

§ 3029. Payments of grants or contracts**(a) Advances or reimbursement; installments; assistance in development of State plan**

Payments of grants or contracts under this subchapter may be made (after necessary adjustments resulting from previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Assistant Secretary may determine. From a State's allotment for a fiscal year which is available under section 3028 of this title the Assistant Secretary may pay to a State which does not have a State plan approved under section 3027 of this title such amounts as the Assistant Secretary deems appropriate for the purpose of assisting such State in developing a State plan.

(b) Matching funds; percentage limitation

(1) For each fiscal year, not less than 25 percent of the non-Federal share of the total expenditures under the State plan which is required by section 3024(d) of this title shall be met from funds from State or local public sources.

(2) Funds required to meet the non-Federal share required by section 3024(d)(1)(D) of this title, in amounts exceeding 10 percent of the cost of the services specified in such section 3024(d)(1)(D) of this title, shall be met from State sources.

(c) Reduction of State allotment

A State's allotment under section 3024 of this title for a fiscal year shall be reduced by the percentage (if any) by which its expenditures for such year from State sources under its State plan approved under section 3027 of this title are less than its average annual expenditures from such sources for the period of 3 fiscal years preceding such year.

(Pub. L. 89-73, title III, § 309, as added Pub. L. 95-478, title I, § 103(b), Oct. 18, 1978, 92 Stat. 1532; amended Pub. L. 98-459, title III, § 309, Oct. 9, 1984, 98 Stat. 1779; Pub. L. 100-175, title I, § 139, Nov. 29, 1987, 101 Stat. 944; Pub. L. 103-171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990; Pub. L. 109-365, title III, § 308, Oct. 17, 2006, 120 Stat. 2545.)

PRIOR PROVISIONS

A prior section 3029, Pub. L. 89-73, title III, § 309, as added Pub. L. 93-351, § 3, July 12, 1974, 88 Stat. 357, related to transportation projects, prior to the general amendment of this subchapter by Pub. L. 95-478. See section 3026 of this title.

Provisions similar to those comprising this section were contained in Pub. L. 89-73, title III, § 307, as added Pub. L. 93-29, title III, § 301, May 3, 1973, 87 Stat. 44, which was classified to section 3027 of this title prior to repeal by Pub. L. 95-478.

AMENDMENTS

2006—Subsec. (b)(2). Pub. L. 109-365 substituted “10 percent of the cost of the services specified in such section 3024(d)(1)(D) of this title” for “the non-Federal share required prior to fiscal year 1981”.

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

1987—Subsec. (c). Pub. L. 100-175 substituted “its average annual expenditures from such sources for the period of 3 fiscal years preceding such year” for “its expenditures from such sources for the preceding fiscal year”.

1984—Subsec. (a). Pub. L. 98-459, § 309(a), substituted “as the Commissioner deems appropriate” for “as he deems appropriate”.

Subsec. (b)(2). Pub. L. 98-459, § 309(b), substituted “section 3024(d)(1)(D)” for “section 3024(d)(1)(B)”.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-175 effective Oct. 1, 1987, except not applicable with respect to any area plan submitted under section 3026(a) of this title or any State plan submitted under section 3027(a) of this title and approved for any fiscal year beginning before Nov. 29, 1987, see section 701(a), (b) of Pub. L. 100-175, set out as a note under section 3001 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-459 effective Oct. 9, 1984, see section 803(a) of Pub. L. 98-459, set out as a note under section 3001 of this title.

§ 3030. Disaster relief reimbursements**(a) Application; limitations**

(1) The Assistant Secretary may provide reimbursements to any State (or to any tribal organization receiving a grant under subchapter X of this chapter), upon application for such reimbursement, for funds such State makes available to area agencies on aging in such State (or funds used by such tribal organization) for the delivery of supportive services (and related supplies) during any major disaster declared by the President in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act [42 U.S.C. 5121 et seq.].

(2) Total payments to all States and such tribal organizations under paragraph (1) in any fiscal year shall not exceed 2 percent of the total amount appropriated and available to carry out subchapter IV of this chapter.

(3) If the Assistant Secretary decides, in the 5-day period beginning on the date such disaster is declared by the President, to provide an amount of reimbursement under paragraph (1) to a State or such tribal organization, then the Assistant Secretary shall provide not less than 75 percent of such amount to such State or such tribal organization not later than 5 days after the date of such decision.

(b) Setting aside of funds by Assistant Secretary

(1) At the beginning of each fiscal year the Assistant Secretary shall set aside, for payment to States and such tribal organizations under subsection (a) of this section, an amount equal to 2 percent of the total amount appropriated and available to carry out subchapter IV of this chapter.

(2) Amounts set aside under paragraph (1) which are not obligated by the end of the third quarter of any fiscal year shall be made available to carry out subchapter IV of this chapter.

(c) Effect on other laws

Nothing in this section shall be construed to prohibit expenditures by States and such tribal organizations for disaster relief for older individuals in excess of amounts reimbursable under this section, by using funds made available to them under other sections of this chapter or under other provisions of Federal or State law, or from private sources.

(Pub. L. 89-73, title III, § 310, as added Pub. L. 95-478, title I, § 103(b), Oct. 18, 1978, 92 Stat. 1533;

amended Pub. L. 97-115, §§3(d), 11(b)(2), Dec. 29, 1981, 95 Stat. 1597, 1606; Pub. L. 100-707, title I, §109(q), Nov. 23, 1988, 102 Stat. 4709; Pub. L. 102-375, title I, §102(b)(10)(A), title III, §309, Sept. 30, 1992, 106 Stat. 1202, 1235; Pub. L. 103-171, §§2(10), 3(a)(13), Dec. 2, 1993, 107 Stat. 1989, 1990; Pub. L. 106-501, title III, §308, Nov. 13, 2000, 114 Stat. 2246.)

REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (a)(1), is Pub. L. 93-288, May 22, 1974, 88 Stat. 143, as amended, which is classified principally to chapter 68 (§5121 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of this title and Tables.

AMENDMENTS

2000—Subsec. (a)(1). Pub. L. 106-501, §308(1)(A), inserted “(or to any tribal organization receiving a grant under subchapter X of this chapter)” after “any State” and “(or funds used by such tribal organization)” before “for the delivery of supportive services”.

Subsec. (a)(2). Pub. L. 106-501, §308(1)(B), inserted “and such tribal organizations” after “States”.

Subsec. (a)(3). Pub. L. 106-501, §308(1)(C), inserted “or such tribal organization” after “State” in two places.

Subsecs. (b)(1), (c). Pub. L. 106-501, §308(2), inserted “and such tribal organizations” after “States”.

1993—Pub. L. 103-171, §3(a)(13), substituted “Assistant Secretary” for “Commissioner” wherever appearing in subsecs. (a)(1), (3) and (b)(1).

Subsec. (a)(1). Pub. L. 103-171, §2(10), substituted “Robert T. Stafford Disaster Relief and Emergency Assistance Act” for “Disaster Relief and Emergency Assistance Act”.

1992—Subsec. (a)(1). Pub. L. 102-375, §§102(b)(10)(A), 309(1)(A), substituted “area agencies on aging” for “area agencies” and inserted “(and related supplies)” after “supportive services”.

Subsec. (a)(2). Pub. L. 102-375, §309(2), substituted “2 percent” for “5 percent” and “to carry out subchapter IV of this chapter” for “for carrying out the purposes of section 3035a of this title”.

Subsec. (a)(3). Pub. L. 102-375, §309(1)(B), added par. (3).

Subsec. (b)(1). Pub. L. 102-375, §309(2), substituted “2 percent” for “5 percent” and “to carry out subchapter IV of this chapter” for “for carrying out the purposes of section 3035a of this title”.

Subsec. (b)(2). Pub. L. 102-375, §309(2)(B), substituted “to carry out subchapter IV of this chapter” for “for carrying out the purposes of section 3035a of this title”.

1988—Subsec. (a)(1). Pub. L. 100-707 substituted “Disaster Relief and Emergency Assistance Act” for “Disaster Relief Act of 1974”.

1981—Subsec. (a)(1). Pub. L. 97-115, §3(d), substituted “supportive services” for “social services”.

Subsecs. (a)(2), (b)(1), (2). Pub. L. 97-115, §11(b)(2), substituted reference to section 3035a of this title for reference to section 3035b of this title.

EFFECTIVE DATE

Section effective at the close of Sept. 30, 1978, see section 504 of Pub. L. 95-478, set out as an Effective Date of 1978 Amendment note under section 3001 of this title.

§ 3030a. Nutrition services incentive program

(a) Purpose

The purpose of this section is to provide incentives to encourage and reward effective performance by States and tribal organizations in the efficient delivery of nutritious meals to older individuals.

(b) Allotment and provision and payment

(1) The Secretary shall allot and provide, in accordance with this section, to or on behalf of

each State agency with a plan approved under this subchapter for a fiscal year, and to or on behalf of each grantee with an application approved under subchapter X of this chapter for such fiscal year, an amount bearing the same ratio to the total amount appropriated for such fiscal year under subsection (e) of this section as the number of meals served in the State under such plan approved for the preceding fiscal year (or the number of meals served by the title VI [subchapter X] grantee, under such application approved for such preceding fiscal year), bears to the total number of such meals served in all States and by all title VI [subchapter X] grantees under all such plans and applications approved for such preceding fiscal year.

(2) For purposes of paragraph (1), in the case of a grantee that has an application approved under subchapter X of this chapter for a fiscal year but that did not receive assistance under this section for the preceding fiscal year, the number of meals served by the title VI [subchapter X] grantee for the preceding fiscal year shall be deemed to equal the number of meals that the Assistant Secretary estimates will be served by the title VI [subchapter X] grantee in the fiscal year for which the application was approved.

(c) Donation of products

(1) Agricultural commodities (including bonus commodities) and products purchased by the Secretary of Agriculture under section 612c of title 7, shall be donated to a recipient of a grant or contract to be used for providing nutrition services in accordance with the provisions of this subchapter.

(2) The Commodity Credit Corporation shall dispose of food commodities (including bonus commodities) under section 1431 of title 7 by donating them to a recipient of a grant or contract to be used for providing nutrition services in accordance with the provisions of this subchapter.

(3) Dairy products (including bonus commodities) purchased by the Secretary of Agriculture under section 1446a-1 of title 7 shall be used to meet the requirements of programs providing nutrition services in accordance with the provisions of this subchapter.

(4) Among the commodities provided under this subsection, the Secretary of Agriculture shall give special emphasis to foods of high nutritional value to support the health of older individuals. The Secretary of Agriculture, in consultation with the Assistant Secretary, is authorized to prescribe the terms and conditions respecting the provision of commodities under this subsection.

(d) Option to obtain commodities from Secretary of Agriculture

(1) Each State agency and each title VI [subchapter X] grantee shall be entitled to use all or any part of amounts allotted under subsection (b) to obtain, subject to paragraphs (2) and (3), from the Secretary of Agriculture commodities available through any food program of the Department of Agriculture at the rates at which such commodities are valued for purposes of such program.

(2) The Secretary of Agriculture shall determine and report to the Secretary, by such date