

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section 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 an Effective Date of 1987 Amendment note under section 3001 of this title.

§ 3057d. Grants authorized

The Assistant Secretary may make grants to eligible tribal organizations to pay all of the costs for delivery of supportive services and nutrition services for older individuals who are Indians.

(Pub. L. 89-73, title VI, §613, as added Pub. L. 100-175, title I, §171, Nov. 29, 1987, 101 Stat. 960; amended Pub. L. 102-375, title IX, §904(a)(22), Sept. 30, 1992, 106 Stat. 1309; Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990.)

Editorial Notes

PRIOR PROVISIONS

A prior section 3057d, Pub. L. 89-73, title VI, §605, as added Pub. L. 95-478, title I, §106, Oct. 18, 1978, 92 Stat. 1551; amended Pub. L. 97-115, §13(c), Dec. 29, 1981, 95 Stat. 1608, provided that in establishing administrative regulations the Commissioner consult with the Secretary of the Interior, prior to the general amendment of this subchapter by Pub. L. 100-175. See section 3057f of this title.

AMENDMENTS

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

1992—Pub. L. 102-375 inserted “individuals who are” after “older”.

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§ 3057e. Applications**(a) Approval criteria; provisions and assurances**

No grant may be made under this part unless the eligible tribal 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 eligible tribal organization will evaluate the need for supportive and nutrition services among older individuals who are Indians to be represented by the tribal 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 that the tribal 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 assure the correctness of such reports;

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

(5) establish objectives consistent with the purposes of this part toward which activities under the application will be directed, identify obstacles to the attainment of such objectives, and indicate the manner in which the tribal organization proposes to overcome such obstacles;

(6) provide for establishing and maintaining information and assistance services to assure that older individuals who are Indians to be served by the assistance made available under this part will have reasonably convenient access to such services;

(7) provide a preference for older individuals who are Indians for full or part-time staff positions wherever feasible;

(8) provide assurances that either directly or by way of grant or contract with appropriate entities nutrition services will be delivered to older individuals who are Indians represented by the tribal organization substantially in compliance with the provisions of part C of subchapter III, except that in any case in which the need for nutritional services for older individuals who are Indians represented by the tribal organization is already met from other sources, the tribal organization may use the funds otherwise required to be expended under this paragraph for supportive services;

(9) provide that any legal or ombudsman services made available to older individuals who are Indians represented by the tribal organization will be substantially in compliance with the provisions of subchapter III relating to the furnishing of similar services;

(10) provide satisfactory assurance that 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 tribal organization, including any funds paid by the tribal organization to a recipient of a grant or contract; and

(11) contain assurances that the tribal organization will coordinate services provided under this part with services provided under subchapter III in the same geographical area.

(b) Population statistics development

For the purpose of any application submitted under this part, the tribal organization may develop its own population statistics, with approval from the Bureau of Indian Affairs, in order to establish eligibility.

(c) Approval by Assistant Secretary

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

(2) The Assistant Secretary shall provide waivers and exemptions of the reporting requirements of subsection (a)(3) 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), except that in determining whether an application complies with the requirements of subsection (a)(8), 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)(11), 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) 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; Pub. L. 116-131, title VII, §701(11), Mar. 25, 2020, 134 Stat. 271.)

Editorial Notes

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

2020—Subsec. (c)(4). Pub. L. 116-131 substituted “(a)(11)” for “(a)(12)”.

2000—Subsec. (a)(9) to (12). Pub. L. 106-501, §801(d), re-designated 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 when-

ever 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).

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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.

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§ 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 addition to the amount of any increase required by subsection (a), so that the grant