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**§ 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 Repealed.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, prior to the general amendment of chapter 106 (§ 9901 et seq.) of this title by Pub. L. 105-285.

## 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, 2928i 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, 2928i, 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'."

## SHORT TITLE OF 1974 AMENDMENT

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'."

## 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. 91-35.

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 [subchapters I through IX of this chapter] may be cited as the 'Community Services 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'."

## 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 GAO TO GRANTEE'S RECORDS

Pub. L. 91-667, title III, Jan. 1, 1971, 84 Stat. 2018, provided in part that all grant agreements were to provide that the General Accounting Office would have access to the records bearing exclusively upon the Federal grant.

Similar provisions were contained in Pub. L. 91-204, title III, 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 respect 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 was classified to section 9912(a) of this title, prior to the general amendment of chapter 106 (§ 9901 et seq.) of this title by Pub. L. 105-285. 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 was classified to section 9905 of this title, prior to the general amendment of chapter 106 of this title by Pub. L. 105-285. See section 9912 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, prior to the general amendment of chapter 106 (§ 9901 et seq.) of this title by Pub. L. 105-285.

#### § 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 F.R. 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."

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. 88-452, 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.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title, prior to the general amendment of chapter 106 (§9901 et seq.) of this title by Pub. L. 105-285.

**§§ 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.

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 fam-

ilies 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.

**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.

**§ 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, such sums as may be necessary for fiscal year 2009 and each of the five 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 (including child care services provided on campus that are open and accessible to the community), literacy training, education (including tutorial services), welfare, social services, transportation, housing and neighborhood improvement, public safety, emergency preparedness and response, crime prevention and control, recreation, rural development, and community improvement;

(2) work in a project, as defined in section 12511(20)<sup>1</sup> of this title;

(3) support services to students with disabilities, including students with disabilities who are enrolled at the institution; 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.

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

(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; Pub. L. 105-244, title IV, § 441, Oct. 7, 1998, 112 Stat. 1711; Pub. L. 110-315, title IV, § 441, Aug. 14, 2008, 122 Stat. 3258.)

## REFERENCES IN TEXT

Section 12511(20) of this title, referred to in subsec. (c)(2), was redesignated section 12511(35) by Pub. L. 111-13, title I, § 1102(b)(1), Apr. 21, 2009, 123 Stat. 1467.

## 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

2008—Subsec. (b). Pub. L. 110-315, § 441(1), substituted “such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years” for “\$1,000,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years”.

Subsec. (c)(1). Pub. L. 110-315, § 441(2), inserted “emergency preparedness and response,” after “public safety.”

1998—Subsec. (b). Pub. L. 105-244, § 441(a), substituted “\$1,000,000,000 for fiscal year 1999” for “\$800,000,000 for fiscal year 1993”.

Subsec. (c)(1). Pub. L. 105-244, § 441(b)(1), inserted “(including child care services provided on campus that are open and accessible to the community)” after “child care”.

Subsec. (c)(3). Pub. L. 105-244, § 441(b)(2), inserted “, including students with disabilities who are enrolled at the institution” before the semicolon.

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 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

## 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]."

**§ 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 under subsections (a) and (b) of this section for fiscal year 1999 (as such subsections were in effect with respect to allocations for such fiscal year).

(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 1999 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 1999 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 2000 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 allo-

cated 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 share of excess eligible amounts**

(1) From 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 (c) 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.

**(c) 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 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 \$600.

**(d) 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 reallocate such excess to eligible institutions which used at least 5 percent of the total amount of funds granted to such institution under this section to compensate students employed in tutoring in reading and family literacy activities in the preceding fiscal year. Such excess funds shall be reallocated to institutions which qualify under this subsection on the same basis as excess eligible amounts are allocated to institutions pursuant to subsection (b) 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.

**(e) 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; Pub. L. 105-244, title IV, § 442(a), (b), Oct. 7, 1998, 112 Stat. 1712; Pub. L. 110-315, title IV, § 442, Aug. 14, 2008, 122 Stat. 3258.)

## REFERENCES IN TEXT

Part F of this title, referred to in subsec. (c)(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

2008—Subsec. (c)(4)(D). Pub. L. 110-315 substituted “\$600” for “\$450”.

1998—Subsec. (a)(1). Pub. L. 105-244, § 442(a)(1), substituted “received under subsections (a) and (b) of this section for fiscal year 1999 (as such subsections were in effect with respect to allocations for such fiscal year)” for “received and used under this part for fiscal year 1985”.

Subsec. (a)(2)(A), (B). Pub. L. 105-244, § 442(a)(2)(A), substituted “1999” for “1985” in introductory provisions.

Subsec. (a)(2)(C)(i). Pub. L. 105-244, § 442(a)(2)(B), substituted “2000” for “1986”.

Subsec. (b). Pub. L. 105-244, § 442(b)(1), (2), redesignated subsec. (c) as (b), and struck out heading and text of former subsec. (b). Text read as follows: “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.”

Subsec. (b)(1). Pub. L. 105-244, § 442(b)(3), struck out “three-quarters of” after “From”.

Subsec. (b)(2)(A)(i). Pub. L. 105-244, § 442(b)(4), substituted “subsection (c)” for “subsection (d)”.

Subsec. (c). Pub. L. 105-244, § 442(b)(2), redesignated subsec. (d) as (c). Former subsec. (c) redesignated (b).

Subsec. (c)(3). Pub. L. 105-244, § 442(b)(5), struck out “the Secretary, for academic year 1988-1989 shall use the procedures employed for academic year 1986-1987, and, for any subsequent academic years,” after “professional students,” in introductory provisions.

Subsec. (d). Pub. L. 105-244, § 442(b)(2), redesignated subsec. (e) as (d). Former subsec. (d) redesignated (c).

Subsec. (d)(1). Pub. L. 105-244, § 442(b)(6), substituted “5 percent” for “10 percent”, “in tutoring in reading and family literacy activities in” for “in community service in”, and “subsection (b)” for “subsection (c)”.

Subsecs. (e), (f). Pub. L. 105-244, § 442(b)(2), redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

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 reallocate 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 reallocations 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 1998 AMENDMENT

Pub. L. 105-244, title IV, § 442(c), Oct. 7, 1998, 112 Stat. 1712, provided that: “The amendments made by this section [amending this section] shall apply with re-

spect to allocations of amounts appropriated pursuant to section 441(b) for fiscal year 2000 or any succeeding fiscal year.”

**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 1051 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**

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.

**§ 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 employ-

ment, including internships, practica, or research assistantships as determined by the Secretary, 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 non-profit 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<sup>1</sup> 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) for fiscal year 2000 and succeeding fiscal years, an institution shall use at least 7 percent of the total amount of funds granted to such institution under this section for such fiscal year to compensate students employed in community service, and shall ensure that not less than 1 tutoring or family literacy project (as described in subsection (d) of this section) is included in meeting the requirement of this subparagraph, except that the Secretary may waive this subparagraph if the Secretary determines that enforcing this subparagraph would cause hardship for students at the 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 [20 U.S.C. 1087kk et seq.] and 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 who are (A) attending the institution on less than a full-time basis, or (B) independent students, a reasonable portion of the 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

<sup>1</sup> So in original. Probably should be “part”.

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 work-study program in accordance with the agreement shall not exceed 75 percent, except that—

(A) the Federal share may exceed 75 percent, but not exceed 90 percent, if, consistent with regulations of the Secretary—

(i) the student is employed at a nonprofit private organization or a government agency that—

(I) is not a part of, and is not owned, operated, or controlled by, or under common ownership, operation, or control with, the institution;

(II) is selected by the institution on an individual case-by-case basis for such student; and

(III) would otherwise be unable to afford the costs of such employment; and

(ii) not more than 10 percent of the students compensated through the institution's grant under this part during the academic year are employed in positions for which the Federal share exceeds 75 percent; and

(B) the Federal share may exceed 75 percent 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;

(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<sup>2</sup> 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, to the maximum extent practicable; 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.

**(d) Tutoring and literacy activities**

**(1) Use of funds**

In any academic year to which subsection (b)(2)(A) applies, an institution shall ensure that funds granted to such institution under this section are used in accordance with such subsection to compensate (including compensation for time spent in training and travel directly related to tutoring in reading and family literacy activities) students—

(A) employed as reading tutors for children who are preschool age or are in elementary school; or

(B) employed in family literacy projects.

**(2) Priority for schools**

To the extent practicable, an institution shall—

<sup>2</sup> So in original.

(A) give priority to the employment of students in the provision of tutoring in reading in schools that are participating in a reading reform project that—

(i) is designed to train teachers how to teach reading on the basis of scientifically-based research on reading; and

(ii) is funded under the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.]; and

(B) ensure that any student compensated with the funds described in paragraph (1) who is employed in a school participating in a reading reform project described in subparagraph (A) receives training from the employing school in the instructional practices used by the school.

### (3) Federal share

The Federal share of the compensation of work-study students compensated under this subsection may exceed 75 percent.

## (e) Civic education and participation activities

### (1) Use of funds

Funds granted to an institution under this section may be used to compensate (including compensation for time spent in training and travel directly related to civic education and participation activities) students employed in projects that—

(A) teach civics in schools;

(B) raise awareness of government functions or resources; or

(C) increase civic participation.

### (2) Priority for schools

To the extent practicable, an institution shall—

(A) give priority to the employment of students participating in projects that educate or train the public about evacuation, emergency response, and injury prevention strategies relating to natural disasters, acts of terrorism, and other emergency situations; and

(B) ensure that any student compensated with the funds described in paragraph (1) receives appropriate training to carry out the educational services required.

### (3) Federal share

The Federal share of the compensation of work-study students compensated under this subsection may exceed 75 percent.

(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; Pub. L. 105-244, title IV, § 443, Oct. 7, 1998, 112 Stat. 1712; Pub. L. 110-315, title IV, § 443, Aug. 14, 2008, 122 Stat. 3258; Pub. L. 111-39, title IV, § 403, July 1, 2009, 123 Stat. 1945.)

#### REFERENCES IN TEXT

Part F, referred to in subsec. (b)(3), means part F of title IV of Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, known as the Higher Education Act of 1965. Part F of

title IV of the 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.

The Elementary and Secondary Education Act of 1965, referred to in subsec. (d)(2)(A)(ii), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, which is classified generally to chapter 70 (§6301 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 6301 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

2009—Subsec. (b)(2). Pub. L. 111-39, § 403(1), made technical amendment to reference in original act which appears in text as reference to this section in introductory provisions.

Subsec. (d)(1). Pub. L. 111-39, § 403(2), substituted “subsection (b)(2)(A)” for “subsection (b)(2)(B)”.

Subsec. (e)(1). Pub. L. 111-39, § 403(3), struck out “in accordance with such subsection” before “to compensate” in introductory provisions.

2008—Subsec. (b)(2)(A) to (C). Pub. L. 110-315, § 443(1), redesignated subpars. (B) and (C) as (A) and (B), respectively, and struck out former subpar. (A) which read as follows: “for fiscal year 1999, 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 (including a reasonable amount of time spent in travel or training directly related to such 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;”.

Subsec. (e). Pub. L. 110-315, § 443(2), added subsec. (e). 1998—Subsec. (b)(1). Pub. L. 105-244, § 443(a), inserted “, including internships, practica, or research assistantships as determined by the Secretary,” after “part-time employment”.

Pub. L. 105-244, § 443(b), (c)(1)(A), substituted “for fiscal year 1999,” for “in fiscal year 1994 and succeeding fiscal years,” inserted “(including a reasonable amount of time spent in travel or training directly related to such community service)” after “community service”, and struck out “and” at end.

Subsec. (b)(2)(B), (C). Pub. L. 105-244, § 443(c)(1)(B), (C), added subpar. (B) and redesignated former subpar. (B) as (C).

Subsec. (b)(3). Pub. L. 105-244, § 443(d), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “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—

“(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;”.

Subsec. (b)(5). Pub. L. 105-244, § 443(e), amended par. (5) generally. Prior to amendment, par. (5) read as fol-

lows: “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 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:”.

Subsec. (b)(6). Pub. L. 105–244, §443(f), struck out “, 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” after “in need thereof”.

Subsec. (c)(4). Pub. L. 105–244, §443(g), inserted “, to the maximum extent practicable” before the semicolon at end.

Subsec. (d). Pub. L. 105–244, §443(c)(2), added subsec. (d).

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 organization 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 2009 AMENDMENT

Amendment by Pub. L. 111–39 effective as if enacted on Aug. 14, 2008, see section 3 of Pub. L. 111–39, set out as a note under section 1001 of Title 20, Education.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105–244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105–244, see section 3 of Pub. L. 105–244, set out as a note under section 1001 of Title 20, Education.

#### 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 1051 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.

### § 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.

#### (c) Flexible use of funds

An eligible institution may, upon the request of a student, make payments to the student under this part by crediting the student's account at the institution or by making a direct deposit to the student's account at a depository institution. An eligible institution may only credit the student's account at the institution for (1) tuition and fees, (2) in the case of institutionally owned housing, room and board, and (3) other institutionally provided goods and services.

#### (d) Flexibility in the event of a major disaster

##### (1) In general

In the event of a major disaster, an eligible institution located in any area affected by such major disaster, as determined by the Secretary, may make payments under this part to disaster-affected students, for the period of time (not to exceed one academic year) in which the disaster-affected students were prevented from fulfilling the students' work-study obligations as described in paragraph (2)(A)(iii), as follows:

(A) Payments may be made under this part to disaster-affected students in an amount equal to or less than the amount of wages such students would have been paid under this part had the students been able to complete the work obligation necessary to receive work study funds.

(B) Payments shall not be made to any student who was not eligible for work study or was not completing the work obligation necessary to receive work study funds under this part prior to the occurrence of the major disaster.

(C) Any payments made to disaster-affected students under this subsection shall meet the matching requirements of section 2753 of this title, unless such matching requirements are waived by the Secretary.

##### (2) Definitions

In this subsection:

(A) The term "disaster-affected student" means a student enrolled at an eligible institution who—

(i) received a work-study award under this section for the academic year during which a major disaster occurred;

(ii) earned Federal work-study wages from such eligible institution for such academic year;

(iii) was prevented from fulfilling the student's work-study obligation for all or part of such academic year due to such major disaster; and

(iv) was unable to be reassigned to another work-study job.

(B) The term "major disaster" has the meaning given such term in section 5122(2) of this title.

(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; Pub. L. 105-244, title IV, §444, Oct. 7, 1998, 112 Stat. 1714; Pub. L. 110-315, title IV, §444, Aug. 14, 2008, 122 Stat. 3259.)

#### 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

2008—Subsec. (d). Pub. L. 110-315 added subsec. (d).

1998—Subsec. (c). Pub. L. 105-244 added subsec. (c).

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 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 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.

### § 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 \$75,00 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 sched-

uling 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; Pub. L. 110-315, title IV, §445, Aug. 14, 2008, 122 Stat. 3260.)

#### 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

2008—Subsec. (a)(1). Pub. L. 110-315 substituted “\$75,000” for “\$50,000”.

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].”

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

#### (a) Community service-learning

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.

#### (b) Off-campus community service

##### (1) Grants authorized

In addition to funds made available under section 2753(b)(2)(A) of this title, the Secretary is authorized to award grants to institutions participating under this part to supplement off-campus community service employment.

##### (2) Use of funds

An institution shall ensure that funds granted to such institution under this subsection are used in accordance with section 2753(b)(2)(A) of this title to recruit and compensate students (including compensation for time spent in training and for travel directly related to such community service).

##### (3) Priority

In awarding grants under this subsection, the Secretary shall give priority to applications that support postsecondary students assisting with early childhood education activities and activities in preparation for emergencies and natural disasters.

##### (4) Authorization of appropriations

There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(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; Pub. L. 110-315, title IV, § 446, Aug. 14, 2008, 122 Stat. 3260.)

## REFERENCES IN TEXT

The National and Community Service Act of 1990, referred to in subsec. (a)(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

2008—Pub. L. 110-315 redesignated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

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.

### § 2756b. Work colleges

#### (a) Purpose

The purpose of this section is to recognize, encourage, and promote the use of comprehensive

work-learning-service 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-service 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;

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

(i) community-based work-learning-service 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;

(E) coordinate and carry out joint projects and activities to promote work service learning; and

(F) carry out a comprehensive, longitudinal study of student academic progress and academic and career outcomes, relative to student self-sufficiency in financing their higher education, repayment of student loans, continued community service, kind and quality of service performed, and career choice and community service selected after graduation.

#### (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, four-year, degree-granting institution with a commitment to community service;

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

(C) requires students, including at least one-half of all students who are enrolled on a full-time basis, to participate in a comprehensive work-learning-service program for at least five hours each week, or at least 80 hours during each period of enrollment, except summer school, unless the student is engaged in an institutionally organized or approved study abroad or externship program; and

(D) provides students participating in the comprehensive work-learning-service 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-service program” means a student work-learning-service program that—

(A) is an integral and stated part of the institution’s educational philosophy and program;

(B) requires participation of all resident students for enrollment and graduation;

(C) includes learning objectives, evaluation, and a record of work performance as part of the student’s college record;

(D) provides programmatic leadership by college personnel at levels comparable to traditional academic programs;

(E) recognizes the educational role of work-learning-service supervisors; and

(F) includes consequences for nonperformance or failure in the work-learning-service 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 such sums as may be necessary for fiscal year 2009 and each of the five 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; amended Pub. L. 105-244, title IV, § 445, Oct. 7, 1998, 112 Stat. 1714; Pub. L. 110-315, title IV, § 447, Aug. 14, 2008, 122 Stat. 3260.)

## 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.

## AMENDMENTS

2008—Subsecs. (a), (b)(2)(A), (D). Pub. L. 110-315, § 447(1), substituted “work-learning-service” for “work-learning” wherever appearing.

Subsec. (e). Pub. L. 110-315, § 447(2), added subsec. (e) and struck out former subsec. (e) which defined “work-college” and “comprehensive student work-learning program”.

Subsec. (f). Pub. L. 110-315, § 447(3), substituted “such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years” for “\$5,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years”.

1998—Subsec. (b)(2)(E), (F). Pub. L. 105-244, § 445(1), added subpars. (E) and (F).

Subsec. (f). Pub. L. 105-244, § 445(2), substituted “1999” for “1993”.

## EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

## 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.

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 during 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, prior to the general amendment of chapter 106 (§9901 et seq.) of this title by Pub. L. 105-285.

SUBCHAPTER II—URBAN AND RURAL  
COMMUNITY ACTION PROGRAMS

**§ 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, prior to the general amendment of chapter 106 (§9901 et seq.) of this title by Pub. L. 105-285.

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 reallocation, 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, prior to the general amendment of chapter 106 (§9901 et seq.) of this title by Pub. L. 105-285.

**§§ 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, related 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. 8, 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. 8, 1966, 80 Stat. 1222.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title, prior to the general amendment of chapter 106 (§9901 et seq.) of this title by Pub. L. 105-285.

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.

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.

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.

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.

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.

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.

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.

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.

**§§ 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, prior to the general amendment of chapter 106 (§9901 et seq.) of this title by Pub. L. 105-285.

### 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, prior to the general amendment of chapter 106 (§9901 et seq.) of this title by Pub. L. 105-285.

#### § 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, prior to the general amendment of chapter 106 (§9901 et seq.) of this title by Pub. L. 105-285.

#### § 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, prior to the general amendment of chapter 106 (§9901 et seq.) of this title by Pub. L. 105-285.

### 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, prior to the general amendment of chapter 106 (§9901 et seq.) of this title by Pub. L. 105-285.

### SUBCHAPTER III—SPECIAL PROGRAMS TO COMBAT POVERTY IN RURAL AREAS

#### 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, prior to the general amendment of chapter 106 (§9901 et seq.) of this title by Pub. L. 105-285.

#### 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, prior to the general amendment of chapter 106 (§9901 et seq.) of this title by Pub. L. 105-285.

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

#### §§ 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, prior to the general amendment of chapter 106 (§ 9901 et seq.) of this title by Pub. L. 105-285.

#### §§ 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

#### §§ 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, prior to the general amendment of chapter 106 (§ 9901 et seq.) of this title by Pub. L. 105-285.

#### §§ 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, prior to the general amendment of chapter 106 (§9901 et seq.) of this title by Pub. L. 105-285.

#### § 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 2928l, 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, prior to the general amendment of chapter 106 (§9901 et seq.) of this title by Pub. L. 105-285.

#### 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, prior to the general amendment of chapter 106 (§9901 et seq.) of this title by Pub. L. 105-285.

#### 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, prior to the general amendment of chapter 106 (§9901 et seq.) of this title by Pub. L. 105-285.

## 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, prior to the general amendment of chapter 106 (§9901 et seq.) of this title by Pub. L. 105-285.

## SUBCHAPTER VI—ADMINISTRATION AND COORDINATION

## 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, prior to the general amendment of chapter 106 (§9901 et seq.) of this title by Pub. L. 105-285.

## 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, prior to the general amendment of chapter 106 (§9901 et seq.) of this title by Pub. L. 105-285.

**§§ 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, prior to the general amendment of chapter 106 (§9901 et seq.) of this title by Pub. L. 105-285.

**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, prior to the general amendment of chapter 106 (§9901 et seq.) of this title by Pub. L. 105-285.

**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, prior to the general amendment of chapter 106 (§9901 et seq.) of this title by Pub. L. 105-285.

**§ 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, prior to the general amendment of chapter 106 (§ 9901 et seq.) of this title by Pub. L. 105-285.

**§§ 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, prior to the general amendment of chapter 106 (§ 9901 et seq.) of this title by Pub. L. 105-285.

SUBCHAPTER VII—COMMUNITY ECONOMIC DEVELOPMENT

**§§ 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, prior to the general amendment of chapter 106 (§ 9901 et seq.) of this title by Pub. L. 105-285.

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; amend-

ed 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, prior to the general amendment of chapter 106 (§ 9901 et seq.) of this title by Pub. L. 105-285.

**§ 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, prior to the general amendment of chapter 106 (§ 9901 et seq.) of this title by Pub. L. 105-285.

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, prior to the general amendment of chapter 106 (§9901 et seq.) of this title by Pub. L. 105-285.

**§ 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, prior to the general amendment of chapter 106 (§9901 et seq.) of this title by Pub. L. 105-285.

**§ 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, prior to the general amendment of chapter 106 (§9901 et seq.) of this title by Pub. L. 105-285.

## SUBCHAPTER VIII—NATIVE AMERICAN PROGRAMS

**§ 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 2006 AMENDMENT

Pub. L. 109-394, §1, Dec. 14, 2006, 120 Stat. 2705, provided that: “This Act [amending sections 2991b-3, 2992c, and 2992d of this title] may be cited as the ‘Esther Martinez Native American Languages Preservation Act of 2006’.”

## SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-361, §1, Nov. 10, 1998, 112 Stat. 3278, provided that: “This Act [amending sections 2991b-1 and 2992d of this title] may be cited as the ‘Native American Programs Act Amendments of 1998’.”

## 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, depres-

sion, 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 Commissioner’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; non-reservation 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 au-

thority 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.

**§ 2991b-1. Loan fund; demonstration project****(a) Grant to Office of Hawaiian Affairs 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 a grant to the Office of Hawaiian Affairs of the State of Hawaii (referred to in this section as the “Office”), which shall use that grant to 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 or loan guarantees 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 provi-

sions 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 or loan guarantees to borrowers; determinations; term; interest rate; default and collection procedures; prohibition on self-lending**

(1) The Office may make a loan or loan guarantee 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) Each loan or loan guarantee made under subsection (a)(1)(A) of this section shall be—

(A) for a term that does not exceed 7 years; and

(B) at a rate of interest that does not exceed a rate equal to the sum of—

(I) the most recently published prime rate (as published in the newspapers of general circulation in the State of Hawaii before the date on which the loan is made); and

(II) 3 percentage points.

(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 2000 and 2001, \$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; Pub. L. 105-361, §3, Nov. 10, 1998, 112 Stat. 3278.)

#### AMENDMENTS

1998—Subsec. (a)(1). Pub. L. 105-361, §3(a)(1)(A), in introductory provisions, substituted “award a grant” for “award grants” and “use that grant to carry out” for “use such grants to establish and carry out”.

Subsec. (a)(1)(A). Pub. L. 105-361, §3(a)(1)(B), inserted “or loan guarantees” after “make loans”.

Subsec. (b)(1). Pub. L. 105-361, §3(a)(2)(A), substituted “a loan or loan guarantee to a borrower” for “loans to a borrower” in introductory provisions.

Subsec. (b)(2). Pub. L. 105-361, §3(a)(2)(B)(i), substituted “Each loan or loan guarantee made” for “Loans made” in introductory provisions.

Subsec. (b)(2)(A). Pub. L. 105-361, §3(a)(2)(B)(ii), substituted “7 years” for “5 years”.

Subsec. (b)(2)(B). Pub. L. 105-361, §3(a)(2)(B)(iii), substituted “that does not exceed a rate equal to the sum of—” for “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.” and added cls. (I) and (II).

Subsec. (f)(1). Pub. L. 105-361, §3(a)(3), substituted “2000 and 2001,” for “1992, 1993, and 1994.”

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 Ha-

waiians”, 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.

### § 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 office 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 determin-

ing 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;

(6) the purchase of equipment (including audio and video recording equipment, computers, and software) required to conduct a Native American language project; and

(7)(A) Native American language nests, which are site-based educational programs that—

(i) provide instruction and child care through the use of a Native American lan-

guage for at least 10 children under the age of 7 for an average of at least 500 hours per year per student;

(ii) provide classes in a Native American language for parents (or legal guardians) of students enrolled in a Native American language nest (including Native American language-speaking parents); and

(iii) ensure that a Native American language is the dominant medium of instruction in the Native American language nest;

(B) Native American language survival schools, which are site-based educational programs for school-age students that—

(i) provide an average of at least 500 hours of instruction through the use of 1 or more Native American languages for at least 15 students for whom a Native American language survival school is their principal place of instruction;

(ii) develop instructional courses and materials for learning Native American languages and for instruction through the use of Native American languages;

(iii) provide for teacher training;

(iv) work toward a goal of all students achieving—

(I) fluency in a Native American language; and

(II) academic proficiency in mathematics, reading (or language arts), and science; and

(v) are located in areas that have high numbers or percentages of Native American students; and

(C) Native American language restoration programs, which are educational programs that—

(i) operate at least 1 Native American language program for the community in which it serves;

(ii) provide training programs for teachers of Native American languages;

(iii) develop instructional materials for the programs;

(iv) work toward a goal of increasing proficiency and fluency in at least 1 Native American language;

(v) provide instruction in at least 1 Native American language; and

(vi) may use funds received under this section for—

(I) Native American language programs, such as Native American language immersion programs, Native American language and culture camps, Native American language programs provided in coordination and cooperation with educational entities, Native American language programs provided in coordination and cooperation with local universities and colleges, Native American language programs that use a master-apprentice model of learning languages, and Native American language programs provided through a regional program to better serve geographically dispersed students;

(II) Native American language teacher training programs, such as training programs in Native American language trans-

lation for fluent speakers, training programs for Native American language teachers, training programs for teachers in schools to utilize Native American language materials, tools, and interactive media to teach Native American language; and

(III) the development of Native American language materials, such as books, audio and visual tools, and interactive media programs.

### (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;

(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; and

(7) in the case of an application for a grant to carry out any purpose specified in subsection (b)(7)(B), a certification by the applicant that the applicant has not less than 3 years of experience in operating and administering a Native American language survival school, a Native American language nest, or any other educational program in which instruction is conducted in a Native American language.

### (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, except that grants made under such subsection for any purpose specified in subsection (b)(7) may be made only on a 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<sup>1</sup> of title 20;

(iii) representatives of national, tribal, and regional organizations that focus on Native American language, or Native American cultural,<sup>2</sup> 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; amended Pub. L. 109-394, §2, Dec. 14, 2006, 120 Stat. 2705.)

## 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.

## AMENDMENTS

2006—Subsec. (b)(7). Pub. L. 109-394, §2(1), added par. (7).

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

<sup>2</sup> So in original. The comma probably should not appear.

Subsec. (c)(7). Pub. L. 109-394, §2(2), added par. (7).  
 Subsec. (e)(2). Pub. L. 109-394, §2(3), inserted “, except that grants made under such subsection for any purpose specified in subsection (b)(7) may be made only on a 3-year basis” before period at end.

#### § 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, 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.

#### § 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”.

#### § 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.

#### 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 eli-

gibility 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 effectiveness 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 sections 3141-3144, 3146, and 3147 of title 40. 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 3145 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**

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.

**CODIFICATION**

In text, “sections 3141-3144, 3146, and 3147 of title 40” substituted for “the Davis-Bacon Act” and “section 3145 of title 40” substituted for “section 2 of the Act of June 1, 1934”, meaning section 2 of the Act of June 13, 1934, on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

**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 administration, 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) “average” means the aggregate number of hours of instruction through the use of a Native American language to all students enrolled in a native language immersion program during a school year divided by the total number of students enrolled in the immersion program;

(2) “financial assistance” includes assistance advanced by grant, agreement, or contract, but does not include the procurement of plant or equipment, or goods or services;

(3) “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.];

(4) “Native Hawaiian” means any individual any of whose ancestors were natives of the area which consists of the Hawaiian Islands prior to 1778;

(5) the term “rule” has the meaning given it in section 551(4) of title 5, as amended from time to time;

(6) “Secretary” means the Secretary of Health and Human Services; and

(7) 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; Pub. L. 109-394, §3, Dec. 14, 2006, 120 Stat. 2707.)

#### REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in par. (3), 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

2006—Pub. L. 109-394 added par. (1) and redesignated former pars. (1) to (6) as (2) to (7), respectively.

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)<sup>1</sup> of this section, and any other provision of this sub-

chapter for which there is an express authorization of appropriations), such sums as may be necessary for each of fiscal years 1999, 2000, 2001, and 2002.

(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)<sup>1</sup> 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 fiscal years 1999, 2000, 2001, and 2002, 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 such sums as may be necessary for each of fiscal years 2008, 2009, 2010, 2011, and 2012.

(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; Pub. L. 105-361, §2, Nov. 10, 1998, 112 Stat. 3278; Pub. L. 109-394, §4, Dec. 14, 2006, 120 Stat. 2707.)

#### 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

2006—Subsec. (e). Pub. L. 109-394 substituted “2008, 2009, 2010, 2011, and 2012” for “1999, 2000, 2001, and 2002”.

1998—Subsec. (a). Pub. L. 105-361, §2(1), substituted “for each of fiscal years 1999, 2000, 2001, and 2002.” for “for fiscal years 1992, 1993, 1994, and 1995.”

Subsec. (c). Pub. L. 105-361, §2(2), substituted “for each of fiscal years 1999, 2000, 2001, and 2002,” for “for each of the fiscal years 1992, 1993, 1994, 1995, and 1996.”

Subsec. (e). Pub. L. 105-361, §2(3), substituted “such sums as may be necessary for each of fiscal years 1999, 2000, 2001, and 2002.” for “\$, 2,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, 1996, and 1997.”

1993—Subsecs. (a), (b). Pub. L. 103-171, §5(6)(A), substituted “2991b-1,” for “2991b-1”.

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

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 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:

Table with 2 columns: Former Sections, Present Sections. Rows include 2993(a) through 2993b with corresponding present section references like 4992(a), 4974(c), Repealed, 4973(a), 4992(a).

§§ 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:

Table with 2 columns: Former Sections, Present Sections. Rows include 2994 through 2994d with corresponding present section numbers like 5050, 4957, 5055(a), 5055(b)(1) to (3), 5055(c)(1), (2), 5044, 5053.

SUBCHAPTER IX—EVALUATION

§§ 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, prior to the general amendment of chapter 106 (§9901 et seq.) of this title by Pub. L. 105-285.

#### § 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

#### § 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

This subchapter is known as the "Legal Services Corporation Act", see Short Title note set out under section 2701 of this title.

#### § 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, contractor, 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 assist-

ance 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 guide-

lines 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 proce-

dures 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 ap-

pointment 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 is not classified to the Code.

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.

**§ 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;

(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; and

(11) insure that an indigent individual whose primary residence is subject to civil forfeiture is represented by an attorney for the Corporation in such civil action.

**(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;

(10) to provide legal assistance with respect to any proceeding or litigation arising out of a violation of the Military Selective Service Act [50 U.S.C. App. 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; or

(11) to provide legal assistance in a manner inconsistent with the Assisted Suicide Funding Restriction Act of 1997 [42 U.S.C. 14401 et seq.].

**(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)<sup>1</sup> 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.

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

**(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 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<sup>2</sup>

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; Pub. L. 105-12, §9(o), Apr. 30, 1997, 111 Stat. 28; Pub. L. 106-185, §2(d), Apr. 25, 2000, 114 Stat. 211.)

## 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.

The Assisted Suicide Funding Restriction Act of 1997, referred to in subsec. (b)(11), is Pub. L. 105-12, Apr. 30, 1997, 111 Stat. 23, which is classified principally to chapter 138 (§14401 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 14401 of this title 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

2000—Subsec. (a)(11). Pub. L. 106-185 added par. (11).

1997—Subsec. (b)(11). Pub. L. 105-12 added par. (11).

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 estab-

lish 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 2000 AMENDMENT

Amendment by Pub. L. 106-185 applicable to any forfeiture proceeding commenced on and after the date that is 120 days after Apr. 25, 2000, see section 21 of Pub. L. 106-185, set out as a note under section 1324 of Title 8, Aliens and Nationality.

## EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-12 effective Apr. 30, 1997, and applicable to Federal payments made pursuant to obligations incurred after Apr. 30, 1997, for items and services provided on or after such date, and also subject to also being applicable with respect to contracts entered into, renewed, or extended after Apr. 30, 1997, as well as contracts entered into before Apr. 30, 1997, to the extent permitted under such contracts, see section 11 of Pub. L. 105-12, set out as an Effective Date note under section 14401 of this title.

## 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]."

<sup>2</sup> So in original. Probably should be followed by a comma.

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 subsequently 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."

**§ 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 finan-

cial 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.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (c) of this section relating to filing annual report with Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and item 2 on page 202 of House Document No. 103-7.

**§ 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 Government Accountability Office and shall be available for public inspection during business hours at the principal office of the Corporation.

**(b) Audit by Government Accountability Office**

(1) In addition to the annual audit, the financial transactions of the Corporation for any fis-

cal year during which Federal funds are available to finance any portion of its operations may be audited by the Government Accountability 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 Government Accountability 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 Government Accountability 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 subchapter 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; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814.)

CODIFICATION

In subsec. (b)(2), “section 3523(c) of title 31” substituted for “section 117(b) of the Accounting and Au-

diting 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

2004—Subsecs. (a)(3), (b)(1), (2). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office” wherever appearing.

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 receiving 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.

#### § 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.

#### § 2996l. 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

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