

(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.)

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.

§ 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.)

Editorial Notes

AMENDMENTS

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

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.

§ 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).

(c) 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 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.)

Editorial Notes

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”.

Statutory Notes and Related Subsidiaries

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.

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.

§ 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.)

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.

PART C—NATIVE AMERICAN CAREGIVER SUPPORT PROGRAM

Editorial Notes

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), 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 (f) 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; amended Pub. L. 116-131, title II, §217(d), Mar. 25, 2020, 134 Stat. 262.)

Editorial Notes

PRIOR PROVISIONS

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

AMENDMENTS

2020—Subsec. (b). Pub. L. 116-131 substituted “(c), (d), and (f)” for “(c), (d), and (e)”.

PART D—SUPPORTIVE SERVICES FOR HEALTHY AGING AND INDEPENDENCE

Editorial Notes

PRIOR PROVISIONS

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

§ 3057k-21. Program**(a) In general**

The Assistant Secretary may carry out a competitive demonstration program for making grants to tribal organizations or organizations serving Native Hawaiians with applications approved under parts A and B, to pay for the Federal share of carrying out programs, to enable the organizations described in this subsection to build their capacity to provide a wider range of in-home and community supportive services to enable older individuals to maintain their health and independence and to avoid long-term care facility placement.

(b) Supportive services**(1) In general**

Subject to paragraph (2), supportive services described in subsection (a) may include any of the activities described in section 3030d(a) of this title.

(2) Priority

The Assistant Secretary, in making grants under this section, shall give priority to organizations that will use the grant funds for supportive services described in subsection (a) that are for in-home assistance, transportation, information and referral, case manage-