant Secretary and are necessary for the general welfare of older individuals. For purposes of paragraph (5), the term ''client assessment through case management'' includes providing information relating to assistive technology.

(b)(1) The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 3027 of this title for the acquisition, alteration, or renovation of existing facilities, including mobile units, and, where appropriate, construction of facilities to serve as multipurpose senior centers.

(2) Funds made available to a State under this part may be used for the purpose of assisting in the operation of multipurpose senior centers and meeting all or part of the costs of compensating professional and technical personnel required for the operation of multipurpose senior centers.

(Pub. L. 89–73, title III, § 321, as added Pub. L. 95–478, title I, § 103(b), Oct. 18, 1978, 92 Stat. 1535; amended Pub. L. 97–115, §§ 3(d), 10(a)–(c), Dec. 29, 1981, 95 Stat. 1597, 1600; Pub. L. 98–459, title III, § 312, Oct. 9, 1984, 98 Stat. 1779; Pub. L. 100–175, title I, §§ 136(d), 146(b), 182(m), Nov. 29, 1987, 101 Stat. 943, 950, 967; Pub. L. 102–375, title III, § 312, title VII, § 708(b), title IX, § 904(a)(15), Sept. 30, 1992, 106 Stat. 1237, 1292, 1308; Pub. L. 103–171, §§ 2(12), 3(a)(13), Dec. 2, 1993, 107 Stat. 1989, 1990.)

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–171, § 3(a)(13), substituted ''Assistant Secretary'' for ''Commissioner'' in introductory and concluding provisions and in par. (14).

Subsec. (a)(15). Pub. L. 103–171, § 2(12), which directed amendment of par. (15) by substituting ''subpart III of part A of subchapter XI of this chapter and section 3027(a)(16) of this title'' for ''clause (16) of section 3027(a) of this title'', was executed by making the substitution for ''paragraph (16) of section 3027(a) of this title'' to reflect the probable intent of Congress and amendment by Pub. L. 102–375, § 904(a)(15)(C). See 1992 Amendment note below.

Subsec. (b)(1). Pub. L. 103–171, § 3(a)(13), substituted ''Assistant Secretary'' for ''Commissioner''.

1992—Subsec. (a)(3). Pub. L. 102–375, § 312(1), (2), inserted ''(including information and assistance services)'' after ''and services'' and '', including language translation services to assist older individuals with limited-English speaking ability to obtain services under this subchapter'' before semicolon at end.

Subsec. (a)(4)(C). Pub. L. 102–375, § 904(a)(15)(A), substituted ''residences of older'' for ''residences of elderly''.

Subsec. (a)(4)(D). Pub. L. 102–375, § 312(3), added subpar. (D).

Subsec. (a)(6). Pub. L. 102–375, § 312(4), amended par. (6) generally. Prior to amendment, par. (6) read as follows: ''services designed to provide legal assistance and other counseling services and assistance, including tax counseling and assistance, financial counseling, and counseling regarding appropriate health and life insurance coverage, to older individuals;''.

Subsec. (a)(7). Pub. L. 102–375, § 312(5), substituted ''physical activity, exercise, music therapy, art therapy, and dance-movement therapy'' for ''physical activity and exercise''.

Subsec. (a)(9). Pub. L. 102–375, § 312(6), substituted '', for older individuals, preretirement counseling and assistance in planning for and assessing future post-retirement needs with regard to public and private insurance, public benefits, lifestyle changes, relocation, legal matters, leisure time, and other appropriate matters'' for ''preretirement and second career counseling for older individuals''.

Subsec. (a)(11). Pub. L. 102–375, § 312(7), inserted before semicolon at end '', and of older individuals who provide uncompensated care to their adult children with disabilities''.

Subsec. (a)(12). Pub. L. 102–375, § 312(8), inserted ''and second career'' after ''including job''.

Subsec. (a)(14). Pub. L. 102–375, § 904(a)(15)(B)(i), substituted ''low-income older individuals'' for ''older, poor individuals 60 years of age or older''.

Subsec. (a)(14)(D). Pub. L. 102–375, § 904(a)(15)(B)(ii), substituted ''low-income older individuals'' for ''the older poor''.

Subsec. (a)(15). Pub. L. 102–375, § 904(a)(15)(C), substituted ''paragraph'' for ''clause''.

Pub. L. 102–375, § 708(b), which directed the substitution of ''subpart III of part A of subchapter XI of this chapter and section 3027(a)(16) of this title'' for ''clause (16) of section 3027(a) of this title'' in par. (15) of this section could not be executed because this section does not contain a par. (15).

Subsec. (a)(17). Pub. L. 102–375, § 312(9), inserted before semicolon at end '', including information concerning prevention, diagnosis, treatment, and rehabilitation of age-related diseases and chronic disabling conditions''.

Subsec. (a)(19) to (22). Pub. L. 102–375, § 312(10)–(12), added pars. (19) to (21) and redesignated former par. (19) as (22).

1987—Subsec. (a). Pub. L. 100–175, § 146(b), inserted sentence at end defining ''client assessment through case management'' for purposes of par. (5).

Subsec. (a)(1). Pub. L. 100–175, § 136(d)(1), inserted ''(including mental health)'' after ''health''.

Subsec. (a)(4)(B). Pub. L. 100–175, § 136(d)(2), substituted ''who have physical disabilities'' for ''suffering from physical disabilities''.

Subsec. (a)(10). Pub. L. 100–175, § 182(m), inserted ''for'' after ''advocate''.

1984—Subsec. (a)(5). Pub. L. 98–459, § 312(a)(1), in amending par. (5) generally, substituted ''services designed to assist older individuals in avoiding institutionalization and to assist individuals in long-term care institutions who are able to return to their communities, including client assessment through case management and integration and coordination of community services such as'' for ''services designed to assist older individuals in avoiding institutionalization, including'' and ''and letter writing services, through resource development and management to assist such individuals to live'' for ''letter writing services, and other similar services designed to assist such individuals to continue living''.

Subsec. (a)(6). Pub. L. 98–459, § 312(a)(2), substituted ''legal assistance'' for ''legal services'' and '', financial counseling, and counseling regarding appropriate health and life insurance coverage'' for ''and financial counseling''.

Subsec. (a)(8). Pub. L. 98–459, § 312(a)(3), substituted ''illnesses'' for ''illness''.

Subsec. (a)(15) to (19). Pub. L. 98–459, § 312(a)(4)–(6), added pars. (15) to (18) and redesignated former par. (15) as (19).

Subsec. (b)(1). Pub. L. 98–459, § 312(b)(1), struck out provision that senior centers had to be community facilities for the organization and provision of a broad spectrum of services, including provision of health, social, nutritional, and educational services and provision of facilities for recreational activities for older individuals.

Subsec. (b)(2). Pub. L. 98–459, § 312(b)(2), struck out the comma after ''may be used'' and substituted ''centers and meeting'' for ''centers, to meet''.

1981—Subsec. (a). Pub. L. 97–115, § 3(d), substituted ''supportive services'' for ''social services'' in provisions preceding par. (1).

Subsec. (a)(1). Pub. L. 97–115, § 10(a), substituted ''education and training'' for ''continuing education''.

Subsec. (a)(2). Pub. L. 97–115, § 3(d), substituted ''supportive services'' for ''social services''.

Subsec. (a)(4). Pub. L. 97–115, § 10(b), designated existing provisions as cls. (A) and (B) and added cl. (C).

Subsec. (a)(12) to (15). Pub. L. 97–115, § 10(c), added pars. (12) to (14) and redesignated former par. (12) as (15).

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by section 708(b) 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(b) 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.

EFFECTIVE DATE

Part effective at close of Sept. 30, 1978, see section 504 of Pub. L. 95–478, set out as an Effective Date of 1978 Amendment note under section 3001 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3002, 3035a of this title.

PART C—NUTRITION SERVICES

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 1766, 3016, 3024, 3027, 3028, 3030g–22, 3035*l*, 3057e of this title.

SUBPART I—CONGREGATE NUTRITION SERVICES

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 3016, 3017, 3023, 3028, 3030g–12 of this title.

§ 3030e. Grants for establishment and operation of nutrition projects

The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 3027 of this title for the establishment and operation of nutrition projects—

(1) which, 5 or more days a week (except in a rural area where such frequency is not feasible (as defined by the Assistant Secretary by regulation) and a lesser frequency is approved by the State agency), provide at least one hot or other appropriate meal per day and any additional meals which the recipient of a grant or contract under this subpart may elect to provide;

(2) which shall be provided in congregate settings; and

(3) which may include nutrition education services and other appropriate nutrition services for older individuals.

(Pub. L. 89–73, title III, § 331, as added Pub. L. 95–478, title I, § 103(b), Oct. 18, 1978, 92 Stat. 1536; amended Pub. L. 102–375, title III, § 313, Sept. 30, 1992, 106 Stat. 1238; Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

AMENDMENTS

1993—Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner'' in introductory provisions and par. (1).

1992—Par. (1). Pub. L. 102–375 inserted ''(except in a rural area where such frequency is not feasible (as defined by the Commissioner by regulation) and a lesser frequency is approved by the State agency)'' after ''week'' and struck out before semicolon at end '', each of which assures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Sciences-National Research Council''.

EFFECTIVE DATE

Subpart effective at close of Sept. 30, 1978, see section 504 of Pub. L. 95–478, set out as an Effective Date of 1978 Amendment note under section 3001 of this title.

NUTRITION PROJECTS FOR ELDERLY UNDER PRIOR PROVISIONS, QUALIFIED UNDER SUCCESSOR PROVISIONS, ELIGIBLE FOR FUNDS UNDER SUCH PROVISIONS; DISCONTINUANCE OF PAYMENTS FOR INEFFECTIVE ACTIVITIES

Operation of predecessor projects under successor provisions, see section 501(b) of Pub. L. 95–478, set out as a note under section 3045 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3017 of this title.

SUBPART II—HOME DELIVERED NUTRITION SERVICES

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 3016, 3017, 3023, 3027, 3028 of this title.

§ 3030f. Grants for establishment and operation of nutrition projects for older individuals

The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 3027 of this title for the establishment and operation of nutrition projects for older individuals which, 5 or more days a week (except in a rural area where such frequency is not feasible (as defined by the Assistant Secretary by regulation) and a lesser frequency is approved by the State agency), provide at least one home delivered hot, cold, frozen, dried, canned, or supplemental foods (with a satisfactory storage life) meal per day and any additional meals which the recipient of a grant or contract under this subpart may elect to provide.

(Pub. L. 89–73, title III, § 336, as added Pub. L. 95–478, title I, § 103(b), Oct. 18, 1978, 92 Stat. 1536; amended Pub. L. 102–375, title III, § 314, Sept. 30, 1992, 106 Stat. 1238; Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

AMENDMENTS

1993—Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner'' in two places.

1992—Pub. L. 102–375 inserted ''(except in a rural area where such frequency is not feasible (as defined by the Commissioner by regulation) and a lesser frequency is approved by the State agency)'' after ''week'' and

struck out before period at end ", each of which assures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Sciences-National Research Council".

EFFECTIVE DATE

Subpart effective at close of Sept. 30, 1978, see section 504 of Pub. L. 95–478, set out as an Effective Date of 1978 Amendment note under section 3001 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3017, 3027, 3030g of this title; title 31 section 3803.

§ 3030g. Efficiency and quality criteria

The Assistant Secretary, in consultation with organizations of and for the aged, blind, and disabled, and with representatives from the American Dietetic Association, the Dietary Managers Association, the National Association of Area Agencies on Aging, the National Association of Nutrition and Aging Services Programs, the National Association of Meals Programs, Incorporated, and any other appropriate group, shall develop minimum criteria of efficiency and quality for the furnishing of home delivered meal services for projects described in section 3030f of this title. The criteria required by this section shall take into account the ability of established home delivered meals programs to continue such services without major alteration in the furnishing of such services.

(Pub. L. 89–73, title III, § 337, as added Pub. L. 95–478, title I, § 103(b), Oct. 18, 1978, 92 Stat. 1536; amended Pub. L. 97–115, § 10(e), Dec. 29, 1981, 95 Stat. 1601; Pub. L. 100–175, title I, § 182(n), Nov. 29, 1987, 101 Stat. 967; Pub. L. 102–375, title III, § 315, Sept. 30, 1992, 106 Stat. 1239; Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

AMENDMENTS

1993—Pub. L. 103–171 substituted "Assistant Secretary" for "Commissioner".

1992—Pub. L. 102–375 inserted "the Dietary Managers Association," after "Dietetic Association,".

1987—Pub. L. 100–175 substituted "National Association of Area Agencies" for "Association of Area Agencies".

1981—Pub. L. 97–115 substituted "National Association of Nutrition and Aging Services Programs" for "National Association of Title VII Project Directors".

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.

SUBPART III—SCHOOL-BASED MEALS FOR VOLUNTEER OLDER INDIVIDUALS AND MULTIGENERATIONAL PROGRAMS

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 3016, 3017, 3023, 3035a of this title.

§ 3030g–11. Establishment

(a) In general

The Assistant Secretary shall establish and carry out, under State plans approved under section 3027 of this title, a program for making grants to States to pay for the Federal share of establishing and operating projects in public elementary and secondary schools (including elementary and secondary schools for Indian children operated with Federal assistance, or operated by the Department of the Interior, and referred to in section 2711(d)(2)[1] of title 20[2] that—

(1) provide hot meals, each of which ensures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences, to volunteer older individuals—

(A) while such schools are in session;

(B) during the summer; and

(C) unless waived by the State involved, on the weekdays in the school year when such schools are not in session;

(2) provide multigenerational activities in which volunteer older individuals and students interact;

(3) provide social and recreational activities for volunteer older individuals;

(4) develop skill banks that maintain and make available to school officials information on the skills and preferred activities of volunteer older individuals, for purposes of providing opportunities for such individuals to serve as tutors, teacher aides, living historians, special speakers, playground supervisors, lunchroom assistants, and in other roles; and

(5) provide opportunities for volunteer older individuals to participate in school activities (such as classes, dramatic programs, and assemblies) and use school facilities.

(b) Federal share

The Federal share of the cost of establishing and operating nutrition and multigenerational activities projects under this subpart shall be 85 percent.

(Pub. L. 89–73, title III, § 338, as added Pub. L. 102–375, title III, § 316(a), Sept. 30, 1992, 106 Stat. 1239; amended Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

REFERENCES IN TEXT

Section 2711(d)(2) of title 20, referred to in subsec. (a), was in the original "section 1005(d)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711(d)(2))", Pub. L. 89–10, and was omitted in the general amendment of that Act by Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3519. See section 6311 et seq. of Title 20, Education.

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–171 substituted "Assistant Secretary" for "Commissioner".

EFFECTIVE DATE

Subpart inapplicable with respect to fiscal year 1992, see section 905(b)(2) of Pub. L. 102–375, set out as an Effective Date of 1992 Amendment note under section 3001 of this title.

[1] See References in Text note below.

[2] So in original. Probably should be followed by a closing parenthesis.

§ 3030g–12. Application and selection of providers

(a) Contents of application

To be eligible to carry out a project under the program established under this subpart, an entity shall submit an application to a State agency. Such application shall include—

(1) a plan describing the project proposed by the applicant and comments on such plan from the appropriate area agency on aging and the appropriate local educational agency (as defined in section 8801 of title 20);

(2) an assurance that the entity shall pay not more than 85 percent of the cost of carrying out such project from funds awarded under this subpart;

(3) an assurance that the entity shall pay not less than 15 percent of such cost, in cash or in kind, from non-Federal sources;

(4) information demonstrating the need for such project, including a description of—

(A) the nutrition services and other services currently provided under this part in the geographic area to be served by such project; and

(B) the manner in which the project will be coordinated with such services; and

(5) such other information and assurances as the Assistant Secretary may require by regulation.

(b) Selection among applicants

In selecting grant recipients from among entities that submit applications under subsection (a) of this section for a fiscal year, the State agency shall—

(1) give first priority to entities that carried out a project under this subpart in the preceding fiscal year;

(2) give second priority to entities that carried out a nutrition project under subpart I of this part or subchapter X of this chapter in the preceding fiscal year; and

(3) give third priority to entities whose applications include a plan that involves a school with greatest need (as measured by the dropout rate, the level of substance abuse, and the number of children who have limited-English proficiency or who participate in programs under section 6314 of title 20).

(Pub. L. 89–73, title III, § 338A, as added Pub. L. 102–375, title III, § 316(a), Sept. 30, 1992, 106 Stat. 1240; amended Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990; Pub. L. 103–382, title III, § 391(r)(1), Oct. 20, 1994, 108 Stat. 4024.)

AMENDMENTS

1994—Subsec. (a)(1). Pub. L. 103–382, § 391(r)(1)(A), substituted ''section 8801 of title 20'' for ''section 2891 of title 20''.

Subsec. (b)(3). Pub. L. 103–382, § 391(r)(1)(B), substituted ''programs under section 6314 of title 20'' for ''projects under section 2725 of title 20''.

1993—Subsec. (a)(5). Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner''.

§ 3030g–13. Reports

(a) Reports by States

Not later than 60 days after the end of a fiscal year for which a State receives a grant under this subpart, such State shall submit to the Assistant Secretary a report evaluating the projects carried out under this subpart by such State in such fiscal year. Such report shall include for each project—

(1) a description of—

(A) persons served;

(B) multigenerational activities carried out; and

(C) additional needs of volunteer older individuals and students; and

(2) recommendations for any appropriate modifications to satisfy the needs described in paragraph (1)(C).

(b) Reports by Assistant Secretary

Not later than 120 days after the end of a fiscal year for which funds are appropriated to carry out this subpart, the Assistant Secretary shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report summarizing, with respect to each State, the reports submitted under subsection (a) of this section for such fiscal year.

(Pub. L. 89–73, title III, § 338B, as added Pub. L. 102–375, title III, § 316(a), Sept. 30, 1992, 106 Stat. 1240; amended Pub. L. 103–171, § 3(a)(11), (13), Dec. 2, 1993, 107 Stat. 1990.)

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–171, § 3(a)(13), substituted ''Assistant Secretary'' for ''Commissioner''.

Subsec. (b). Pub. L. 103–171, § 3(a)(11), (13), substituted ''Assistant Secretary'' for ''Commissioner'' in heading and text.

SUBPART IV—GENERAL PROVISIONS

§ 3030g–21. Compliance with dietary guidelines

A State that establishes and operates a nutrition project under this part shall ensure that the meals provided through the project—

(1) comply with the Dietary Guidelines for Americans, published by the Secretary and the Secretary of Agriculture; and

(2) provide to each participating older individual—

(A) a minimum of 33⅓ percent of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences, if the project provides 1 meal per day;

(B) a minimum of 66⅔ percent of the allowances if the project provides 2 meals per day; and

(C) 100 percent of the allowances if the project provides 3 meals per day.

(Pub. L. 89–73, title III, § 339, as added Pub. L. 102–375, title III, § 317, Sept. 30, 1992, 106 Stat. 1241.)

EFFECTIVE DATE

Subpart inapplicable with respect to fiscal year 1993, see section 4(b) of Pub. L. 103–171, set out as an Effective Date of 1992 Amendment note under section 3001 of this title.

Subpart inapplicable with respect to fiscal year 1992, see section 905(b)(2) of Pub. L. 102–375, set out as an Effective Date of 1992 Amendment note under section 3001 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3017 of this title.

§ 3030g–22. Payment requirement

Payments made by a State agency or an area agency on aging for nutrition services (including meals) provided under part A, B, or C of this subchapter may not be reduced to reflect any increase in the level of assistance provided under section 3030a of this title.

(Pub. L. 89–73, title III, § 339A, as added Pub. L. 102–375, title III, § 317, Sept. 30, 1992, 106 Stat. 1241.)

PART D—IN-HOME SERVICES FOR FRAIL OLDER INDIVIDUALS

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 3023, 3026, 3030r, 3035a of this title.

§ 3030h. Program authorized

(a) The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 3027 of this title to provide in-home services to frail older individuals, including in-home supportive services for older individuals who are victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction, and to the families of such victims.

(b) In carrying out the provisions of this part, each area agency on aging shall coordinate with other community agencies and voluntary organizations providing counseling and training for family caretakers and support service personnel in management of care, functional and needs assessment services, assistance with locating, arranging for, and coordinating services, case management, and counseling prior to admission to nursing home to prevent premature institutionalization.

(Pub. L. 89–73, title III, § 341, as added Pub. L. 100–175, title I, § 140(d), Nov. 29, 1987, 101 Stat. 945; amended Pub. L. 102–375, title I, § 102(b)(6), (10)(C), Sept. 30, 1992, 106 Stat. 1201, 1202; Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner''.

1992—Subsec. (b). Pub. L. 102–375 substituted ''area agency on aging'' for ''area agency'' and ''caretakers'' for ''caregivers''.

EFFECTIVE DATE

Part 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 an Effective Date of 1987 Amendment note under section 3001 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3027 of this title.

§ 3030i. "In-home services" defined

For purposes of this part, the term ''in-home services'' includes—

(1) homemaker and home health aides;

(2) visiting and telephone reassurance;

(3) chore maintenance;

(4) in-home respite care for families, and adult day care as a respite service for families;

(5) minor modification of homes that is necessary to facilitate the ability of older individuals to remain at home and that is not available under other programs, except that not more than $150 per client may be expended under this part for such modification;

(6) personal care services; and

(7) other in-home services as defined—

(A) by the State agency in the State plan submitted in accordance with section 3027 of this title; and

(B) by the area agency on aging in the area plan submitted in accordance with section 3026 of this title.

(Pub. L. 89–73, title III, § 342, as added Pub. L. 100–175, title I, § 140(d), Nov. 29, 1987, 101 Stat. 945; amended Pub. L. 102–375, title I, § 102(b)(7), title III, § 318, Sept. 30, 1992, 106 Stat. 1201, 1241.)

AMENDMENTS

1992—Pub. L. 102–375 amended section catchline, struck out par. (1) designation, redesignated subpars (A) to (E) as pars. (1) to (5), respectively, and realigned their margins, struck out former par. (2) which defined ''frail'', and added pars. (6) and (7).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3027, 3030q, 3035n of this title.

§ 3030j. State criteria

The State agency shall develop eligibility criteria for providing in-home services to frail older individuals which shall take into account—

(1) age;

(2) greatest economic need;

(3) noneconomic factors contributing to the frail condition; and

(4) noneconomic and nonhealth factors contributing to the need for such services.

(Pub. L. 89–73, title III, § 343, as added Pub. L. 100–175, title I, § 140(d), Nov. 29, 1987, 101 Stat. 945.)

§ 3030k. Maintenance of effort

Funds made available under this part shall be in addition to, and may not be used to supplant, any funds that are or would otherwise be expended under any Federal, State, or local law by a State or unit of general purpose local government (including area agencies on aging which have in their planning and services areas existing services which primarily serve older individuals who are victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction, and the families of such victims).

(Pub. L. 89–73, title III, § 344, as added Pub. L. 100–175, title I, § 140(d), Nov. 29, 1987, 101 Stat. 946.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3030r of this title.

PART E—ADDITIONAL ASSISTANCE FOR SPECIAL NEEDS OF OLDER INDIVIDUALS

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 3023, 3026, 3027 of this title.

§ 3030*l*. Program authorized

The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 3027 of this title to provide services, consistent with the purpose of this subchapter, designed to satisfy special needs of older individuals. Such services include—

(1) transportation associated with services provided under this subchapter;

(2) outreach regarding such services;

(3) targeting such services to older individuals with greatest economic need or greatest social need;

(4) services under the ombudsman program established under subchapters III and XI of this chapter in accordance with section 3058g of this title; and

(5) any other service under this subchapter—

(A) for which the State demonstrates to satisfaction of the Assistant Secretary that there is unmet need; and

(B) which is appropriate to improve the quality of life of older individuals, particularly those with greatest economic need and those with greatest social need.

(Pub. L. 89–73, title III, § 351, as added Pub. L. 100–175, title I, § 141(d), Nov. 29, 1987, 101 Stat. 946; amended Pub. L. 102–375, title VII, § 708(a)(2)(C), Sept. 30, 1992, 106 Stat. 1292; Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

AMENDMENTS

1993—Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner'' in introductory provisions and par. (5)(A).

1992—Par. (4). Pub. L. 102–375 substituted ''subchapters III and XI of this chapter in accordance with section 3058g of this title'' for ''section 3027(a)(12) of this title''.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by 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 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

Section 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 an Effective Date of 1987 Amendment note under section 3001 of this title.

PART F—DISEASE PREVENTION AND HEALTH PROMOTION SERVICES

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 3023, 3026, 3035a of this title.

§ 3030m. Program authorized

(a) Grants to States

The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 3027 of this title to provide disease prevention and health promotion services and information at multipurpose senior centers, at congregate meal sites, through home delivered meals programs, or at other appropriate sites. In carrying out such program, the Assistant Secretary shall consult with the Directors of the Centers for Disease Control and Prevention and the National Institute on Aging.

(b) Community organizations and agencies

The Assistant Secretary shall, to the extent possible, assure that services provided by other community organizations and agencies are used to carry out the provisions of this part.

(Pub. L. 89–73, title III, § 361, as added Pub. L. 100–175, title I, § 143(c), Nov. 29, 1987, 101 Stat. 947; amended Pub. L. 102–375, title III, § 319(a), Sept. 30, 1992, 106 Stat. 1241; Pub. L. 103–171, §§ 2(13), 3(a)(13), Dec. 2, 1993, 107 Stat. 1989, 1990.)

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–171, §§ 2(13), 3(a)(13), substituted ''Assistant Secretary'' for ''Commissioner'' in two places and inserted ''and Prevention'' after ''Control''.

Subsec. (b). Pub. L. 103–171, § 3(a)(13), substituted ''Assistant Secretary'' for ''Commissioner''.

1992—Subsec. (a). Pub. L. 102–375, § 319(a)(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ''The Commissioner shall carry out a program for making grants to States under State plans approved under section 3027 of this title for periodic preventive health services to be provided at senior centers or alternative sites as appropriate.''

Subsecs. (b), (c). Pub. L. 102–375, § 319(a)(2), (3), redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows: ''Preventive health services under this part may not include services eligible for reimbursement under Medicare.''

EFFECTIVE DATE

Part 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 an Effective Date of 1987 Amendment note under section 3001 of this title.

§ 3030n. Distribution to area agencies on aging

The State agency shall give priority, in carrying out this part, to areas of the State—

(1) which are medically underserved; and

(2) in which there are a large number of older individuals who have the greatest economic need for such services.

(Pub. L. 89–73, title III, § 362, as added Pub. L. 100–175, title I, § 143(c), Nov. 29, 1987, 101 Stat. 948; amended Pub. L. 102–375, title I, § 102(b)(10)(G), Sept. 30, 1992, 106 Stat. 1202.)

AMENDMENTS

1992—Pub. L. 102–375 substituted ''area agencies on aging'' for ''area agencies'' in section catchline.

§ 3030*o*. "Disease prevention and health promotion services" defined

As used in this part, the term ''disease prevention and health promotion services'' means—

(1) health risk assessments;

(2) routine health screening, which may include hypertension, glaucoma, cholesterol, cancer, vision, hearing, diabetes, and nutrition screening;

(3) nutritional counseling and educational services for individuals and their primary caregivers;

(4) health promotion programs, including programs relating to chronic disabling conditions (including osteoporosis and cardiovascular disease) prevention and reduction of effects, alcohol and substance abuse reduction, smoking cessation, weight loss and control, and stress management;

(5) programs regarding physical fitness, group exercise, and music, art, and dance-movement therapy, including programs for multigenerational participation that are provided by—

(A) an institution of higher education;

(B) a local educational agency, as defined in section 8801 of title 20; or

(C) a community-based organization;

(6) home injury control services, including screening of high-risk home environments and provision of educational programs on injury prevention (including fall and fracture prevention) in the home environment;

(7) screening for the prevention of depression, coordination of community mental health services, provision of educational activities, and referral to psychiatric and psychological services;

(8) educational programs on the availability, benefits, and appropriate use of preventive health services covered under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(9) medication management screening and education to prevent incorrect medication and adverse drug reactions;

(10) information concerning diagnosis, prevention, treatment, and rehabilitation of age-related diseases and chronic disabling conditions, including osteoporosis, cardiovascular diseases, and Alzheimer's disease and related disorders with neurological and organic brain dysfunction;

(11) gerontological counseling; and

(12) counseling regarding social services and followup health services based on any of the services described in paragraphs (1) through (11).

The term shall not include services for which payment may be made under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(Pub. L. 89–73, title III, § 363, as added Pub. L. 100–175, title I, § 143(c), Nov. 29, 1987, 101 Stat. 948; amended Pub. L. 102–375, title III, § 319(b), Sept. 30, 1992, 106 Stat. 1242; Pub. L. 103–382, title III, § 391(r)(2), Oct. 20, 1994, 108 Stat. 4024.)

REFERENCES IN TEXT

The Social Security Act, referred to in text, is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title XVIII of the Act is classified generally to subchapter XVIII (§ 1395 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

AMENDMENTS

1994—Par. (5)(B). Pub. L. 103–382 substituted ''section 8801 of title 20'' for ''section 2891 of title 20''.

1992—Pub. L. 102–375 amended section generally. Prior to amendment, section read as follows: ''For the purpose of this part and section 3027 of this title the term 'preventive health services' means—

''(1) routine health screening, which may include hypertension, glaucoma, cholesterol, cancer, vision and hearing screening;

''(2) group exercise programs;

''(3) home injury control services, including screening of high-risk home environments and educational programs on injury protection in the home environment;

''(4) nutritional counseling and educational services;

''(5) screening for the prevention of depression, coordination of community mental health services, educational activities, and referral to psychiatric and psychological services;

''(6) educational programs on the benefits and limitations of Medicare and various supplemental insurance coverage, including individual policy screening and health insurance-needs counseling; and

''(7) counseling regarding followup health services based on any of the services provided for above.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3035a of this title.

PART G—SUPPORTIVE ACTIVITIES FOR CARETAKERS WHO PROVIDE IN-HOME SERVICES TO FRAIL OLDER INDIVIDUALS

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 3023, 3026, 3027 of this title.

§ 3030p. Program authorized

The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 3027 of this title to carry out a program to provide supportive activities for caretakers who provide in-home services to frail older individuals (including older individuals who are victims of Alzheimer's disease or related disorders with neurological and organic brain dysfunction). Such supportive activities may include—

(1) providing training and counseling for such caretakers;

(2) technical assistance to such caretakers to assist them to form or to participate in support groups;

(3) providing information—

(A) to frail older individuals and their families regarding how to obtain in-home services and respite services; and

(B) to caretakers who provide such services, regarding—

(i) how to provide such services; and

(ii) sources of nonfinancial support available to them as a result of their providing such services; and

(4) maintaining lists of individuals who provide respite services for the families of frail older individuals.

(Pub. L. 89–73, title III, § 381, as added Pub. L. 102–375, title III, § 320, Sept. 30, 1992, 106 Stat. 1243; amended Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

PRIOR PROVISIONS

A prior section 3030p, Pub. L. 89–73, title III, § 371, as added Pub. L. 100–175, title I, § 144(e), Nov. 29, 1987, 101 Stat. 949, authorized program for prevention of abuse, neglect and exploitation of older individuals, prior to the general amendment of this part by section 320 of Pub. L. 102–375.

AMENDMENTS

1993—Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner'' in introductory provisions.

EFFECTIVE DATE

Part inapplicable with respect to fiscal year 1992, see section 905(b)(2) of Pub. L. 102–375, set out as an Effective Date of 1992 Amendment note under section 3001 of this title.

§ 3030q. "In-home services" defined

For purposes of this part, the term ''in-home services'' has the meaning given such term in section 3030i of this title.

(Pub. L. 89–73, title III, § 382, as added Pub. L. 102–375, title III, § 320, Sept. 30, 1992, 106 Stat. 1243.)

§ 3030r. Maintenance of effort

Section 3030k of this title shall apply with respect to funds made available under this part, in the same manner as such section applies to funds made available under part D of this subchapter.

(Pub. L. 89–73, title III, § 383, as added Pub. L. 102–375, title III, § 320, Sept. 30, 1992, 106 Stat. 1243.)

SUBCHAPTER IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

CODIFICATION

Title IV of the Older Americans Act of 1965, comprising this subchapter, was originally enacted by Pub. L. 89–73, title IV, as added Pub. L. 93–29, title IV, § 401, May 3, 1973, 87 Stat. 45, and amended by Pub. L. 94–135, Nov. 28, 1975, 89 Stat. 717; Pub. L. 95–478, Oct. 18, 1978, 92 Stat. 1537. Such title is shown herein, however, as having been added by Pub. L. 97–115, § 11(a), Dec. 29, 1981, 95 Stat. 1601, or subsequent public law, without reference to such intervening amendments because of the extensive revision of the title's provisions by Pub. L. 97–115.

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 3012, 3017, 3023, 3030, 3056a of this title.

§ 3030aa. Statement of purpose

It is the purpose of this subchapter to expand the Nation's knowledge and understanding of aging and the aging process, to design and test innovative ideas in programs and services for older individuals, and publicly disseminate the results of the tests, to replicate such programs and services under this chapter, and to help meet the needs for trained personnel in the field of aging through—

(1) placing a priority on the education and training of personnel to work with and on behalf of older individuals, with special emphasis on minority individuals, low-income individuals, frail individuals, and individuals with disabilities;

(2) research and development of effective practices in the field of aging;

(3) demonstration projects directly related to the field of aging; and

(4) dissemination of information on aging and the aging process acquired through such programs to public and private organizations or programs for older individuals.

(Pub. L. 89–73, title IV, § 401, as added Pub. L. 98–459, title IV, § 401, Oct. 9, 1984, 98 Stat. 1780; amended Pub. L. 100–175, title I, § 151, Nov. 29, 1987, 101 Stat. 951; Pub. L. 102–375, title IV, § 401, Sept. 30, 1992, 106 Stat. 1243.)

PRIOR PROVISIONS

A prior section 401 of Pub. L. 89–73, title IV, as added Pub. L. 93–29, title IV, § 401, May 3, 1973, 87 Stat. 45; amended Pub. L. 95–478, title I, § 104(a)(1), Oct. 18, 1973, 92 Stat. 1537, related to the Congressional statement of purpose in developing and implementing a national manpower policy for the field of aging and was classified to section 3031 of this title, prior to the general amendment of this subchapter by Pub. L. 97–115.

Another prior section 401 of Pub. L. 89–73, title IV, July 14, 1965, 79 Stat. 224; Pub. L. 90–42, § 5(b), July 1, 1967, 81 Stat. 107; Pub. L. 91–69, § 7, Sept. 17, 1969, 83 Stat. 111, related to description of activities and was classified to section 3031 of this title, prior to repeal by Pub. L. 93–29, title IV, § 401, May 3, 1973, 87 Stat. 45.

AMENDMENTS

1992—Pub. L. 102–375 inserted ''and publicly disseminate the results of the tests, to replicate such programs and services under this chapter,'' after ''individuals,'' in introductory provisions.

1987—Par. (1). Pub. L. 100–175 inserted '', with special emphasis on minority individuals, low-income individuals, frail individuals, and individuals with disabilities'' before semicolon at end.

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

Section effective Oct. 9, 1984, see section 803(a) of Pub. L. 98–459, set out as an Effective Date of 1984 Amendment note under section 3001 of this title.

§ 3030bb. Administration

(a) Administration

In order to carry out the provisions of this subchapter effectively, the Assistant Secretary shall administer this subchapter through the Administration.

(b) Technical assistance and cooperation

In carrying out the provisions of this subchapter, the Assistant Secretary may request the technical assistance and cooperation of the Department of Education, the National Institutes of Health, the Department of Veterans Affairs, the Substance Abuse and Mental Health Services Administration, and such other agencies and departments of the Federal Government as may be appropriate.

(c) Minorities

The Assistant Secretary shall ensure that grants and contracts under this subchapter are equitably awarded to agencies, organizations, and institutions representing minorities.

(d) Consultation

The Assistant Secretary shall, in developing priorities, consistent with the requirements of this subchapter, for awarding grants and entering into contracts under this subchapter, consult annually with State agencies, area agencies on aging, recipients of grants under subchapter

X of this chapter, institutions of higher education, organizations representing beneficiaries of services under this chapter, and other organizations, and individuals, with expertise in aging issues.

(e) Evaluation and compliance

The Assistant Secretary shall ensure that grants and contracts awarded under this subchapter—

(1) are evaluated for their benefit to older individuals, and to programs under this chapter; and

(2) comply with the requirements under this chapter.

(Pub. L. 89–73, title IV, § 402, as added Pub. L. 98–459, title IV, § 401, Oct. 9, 1984, 98 Stat. 1781; amended Pub. L. 100–175, title I, §§ 104(d), 105(d), 134(c)(1), Nov. 29, 1987, 101 Stat. 930, 941; Pub. L. 102–54, § 13(q)(9)(C), June 13, 1991, 105 Stat. 281; Pub. L. 102–321, title I, § 163(c)(2)(C), July 10, 1992, 106 Stat. 377; Pub. L. 102–375, title I, § 102(b)(1)(A), title IV, § 402, title IX, § 904(a)(16), Sept. 30, 1992, 106 Stat. 1200, 1244, 1308; Pub. L. 103–171, §§ 2(14), 3(a)(13), Dec. 2, 1993, 107 Stat. 1989, 1990.)

PRIOR PROVISIONS

A prior section 402 of Pub. L. 89–73, title IV, as added Pub. L. 93–29, title IV, § 401, May 3, 1973, 87 Stat. 45; amended Pub. L. 95–478, title I, § 104(a)(2), Oct. 18, 1978, 92 Stat. 1537, related to appraisal and assessment of personnel needs of field of aging and was classified to section 3032 of this title, prior to the general amendment of this subchapter by Pub. L. 97–115.

Another prior section 402 of Pub. L. 89–73, title IV, July 14, 1965, 79 Stat. 224, related to payments of grants, providing in: subsec. (a) for contribution by recipients; subsec. (b) adjustments, advances or reimbursement, installments and conditions; and subsec. (c) consultation of Secretary with State agency prior to making grants or contracts and was classified to section 3032 of this title, prior to repeal by Pub. L. 93–29, title IV, § 401, May 3, 1973, 87 Stat. 45.

AMENDMENTS

1993—Pub. L. 103–171, § 3(a)(13), substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing.

Subsec. (b). Pub. L. 103–171, § 2(14), which directed the amendment of subsec. (b) by substituting ''Substance Abuse and Mental Health Services Administration'' for ''Alcohol, Drug Abuse, and Mental Health Administration'' could not be executed because the words ''Alcohol, Drug Abuse, and Mental Health Administration'' did not appear in text subsequent to the amendment by Pub. L. 102–321. See 1992 Amendment note below.

1992—Subsec. (a). Pub. L. 102–375, § 102(b)(1)(A), substituted ''Administration'' for ''Administration on Aging''.

Subsec. (b). Pub. L. 102–375, § 904(a)(16), substituted ''the Alcohol'' for ''Alcohol''.

Pub. L. 102–321 substituted ''the Substance Abuse and Mental Health Services Administration'' for ''the Alcohol, Drug Abuse, and Mental Health Administration''.

Subsecs. (d), (e). Pub. L. 102–375, § 402, added subsecs. (d) and (e).

1991—Subsec. (b). Pub. L. 102–54 substituted ''Department of Veterans Affairs'' for ''Veterans' Administration''.

1987—Subsec. (b). Pub. L. 100–175, §§ 104(d), 105(d), inserted references to the Veterans' Administration and the Alcohol, Drug Abuse, and Mental Health Administration.

Subsec. (c). Pub. L. 100–175, § 134(c)(1), added subsec. (c).

EFFECTIVE DATE OF 1992 AMENDMENTS

Amendment by Pub. L. 102–375 effective Sept. 30, 1992, see section 905(a) of Pub. L. 102–375, set out as a note under section 3001 of this title.

Amendment by Pub. L. 102–321 effective Oct. 1, 1992, see section 801(c) of Pub. L. 102–321, set out as a note under section 236 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

Section effective Oct. 9, 1984, see section 803(a) of Pub. L. 98–459, set out as an Effective Date of 1984 Amendment note under section 3001 of this title.

PART A—EDUCATION AND TRAINING

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 3012 of this title.

§ 3030jj. Purpose

The purpose of this part is to improve the quality of service and to help meet critical shortages of adequately trained personnel for programs in the field of aging by—

(1) identifying both short- and long-range manpower needs in the field of aging;

(2) providing a broad range of educational and training opportunities to meet those needs;

(3) attracting a greater number of qualified personnel, with particular emphasis on attracting minority individuals, into the field of aging;

(4) helping to upgrade personnel training programs to make them more responsive to the need in the field of aging; and

(5) establishing and supporting multidisciplinary centers of gerontology (including centers of gerontology to improve, enhance, and expand minority personnel and training programs) and providing special emphasis that will improve, enhance, and expand existing training programs.

(Pub. L. 89–73, title IV, § 410, as added Pub. L. 98–459, title IV, § 402, Oct. 9, 1984, 98 Stat. 1781; amended Pub. L. 100–175, title I, § 134(c)(2), Nov. 29, 1987, 101 Stat. 941; Pub. L. 102–375, title IV, § 403, Sept. 30, 1992, 106 Stat. 1244.)

AMENDMENTS

1992—Par. (3). Pub. L. 102–375 inserted '', with particular emphasis on attracting minority individuals,'' after ''qualified personnel''.

1987—Par. (5). Pub. L. 100–175 inserted ''(including centers of gerontology to improve, enhance, and expand minority personnel and training programs)'' after ''gerontology''.

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

Section effective Oct. 9, 1984, see section 803(a) of Pub. L. 98–459, set out as an Effective Date of 1984 Amendment note under section 3001 of this title.

§ 3031. Grants and contracts

(a) Purposes

The Assistant Secretary shall make grants and enter into contracts to achieve the purpose of this part. The purposes for which such grants and contracts shall be made include the following:

(1) To provide comprehensive and coordinated nondegree education, training programs, and curricula at institutions of higher education and at other research, training, or educational organizations, for practitioners in the fields of nutrition, health (including mental health) care, gerontology, supportive services, housing, and long-term care, including the expansion and enhancement of existing inservice education and training programs.

(2) To provide inservice training opportunities to the personnel of State offices, area agencies on aging, senior centers, and nutrition and counseling programs to strengthen their capacity to remain responsive to the needs of older individuals, with special emphasis on using culturally sensitive practices.

(3) To provide courses on aging and the dissemination of information about aging to the public through institutions of higher education and other public and nonprofit private organizations and agencies.

(4) To provide in-service training opportunities and courses of instruction on aging to Indian tribes through public and nonprofit Indian aging organizations.

(5) To provide annually a national meeting to train directors of programs under subchapter X of this chapter.

(b) Educational activities; inservice training

To achieve the purpose of this subchapter, the Administration shall conduct both—

(1) long-term educational activities to prepare personnel for careers in the field of aging; and

(2) short-term inservice training and continuing education activities for State agency and area agency on aging personnel, and other personnel, in the field of aging or preparing to enter the field of aging.

(c) Recruitment and training of personnel; Alzheimer's disease and related disorders

In making grants and contracts under this part, the Assistant Secretary shall give special consideration to the recruitment and training of personnel, volunteers, and those individuals preparing for employment in that part of the field of aging which relates to providing services to individuals with disabilities and to individuals with Alzheimer's disease and related disorders with neurological and organic brain dysfunction and providing family respite services with respect to such individuals.

(d) Data on number of individuals to be trained and number of older individuals to be served

In making grants or contracts under this part, the Assistant Secretary shall ensure that all projects and activities related to personnel training shall include specific data on the number of individuals to be trained and the number of older individuals to be served through such training activities by public and nonprofit agencies, State and area agencies on aging, institutions of higher education, and other organizations.

(e) Grants and contracts for training of service providers

From amounts appropriated under section 3037(b) of this title, the Assistant Secretary shall make grants and enter into contracts under this part to establish and carry out a program under which service providers (including family physicians, clergy, and other professionals) will receive training—

(1) comprised of—

(A) intensive training regarding normal aging, recognition of problems of older individuals, and communication with providers of mental health services; and

(B) advanced clinical training regarding means of assessing and treating the problems of older individuals;

(2) provided by—

(A) faculty and graduate students in programs of human development and family studies at an institution of higher education;

(B) mental health professionals; and

(C) nationally recognized consultants with expertise regarding the mental health problems of individuals residing in rural areas; and

(3) held in public hospitals throughout each State in which the program is carried out.

(Pub. L. 89–73, title IV, § 411, as added Pub. L. 97–115, § 11(a), Dec. 29, 1981, 95 Stat. 1601; amended Pub. L. 98–459, title IV, § 403, Oct. 9, 1984, 98 Stat. 1781; Pub. L. 100–175, title I, §§ 105(e)(1), 134(c)(3), 156(a), Nov. 29, 1987, 101 Stat. 930, 941, 954; Pub. L. 100–628, title VII, § 705(7), Nov. 7, 1988, 102 Stat. 3247; Pub. L. 102–375, title I, § 102(b)(1)(A), (10)(A), (H), title IV, § 404, Sept. 30, 1992, 106 Stat. 1200, 1202, 1244; Pub. L. 103–171, §§ 2(15), 3(a)(13), Dec. 2, 1993, 107 Stat. 1989, 1990.)

PRIOR PROVISIONS

A prior section 3031, Pub. L. 89–73, title IV, § 401, as added Pub. L. 93–29, title IV, § 401, May 3, 1973, 87 Stat. 45; amended Pub. L. 95–478, title I, § 104(a)(1), Oct. 18, 1973, 92 Stat. 1537, related to Congressional statement of purpose in developing and implementing a national manpower policy for the field of aging, prior to the general amendment of this subchapter by Pub. L. 97–115.

Another prior section 3031, Pub. L. 89–73, title IV, § 401, July 14, 1965, 79 Stat. 224; Pub. L. 90–42, § 5(b), July 1, 1967, 81 Stat. 107; Pub. L. 91–69, § 7, Sept. 17, 1969, 83 Stat. 111, related to description of activities, prior to repeal by Pub. L. 93–29, title IV, § 401, May 3, 1973, 87 Stat. 45.

A prior section 411 of Pub. L. 89–73, as added Pub. L. 93–29, title IV, § 401, May 3, 1973, 87 Stat. 47; amended Pub. L. 95–478, title I, § 104(b)(1), (2), title V, § 503(c)(3), Oct. 18, 1978, 92 Stat. 1538, 1539, related to grants and contracts and was classified to section 3035 of this title, prior to the general amendment of this subchapter by Pub. L. 97–115.

Provisions similar to those comprising this section were contained in sections 3033 and 3034 of this title prior to the general revision of this subchapter by Pub. L. 97–115.

AMENDMENTS

1993—Pub. L. 103–171, § 3(a)(13), substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing.

Subsec. (e). Pub. L. 103–171, § 2(15), substituted ''section 3037(b)'' for ''3037(b)''.

1992—Subsec. (a)(1). Pub. L. 102–375, § 404(a)(1), inserted ''gerontology,'' after ''(including mental health) care,''.

Subsec. (a)(2). Pub. L. 102–375, §§ 102(b)(10)(A), 404(a)(2), substituted ''area agencies on aging'' for ''area agencies'', inserted ''and counseling'' after ''nutrition'', and inserted before period at end '', with special emphasis on using culturally sensitive practices''.

Subsec. (a)(5). Pub. L. 102–375, § 404(a)(3), added par. (5).

Subsec. (b). Pub. L. 102–375, § 102(b)(1)(A), substituted ''Administration'' for ''Administration on Aging''.

Subsec. (b)(2). Pub. L. 102–375, § 102(b)(10)(H), substituted ''State agency and area agency on aging'' for ''State and area agency''.

Subsec. (e). Pub. L. 102–375, § 404(b), added subsec. (e).

1988—Subsec. (c). Pub. L. 100–628 substituted ''disease and'' for ''disease and and''.

1987—Subsec. (a)(1). Pub. L. 100–175, § 105(e)(1), inserted ''(including mental health)'' after ''health''.

Subsec. (a)(4). Pub. L. 100–175, § 134(c)(3), added par. (4).

Subsec. (c). Pub. L. 100–175, § 156(a), substituted ''services to individuals with disabilities and to individuals with'' for ''custodial and skilled care for older individuals who suffer from'' and ''and related disorders with neurological and organic brain dysfunction'' for ''other neurological and organic brain disorders of the Alzheimer's type''.

1984—Pub. L. 98–459 substituted provisions authorizing Commissioner to make grants and enter into contracts to achieve purposes of this part, and enumerating those purposes, with special consideration being given to recruitment and training of personnel for the care of patients suffering from Alzheimer's and related diseases, and requiring the inclusion in all projects and activities related to personnel training under this part of data on the number of individuals to be trained and the number of individuals to be served by such training for provisions which had authorized the Commissioner to make grants and enter into contracts to assist the Commissioner in recruiting persons to enter the field of aging, training volunteers and persons employed in or preparing for employment in the field of aging (including such stipends to persons participating in training programs as the Commissioner finds appropriate), technical assistance, and other activities related to such training.

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3037 of this title.

§ 3032. Multidisciplinary centers of gerontology and gerontology centers of special emphasis; establishment and support; requirements; data

(a) The Assistant Secretary may make grants to public and private nonprofit agencies, organizations, and institutions for the purpose of establishing or supporting multidisciplinary centers of gerontology, and gerontology centers of special emphasis (including emphasis on nutrition, employment, health (including mental health), disabilities (including severe disabilities), income maintenance, counseling services, supportive services and minority populations). Such centers shall conduct research and policy analysis and function as a technical resource for the Assistant Secretary, policymakers, service providers, and the Congress. Multidisciplinary centers of gerontology shall—

(1) recruit and train personnel;

(2) conduct basic and applied research directed toward the development of information related to aging;

(3) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges and universities;

(4) help to develop training programs in the field of aging at schools of public health, education, social work, and psychology, and other appropriate schools within colleges and universities;

(5) serve as a repository of information and knowledge on aging;

(6) provide consultation and information to public and voluntary organizations, including State agencies and area agencies on aging, which serve the needs of older individuals in planning and developing services provided under other provisions of this chapter; and

(7) if appropriate, provide information relating to assistive technology.

(b) Centers supported under this section shall provide data to the Assistant Secretary on the projects and activities for which funds are provided under this subchapter. Such data shall include the number of personnel trained, the number of older individuals served, the number of schools assisted, and other information that will facilitate achieving the objectives of this chapter.

(Pub. L. 89–73, title IV, § 412, as added Pub. L. 97–115, § 11(a), Dec. 29, 1981, 95 Stat. 1601; amended Pub. L. 98–459, title IV, § 404, Oct. 9, 1984, 98 Stat. 1782; Pub. L. 100–175, title I, §§ 105(e)(2), 134(c)(4), 146(c), 156(b), Nov. 29, 1987, 101 Stat. 930, 941, 950, 954; Pub. L. 102–375, title I, § 102(b)(10)(I), title IV, § 405, title IX, § 904(a)(17), Sept. 30, 1992, 106 Stat. 1202, 1245, 1308; Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

PRIOR PROVISIONS

A prior section 3032, Pub. L. 89–73, title IV, § 402, as added Pub. L. 93–29, title IV, § 401, May 3, 1973, 87 Stat. 45; amended Pub. L. 95–478, title I, § 104(a)(2), Oct. 18, 1978, 92 Stat. 1537, related to appraisal and assessment of personnel needs of field of aging, prior to the general amendment of this subchapter by Pub. L. 97–115.

Another prior section 3032, Pub. L. 89–73, title IV, § 402, July 14, 1965, 79 Stat. 224, related to payments of grants, providing in: subsec. (a) for contribution by recipients; subsec. (b) adjustments, advances or reimbursement, installments and conditions; and subsec. (c) consultation of Secretary with State agency prior to making grants or contracts, prior to repeal by Pub. L. 93–29, title IV, § 401, May 3, 1973, 87 Stat. 45.

A prior section 412 of Pub. L. 89–73, as added Pub. L. 93–29, title IV, § 401, May 3, 1973, 87 Stat. 47, related to

special study and demonstration projects on transportation problems of older Americans and was classified to section 3035a of this title, prior to repeal by Pub. L. 95–478, title I, § 104(b)(3), Oct. 18, 1978, 92 Stat. 1539.

Provisions similar to those comprising section 3032 were contained in former section 3036 of this title prior to the general amendment of this subchapter by Pub. L. 97–115.

A prior section 3033, Pub. L. 89–73, title IV, § 403, as added Pub. L. 93–29, title IV, § 401, May 3, 1973, 87 Stat. 46; amended Pub. L. 94–135, title I, § 109, Nov. 28, 1975, 89 Stat. 717; Pub. L. 95–478, title I, § 104(a)(3), Oct. 18, 1978, 92 Stat. 1537, related to task of attracting qualified persons to field of aging, prior to the general amendment of this subchapter by Pub. L. 97–115.

AMENDMENTS

1993—Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing.

1992—Subsec. (a). Pub. L. 102–375, § 405(1), inserted ''counseling services,'' after ''maintenance,''.

Subsec. (a)(4). Pub. L. 102–375, § 405(2), inserted ''social work, and psychology,'' after ''education,''.

Subsec. (a)(6). Pub. L. 102–375, § 102(b)(10)(I), substituted ''State agencies and area agencies on aging'' for ''State and area agencies''.

Subsec. (b). Pub. L. 102–375, § 904(a)(17), substituted ''objectives'' for ''purposes''.

1987—Subsec. (a). Pub. L. 100–175, §§ 105(e), 134(c)(4), 156(b), substituted ''health (including mental health), disabilities (including severe disabilities), income maintenance, supportive services, and minority populations'' for ''health, income maintenance and supportive services''.

Subsec. (a)(7). Pub. L. 100–175, § 146(c), added par. (7).

1984—Pub. L. 98–459 designated existing provisions as subsec. (a), inserted provisions relating to emphasis on nutrition, employment, health, income maintenance and supportive services and provisions requiring the centers to conduct research and policy analysis and function as a technical resource for the Commissioner, policymakers, service providers, and the Congress, and added pars. (1) to (6) and subsec. (b).

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.

PART B—RESEARCH, DEMONSTRATIONS, AND OTHER ACTIVITIES

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 3012 of this title.

§ 3034. Purpose

The purpose of this part is to improve the quality and efficiency of programs serving older individuals through research and development projects, and demonstration projects, designed to—

(1) develop and synthesize knowledge about aging from multidisciplinary perspectives;

(2) establish an information base of data and practical experience;

(3) examine effective models of planning and practice that will improve or enhance services provided under other provisions of this chapter;

(4) evaluate the efficacy, quality, efficiency, and accessibility of programs and services for older individuals; and

(5) develop, implement, and evaluate innovative planning and practice strategies to address the needs, concerns, and capabilities of older individuals.

(Pub. L. 89–73, title IV, § 420, as added Pub. L. 98–459, title IV, § 405, Oct. 9, 1984, 98 Stat. 1783.)

PRIOR PROVISIONS

A prior section 3034, Pub. L. 89–73, title IV, § 404, as added Pub. L. 93–29, title IV, § 401, May 3, 1973, 87 Stat. 46; amended Pub. L. 94–135, title I, § 110, Nov. 28, 1975, 89 Stat. 718; Pub. L. 95–478, title I, § 104(a)(4), title V, § 503(c), Oct. 18, 1978, 92 Stat. 1538, 1559, provided for grants for training programs for personnel in field of aging, prior to the general amendment of this subchapter by Pub. L. 97–115.

EFFECTIVE DATE

Section effective Oct. 9, 1984, see section 803(a) of Pub. L. 98–459, set out as an Effective Date of 1984 Amendment note under section 3001 of this title.

§ 3035. Research and development projects

(a) Authority to make grants or enter into contracts

The Assistant Secretary may make grants to any public or nonprofit private agency, organization, or institution, and may enter into contracts with any agency, organization, institution, or individual to support research and development related to the objectives of this chapter, evaluation of the results of such research and development activities, and collection and dissemination of information concerning research findings, demonstration results, and other materials developed in connection with activities assisted under this subchapter, and conducting of conferences and other meetings for purposes of exchange of information and other activities related to the purpose of this subchapter. Appropriate provisions for the dissemination of resulting information shall be a requirement for all grants made under this section.

(b) Policy or practical application statement

Each research and development activity proposal for which funds are requested under subsection (a) of this section shall include a concise policy or practical application statement.

(c) Selection criteria

(1) The Assistant Secretary shall select, to the extent practicable, for assistance under subsection (a) of this section research activities which will, not later than three years after October 9, 1984, collectively—

(A) contribute to the establishment and maintenance of a demographic data base which contains information on the population of older individuals generally and older individuals categorized by age, sex, race, geographical location, and such other factors as the Assistant Secretary deems useful for the purpose of formulating public policy;

(B) identify the future needs of older individuals;

(C) identify the kinds and comprehensiveness of programs required to satisfy such needs; and

(D) identify the kinds and number of personnel required to carry out such programs.

(2) The Assistant Secretary shall select, to the extent practicable, for assistance under subsection (a) of this section demonstration projects which test research results and implement innovative ways of satisfying the needs of, and delivering services to, older individuals.

(Pub. L. 89–73, title IV, § 421, as added Pub. L. 97–115, § 11(a), Dec. 29, 1981, 95 Stat. 1601; amended Pub. L. 98–459, title IV, § 406, Oct. 9, 1984, 98 Stat. 1783; Pub. L. 102–375, title IX, § 904(a)(18), Sept. 30, 1992, 106 Stat. 1308; Pub. L. 103–171, §§ 2(16), 3(a)(13), Dec. 2, 1993, 107 Stat. 1989, 1990.)

PRIOR PROVISIONS

A prior section 3035, Pub. L. 89–73, title IV, § 411, as added Pub. L. 93–29, title IV, § 401, May 3, 1973, 87 Stat. 47; amended Pub. L. 95–478, title I, § 104(b)(1), (2), title V, § 503(c)(3), Oct. 18, 1978, 92 Stat. 1538, 1559, related to grants and contracts for research and development projects, prior to the general amendment of this subchapter by Pub. L. 97–115.

A prior section 421 of Pub. L. 89–73, as added by Pub. L. 95–478, title I, § 104(c)(1)(C), Oct. 18, 1978, 92 Stat. 1539, related to demonstration projects and was classified to section 3035b of this title, prior to the general amendment of this subchapter by Pub. L. 97–115.

Provisions similar to those comprising this section were contained in Pub. L. 89–73, title IV § 401, July 14, 1965, 79 Stat. 224; Pub. L. 90–42, § 5(b), July 1, 1967, 81 Stat. 107; Pub. L. 91–69, § 7, Sept. 17, 1969, 83 Stat. 111, which was classified to section 3031 of this title, prior to repeal by Pub. L. 93–29, title IV, § 401, May 3, 1973, 87 Stat. 45.

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–171, §§ 2(16), 3(a)(13), substituted ''Assistant Secretary'' for ''Commissioner'' and ''purpose'' for ''purposes'' before ''of this subchapter''.

Subsec. (c). Pub. L. 103–171, § 3(a)(13), substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing.

1992—Subsec. (a). Pub. L. 102–375, which directed the substitution of ''objectives'' for ''purposes'', was executed by making the substitution for the first reference to ''purposes''.

1984—Pub. L. 98–459 designated existing provisions as subsec. (a), inserted requirement that all grants made under this section include appropriate provisions for dissemination of resulting information, and added subsecs. (b) and (c).

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.

§ 3035a. Demonstration projects

(a) Authority to make grants or enter into contracts for model projects and for development of prototype health education and promotion programs

(1) The Assistant Secretary may, after consultation with the State agency in the State involved, make grants to any public agency or nonprofit private organization or enter into contracts with any agency or organization within such State for paying part or all of the cost of developing or operating nationwide, statewide, regional, metropolitan area, county, city, or community model projects which will demonstrate methods to improve or expand supportive services or nutrition services or otherwise promote the well-being of older individuals. The Assistant Secretary shall give special consideration to the funding of rural area agencies on aging to conduct model projects devoted to the special needs of older individuals residing in rural areas. Such projects shall include alternative health care delivery systems, advocacy and outreach programs, and transportation services.

(2) The Assistant Secretary may, after consultation with the State agency in the State involved, make grants to or enter into contracts with public or private institutions of higher education having graduate programs with capability in public health, the medical sciences, psychology, pharmacology, nursing, social work, health education, nutrition, or gerontology, for the purpose of designing and developing prototype health education and promotion programs for the use of State and area agencies on aging in implementing disease prevention and health promotion programs (including coordinated multidisciplinary research projects on the aging process).

(b) Projects which are to be given special consideration

In making grants and contracts under subsection (a)(1) of this section, the Assistant Secretary shall give special consideration to projects designed to—

(1) meet the supportive services needs of older individuals who are victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction and their families, including—

(A) home health care for such victims;

(B) adult day health care for such victims; and

(C) homemaker aides, transportation, and in-home respite care for the families, particularly spouses, of such victims;

(2) meet the special health care needs of older individuals, including—

(A) the location of older individuals who are in need of mental health services;

(B) the provision of, or arrangement for the provision of, medical differential diagnoses of older individuals to distinguish between their need for mental health services and other medical care;

(C) the specification of the mental health needs of older individuals, and the mental health and support services required to meet such needs;

(D) the provision of—

(i) the mental health and support services specified in subclause (C) in the communities; or

(ii) such services for older individuals in nursing homes and intermediate care facilities, and training of the employees of such homes and facilities in the provision of such services; and

(E) the identification and provision of services to older individuals with severe disabilities;

(3) assist in meeting the special housing needs of older individuals by—

(A) providing financial assistance to such individuals, who own their own homes, necessary to enable them (i) to make the repairs or renovations to their homes, which are necessary for them to meet minimum standards, and (ii) to install security devices, and to make structural modifications or alterations, designed to prevent unlawful entry; and

(B) studying and demonstrating methods of adapting existing housing, or construction of new housing, to meet the needs of older individuals suffering from physical disabilities;

(4) provide education and training to older individuals designed to enable them to lead more productive lives by broadening the education, occupational, cultural, or social awareness of such older individuals;

(5) provide preretirement education information and relevant services (including the training of personnel to carry out such programs and the conduct of research with respect to the development and operation of such programs) to individuals planning retirement;

(6) meet the special needs of, and improve the delivery of services to, older individuals who are not receiving adequate services under other provisions of this chapter, with emphasis on the needs of low-income, minority, Indian, and limited English-speaking individuals and older individuals residing in rural areas;

(7) develop or improve methods of coordinating all available supportive services for the homebound elderly, blind, and disabled by establishing demonstration projects in ten States, in accordance with subsection (c) of this section;

(8) improve transportation systems for older individuals residing in rural areas;

(9) provide expanded, innovative volunteer opportunities to older individuals which are designed to fulfill unmet community needs, while at the same time avoiding duplication of existing volunteer programs, which may include projects furnishing multigenerational services by older individuals addressing the needs of children, such as—

(A) tutorial services in elementary and special schools;

(B) after school programs for latchkey children; and

(C) voluntary services for child care and youth day care programs;

(10) meet the service needs of older individuals who provide uncompensated care to their adult children with disabilities, for supportive services relating to such care, including—

(A) respite services; and

(B) legal advice, information, and referral services to assist such older individuals with permanency planning for such children;

(11) advance the understanding of the efficacy and benefits of providing music therapy, art therapy, or dance-movement therapy to older individuals through—

(A) projects that—

(i) study and demonstrate the provision of music therapy, art therapy, or dance-movement therapy to older individuals who are institutionalized or at risk of being institutionalized; and

(ii) provide music therapy, art therapy, or dance-movement therapy—

(I) in nursing homes, hospitals, rehabilitation centers, hospices, or senior centers;

(II) through disease prevention and health promotion services programs established under part F of subchapter III of this chapter;

(III) through in-home services programs established under part D of subchapter III of this chapter;

(IV) through multigenerational activities described in section 3027(a)(41)(B) of this title or subpart III of part C of subchapter III of this chapter;

(V) through supportive services described in section 3030d(a)(21) of this title; or

(VI) through disease prevention and health promotion services described in section 3030*o*(5) of this title; and

(B) education, training, and information dissemination projects, including—

(i) projects for the provision of gerontological training to music therapists, and education and training of individuals in the aging network regarding the efficacy and benefits of music therapy for older individuals; and

(ii) projects for disseminating to the aging network and to music therapists background materials on music therapy, best practice manuals, and other information on providing music therapy to older individuals; and

(12)(A) establish, in accordance with subparagraph (B), nationwide, statewide, regional, metropolitan area, county, city, or community model volunteer service credit projects to demonstrate methods to improve or expand supportive services or nutrition services, or otherwise promote the wellbeing of older individuals;

(B) for purposes of paying part or all of the cost of developing or operating the projects, in the fiscal year, make not fewer than three and not more than five grants to, or contracts with, public agencies or nonprofit private organizations in such State; and

(C) ensure that the projects will be operated in consultation with the Corporation for National and Community Service and will permit older individuals who are volunteers to earn, for services furnished, credits that may be redeemed later for similar volunteer services.

(c) Procedures for identification of persons needing supportive services, compilation of available services, and development of information and referral services

The Assistant Secretary shall consult with the Assistant Secretary[1] of the Rehabilitation Services Administration, the Assistant Secretary[1] of the Social Security Administration, and the

[1] So in original. Probably should be ''Commissioner''. See 1993 Amendment note below.

Surgeon General of the Public Health Service, to develop procedures for—

(1) identifying elderly, blind, and disabled individuals who need supportive services;

(2) compiling a list in each community of all services available to the elderly, blind, and disabled; and

(3) establishing an information and assistance service within the appropriate community agency to—

(A) inform those in need of the availability of such services; and

(B) coordinate the delivery of such services to the elderly, blind, and disabled.

The Assistant Secretary shall establish procedures for administering demonstration projects under subsection (b)(6) of this section not later than 6 months after December 29, 1981. The Assistant Secretary shall report to the Congress with respect to the results and findings of the demonstration projects conducted under this section at the completion of the projects.

(d) Development of grants and contracts in consultation with gerontology centers; dissemination of project results; reports on music, art, and dance-movement therapy projects

(1) Whenever appropriate, grants made and contracts entered into under this section shall be developed in consultation with an appropriate gerontology center.

(2)(A) Grants made and contracts entered into under this section shall include provisions for the appropriate dissemination of project results.

(B) An agency or organization that receives a grant or enters into a contract to carry out a project described in subparagraph (A) or (B)(i) of subsection (b)(11) of this section shall submit to the Assistant Secretary a report containing—

(i) the results, and findings based on the results, of such project; and

(ii) the recommendations of the agency or organization, if the agency or organization provided music therapy, regarding means by which music therapy could be made available, in an efficient and effective manner, to older individuals who would benefit from the therapy.

(Pub. L. 89–73, title IV, § 422, as added Pub. L. 97–115, § 11(a), Dec. 29, 1981, 95 Stat. 1602; amended Pub. L. 98–459, title IV, § 407, Oct. 9, 1984, 98 Stat. 1784; Pub. L. 100–175, title I, §§ 152, 153, 156(c), 182(*o*), Nov. 29, 1987, 101 Stat. 951, 954, 967; Pub. L. 100–628, title VII, § 705(8), Nov. 7, 1988, 102 Stat. 3247; Pub. L. 102–375, title I, § 102(b)(4), title IV, § 406, title IX, § 904(a)(19), Sept. 30, 1992, 106 Stat. 1201, 1245, 1308; Pub. L. 103–82, title IV, § 405(g)(3), Sept. 21, 1993, 107 Stat. 921; Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

CODIFICATION

In subsec. (c), ''December 29, 1981'' substituted for ''the effective date of this subsection'', which probably meant the date of enactment of Pub. L. 97–115 which revised this subchapter generally.

PRIOR PROVISIONS

A prior section 3035a, Pub. L. 89–73, title IV, § 412, as added Pub. L. 93–29, title IV, § 401, May 3, 1973, 87 Stat. 47, related to special comprehensive study and demonstration projects on transportation problems of older Americans, prior to repeal by Pub. L. 95–478, title I, § 104(b)(3), Oct. 18, 1978, 92 Stat. 1539.

A prior section 422 of Pub. L. 89–73, as added by Pub. L. 95–478, title I, § 104(c)(1)(C), Oct. 18, 1978, 92 Stat. 1541, related to special projects in comprehensive long-term care and was classified to section 3035c of this title, prior to the general amendment of this subchapter by Pub. L. 97–115.

Provisions similar to those comprising this section were contained in section 3035b of this title prior to the general amendment of this subchapter by Pub. L. 97–115.

AMENDMENTS

1993—Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing.

Subsec. (b)(12)(C). Pub. L. 103–82 substituted ''the Corporation for National and Community Service'' for ''the ACTION Agency''.

1992—Subsec. (a)(1). Pub. L. 102–375, § 904(a)(19)(A), substituted ''older individuals residing in rural areas'' for ''the rural elderly''.

Subsec. (a)(2). Pub. L. 102–375, § 406(1), substituted ''disease prevention and health promotion programs (including coordinated multidisciplinary research projects on the aging process)'' for ''preventive health service programs''.

Subsec. (b)(1). Pub. L. 102–375, § 904(a)(19)(B)(i), substituted ''older individuals who are'' for ''elderly''.

Subsec. (b)(2). Pub. L. 102–375, § 904(a)(19)(B)(ii), substituted ''older individuals'' for ''the elderly''.

Subsec. (b)(6). Pub. L. 102–375, § 904(a)(19)(B)(iii), substituted ''older individuals residing in rural areas'' for ''the rural elderly''.

Subsec. (b)(8). Pub. L. 102–375, §§ 406(2)(A), 904(a)(19)(B)(iv), substituted ''older individuals residing in rural areas'' for ''the rural elderly'' and struck out ''and'' at end.

Subsec. (b)(9). Pub. L. 102–375, § 406(2)(B), substituted ''include projects furnishing multigenerational services by older individuals addressing the needs of children, such as—

''(A) tutorial services in elementary and special schools;

''(B) after school programs for latchkey children; and

''(C) voluntary services for child care and youth day care programs;''

for ''include—

''(A) projects furnishing intergenerational services by older individuals addressing the needs of children, such as—

''(i) tutorial services in elementary and special schools;

''(ii) after school programs for latch key children;

''(iii) voluntary services for day care center programs; and

''(B) volunteer service credit projects operated in conjunction with the ACTION Agency, permitting elderly volunteers to earn credits for services furnished, which may later be redeemed for similar volunteer services.''

Subsecs. (b)(10) to (12). Pub. L. 102–375, § 406(2)(C), added pars. (10) to (12).

Subsec. (c)(3). Pub. L. 102–375, § 102(b)(4), substituted ''information and assistance'' for ''information and referral''.

Subsec. (d)(2). Pub. L. 102–375, § 406(3), designated existing provisions as subpar. (A) and added subpar. (B).

1988—Subsec. (b)(1). Pub. L. 100–628, § 705(8)(A), which directed the substitution of ''Alzheimer's disease and related disorders with neurological and organic brain dysfunction'' for ''Alzheimers' disease and other neurological and organic disorders of the Alzheimers' type'' was executed by making the substitution for ''Alzheimers' disease and other neurological and organic brain disorders of the Alzheimers' type'', to reflect the probable intent of Congress.

Subsec. (b)(9)(B). Pub. L. 100–628, § 705(8)(B), substituted ''the ACTION Agency'' for ''ACTION''.

1987—Subsec. (a). Pub. L. 100–175, § 152(1), designated existing provision as par. (1) and added par. (2).

Subsec. (b). Pub. L. 100–175, § 152(2), substituted ''subsection (a)(1) of this section'' for ''this section''.

Subsec. (b)(1). Pub. L. 100–175, § 182(*o*), which directed the substitution of ''Alzheimer's disease and related disorders with neurological and organic brain dysfunction'' for ''Alzheimers' disease and other organic and neurological brain disorders of the Alzheimers' type'', could not be executed because that phrase did not appear. See 1988 Amendment note above.

Subsec. (b)(2)(E). Pub. L. 100–175, § 156(c), added subpar. (E).

Subsec. (b)(9). Pub. L. 100–175, § 153, added par. (9).

1984—Subsec. (a). Pub. L. 98–459, § 407(a), inserted a period after ''devoted to the special needs of the rural elderly''.

Subsec. (b)(1). Pub. L. 98–459, § 407(b)(2), added par. (1). Former par. (1) redesignated (2).

Subsec. (b)(2). Pub. L. 98–459, § 407(b)(1), redesignated former par. (1) as (2). Former par. (2) redesignated (3).

Subsec. (b)(2)(D)(i). Pub. L. 98–459, § 407(b)(3), substituted ''subclause (C)'' for ''clause (C)''.

Subsec. (b)(3) to (8). Pub. L. 98–459, § 407(b)(1), redesignated former pars. (2) to (7) as (3) to (8), respectively.

Subsec. (d). Pub. L. 98–459, § 407(c), added subsec. (d).

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103–82 effective Apr. 4, 1994, see section 406(b) of Pub. L. 103–82, set out as a note under section 8332 of Title 5, Government Organization and Employees.

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.

§ 3035b. Special projects in comprehensive long-term care

(a) Definitions

As used in this section:

(1) Project

The term ''Project'' means a Project to Improve the Delivery of Long-Term Care Services.

(2) Resource Center

The term ''Resource Center'' means a Resource Center for Long-Term Care.

(b) Resource Centers

(1) Grants and contracts

The Assistant Secretary shall award grants to, or enter into contracts with, eligible entities to support the establishment or operation of not fewer than four and not more than seven Resource Centers in accordance with paragraph (2).

(2) Requirements

(A) Functions

Each Resource Center that receives funds under this subsection shall, with respect to subjects within an area of specialty of the Resource Center—

(i) perform research;

(ii) provide for the dissemination of results of the research; and

(iii) provide technical assistance and training to State agencies and area agencies on aging.

(B) Area of speciality

For purposes of subparagraph (A) the term ''area of speciality'' means—

(i) Alzheimer's disease and related dementias, and other cognitive impairments;

(ii) client assessment and case management;

(iii) data collection and analysis;

(iv) home modification and supportive services to enable older individuals to remain in their homes;

(v) consolidation and coordination of services;

(vi) linkages between acute care, rehabilitative services, and long-term care, facilities and providers;

(vii) decisionmaking and bioethics;

(viii) supply, training, and quality of long-term care personnel, including those who provide rehabilitative services;

(ix) rural issues, including barriers to access to services;

(x) chronic mental illness;

(xi) populations with greatest social need and populations with greatest economic need, with particular attention to low-income minorities; and

(xii) an area of importance as determined by the Assistant Secretary.

(c) Projects

The Assistant Secretary shall award grants to, or enter into contracts with, eligible entities to support the entities in establishing and carrying out not fewer than 10 Projects.

(d) Use of funds

(1) In general

Except as provided in paragraph (2), an eligible entity may use funds received under a grant or contract—

(A) described in subsection (b)(1) of this section to pay for part or all of the cost (including startup cost) of establishing and operating a new Resource Center, or of operating a Resource Center in existence on the day before September 30, 1992; or

(B) described in subsection (c) of this section to pay for part or all of the cost (including startup cost) of establishing and carrying out a Project.

(2) Reimbursable direct services

None of the funds may be used to pay for direct services that are eligible for reimbursement under title XVIII, XIX, or XX of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq., or 1397 et seq.).

(e) Preference

In awarding grants, and entering into contracts, under this section, the Assistant Secretary shall give preference to entities that demonstrate that—

(1) adequate State standards have been developed to ensure the quality of services provided under the grant or contract; and

(2) the entity has made a commitment to carry out programs under the grant or contract with each State agency responsible for the administration of title XIX or XX of the Social Security Act [42 U.S.C. 1396 et seq., 1397 et seq.].

(f) Application

(1) In general

To be eligible to receive funds under a grant or contract described in subsection (b)(1) or (c) of this section, an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

(2) Project application

An entity seeking a grant or contract under subsection (c) of this section shall submit an application to the Assistant Secretary containing, at a minimum—

(A) information identifying and describing gaps, weaknesses, or other problems in the delivery of long-term care services in the State or geographic area to be served by the entity, including—

(i) duplication of functions in the delivery of such services, including duplication at the State and local level;

(ii) fragmentation of systems, especially in coordinating services to populations of older individuals and other populations;

(iii) barriers to access for populations with greatest social need and populations with greatest economic need, including minorities and residents of rural areas;

(iv) lack of financing for such services;

(v) lack of availability of adequately trained personnel to provide such services; and

(vi) lack of a range of chronic care services (including rehabilitative strategies) that promote restoration, maintenance, or improvement of function in older individuals;

(B) a plan to address the gaps, weaknesses, and problems described in clauses (i) through (v); and

(C) information describing the extent to which the entity will coordinate with area agencies on aging and service providers in carrying out the proposed Project.

(g) Eligible entities

(1) Resource Centers

Entities eligible to receive grants, or enter into contracts, under subsection (b)(1) of this section shall be—

(A) institutions of higher education; and

(B) other public agencies and nonprofit private organizations.

(2) Projects

Entities eligible to receive grants, or enter into contracts, under subsection (c) of this section include—

(A) State agencies; and

(B) in consultation with State agencies—

(i) area agencies on aging;

(ii) institutions of higher education; and

(iii) other public agencies and nonprofit private organizations.

(h) Report

The Assistant Secretary shall include in the annual report to the Congress required by section 3018 of this title, a report on the grants awarded, and contracts entered into, under this section, including—

(1) an analysis of the relative effectiveness, and recommendations for any changes, of the projects of Resource Centers funded under subsection (b)(1) of this section in the fiscal year for which the Assistant Secretary is preparing the annual report; and

(2) an evaluation of the needs identified, the agencies utilized, and the effectiveness of the approaches used by projects funded under subsection (c) of this section.

(i) Availability of funds

The Assistant Secretary shall make available for carrying out subsection (b) of this section for each fiscal year not less than the amount made available in fiscal year 1991 for making grants and entering into contracts to establish and operate Resource Centers under this section as in effect on the day before September 30, 1992.

(Pub. L. 89–73, title IV, § 423, as added Pub. L. 97–115, § 11(a), Dec. 29, 1981, 95 Stat. 1603; amended Pub. L. 98–459, title IV, § 408, Oct. 9, 1984, 98 Stat. 1784; Pub. L. 100–175, title I, §§ 105(f), 134(c)(5), 154, 156(d), Nov. 29, 1987, 101 Stat. 930, 941, 951, 955; Pub. L. 102–375, title IV, § 407(a), Sept. 30, 1992, 106 Stat. 1246; Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsecs. (d)(2) and (e)(2), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Titles XVIII, XIX, and XX of the Act are classified generally to subchapters XVIII (§ 1395 et seq.), XIX (§ 1396 et seq.), and XX (§ 1397 et seq.) of chapter 7 of this title, respectively. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

PRIOR PROVISIONS

A prior section 3035b, Pub. L. 89–73, title IV, § 421, as added Pub. L. 95–478, title I, § 104(c)(1)(C), Oct. 18, 1978, 92 Stat. 1539, authorized demonstration projects showing methods of improving or expanding social services or nutrition services or otherwise promoting the well-being of older individuals, prior to the general amendment of this subchapter by Pub. L. 97–115.

A prior section 423 of Pub. L. 89–73, as added by Pub. L. 95–478, title I, § 104(c)(1)(C), Oct. 18, 1978, 92 Stat. 1542, related to special demonstration projects on legal services for older Americans and was classified to section 3035d of this title, prior to the general amendment of this subchapter by Pub. L. 97–115.

Provisions similar to those comprising this section were contained in section 3035c of this title prior to the general amendment of this subchapter by Pub. L. 97–115.

AMENDMENTS

1993—Subsecs. (b), (c), (e), (f), (h), (i). Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing.

1992—Pub. L. 102–375 amended section generally. Prior to amendment, subsec. (a) related to authority to make grants or enter into contracts, subsec. (b) related to preference given to certain applicants, subsec. (c) related to coordination and avoidance of duplication, and

subsec. (d) related to equitable distribution between urban and rural areas.

1987—Subsec. (a)(1). Pub. L. 100–175, § 154, substituted ''shall'' for ''may'' after ''Commissioner''.

Subsec. (a)(3). Pub. L. 100–175, §§ 105(f), 156(d), inserted ''mental health services'' and ''services to older individuals with severe disabilities residing in nursing homes;''.

Subsec. (a)(4). Pub. L. 100–175, § 134(c)(5), added par. (4).

1984—Subsec. (b)(3). Pub. L. 98–459 designated existing provisions as subpar. (A) and added subpar. (B).

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.

§ 3035c. Special demonstration and support projects for legal assistance for older individuals

(a) Authority to make grants or enter into contracts

The Assistant Secretary shall make grants and enter into contracts, in order to—

(1) provide a national legal assistance support system (operated by one or more grantees or contractors) of activities to State and area agencies on aging for providing, developing, or supporting legal assistance for older individuals, including—

(A) case consultations;

(B) training;

(C) provision of substantive legal advice and assistance; and

(D) assistance in the design, implementation, and administration of legal assistance delivery systems to local providers of legal assistance for older individuals; and

(2) support demonstration projects to expand or improve the delivery of legal assistance to older individuals with social or economic needs.

(b) Requisite assurances

Any grants or contracts made under subsection (a)(2) of this section shall contain assurances that the requirements of section 3027(a)(15) of this title are met.

(c) Grants or contracts with national nonprofit legal assistance organizations

To carry out subsection (a)(1) of this section, the Assistant Secretary shall make grants to or enter into contracts with national nonprofit legal assistance organizations experienced in providing support, on a nationwide basis, to local legal assistance providers.

(Pub. L. 89–73, title IV, § 424, as added Pub. L. 97–115, § 11(a), Dec. 29, 1981, 95 Stat. 1604; amended Pub. L. 98–459, title IV, § 409, Oct. 9, 1984, 98 Stat. 1784; Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

PRIOR PROVISIONS

A prior section 3035c, Pub. L. 89–73, title IV, § 422, as added Pub. L. 95–478, title I, § 104(c)(1)(C), Oct. 18, 1978, 92 Stat. 1541, related to special projects in comprehensive long-term care, prior to the general amendment of this subchapter by Pub. L. 97–115.

A prior section 424 of Pub. L. 89–73, as added by Pub. L. 95–478, title I, § 104(c)(1)(C), Oct. 18, 1978, 92 Stat. 1543, related to national impact demonstrations and was classified to section 3035e of this title, prior to the general amendment of this subchapter by Pub. L. 97–115.

Provisions similar to those comprising this section were contained in section 3035d of this title prior to the general amendment of this subchapter by Pub. L. 97–115.

AMENDMENTS

1993—Subsecs. (a), (c). Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner''.

1984—Pub. L. 98–459 amended section generally. Prior to amendment, section read as follows:

''(a) The Commissioner shall make grants to, and enter into contracts with, public and private nonprofit agencies or organizations in order to—

''(1) provide support activities to State and area agencies on aging providing, developing, or supporting legal services to older individuals; and

''(2) support demonstration projects to expand or improve the delivery of legal services to older individuals with social or economic need.

''(b) Any grants or contracts entered into under subsection (a)(2) of this section shall contain assurances that the requirements of section 3027(a)(15) of this title are met.''

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.

§ 3035d. National impact activities

(a) Authority to make grants or enter into contracts

(1) The Assistant Secretary may carry out directly or through grants or contracts—

(A) innovation and development projects and activities of national significance which show promise of having substantial impact on the expansion or improvement of supportive services, nutrition services, or multipurpose senior centers, or otherwise promoting the well-being of older individuals; and

(B) dissemination of information activities related to such programs.

(2) The Assistant Secretary shall carry out, directly or through grants or contracts, special training programs and technical assistance designed to improve services to minorities.

(b) Use of appropriated funds

An amount not to exceed 15 percent of any sums appropriated under section 3037 of this title may be used for carrying out this section.

(Pub. L. 89–73, title IV, § 425, as added Pub. L. 97–115, § 11(a), Dec. 29, 1981, 95 Stat. 1605; amended Pub. L. 98–459, title IV, § 410(a), Oct. 9, 1984, 98 Stat. 1785; Pub. L. 100–175, title I, § 134(c)(6), Nov. 29, 1987, 101 Stat. 941; Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

PRIOR PROVISIONS

A prior section 3035d, Pub. L. 89–73, title IV, § 423, as added Pub. L. 95–478, title I, § 104(c)(1)(C), Oct. 18, 1978, 92 Stat. 1542, related to special demonstration projects on legal services for older Americans, prior to the general amendment of this subchapter by Pub. L. 97–115. See section 3035c of this title.

A prior section 425 of Pub. L. 89–73, as added by Pub. L. 95–478, title I, § 104(c)(1)(C), Oct. 18, 1978, 92 Stat. 1543, related to utility and home heating cost demonstration projects and was classified to section 3035f of this title, prior to the general amendment of this subchapter by Pub. L. 97–115.

Provisions similar to those comprising this section were contained in section 3035e of this title prior to the general amendment of this subchapter by Pub. L. 97–115.

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner'' in pars. (1) and (2).

1987—Subsec. (a). Pub. L. 100–175, designated existing provisions as par. (1), substituted subpar. (A) and (B) designations for former par. (1) and (2) designations, and added par. (2).

1984—Subsec. (a). Pub. L. 98–459 added subsec. (a) designation.

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.

§ 3035e. Utility and home heating cost demonstration projects

The Secretary may, after consultation with the appropriate State agency, make grants to pay for part or all of the costs of developing model projects which show promise of relieving older individuals of the excessive burdens of high utility service and home heating costs. Any such project shall give special consideration to projects under which a business concern is engaged in providing home heating oil or utility services to low-income older individuals at a cost which is substantially lower than providing home heating oil or utility services to other individuals.

(Pub. L. 89–73, title IV, § 426, as added Pub. L. 97–115, § 11(a), Dec. 29, 1981, 95 Stat. 1605; amended Pub. L. 98–459, title IV, § 410(b), Oct. 9, 1984, 98 Stat. 1785; Pub. L. 102–375, title I, § 102(b)(9)(D), Sept. 30, 1992, 106 Stat. 1202.)

PRIOR PROVISIONS

A prior section 3035e, Pub. L. 89–73, title IV, § 424, as added Pub. L. 95–478, title I, § 104(c)(1)(C), Oct. 18, 1978, 92 Stat. 1543, provided for national impact demonstrations, prior to the general amendment of this subchapter by Pub. L. 97–115. See section 3035d of this title.

Provisions similar to those comprising section 3035e were contained in section 3035f of this title prior to the general amendment of this subchapter by Pub. L. 97–115.

AMENDMENTS

1992—Pub. L. 102–375 struck out ''designated under section 3025(a)(1) of this title'' after ''State agency''.

1984—Pub. L. 98–459, substituted ''a business concern is engaged'' for ''a business concern engaged''.

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.

§ 3035f. Ombudsman, legal assistance, and advocacy demonstration projects

(a) The Assistant Secretary is authorized to make grants to not less than three nor more than ten States to demonstrate and evaluate cooperative projects between the State long-term care ombudsman program, legal assistance agencies, and the State protection and advocacy systems for developmental disabilities and mental illness, established under part A of the Developmental Disabilities Assistance and Bill of Rights Act [42 U.S.C. 6000 et seq.] and under the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (Public Law 99–319) [42 U.S.C. 10801 et seq.].

(b) The Assistant Secretary shall prepare and submit to the Congress a report of the study and evaluation required by subsection (a) of this section. Such report shall contain such recommendations as the Assistant Secretary deems appropriate.

(Pub. L. 89–73, title IV, § 427, as added Pub. L. 100–175, title I, § 156(e)(1), Nov. 29, 1987, 101 Stat. 955; amended Pub. L. 102–375, title IV, § 408, Sept. 30, 1992, 106 Stat. 1249; Pub. L. 103–171, § 3(a)(7), Dec. 2, 1993, 107 Stat. 1990.)

REFERENCES IN TEXT

The Developmental Disabilities Assistance and Bill of Rights Act, referred to in subsec. (a), is title I of Pub. L. 88–164, as added by Pub. L. 98–527, § 2, Oct. 19, 1984, 98 Stat. 2662, and amended. Part A of the Developmental Disabilities Assistance and Bill of Rights Act is classified generally to subchapter I (§ 6000 et seq.) of chapter 75 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6000 of this title and Tables.

The Protection and Advocacy for Mentally Ill Individuals Act of 1986, referred to in subsec. (a), is Pub. L. 99–319, May 23, 1986, 100 Stat. 478, as amended, which is classified generally to chapter 114 (§ 10801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 10801 of this title and Tables.

PRIOR PROVISIONS

A prior section 3035f, Pub. L. 89–73, title IV, § 425, as added Pub. L. 95–478, title I, § 104(c)(1)(C), Oct. 18, 1978, 92 Stat. 1543, provided for utility and home heating cost demonstration projects, prior to the general amendment of this subchapter by Pub. L. 97–115, § 11(a), Dec. 29, 1981, 95 Stat. 1601. See section 3035e of this title.

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–171, § 3(a)(7)(A), substituted ''Assistant Secretary'' for ''Commissioner''.

Subsec. (b). Pub. L. 103–171, § 3(a)(7)(B), substituted ''Assistant Secretary'' for ''Commissioner on Aging'' in two places.

1992—Subsec. (a). Pub. L. 102–375 inserted '', legal assistance agencies,'' after ''ombudsman program''.

EFFECTIVE DATE

Section 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 an Effective Date of 1987 Amendment note under section 3001 of this title.

§ 3035g. Consumer protection demonstration projects for services provided in home

(a) Grants; uses

(1) The Assistant Secretary is authorized to make grants to not fewer than 6 nor more than

10 States to demonstrate and evaluate the effectiveness of consumer protection projects for services (other than medical services) provided to older individuals in the home that are furnished or assisted with public funds.

(2) Grants made under this section shall be used to test different approaches to protecting older individuals with regard to services in the home. Such projects may provide consumer protection through State and local ombudsmen, legal assistance agencies, and other community service agencies.

(b) Application; contents

No grant may be made under this section unless an application is made to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may reasonably require. Each such application shall—

(1) describe activities for which assistance is sought;

(2) provide for an evaluation of the activities for which assistance is sought; and

(3) provide assurances that the applicant will prepare and submit a report to the Assistant Secretary on the activities conducted with assistance under this section and the evaluation of such activities.

(c) Geographic distribution of assistance

In approving applications under this section, the Assistant Secretary shall assure equitable geographic distribution of assistance.

(d) Report on evaluations; contents; recommendations

The Assistant Secretary shall, as part of the annual report submitted under section 3018 of this title, prepare and submit a report on the evaluations submitted under this section, together with such recommendations as the Assistant Secretary deems appropriate. In carrying out this section, the Assistant Secretary shall include in the report—

(1) a description of the demonstration projects assisted under this section;

(2) an evaluation of the effectiveness of each such project; and

(3) recommendations of the Assistant Secretary with respect to the desirability and feasibility of carrying out on a nationwide basis a consumer protection program for services in the home.

(e) Nature of projects; prohibition

Consumer protection projects carried out under this section—

(1) may include, but are not limited to, consumer education, the use of consumer hotlines, receipt and resolution of consumer complaints, and advocacy; and

(2) may not address medical services.

(Pub. L. 89–73, title IV, § 428, as added Pub. L. 100–175, title I, § 157(a), Nov. 29, 1987, 101 Stat. 955; amended Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

PRIOR PROVISIONS

A prior section 3035g, Pub. L. 89–73, title IV, § 431, as added Pub. L. 95–478, title I, § 104(c)(1)(C), Oct. 18, 1978, 92 Stat. 1543, related to mortgage insurance grants for multipurpose senior centers, prior to the general amendment of this subchapter by Pub. L. 97–115, § 11(a), Dec. 29, 1981, 95 Stat. 1601.

AMENDMENTS

1993—Subsecs. (a) to (d). Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing.

EFFECTIVE DATE

Section 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 an Effective Date of 1987 Amendment note under section 3001 of this title.

§ 3035h. Demonstration projects for multigenerational activities

(a) Grants and contracts

The Assistant Secretary may award grants and enter into contracts with eligible organizations to establish demonstration projects that provide older individuals with multigenerational activities.

(b) Use of funds

An eligible organization shall use funds made available under a grant awarded, or a contract entered into, under subsection (a) of this section—

(1) to carry out a demonstration project that provides multigenerational activities, including any professional training appropriate to such activities for older individuals; and

(2) to evaluate the project in accordance with subsection (f) of this section.

(c) Awards

In awarding grants and entering into contracts under subsection (a) of this section, the Assistant Secretary shall give preference to—

(1) eligible organizations with a demonstrated record of carrying out multigenerational activities; and

(2) eligible organizations proposing projects that will serve older individuals with greatest economic need (with particular attention to low-income minority individuals).

(d) Application

To be eligible to receive a grant or enter into a contract under subsection (a) of this section, an organization shall submit an application to the Assistant Secretary at such time, in such manner, and accompanied by such information as the Assistant Secretary may reasonably require.

(e) Eligible organizations

Organizations eligible to receive a grant or enter into a contract under subsection (a) of this section shall be organizations that employ, or provide opportunities for, older individuals in multigenerational activities.

(f) Local evaluation and report

(1) Evaluation

Each organization receiving a grant or a contract under subsection (a) of this section to carry out a demonstration project shall evaluate the activities assisted under the project to

determine the effectiveness of multigenerational activities, the impact of such activities on child care and youth day care programs, and the impact on older individuals involved in such project.

(2) Report

The organization shall submit a report to the Assistant Secretary containing the evaluation not later than 6 months after the expiration of the period for which the grant or contract is in effect.

(g) Report to Congress

Not later than 6 months after the Assistant Secretary receives the reports described in subsection (f)(2) of this section, the Assistant Secretary shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that assesses the evaluations and includes, at a minimum—

(1) the names or descriptive titles of the demonstration projects funded under subsection (a) of this section;

(2) a description of the nature and operation of the projects;

(3) the name and address of the individual or governmental entity that conducted the projects;

(4) a description of the methods and success of the projects in recruiting older individuals as employees and volunteers to participate in the project;

(5) a description of the success of the projects retaining older individuals involved in the projects as employees and as volunteers; and

(6) the rate of turnover of older individual employees and volunteers in the projects.

(h) "Multigenerational activity" defined

As used in this section, the term ''multigenerational activity'' includes an opportunity to serve as a mentor or adviser in a child care program, a youth day care program, an educational assistance program, an at-risk youth intervention program, a juvenile delinquency treatment program, or a family support program.

(Pub. L. 89–73, title IV, § 429, as added Pub. L. 102–375, title IV, § 409, Sept. 30, 1992, 106 Stat. 1249; amended Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

PRIOR PROVISIONS

A prior section 3035h, Pub. L. 89–73, title IV, § 432, as added Pub. L. 95–478, title I, § 104(c)(1)(C), Oct. 18, 1978, 92 Stat. 1545, related to mortgage interest grants for multipurpose senior centers, prior to the general amendment of this subchapter by Pub. L. 97–115, § 11(a), Dec. 29, 1981, 95 Stat. 1601.

AMENDMENTS

1993—Subsecs. (a), (c), (d), (f)(2), (g). Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing.

§ 3035i. Supportive services in federally assisted housing demonstration program

(a) Grants

The Assistant Secretary shall award grants to eligible agencies to establish demonstration programs to provide services described in subsection (b) of this section to older individuals who are residents in federally assisted housing (referred to in this section as ''residents'').

(b) Use of grants

An eligible agency shall use a grant awarded under subsection (a) of this section to conduct outreach and to provide to residents services including—

(1) meal services;

(2) transportation;

(3) personal care, dressing, bathing, and toileting;

(4) housekeeping and chore assistance;

(5) nonmedical counseling;

(6) case management;

(7) other services to prevent premature and unnecessary institutionalization; and

(8) other services provided under this chapter.

(c) Award of grants

The Assistant Secretary shall award grants under subsection (a) of this section to agencies in a variety of geographic settings, including urban and rural settings.

(d) Application

To be eligible to receive a grant under subsection (a) of this section, an agency shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require, including, at a minimum—

(1) information demonstrating a lack of, and need for, services described in subsection (b) of this section in federally assisted housing projects in the geographic area proposed to be served by the applicant;

(2) a comprehensive plan to coordinate with housing facility management to provide services to frail older individuals who are in danger of premature or unnecessary institutionalization;

(3) information demonstrating initiative on the part of the agency to address the supportive service needs of residents;

(4) information demonstrating financial, in-kind, or other support available to the applicant from State or local governments, or from private resources;

(5) an assurance that the agency will participate in the development of the comprehensive housing affordability strategy under section 12705 of this title and seek funding for supportive services under the Department of Housing and Urban Development or the Farmers Home Administration;

(6) an assurance that the agency will target services to low-income minority older individuals and conduct outreach;

(7) an assurance that the agency will comply with the guidelines described in subsection (f) of this section; and

(8) a plan to evaluate the eligibility of older individuals for services under the federally assisted housing demonstration program, which plan shall include a professional assessment committee to identify such individuals.

(e) Eligible agencies

Agencies eligible to receive grants under this section shall be State agencies and area agencies on aging.

(f) Guidelines

The Assistant Secretary shall issue guidelines for use by agencies that receive grants under this section—

(1) regarding the level of frailty that older individuals shall meet to be eligible for services under a demonstration program established under this section; and

(2) for accepting voluntary contributions from residents who receive services under such a program.

(g) Evaluations and reports

(1) Agencies

Each agency that receives a grant under subsection (a) of this section to establish a demonstration program shall, not later than 3 months after the end of the period for which the grant is awarded—

(A) evaluate the effectiveness of the program; and

(B) submit a report containing the evaluation to the Assistant Secretary.

(2) Assistant Secretary

The Assistant Secretary shall, not later than 6 months after the end of the period for which the Assistant Secretary awards grants under subsection (a) of this section—

(A) evaluate the effectiveness of each demonstration program that receives a grant under subsection (a) of this section; and

(B) submit a report containing the evaluation to the Speaker of the House of Representatives and the President pro tempore of the Senate.

(Pub. L. 89–73, title IV, § 429A, as added Pub. L. 102–375, title IV, § 410, Sept. 30, 1992, 106 Stat. 1251; amended Pub. L. 103–171, § 3(a)(11), (13), Dec. 2, 1993, 107 Stat. 1990.)

AMENDMENTS

1993—Subsecs. (a), (c), (d), (f). Pub. L. 103–171, § 3(a)(13), substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing.

Subsec. (g). Pub. L. 103–171, § 3(a)(11), (13), substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing in text and in heading of par. (2).

EFFECTIVE DATE

Section inapplicable with respect to fiscal year 1992, see section 905(b)(3) of Pub. L. 102–375, set out as an Effective Date of 1992 Amendment note under section 3001 of this title.

§ 3035j. Neighborhood senior care program

(a) Definitions

As used in this section:

(1) Health and social services

The term ''health and social services'' includes skilled nursing care, personal care, social work services, homemaker services, health and nutrition education, health screening, home health aid services, and specialized therapies.

(2) Volunteer services

The term ''volunteer services'' includes peer counseling, chore services, help with mail and taxes, transportation, socialization, health and social services, and other similar services.

(b) Service grants

(1) In general

The Assistant Secretary may award grants to eligible entities to establish neighborhood senior care programs, in order to encourage professionals to provide volunteer services to local residents who are older individuals and who might otherwise have to be admitted to nursing homes and to hospitals.

(2) Preference

In awarding grants under this section, the Assistant Secretary shall give preference to applicants experienced in operating community programs and programs meeting the independent living needs of older individuals.

(3) Advisory board

The Assistant Secretary shall establish an advisory board to provide guidance to grant recipients regarding the neighborhood senior care programs. Not fewer than two-thirds of the members of the advisory board shall be residents in communities served by the grant recipients.

(4) Application

To be eligible to receive a grant under this section, an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may reasonably require. Each application shall—

(A) describe the activities in the program for which assistance is sought;

(B) describe the neighborhood in which volunteer services are to be provided under the program, and a plan for integration of volunteer services within the neighborhood;

(C)(i) provide assurances that nurses, social workers, and community volunteers providing volunteer services and an outreach coordinator involved with the project live in the neighborhood; or

(ii)(I) reasons that it is not possible to provide such assurances; and

(II) assurances that nurses, social workers, community volunteers and the outreach coordinator will be assigned repeatedly to the particular neighborhood; and

(D) provide for an evaluation of the activities for which assistance is sought.

(c) Technical resource center

The Assistant Secretary shall, to the extent appropriations are available, enter into a contract with an applicant described in subsection (b)(2) of this section to establish a technical resource center that will—

(1) assist the Assistant Secretary in developing criteria for, and in awarding grants to communities to establish, neighborhood senior care organizations that will implement neighborhood senior care programs under subsection (b) of this section;

(2) assist communities interested in establishing such a neighborhood senior care program;

(3) coordinate the neighborhood senior care programs;

(4) provide ongoing analysis of and collection of data on the neighborhood senior care

programs and provide such data to the Assistant Secretary;

(5) serve as a liaison to State agencies interested in establishing neighborhood senior care programs; and

(6) take any further actions as required by regulation by the Assistant Secretary.

(Pub. L. 89–73, title IV, § 429B, as added Pub. L. 102–375, title IV, § 411, Sept. 30, 1992, 106 Stat. 1252; amended Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

AMENDMENTS

1993—Subsecs. (b), (c). Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing.

EFFECTIVE DATE

Section inapplicable with respect to fiscal year 1992, see section 905(b)(3) of Pub. L. 102–375, set out as an Effective Date of 1992 Amendment note under section 3001 of this title.

§ 3035k. Information and assistance systems development projects

(a) Grants

The Assistant Secretary may—

(1) make grants to State agencies, and, in consultation with State agencies, to area agencies on aging to support the improvement of information and assistance services, and systems of services, operated at the State and local levels; and

(2) make grants to organizations to provide training and technical assistance to State agencies, area agencies on aging, and providers of supportive services—

(A) to support a national telephone access service to inform older individuals, families, and caregivers about State and local information and assistance services funded under this chapter; and

(B) to support the improvement of information and assistance services, and systems of services, operated at the State and local levels.

(b) Application

To be eligible to receive a grant under subsection (a) of this section an agency or organization shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may specify.

(c) Guidelines

The Assistant Secretary shall establish guidelines for the operation of the national telephone access service described in subsection (a)(2)(A) of this section.

(d) Evaluation and report

(1) Evaluation

The Assistant Secretary shall conduct an evaluation of the effectiveness of the national telephone service described in subsection (a)(2)(A) of this section in providing information and assistance services to older individuals, families, and caregivers about State and local information and assistance services.

(2) Report

Not later than January 1, 1995, the Assistant Secretary shall submit the evaluation described in paragraph (1) to the Speaker of the House of Representatives and the President pro tempore of the Senate.

(Pub. L. 89–73, title IV, § 429C, as added Pub. L. 102–375, title IV, § 412, Sept. 30, 1992, 106 Stat. 1253; 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'' wherever appearing.

§ 3035*l*. Senior transportation demonstration program grants

(a) Establishment

The Assistant Secretary shall establish and carry out senior transportation demonstration programs. In carrying out the programs, the Assistant Secretary shall award grants to not fewer than five eligible entities for the purpose of improving the mobility of older individuals and transportation services for older individuals (referred to in this section as ''senior transportation services'').

(b) Use of funds

Grants made under subsection (a) of this section may be used to—

(1) develop innovative approaches for improving access by older individuals to supportive services under part B of subchapter III of this chapter, nutrition services under part C of subchapter III of this chapter, health care, and other important services;

(2) develop comprehensive and integrated senior transportation services; and

(3) leverage additional resources for senior transportation services by—

(A) coordinating various transportation services; and

(B) coordinating various funding sources for transportation services, including—

(i) sources of assistance under—

(I) sections 5307, 5310(a)(2), and 5311 of title 49; and

(II) titles XIX and XX of the Social Security Act (42 U.S.C. 1396 et seq. and 1397 et seq.); and

(ii) State and local sources.

(c) Award of grants

(1) Preference

In awarding grants under subsection (a) of this section, the Assistant Secretary shall give preference to entities that—

(A) demonstrate special needs for enhancing senior transportation services and resources for the services within the geographic area served by the entities;

(B) establish plans to ensure that senior transportation services are coordinated with general public transportation services and other specialized transportation services;

(C) demonstrate the ability to utilize the broadest range of available transportation and community resources to provide senior transportation services;

(D) demonstrate the capacity and willingness to coordinate senior transportation services with services provided under sub-

chapter III of this chapter and with general public transportation services and other specialized transportation services; and

(E) establish plans for senior transportation demonstration programs designed to serve the special needs of low-income, rural, frail, and other at-risk, transit-dependent older individuals.

(2) Rural entities

The Assistant Secretary shall award not less than 50 percent of the grants authorized under this section to entities located in, or primarily serving, rural areas.

(d) Application

An entity that seeks a grant under this section shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require, including at a minimum—

(1) information describing senior transportation services for which the entity seeks assistance;

(2) a comprehensive strategy for developing a coordinated transportation system or leveraging additional funding resources, to provide senior transportation services;

(3) information describing the extent to which the applicant intends to coordinate the services of the applicant with the services of other transportation providers;

(4) a plan for evaluating the effectiveness of the proposed senior transportation demonstration program and preparing a report containing the evaluation to be submitted to the Assistant Secretary; and

(5) such other information as may be required by the Assistant Secretary.

(e) Eligible entities

Entities eligible to receive grants under this section shall be—

(1) State agencies;

(2) area agencies on aging; and

(3) other public agencies and nonprofit organizations.

(f) Report

(1) Preparation

The Assistant Secretary shall prepare, either directly or through grants or contracts, annual reports on the senior transportation demonstration programs established under this section. The reports shall contain an assessment of the effectiveness of each demonstration project and recommendations regarding legislative, administrative, and other initiatives needed to improve the access to and effectiveness of transportation services for older individuals.

(2) Submission

The Assistant Secretary shall submit the report described in paragraph (1) to the Speaker of the House of Representatives and the President pro tempore of the Senate.

(Pub. L. 89–73, title IV, § 429D, as added Pub. L. 102–375, title IV, § 413, Sept. 30, 1992, 106 Stat. 1254; amended Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (b)(3)(B)(i)(II), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Titles XIX and XX of the Act are classified generally to subchapters XIX (§ 1396 et seq.) and XX (§ 1397 et seq.) of chapter 7 of this title, respectively. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

CODIFICATION

In subsec. (b)(3)(B)(i)(I), ''sections 5307, 5310(a)(2), and 5311 of title 49'' substituted for ''sections 9, 16(b)(2), and 18 of the Urban Mass Transportation Act of 1964 (49 U.S.C. App.)'' on authority of Pub. L. 103–272, § 6(b), July 5, 1994, 108 Stat. 1378 (the first section of which enacted subtitles II, III, and V to X of Title 49, Transportation), and of Pub. L. 102–240, title III, § 3003(b), Dec. 18, 1991, 105 Stat. 2088, which provided that references in laws to the Urban Mass Transportation Act of 1964 be deemed to be references to the Federal Transit Act.

AMENDMENTS

1993—Subsecs. (a), (c), (d), (f). Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing.

EFFECTIVE DATE

Section inapplicable with respect to fiscal year 1992, see section 905(b)(3) of Pub. L. 102–375, set out as an Effective Date of 1992 Amendment note under section 3001 of this title.

§ 3035m. Resource Centers on Native American Elders

(a) Establishment

The Assistant Secretary shall make grants or enter into contracts with not fewer than two and not more than four eligible entities to establish and operate Resource Centers on Native American Elders (referred to in this section as ''Resource Centers''). The Assistant Secretary shall make such grants or enter into such contracts for periods of not less than 3 years.

(b) Functions

(1) In general

Each Resource Center that receives funds under this section shall—

(A) gather information;

(B) perform research;

(C) provide for the dissemination of results of the research; and

(D) provide technical assistance and training to entities that provide services to Native Americans who are older individuals.

(2) Areas of concern

In conducting the functions described in paragraph (1), a Resource Center shall focus on priority areas of concern for the Resource Centers regarding Native Americans who are older individuals, which areas shall be—

(A) health problems;

(B) long-term care, including in-home care;

(C) elder abuse; and

(D) other problems and issues that the Assistant Secretary determines are of particular importance to Native Americans who are older individuals.

(c) Preference

In awarding grants and entering into contracts under subsection (a) of this section, the

Assistant Secretary shall give preference to institutions of higher education that have conducted research on, and assessment of, the characteristics and needs of Native Americans who are older individuals.

(d) Consultation

In determining the type of information to be sought from, and activities to be performed by, Resource Centers, the Assistant Secretary shall consult with the Director of the Office for American Indian, Alaskan Native, and Native Hawaiian Aging and with national organizations with special expertise in serving Native Americans who are older individuals.

(e) Eligible entities

Entities eligible to receive a grant or enter into a contract under subsection (a) of this section shall be institutions of higher education with experience conducting research and assessment on the needs of older individuals.

(f) Report to Congress

The Assistant Secretary, with assistance from each Resource Center, shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate an annual report on the status and needs including the priority areas of concern of Native Americans who are older individuals.

(Pub. L. 89–73, title IV, § 429E, as added Pub. L. 102–375, title IV, § 414, Sept. 30, 1992, 106 Stat. 1256; amended Pub. L. 103–171, § 3(a)(4), Dec. 2, 1993, 107 Stat. 1990.)

AMENDMENTS

1993—Subsecs. (a) to (c). Pub. L. 103–171, § 3(a)(4)(B), substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing.

Subsec. (d). Pub. L. 103–171, § 3(a)(4), substituted ''Assistant Secretary'' for ''Commissioner'' and ''Director of the Office for'' for ''Associate Commissioner on''.

Subsec. (f). Pub. L. 103–171, § 3(a)(4)(B), substituted ''Assistant Secretary'' for ''Commissioner''.

EFFECTIVE DATE

Section inapplicable with respect to fiscal year 1992, see section 905(b)(3) of Pub. L. 102–375, set out as an Effective Date of 1992 Amendment note under section 3001 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3012 of this title.

§ 3035n. Demonstration programs for older individuals with developmental disabilities

(a) Definitions

As used in this section:

(1) Developmental disability

The term ''developmental disability'' has the meaning given the term in section 6001(5)[1] of this title.

(2) In-home service

The term ''in-home service'' has the meaning given the term in section 3030i of this title.

(b) Establishment

The Assistant Secretary shall make grants to State agencies to provide services in accordance with subsection (c) of this section.

[1] See References in Text note below.

(c) Use of funds

A State agency may use a grant awarded under subsection (b) of this section to provide services for older individuals with developmental disabilities, and for older individuals with caretaker responsibilities for developmentally disabled children, including—

(1) child care and youth day care programs;

(2) programs to integrate the individuals into existing programs for older individuals;

(3) respite care;

(4) transportation to multipurpose senior centers and other facilities and services;

(5) supervision;

(6) renovation of multipurpose senior centers;

(7) provision of materials to facilitate activities for older individuals with developmental disabilities, and for older individuals with caretaker responsibilities for developmentally disabled children;

(8) training of State agency, area agency on aging, volunteer, and multipurpose senior center staff, and other service providers, who work with such individuals; and

(9) in-home services.

(d) Application

To be eligible to receive a grant under this section, a State agency shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

(Pub. L. 89–73, title IV, § 429F, as added Pub. L. 102–375, title IV, § 415, Sept. 30, 1992, 106 Stat. 1257; amended Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

REFERENCES IN TEXT

Section 6001(5) of this title, referred to in subsec. (a)(1), was subsequently amended, and section 6001(5) no longer defines the term ''developmental disability''. However, such term is defined elsewhere in that section.

AMENDMENTS

1993—Subsecs. (b), (d). Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing.

EFFECTIVE DATE

Section inapplicable with respect to fiscal year 1992, see section 905(b)(3) of Pub. L. 102–375, set out as an Effective Date of 1992 Amendment note under section 3001 of this title.

§ 3035*o*. Housing demonstration programs

(a) Housing ombudsman demonstration programs

(1) Grants

The Assistant Secretary shall award grants to eligible agencies to establish housing ombudsman programs.

(2) Use of grants

An eligible agency shall use a grant awarded under paragraph (1) to—

(A) provide the services described in subparagraph (B) through—

(i) professional and volunteer staff to older individuals who are—

(I) participating in federally assisted and other publicly assisted housing programs; or

(II) seeking Federal, State, and local housing programs; and

(ii)(I) the State Long-Term Care Ombudsman program under section 3027(a)(12) of this title or section 3058g of this title;

(II) a legal services or assistance organization or through an organization that provides both legal and other social services;

(III) a public or not-for-profit social services agency; or

(IV) an agency or organization concerned with housing issues but not responsible for publicly assisted housing.

(B) establish a housing ombudsman program that provides information, advice, and advocacy services including—

(i) direct assistance, or referral to services, to resolve complaints or problems;

(ii) provision of information regarding available housing programs, eligibility, requirements, and application processes;

(iii) counseling or assistance with financial, social, familial, or other related matters that may affect or be influenced by housing problems;

(iv) advocacy related to promoting—

(I) the rights of the older individuals who are residents in publicly assisted housing programs; and

(II) the quality and suitability of housing in the programs; and

(v) assistance with problems related to housing regarding—

(I) threats of eviction or eviction notices;

(II) older buildings;

(III) functional impairments as the impairments relate to housing;

(IV) unlawful discrimination;

(V) regulations of the Department of Housing and Urban Development and the Farmers Home Administration;

(VI) disability issues;

(VII) intimidation, harassment, or arbitrary management rules;

(VIII) grievance procedures;

(IX) certification and recertification related to programs of the Department of Housing and Urban Development and the Farmers Home Administration; and

(X) issues related to transfer from one project or program to another;[1]

(3) Award of grants

The Assistant Secretary shall award grants under paragraph (1) to agencies in rural, urban, and other settings.

(4) Application

To be eligible to receive a grant under paragraph (1), an agency shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require, including, at a minimum—

(A) an assurance that the agency will conduct training of professional and volunteer staff who will provide services through the housing ombudsman demonstration program;

(B) in the case of an application submitted by an area agency on aging, an endorsement of the program by the State agency serving the State in which the program will be established, and an assurance by the State agency that the agency will work with the area agency in carrying out the program; and

(C) a plan to involve in the demonstration program the Secretary of the Department of Housing and Urban Development, the Administrator of the Farmers Home Administration, any individual or entity described in paragraph (2)(A) through which the agency intends to provide the services, and other agencies involved in publicly assisted housing programs.

(5) Eligible agencies

Agencies eligible to receive grants under this section shall include—

(A) State agencies;

(B) area agencies on aging; and

(C) other nonprofit entities, including providers of services under the State Long-Term Care Ombudsman program and the elder rights and legal assistance development program described in subparts II and IV, respectively, of part A of subchapter XI of this chapter.

(b) Foreclosure and eviction assistance and relief services demonstration programs

(1) Grants

The Assistant Secretary shall make grants to States to carry out demonstration programs to develop methods or implement laws—

(A) to prevent or delay the foreclosure on housing owned and occupied by older individuals or the eviction of older individuals from housing the individuals rent;

(B) to obtain alternative housing as a result of such foreclosure or eviction; and

(C) to assist older individuals to understand the rights and obligations of the individuals under laws relating to housing ownership and occupancy.

(2) Notification process

A State that receives a grant under paragraph (1) shall establish methods, including a notification process—

(A) to assist older individuals who are incapable of, or have difficulty in, understanding the circumstances and consequences of foreclosure on or eviction from housing the individuals occupy; and

(B) to coordinate the program for which such grant is received with the activities of tenant organizations, tenant-landlord mediation organizations, public housing entities, and area agencies on aging, to provide more effectively assistance or referral to services to relocate or prevent eviction of older individuals from housing the individuals occupy.

[1] So in original. The semicolon probably should be a period.

(c) Evaluations and reports

(1) Agencies

Each agency or State that receives a grant under subsection (a) or (b) of this section to establish a demonstration program shall, not later than 3 months after the end of the period for which the grant is awarded—

(A) evaluate the effectiveness of the program; and

(B) submit a report containing the evaluation to the Assistant Secretary.

(2) Assistant Secretary

The Assistant Secretary shall, not later than 6 months after the end of the period for which the Assistant Secretary awards a grant under subsection (a) or (b) of this section—

(A) evaluate the effectiveness of each demonstration program that receives the grant; and

(B) submit a report containing the evaluation to the Speaker of the House of Representatives and the President pro tempore of the Senate.

(Pub. L. 89–73, title IV, § 429G, as added Pub. L. 102–375, title IV, § 416, Sept. 30, 1992, 106 Stat. 1257; amended Pub. L. 103–171, §§ 2(17), 3(a)(11), (13), Dec. 2, 1993, 107 Stat. 1989, 1990.)

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–171, § 3(a)(13), substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing.

Subsec. (a)(2)(B)(v)(X). Pub. L. 103–171, § 2(17), struck out ''and'' at end.

Subsecs. (b), (c). Pub. L. 103–171, § 3(a)(11), (13), substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing in text and in heading for par. (2) of subsec. (c).

EFFECTIVE DATE

Section inapplicable with respect to fiscal year 1992, see section 905(b)(3) of Pub. L. 102–375, set out as an Effective Date of 1992 Amendment note under section 3001 of this title.

§ 3035p. Private resource enhancement projects

(a) Grants

(1) In general

The Assistant Secretary may make grants to, and enter into contracts with, State agencies and area agencies on aging, to carry out demonstration projects that generate non-Federal resources (including cash and in-kind contributions), in order to increase resources available to provide additional services under subchapter III of this chapter.

(2) Maintenance of resources

Resources generated with a grant made, or contract entered into, under subsection (a) of this section shall be in addition to, and may not be used to supplant, any resource that is or would otherwise be available under any Federal, State, or local law to a State, State agency, area agency on aging, or unit of general purpose local government (as defined in section 3022(2) of this title) to provide such services.

(3) Use of resources

Resources generated with a grant made, or a contract entered into, under subsection (a) of this section shall be used to provide supportive services in accordance with subchapter III of this chapter. The requirements under this chapter that apply to funds received under subchapter III of this chapter by States to carry out subchapter III of this chapter shall apply with respect to such resources.

(b) Award of grants and contracts

(1) Regional distribution

The Assistant Secretary shall ensure that States and area agencies on aging in all standard Federal regions of the United States, established by the Office of Management and Budget, receive grants and contracts under subsection (a) of this section on an equitable basis.

(2) Distribution based on need

Within such regions, the Assistant Secretary shall give preference to applicants that provide services under subchapter III of this chapter in geographical areas that contain a large number of older individuals with greatest economic need or older individuals with greatest social need.

(c) Monitoring

The Assistant Secretary shall monitor how—

(1) grants are expended, and contracts are carried out, under subsection (a) of this section; and

(2) resources generated under such grants and contracts are expended,

to ensure compliance with this section.

(Pub. L. 89–73, title IV, § 429H, as added Pub. L. 102–375, title IV, § 417, Sept. 30, 1992, 106 Stat. 1260; 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'' wherever appearing.

§ 3035q. Career preparation for the field of aging

(a) Grants

The Assistant Secretary shall make grants to institutions of higher education, historically Black colleges or universities, Hispanic Centers of Excellence in Applied Gerontology, and other educational institutions that serve the needs of minority students, to provide education and training to prepare students for careers in the field of aging.

(b) Definitions

For purposes of subsection (a) of this section:

(1) Hispanic Center of Excellence in Applied Gerontology

The term ''Hispanic Center of Excellence in Applied Gerontology'' means an institution of higher education with a program in applied gerontology that—

(A) has a significant number of Hispanic individuals enrolled in the program, including individuals accepted for enrollment in the program;

(B) has been effective in assisting Hispanic students of the program to complete the program and receive the degree involved;

(C) has been effective in recruiting Hispanic individuals to attend the program, including providing scholarships and other financial assistance to such individuals and encouraging Hispanic students of secondary educational institutions to attend the program; and

(D) has made significant recruitment efforts to increase the number and placement of Hispanic individuals serving in faculty or administrative positions in the program.

(2) Historically Black college or university

The term ''historically Black college or university'' has the meaning given the term ''part B institution'' in section 1061(2) of title 20.

(Pub. L. 89–73, title IV, § 429I, as added Pub. L. 102–375, title IV, § 418, Sept. 30, 1992, 106 Stat. 1261; amended Pub. L. 103–171, §§ 2(18), 3(a)(13), Dec. 2, 1993, 107 Stat. 1989, 1990.)

AMENDMENTS

1993—Subsecs. (a), (b)(2). Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner'' in subsec. (a) and ''Black'' for ''black'' in subsecs. (a) and (b)(2).

EFFECTIVE DATE

Section inapplicable with respect to fiscal year 1992, see section 905(b)(3) of Pub. L. 102–375, set out as an Effective Date of 1992 Amendment note under section 3001 of this title.

§ 3035r. Pension rights demonstration projects

(a) Definitions

As used in this section:

(1) Pension rights information program

The term ''pension rights information program'' means a program described in subsection (c) of this section.

(2) Pension and other retirement benefits

The term ''pension and other retirement benefits'' means private, civil service, and other public pensions and retirement benefits, including benefits provided under—

(A) the Social Security program under title II of the Social Security Act (42 U.S.C. 401 et seq.);

(B) the railroad retirement program under the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.);

(C) the government retirement benefits programs under the Civil Service Retirement System set forth in chapter 83 of title 5, the Federal Employees Retirement System set forth in chapter 84 of title 5, or other Federal retirement systems; or

(D) the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(b) Establishment

The Assistant Secretary shall establish and carry out pension rights demonstration projects.

(c) Pension rights information programs

(1) Use of funds

In carrying out the projects specified in subsection (b) of this section, the Assistant Secretary shall, to the extent appropriations are available, award grants to six eligible entities to establish programs to provide outreach, information, counseling, referral, and assistance regarding pension and other retirement benefits, and rights related to such benefits.

(2) Award of grants

(A) Type of entity

The Assistant Secretary shall award under this subsection—

(i) four grants to State agencies or area agencies on aging; and

(ii) two grants to nonprofit organizations with a proven record of providing—

(I) services related to retirement of older individuals; or

(II) specific pension rights counseling.

(B) Panel

In awarding grants under this subsection, the Assistant Secretary shall use a citizen advisory panel that shall include representatives of business, labor, national senior advocates, and national pension rights advocates.

(C) Criteria

In awarding grants under this subsection, the Assistant Secretary, in consultation with the panel, shall use as criteria—

(i) evidence of commitment of an agency or organization to carry out a proposed pension rights information program;

(ii) the ability of the agency or organization to perform effective outreach to affected populations, particularly populations identified as in need of special outreach; and

(iii) reliable information that the population to be served by the agency or organization has a demonstrable need for the services proposed to be provided under the program.

(3) Application

(A) In general

To be eligible to receive a grant under this subsection, an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require, including, at a minimum—

(i) a plan for the establishment of a pension rights information program to serve a specific geographic area; and

(ii) an assurance that staff members (including volunteer staff members) have no conflict of interest in providing the services described in the plan.

(B) Plan

The plan described in paragraph (1) shall provide for a program that—

(i) establishes a State or area pension rights information center;

(ii) provides counseling (including direct counseling and assistance to individuals needing information) and information that may assist individuals in establishing rights to, obtaining, and filing claims or complaints related to, pension and other retirement benefits;

(iii) provides information on sources of pension and other retirement benefits, in-

cluding the benefits under programs described in subsection (a)(1) of this section;

(iv) makes referrals to legal services and other advocacy programs;

(v) establishes a system of referral to State, local, and Federal departments or agencies related to pension and other retirement benefits;

(vi) provides a sufficient number of staff positions (including volunteer positions) to ensure information, counseling, referral, and assistance regarding pension and other retirement benefits;

(vii) provides training programs for staff members, including volunteer staff members of the programs described in subsection (a)(1) of this section;

(viii) makes recommendations to the Administration, the Department of Labor and other local, State, and Federal agencies concerning issues for older individuals related to pension and other retirement benefits; and

(ix) establishes an outreach program to provide information, counseling, referral, and assistance regarding pension and other retirement benefits, with particular emphasis on outreach to women, minorities, and low-income retirees.

(d) Training program

(1) Use of funds

In carrying out the projects described in subsection (b) of this section, the Assistant Secretary shall, to the extent appropriations are available, award a grant to an eligible entity to establish a training program to provide—

(A) information to the staffs of entities operating pension rights information programs; and

(B) assistance to the entities and assist such entities in the design of program evaluation tools.

(2) Eligible entity

Entities eligible to receive grants under this subsection include nonprofit private organizations with records of providing national information, referral, and advocacy in matters related to pension and other retirement benefits.

(3) Application

To be eligible to receive a grant under this subsection, an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

(e) Duration

The Assistant Secretary may award grants under subsection (c) or (d) of this section for periods not to exceed 18 months.

(f) Report to Congress

(1) Preparation

The Assistant Secretary shall prepare a report that—

(A) summarizes the distribution of funds authorized for grants under this section and the expenditure of such funds;

(B) summarizes the scope and content of training and assistance provided under a program carried out under this section and the degree to which the training and assistance can be replicated;

(C) outlines the problems that individuals participating in programs funded under this section encountered concerning rights related to pension and other retirement benefits; and

(D) makes recommendations regarding the manner in which services provided in programs funded under this section can be incorporated into the ongoing programs of State agencies, area agencies on aging, multipurpose senior centers, and other similar entities.

(2) Submission

Not later than 30 months after September 30, 1992, the Assistant Secretary shall submit the report described in paragraph (1) to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

(g) Administrative expenses

Of the funds appropriated under section 3037(a)(1) of this title to carry out this section for a fiscal year, not more than $100,000 may be used by the Administration for administrative expenses in carrying out this section.

(Pub. L. 89–73, title IV, § 429J, as added Pub. L. 102–375, title IV, § 419, Sept. 30, 1992, 106 Stat. 1261; amended Pub. L. 103–171, §§ 2(19), 3(a)(13), Dec. 2, 1993, 107 Stat. 1989, 1990.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (a)(2)(A), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title II of the Act is classified generally to subchapter II (§ 401 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

The Railroad Retirement Act of 1974, referred to in subsec. (a)(2)(B), is act Aug. 29, 1935, ch. 812, as amended generally by Pub. L. 93–445, title I, § 101, Oct. 16, 1974, 88 Stat. 1305, which is classified generally to subchapter IV (§ 231 et seq.) of chapter 9 of Title 45, Railroads. For further details and complete classification of this Act to the Code, see Codification note set out preceding section 231 of Title 45, section 231t of Title 45, and Tables.

The Employee Retirement Income Security Act of 1974, referred to in subsec. (a)(2)(D), is Pub. L. 93–406, Sept. 2, 1974, 88 Stat. 829, as amended, which is classified principally to chapter 18 (§ 1001 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 29 and Tables.

PRIOR PROVISIONS

A prior section 3036, Pub. L. 89–73, title IV, § 441, formerly § 421, as added Pub. L. 93–29, title IV, § 401, May 3, 1973, 87 Stat. 48; renumbered and amended Pub. L. 95–478, title I, § 104(c)(1)(B), (d), Oct. 18, 1978, 92 Stat. 1539, 1546, related to applications for grants for establishment or support of multidisciplinary centers of gerontology and gerontology centers of special emphasis, prior to the general amendment of this subchapter by Pub. L. 97–115, § 11(a), Dec. 29, 1981, 95 Stat. 1601.

AMENDMENTS

1993—Subsec. (a)(2)(D). Pub. L. 103–171, § 2(19), substituted ''Act of 1974'' for ''Act''.

Subsecs. (b) to (f). Pub. L. 103–171, § 3(a)(13), substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing.

CHANGE OF NAME

Committee on Education and Labor of House of Representatives treated as referring to Committee on Economic and Educational Opportunities of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Economic and Educational Opportunities of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Fifth Congress, Jan. 7, 1997.

EFFECTIVE DATE

Section inapplicable with respect to fiscal year 1992, see section 905(b)(3) of Pub. L. 102–375, set out as an Effective Date of 1992 Amendment note under section 3001 of this title.

PART C—GENERAL PROVISIONS

§ 3037. Authorization of appropriations

(a)(1) There are authorized to be appropriated to carry out the provisions of this subchapter (other than the provision specified in subsection (b) of this section) $72,000,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

(2) Not less than 1 percent of the amount appropriated under paragraph (1) for each fiscal year shall be made available to carry out section 3012(d) of this title.

(b) There are authorized to be appropriated to carry out section 3031(e) of this title, $450,000 for each of fiscal years 1992, 1993, 1994, and 1995.

(c) No funds appropriated under this subchapter—

(1) may be transferred to any office or other authority of the Federal Government which is not directly responsible to the Assistant Secretary;

(2) may be used for any program or activity which is not specifically authorized by this subchapter; or

(3) may be combined with funds appropriated under any other Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated under this subchapter are separately identified in such grant or payment and are used for the purposes of this subchapter.

(Pub. L. 89–73, title IV, § 431, as added Pub. L. 97–115, § 11(a), Dec. 29, 1981, 95 Stat. 1605; amended Pub. L. 98–459, title IV, § 411, Oct. 9, 1984, 98 Stat. 1785; Pub. L. 100–175, title I, §§ 156(e)(2), 157(b)–159, Nov. 29, 1987, 101 Stat. 955, 956; Pub. L. 102–375, title IV, § 420, Sept. 30, 1992, 106 Stat. 1264; Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

PRIOR PROVISIONS

A prior section 3037, Pub. L. 89–73, title IV, § 451, formerly § 431, as added Pub. L. 93–29, title IV, § 401, May 3, 1973, 87 Stat. 49; amended Pub. L. 94–135, title I, § 112(d), Nov. 28, 1975, 89 Stat. 720; renumbered § 451 and amended Pub. L. 95–478, title I, § 104(c)(1)(B), (e)(1), Oct. 18, 1978, 92 Stat. 1539, 1546, authorized appropriation of funds for fiscal years ending prior to Oct. 1, 1981, and prohibited transfer of funds to offices not directly responsible to Commissioner or for research programs or activities not specifically authorized by this subchapter, prior to the general amendment of this subchapter by Pub. L. 97–115.

Provisions similar to those comprising this section were contained in Pub. L. 89–73, title VIII, § 803, formerly title VI, § 603, July 14, 1965, 79 Stat. 226; Pub. L. 90–42, § 4, July 1, 1967, 81 Stat. 107; renumbered title VII, § 703, and amended Pub. L. 91–69, §§ 2(b), 9, Sept. 17, 1969, 83 Stat. 108, 111; renumbered title VIII, § 803, Pub. L. 92–258, § 1, Mar. 22, 1972, 86 Stat. 88, which was classified to section 3053 of this title, prior to repeal Pub. L. 93–29, title II, § 202, May 3, 1973, 87 Stat. 36.

A prior section 431 of Pub. L. 89–73, as added by Pub. L. 95–478, title I, § 104(c)(1)(C), Oct. 18, 1978, 92 Stat. 1543, authorized mortgage insurance and was classified to section 3035g of this title, prior to the general amendment of this subchapter by Pub. L. 97–115.

Another prior section 431 of Pub. L. 89–73 was renumbered section 451 of Pub. L. 89–73 and classified to section 3037 of this title. See note above.

AMENDMENTS

1993—Subsec. (c)(1). Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner''.

1992—Subsecs. (a), (b). Pub. L. 102–375 added subsecs. (a) and (b) and struck out former subsecs. (a) and (b) which read as follows:

''(a)(1) There are authorized to be appropriated to carry out the provisions of this subchapter (other than sections 3035f and 3035g of this title) $32,970,000 for the fiscal year 1988, $34,619,000 for the fiscal year 1989, $36,349,000 for the fiscal year 1990, and $38,167,000 for the fiscal year 1991.

''(2) Subject to subsection (b) of this section, there is authorized to be appropriated $1,000,000 for fiscal year 1989 to carry out the provisions of section 3035f of this title. The funds appropriated pursuant to this paragraph shall remain available for expenditure for fiscal year 1990.

''(3) Subject to subsection (b) of this section, there is authorized to be appropriated $2,000,000 for each of the fiscal years 1989 and 1990 to carry out the provisions of section 3035g of this title.

''(b) No funds may be appropriated under paragraph (2) or (3) of subsection (a) of this section for a fiscal year unless the aggregate amount appropriated for such fiscal year to carry out this subchapter (other than sections 3035f and 3035g of this title), subchapter III of this chapter (other than sections 3026(a)(6)(P), 3027(a)(12), and 3030a of this title, and parts E, F, and G of this subchapter), subchapter IX of this chapter, and subchapter X of this chapter exceeds 105 percent of the aggregate amount appropriated for the preceding fiscal year to carry out such subchapters.''

1987—Subsec. (a)(1). Pub. L. 100–175, § 158, amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''There are authorized to be appropriated to carry out the provisions of this subchapter (other than sections 3035f and 3035g of this title) $26,600,000 for fiscal year 1984, $28,200,000 for fiscal year 1985, $29,800,000 for fiscal year 1986, and $31,400,000 for fiscal year 1987.''

Pub. L. 100–175, § 157(b)(1), substituted ''sections 3035f and 3035g of this title'' for ''section 3035f of this title''.

Pub. L. 100–175, § 156(e)(2)(A), (B), designated existing provisions as par. (1) and inserted ''(other than section 3035f of this title)'' after ''this subchapter''.

Subsec. (a)(2). Pub. L. 100–175, § 156(e)(2)(C), added par. (2).

Subsec. (a)(3). Pub. L. 100–175, § 157(b)(2), added par. (3).

Subsecs. (b), (c). Pub. L. 100–175, § 159, added subsec. (b) and redesignated former subsec. (b) as (c).

1984—Subsec. (a). Pub. L. 98–459, § 411(a), struck out provisions authorizing appropriations in amount of $23,200,000 for fiscal year 1982 and $24,800,000 for fiscal year 1983 and inserted provisions authorizing appropriations of $28,200,000 for fiscal year 1985, $29,800,000 for fiscal year 1986, and $31,400,000 for fiscal year 1987.

Subsec. (b)(3). Pub. L. 98–459, § 411(b), added par. (3).

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100–175 effective Oct. 1, 1987, except not applicable with respect to any area plan sub-

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 section 411(a) of Pub. L. 98–459 effective Oct. 9, 1984, and amendment by section 411(b) of Pub. L. 98–459 not applicable with respect to any grant or payment made before Oct. 9, 1984, see section 803(a), (b)(3) of Pub. L. 98–459, set out as a note under section 3001 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3031, 3035d, 3035r of this title.

§ 3037a. Payments of grants

(a) Contributions of recipients

To the extent the Assistant Secretary deems it appropriate, the Assistant Secretary shall require the recipient of any grant or contract under this subchapter to contribute money, facilities, or services for carrying out the project for which such grant or contract was made.

(b) Adjustments; advances or reimbursement; installments; conditions

Payments under this subchapter pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Assistant Secretary may determine.

(c) Consultation with designated State agency as prerequisite to grant or contract

The Assistant Secretary shall make no grant or contract under this subchapter in any State which has established or designated a State agency for purposes of subchapter III of this chapter unless the Assistant Secretary—

(1) consults with the State agency prior to issuing the grant or contract; and

(2) informs the State agency of the purposes of the grant or contract when the grant or contract is issued.

(Pub. L. 89–73, title IV, § 432, as added Pub. L. 97–115, § 11(a), Dec. 29, 1981, 95 Stat. 1605; amended Pub. L. 98–459, title IV, § 412, Oct. 9, 1984, 98 Stat. 1785; Pub. L. 102–375, title IV, § 421, Sept. 30, 1992, 106 Stat. 1264; Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

PRIOR PROVISIONS

A prior section 3037a, Pub. L. 89–73, title IV, § 452, formerly § 432, as added Pub. L. 93–29, title IV, § 401, May 3, 1973, 87 Stat. 49; amended Pub. L. 94–135, title I, § 114(f), Nov. 28, 1975, 89 Stat. 725; renumbered § 452 and amended Pub. L. 95–478, title I, § 104(c)(1)(B), (e)(2), Oct. 18, 1978, 92 Stat. 1539, 1547, related to payments of grants, prior to the general revision of this subchapter by Pub. L. 97–115.

Provisions similar to those comprising this section were contained in Pub. L. 89–73, title IV, § 402, title V, § 502, July 14, 1965, 79 Stat. 224, 225, which were classified to sections 3032 and 3042 of this title, prior to repeal of sections 3032 and 3042 by Pub. L. 93–29, title IV, § 401, May 3, 1973, 87 Stat. 45.

A prior section 432 of Pub. L. 89–73, as added by Pub. L. 95–478, title I, § 104(c)(1)(C), Oct. 18, 1978, 92 Stat. 1545, related to annual interest grants for acquisition, alteration, etc., of multipurpose senior centers and was classified to section 3035h of this title, prior to the general revision of this subchapter by Pub. L. 97–115.

Another prior section 432 of Pub. L. 89–73 was renumbered section 452 of Pub. L. 89–73 and classified to section 3037a of this title. See note above.

AMENDMENTS

1993—Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing.

1992—Subsec. (c). Pub. L. 102–375 substituted ''unless the Commissioner—

''(1) consults with the State agency prior to issuing the grant or contract; and

''(2) informs the State agency of the purposes of the grant or contract when the grant or contract is issued.''

for ''unless the Commissioner has consulted with such State agency regarding such grant or contract.''

1984—Subsec. (a). Pub. L. 98–459 substituted ''the Commissioner deems'' for ''he deems''.

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.

§ 3037b. Responsibilities of Assistant Secretary

(a) Grants and contracts; nondelegation of authority

The Assistant Secretary shall be responsible for the administration, implementation, and making of grants and contracts under this subchapter and shall not delegate authority under this subchapter to any other individual, agency, or organization.

(b) Annual report to Congress

(1) Not later than January 1 following each fiscal year, the Assistant Secretary shall submit, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report for such fiscal year that describes each project and each program—

(A) for which funds were provided under this subchapter; and

(B) that was completed in the fiscal year for which such report is prepared.

(2) Such report shall contain—

(A) the name or descriptive title of each project or program;

(B) the name and address of the individual or governmental entity that conducted such project or program;

(C) a specification of the period throughout which such project or program was conducted;

(D) the identity of each source of funds expended to carry out such project or program and the amount of funds provided by each such source;

(E) an abstract describing the nature and operation of such project or program; and

(F) a bibliography identifying all published information relating to such project or program.

(c) Evaluation of programs

(1) The Assistant Secretary shall establish by regulation and implement a process to evaluate the results of projects and programs carried out under this subchapter.

(2) The Assistant Secretary shall—

(A) make available to the public each evaluation carried out under paragraph (1); and

(B) use such evaluation to improve services delivered, or the operation of projects and programs carried out, under this chapter.

(Pub. L. 89–73, title IV, § 433, as added Pub. L. 98–459, title IV, § 413, Oct. 9, 1984, 98 Stat. 1785; amended Pub. L. 102–375, title IV, § 422, Sept. 30, 1992, 106 Stat. 1265; Pub. L. 103–171, § 3(a)(12), (13), Dec. 2, 1993, 107 Stat. 1990.)

AMENDMENTS

1993—Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner'' in section catchline and wherever appearing in text.

1992—Subsec. (b). Pub. L. 102–375, § 422(1), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: ''The Commissioner shall prepare and publish annually as part of the report provided for in section 3018 of this title a detailed description of all grants, contracts, and activities for which funds are paid under this subchapter. Such report shall include the name of the recipient of each such grant or contract, the amount of funds provided for such grant or contract, and a justification of how the funded activity or project will achieve the purpose of this subchapter.''

Subsec. (c). Pub. L. 102–375, § 422(2), added subsec. (c).

EFFECTIVE DATE

Section effective Oct. 9, 1984, see section 803(a) of Pub. L. 98–459, set out as an Effective Date of 1984 Amendment note under section 3001 of this title.

SUBCHAPTER V—MULTIPURPOSE SENIOR CENTERS

PART A—ACQUISITION, ALTERATION, OR RENOVATION OF MULTIPURPOSE SENIOR CENTERS

§§ 3041 to 3041f. Repealed. Pub. L. 95–478, title V, § 501(a), Oct. 18, 1978, 92 Stat. 1558

Section 3041, Pub. L. 89–73, title V, § 501, as added Pub. L. 93–29, title V, § 501, May 3, 1973, 87 Stat. 50, related to provisions for grants or contracts. See sections 3028 and 3030d(b)(1) of this title.

A prior section 3041, Pub. L. 89–73, title V, § 501, July 14, 1965, 79 Stat. 224; Pub. L. 91–69, § 8, Sept. 17, 1969, 83 Stat. 111, which related to training project grants and contracts, training programs, studies, preparation and dissemination of materials, and conferences, was repealed by Pub. L. 93–29, title IV, § 401, May 3, 1973, 87 Stat. 45.

Section 3041a, Pub. L. 89–73, title V, § 502, as added Pub. L. 93–29, title V, § 501, May 3, 1973, 87 Stat. 50, related to requirements for approval of applications, preferred areas, and agency cooperation.

Section 3041b, Pub. L. 89–73, title V § 503, as added Pub. L. 93–29, title V, § 501, May 3, 1973, 87 Stat. 51, provided for payments, reservation from appropriations amount of grant or contract, amendments, advances, reimbursement, and installments.

Section 3041c, Pub. L. 89–73, title V, § 504, as added Pub. L. 93–29, title V, § 501, May 3, 1973, 87 Stat. 51, provided for recapture of payments. See section 3030b of this title.

Section 3041d, Pub. L. 89–73, title V, § 505, as added Pub. L. 93–29, title V, § 501, May 3, 1973, 87 Stat. 51; amended Pub. L. 94–135, title I, § 112(e), Nov. 28, 1975, 89 Stat. 720, provided for authorization of appropriations. See section 3023 of this title.

Section 3041e, Pub. L. 89–73, title V, § 506, as added Pub. L. 93–29, title V, § 501, May 3, 1973, 87 Stat. 51, related to mortgage insurance for Multipurpose Senior Centers. See section 3035g of this title.

Section 3041f, Pub. L. 89–73, title V, § 507, as added Pub. L. 93–29, title V, § 501, May 3, 1973, 87 Stat. 54; amended Pub. L. 94–135, title I, § 114(g), Nov. 28, 1975, 89 Stat. 725, related to annual interest grants. See section 3035h of this title.

EFFECTIVE DATE OF REPEAL

Section 501(a) of Pub. L. 95–478 provided that the repeal by that section is effective at the close of Sept. 30, 1978.

PART B—INITIAL STAFFING OF MULTIPURPOSE SENIOR CENTERS

§ 3042. Repealed. Pub. L. 95–478, title V, § 501(a), Oct. 18, 1978, 92 Stat. 1558

Section, Pub. L. 89–73, title V, § 511, as added Pub. L. 93–29, title V, § 501, May 3, 1973, 87 Stat. 54, related to personnel staffing grant program. See section 3030d(b)(2) of this title.

A prior section 3042, Pub. L. 89–73, title V, § 502, July 14, 1965, 79 Stat. 225, related to payments of training project grants, providing in subsec. (a) for contribution by recipients; subsec. (b) adjustments, advances or reimbursement, installments, and conditions; and subsec. (c) consultation of Secretary with State agency prior to making grants or contracts, prior to repeal by Pub. L. 93–29, title IV, § 401, May 3, 1973, 87 Stat. 45.

A prior section 3043, Pub. L. 89–73, title V, § 503, as added Pub. L. 90–42, § 6, July 1, 1967, 81 Stat. 108, related to study of need for trained personnel; and consultations with other government and private agencies and organizations, prior to repeal by Pub. L. 93–29, title IV, § 401, May 3, 1973, 87 Stat. 45.

EFFECTIVE DATE OF REPEAL

Section 501(a) of Pub. L. 94–478 provided that the repeal by that section is effective at the close of Sept. 30, 1978.

SUBCHAPTER VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

§§ 3044 to 3044e. Repealed. Pub. L. 93–113, title VI, § 604(a), Oct. 1, 1973, 87 Stat. 417

Section 3044, Pub. L. 89–73, title VI, § 601, as added Pub. L. 91–69, § 9, Sept. 17, 1969, 83 Stat. 111; amended Pub. L. 93–29, title VI, § 601, May 3, 1973, 87 Stat. 55, related to grants and contracts for volunteer service projects, providing in: subsec. (a) for approval of programs and rules and regulations; subsec. (b) for method of payment; subsec. (c) for conditions upon award of grant or contract, and subsec. (d) for exclusion as income of compensation to individual volunteers.

Section 3044a, Pub. L. 89–73, title VI, § 603, as added Pub. L. 91–69, § 9, Sept. 17, 1969, 83 Stat. 112; amended Pub. L. 93–29, title VI, § 602, May 3, 1973, 87 Stat. 55, related to authorization of appropriations.

Section 3044b, Pub. L. 89–73, title VI, § 611, as added Pub. L. 91–69, § 9, Sept. 17, 1969, 83 Stat. 112; amended Pub. L. 92–424, § 29(a), Sept. 19, 1972, 86 Stat. 705; Pub. L. 93–29, title VI, § 603(b), May 3, 1973, 87 Stat. 55, related to grants and contracts for Foster Grandparent projects and for services as senior health aides and senior companions, amount of award, method of payment, and exclusion as income of compensation to individual volunteers.

Section 3044c, Pub. L. 89–73, title VI, § 612, as added Pub. L. 91–69, § 9, Sept. 17, 1969, 83 Stat. 113, related to conditions upon award of grantor contract and defined ''community action agency''.

Section 3044d, Pub. L. 89–73, title VI, § 613, as added Pub. L. 91–69, § 9, Sept. 17, 1969, 83 Stat. 113; amended Pub. L. 93–29, title VI, § 603(c), May 3, 1973, 87 Stat. 55, related to interagency cooperation.

Section 3044e, Pub. L. 89–73, title VI, § 614, as added Pub. L. 91–69, § 9, Sept. 17, 1969, 83 Stat. 114; amended Pub. L. 93–29, title VI, § 604, May 3, 1973, 87 Stat. 55, related to authorization of appropriations.

Such former provisions are covered by various sections as follows:

Former Sections	*Present Sections*
3044(a)(1), (2)	5001(a)(1), (2)

Former Sections	*Present Sections*
3044(a)(3)	5044(a)
3044(a)(4), (5)	5001(a)(3), (4)
3044(a)(6)	5021
3044(b)	5022
3044(c)	5001(b)
3044(d)	5058
3044a	5082(a)
3044b(a), (b)	5011(a), (b)
3044b(c)	5022
3044b(d)	5058
3044c(a)(1)(A)	5012(a)(1)
3044c(a)(1)(B)	5044(a)
3044c(a)(2), (3)	5012(a)(2), (3)
3044c(b)	5012(b)
3044d	5021
3044e	5082(b)

SUBCHAPTER VII—NUTRITION PROGRAM FOR THE ELDERLY

§§ 3045 to 3045i. Repealed. Pub. L. 95–478, title V, § 501(a), Oct. 18, 1978, 92 Stat. 1558

Section 3045, Pub. L. 89–73, title VII, § 701, as added Pub. L. 92–258, § 2, Mar. 22, 1972, 86 Stat. 88, stated Congressional findings and declaration of policy.

Section 3045a, Pub. L. 89–73, title VII, § 702, as added Pub. L. 92–258, § 2, Mar. 22, 1972, 86 Stat. 89; amended Pub. L. 93–29, title VII, § 704(c), May 3, 1973, 87 Stat. 57; Pub. L. 93–644, § 9(a), Jan. 4, 1975, 88 Stat. 2310, related to administration of program. See section 3021(b) of this title.

Section 3045b, Pub. L. 89–73, title VII, § 703, as added Pub. L. 92–258, § 2, Mar. 22, 1972, 86 Stat. 90; amended Pub. L. 93–29, title VII, § 704(c), May 3, 1973, 87 Stat. 57; Pub. L. 94–135, title I, § 114(i), (j), Nov. 28, 1975, 89 Stat. 726, related to allotment of funds. See section 3024 of this title.

Section 3045c, Pub. L. 89–73, title VII, § 704, as added Pub. L. 92–258, § 2, Mar. 22, 1972, 86 Stat. 91; amended Pub. L. 93–29, title VII, § 704(c), May 3, 1973, 87 Stat. 57, related to payment of grants. See section 3029(a) of this title.

Section 3045d, Pub. L. 89–73, title VII, § 705, as added Pub. L. 92–258, § 2, Mar. 22, 1972, 86 Stat. 91; amended Pub. L. 93–29, title VII, §§ 702–704, May 3, 1973, 87 Stat. 56, 57; Pub. L. 94–135, title I, § 114(k)–(n), Nov. 28, 1975, 89 Stat. 726, related to provisions for State plans. See section 3027 of this title.

Section 3045e, Pub. L. 89–73, title VII, § 706, as added Pub. L. 92–258, § 2, Mar. 22, 1972, 86 Stat. 93; amended Pub. L. 93–29, title VII, § 704(c), May 3, 1973, 87 Stat. 57; Pub. L. 94–135, title I, § 114(*o*), (p), Nov. 28, 1975, 89 Stat. 726, related to nutrition and other program requirements. See sections 3027(a)(13) and 3030c of this title.

Section 3045f, Pub. L. 89–73, title VII, § 707, as added Pub. L. 92–258, § 2, Mar. 22, 1972, 86 Stat. 94; amended Pub. L. 93–29, title VII, § 701, May 3, 1973, 87 Stat. 56; Pub. L. 93–351, § 5, July 12, 1974, 88 Stat. 358; Pub. L. 94–135, title I, § 111(a)–(d), (f), Nov. 28, 1975, 89 Stat. 718, 719; Pub. L. 95–65, § 2, July 11, 1977, 91 Stat. 269, related to surplus commodities. See section 3030a of this title.

Section 3045g, Pub. L. 89–73, title VII, § 708, as added Pub. L. 92–258, § 2, Mar. 22, 1972, 86 Stat. 94; amended Pub. L. 93–351, § 1, July 12, 1974, 88 Stat. 357; Pub. L. 94–135, title I, §§ 111(e), 112(f), Nov. 28, 1975, 89 Stat. 719, 720, provided for authorization of appropriations. See section 3023 of this title.

Section 3045h, Pub. L. 89–73, title VII, § 709, as added Pub. L. 92–258, § 2, Mar. 22, 1972, 86 Stat. 95, concerned with relationship to other laws. See section 3020a(b) of this title.

Section 3045i, Pub. L. 89–73, title VII, § 710, as added Pub. L. 92–258, § 2, Mar. 22, 1972, 86 Stat. 95, related to agreements with profitmaking organizations. See section 3020c of this title.

EFFECTIVE DATE OF REPEAL

Section 501(a) of Pub. L. 95–478 provided that the repeal by that section is effective at the close of Sept. 30, 1978.

NUTRITION PROJECTS FOR ELDERLY UNDER PRIOR PROVISIONS, QUALIFIED UNDER SUCCESSOR PROVISIONS, ELIGIBLE FOR FUNDS UNDER SUCH PROVISIONS; COMPETITIVE BIDDING; DISCONTINUANCE OF PAYMENTS FOR INEFFECTIVE ACTIVITIES

Pub. L. 95–478, title V, § 501(b), Oct. 18, 1978, 92 Stat. 1558, as amended by Pub. L. 97–115, § 14(a), Dec. 29, 1981, 95 Stat. 1608; Pub. L. 98–459, title VIII, § 801(b), Oct. 9, 1984, 98 Stat. 1792, provided that: ''No contract awarded after September 30, 1982, shall be entered into for the provision of nutrition services unless such contract has been awarded through a competitive process. Such process shall include evaluation of each bidder's experience in providing services to older individuals. Whenever there is no evidence of improved quality of service and cost effectiveness on the part of another bidder, a provider of services who received funds under title VII of the Older Americans Act of 1965 [former sections 3045 to 3045i of this title] as in effect on September 29, 1978, shall be given preference.''

SUBCHAPTER VIII—GENERAL PROVISIONS

§§ 3051 to 3055. Repealed. Pub. L. 93–29, title II, § 202, May 3, 1973, 87 Stat. 36

Section 3051, Pub. L. 89–73, title VIII, § 801, formerly title VI, § 601, July 14, 1965, 79 Stat. 225; Pub. L. 90–42, § 5(c), (d), July 1, 1967, 81 Stat. 107; renumbered title VII, § 701, Pub. L. 91–69, § 9, Sept. 17, 1969, 83 Stat. 111; renumbered title VIII, § 801, Pub. L. 92–258, § 1, Mar. 22, 1972, 86 Stat. 88, related to advisory committees in general, providing in: subsec. (a) for establishment of Advisory Committee on Older Americans, its membership, and term of office; subsec. (b) for appointment of technical advisory committees; subsec. (c) for compensation and travel expenses; and subsec. (d) for technical and clerical assistance for Advisory Committee. See section 3015 of this title.

Section 3052, Pub. L. 89–73, title VIII, § 802, formerly title VI, § 602, July 14, 1965, 79 Stat. 226; Pub. L. 90–42, § 5(e), (f), July 1, 1967, 81 Stat. 107, 108; renumbered title VII, § 702, Pub. L. 91–69, § 9, Sept. 17, 1969, 83 Stat. 111; renumbered title VIII, § 802, Pub. L. 92–258, § 1, Mar. 22, 1972, 86 Stat. 88, related to administration. See section 3016(a), (b) of this title.

Section 3053, Pub. L. 89–73, title VIII, § 803, formerly title VI, § 603, July 14, 1965, 79 Stat. 226; Pub. L. 90–42, § 4, July 1, 1967, 81 Stat. 107; renumbered title VII, § 703 and amended Pub. L. 91–69, §§ 2(b), 9, Sept. 17, 1969, 83 Stat. 108, 111; renumbered title VIII, § 803, Pub. L. 92–258, § 1, Mar. 22, 1972, 86 Stat. 88, related to authorization of appropriations. See section 3037 of this title.

Section 3054, Pub. L. 89–73, title VIII, § 804, formerly title VII, § 704, as added Pub. L. 91–69, § 12, Sept. 17, 1969, 83 Stat. 114; renumbered title VIII, § 804, Pub. L. 92–258, § 1, Mar. 22, 1972, 86 Stat. 88, related to evaluation of programs. See section 3017 of this title.

Section 3055, Pub. L. 89–73, title VIII, § 805, formerly 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, related to joint funding of projects. See section 3019 of this title.

SUBCHAPTER IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1474, 3002, 3011, 3013, 4368a, 6873 of this title; title 29 sections 1604, 1605, 1735.

§ 3056. Older American Community Service Employment Program

(a) Employment

In order to foster and promote useful part-time opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor (hereinafter in this subchapter referred to as the ''Secretary'') is authorized to establish an older American community service employment program.

(b) Authority of Secretary; execution of agreements with terms and conditions for furthering purposes and goals of program; regulations for execution of subchapter provisions; development of alternatives for innovative work modes; creation of job opportunities; Senior Environmental Employment Corps

(1) In order to carry out the provisions of this subchapter, the Secretary is authorized to enter into agreements with public or private nonprofit agencies or organizations, including national organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or tribal organizations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c) of this section, of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement the program. No payment shall be made by the Secretary toward the cost of any project established or administered by any such organization or agency unless the Secretary determines that such project—

(A) will provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

(B) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities;

(C) will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by organizations, other than political parties, exempt from taxation under the provisions of section 501(c)(3) of title 26, except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

(D) will contribute to the general welfare of the community;

(E) will provide employment for eligible individuals;

(F)(i) will result in an increase in employment opportunities over those opportunities which would otherwise be available, (ii) will not result in the displacement of currently employed workers (including partial displacement, such as a reduction in the hours of non-overtime work or wages or employment benefits), and (iii) will not impair existing contracts or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed;

(G) will not employ or continue to employ any eligible individual to perform work the same or substantially the same as that performed by any other person who is on layoff;

(H) will utilize methods of recruitment and selection (including listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

(I) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

(J) will assure that safe and healthy conditions of work will be provided, and will assure that individuals employed in community service jobs assisted under this subchapter shall be paid wages which shall not be lower than whichever is the highest of (i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938 [29 U.S.C. 201 et seq.], if section 6(a)(1) of such Act [29 U.S.C. 206(a)(1)], applied to the participant and if the participant were not exempt under section 13 thereof [29 U.S.C. 213], (ii) the State or local minimum wage for the most nearly comparable covered employment, or (iii) the prevailing rates of pay for individuals employed in similar public occupations by the same employer;

(K) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

(L) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this subchapter, in accordance with regulations promulgated by the Secretary;

(M) will assure, that to the extent feasible, such project will serve the needs of minority, limited English-speaking, and Indian eligible individuals, and eligible individuals who have greatest economic need, at least in proportion to their numbers in the State and take into consideration their rates of poverty and unemployment;

(N)(i) will prepare an assessment of—

(I) the participants' skills and talents;

(II) their need for supportive services; and

(III) their physical capabilities;

except to the extent such project has, for the particular participant involved, an assessment of such skills and talents, such need, or such capabilities prepared recently pursuant to another employment or training program (such as a program under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) or the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.));

(ii) will provide to eligible individuals training and employment counseling based on strategies that identify appropriate employment objectives and the need for supportive services, developed as a result of the assessment provided for in clause (i); and

(iii) will provide counseling to participants on their progress in meeting such objectives and satisfying their need for supportive services;

(O) will authorize funds to be used, to the extent feasible, to include individuals participating in such project under any State unemployment insurance plan; and

(P) will post in such project workplace a notice, and will make available to each person associated with such project a written explanation, clarifying the law with respect to allowable and unallowable political activities under chapter 15 of title 5, applicable to the project and to each category of individuals associated with such project and containing the address and telephone number of the Inspector General of the Department of Labor, to whom questions regarding the application of such chapter may be addressed.

(2) The Secretary is authorized to establish, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this subchapter.

(3) The Secretary shall develop alternatives for innovative work modes and provide technical assistance in creating job opportunities through work sharing and other experimental methods to prime sponsors, labor organizations, groups representing business and industry and workers as well as to individual employers, where appropriate.

(4) The Secretary may enter into an agreement with the Administrator of the Environmental Protection Agency to establish a Senior Environmental Employment Corps.

(c) Authority of Secretary; project costs; non-Federal share; administration costs

(1) The Secretary is authorized to pay not to exceed 90 percent of the cost of any project which is the subject of an agreement entered into under subsection (b) of this section, except that the Secretary is authorized to pay all of the costs of any such project which is (A) an emergency or disaster project, or (B) a project located in an economically depressed area, as determined by the Secretary in consultation with the Secretary of Commerce and the Secretary of Health and Human Services.

(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

(3) Of the amount for any project to be paid by the Secretary under this subsection, not more than 13.5 percent for fiscal year 1987 and each fiscal year thereafter shall be available for paying the costs of administration for such project, except that—

(A) whenever the Secretary determines that it is necessary to carry out the project assisted under this subchapter, based on information submitted by the public or private nonprofit agency or organization with which the Secretary has an agreement under subsection (b) of this section, the Secretary may increase the amount available for paying the cost of administration to an amount not more than 15 percent of the cost of such project; and

(B) whenever the public or private nonprofit agency or organization with which the Secretary has an agreement under subsection (b) of this section demonstrates to the Secretary that—

(i) major administrative cost increases are being incurred in necessary program components, including liability insurance, payments for workers' compensation, costs associated with achieving unsubsidized placement goals, and other operation requirements imposed by the Secretary;

(ii) the number of employment positions in the project or the number of minority eligible individuals participating in the project will decline if the amount available for paying the cost of administration is not increased; or

(iii) the size of the project is so small that the amount of administrative expenses incurred to carry out the project necessarily exceed 13.5 percent of the amount for such project;

the Secretary shall increase the amount available for the fiscal year for paying the cost of administration to an amount not more than 15 percent of the cost of such project.

(d) Project and program distribution review; notice and opportunity for hearing

(1) Whenever a national organization or other program sponsor conducts a project within a planning and service area in a State such organization or program sponsor shall conduct such project in consultation with the area agency on aging of the planning and service area and shall submit to the State agency and the area agency on aging a description of such project to be conducted in the State, including the location of the project, 30 days prior to undertaking the project, for review and comment according to guidelines the Secretary shall issue to assure efficient and effective coordination of programs under this subchapter.

(2) The Secretary shall review on his own initiative or at the request of any public or private nonprofit agency or organization, or an agency of the State government, the distribution of programs under this title within the State including the distribution between urban and rural areas within the State. For each proposed reallocation of programs within a State, the Secretary shall give notice and opportunity for a hearing on the record by all interested individuals and make a written determination of his findings and decision.

(e) Second career training and job placement experimental projects; equitable geographic distribution; project criteria; evaluation of program; interim and final reports

(1) The Secretary, in addition to any other authority contained in this subchapter, shall conduct experimental projects designed to assure second career training and the placement of eli-

gible individuals in employment opportunities with private business concerns. The Secretary shall enter into such agreements with States, public agencies, nonprofit private organizations and private business concerns as may be necessary to conduct the experimental projects authorized by this subsection. The Secretary, from amounts reserved under section 3056d(a)(2)(A) of this title in any fiscal year, may pay all of the costs of any agreements entered into under the provisions of this subsection. The Secretary shall, to the extent feasible, assure equitable geographic distribution of projects authorized by this subsection.

(2) The Secretary shall issue, and amend from time to time, criteria designed to assure that agreements entered into under paragraph (1) of this subsection—

(A) will involve different kinds of work modes, such as flex-time, job sharing, and other arrangements relating to reduced physical exertion;

(B) will emphasize projects involving second careers and job placement and give consideration to placement in growth industries and in jobs reflecting new technological skills; and

(C) require the coordination of projects carried out under such agreements, with the programs carried out under section 124 of the Job Training Partnership Act (29 U.S.C. 1534).

(3)(A) The Secretary shall carry out an evaluation of the second career training and job placement projects authorized by this subsection.

(B) The evaluation shall include but not be limited to the projects described in paragraph (2).

(C) The Secretary shall prepare and submit, not later than one year after December 29, 1981, to the Congress an interim report describing the agreements entered into under paragraph (1) and the design for the evaluation required by this paragraph. The Secretary shall prepare and submit to the President and the Congress a final report on the evaluation required by this paragraph not later than February 1, 1984, together with his findings and such recommendations, including recommendations for additional legislation, as the Secretary deems appropriate.

(D) The Secretary shall make the final report submitted under subparagraph (C) available to interested private business concerns.

(4) For the purpose of this subsection, ''eligible individual'' means any individual who is 55 years of age or older and who has an income equal to or less than the intermediate level retired couples budget as determined annually by the Bureau of Labor Statistics.

(Pub. L. 89–73, title V, § 502, formerly title IX, § 902, as added Pub. L. 94–135, title I, § 113(a), Nov. 28, 1975, 89 Stat. 720; renumbered title V, § 502, and amended Pub. L. 95–478, title I, § 105(a), (b), Oct. 18, 1978, 92 Stat. 1547; Pub. L. 97–115, § 12(a)(1), (2), (b)(1), (c), Dec. 29, 1981, 95 Stat. 1606; Pub. L. 98–459, title V, § 501, Oct. 9, 1984, 98 Stat. 1786; Pub. L. 100–175, title I, §§ 161, 162(a), Nov. 29, 1987, 101 Stat. 957; Pub. L. 102–375, title V, §§ 501, 504(c)(1), (2), title IX, § 904(b)(1), Sept. 30, 1992, 106 Stat. 1265, 1269, 1309.)

REFERENCES IN TEXT

The Fair Labor Standards Act, referred to in subsec. (b)(1)(J), is act June 25, 1938, ch. 676, 52 Stat. 1060, as amended, which is classified generally to chapter 8 (§ 201 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

The Job Training Partnership Act, referred to in subsec. (b)(1)(N)(i), is Pub. L. 97–300, Oct. 13, 1982, 96 Stat. 1322, as amended, which is classified generally to chapter 19 (§ 1501 et seq.) of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of Title 29 and Tables.

The Carl D. Perkins Vocational and Applied Technology Education Act, referred to in subsec. (b)(1)(N)(i), is Pub. L. 88–210, Dec. 18, 1963, 77 Stat. 403, as amended generally by Pub. L. 98–524, § 1, Oct. 19, 1984, 98 Stat. 2435, which is classified generally to chapter 44 (§ 2301 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of Title 20 and Tables.

PRIOR PROVISIONS

A prior section 502 of Pub. L. 89–73, title V, as added Pub. L. 93–29, title V, § 501, May 3, 1973, 87 Stat. 50, related to requirements for approval of applications, preferred areas, and agency application and was classified to section 3041a of this title, prior to repeal by Pub. L. 95–478, title V, § 501(a), Oct. 18, 1978, 92 Stat. 1558.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102–375, § 501(1), inserted ''and who have poor employment prospects'' after ''or older''.

Subsec. (b)(1)(C). Pub. L. 102–375, § 904(b)(1)(A), substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

Subsec. (b)(1)(J). Pub. L. 102–375, § 904(b)(1)(B), substituted ''individuals'' for ''persons'' in two places.

Subsec. (b)(1)(M). Pub. L. 102–375, § 501(2)(A), inserted '', and eligible individuals who have greatest economic need, at least'' after ''individuals''.

Subsec. (b)(1)(N) to (P). Pub. L. 102–375, § 501(2)(B), (C), added subpar. (N) and redesignated former subpars. (N) and (O) as (O) and (P), respectively.

Subsec. (c)(1). Pub. L. 102–375, § 504(c)(1), substituted ''percent'' for ''per centum''.

Subsec. (c)(1)(B). Pub. L. 102–375, § 501(3), substituted ''Secretary'' for ''Director of the Office of Community Services of the Department'' before ''of Health and Human Services''.

Subsec. (d)(1). Pub. L. 102–375, § 501(4), substituted ''within a planning and service area in a State such organization or program sponsor shall conduct such project in consultation with the area agency on aging of the planning and service area and shall submit to the State agency and the area agency on aging'' for ''within a State such organization or program sponsor shall submit to the State agency on aging''.

Subsec. (e)(1). Pub. L. 102–375, § 504(c)(2), substituted ''section 3056d(a)(2)(A)'' for ''section 3056d(a)(1)(B)''.

Subsec. (e)(2). Pub. L. 102–375, § 501(5)(A), substituted ''The Secretary shall issue, and amend from time to time, criteria'' for ''Not later than 90 days after December 29, 1981, the Secretary shall issue criteria''.

Subsec. (e)(2)(C). Pub. L. 102–375, § 501(5)(B)–(D), added subpar. (C).

1987—Subsec. (b)(1)(M). Pub. L. 100–175, § 162(a), amended subpar. (M) generally. Prior to amendment, subpar. (M) read as follows: ''will assure that, to the extent feasible, such project will serve the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State;''.

Subsec. (c)(3). Pub. L. 100–175, § 161, amended par. (3) generally. Prior to amendment, par. (3) read as follows: ''Of the amount for any project to be paid by the Secretary under this subsection, not more than—

''(A) 13.5 percent for fiscal year 1986, and

''(B) 12 percent for fiscal year 1987, and thereafter,

shall be available for paying the costs of administration for such project, except that whenever the Secretary determines that it is necessary to carry out the project assisted under this subchapter, based upon information submitted by the public or private nonprofit agency or organization with which the Secretary has an agreement under subsection (b) of this section, the Secretary may increase the amount available for paying the cost of administration to an amount not more than 15 percent of the cost of such project.''

1984—Subsec. (b)(1). Pub. L. 98–459, § 501(a)(1), substituted ''unless the Secretary determines'' for ''unless he determines'' in provisions preceding subpar. (A).

Subsec. (b)(1)(J)(i). Pub. L. 98–459, § 501(a)(2), substituted ''if the participant were not exempt'' for ''if he were not exempt''.

Subsec. (b)(1)(O). Pub. L. 98–459, § 501(a)(3)–(5), added subpar. (O).

Subsec. (c)(3). Pub. L. 98–459, § 501(b), added par. (3).

1981—Subsec. (a). Pub. L. 97–115, § 12(a)(1), substituted ''or older, the Secretary'' for ''or older and who have poor employment prospects, the Secretary''.

Subsec. (b)(1)(E). Pub. L. 97–115, § 12(a)(2), struck out ''whose opportunities for other suitable public or private paid employment are poor'' after ''eligible individuals''.

Subsec. (c)(1). Pub. L. 97–115, § 12(b)(1), substituted reference to the Office of Community Services of the Department of Health and Human Services for reference to the Community Services Administration.

Subsec. (e). Pub. L. 97–115, § 12(c), designated existing provisions as par. (1), substituted reference to agreements relating to experimental projects designed to assure second career training and placement of eligible individuals and equitable geographic distribution of such projects for reference to agreements designed to assure transition of individuals employed in public service jobs to employment opportunities with private business concerns, and added pars. (2) to (4).

1978—Subsec. (b)(3), (4). Pub. L. 95–478, § 105(b)(1), added pars. (3) and (4).

Subsecs. (d), (e). Pub. L. 95–478, § 105(b)(2), added subsecs. (d) and (e).

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by sections 501 and 504(c)(1), (2) of Pub. L. 102–375 inapplicable with respect to fiscal year 1992, see section 905(b)(4) of Pub. L. 102–375, set out as a note under section 3001 of this title.

Amendment by section 904(b)(1) of Pub. L. 102–375 effective Sept. 30, 1992, see section 905(a) 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.

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.

SHORT TITLE

For short title of this subchapter as the ''Older American Community Service Employment Act'', see section 501 of title V of Pub. L. 89–73, set out as a Short Title of 1975 Amendment note under section 3001 of this title.

STUDY OF OLDER AMERICAN COMMUNITY SERVICE PROGRAMS

Section 505 of Pub. L. 98–459 provided that: ''The Secretary of Labor shall conduct a study to identify additional mechanisms, supplementing the existing program under the Act [this chapter], to increase community service employment opportunities for eligible individuals. Not later than 1 year after the date of the enactment of this Act [Oct. 9, 1984], the Secretary of Labor shall submit to the Congress a report describing the results of such study and proposing draft legislation which, if enacted by the Congress, would increase such employment opportunities.''

EXISTING PROJECTS; COMPLETION

Section 501(a) of Pub. L. 95–478, in part, authorized the Commissioner on Aging to complete projects undertaken under former sections 3041 et seq. and 3045 et seq. of this title or under this subchapter, before the close of Sept. 30, 1978, and unfinished on such date, with funds obligated but unexpended on such date.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3056d of this title.

§ 3056a. Administration of community service projects

(a) Consideration of needs of localities, employment situation and skills of eligible participants, and potential projects and number and percentage of eligible individuals in local population; coordination of programs by Secretary of Labor

(1) In order to effectively carry out the provisions of this subchapter, the Secretary shall, through the Assistant Secretary for Aging, consult with the State agency and the appropriate area agencies on aging established under section 3025(a)(2) of this title with regard to—

(A) the localities in which community service projects of the type authorized by this subchapter are most needed;

(B) consideration of the employment situations and the type of skills possessed by available local individuals who are eligible to participate; and

(C) potential projects and the number and percentage of eligible individuals in the local population.

(2) The Secretary of Labor and the Assistant Secretary for Aging shall coordinate the programs under this subchapter and the programs under subchapters III, IV, and X of this chapter to increase job opportunities available to older individuals.

(b) Coordination of Older American Community Service Employment Program with other Federal programs; prohibition against use of appropriations under this chapter for other Federal programs; distribution of information relating to age discrimination

(1) The Secretary shall coordinate the program assisted under this subchapter with programs authorized under the Job Training Partnership Act [29 U.S.C. 1501 et seq.], the Community Services Block Grant Act [42 U.S.C. 9901 et seq.], and the Vocational Education Act of 1984 [20 U.S.C. 2301 et seq.]. The Secretary shall coordinate the administration of this subchapter with the administration of subchapters III, IV, and X of this chapter by the Assistant Secretary for Aging, to increase the likelihood that eligible individuals for whom employment opportunities under this subchapter are available and

who need services under such subchapters receive such services. Appropriations under this chapter may not be used to carry out any program under the Job Training Partnership Act, the Community Services Block Grant Act, or the Vocational Education Act of 1984. The preceding sentence shall not be construed to prohibit carrying out projects under this subchapter jointly with programs, projects, or activities under any Act specified in such sentence.

(2) The Secretary shall distribute to grantees under this subchapter, for distribution to program enrollees, and at no cost to grantees or enrollees, informational materials developed and supplied by the Equal Employment Opportunity Commission and other appropriate Federal agencies which the Secretary determines are designed to help enrollees identify age discrimination and understand their rights under the Age Discrimination in Employment Act of 1967 [29 U.S.C. 621 et seq.].

(c) Use of services, equipment, personnel, and facilities of Federal and other agencies; cooperation with other public and private agencies in such use

In carrying out the provisions of this subchapter, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities.

(d) Payments; advances; reimbursement; installments

Payments under this subchapter may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

(e) Delegation of functions prohibited

The Secretary shall not delegate any function of the Secretary under this subchapter to any other department or agency of the Federal Government.

(f) Senior Environmental Employment Corps and energy conservation projects

In carrying out the provisions of this subchapter, the Secretary may fund and expand projects concerning the Senior Environmental Employment Corps and energy conservation from sums appropriated under section 3056f of this title for such fiscal year.

(Pub. L. 89–73, title V, §503, formerly title IX, §903, as added Pub. L. 94–135, title I, §113(a), Nov. 28, 1975, 89 Stat. 722; renumbered title V, §503, and amended Pub. L. 95–478, title I, §105(a), (c)(1), (3), Oct. 18, 1978, 92 Stat. 1547, 1548; Pub. L. 97–115, §12(d), Dec. 29, 1981, 95 Stat. 1607; Pub. L. 98–459, title V, §502, Oct. 9, 1984, 98 Stat. 1786; Pub. L. 100–175, title I, §163, Nov. 29, 1987, 101 Stat. 958; Pub. L. 102–375, title I, §102(b)(1)(B), (9)(E), title V, §502, Sept. 30, 1992, 106 Stat. 1201, 1202, 1266; Pub. L. 103–171, §§3(a)(8), 4(a)(3), Dec. 2, 1993, 107 Stat. 1990, 1991.)

REFERENCES IN TEXT

The Job Training Partnership Act, referred to in subsec. (b)(1), is Pub. L. 97–300, Oct. 13, 1982, 96 Stat. 1322, as amended, which is classified generally to chapter 19 (§1501 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of Title 29 and Tables.

The Community Services Block Grant Act, referred to in subsec. (b)(1), is subtitle B (§§671–683) of title VI of Pub. L. 97–35, §§671 to 683, Aug. 13, 1981, 95 Stat. 511, as amended, which is classified generally to chapter 106 (§9901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9901 of this title and Tables.

The Vocational Education Act of 1984, referred to in subsec. (b)(1), probably means the Carl D. Perkins Vocational and Applied Technology Education Act, Pub. L. 88–210, Dec. 18, 1963, 77 Stat. 403, as amended, which is classified generally to chapter 44 (§2301 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of Title 20 and Tables.

The Age Discrimination in Employment Act of 1967, referred to in subsec. (b)(2), is Pub. L. 90–202, Dec. 15, 1967, 81 Stat. 602, as amended, which is classified generally to chapter 14 (§621 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 29 and Tables.

PRIOR PROVISIONS

A prior section 503 of Pub. L. 89–73, title V, as added Pub. L. 93–29, title V, §501, May 3, 1973, 87 Stat. 51, provided for payments, reservation from appropriations amount of grant or contract, amendments, advances, reimbursement, and installments and was classified to section 3041b of this title, prior to repeal by Pub. L. 95–478, title V, §501(a), Oct. 18, 1978, 92 Stat. 1558.

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–171, §3(a)(8), substituted ''Assistant Secretary for Aging'' for ''Commissioner'' in two places.

Subsec. (b)(1). Pub. L. 103–171, §4(a)(3), amended directory language of Pub. L. 102–375, §502(b). See 1992 Amendment note below.

Pub. L. 103–171, §3(a)(8), substituted ''Assistant Secretary for Aging'' for ''Commissioner''.

1992—Subsec. (a). Pub. L. 102–375, §502(a), designated existing provisions as par. (1), redesignated former pars. (1) to (3) as subpars. (A) to (C) of par. (1), respectively, and added par. (2).

Pub. L. 102–375, §102(b)(1)(B), (9)(E), struck out ''of the Administration on Aging'' after ''Commissioner'' and ''on aging designated under section 3025(a)(1) of this title'' after ''State agency''.

Subsec. (b)(1). Pub. L. 102–375, §502(b), as amended by Pub. L. 103–171, §4(a)(3), substituted in first sentence ''The Secretary shall'' for ''If the Secretary determines that to do so would increase job opportunities available to individuals under this subchapter, the Secretary is authorized to'', inserted after first sentence ''The Secretary shall coordinate the administration of this subchapter with the administration of subchapters III, IV, and X of this chapter by the Commissioner, to increase the likelihood that eligible individuals for whom employment opportunities under this subchapter are available and who need services under such subchapters receive such services.'', and added at end ''The preceding sentence shall not be construed to prohibit carrying out projects under this subchapter jointly with programs, projects, or activities under any Act specified in such sentence.''

1987—Subsec. (b). Pub. L. 100–175 designated existing provisions as par. (1) and added par. (2).

1984—Subsec. (b). Pub. L. 98–459 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: ''If the Secretary determines that to do so would increase job opportunities available to individuals under this subchapter, the Secretary is authorized to coordinate the program assisted under this subchapter with programs authorized under the Emergency Jobs

and Unemployment Assistance Act of 1974, the Comprehensive Employment and Training Act, the Community Services Act of 1974, and the Emergency Employment Act of 1971. Appropriations under this chapter may not be used to carry out any program under the Emergency Jobs and Unemployment Assistance Act of 1974, the Comprehensive Employment and Training Act, the Community Services Act of 1974 or the Emergency Employment Act of 1971.''

1981—Subsec. (b). Pub. L. 97–115 substituted reference to Comprehensive Employment and Training Act for reference to Comprehensive Employment and Training Act of 1973 in two places.

1978—Subsec. (a). Pub. L. 95–478, § 105(c)(1), substituted reference to section ''3025'' for ''3024'' in two places.

Subsec. (f). Pub. L. 95–478, § 105(c)(3), added subsec. (f).

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.

§ 3056b. Participants without status of Federal employees; contractual requirement of workmen's compensation

(a) Eligible individuals who are employed in any project funded under this subchapter shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5.

(b) No contract shall be entered into under this subchapter with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self-insurance, as authorized by State law, that the persons employed under the contract shall enjoy workmen's compensation coverage equal to that provided by law for covered employment.

(Pub. L. 89–73, title V, § 504, formerly title IX, § 904, as added Pub. L. 94–135, title I, § 113(a), Nov. 28, 1975, 89 Stat. 723; renumbered title V, § 504, and amended Pub. L. 95–478, title I, § 105(a), title V, § 503(d), Oct. 18, 1978, 92 Stat. 1547, 1559.)

PRIOR PROVISIONS

A prior section 504 of Pub. L. 89–73, title V, as added Pub. L. 93–29, title V, § 501, May 3, 1973, 87 Stat. 51, provided for recapture of payments and was classified to section 3041c of this title, prior to repeal by Pub. L. 95–478, title V, § 501(a), Oct. 18, 1978, 92 Stat. 1558.

AMENDMENTS

1978—Subsec. (b). Pub. L. 95–478 struck out comma before ''shall enjoy''.

§ 3056c. Interagency cooperation

(a) Assistant Secretary for Aging

The Secretary shall consult with, and obtain the written views of, the Assistant Secretary for Aging prior to the establishment of rules or the establishment of general policy in the administration of this subchapter.

(b) Director of Office of Community Services; Secretary of Health and Human Services; other Federal agencies

The Secretary shall consult and cooperate with the Director of the Office of Community Services, the Secretary of Health and Human Services, and the heads of other Federal agencies carrying out related programs, in order to achieve optimal coordination with such other programs. In carrying out the provisions of this section, the Secretary shall promote programs or projects of a similar nature. Each Federal agency shall cooperate with the Secretary in disseminating information relating to the availability of assistance under this subchapter and in promoting the identification and interests of individuals eligible for employment in projects assisted under this subchapter.

(c) Administrator of Environmental Protection Agency; Secretary of Energy

In administering projects under this subchapter concerning the Senior Environmental Employment Corps and energy conservation, the Secretary shall consult with the Administrator of the Environmental Protection Agency and the Secretary of Energy and shall enter into an agreement with the Administrator and the Secretary of Energy to coordinate programs conducted by them with such projects.

(d) Secretary of Education

(1) The Secretary shall promote and coordinate carrying out projects under this subchapter jointly with programs, projects, or activities under other Acts that provide training and employment opportunities to eligible individuals.

(2) The Secretary shall consult with the Secretary of Education to promote and coordinate carrying out projects under this subchapter jointly with employment and training programs in which eligible individuals may participate that are carried out under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

(Pub. L. 89–73, title V, § 505, formerly title IX, § 905, as added Pub. L. 94–135, title I, § 113(a), Nov. 28, 1975, 89 Stat. 723; renumbered title V, § 505, and amended Pub. L. 95–478, title I, § 105(a), (d), Oct. 18, 1978, 92 Stat. 1547, 1548; Pub. L. 97–115, § 12(b)(2), Dec. 29, 1981, 95 Stat. 1606; Pub. L. 102–375, title V, § 503, Sept. 30, 1992, 106 Stat. 1267; Pub. L. 103–171, § 3(a)(8), Dec. 2, 1993, 107 Stat. 1990.)

REFERENCES IN TEXT

The Carl D. Perkins Vocational and Applied Technology Education Act, referred to in subsec. (d)(2), is Pub. L. 88–210, Dec. 18, 1963, 77 Stat. 403, as amended, which is classified generally to chapter 44 (§ 2301 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of Title 20 and Tables.

PRIOR PROVISIONS

A prior section 505 of Pub. L. 89–73, title V, as added Pub. L. 93–29, title V, § 501, May 3, 1973, 87 Stat. 51; amended Pub. L. 94–135, title I, § 112(e), Nov. 28, 1975, 89 Stat. 720, provided for authorization of appropriation and was classified to section 3041d of this title, prior to repeal by Pub. L. 95–478, title V, § 501(a), Oct. 18, 1978, 92 Stat. 1558.

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–171 substituted ''Assistant Secretary for Aging'' for ''Commissioner''.

1992—Subsec. (a). Pub. L. 102–375, § 503(1), struck out ''of the Administration of Aging'' after ''Commissioner''.

Subsec. (d). Pub. L. 102–375, § 503(2), added subsec. (d).

1981—Subsec. (b). Pub. L. 97–115 substituted reference to the Director of the Office of Community Services and the Secretary of Health and Human Services for reference to the Director of the Community Services Administration and the Secretary of Health, Education, and Welfare.

1978—Subsec. (c). Pub. L. 95–478 added subsec. (c).

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.

§ 3056d. National grants or contracts and State allotments for projects

(a) Reservation of appropriations; national activities based on level of activities in fiscal year 1978; equitable distribution of aggregate activities; transitional employment funds; allotment of excess appropriations based on amount appropriated in fiscal year 1991; allotment formula; preferences in awards; demographics

(1)(A) Subject to subparagraph (B) and paragraph (2), from sums appropriated under this subchapter for each fiscal year, the Secretary shall first reserve such sums as may be necessary for national grants or contracts with public agencies and public or nonprofit private organizations to maintain the level of activities carried on under such grants or contracts at least at the level of such activities supported under this subchapter and under any other provision of Federal law relating to community service employment programs for older Americans in fiscal year 1978.

(B)(i)(I) For each fiscal year in which the sums appropriated under this subchapter exceed the amount appropriated under this subchapter for fiscal year 1978, the Secretary shall reserve not more than 45 percent of such excess, except as provided in subclause (II), to carry out clauses (ii), (iii), and (v).

(II) The Secretary shall reserve a sum sufficient to carry out clauses (iii) and (v).

(III) The Secretary in awarding grants and contracts under this paragraph from the sum reserved under this paragraph shall, to the extent feasible, assure an equitable distribution of activities under such grants and contracts designed to achieve the allotment among the States described in paragraph (3) of this subsection.

(ii) The Secretary shall reserve such sums as may be necessary for national grants or contracts with public or nonprofit national Indian aging organizations with the ability to provide employment services to older Indians and with national public or nonprofit Pacific Island and Asian American aging organizations with the ability to provide employment services to older Pacific Island and Asian Americans.

(iii) If the amount appropriated under this subchapter for a fiscal year exceeds 102 percent of the amount appropriated under this subchapter for fiscal year 1991, for each fiscal year described in clause (iv), the Secretary shall reserve for recipients of national grants and contracts under this paragraph such portion of the excess amount as the Secretary determines to be appropriate and is—

(I) at least 25 percent of the excess amount; or

(II) the portion required to increase the amount made available under this paragraph to each of the recipients so that the amount equals 1.3 percent of the amount appropriated under this subchapter for fiscal year 1991.

(iv) From the portion reserved under clause (iii), the Secretary shall increase the amount made available under this paragraph to each of the recipients—

(I) for each fiscal year before the fiscal year described in subclause (II), so that such amount equals, or more closely approaches, such 1.3 percent; and

(II) for the first fiscal year for which the portion is sufficient to make available under this paragraph to each of the recipients the amount equal to such 1.3 percent, so that such amount is not less than such 1.3 percent.

(v) For each fiscal year after the fiscal year described in clause (iv)(II), the Secretary shall make available under this paragraph to each of the recipients an amount not less than such 1.3 percent.

(C) Preference in awarding grants and contracts under this paragraph shall be given to national organizations, and agencies, of proven ability in providing employment services to eligible individuals under this program and similar programs. The Secretary, in awarding grants and contracts under this section, shall, to the extent feasible, assure an equitable distribution of activities under such grants and contracts, in the aggregate, among the States, taking into account the needs of underserved States, subject to subparagraph (B)(i)(III).

(2)(A) From sums appropriated under this subchapter for each fiscal year after September 30, 1978, the Secretary shall reserve an amount which is at least 1 percent and not more than 3 percent of the amount appropriated in excess of the amount appropriated for fiscal year 1978 for the purpose of entering into agreements under section 3056(e) of this title, relating to improved transition to private employment.

(B) After the Secretary makes the reservations required by paragraph (1)(B) and subparagraph (A), the remainder of such excess shall be allotted to the appropriate public agency of each State pursuant to paragraph (3).

(3) The Secretary shall allot to the State agency on aging of each State the remainder of the sums appropriated for any fiscal year under section 3056f of this title so that each State will receive an amount which bears the same ratio to

such remainder as the product of the number of persons aged fifty-five or over in the State and the allotment percentage of such State bears to the sum of the corresponding product for all States, except that (A) no State shall be allotted less than one-half of 1 percent of the remainder of the sums appropriated for the fiscal year for which the determination is made, or $100,000, whichever is greater, and (B) Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount which is not less than one-fourth of 1 percent of the remainder of the sums appropriated for the fiscal year for which the determination is made, or $50,000, whichever is greater. For the purpose of the exception contained in this paragraph the term ''State'' does not include Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and the Trust Territory of the Pacific Islands.

(4) For the purpose of this subsection—

(A) the allotment percentage of each State shall be 100 percent less that percentage which bears the same ratio to 50 percent as the per capita income of such State bears to the per capita income of the United States, except that (i) the allotment percentage shall in no case be more than 75 percent or less than 33⅓ percent, and (ii) the allotment percentage for the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands shall be 75 percent;

(B) the number of persons aged fifty-five or over in any State and in all States, and the per capita income in any State and in all States, shall be determined by the Secretary on the basis of the most satisfactory data available to the Secretary; and

(C) for the purpose of determining the allotment percentage, the term ''United States'' means the fifty States and the District of Columbia.

(b) Reallotments

The amount allotted for projects within any State under subsection (a) of this section for any fiscal year which the Secretary determines will not be required for such year shall be reallotted, from time to time and on such dates during such year as the Secretary may fix, to projects within other States in proportion to the original allotments to projects within such States under subsection (a) of this section for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates that projects within such State need and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) of this section for such year.

(c) Equitable distribution of assistance

The amount apportioned for projects within each State under subsection (a) of this section shall be apportioned among areas within each such State in an equitable manner, taking into consideration (1) the proportion which eligible individuals in each such area bears to the total number of such individuals, respectively, in that State, (2) the relative distribution of such individuals residing in rural and urban areas within the State, and (3) the relative distribution of (A) such individuals who are individuals with greatest economic need, (B) such individuals who are minority individuals, and (C) such individuals who are individuals with greatest social need.

(d) Compliance reports by State agencies

The Secretary shall require the State agency for each State receiving funds under this subchapter to report at the beginning of each fiscal year on such State's compliance with subsection (c) of this section. Such report shall include the names and geographic location of all projects assisted under this subchapter and carried out in the State and the amount allotted to each such project.

(Pub. L. 89–73, title V, § 506, formerly title IX, § 906, as added Pub. L. 94–135, title I, § 113(a), Nov. 28, 1975, 89 Stat. 723; renumbered title V, § 506, and amended Pub. L. 95–478, title I, § 105(a), (e), Oct. 18, 1978, 92 Stat. 1547, 1548; Pub. L. 97–115, § 12(e), Dec. 29, 1981, 95 Stat. 1607; Pub. L. 98–459, title V, § 503(a), (b), Oct. 9, 1984, 98 Stat. 1787; Pub. L. 100–175, title I, §§ 162(b), 182(b)(3), Nov. 29, 1987, 101 Stat. 957, 964; Pub. L. 102–375, title V, § 504(a)–(c)(1), (3), title IX, § 904(b)(2), Sept. 30, 1992, 106 Stat. 1267–1269, 1309.)

PRIOR PROVISIONS

A prior section 506 of Pub. L. 89–73, title V, as added Pub. L. 93–29, title V, § 501, May 3, 1973, 87 Stat. 51, related to mortgage insurance for Multipurpose Senior Centers and was classified to section 3041e of this title, prior to repeal by Pub. L. 95–478, title V, § 501(a), Oct. 18, 1978, 92 Stat. 1558.

AMENDMENTS

1992—Subsec. (a)(1), (2). Pub. L. 102–375, § 504(a), amended pars. (1) and (2) generally. Prior to amendment, pars. (1) and (2) related to national grants and contracts based on level of activities in fiscal year 1978, preferences in awards, equitable distribution of aggregate activities, transitional employment funds, and State allotments.

Subsec. (a)(3). Pub. L. 102–375, § 904(b)(2), substituted ''United States Virgin Islands'' for ''Virgin Islands'' in two places.

Pub. L. 102–375, § 504(c)(1), substituted ''percent'' for ''per centum'' in two places.

Subsec. (a)(4)(A). Pub. L. 102–375, § 904(b)(2), substituted ''United States Virgin Islands'' for ''Virgin Islands''.

Pub. L. 102–375, § 504(c)(1), substituted ''percent'' for ''per centum'' wherever appearing.

Subsec. (a)(4)(B). Pub. L. 102–375, § 504(c)(3), substituted ''the Secretary'' for ''him'' before semicolon.

Subsec. (c)(3). Pub. L. 102–375, § 504(b), added cl. (3).

1987—Subsec. (a)(1)(A). Pub. L. 100–175, § 162(b), inserted provision relating to reservation of sums for grants and contracts with national public and nonprofit Indian aging organizations and Pacific Island and Asian American aging organizations, which organizations have the ability of providing employment services.

Subsec. (a)(4)(A). Pub. L. 100–175, § 182(b)(3), substituted ''the Commonwealth of Puerto Rico'' for ''Puerto Rico''.

1984—Subsec. (a)(3). Pub. L. 98–459, § 503(a), substituted ''shall allot to the State agency'' for ''shall allot to State agency''.

Subsec. (d). Pub. L. 98–459, § 503(b), added subsec. (d).

1981—Subsec. (a)(1)(B). Pub. L. 97–115, § 12(e)(2), substituted ''shall reserve an amount which is equal to at least 1 per centum but not more than 3 per centum'' for ''may reserve an amount not to exceed one per centum''.

Subsec. (a)(2). Pub. L. 97–115, § 12(e)(1), (3)(A), inserted provision that the Secretary in awarding grants and contracts under such par. (1) from such 45 per centum, to the extent feasible, assure an equitable distribution of activities under such grants and contracts designed to achieve the allotment among the States described in par. (3) and substituted ''allotted to the appropriate public agency of each State pursuant to'' for ''allotted pursuant to''.

Subsec. (a)(3). Pub. L. 97–115, § 12(e)(3)(B), substituted ''to State agency on aging of each State'' for ''for projects within each State'' and inserted reference to the Commonwealth of the Northern Mariana Islands in two places.

Subsec. (a)(4)(A). Pub. L. 97–115, § 12(e)(3)(C), inserted reference to the Commonwealth of the Northern Mariana Islands.

1978—Subsec. (a)(1). Pub. L. 95–478, § 105(e)(1), designated existing provisions as subpar. (A), inserted introductory text ''Subject to the provisions of paragraph (2)'' and substituted ''fiscal year 1978'' for ''the fiscal year ending June 30, 1975'', and added subpar. (B).

Subsec. (a)(2) to (4). Pub. L. 95–478, § 105(e)(2), added par. (2) and redesignated existing pars. (2) and (3) as (3) and (4), respectively.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by section 504(a)–(c)(1), (3) of Pub. L. 102–375 inapplicable with respect to fiscal year 1992, see section 905(b)(4) of Pub. L. 102–375, set out as a note under section 3001 of this title.

Amendment by section 904(b)(2) of Pub. L. 102–375 effective Sept. 30, 1992, see section 905(a) 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.

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.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3056 of this title.

§ 3056e. Definitions

As used in this subchapter—

(1) the term ''eligible individual'' means an individual who is fifty-five years old or older, who has a low income (including any such individual whose income is not more than 125 percent of the poverty line), except that, pursuant to regulations prescribed by the Secretary, any such individual who is sixty years old or older shall have priority for the work opportunities provided for under this subchapter;

(2) the term ''community service'' means social, health, welfare, and educational services (particularly literacy tutoring), legal and other counseling services and assistance, including tax counseling and assistance and financial counseling, and library, recreational, and other similar services; conservation, maintenance, or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; weatherization activities; economic development; and such other services essential and necessary to the community as the Secretary, by regulation, may prescribe;

(3) the term ''program'' means the older American community service employment program established under this subchapter; and

(4) the term ''Pacific Island and Asian Americans'' means Americans having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.

(Pub. L. 89–73, title V, § 507, formerly title IX, § 907, as added Pub. L. 94–135, title I, § 113(a), Nov. 28, 1975, 89 Stat. 724; renumbered title V, § 507, and amended Pub. L. 95–478, title I, § 105(a), (f), Oct. 18, 1978, 92 Stat. 1547, 1548; Pub. L. 97–115, § 12(a)(3), (f), Dec. 29, 1981, 95 Stat. 1606, 1607; Pub. L. 98–459, title V, § 503(c), Oct. 9, 1984, 98 Stat. 1787; Pub. L. 100–175, title I, §§ 164, 182(b)(4), (p), Nov. 29, 1987, 101 Stat. 958, 964, 967; Pub. L. 100–628, title VII, § 705(9), Nov. 7, 1988, 102 Stat. 3247; Pub. L. 102–375, title I, § 102(b)(8), title V, § 504(c)(1), Sept. 30, 1992, 106 Stat. 1201, 1269.)

PRIOR PROVISIONS

A prior section 507 of Pub. L. 89–73, title V, as added Pub. L. 93–29, title V, § 501, May 3, 1973, 87 Stat. 51; amended Pub. L. 94–135, title I, § 114(g), Nov. 28, 1975, 89 Stat. 725, related to annual interest grants and was classified to section 3041f of this title, prior to repeal by Pub. L. 95–478, title V, § 501(a), Oct. 18, 1978, 92 Stat. 1558.

AMENDMENTS

1992—Par. (1). Pub. L. 102–375, § 504(c)(1), substituted ''percent'' for ''per centum''.

Pub. L. 102–375, § 102(b)(8), substituted ''poverty line'' for ''poverty guidelines established by the Office of Management and Budget''.

1988—Par. (3). Pub. L. 100–628 inserted ''; and'' at end.

1987—Par. (1). Pub. L. 100–175, § 182(b)(4), (p), redesignated par. (2) as (1), substituted ''Office of Management and Budget'' for ''Bureau of Labor Statistics'', and struck out former par. (1) which read as follows: ''the term 'State' means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Trust Territory of the Pacific Islands;''.

Par. (2). Pub. L. 100–175, §§ 164(a), 182(b)(4)(B), redesignated par. (3) as (2) and inserted ''(particularly literacy tutoring)'' after ''educational services''. Former par. (2) redesignated (1).

Pars. (3), (4). Pub. L. 100–175, § 182(b)(4)(B), redesignated pars. (4) and (5) as (3) and (4), respectively. Former par. (3) redesignated (2).

Par. (5). Pub. L. 100–175, § 182(b)(4)(B), redesignated par. (5) as (4).

Pub. L. 100–175, § 164(b), added par. (5).

1984—Par. (2). Pub. L. 98–459 substituted ''years old or older'' for ''years old or over'' in two places.

1981—Par. (1). Pub. L. 97–115, § 12(f)(1), inserted reference to the Commonwealth of the Northern Mariana Islands.

Par. (2). Pub. L. 97–115, § 12(a)(3), struck out ''and who has or would have difficulty in securing employment,'' after ''Labor Statistics),''.

Par. (3). Pub. L. 97–115, § 12(f)(2), inserted reference to weatherization activities.

1978—Par. (2). Pub. L. 95–478 inserted ''(including any such individual whose income is not more than 125 per centum of the poverty guidelines established by the Bureau of Labor Statistics)'' after ''low income''.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by section 102(b)(8) of Pub. L. 102–375 effective Sept. 30, 1992, see section 905(a) of Pub. L. 102–375, set out as a note under section 3001 of this title.

Amendment by section 504(c)(1) of Pub. L. 102–375 inapplicable with respect to fiscal year 1992, see section 905(b)(4) 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.

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3013 of this title.

§ 3056f. Authorization of appropriations

(a) There is authorized to be appropriated to carry out this subchapter—

(1) $470,671,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993, 1994, and 1995; and

(2) such additional sums as may be necessary for each such fiscal year to enable the Secretary, through programs under this subchapter, to provide for at least 70,000 part-time employment positions for eligible individuals.

For purposes of paragraph (2), ''part-time employment position'' means an employment position within a workweek of at least 20 hours.

(b) Amounts appropriated under this section for any fiscal year shall be used during the annual period which begins on July 1 of the calendar year immediately following the beginning of such fiscal year and which ends on June 30 of the following calendar year. The Secretary may extend the period during which such amounts may be obligated or expended in the case of a particular organization or agency receiving funds under this subchapter if the Secretary determines that such extension is necessary to ensure the effective use of such funds by such organization or agency. Any such extension shall be for a period of not more than 60 days after the end of such annual period.

(Pub. L. 89–73, title V, § 508, formerly title IX, § 908, as added Pub. L. 94–135, title I, § 113(a), Nov. 28, 1975, 89 Stat. 725; renumbered title V, § 508, and amended Pub. L. 95–478, title I, § 105(a), (g), Oct. 18, 1978, 92 Stat. 1547, 1548; Pub. L. 97–115, § 12(g), Dec. 29, 1981, 95 Stat. 1607; Pub. L. 98–459, title V, § 504, Oct. 9, 1984, 98 Stat. 1787; Pub. L. 100–175, title I, § 165, Nov. 29, 1987, 101 Stat. 958; Pub. L. 102–375, title V, § 505, Sept. 30, 1992, 106 Stat. 1269.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102–375, § 505(3), substituted ''paragraph (2)'' for ''clause (2)'' in last sentence.

Subsec. (a)(1). Pub. L. 102–375, § 505(1), added par. (1) and struck out former par. (1) which read as follows: ''$386,715,000 for the fiscal year 1988, $406,051,000 for the fiscal year 1989, $426,353,000 for the fiscal year 1990, and $447,671,000 for the fiscal year 1991.''

Subsec. (a)(2). Pub. L. 102–375, § 505(2), substituted ''70,000'' for ''62,500''.

1987—Subsec. (a)(1). Pub. L. 100–175 amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''$319,450,000 for fiscal year 1984, $335,000,000 for fiscal year 1985, $351,400,000 for fiscal year 1986, and $368,300,000 for fiscal year 1987; and''.

1984—Subsec. (a). Pub. L. 98–459, § 504(3), substituted ''clause (2)'' for ''paragraph (2)'' in last sentence.

Subsec. (a)(1). Pub. L. 98–459, § 504(1), substituted provisions authorizing appropriations of $319,450,000 for fiscal year 1984, $335,000,000 for fiscal year 1985, $351,400,000 for fiscal year 1986, and $368,300,000 for fiscal year 1987 for provisions authorizing appropriations of $277,100,000 for fiscal year 1982, $296,500,000 for fiscal year 1983, and $317,300,000 for fiscal year 1984.

Subsec. (a)(2). Pub. L. 98–459, § 504(2), substituted ''62,500'' for ''54,200''.

1981—Pub. L. 97–115 designated existing provisions as subsec. (a), in par. (1) of subsec. (a), as so designated, substituted authorization of appropriations for fiscal years 1982, 1983, and 1984 for authorization of appropriations for the period beginning July 1, 1976, and ending Sept. 30, 1976, and for fiscal years ending June 30, 1976, Sept. 30, 1977, Sept. 30, 1978, Sept. 30, 1979, Sept. 30, 1980, and Sept. 30, 1981, and added par. (2), provision following par. (2), and subsec. (b).

1978—Pub. L. 95–478 authorized appropriations of $350,000,000, $400,000,000, and $450,000,000 for fiscal years ending Sept. 30, 1979, through 1981.

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3056a of this title.

§ 3056g. Employment assistance and Federal housing and food stamp programs

Funds received by eligible individuals from projects carried out under the program established in this subchapter shall not be considered to be income of such individuals for purposes of determining the eligibility of such individuals, or of any other persons, to participate in any housing program for which Federal funds may be available or for any income determination under the Food Stamp Act of 1977 [7 U.S.C. 2011 et seq.].

(Pub. L. 89–73, title V, § 509, as added Pub. L. 100–175, title I, § 166, Nov. 29, 1987, 101 Stat. 958.)

REFERENCES IN TEXT

The Food Stamp Act of 1977, referred to in text, is Pub. L. 88–525, Aug. 31, 1964, 78 Stat. 703, as amended, which is classified generally to chapter 51 (§ 2011 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 7 and Tables.

EFFECTIVE DATE

Section 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 an Effective Date of 1987 Amendment note under section 3001 of this title.

§ 3056h. Dual eligibility

In the case of projects under this subchapter carried out jointly with programs carried out under the Job Training Partnership Act [29 U.S.C. 1501 et seq.], eligible individuals shall be deemed to satisfy the requirements of sections 203 and 204(d)(5)(A) of such Act (29 U.S.C. 1603, 1604(d)(5)(A)) that are applicable to adults.

(Pub. L. 89–73, title V, § 510, as added Pub. L. 102–375, title V, § 506, Sept. 30, 1992, 106 Stat. 1269; amended Pub. L. 103–171, § 2(20), Dec. 2, 1993, 107 Stat. 1989.)

REFERENCES IN TEXT

The Job Training Partnership Act, referred to in text, is Pub. L. 97–300, Oct. 13, 1982, 96 Stat. 1322, as amended, which is classified generally to chapter 19 (§ 1501 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of Title 29 and Tables.

AMENDMENTS

1993—Pub. L. 103–171 substituted ''sections 203 and 204(d)(5)(A) of such Act (29 U.S.C. 1603, 1604(d)(5)(A))'' for ''section 203 of such Act (29 U.S.C. 1603)''.

EFFECTIVE DATE

Section inapplicable with respect to fiscal year 1992, see section 905(b)(4) of Pub. L. 102–375, set out as an Effective Date of 1992 Amendment note under section 3001 of this title.

§ 3056i. Treatment of assistance

Assistance furnished under this subchapter shall not be construed to be financial assistance described in section 1255a(h)(1)(A) of title 8.

(Pub. L. 89–73, title V, § 511, as added Pub. L. 102–375, title V, § 507, Sept. 30, 1992, 106 Stat. 1269.)

SUBCHAPTER X—GRANTS FOR NATIVE AMERICANS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 3002, 3011, 3013a, 3020c, 3026, 3027, 3030g–12, 3030bb, 3031, 3056a, 3058d of this title.

§ 3057. Statement of purpose

It is the purpose of this subchapter to promote the delivery of supportive services, including nutrition services to American Indians, Alaskan Natives, and Native Hawaiians that are comparable to services provided under subchapter III of this chapter.

(Pub. L. 89–73, title VI, § 601, as added Pub. L. 100–175, title I, § 171, Nov. 29, 1987, 101 Stat. 959.)

PRIOR PROVISIONS

A prior section 3057, Pub. L. 89–73, title VI, § 601, as added Pub. L. 95–478, title I, § 106, Oct. 18, 1978, 92 Stat. 1548; amended Pub. L. 97–115, § 3(d), Dec. 29, 1981, 95 Stat. 1597, related to statement of purpose for grants to Indian tribes, prior to the general amendment of this subchapter by Pub. L. 100–175.

A prior section 601 of Pub. L. 89–73, title VI, as added Pub. L. 91–69, § 9, Sept. 17, 1969, 83 Stat. 111; amended Pub. L. 93–29, title VI, § 601, May 3, 1973, 87 Stat. 55, related to grants and contracts for volunteer service projects and was classified to section 3044 of this title, prior to repeal by Pub. L. 93–113, title VI, § 604(a), Oct. 1, 1973, 87 Stat. 417.

EFFECTIVE DATE

Subchapter 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 an Effective Date of 1987 Amendment note under section 3001 of this title.

§ 3057a. Sense of Congress

It is the sense of the Congress that older individuals who are Indians, older individuals who are Alaskan Natives, and older individuals who are Native Hawaiians are a vital resource entitled to all benefits and services available and that such services and benefits should be provided in a manner that preserves and restores their respective dignity, self-respect, and cultural identities.

(Pub. L. 89–73, title VI, § 602, as added Pub. L. 100–175, title I, § 171, Nov. 29, 1987, 101 Stat. 959; amended Pub. L. 102–375, title IX, § 904(a)(20), Sept. 30, 1992, 106 Stat. 1309.)

PRIOR PROVISIONS

A prior section 3057a, Pub. L. 89–73, title VI, § 602, as added Pub. L. 95–478, title I, § 106, Oct. 18, 1978, 92 Stat. 1549; amended Pub. L. 97–115, § 3(d), Dec. 29, 1981, 95 Stat. 1597; Pub. L. 98–459, title VI, § 601, Oct. 9, 1984, 98 Stat. 1787, related to eligibility of an Indian tribe for assistance and definitions, prior to the general amendment of this subchapter by Pub. L. 100–175. See section 3057c of this title.

AMENDMENTS

1992—Pub. L. 102–375 substituted ''older individuals who are Indians, older individuals who are Alaskan Natives, and older individuals who are Native Hawaiians'' for ''older Indians, older Alaskan Natives, and older Native Hawaiians''.

PART A—INDIAN PROGRAM

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 3057*l*, 3057n of this title.

§ 3057b. Findings

(a)[1] The Congress finds that the older individuals who are Indians of the United States—

(1) are a rapidly increasing population;

(2) suffer from high unemployment;

(3) live in poverty at a rate estimated to be as high as 61 percent;

(4) have a life expectancy between 3 and 4 years less than the general population;

(5) lack sufficient nursing homes, other long-term care facilities, and other health care facilities;

(6) lack sufficient Indian area agencies on aging;

(7) frequently live in substandard and overcrowded housing;

(8) receive less than adequate health care;

(9) are served under this subchapter at a rate of less than 19 percent of the total national population of older individuals who are Indians living on Indian reservations; and

(10) are served under subchapter III of this chapter at a rate of less than 1 percent of the total participants under that subchapter.

(Pub. L. 89–73, title VI, § 611, as added Pub. L. 100–175, title I, § 171, Nov. 29, 1987, 101 Stat. 959; amended Pub. L. 102–375, title IX, § 904(a)(21), Sept. 30, 1992, 106 Stat. 1309.)

PRIOR PROVISIONS

A prior section 3057b, Pub. L. 89–73, title VI, § 603, as added Pub. L. 95–478, title I, § 106, Oct. 18, 1978, 92 Stat. 1549; amended Pub. L. 97–115, §§ 3(d), 13(a), Dec. 29, 1981, 95 Stat. 1597, 1608, related to authority of Commissioner to make grants to pay all costs for delivery of supportive services and nutritional services for older Indians, prior to the general revision of this subchapter by Pub. L. 100–175. See section 3057d of this title.

A prior section 603 of Pub. L. 89–73, title VI, as added Pub. L. 91–69, § 9, Sept. 17, 1969, 83 Stat. 112; amended Pub. L. 93–29, title VI, § 602, May 3, 1973, 87 Stat. 55, related to authorization of appropriations and was classified to section 3044a of this title, prior to repeal by Pub. L. 93–113, title VI, § 604(a), Oct. 1, 1973, 87 Stat. 417.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102–375, § 904(a)(21)(A), inserted ''individuals who are'' after ''older'' in introductory provisions.

Subsec. (a)(9). Pub. L. 102–375, § 904(a)(21)(B), substituted ''population of older individuals who are Indians'' for ''Indian elderly population''.

TASK FORCE

Section 134(d) of Pub. L. 100–175 provided that:

''(1) The Commissioner on Aging [now Assistant Secretary for Aging] shall establish a permanent interagency task force that is representative of departments and agencies of the Federal Government with an interest in older Indians and their welfare, and is designed to make recommendations with respect to facilitating the coordination of services and the improvement of services to older Indians.

''(2) The task force shall be chaired by the Associate Commissioner on [now Director of the Office for] American Indian, Alaskan Native, and Native Hawaiian Aging and shall submit its findings and recommendations to the Commissioner at 6-month intervals beginning after the date of the enactment of this Act [Nov. 29, 1987]. Such findings and recommendations shall be included in the annual report required by section 207(a) of the Older Americans Act of 1965 [42 U.S.C. 3018(a)] to be submitted by the Commissioner.''

SPECIAL REPORT ON SERVICES FOR OLDER INDIANS

Section 134(e) of Pub. L. 100–175 directed Commissioner on Aging to enter into a contract with a public agency or nonprofit private organization to conduct a thorough study of availability and quality of services under the Older Americans Act of 1965, 42 U.S.C. 3001 et seq., to older Indians and, not later than Dec. 31, 1988, submit to Congress a report and recommendations based on the study.

§ 3057c. Eligibility

(a) A tribal organization of an Indian tribe is eligible for assistance under this part only if—

(1) the tribal organization represents at least 50 individuals who are 60 years of age or older; and

(2) the tribal organization demonstrates the ability to deliver supportive services, including nutritional services.

(b) For the purposes of this part the terms ''Indian tribe'' and ''tribal organization'' have the same meaning as in section 450b of title 25.

(Pub. L. 89–73, title VI, § 612, as added Pub. L. 100–175, title I, § 171, Nov. 29, 1987, 101 Stat. 959.)

PRIOR PROVISIONS

A prior section 3057c, Pub. L. 89–73, title VI, § 604, as added Pub. L. 95–478, title I, § 106, Oct. 18, 1978, 92 Stat. 1549; amended Pub. L. 97–115, § 13(b), Dec. 29, 1981, 95 Stat. 1608; Pub. L. 98–459, title VI, § 602, Oct. 9, 1984, 98 Stat. 1788, related to applications for assistance, prior to the general amendment of this subchapter by Pub. L. 100–175. See section 3057e of this title.

§ 3057d. Grants authorized

The Assistant Secretary may make grants to eligible tribal organizations to pay all of the costs for delivery of supportive services and nutrition services for older individuals who are Indians.

(Pub. L. 89–73, title VI, § 613, as added Pub. L. 100–175, title I, § 171, Nov. 29, 1987, 101 Stat. 960; amended Pub. L. 102–375, title IX, § 904(a)(22), Sept. 30, 1992, 106 Stat. 1309; Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

PRIOR PROVISIONS

A prior section 3057d, Pub. L. 89–73, title VI, § 605, as added Pub. L. 95–478, title I, § 106, Oct. 18, 1978, 92 Stat. 1551; amended Pub. L. 97–115, § 13(c), Dec. 29, 1981, 95 Stat. 1608, provided that in establishing administrative regulations the Commissioner consult with the Secretary of the Interior, prior to the general amendment of this subchapter by Pub. L. 100–175. See section 3057*l* of this title.

AMENDMENTS

1993—Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner''.

1992—Pub. L. 102–375 inserted ''individuals who are'' after ''older''.

§ 3057e. Applications

(a) Approval criteria; provisions and assurances

No grant may be made under this part unless the eligible tribal organization submits an appli-

[1] So in original. No subsec. (b) has been enacted.

cation to the Assistant Secretary which meets such criteria as the Assistant Secretary may by regulation prescribe. Each such application shall—

(1) provide that the eligible tribal organization will evaluate the need for supportive and nutrition services among older individuals who are Indians to be represented by the tribal organization;

(2) provide for the use of such methods of administration as are necessary for the proper and efficient administration of the program to be assisted;

(3) provide that the tribal organization will make such reports in such form and containing such information, as the Assistant Secretary may reasonably require, and comply with such requirements as the Assistant Secretary may impose to assure the correctness of such reports;

(4) provide for periodic evaluation of activities and projects carried out under the application;

(5) establish objectives consistent with the purposes of this part toward which activities under the application will be directed, identify obstacles to the attainment of such objectives, and indicate the manner in which the tribal organization proposes to overcome such obstacles;

(6) provide for establishing and maintaining information and assistance services to assure that older individuals who are Indians to be served by the assistance made available under this part will have reasonably convenient access to such services;

(7) provide a preference for older individuals who are Indians for full or part-time staff positions wherever feasible;

(8) provide assurances that either directly or by way of grant or contract with appropriate entities nutrition services will be delivered to older individuals who are Indians represented by the tribal organization substantially in compliance with the provisions of part C of subchapter III of this chapter, except that in any case in which the need for nutritional services for older individuals who are Indians represented by the tribal organization is already met from other sources, the tribal organization may use the funds otherwise required to be expended under this paragraph for supportive services;

(9) contain assurances that the provisions of sections 3027(a)(14)(A)(i) and (iii), 3027(a)(14)(B), and 3027(a)(14)(C) of this title will be complied with whenever the application contains provisions for the acquisition, alteration, or renovation of facilities to serve as multipurpose senior centers;

(10) provide that any legal or ombudsman services made available to older individuals who are Indians represented by the tribal organization will be substantially in compliance with the provisions of subchapter III of this chapter relating to the furnishing of similar services;

(11) provide satisfactory assurance that fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the tribal organization, including any funds paid by the tribal organization to a recipient of a grant or contract; and

(12) contain assurances that the tribal organization will coordinate services provided under this part with services provided under subchapter III of this chapter in the same geographical area.

(b) Population statistics development

For the purpose of any application submitted under this part, the tribal organization may develop its own population statistics, with certification from the Bureau of Indian Affairs, in order to establish eligibility.

(c) Approval by Assistant Secretary

The Assistant Secretary shall approve any application which complies with the provisions of subsection (a) of this section.

(d) Disapproval by Assistant Secretary

Whenever the Assistant Secretary determines not to approve an application submitted under subsection (a) of this section the Assistant Secretary shall—

(1) state objections in writing to the tribal organization within 60 days after such decision;

(2) provide to the extent practicable technical assistance to the tribal organization to overcome such stated objections; and

(3) provide the tribal organization with a hearing, under such rules and regulations as the Assistant Secretary may prescribe.

(e) Funds per year

Whenever the Assistant Secretary approves an application of a tribal organization under this part, funds shall be awarded for not less than 12 months.

(Pub. L. 89–73, title VI, §614, as added Pub. L. 100–175, title I, §171, Nov. 29, 1987, 101 Stat. 960; amended Pub. L. 102–375, title I, §102(b)(4), title VI, §601, title IX, §904(a)(23), Sept. 30, 1992, 106 Stat. 1201, 1269, 1309; Pub. L. 103–171, §§2(21), 3(a)(13), Dec. 2, 1993, 107 Stat. 1989, 1990.)

PRIOR PROVISIONS

A prior section 3057e, Pub. L. 89–73, title VI, §606, as added Pub. L. 95–478, title I, §106, Oct. 18, 1978, 92 Stat. 1551; amended Pub. L. 97–115, §3(d), Dec. 29, 1981, 95 Stat. 1597, related to surplus educational facilities, prior to the general amendment of this subchapter by Pub. L. 100–175. See section 3057f of this title.

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–171, §3(a)(13), substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing in introductory provisions and in par. (3).

Subsec. (c). Pub. L. 103–171, §2(21), substituted ''Assistant Secretary'' for ''Commission''.

Subsec. (d). Pub. L. 103–171, §§2(21), 3(a)(13), in introductory provisions, substituted ''Assistant Secretary determines'' for ''Commissioner determines'' and ''Assistant Secretary shall'' for ''Commission shall'' and, in par. (3), substituted ''Assistant Secretary'' for ''Commissioner''.

Subsec. (e). Pub. L. 103–171, §3(a)(13), substituted ''Assistant Secretary'' for ''Commissioner''.

1992—Subsec. (a)(1). Pub. L. 102–375, §904(a)(23)(C), inserted ''individuals who are'' after ''older''.

Subsec. (a)(6). Pub. L. 102–375, §§102(b)(4), 904(a)(23)(C), substituted ''information and assistance'' for ''information and referral'' and inserted ''individuals who are'' after ''older''.

Subsec. (a)(7). Pub. L. 102–375, §904(a)(23)(A), substituted ''older individuals who are Indians'' for ''Indians aged 60 and older''.

Subsec. (a)(8). Pub. L. 102–375, §904(a)(23)(B), (C), inserted ''individuals who are'' after ''older'' in two places and substituted ''paragraph'' for ''clause''.

Subsec. (a)(10). Pub. L. 102–375, §904(a)(23)(C), inserted ''individuals who are'' after ''older''.

Subsec. (a)(12). Pub. L. 102–375, §601, added par. (12).

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by section 601 of Pub. L. 102–375 inapplicable to fiscal year 1992, see section 905(b)(5) of Pub. L. 102–375, set out as a note under section 3001 of this title.

§ 3057e–1. Distribution of funds among tribal organizations

(a) Maintenance of 1991 amounts

Subject to the availability of appropriations to carry out this part, the amount of the grant (if any) made under this part to a tribal organization for fiscal year 1992 and for each subsequent fiscal year shall be not less than the amount of the grant made under this part to the tribal organization for fiscal year 1991.

(b) Use of additional amounts appropriated

If the funds appropriated to carry out this part in a fiscal year subsequent to fiscal year 1991 exceed the funds appropriated to carry out this part in fiscal year 1991, then the amount of the grant (if any) made under this part to a tribal organization for the subsequent fiscal year shall be—

(1) increased by such amount as the Assistant Secretary considers to be appropriate, in addition to the amount of any increase required by subsection (a) of this section, so that the grant equals or more closely approaches the amount of the grant made under this part to the tribal organization for fiscal year 1980; or

(2) an amount the Assistant Secretary considers to be sufficient if the tribal organization did not receive a grant under this part for either fiscal year 1980 or fiscal year 1991.

(Pub. L. 89–73, title VI, §614A, as added Pub. L. 102–375, title VI, §602, Sept. 30, 1992, 106 Stat. 1270; amended Pub. L. 103–171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

AMENDMENTS

1993—Subsec. (b). Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner'' in pars. (1) and (2).

§ 3057f. Surplus educational facilities

(a) Multipurpose senior centers

Notwithstanding any other provision of law, the Secretary of the Interior through the Bureau of Indian Affairs shall make available surplus Indian educational facilities to tribal organizations, and nonprofit organizations with tribal approval, for use as multipurpose senior centers. Such centers may be altered so as to provide extended care facilities, community center facilities, nutrition services, child care services, and other supportive services.

(b) Applications; submission; contents

Each eligible tribal organization desiring to take advantage of such surplus facilities shall submit an application to the Secretary of the Interior at such time and in such manner, and containing or accompanied by such information, as the Secretary of the Interior determines to be necessary to carry out the provisions of this section.

(Pub. L. 89–73, title VI, §615, as added Pub. L. 100–175, title I, §171, Nov. 29, 1987, 101 Stat. 961.)

PRIOR PROVISIONS

A prior section 3057f, Pub. L. 89–73, title VI, §607, as added Pub. L. 95–478, title I, §106, Oct. 18, 1978, 92 Stat. 1551, related to payments, prior to the general amendment of this subchapter by Pub. L. 100–175. See section 3057m of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3057n of this title.

PART B—NATIVE HAWAIIAN PROGRAM

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 3057n of this title.

§ 3057g. Findings

The Congress finds the older Native Hawaiians—

(1) have a life expectancy 10 years less than any other ethnic group in the State of Hawaii;

(2) rank lowest on 9 of 11 standard health indicies[1] for all ethnic groups in Hawaii;

(3) are often unaware of social services and do not know how to go about seeking such assistance; and

(4) live in poverty at a rate of 34 percent.

(Pub. L. 89–73, title VI, §621, as added Pub. L. 100–175, title I, §171, Nov. 29, 1987, 101 Stat. 961.)

PRIOR PROVISIONS

A prior section 3057g, Pub. L. 89–73, title VI, §608, as added Pub. L. 95–478, title I, §106, Oct. 18, 1978, 92 Stat. 1551; amended Pub. L. 97–115, §13(d), Dec. 29, 1981, 95 Stat. 1608; Pub. L. 98–459, title VI, §603, Oct. 9, 1984, 98 Stat. 1788, authorized appropriations for grants for Indian tribes, prior to the general amendment of this subchapter by Pub. L. 100–175. See section 3057n of this title.

§ 3057h. Eligibility

A public or nonprofit private organization having the capacity to provide services under this part for Native Hawaiians is eligible for assistance under this part only if—

(1) the organization will serve at least 50 individuals who have attained 60 years of age or older; and

(2) the organization demonstrates the ability to deliver supportive services, including nutrition services.

(Pub. L. 89–73, title VI, §622, as added Pub. L. 100–175, title I, §171, Nov. 29, 1987, 101 Stat. 961.)

§ 3057i. Grants authorized

The Assistant Secretary may make grants to public and nonprofit private organizations to

[1] So in original. Probably should be ''indices''.

pay all of the costs for the delivery of supportive services and nutrition services to older Native Hawaiians.

(Pub. L. 89–73, title VI, § 623, as added Pub. L. 100–175, title I, § 171, Nov. 29, 1987, 101 Stat. 962; 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''.

§ 3057j. Application

(a) Approval criteria; provisions and assurances

No grant may be made under this part unless the public or nonprofit private organization submits an application to the Assistant Secretary which meets such criteria as the Assistant Secretary may by regulation prescribe. Each such application shall—

(1) provide that the organization will evaluate the need for supportive and nutrition services among older Native Hawaiians to be represented by the organization;

(2) provide for the use of such methods of administration as are necessary for the proper and efficient administration of the program to be assisted;

(3) provide assurances that the organization will coordinate its activities with the State agency on aging and with the activities carried out under subchapter III of this chapter in the same geographical area;

(4) provide that the organization will make such reports in such form and containing such information as the Assistant Secretary may reasonably require, and comply with such requirements as the Assistant Secretary may impose to ensure the correctness of such reports;

(5) provide for periodic evaluation of activities and projects carried out under the application;

(6) establish objectives, consistent with the purpose of this subchapter, toward which activities described in the application will be directed, identify obstacles to the attainment of such objectives, and indicate the manner in which the organization proposes to overcome such obstacles;

(7) provide for establishing and maintaining information and assistance services to assure that older Native Hawaiians to be served by the assistance made available under this part will have reasonably convenient access to such services;

(8) provide a preference for Native Hawaiians 60 years of age and older for full or part-time staff positions wherever feasible;

(9) provide that any legal or ombudsman services made available to older Native Hawaiians represented by the nonprofit private organization will be substantially in compliance with the provisions of subchapter III of this chapter relating to the furnishing and similar services; and

(10) provide satisfactory assurances that the fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the nonprofit private organization, including any funds paid by the organization to a recipient of a grant or contract.

(b) Approval by Assistant Secretary

The Assistant Secretary shall approve any application which complies with the provisions of subsection (a) of this section.

(c) Disapproval by Assistant Secretary

Whenever the Assistant Secretary determines not to approve an application submitted under subsection (a) of this section the Assistant Secretary shall—

(1) state objections in writing to the nonprofit private organization within 60 days after such decision;

(2) provide to the extent practicable technical assistance to the nonprofit private organization to overcome such stated objections; and

(3) provide the organization with a hearing under such rules and regulations as the Assistant Secretary may prescribe.

(d) Funds per year

Whenever the Assistant Secretary approves an application of a nonprofit private or public organization under this part funds shall be awarded for not less than 12 months.

(Pub. L. 89–73, title VI, § 624, as added Pub. L. 100–175, title I, § 171, Nov. 29, 1987, 101 Stat. 962; amended Pub. L. 102–375, title I, § 102(b)(4), title VI, § 603, Sept. 30, 1992, 106 Stat. 1201, 1270; Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

AMENDMENTS

1993—Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing.

1992—Subsec. (a)(3). Pub. L. 102–375, § 603, inserted before semicolon at end ''and with the activities carried out under subchapter III of this chapter in the same geographical area''.

Subsec. (a)(7). Pub. L. 102–375, § 102(b)(4), substituted ''information and assistance'' for ''information and referral''.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by section 603 of Pub. L. 102–375 inapplicable to fiscal year 1992, see section 905(b)(5) of Pub. L. 102–375, set out as a note under section 3001 of this title.

§ 3057j–1. Distribution of funds among organizations

Subject to the availability of appropriations to carry out this part, the amount of the grant (if any) made under this part to an organization for fiscal year 1992 and for each subsequent fiscal year shall be not less than the amount of the grant made under this part to the organization for fiscal year 1991.

(Pub. L. 89–73, title VI, § 624A, as added Pub. L. 102–375, title VI, § 604, Sept. 30, 1992, 106 Stat. 1270.)

§ 3057k. "Native Hawaiian" defined

For the purpose of this part, the term ''Native Hawaiian'' means any individual any of whose ancestors were natives of the area which consists of the Hawaiian Islands prior to 1778.

(Pub. L. 89–73, title VI, § 625, as added Pub. L. 100–175, title I, § 171, Nov. 29, 1987, 101 Stat. 963.)

PART C—GENERAL PROVISIONS

§ 3057*l*. Administration

In establishing regulations for the purpose of part A of this subchapter the Assistant Secretary shall consult with the Secretary of the Interior.

(Pub. L. 89–73, title VI, § 631, as added Pub. L. 100–175, title I, § 171, Nov. 29, 1987, 101 Stat. 963; 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''.

§ 3057m. Payments

Payments may be made under this subchapter (after necessary adjustments, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement in such installments and on such conditions, as the Assistant Secretary may determine.

(Pub. L. 89–73, title VI, § 632, as added Pub. L. 100–175, title I, § 171, Nov. 29, 1987, 101 Stat. 963; 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''.

§ 3057n. Authorization of appropriations

(a) There are authorized to be appropriated $30,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, to carry out this subchapter (other than section 3057f of this title).

(b) Of the amount appropriated under subsection (a) of this section for each fiscal year—

(1) 90 percent shall be available to carry out part A of this subchapter; and

(2) 10 percent shall be available to carry out part B of this subchapter.

(Pub. L. 89–73, title VI, § 633, as added Pub. L. 100–175, title I, § 171, Nov. 29, 1987, 101 Stat. 963; amended Pub. L. 102–375, title VI, § 605, Sept. 30, 1992, 106 Stat. 1270.)

AMENDMENTS

1992—Pub. L. 102–375 amended section generally, substituting provisions authorizing appropriations of $30,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, and designating 90 percent of such appropriations to carry out part A of this subchapter and 10 percent of such appropriations to carry out part B of this subchapter for provisions authorizing appropriations of $13,400,000 for fiscal year 1988, $16,265,000 for fiscal year 1989, $19,133,000 for fiscal year 1990, and $22,105,000 for fiscal year 1991, designating over 90 percent of such appropriations to carry out part A of this subchapter and less than 10 percent of such appropriations to carry out part B of this subchapter, along with provisions providing a preference for funding of such part A if actual amounts of appropriations fall below 1987 levels and a preference for funding of such part B if the actual amounts of appropriations exceed 1987 levels.

SUBCHAPTER XI—ALLOTMENTS FOR VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1395i–3, 1396r, 3018, 3030*l* of this title.

PART A—STATE PROVISIONS

SUBPART I—GENERAL STATE PROVISIONS

§ 3058. Establishment

The Assistant Secretary, acting through the Administration, shall establish and carry out a program for making allotments to States to pay for the cost of carrying out vulnerable elder rights protection activities.

(Pub. L. 89–73, title VII, § 701, as added Pub. L. 102–375, title VII, § 701, Sept. 30, 1992, 106 Stat. 1271; amended Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

PRIOR PROVISIONS

A prior section 3058, Pub. L. 89–73, title VII, § 702, as added Pub. L. 98–459, title VII, § 701, Oct. 9, 1984, 98 Stat. 1788, related to Congressional declaration of findings, prior to repeal by Pub. L. 100–175, title I, § 181, title VII, § 701(a), (b), Nov. 29, 1987, 101 Stat. 964, 983, effective Oct. 1, 1987, with certain exceptions.

A prior section 701 of title VII of Pub. L. 89–73, as added by Pub. L. 98–459, title VII, § 701, Oct. 9, 1984, 98 Stat. 1788, provided that this subchapter be cited as the ''Older Americans Personal Health Education and Training Act'', prior to repeal by Pub. L. 100–175, title I, § 181, title VII, § 701(a), (b), Nov. 29, 1987, 101 Stat. 964, 983, effective Oct. 1, 1987, with certain exceptions.

Another prior section 701 of Pub. L. 89–73 was classified to section 3045 of this title prior to repeal by Pub. L. 95–478.

AMENDMENTS

1993—Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner''.

EFFECTIVE DATE

Subchapter inapplicable with respect to fiscal year 1993, see section 4(b) of Pub. L. 103–171, set out as an Effective Date of 1992 Amendment note under section 3001 of this title.

Subchapter inapplicable with respect to fiscal year 1992, see section 905(b)(6) of Pub. L. 102–375, set out as an Effective Date of 1992 Amendment note under section 3001 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3058b of this title.

§ 3058a. Authorization of appropriations

(a) Ombudsman program

There are authorized to be appropriated to carry out subpart II of this part, $40,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

(b) Prevention of elder abuse, neglect, and exploitation

There are authorized to be appropriated to carry out subpart III of this part, $15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

(c) State elder rights and legal assistance development program

There are authorized to be appropriated to carry out subpart IV of this part, $10,000,000 for

fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

(d) Outreach, counseling, and assistance program

There are authorized to be appropriated to carry out subpart V of this part, $15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

(Pub. L. 89–73, title VII, § 702, as added Pub. L. 102–375, title VII, § 701, Sept. 30, 1992, 106 Stat. 1271.)

PRIOR PROVISIONS

A prior section 3058a, Pub. L. 89–73, title VII, § 703, as added Pub. L. 98–459, title VII, § 701, Oct. 9, 1984, 98 Stat. 1789, related to statement of purposes, prior to repeal by Pub. L. 100–175, title I, § 181, title VIII, § 701(a), (b), Nov. 29, 1987, 101 Stat. 964, 983, effective Oct. 1, 1987, with certain exceptions.

A prior section 702 of Pub. L. 89–73 was classified to section 3045a of this title prior to repeal by Pub. L. 95–478.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3058b, 3058d, 3058g, 3058i, 3058j, 3058k of this title.

§ 3058b. Allotment

(a) In general

(1) Population

In carrying out the program described in section 3058 of this title, the Assistant Secretary shall initially allot to each State, from the funds appropriated under section 3058a of this title for each fiscal year, an amount that bears the same ratio to the funds as the population of older individuals in the State bears to the population of older individuals in all States.

(2) Minimum allotments

(A) In general

After making the initial allotments described in paragraph (1), the Assistant Secretary shall adjust the allotments on a pro rata basis in accordance with subparagraphs (B) and (C).

(B) General minimum allotments

(i) Minimum allotment for States

No State shall be allotted less than one-half of 1 percent of the funds appropriated under section 3058a of this title for the fiscal year for which the determination is made.

(ii) Minimum allotment for territories

Guam, the United States Virgin Islands, and the Trust Territory of the Pacific Islands, shall each be allotted not less than one-fourth of 1 percent of the funds appropriated under section 3058a of this title for the fiscal year for which the determination is made. American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than one-sixteenth of 1 percent of the sum appropriated under section 3058a of this title for the fiscal year for which the determination is made.

(C) Minimum allotments for ombudsman and elder abuse programs

(i) Ombudsman program

No State shall be allotted for a fiscal year, from the funds appropriated under section 3058a(a) of this title, less than the amount allotted to the State under section 3024 of this title in fiscal year 1991 to carry out the State Long-Term Care Ombudsman program under subchapter III of this chapter.

(ii) Elder abuse programs

No State shall be allotted for a fiscal year, from the funds appropriated under section 3058a(b) of this title, less than the amount allotted to the State under section 3024 of this title in fiscal year 1991 to carry out programs with respect to the prevention of elder abuse, neglect, and exploitation under subchapter III of this chapter.

(D) "State" defined

For the purposes of this paragraph, the term ''State'' does not include Guam, American Samoa, the United States Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

(b) Reallotment

(1) In general

If the Assistant Secretary determines that any amount allotted to a State for a fiscal year under this section will not be used by the State for carrying out the purpose for which the allotment was made, the Assistant Secretary shall make the amount available to a State that the Assistant Secretary determines will be able to use the amount for carrying out the purpose.

(2) Availability

Any amount made available to a State from an appropriation for a fiscal year in accordance with paragraph (1) shall, for purposes of this part, be regarded as part of the allotment of the State (as determined under subsection (a) of this section) for the year, but shall remain available until the end of the succeeding fiscal year.

(c) Withholding

If the Assistant Secretary finds that any State has failed to carry out this subchapter in accordance with the assurances made and description provided under section 3058d of this title, the Assistant Secretary shall withhold the allotment of funds to the State. The Assistant Secretary shall disburse the funds withheld directly to any public or nonprofit private institution or organization, agency, or political subdivision of the State submitting an approved plan containing the assurances and description.

(Pub. L. 89–73, title VII, § 703, as added Pub. L. 102–375, title VII, § 701, Sept. 30, 1992, 106 Stat. 1271; amended Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

PRIOR PROVISIONS

A prior section 3058b, Pub. L. 89–73, title VII, § 704, as added Pub. L. 98–459, title VII, § 701, Oct. 9, 1984, 98 Stat.

1789, related to older Americans personal health education and training program, prior to repeal by Pub. L. 100–175, title I, § 181, title VII, § 701(a), (b), Nov. 29, 1987, 101 Stat. 964, 983, effective Oct. 1, 1987, with certain exceptions.

A prior section 703 of Pub. L. 89–73 was classified to section 3045b of this title prior to repeal by Pub. L. 95–478.

AMENDMENTS

1993—Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner'' wherever appearing.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3058g, 3058i, 3058j, 3058k of this title.

§ 3058c. Organization

In order for a State to be eligible to receive allotments under this part—

(1) the State shall demonstrate eligibility under section 3025 of this title;

(2) the State agency designated by the State shall demonstrate compliance with the applicable requirements of section 3025 of this title; and

(3) each area agency on aging designated by the State agency and participating in such a program shall demonstrate compliance with the applicable requirements of section 3025 of this title.

(Pub. L. 89–73, title VII, § 704, as added Pub. L. 102–375, title VII, § 701, Sept. 30, 1992, 106 Stat. 1273.)

PRIOR PROVISIONS

A prior section 3058c, Pub. L. 89–73, title VII, § 705, as added Pub. L. 98–459, title VII, § 701, Oct. 9, 1984, 98 Stat. 1791, related to administration of program, prior to repeal by Pub. L. 100–175, title I, § 181, title VII, § 701(a), (b), Nov. 29, 1987, 101 Stat. 964, 983, effective Oct. 1, 1987, with certain exceptions.

A prior section 704 of Pub. L. 89–73 was classified to section 3045c of this title prior to repeal by Pub. L. 95–478.

§ 3058d. Additional State plan requirements

(a) Eligibility

In order to be eligible to receive an allotment under this part, a State shall include in the State plan submitted under section 3027 of this title—

(1) an assurance that the State, in carrying out any subpart of this part for which the State receives funding under this part, will establish programs in accordance with the requirements of the subpart and this subpart;

(2) an assurance that the State will hold public hearings, and use other means, to obtain the views of older individuals, area agencies on aging, recipients of grants under subchapter X of this chapter, and other interested persons and entities regarding programs carried out under this part;

(3) an assurance that the State, in consultation with area agencies on aging, will identify and prioritize statewide activities aimed at ensuring that older individuals have access to, and assistance in securing and maintaining, benefits and rights;

(4) an assurance that the State will use funds made available under this part for a subpart in addition to, and will not supplant, any funds that are expended under any Federal or State law in existence on the day before September 30, 1992, to carry out the vulnerable elder rights protection activities described in the subpart;

(5) an assurance that the State will place no restrictions, other than the requirements referred to in clauses (i) through (iv) of section 3058g(a)(5)(C) of this title, on the eligibility of entities for designation as local Ombudsman entities under section 3058g(a)(5) of this title;

(6) an assurance that, with respect to programs for the prevention of elder abuse, neglect, and exploitation under subpart III of this part—

(A) in carrying out such programs the State agency will conduct a program of services consistent with relevant State law and coordinated with existing State adult protective service activities for—

(i) public education to identify and prevent elder abuse;

(ii) receipt of reports of elder abuse;

(iii) active participation of older individuals participating in programs under this chapter through outreach, conferences, and referral of such individuals to other social service agencies or sources of assistance if appropriate and if the individuals to be referred consent; and

(iv) referral of complaints to law enforcement or public protective service agencies if appropriate;

(B) the State will not permit involuntary or coerced participation in the program of services described in subparagraph (A) by alleged victims, abusers, or their households; and

(C) all information gathered in the course of receiving reports and making referrals shall remain confidential except—

(i) if all parties to such complaint consent in writing to the release of such information;

(ii) if the release of such information is to a law enforcement agency, public protective service agency, licensing or certification agency, ombudsman program, or protection or advocacy system; or

(iii) upon court order;

(7) an assurance that the State agency—

(A) from funds appropriated under section 3058a(d) of this title for subpart V of this part, will make funds available to eligible area agencies on aging to carry out subpart V of this part and, in distributing such funds among eligible area agencies, will give priority to area agencies on aging based on—

(i) the number of older individuals with greatest economic need, and older individuals with greatest social need, residing in their respective planning and service areas; and

(ii) the inadequacy in such areas of outreach activities and application assistance of the type specified in subpart V of this part;

(B) will require, as a condition of eligibility to receive funds to carry out subpart V of this part, an area agency on aging to submit an application that—

(i) describes the activities for which such funds are sought;

(ii) provides for an evaluation of such activities by the area agency on aging; and

(iii) includes assurances that the area agency on aging will prepare and submit to the State agency a report of the activities conducted with funds provided under this paragraph and the evaluation of such activities;

(C) will distribute to area agencies on aging—

(i) the eligibility information received under section 3012(a)(20) of this title from the Administration; and

(ii) information, in written form, explaining the requirements for eligibility to receive medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

(D) will submit to the Assistant Secretary a report on the evaluations required to be submitted under subparagraph (B); and

(8) a description of the manner in which the State agency will carry out this subchapter in accordance with the assurances described in paragraphs (1) through (7).

(b) Privilege

Neither a State, nor a State agency, may require any provider of legal assistance under this part to reveal any information that is protected by the attorney-client privilege.

(Pub. L. 89–73, title VII, § 705, as added Pub. L. 102–375, title VII, § 701, Sept. 30, 1992, 106 Stat. 1273; amended Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (a)(7)(C)(ii), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title XIX of the Act is classified generally to subchapter XIX (§ 1396 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

PRIOR PROVISIONS

A prior section 3058d, Pub. L. 89–73, title VII, § 706, as added Pub. L. 98–459, title VII, § 701, Oct. 9, 1984, 98 Stat. 1791, authorized appropriations for fiscal years 1985, 1986, and 1987, prior to repeal by Pub. L. 100–175, title I, § 181, title VII, § 701(a), (b), Nov. 29, 1987, 101 Stat. 964, 983, effective Oct. 1, 1987, with certain exceptions.

A prior section 705 of Pub. L. 89–73 was classified to section 3045d of this title prior to repeal by Pub. L. 95–478.

AMENDMENTS

1993—Subsec. (a)(7)(D). Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3027, 3058b of this title.

§ 3058e. Demonstration projects

(a) Establishment

From amounts made available under section 3024(d)(1)(C) of this title after September 30, 1992, each State may provide for the establishment of at least one demonstration project, to be conducted by one or more area agencies on aging within the State, for outreach to older individuals with greatest economic need with respect to—

(1) benefits available under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) (or assistance under a State program established in accordance with such title);

(2) medical assistance available under title XIX of such Act (42 U.S.C. 1396 et seq.); and

(3) benefits available under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

(b) Benefits

Each outreach project carried out under subsection (a) of this section shall—

(1) provide to older individuals with greatest economic need information and assistance regarding their eligibility to receive the benefits and assistance described in paragraphs (1) through (3) of subsection (a) of this section;

(2) be carried out in a planning and service area that has a high proportion of older individuals with greatest economic need, relative to the aggregate number of older individuals in such area; and

(3) be coordinated with State and local entities that administer benefits under such titles.

(Pub. L. 89–73, title VII, § 706, as added Pub. L. 102–375, title VII, § 701, Sept. 30, 1992, 106 Stat. 1275.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (a)(1), (2), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Titles XVI and XIX of the Act are classified generally to subchapters XVI (§ 1381 et seq.) and XIX (§ 1396 et seq.), respectively, of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

The Food Stamp Act of 1977, referred to in subsec. (a)(3), is Pub. L. 88–525, Aug. 31, 1964, 78 Stat. 703, as amended, which is classified generally to chapter 51 (§ 2011 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 7 and Tables.

PRIOR PROVISIONS

A prior section 706 of Pub. L. 89–73 was classified to section 3045e of this title prior to repeal by Pub. L. 95–478.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3024 of this title.

SUBPART II—OMBUDSMAN PROGRAMS

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 3035*o*, 3058a, 3058i, 3058j, 3058k, 3058bb of this title.

§ 3058f. Definitions

As used in this subpart:

(1) Office

The term ''Office'' means the office established in section 3058g(a)(1)(A) of this title.

(2) Ombudsman

The term ''Ombudsman'' means the individual described in section 3058g(a)(2) of this title.

(3) Local Ombudsman entity

The term ''local Ombudsman entity'' means an entity designated under section 3058g(a)(5)(A) of this title to carry out the duties described in section 3058g(a)(5)(B) of this title with respect to a planning and service area or other substate area.

(4) Program

The term ''program'' means the State Long-Term Care Ombudsman program established in section 3058g(a)(1)(B) of this title.

(5) Representative

The term ''representative'' includes an employee or volunteer who represents an entity designated under section 3058g(a)(5)(A) of this title and who is individually designated by the Ombudsman.

(6) Resident

The term ''resident'' means an older individual who resides in a long-term care facility.

(Pub. L. 89–73, title VII, § 711, as added Pub. L. 102–375, title VII, § 702, Sept. 30, 1992, 106 Stat. 1275.)

§ 3058g. State Long-Term Care Ombudsman program

(a) Establishment

(1) In general

In order to be eligible to receive an allotment under section 3058b of this title from funds appropriated under section 3058a(a) of this title, a State agency shall, in accordance with this section—

(A) establish and operate an Office of the State Long-Term Care Ombudsman; and

(B) carry out through the Office a State Long-Term Care Ombudsman program.

(2) Ombudsman

The Office shall be headed by an individual, to be known as the State Long-Term Care Ombudsman, who shall be selected from among individuals with expertise and experience in the fields of long-term care and advocacy.

(3) Functions

The Ombudsman shall serve on a full-time basis, and shall, personally or through representatives of the Office—

(A) identify, investigate, and resolve complaints that—

(i) are made by, or on behalf of, residents; and

(ii) relate to action, inaction, or decisions, that may adversely affect the health, safety, welfare, or rights of the residents (including the welfare and rights of the residents with respect to the appointment and activities of guardians and representative payees), of—

(I) providers, or representatives of providers, of long-term care services;

(II) public agencies; or

(III) health and social service agencies;

(B) provide services to assist the residents in protecting the health, safety, welfare, and rights of the residents;

(C) inform the residents about means of obtaining services provided by providers or agencies described in subparagraph (A)(ii) or services described in subparagraph (B);

(D) ensure that the residents have regular and timely access to the services provided through the Office and that the residents and complainants receive timely responses from representatives of the Office to complaints;

(E) represent the interests of the residents before governmental agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents;

(F) provide administrative and technical assistance to entities designated under paragraph (5) to assist the entities in participating in the program;

(G)(i) analyze, comment on, and monitor the development and implementation of Federal, State, and local laws, regulations, and other governmental policies and actions, that pertain to the health, safety, welfare, and rights of the residents, with respect to the adequacy of long-term care facilities and services in the State;

(ii) recommend any changes in such laws, regulations, policies, and actions as the Office determines to be appropriate; and

(iii) facilitate public comment on the laws, regulations, policies, and actions;

(H)(i) provide for training representatives of the Office;

(ii) promote the development of citizen organizations, to participate in the program; and

(iii) provide technical support for the development of resident and family councils to protect the well-being and rights of residents; and

(I) carry out such other activities as the Assistant Secretary determines to be appropriate.

(4) Contracts and arrangements

(A) In general

Except as provided in subparagraph (B), the State agency may establish and operate the Office, and carry out the program, directly, or by contract or other arrangement with any public agency or nonprofit private organization.

(B) Licensing and certification organizations; associations

The State agency may not enter into the contract or other arrangement described in subparagraph (A) with—

(i) an agency or organization that is responsible for licensing or certifying long-term care services in the State; or

(ii) an association (or an affiliate of such an association) of long-term care facilities, or of any other residential facilities for older individuals.

(5) Designation of local Ombudsman entities and representatives

(A) Designation

In carrying out the duties of the Office, the Ombudsman may designate an entity as a local Ombudsman entity, and may designate an employee or volunteer to represent the entity.

(B) Duties

An individual so designated shall, in accordance with the policies and procedures established by the Office and the State agency—

(i) provide services to protect the health, safety, welfare[1] and rights of residents;

(ii) ensure that residents in the service area of the entity have regular, timely access to representatives of the program and timely responses to complaints and requests for assistance;

(iii) identify, investigate, and resolve complaints made by or on behalf of residents that relate to action, inaction, or decisions, that may adversely affect the health, safety, welfare, or rights of the residents;

(iv) represent the interests of residents before government agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents;

(v)(I) review, and if necessary, comment on any existing and proposed laws, regulations, and other government policies and actions, that pertain to the rights and well-being of residents; and

(II) facilitate the ability of the public to comment on the laws, regulations, policies, and actions;

(vi) support the development of resident and family councils; and

(vii) carry out other activities that the Ombudsman determines to be appropriate.

(C) Eligibility for designation

Entities eligible to be designated as local Ombudsman entities, and individuals eligible to be designated as representatives of such entities, shall—

(i) have demonstrated capability to carry out the responsibilities of the Office;

(ii) be free of conflicts of interest;

(iii) in the case of the entities, be public or nonprofit private entities; and

(iv) meet such additional requirements as the Ombudsman may specify.

(D) Policies and procedures

(i) In general

The State agency shall establish, in accordance with the Office, policies and procedures for monitoring local Ombudsman entities designated to carry out the duties of the Office.

(ii) Policies

In a case in which the entities are grantees, or the representatives are employees, of area agencies on aging, the State agency shall develop the policies in consultation with the area agencies on aging. The policies shall provide for participation and comment by the agencies and for resolution of concerns with respect to case activity.

(iii) Confidentiality and disclosure

The State agency shall develop the policies and procedures in accordance with all provisions of this part regarding confidentiality and conflict of interest.

(b) Procedures for access

(1) In general

The State shall ensure that representatives of the Office shall have—

(A) access to long-term care facilities and residents;

(B)(i) appropriate access to review the medical and social records of a resident, if—

(I) the representative has the permission of the resident, or the legal representative of the resident; or

(II) the resident is unable to consent to the review and has no legal representative; or

(ii) access to the records as is necessary to investigate a complaint if—

(I) a legal guardian of the resident refuses to give the permission;

(II) a representative of the Office has reasonable cause to believe that the guardian is not acting in the best interests of the resident; and

(III) the representative obtains the approval of the Ombudsman;

(C) access to the administrative records, policies, and documents, to which the residents have, or the general public has access, of long-term care facilities; and

(D) access to and, on request, copies of all licensing and certification records maintained by the State with respect to long-term care facilities.

(2) Procedures

The State agency shall establish procedures to ensure the access described in paragraph (1).

(c) Reporting system

The State agency shall establish a statewide uniform reporting system to—

(1) collect and analyze data relating to complaints and conditions in long-term care facilities and to residents for the purpose of identifying and resolving significant problems; and

(2) submit the data, on a regular basis, to—

(A) the agency of the State responsible for licensing or certifying long-term care facilities in the State;

(B) other State and Federal entities that the Ombudsman determines to be appropriate;

(C) the Assistant Secretary; and

(D) the National Ombudsman Resource Center established in section 3012(a)(21) of this title.

[1] So in original. Probably should be followed by a comma.

(d) Disclosure

(1) In general

The State agency shall establish procedures for the disclosure by the Ombudsman or local Ombudsman entities of files maintained by the program, including records described in subsection (b)(1) or (c) of this section.

(2) Identity of complainant or resident

The procedures described in paragraph (1) shall—

(A) provide that, subject to subparagraph (B), the files and records described in paragraph (1) may be disclosed only at the discretion of the Ombudsman (or the person designated by the Ombudsman to disclose the files and records); and

(B) prohibit the disclosure of the identity of any complainant or resident with respect to whom the Office maintains such files or records unless—

(i) the complainant or resident, or the legal representative of the complainant or resident, consents to the disclosure and the consent is given in writing;

(ii)(I) the complainant or resident gives consent orally; and

(II) the consent is documented contemporaneously in a writing made by a representative of the Office in accordance with such requirements as the State agency shall establish; or

(iii) the disclosure is required by court order.

(e) Consultation

In planning and operating the program, the State agency shall consider the views of area agencies on aging, older individuals, and providers of long-term care.

(f) Conflict of interest

The State agency shall—

(1) ensure that no individual, or member of the immediate family of an individual, involved in the designation of the Ombudsman (whether by appointment or otherwise) or the designation of an entity designated under subsection (a)(5) of this section, is subject to a conflict of interest;

(2) ensure that no officer or employee of the Office, representative of a local Ombudsman entity, or member of the immediate family of the officer, employee, or representative, is subject to a conflict of interest;

(3) ensure that the Ombudsman—

(A) does not have a direct involvement in the licensing or certification of a long-term care facility or of a provider of a long-term care service;

(B) does not have an ownership or investment interest (represented by equity, debt, or other financial relationship) in a long-term care facility or a long-term care service;

(C) is not employed by, or participating in the management of, a long-term care facility; and

(D) does not receive, or have the right to receive, directly or indirectly, remuneration (in cash or in kind) under a compensation arrangement with an owner or operator of a long-term care facility; and

(4) establish, and specify in writing, mechanisms to identify and remove conflicts of interest referred to in paragraphs (1) and (2), and to identify and eliminate the relationships described in subparagraphs (A) through (D) of paragraph (3), including such mechanisms as—

(A) the methods by which the State agency will examine individuals, and immediate family members, to identify the conflicts; and

(B) the actions that the State agency will require the individuals and such family members to take to remove such conflicts.

(g) Legal counsel

The State agency shall ensure that—

(1)(A) adequate legal counsel is available, and is able, without conflict of interest, to—

(i) provide advice and consultation needed to protect the health, safety, welfare, and rights of residents; and

(ii) assist the Ombudsman and representatives of the Office in the performance of the official duties of the Ombudsman and representatives; and

(B) legal representation is provided to any representative of the Office against whom suit or other legal action is brought or threatened to be brought in connection with the performance of the official duties of the Ombudsman or such a representative; and

(2) the Office pursues administrative, legal, and other appropriate remedies on behalf of residents.

(h) Administration

The State agency shall require the Office to—

(1) prepare an annual report—

(A) describing the activities carried out by the Office in the year for which the report is prepared;

(B) containing and analyzing the data collected under subsection (c) of this section;

(C) evaluating the problems experienced by, and the complaints made by or on behalf of, residents;

(D) containing recommendations for—

(i) improving quality of the care and life of the residents; and

(ii) protecting the health, safety, welfare, and rights of the residents;

(E)(i) analyzing the success of the program including success in providing services to residents of board and care facilities and other similar adult care facilities; and

(ii) identifying barriers that prevent the optimal operation of the program; and

(F) providing policy, regulatory, and legislative recommendations to solve identified problems, to resolve the complaints, to improve the quality of care and life of residents, to protect the health, safety, welfare, and rights of residents, and to remove the barriers;

(2) analyze, comment on, and monitor the development and implementation of Federal, State, and local laws, regulations, and other government policies and actions that pertain

to long-term care facilities and services, and to the health, safety, welfare, and rights of residents, in the State, and recommend any changes in such laws, regulations, and policies as the Office determines to be appropriate;

(3)(A) provide such information as the Office determines to be necessary to public and private agencies, legislators, and other persons, regarding—

(i) the problems and concerns of older individuals residing in long-term care facilities; and

(ii) recommendations related to the problems and concerns; and

(B) make available to the public, and submit to the Assistant Secretary, the chief executive officer of the State, the State legislature, the State agency responsible for licensing or certifying long-term care facilities, and other appropriate governmental entities, each report prepared under paragraph (1);

(4)(A) not later than 1 year after September 30, 1992, establish procedures for the training of the representatives of the Office, including unpaid volunteers, based on model standards established by the Director of the Office of Long-Term Care Ombudsman Programs, in consultation with representatives of citizen groups, long-term care providers, and the Office, that—

(i) specify a minimum number of hours of initial training;

(ii) specify the content of the training, including training relating to—

(I) Federal, State, and local laws, regulations, and policies, with respect to long-term care facilities in the State;

(II) investigative techniques; and

(III) such other matters as the State determines to be appropriate; and

(iii) specify an annual number of hours of in-service training for all designated representatives; and

(B) require implementation of the procedures not later than 21 months after September 30, 1992;

(5) prohibit any representative of the Office (other than the Ombudsman) from carrying out any activity described in subparagraphs (A) through (G) of subsection (a)(3) of this section unless the representative—

(A) has received the training required under paragraph (4); and

(B) has been approved by the Ombudsman as qualified to carry out the activity on behalf of the Office;

(6) coordinate ombudsman services with the protection and advocacy systems for individuals with developmental disabilities and mental illnesses established under—

(A) part A of the Developmental Disabilities Assistance and Bill of Rights Act [42 U.S.C. 6000 et seq.]; and

(B) the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.);

(7) coordinate, to the greatest extent possible, ombudsman services with legal assistance provided under section 3026(a)(2)(C) of this title, through adoption of memoranda of understanding and other means; and

(8) permit any local Ombudsman entity to carry out the responsibilities described in paragraph (1), (2), (3), (6), or (7).

(i) Liability

The State shall ensure that no representative of the Office will be liable under State law for the good faith performance of official duties.

(j) Noninterference

The State shall—

(1) ensure that willful interference with representatives of the Office in the performance of the official duties of the representatives (as defined by the Assistant Secretary) shall be unlawful;

(2) prohibit retaliation and reprisals by a long-term care facility or other entity with respect to any resident, employee, or other person for filing a complaint with, providing information to, or otherwise cooperating with any representative of, the Office; and

(3) provide for appropriate sanctions with respect to the interference, retaliation, and reprisals.

(Pub. L. 89–73, title VII, § 712, as added Pub. L. 102–375, title VII, § 702, Sept. 30, 1992, 106 Stat. 1276; amended Pub. L. 103–171, § 3(a)(9), Dec. 2, 1993, 107 Stat. 1990.)

REFERENCES IN TEXT

The Developmental Disabilities Assistance and Bill of Rights Act, referred to in subsec. (h)(6)(A), is title I of Pub. L. 88–164, as added by Pub. L. 98–527, § 2, Oct. 19, 1984, 98 Stat. 2662, and amended. Part A of the Act is classified generally to subchapter I (§ 6000 et seq.) of chapter 75 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6000 of this title and Tables.

The Protection and Advocacy for Mentally Ill Individuals Act of 1986, referred to in subsec. (h)(6)(B), is Pub. L. 99–319, May 23, 1986, 100 Stat. 478, as amended, which is classified generally to chapter 114 (§ 10801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 10801 of this title and Tables.

AMENDMENTS

1993—Subsecs. (a)(3)(I), (c)(2)(C), (h)(3)(B). Pub. L. 103–171, § 3(a)(9)(B), substituted ''Assistant Secretary'' for ''Commissioner''.

Subsec. (h)(4)(A). Pub. L. 103–171, § 3(a)(9)(A), substituted ''Director of the Office of Long-Term Care Ombudsman Programs'' for ''Associate Commissioner for Ombudsman Programs''.

Subsec. (j)(1). Pub. L. 103–171, § 3(a)(9)(B), substituted ''Assistant Secretary'' for ''Commissioner''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1395i–3, 1396r, 3002, 3011, 3018, 3021, 3027, 3030*l*, 3035*o*, 3058d, 3058f, 3058h of this title; title 29 section 2212.

§ 3058h. Regulations

The Assistant Secretary shall issue and periodically update regulations respecting—

(1) conflicts of interest by persons described in paragraphs (1) and (2) of section 3058g(f) of this title; and

(2) the relationships described in subparagraphs (A) through (D) of section 3058g(f)(3) of this title.

(Pub. L. 89–73, title VII, § 713, as added Pub. L. 102–375, title VII, § 702, Sept. 30, 1992, 106 Stat. 1282; 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''.

SUBPART III—PROGRAMS FOR PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 3030d, 3058a, 3058d, 3058j, 3058k, 3058bb of this title.

§ 3058i. Prevention of elder abuse, neglect, and exploitation

(a) Establishment

In order to be eligible to receive an allotment under section 3058b of this title from funds appropriated under section 3058a(b) of this title, a State agency shall, in accordance with this section, and in consultation with area agencies on aging, develop and enhance programs for the prevention of elder abuse, neglect, and exploitation.

(b) Use of allotments

The State agency shall use an allotment made under subsection (a) of this section to carry out, through the programs described in subsection (a) of this section, activities to develop, strengthen, and carry out programs for the prevention and treatment of elder abuse, neglect, and exploitation, including—

(1) providing for public education and outreach to identify and prevent elder abuse, neglect, and exploitation;

(2) ensuring the coordination of services provided by area agencies on aging with services instituted under the State adult protection service program;

(3) promoting the development of information and data systems, including elder abuse reporting systems, to quantify the extent of elder abuse, neglect, and exploitation in the State;

(4) conducting analyses of State information concerning elder abuse, neglect, and exploitation and identifying unmet service, enforcement, or intervention needs;

(5) conducting training for individuals, professionals, and paraprofessionals, in relevant fields on the identification, prevention, and treatment of elder abuse, neglect, and exploitation, with particular focus on prevention and enhancement of self-determination and autonomy;

(6) providing technical assistance to programs that provide or have the potential to provide services for victims of elder abuse, neglect, and exploitation and for family members of the victims;

(7) conducting special and on-going training, for individuals involved in serving victims of elder abuse, neglect, and exploitation, on the topics of self-determination, individual rights, State and Federal requirements concerning confidentiality, and other topics determined by a State agency to be appropriate; and

(8) promoting the development of an elder abuse, neglect, and exploitation system—

(A) that includes a State elder abuse, neglect, and exploitation law that includes provisions for immunity, for persons reporting instances of elder abuse, neglect, and exploitation, from prosecution arising out of such reporting, under any State or local law;

(B) under which a State agency—

(i) on receipt of a report of known or suspected instances of elder abuse, neglect, or exploitation, shall promptly initiate an investigation to substantiate the accuracy of the report; and

(ii) on a finding of elder abuse, neglect, or exploitation, shall take steps, including appropriate referral, to protect the health and welfare of the abused, neglected, or exploited older individual;

(C) that includes, throughout the State, in connection with the enforcement of elder abuse, neglect, and exploitation laws and with the reporting of suspected instances of elder abuse, neglect, and exploitation—

(i) such administrative procedures;

(ii) such personnel trained in the special problems of elder abuse, neglect, and exploitation prevention and treatment;

(iii) such training procedures;

(iv) such institutional and other facilities (public and private); and

(v) such related multidisciplinary programs and services,

as may be necessary or appropriate to ensure that the State will deal effectively with elder abuse, neglect, and exploitation cases in the State;

(D) that preserves the confidentiality of records in order to protect the rights of older individuals;

(E) that provides for the cooperation of law enforcement officials, courts of competent jurisdiction, and State agencies providing human services with respect to special problems of elder abuse, neglect, and exploitation;

(F) that enables an older individual to participate in decisions regarding the welfare of the older individual, and makes the least restrictive alternatives available to an older individual who is abused, neglected, or exploited; and

(G) that includes a State clearinghouse for dissemination of information to the general public with respect to—

(i) the problems of elder abuse, neglect, and exploitation;

(ii) the facilities described in subparagraph (C)(iv); and

(iii) prevention and treatment methods available to combat instances of elder abuse, neglect, and exploitation.

(c) Approach

In developing and enhancing programs under subsection (a) of this section, the State agency shall use a comprehensive approach, in consultation with area agencies on aging, to identify and assist older individuals who are subject to abuse, neglect, and exploitation, including older

individuals who live in State licensed facilities, unlicensed facilities, or domestic or community-based settings.

(d) Coordination

In developing and enhancing programs under subsection (a) of this section, the State agency shall coordinate the programs with other State and local programs and services for the protection of vulnerable adults, particularly vulnerable older individuals, including programs and services such as—

(1) area agency on aging programs;

(2) adult protective service programs;

(3) the State Long-Term Care Ombudsman program established in subpart II of this part;

(4) protection and advocacy programs;

(5) facility and long-term care provider licensure and certification programs;

(6) medicaid fraud and abuse services, including services provided by a State medicaid fraud control unit, as defined in section 1396b(q) of this title;

(7) victim assistance programs; and

(8) consumer protection and law enforcement programs, as well as other State and local programs that identify and assist vulnerable older individuals.

(e) Requirements

In developing and enhancing programs under subsection (a) of this section, the State agency shall—

(1) not permit involuntary or coerced participation in such programs by alleged victims, abusers, or members of their households;

(2) require that all information gathered in the course of receiving a report described in subsection (b)(8)(B)(i) of this section, and making a referral described in subsection (b)(8)(B)(ii) of this section, shall remain confidential except—

(A) if all parties to such complaint or report consent in writing to the release of such information;

(B) if the release of such information is to a law enforcement agency, public protective service agency, licensing or certification agency, ombudsman program, or protection or advocacy system; or

(C) upon court order; and

(3) make all reasonable efforts to resolve any conflicts with other public agencies with respect to confidentiality of the information described in paragraph (2) by entering into memoranda of understanding that narrowly limit disclosure of information, consistent with the requirement described in paragraph (2).

(f) Designation

The State agency may designate a State entity to carry out the programs and activities described in this subpart.

(Pub. L. 89–73, title VII, § 721, as added Pub. L. 102–375, title VII, § 703(b), Sept. 30, 1992, 106 Stat. 1282.)

DECLARATION OF PURPOSE

Section 703(a) of Pub. L. 102–375 provided that: ''The purpose of this section [enacting this subpart] is to assist States in the design, development, and coordination of comprehensive services of the State and local levels to prevent, treat, and remedy elder abuse, neglect, and exploitation.''

SUBPART IV—STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT PROGRAM

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 3035*o*, 3058a, 3058k, 3058bb of this title.

§ 3058j. State elder rights and legal assistance development

(a) Establishment

(1) In general

In order to be eligible to receive an allotment under section 3058b of this title from funds appropriated under section 3058a(c) of this title, a State agency shall, in accordance with this section and in consultation with area agencies on aging, establish a program to provide leadership for improving the quality and quantity of legal and advocacy assistance as a means for ensuring a comprehensive elder rights system.

(2) Coordination and assistance

In carrying out the program established under this subpart, the State agency shall coordinate, and provide assistance to, area agencies on aging and other entities in the State that assist older individuals in—

(A) understanding the rights of the older individuals;

(B) exercising choice;

(C) benefiting from services and opportunities authorized by law;

(D) maintaining the rights of the older individuals and, in particular, of the older individuals with reduced capacity; and

(E) solving disputes.

(b) Functions

In carrying out this subpart, the State agency shall—

(1) establish a focal point for elder rights policy review, analysis, and advocacy at the State level, including such issues as guardianship, age discrimination, pension and health benefits, insurance, consumer protection, surrogate decisionmaking, protective services, public benefits, and dispute resolution;

(2) provide an individual who shall be known as a State legal assistance developer, and other personnel, sufficient to ensure—

(A) State leadership in securing and maintaining legal rights of older individuals;

(B) State capacity for coordinating the provision of legal assistance;

(C) State capacity to provide technical assistance, training and other supportive functions to area agencies on aging, legal assistance providers, ombudsmen, and other persons as appropriate; and

(D) State capacity to promote financial management services for older individuals at risk of conservatorship;

(3)(A) develop, in conjunction with area agencies on aging and legal assistance providers, statewide standards for the delivery of legal assistance to older individuals; and

(B) provide technical assistance to area agencies on aging and legal assistance providers to enhance and monitor the quality and quantity of legal assistance to older individuals, including technical assistance in developing plans for targeting services to reach the older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority individuals;

(4) provide consultation to, and ensure, the coordination of activities with the legal assistance provided under subchapter III of this chapter, services provided by the Legal Service Corporation, and services provided under subparts II, III, and V of this part, as well as other State or Federal programs administered at the State and local levels that address the legal assistance needs of older individuals;

(5) provide for the education and training of professionals, volunteers, and older individuals concerning elder rights, the requirements and benefits of specific laws, and methods for enhancing the coordination of services;

(6) promote, and provide as appropriate, education and training for individuals who are or might become guardians or representative payees of older individuals, including information on—

(A) the powers and duties of guardians or representative payees; and

(B) alternatives to guardianship;

(7) promote the development of, and provide technical assistance concerning, pro bono legal assistance programs, State and local bar committees on aging, legal hot lines, alternative dispute resolution, programs and curricula, related to the rights and benefits of older individuals, in law schools and other institutions of higher education, and other methods to expand access by older individuals to legal assistance and advocacy and vulnerable elder rights protection activities;

(8) provide for periodic assessments of the status of elder rights in the State, including analysis—

(A) of the unmet need for assistance in resolving legal problems and benefits-related problems, methods for expanding advocacy services, the status of substitute decision-making systems and services (including systems and services regarding guardianship, representative payeeship, and advance directives), access to courts and the justice system, and the implementation of civil rights and age discrimination laws in the State; and

(B) of problems and unmet needs identified in programs established under subchapter III of this chapter and other programs; and

(9) for the purpose of identifying vulnerable elder rights protection activities provided by the entities under this subpart, and coordinating the activities with programs established under subchapter III of this chapter and subparts II, III, and V of this part, develop working agreements with—

(A) State entities, including the consumer protection agency, the court system, the attorney general, the State equal employment opportunity commission, and other State agencies; and

(B) Federal entities, including the Social Security Administration, Health Care Financing Administration, and the Department of Veterans' Affairs, and other entities.

(Pub. L. 89–73, title VII, § 731, as added Pub. L. 102–375, title VII, § 704, Sept. 30, 1992, 106 Stat. 1285.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3012 of this title.

SUBPART V—OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 3058a, 3058d, 3058j, 3058bb of this title.

§ 3058k. State outreach, counseling, and assistance program for insurance and public benefits

(a) Definitions

As used in this section:

(1) Insurance benefit

The term ''insurance benefit'' means a benefit under—

(A) the medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(B) the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(C) a public or private insurance program;

(D) a medicare supplemental policy; or

(E) a pension plan.

(2) Medicare supplemental policy

The term ''medicare supplemental policy'' has the meaning given the term in section 1882(g)(1) of the Social Security Act (42 U.S.C. 1395ss(g)(1)).

(3) Pension plan

The term ''pension plan'' means an employee pension benefit plan, as defined in section 1002(2) of title 29.

(4) Public benefit

The term ''public benefit'' means a benefit under—

(A) the Federal Old-Age, Survivors, and Disability Insurance Benefits programs under title II of the Social Security Act (42 U.S.C. 401 et seq.);

(B) the medicare program established under title XVIII of the Social Security Act [42 U.S.C. 1395 et seq.], including benefits as a qualified medicare beneficiary, as defined in section 1905(p) of the Social Security Act [42 U.S.C. 1396d(p)];

(C) the medicaid program established under title XIX of the Social Security Act [42 U.S.C. 1396 et seq.];

(D) the program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(E) the program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.);

(F) the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.); or

(G) a program determined to be appropriate by the Assistant Secretary.

(5) State insurance assistance program

The term ''State insurance assistance program'' means the program established under subsection (b)(1) of this section.

(6) State public benefit assistance program

The term ''State public benefit assistance program'' means the program established under subsection (b)(2) of this section.

(b) Establishment

In order to receive an allotment under section 3058b of this title from funds appropriated under section 3058a(d) of this title, a State agency shall, in coordination with area agencies on aging and in accordance with this section, establish—

(1) a program to provide to older individuals outreach, counseling, and assistance related to obtaining insurance benefits; and

(2) a program to provide outreach, counseling, and assistance to older individuals who may be eligible for, but who are not receiving, public benefits.

(c) Insurance and public benefits

The State agency shall—

(1) in carrying out a State insurance assistance program—

(A) provide information and counseling to assist older individuals—

(i) in filing claims and obtaining benefits under title XVIII and title XIX of the Social Security Act [42 U.S.C. 1395 et seq., 1396 et seq.];

(ii) in comparing medicare supplemental policies and in filing claims and obtaining benefits under such policies;

(iii) in comparing long-term care insurance policies and in filing claims and obtaining benefits under such policies;

(iv) in comparing other types of health insurance policies not described in clause (iii) and in filing claims and obtaining benefits under such policies;

(v) in comparing life insurance policies and in filing claims and obtaining benefits under such policies;

(vi) in comparing other forms of insurance policies not described in clause (v), in comparing pension plans, and in filing claims and obtaining benefits under such policies and plans as the State agency may determine to be necessary; and

(vii) in comparing current and future health and post-retirement needs related to pension plans, and the relationship of benefits under such plans to insurance benefits and public benefits;

(B) establish a system of referrals to appropriate providers of legal assistance, and to appropriate agencies of the Federal or State government regarding the problems of older individuals related to health insurance benefits, other insurance benefits, and public benefits;

(C) give priority to providing assistance to older individuals with greatest economic need;

(D) ensure that services provided under the program will be coordinated with programs established under subparts II, III, and IV of this part, and under subchapter III of this chapter;

(E) provide for adequate and trained staff (including volunteers) necessary to carry out the program;

(F) ensure that staff (including volunteers) of the agency and of any agency or organization described in subsection (d) of this section will not be subject to a conflict of interest in providing services under the program;

(G) provide for the collection and dissemination of timely and accurate information to staff (including volunteers) related to insurance benefits and public benefits;

(H) provide for the coordination of information on insurance benefits between the staff of departments and agencies of the State government and the staff (including volunteers) of the program; and

(I) make recommendations related to consumer protection that may affect individuals eligible for, or receiving, health or other insurance benefits; and

(2) in carrying out a State public benefits assistance program—

(A) carry out activities to identify older individuals with greatest economic need who may be eligible for, but who are not receiving, public benefits;

(B) conduct outreach activities to inform older individuals of the requirements for eligibility to receive such benefits;

(C) assist older individuals in applying for such benefits;

(D) establish a system of referrals to appropriate providers of legal assistance, or to appropriate agencies of the Federal or State government regarding the problems of older individuals related to public benefits;

(E) comply with the requirements specified in subparagraphs (C) through (F) of paragraph (1) with respect to the State public benefits assistance program;

(F) provide for the collection and dissemination of timely and accurate information to staff (including volunteers) related to public benefits;

(G) provide for the coordination of information on public benefits between the staff of State entities and the staff (including volunteers) of the State public benefits assistance program; and

(H) make recommendations related to consumer protection that may affect individuals eligible for, or receiving, public benefits.

(d) Administration

The State agency may operate the State insurance assistance program and the State public benefits assistance program directly, in cooperation with other State agencies, or under an agreement with a statewide nonprofit organization, an area agency on aging, or another public or nonprofit agency or organization.

(e) Maintenance of effort

Any funds appropriated for the activities under this subpart shall supplement, and shall not supplant, funds that are expended for similar purposes under any Federal, State, or local program providing insurance benefits or public benefits.

(f) Coordination

A State that receives an allotment under section 3058b of this title and receives a grant to provide services under section 1395b–4 of this title shall coordinate the services with activities provided by the State agency through the programs described in paragraphs (1) and (2) of subsection (b) of this section.

(Pub. L. 89–73, title VII, § 741, as added Pub. L. 102–375, title VII, § 705(b), Sept. 30, 1992, 106 Stat. 1287; amended Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsecs. (a)(1)(A), (B), (4)(A) to (C), (F), (c)(1)(A)(i), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Titles II, XVI, XVIII, and XIX of the Act are classified generally to subchapters II (§ 401 et seq.), XVI (§ 1381 et seq.), XVIII (§ 1395 et seq.), and XIX (§ 1396 et seq.), respectively, of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

The Food Stamp Act of 1977, referred to in subsec. (a)(4)(D), is Pub. L. 88–525, Aug. 31, 1964, 78 Stat. 703, as amended, which is classified generally to chapter 51 (§ 2011 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 7 and Tables.

The Low-Income Home Energy Assistance Act of 1981, referred to in subsec. (a)(4)(E), is title XXVI of Pub. L. 97–35, Aug. 13, 1981, 95 Stat. 893, as amended, which is classified generally to subchapter II (§ 8621 et seq.) of chapter 94 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 8621 of this title and Tables.

AMENDMENTS

1993—Subsec. (a)(4)(G). Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner''.

DECLARATION OF PURPOSE

Section 705(a) of Pub. L. 102–375 provided that: ''The purpose of this section [enacting this subpart] is to provide outreach, counseling, and assistance in order to assist older individuals in obtaining benefits under—

''(1) public and private health insurance, long-term care insurance, life insurance, and pension plans; and

''(2) public programs under which the individuals are entitled to benefits, including benefits under—

''(A) the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.);

''(B) the medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

''(C) the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

''(D) the program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); and

''(E) the program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).''

PART B—NATIVE AMERICAN ORGANIZATION PROVISIONS

§ 3058aa. Native American program

(a) Establishment

The Assistant Secretary, acting through the Director of the Office for American Indian, Alaskan Native, and Native Hawaiian Aging, shall establish and carry out a program for—

(1) assisting eligible entities in prioritizing, on a continuing basis, the needs of the service population of the entities relating to elder rights; and

(2) making grants to eligible entities to carry out vulnerable elder rights protection activities that the entities determine to be priorities.

(b) Application

In order to be eligible to receive assistance under this part, an entity shall submit an application to the Assistant Secretary, at such time, in such manner, and containing such information as the Assistant Secretary may require.

(c) Eligible entity

An entity eligible to receive assistance under this section shall be—

(1) an Indian tribe; or

(2) a public agency, or a nonprofit organization, serving older individuals who are Native Americans.

(d) Authorization of appropriations

There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

(Pub. L. 89–73, title VII, § 751, as added Pub. L. 102–375, title VII, § 706, Sept. 30, 1992, 106 Stat. 1290; amended Pub. L. 103–171, § 3(a)(10), Dec. 2, 1993, 107 Stat. 1990.)

AMENDMENTS

1993—Subsecs. (a), (b). Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner'' and ''Director of the Office for'' for ''Associate Commissioner on'' in subsec. (a) and ''Assistant Secretary'' for ''Commissioner'' in two places in subsec. (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3058cc, 3058ee of this title.

PART C—GENERAL PROVISIONS

§ 3058bb. Definitions

As used in this subchapter:

(1) Elder right

The term ''elder right'' means a right of an older individual.

(2) Vulnerable elder rights protection activity

The term ''vulnerable elder rights protection activity'' means an activity funded under subpart II, III, IV, or V of this subchapter.[1]

(Pub. L. 89–73, title VII, § 761, as added Pub. L. 102–375, title VII, § 707, Sept. 30, 1992, 106 Stat. 1291.)

[1] So in original. Probably should be ''part A of this subchapter.''

§ 3058cc. Administration

A State agency or an entity described in section 3058aa(c) of this title may carry out vulnerable elder rights protection activities either directly or through contracts or agreements with public or nonprofit private agencies or organizations, such as—

(1) other State agencies;
(2) area agencies on aging;
(3) county governments;
(4) institutions of higher education;
(5) Indian tribes; or
(6) nonprofit service providers or volunteer organizations.

(Pub. L. 89–73, title VII, § 762, as added Pub. L. 102–375, title VII, § 707, Sept. 30, 1992, 106 Stat. 1291.)

§ 3058dd. Technical assistance

(a) Other agencies

In carrying out the provisions of this subchapter, the Assistant Secretary may request the technical assistance and cooperation of such Federal entities as may be appropriate.

(b) Assistant Secretary

The Assistant Secretary shall provide technical assistance and training (by contract, grant, or otherwise) to persons and entities that administer programs established under this subchapter.

(Pub. L. 89–73, title VII, § 763, as added Pub. L. 102–375, title VII, § 707, Sept. 30, 1992, 106 Stat. 1291; amended Pub. L. 103–171, § 3(a)(11), (13), Dec. 2, 1993, 107 Stat. 1990.)

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–171, § 3(a)(13), substituted ''Assistant Secretary'' for ''Commissioner''.

Subsec. (b). Pub. L. 103–171, § 13(a)(11), (13), substituted ''Assistant Secretary'' for ''Commissioner'' in heading and text.

§ 3058ee. Audits

(a) Access

The Assistant Secretary, the Comptroller General of the United States, and any duly authorized representative of the Assistant Secretary or the Comptroller shall have access, for the purpose of conducting an audit or examination, to any books, documents, papers, and records that are pertinent to financial assistance received under this subchapter.

(b) Limitation

State agencies, area agencies on aging, and entities described in section 3058aa(c) of this title shall not request information or data from providers that is not pertinent to services furnished under this subchapter or to a payment made for the services.

(Pub. L. 89–73, title VII, § 764, as added Pub. L. 102–375, title VII, § 707, Sept. 30, 1992, 106 Stat. 1291; amended Pub. L. 103–171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–171 substituted ''Assistant Secretary'' for ''Commissioner'' in two places.

CHAPTER 35A—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

§§ 3061 to 3067. Repealed. Pub. L. 94–135, title I, § 113(b), Nov. 28, 1975, 89 Stat. 725

Section 3061, Pub. L. 93–29, title IX, § 902, May 3, 1973, 87 Stat. 60, related to establishment of Older American Community Service Employment Program authority of Secretary, execution of agreements with terms and conditions for furthering purposes and goals of program, and regulations for execution of chapter provisions and costs and non-Federal share.

Section 3062, Pub. L. 93–29, title IX, § 903, May 3, 1973, 87 Stat. 62, related to administration of community service projects: consideration of needs of localities, employment situation and skills of eligible participants, and potential projects and number and percentage of eligible individuals in local population; agency cooperation, community service projects as part of general manpower programs, expenditure of project appropriations for manpower programs prohibited; use of services, equipment, personnel, facilities of Federal and other agencies, and cooperation with other public and private agencies in such use; community service projects: criteria for equitable participation in administration of such projects; payments, advances, reimbursement, and installments; and prohibition of delegation of functions and duties.

Section 3063, Pub. L. 93–29, title IX, § 904, May 3, 1973, 87 Stat. 63, related to participants without status of Federal employees; contractual requirement of workmen's compensation coverage and severance benefits.

Section 3064, Pub. L. 93–29, title IX, § 905, May 3, 1973, 87 Stat. 63, related to interagency cooperation.

Section 3065, Pub. L. 93–29, title IX, § 906, May 3, 1973, 87 Stat. 63, related to allotment for projects: allotment formula, reallotments, and equitable distribution of assistance.

Section 3066, Pub. L. 93–29, title IX, § 907, May 3, 1973, 87 Stat. 64, related to definitions.

Section 3067, Pub. L. 93–29, title IX, § 908, May 8, 1973, 87 Stat. 64; Pub. L. 93–113, title VI, § 604(b), Oct. 1, 1973, 87 Stat. 417, related to authorization of appropriations.

Subject matter is covered by sections 3056 to 3056f of this title.

CHAPTER 36—COMPENSATION OF CONDEMNEES IN DEVELOPMENT PROGRAMS

§§ 3071 to 3074. Repealed. Pub. L. 91–646, title II, § 220(a)(8), title III, § 306, Jan. 2, 1971, 84 Stat. 1903, 1907

Section 3071, Pub. L. 89–117, title IV, § 401, Aug. 10, 1965, 79 Stat. 485; Pub. L. 90–19, § 22(f), May 25, 1967, 81 Stat. 27, related to definitions.

Section 3072, Pub. L. 89–117, title IV, § 402, Aug. 10, 1965, 79 Stat. 485; Pub. L. 90–19, § 22(a), May 25, 1967, 81 Stat. 26, related to acquisition of realty by eminent domain.

Section 3073, Pub. L. 89–117, title IV, § 403, Aug. 10, 1965, 79 Stat. 485, related to financing of payments in eminent domain where amount is in dispute.

Section 3074, Pub. L. 89–117, title IV, § 404(a), Aug. 10, 1965, 79 Stat. 485; Pub. L. 90–19, § 22(a), May 25, 1967, 81 Stat. 26, related to relocation payments under federally assisted development programs.

Subject matter is covered by section 4601 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Repeal not applicable to any State so long as sections 4630 and 4655 of this title are not applicable in such State; but such sections completely applicable to all States after July 1, 1972, but until such date applicable to a State to extent the State is able under its laws to comply with such sections, see section 221 of Pub. L. 91–646, set out as an Effective Date note under section 4601 of this title.