

“SECRETARY” DEFINED

Pub. L. 95-625, §2, Nov. 10, 1978, 92 Stat. 3470, provided that: “As used in this Act [see Short Title of 1978 Amendment note set out under section 1 of this title], except as otherwise specifically provided, the term ‘Secretary’ means the Secretary of the Interior.”

§ 2504. Federal assistance grants**(a) General purpose local governments eligible for assistance; basis; publication in Federal Register; list of eligibles, criteria of eligibility**

Eligibility of general purpose local governments for assistance under this chapter shall be based upon need as determined by the Secretary. Within one hundred and twenty days after November 10, 1978, the Secretary shall publish in the Federal Register, a list of the local governments eligible to participate in this program, to be accompanied by a discussion of criteria used in determining eligibility. Such criteria shall be based upon factors which the Secretary determines are related to deteriorated recreational facilities or systems, and physical and economic distress.

(b) Other general purpose local governments eligible for assistance; limitation of funds

Notwithstanding the list of eligible local governments established in accordance with subsection (a) of this section, the Secretary is also authorized to establish eligibility, at his discretion and in accord with the findings and purpose of this chapter, to other general purpose local governments in standard metropolitan statistical areas as defined by the census: *Provided*, That grants to these discretionary applicants do not exceed in the aggregate 15 per centum of funds appropriated under this chapter for rehabilitation, innovation, and recovery action program grants.

(c) Priority criteria for project selection and approval

The Secretary shall also establish priority criteria for project selection and approval which consider such factors as—

- (1) population;
- (2) condition of existing recreation areas and facilities;
- (3) demonstrated deficiencies in access to neighborhood recreation opportunities, particularly for minority, and low- and moderate-income residents;
- (4) public participation in determining rehabilitation or development needs;
- (5) the extent to which a project supports or complements target activities undertaken as part of a local government’s overall community development and urban revitalization program;
- (6) the extent to which a proposed project would provide employment opportunities for minorities, youth, and low- and moderate-income residents in the project neighborhood and/or would provide for participation of neighborhood, nonprofit or tenant organizations in the proposed rehabilitation activity or in subsequent maintenance, staffing, or supervision of recreation areas and facilities;
- (7) the amount of State and private support for a project as evidenced by commitments of

non-Federal resources to project construction or operation; and

(8) in the case of at-risk youth recreation grants, the Secretary shall give a priority to each of the following criteria:

(A) Programs which are targeted to youth who are at the greatest risk of becoming involved in violence and crime.

(B) Programs which teach important values and life skills, including teamwork, respect, leadership, and self-esteem.

(C) Programs which offer tutoring, remedial education, mentoring, and counseling in addition to recreation opportunities.

(D) Programs which offer services during late night or other nonschool hours.

(E) Programs which demonstrate collaboration between local park and recreation, juvenile justice, law enforcement, and youth social service agencies and nongovernmental entities, including the private sector and community and nonprofit organizations.

(F) Programs which leverage public or private recreation investments in the form of services, materials, or cash.

(G) Programs which show the greatest potential of being continued with non-Federal funds or which can serve as models for other communities.

(Pub. L. 95-625, title X, §1005, Nov. 10, 1978, 92 Stat. 3540; Pub. L. 103-322, title III, §31503, Sept. 13, 1994, 108 Stat. 1889.)

AMENDMENTS

1994—Subsec. (c)(8). Pub. L. 103-322, which directed the addition of par. (8) to this section without specifying the subsec. to which par. (8) was to be added, was executed by adding par. (8) to subsec. (c) to reflect the probable intent of Congress.

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Secretary means the Secretary of the Interior, see section 2 of Pub. L. 95-625, set out as a note under section 2503 of this title.

§ 2505. Rehabilitation and innovation grants**(a) Authorization; transfer; payments; modification**

The Secretary is authorized to provide 70 per centum matching rehabilitation and innovative grants directly to eligible general purpose local governments upon his approval of applications therefor by the chief executives of such governments.

(1) At the discretion of such applicants, and if consistent with an approved application, rehabilitation and innovation grants may be transferred in whole or in part to independent special purpose local governments, private nonprofit agencies or county or regional park authorities: *Provided*, That assisted recreation areas and facilities owned or managed by them offer recreation opportunities to the general population within the jurisdictional boundaries of an eligible applicant.

(2) Payments may be made only for those rehabilitation or innovative projects which have been approved by the Secretary. Such payments may be made from time to time in keeping with the rate of progress toward the satisfactory completion of a project, except that the Sec-

retary may, when appropriate, make advance payments on approved rehabilitation and innovative projects in an amount not to exceed 20 per centum of the total project cost.

(3) The Secretary may authorize modification of an approved project only when a grantee has adequately demonstrated that such modification is necessary because of circumstances not foreseeable at the time a project was proposed.

(b) Special considerations

Innovation grants should be closely tied to goals, priorities, and implementation strategies expressed in local park and recreation recovery action programs, with particular regard to the special considerations listed in section 2506(b)(2) of this title.

(Pub. L. 95-625, title X, §1006, Nov. 10, 1978, 92 Stat. 3541.)

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§ 2506. Local commitments to system recovery and maintenance

(a) Recovery action programs; preliminary action programs; five-year recovery action programs; continuing planning process

As a requirement for project approval, local governments applying for assistance under this chapter shall submit to the Secretary evidence of their commitments to ongoing planning, rehabilitation, service, operation, and maintenance programs for their park and recreation systems. These commitments will be expressed in local park and recreation recovery action programs which maximize coordination of all community resources, including other federally supported urban development and recreation programs. During an initial interim period to be established by regulations under this chapter, this requirement may be satisfied by local government submissions of preliminary action programs which briefly define objectives, priorities, and implementation strategies for overall system recovery and maintenance and commit the applicant to a scheduled program development process. Following this interim period, all local applicants shall submit to the Secretary, as a condition of eligibility, a five-year action program for park and recreation recovery that satisfactorily demonstrate:¹

(1) systematic identification of recovery objectives, priorities, and implementation strategies;

(2) adequate planning for rehabilitation of specific recreation areas and facilities, including projections of the cost of proposed projects;

(3) capacity and commitment to assure that facilities provided or improved under this chapter shall thereafter continue to be adequately maintained, protected, staffed, and supervised;

(4) intention to maintain total local public outlays for park and recreation purposes at

levels at least equal to those in the year preceding that in which grant assistance is sought beginning in fiscal year 1980 except in any case where a reduction in park and recreation outlays is proportionate to a reduction in overall spending by the applicant; and

(5) the relationship of the park and recreation recovery program to overall community development and urban revitalization efforts.

Where appropriate, the Secretary may encourage local governments to meet action program requirements through a continuing planning process which includes periodic improvements and updates in action program submissions to eliminate identified gaps in program information and policy development.

(b) Recovery action program special considerations

Action programs shall address, but are not limited to the following considerations:

(1) Rehabilitation of existing recreational sites and facilities, including general system-wide renovation; special rehabilitation requirements for recreational sites and facilities in areas of high population concentration and economic distress; and restoration of outstanding or unique structures, landscaping, or similar features in parks of historical or architectural significance.

(2) Local commitments to innovative and cost-effective programs and projects at the neighborhood level to augment recovery of park and recreation systems, including but not limited to recycling of abandoned schools and other public buildings for recreational purposes; multiple use of operating educational and other public buildings; purchase of recreation services on a contractual basis; use of mobile facilities and recreational, cultural, and educational programs or other innovative approaches to improving access for neighborhood residents; integration of recovery program with federally assisted projects to maximize recreational opportunities through conversion of abandoned railroad and highway rights-of-way, waterfront, and other redevelopment efforts and such other federally assisted projects as may be appropriate; conversion of recreation use of street space, derelict land, and other public lands not now designated for neighborhood recreational use; and use of various forms of compensated and uncompensated land regulation, tax inducements, or other means to encourage the private sector to provide neighborhood park and recreation facilities and programs.

The Secretary shall establish and publish in the Federal Register requirements for preparation, submission, and updating of local park and recreation recovery action programs. In order to be eligible to receive “at-risk youth recreation grants” a local government shall amend its 5-year action program to incorporate the goal of reducing crime and juvenile delinquency and to provide a description of the implementation strategies to achieve this goal. The plan shall also address how the local government is coordinating its recreation programs with crime prevention efforts of law enforcement, juvenile corrections, and youth social service agencies.

¹ So in original. Probably should be “demonstrates.”.