

ments of subsection (a)(3) of this section for applicants that serve Indian populations in geographically isolated areas, or applicants that serve small Indian populations, where the small scale of the project, the nature of the applicant, or other factors make the reporting requirements unreasonable under the circumstances. The Assistant Secretary shall consult with such applicants in establishing appropriate waivers and exemptions.

(3) The Assistant Secretary shall approve any application that complies with the provisions of subsection (a) of this section, except that in determining whether an application complies with the requirements of subsection (a)(8) of this section, the Assistant Secretary shall provide maximum flexibility to an applicant that seeks to take into account subsistence needs, local customs, and other characteristics that are appropriate to the unique cultural, regional, and geographic needs of the Indian populations to be served.

(4) In determining whether an application complies with the requirements of subsection (a)(12)¹ of this section, the Assistant Secretary shall require only that an applicant provide an appropriate narrative description of the geographic area to be served and an assurance that procedures will be adopted to ensure against duplicate services being provided to the same recipients.

(d) Disapproval by Assistant Secretary

Whenever the Assistant Secretary determines not to approve an application submitted under subsection (a) of this section the Assistant Secretary shall—

- (1) state objections in writing to the tribal organization within 60 days after such decision;
- (2) provide to the extent practicable technical assistance to the tribal organization to overcome such stated objections; and
- (3) provide the tribal organization with a hearing, under such rules and regulations as the Assistant Secretary may prescribe.

(e) Funds per year

Whenever the Assistant Secretary approves an application of a tribal organization under this part, funds shall be awarded for not less than 12 months.

(Pub. L. 89-73, title VI, §614, as added Pub. L. 100-175, title I, §171, Nov. 29, 1987, 101 Stat. 960; amended Pub. L. 102-375, title I, §102(b)(4), title VI, §601, title IX, §904(a)(23), Sept. 30, 1992, 106 Stat. 1201, 1269, 1309; Pub. L. 103-171, §§2(21), 3(a)(13), Dec. 2, 1993, 107 Stat. 1989, 1990; Pub. L. 106-501, title VI, §602, title VIII, §801(d), Nov. 13, 2000, 114 Stat. 2287, 2292.)

REFERENCES IN TEXT

Subsection (a)(12) of this section, referred to in subsec. (c)(4), was redesignated subsec. (a)(11) of this section by Pub. L. 106-501, title VIII, §801(d)(2), Nov. 13, 2000, 114 Stat. 2292.

PRIOR PROVISIONS

A prior section 3057e, Pub. L. 89-73, title VI, §606, as added Pub. L. 95-478, title I, §106, Oct. 18, 1978, 92 Stat.

1551; amended Pub. L. 97-115, §3(d), Dec. 29, 1981, 95 Stat. 1597, related to surplus educational facilities, prior to the general amendment of this subchapter by Pub. L. 100-175. See section 3057f of this title.

AMENDMENTS

2000—Subsec. (a)(9) to (12). Pub. L. 106-501, §801(d), redesignated pars. (10) to (12) as (9) to (11), respectively, and struck out former par. (9) which read as follows: “contain assurances that the provisions of sections 3027(a)(14)(A)(i) and (iii), 3027(a)(14)(B), and 3027(a)(14)(C) of this title will be complied with whenever the application contains provisions for the acquisition, alteration, or renovation of facilities to serve as multipurpose senior centers;”.

Subsec. (b). Pub. L. 106-501, §602(1), substituted “approval” for “certification”.

Subsec. (c). Pub. L. 106-501, §602(2), designated existing provisions as par. (1) and added pars. (2) to (4).

1993—Subsec. (a). Pub. L. 103-171, §3(a)(13), substituted “Assistant Secretary” for “Commissioner” wherever appearing in introductory provisions and in par. (3).

Subsec. (c). Pub. L. 103-171, §2(21), substituted “Assistant Secretary” for “Commissioner”.

Subsec. (d). Pub. L. 103-171, §§2(21), 3(a)(13), in introductory provisions, substituted “Assistant Secretary determines” for “Commissioner determines” and “Assistant Secretary shall” for “Commissioner shall” and, in par. (3), substituted “Assistant Secretary” for “Commissioner”.

Subsec. (e). Pub. L. 103-171, §3(a)(13), substituted “Assistant Secretary” for “Commissioner”.

1992—Subsec. (a)(1). Pub. L. 102-375, §904(a)(23)(C), inserted “individuals who are” after “older”.

Subsec. (a)(6). Pub. L. 102-375, §§102(b)(4), 904(a)(23)(C), substituted “information and assistance” for “information and referral” and inserted “individuals who are” after “older”.

Subsec. (a)(7). Pub. L. 102-375, §904(a)(23)(A), substituted “older individuals who are Indians” for “Indians aged 60 and older”.

Subsec. (a)(8). Pub. L. 102-375, §904(a)(23)(B), (C), inserted “individuals who are” after “older” in two places and substituted “paragraph” for “clause”.

Subsec. (a)(10). Pub. L. 102-375, §904(a)(23)(C), inserted “individuals who are” after “older”.

Subsec. (a)(12). Pub. L. 102-375, §601, added par. (12).

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by section 601 of Pub. L. 102-375 inapplicable to fiscal year 1992, see section 905(b)(5) of Pub. L. 102-375, set out as a note under section 3001 of this title.

§ 3057e-1. Distribution of funds among tribal organizations

(a) Maintenance of 1991 amounts

Subject to the availability of appropriations to carry out this part, the amount of the grant (if any) made under this part to a tribal organization for fiscal year 1992 and for each subsequent fiscal year shall be not less than the amount of the grant made under this part to the tribal organization for fiscal year 1991.

(b) Use of additional amounts appropriated

If the funds appropriated to carry out this part in a fiscal year subsequent to fiscal year 1991 exceed the funds appropriated to carry out this part in fiscal year 1991, then the amount of the grant (if any) made under this part to a tribal organization for the subsequent fiscal year shall be—

- (1) increased by such amount as the Assistant Secretary considers to be appropriate, in

¹ See References in Text note below.

addition to the amount of any increase required by subsection (a) of this section, so that the grant equals or more closely approaches the amount of the grant made under this part to the tribal organization for fiscal year 1980; or

(2) an amount the Assistant Secretary considers to be sufficient if the tribal organization did not receive a grant under this part for either fiscal year 1980 or fiscal year 1991.

(c) Clarification

(1) Definition

In this subsection, the term “covered year” means fiscal year 2006 or a subsequent fiscal year.

(2) Consortia of tribal organizations

If a tribal organization received a grant under this part for fiscal year 1991 as part of a consortium, the Assistant Secretary shall consider the tribal organization to have received a grant under this part for fiscal year 1991 for purposes of subsections (a) and (b), and shall apply the provisions of subsections (a) and (b)(1) (under the conditions described in subsection (b)) to the tribal organization for each covered year for which the tribal organization submits an application under this part, even if the tribal organization submits—

(A) a separate application from the remaining members of the consortium; or

(B) an application as 1 of the remaining members of the consortium.

(Pub. L. 89-73, title VI, §614A, as added Pub. L. 102-375, title VI, §602, Sept. 30, 1992, 106 Stat. 1270; amended Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990; Pub. L. 109-365, title VI, §601(a), Oct. 17, 2006, 120 Stat. 2590.)

AMENDMENTS

2006—Subsec. (c). Pub. L. 109-365 added subsec. (c).

1993—Subsec. (b). Pub. L. 103-171 substituted “Assistant Secretary” for “Commissioner” in pars. (1) and (2).

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-365, title VI, §601(b), Oct. 17, 2006, 120 Stat. 2590, provided that: “The amendment made by subsection (a) [amending this section] shall apply to grants awarded under part A of title VI of the Older Americans Act of 1965 (42 U.S.C. 3057b et seq.) during the grant period beginning April 1, 2008, and all subsequent grant periods.”

§ 3057f. Surplus educational facilities

(a) Multipurpose senior centers

Notwithstanding any other provision of law, the Secretary of the Interior through the Bureau of Indian Affairs shall make available surplus Indian educational facilities to tribal organizations, and nonprofit organizations with tribal approval, for use as multipurpose senior centers. Such centers may be altered so as to provide extended care facilities, community center facilities, nutrition services, child care services, and other supportive services.

(b) Applications; submission; contents

Each eligible tribal organization desiring to take advantage of such surplus facilities shall submit an application to the Secretary of the Interior at such time and in such manner, and

containing or accompanied by such information, as the Secretary of the Interior determines to be necessary to carry out the provisions of this section.

(Pub. L. 89-73, title VI, §615, as added Pub. L. 100-175, title I, §171, Nov. 29, 1987, 101 Stat. 961.)

PRIOR PROVISIONS

A prior section 3057f, Pub. L. 89-73, title VI, §607, as added Pub. L. 95-478, title I, §106, Oct. 18, 1978, 92 Stat. 1551, related to payments, prior to the general amendment of this subchapter by Pub. L. 100-175. See section 3057m of this title.

PART B—NATIVE HAWAIIAN PROGRAM

§ 3057g. Findings

The Congress finds the older Native Hawaiians—

(1) have a life expectancy 10 years less than any other ethnic group in the State of Hawaii;

(2) rank lowest on 9 of 11 standard health indices¹ for all ethnic groups in Hawaii;

(3) are often unaware of social services and do not know how to go about seeking such assistance; and

(4) live in poverty at a rate of 34 percent.

(Pub. L. 89-73, title VI, §621, as added Pub. L. 100-175, title I, §171, Nov. 29, 1987, 101 Stat. 961.)

PRIOR PROVISIONS

A prior section 3057g, Pub. L. 89-73, title VI, §608, as added Pub. L. 95-478, title I, §106, Oct. 18, 1978, 92 Stat. 1551; amended Pub. L. 97-115, §13(d), Dec. 29, 1981, 95 Stat. 1608; Pub. L. 98-459, title VI, §603, Oct. 9, 1984, 98 Stat. 1788, authorized appropriations for grants for Indian tribes, prior to the general amendment of this subchapter by Pub. L. 100-175. See section 3057n of this title.

§ 3057h. Eligibility

A public or nonprofit private organization having the capacity to provide services under this part for Native Hawaiians is eligible for assistance under this part only if—

(1) the organization will serve at least 50 individuals who have attained 60 years of age or older; and

(2) the organization demonstrates the ability to deliver supportive services, including nutrition services.

(Pub. L. 89-73, title VI, §622, as added Pub. L. 100-175, title I, §171, Nov. 29, 1987, 101 Stat. 961.)

§ 3057i. Grants authorized

The Assistant Secretary may make grants to public and nonprofit private organizations to pay all of the costs for the delivery of supportive services and nutrition services to older Native Hawaiians.

(Pub. L. 89-73, title VI, §623, as added Pub. L. 100-175, title I, §171, Nov. 29, 1987, 101 Stat. 962; amended Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

AMENDMENTS

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

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