

point 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) 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) 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.

CHANGE OF NAME

Committee on Education and Labor of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

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) 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 eligibility 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.)