

§ 3057j. Application**(a) Approval criteria; provisions and assurances**

No grant may be made under this part unless the public or nonprofit private organization submits an application to the Assistant Secretary which meets such criteria as the Assistant Secretary may by regulation prescribe. Each such application shall—

(1) provide that the organization will evaluate the need for supportive and nutrition services among older Native Hawaiians to be represented by the organization;

(2) provide for the use of such methods of administration as are necessary for the proper and efficient administration of the program to be assisted;

(3) provide assurances that the organization will coordinate its activities with the State agency on aging and with the activities carried out under subchapter III in the same geographical area;

(4) provide that the organization will make such reports in such form and containing such information as the Assistant Secretary may reasonably require, and comply with such requirements as the Assistant Secretary may impose to ensure the correctness of such reports;

(5) provide for periodic evaluation of activities and projects carried out under the application;

(6) establish objectives, consistent with the purpose of this subchapter, toward which activities described in the application will be directed, identify obstacles to the attainment of such objectives, and indicate the manner in which the organization proposes to overcome such obstacles;

(7) provide for establishing and maintaining information and assistance services to assure that older Native Hawaiians to be served by the assistance made available under this part will have reasonably convenient access to such services;

(8) provide a preference for Native Hawaiians 60 years of age and older for full or part-time staff positions wherever feasible;

(9) provide that any legal or ombudsman services made available to older Native Hawaiians represented by the nonprofit private organization will be substantially in compliance with the provisions of subchapter III relating to the furnishing and similar services; and

(10) provide satisfactory assurances that the fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the nonprofit private organization, including any funds paid by the organization to a recipient of a grant or contract.

(b) Approval by Assistant Secretary

The Assistant Secretary shall approve any application which complies with the provisions of subsection (a) of this section.

(c) Disapproval by Assistant Secretary

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

(1) state objections in writing to the nonprofit private organization within 60 days after such decision;

(2) provide to the extent practicable technical assistance to the nonprofit private organization to overcome such stated objections; and

(3) provide the organization with a hearing under such rules and regulations as the Assistant Secretary may prescribe.

(d) Funds per year

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

(Pub. L. 89-73, title VI, §624, as added Pub. L. 100-175, title I, §171, Nov. 29, 1987, 101 Stat. 962; amended Pub. L. 102-375, title I, §102(b)(4), title VI, §603, Sept. 30, 1992, 106 Stat. 1201, 1270; Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

AMENDMENTS

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

1992—Subsec. (a)(3). Pub. L. 102-375, §603, inserted before semicolon at end “and with the activities carried out under subchapter III in the same geographical area”.

Subsec. (a)(7). Pub. L. 102-375, §102(b)(4), substituted “information and assistance” for “information and referral”.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by section 603 of Pub. L. 102-375 inapplicable to fiscal year 1992, see section 905(b)(5) of Pub. L. 102-375, set out as a note under section 3001 of this title.

§ 3057j-1. Distribution of funds among organizations

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

(Pub. L. 89-73, title VI, §624A, as added Pub. L. 102-375, title VI, §604, Sept. 30, 1992, 106 Stat. 1270.)

§ 3057k. “Native Hawaiian” defined

For the purpose of this part, the term “Native Hawaiian” means any individual any of whose ancestors were natives of the area which consists of the Hawaiian Islands prior to 1778.

(Pub. L. 89-73, title VI, §625, as added Pub. L. 100-175, title I, §171, Nov. 29, 1987, 101 Stat. 963.)

PART C—NATIVE AMERICAN CAREGIVER SUPPORT PROGRAM

PRIOR PROVISIONS

A prior part C, consisting of sections 3057l to 3057n of this title, was redesignated part D of this subchapter.

§ 3057k-11. Program**(a) In general**

The Assistant Secretary shall carry out a program for making grants to tribal organizations

with applications approved under parts A and B, to pay for the Federal share of carrying out tribal programs, to enable the tribal organizations to provide multifaceted systems of the support services described in section 3030s-1 of this title for caregivers described in section 3030s-1 of this title.

(b) Requirements

In providing services under subsection (a) of this section, a tribal organization shall meet the requirements specified for an area agency on aging and for a State in the provisions of subsections (c), (d), and (e) of section 3030s-1 of this title and of section 3030s-2 of this title. For purposes of this subsection, references in such provisions to a State program shall be considered to be references to a tribal program under this part.

(Pub. L. 89-73, title VI, §631, as added Pub. L. 106-501, title VI, §604(3), Nov. 13, 2000, 114 Stat. 2288.)

PRIOR PROVISIONS

A prior section 631 of Pub. L. 89-73 was renumbered section 641 and is classified to section 3057l of this title.

PART D—GENERAL PROVISIONS

CODIFICATION

Pub. L. 106-501, title VI, §604(1), Nov. 13, 2000, 114 Stat. 2288, redesignated part C of this subchapter as part D.

§ 3057l. Administration

In establishing regulations for the purpose of part A the Assistant Secretary shall consult with the Secretary of the Interior.

(Pub. L. 89-73, title VI, §641, formerly §631, as added Pub. L. 100-175, title I, §171, Nov. 29, 1987, 101 Stat. 963; amended Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990; renumbered §641, Pub. L. 106-501, title VI, §604(2), Nov. 13, 2000, 114 Stat. 2288.)

AMENDMENTS

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

§ 3057m. Payments

Payments may be made under this subchapter (after necessary adjustments, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement in such installments and on such conditions, as the Assistant Secretary may determine.

(Pub. L. 89-73, title VI, §642, formerly §632, as added Pub. L. 100-175, title I, §171, Nov. 29, 1987, 101 Stat. 963; amended Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990; renumbered §642, Pub. L. 106-501, title VI, §604(2), Nov. 13, 2000, 114 Stat. 2288.)

AMENDMENTS

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

§ 3057n. Authorization of appropriations

There are authorized to be appropriated to carry out this subchapter—

(1) for parts A and B, \$31,934,018 for fiscal year 2017, \$32,601,843 for fiscal year 2018, and \$33,269,670 for fiscal year 2019; and

(2) for part C, \$7,718,566 for fiscal year 2017, \$7,879,982 for fiscal year 2018, and \$8,041,398 for fiscal year 2019.

(Pub. L. 89-73, title VI, §643, formerly §633, as added Pub. L. 100-175, title I, §171, Nov. 29, 1987, 101 Stat. 963; amended Pub. L. 102-375, title VI, §605, Sept. 30, 1992, 106 Stat. 1270; renumbered §643 and amended Pub. L. 106-501, title VI, §§603, 604(2), Nov. 13, 2000, 114 Stat. 2288; Pub. L. 109-365, title VI, §602, Oct. 17, 2006, 120 Stat. 2590; Pub. L. 114-144, §7, Apr. 19, 2016, 130 Stat. 346.)

AMENDMENTS

2016—Par. (1). Pub. L. 114-144, §7(1), which directed substitution of “\$31,934,018 for fiscal year 2017, \$32,601,843 for fiscal year 2018, and \$33,269,670 for fiscal year 2019;” for “such sums” and all that followed through the semicolon, was executed by making the substitution for “such sums as may be necessary for fiscal year 2007, and such sums as may be necessary for subsequent fiscal years;” to reflect the probable intent of Congress.

Par. (2). Pub. L. 114-144, §7(2), which directed amendment of par. (2) by substituting “\$7,718,566 for fiscal year 2017, \$7,879,982 for fiscal year 2018, and \$8,041,398 for fiscal year 2019.” for “such sums” and all that followed through the period at the end, was executed by making the substitution for “\$6,500,000 for fiscal year 2007, \$6,800,000 for fiscal year 2008, \$7,200,000 for fiscal year 2009, \$7,500,000 for fiscal year 2010, and \$7,900,000 for fiscal year 2011.” to reflect the probable intent of Congress. The words “such sums” did not appear in text following the amendment by Pub. L. 109-365, §602(2).

2006—Par. (1). Pub. L. 109-365, §602(1), substituted “2007” for “2001”.

Par. (2). Pub. L. 109-365, §602(2), substituted “\$6,500,000 for fiscal year 2007, \$6,800,000 for fiscal year 2008, \$7,200,000 for fiscal year 2009, \$7,500,000 for fiscal year 2010, and \$7,900,000 for fiscal year 2011” for “\$5,000,000 for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years”.

2000—Pub. L. 106-501, §603, amended section catchline and text generally, substituting provisions authorizing appropriations for fiscal year 2001 and subsequent years for provisions authorizing appropriations for fiscal years 1992 through 1995.

1992—Pub. L. 102-375 amended section generally, substituting provisions authorizing appropriations of \$30,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, and designating 90 percent of such appropriations to carry out part A of this subchapter and 10 percent of such appropriations to carry out part B of this subchapter for provisions authorizing appropriations of \$13,400,000 for fiscal year 1988, \$16,265,000 for fiscal year 1989, \$19,133,000 for fiscal year 1990, and \$22,105,000 for fiscal year 1991, designating over 90 percent of such appropriations to carry out part A of this subchapter and less than 10 percent of such appropriations to carry out part B of this subchapter, along with provisions providing a preference for funding of such part A if actual amounts of appropriations fall below 1987 levels and a preference for funding of such part B if the actual amounts of appropriations exceed 1987 levels.

SUBCHAPTER XI—ALLOTMENTS FOR VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES

PART A—STATE PROVISIONS

SUBPART I—GENERAL STATE PROVISIONS

§ 3058. Establishment

The Assistant Secretary, acting through the Administration, shall establish and carry out a