

funds, prior to the general amendment of this chapter by Pub. L. 105-285.

A prior section 676 of Pub. L. 97-35 was classified to section 9905 of this title, prior to the general amendment of this chapter by Pub. L. 105-285.

#### AMENDMENTS

2014—Subsec. (b)(5). Pub. L. 113-128 substituted “the eligible entities will coordinate the provision of employment and training activities, as defined in section 3 of the Workforce Innovation and Opportunity Act, in the State and in communities with entities providing activities through statewide and local workforce development systems under such Act” for “the eligible entities will coordinate the provision of employment and training activities, as defined in section 101 of such Act, in the State and in communities with entities providing activities through statewide and local workforce investment systems under the Workforce Investment Act of 1998”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-128 effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as an Effective Date note under section 3101 of Title 29, Labor.

#### § 9909. Designation and redesignation of eligible entities in unserved areas

##### (a) Qualified organization in or near area

###### (1) In general

If any geographic area of a State is not, or ceases to be, served by an eligible entity under this chapter, and if the chief executive officer of the State decides to serve such area, the chief executive officer may solicit applications from, and designate as an eligible entity—

(A) a private nonprofit organization (which may include an eligible entity) that is geographically located in the unserved area, that is capable of providing a broad range of services designed to eliminate poverty and foster self-sufficiency, and that meets the requirements of this chapter; and

(B) a private nonprofit eligible entity that is geographically located in an area contiguous to or within reasonable proximity of the unserved area and that is already providing related services in the unserved area.

###### (2) Requirement

In order to serve as the eligible entity for the area, an entity described in paragraph (1)(B) shall agree to add additional members to the board of the entity to ensure adequate representation—

(A) in each of the three required categories described in subparagraphs (A), (B), and (C) of section 9910(a)(2) of this title, by members that reside in the community comprised by the unserved area; and

(B) in the category described in section 9910(a)(2)(B) of this title, by members that reside in the neighborhood to be served.

##### (b) Special consideration

In designating an eligible entity under subsection (a), the chief executive officer shall grant the designation to an organization of demonstrated effectiveness in meeting the goals and

purposes of this chapter and may give priority, in granting the designation, to eligible entities that are providing related services in the unserved area, consistent with the needs identified by a community-needs assessment.

##### (c) No qualified organization in or near area

If no private, nonprofit organization is identified or determined to be qualified under subsection (a) to serve the unserved area as an eligible entity the chief executive officer may designate an appropriate political subdivision of the State to serve as an eligible entity for the area. In order to serve as the eligible entity for that area, the political subdivision shall have a board or other mechanism as required in section 9910(b) of this title.

(Pub. L. 97-35, title VI, § 676A, as added Pub. L. 105-285, title II, § 201, Oct. 27, 1998, 112 Stat. 2739.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 9909, Pub. L. 97-35, title VI, § 680, Aug. 13, 1981, 95 Stat. 517; Pub. L. 99-425, title IV, § 405(c)(2), Sept. 30, 1986, 100 Stat. 970; Pub. L. 103-171, § 7(c)(3), Dec. 2, 1993, 107 Stat. 1994, related to limitation on use of grants for construction and waiver of such limitation, prior to the general amendment of this chapter by Pub. L. 105-285.

A prior section 676A of Pub. L. 97-35 was classified to section 9905a of this title, prior to the general amendment of this chapter by Pub. L. 105-285.

#### § 9910. Tripartite boards

##### (a) Private nonprofit entities

###### (1) Board

In order for a private, nonprofit entity to be considered to be an eligible entity for purposes of section 9902(1) of this title, the entity shall administer the community services block grant program through a tripartite board described in paragraph (2) that fully participates in the development, planning, implementation, and evaluation of the program to serve low-income communities.

###### (2) Selection and composition of board

The members of the board referred to in paragraph (1) shall be selected by the entity and the board shall be composed so as to assure that—

(A)  $\frac{1}{3}$  of the members of the board are elected public officials, holding office on the date of selection, or their representatives, except that if the number of such elected officials reasonably available and willing to serve on the board is less than  $\frac{1}{3}$  of the membership of the board, membership on the board of appointive public officials or their representatives may be counted in meeting such  $\frac{1}{3}$  requirement;

(B)(i) not fewer than  $\frac{1}{3}$  of the members are persons chosen in accordance with democratic selection procedures adequate to assure that these members are representative of low-income individuals and families in the neighborhood served; and

(ii) each representative of low-income individuals and families selected to represent a specific neighborhood within a community

under clause (i) resides in the neighborhood represented by the member; and

(C) the remainder of the members are officials or members of business, industry, labor, religious, law enforcement, education, or other major groups and interests in the community served.

**(b) Public organizations**

In order for a public organization to be considered to be an eligible entity for purposes of section 9902(1) of this title, the entity shall administer the community services block grant program through—

(1) a tripartite board, which shall have members selected by the organization and shall be composed so as to assure that not fewer than  $\frac{1}{3}$  of the members are persons chosen in accordance with democratic selection procedures adequate to assure that these members—

(A) are representative of low-income individuals and families in the neighborhood served;

(B) reside in the neighborhood served; and

(C) are able to participate actively in the development, planning, implementation, and evaluation of programs funded under this chapter; or

(2) another mechanism specified by the State to assure decisionmaking and participation by low-income individuals in the development, planning, implementation, and evaluation of programs funded under this chapter.

(Pub. L. 97-35, title VI, § 676B, as added Pub. L. 105-285, title II, § 201, Oct. 27, 1998, 112 Stat. 2740.)

**Editorial Notes**

**PRIOR PROVISIONS**

Prior sections 9910 and 9910a were omitted in the general amendment of this chapter by Pub. L. 105-285.

Section 9910, Pub. L. 97-35, title VI, § 681, Aug. 13, 1981, 95 Stat. 518; Pub. L. 98-558, title II, § 204, Oct. 30, 1984, 98 Stat. 2886; Pub. L. 99-425, title IV, § 405(a), (b), Sept. 30, 1986, 100 Stat. 969, 970; Pub. L. 101-501, title IV, §§ 405, 407(b), Nov. 3, 1990, 104 Stat. 1252, 1255; Pub. L. 103-171, § 7(a), Dec. 2, 1993, 107 Stat. 1993; Pub. L. 103-252, title II, § 203, May 18, 1994, 108 Stat. 654, related to the discretionary authority of the Secretary.

Section 9910a, Pub. L. 97-35, title VI, § 681A, as added Pub. L. 98-558, title II, § 206, Oct. 30, 1984, 98 Stat. 2886; amended Pub. L. 99-425, title IV, § 406, Sept. 30, 1986, 100 Stat. 970; Pub. L. 101-501, title IV, §§ 401(b), 406, Nov. 3, 1990, 104 Stat. 1251, 1253; Pub. L. 103-171, § 7(c)(4), Dec. 2, 1993, 107 Stat. 1994; Pub. L. 103-252, title II, § 204, May 18, 1994, 108 Stat. 655, related to community food and nutrition.

A prior section 9910b, Pub. L. 99-425, title IV, § 408, Sept. 30, 1986, 100 Stat. 972, as amended, which related to demonstration partnership agreements addressing needs of poor, was transferred to section 9925 of this title.

A prior section 9910c, Pub. L. 97-35, title VI, § 682, as added Pub. L. 103-252, title II, § 205(2), May 18, 1994, 108 Stat. 655; amended Pub. L. 105-244, title I, § 102(a)(13)(I), Oct. 7, 1998, 112 Stat. 1621, related to national or regional programs designed to provide instructional activities for low-income youth, prior to the general amendment of this chapter by Pub. L. 105-285.

A prior section 9910d, Pub. L. 100-485, title V, § 505, Oct. 13, 1988, 102 Stat. 2404, as amended, which related to demonstration partnership agreements addressing needs of poor, was transferred to section 9926 of this title.

**§ 9911. Payments to Indian tribes**

**(a) Reservation**

If, with respect to any State, the Secretary—

(1) receives a request from the governing body of an Indian tribe or tribal organization within the State that assistance under this chapter be made directly to such tribe or organization; and

(2) determines that the members of such tribe or tribal organization would be better served by means of grants made directly to provide benefits under this chapter,

the Secretary shall reserve from amounts that would otherwise be allotted to such State under section 9906 of this title for the fiscal year the amount determined under subsection (b).

**(b) Determination of reserved amount**

The Secretary shall reserve for the purpose of subsection (a) from amounts that would otherwise be allotted to such State, not less than 100 percent of an amount that bears the same ratio to the State allotment for the fiscal year involved as the population of all eligible Indians for whom a determination has been made under subsection (a) bears to the population of all individuals eligible for assistance through a community services block grant made under this chapter in such State.

**(c) Awards**

The sums reserved by the Secretary on the basis of a determination made under subsection (a) shall be made available by grant to the Indian tribe or tribal organization serving the individuals for whom such a determination has been made.

**(d) Plan**

In order for an Indian tribe or tribal organization to be eligible for a grant award for a fiscal year under this section, the tribe or organization shall submit to the Secretary a plan for such fiscal year that meets such criteria as the Secretary may prescribe by regulation.

**(e) Definitions**

In this section:

**(1) Indian tribe; tribal organization**

The terms “Indian tribe” and “tribal organization” mean a tribe, band, or other organized group recognized in the State in which the tribe, band, or group resides, or considered by the Secretary of the Interior, to be an Indian tribe or an Indian organization for any purpose.

**(2) Indian**

The term “Indian” means a member of an Indian tribe or of a tribal organization.

(Pub. L. 97-35, title VI, § 677, as added Pub. L. 105-285, title II, § 201, Oct. 27, 1998, 112 Stat. 2741.)

**Editorial Notes**

**PRIOR PROVISIONS**

A prior section 9911, Pub. L. 97-35, title VI, § 683, formerly § 682, as added Pub. L. 101-501, title IV, § 407(a), Nov. 3, 1990, 104 Stat. 1254; amended Pub. L. 103-171, § 7(b), Dec. 2, 1993, 107 Stat. 1993; renumbered § 683, Pub. L. 103-252, title II, § 205(1), May 18, 1994, 108 Stat. 655, re-