

TITLE 42 - THE PUBLIC HEALTH AND WELFARE
CHAPTER 55 - NATIONAL ENVIRONMENTAL POLICY
SUBCHAPTER III - MISCELLANEOUS PROVISIONS

§ 4368a. Utilization of talents of older Americans in projects of pollution prevention, abatement, and control

(a) Technical assistance to environmental agencies

Notwithstanding any other provision of law relating to Federal grants and cooperative agreements, the Administrator of the Environmental Protection Agency is authorized to make grants to, or enter into cooperative agreements with, private nonprofit organizations designated by the Secretary of Labor under title V of the Older Americans Act of 1965 [42 U.S.C. 3056 et seq.] to utilize the talents of older Americans in programs authorized by other provisions of law administered by the Administrator (and consistent with such provisions of law) in providing technical assistance to Federal, State, and local environmental agencies for projects of pollution prevention, abatement, and control. Funding for such grants or agreements may be made available from such programs or through title V of the Older Americans Act of 1965 and subtitle D of title I of the Workforce Investment Act of 1998 [29 U.S.C. 2911 et seq.].

(b) Pre-award certifications

Prior to awarding any grant or agreement under subsection (a) of this section, the applicable Federal, State, or local environmental agency shall certify to the Administrator that such grants or agreements will not—

- (1) result in the displacement of individuals currently employed by the environmental agency concerned (including partial displacement through reduction of nonovertime hours, wages, or employment benefits);
- (2) result in the employment of any individual when any other person is in a layoff status from the same or substantially equivalent job within the jurisdiction of the environmental agency concerned; or
- (3) affect existing contracts for services.

(c) Prior appropriation Acts

Grants or agreements awarded under this section shall be subject to prior appropriation Acts.

(Pub. L. 98–313, § 2, June 12, 1984, 98 Stat. 235; Pub. L. 105–277, div. A, § 101(f) [title VIII, § 405(d)(35), (f)(27)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–426, 2681–434.)

References in Text

The Older Americans Act of 1965, referred to in subsec. (a), is Pub. L. 89–73, July 14, 1965, 79 Stat. 218, as amended. Title V of the Act, known as the “Older American Community Service Employment Act”, is classified generally to subchapter IX (§ 3056 et seq.) of chapter 35 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of this title and Tables.

The Workforce Investment Act of 1998, referred to in subsec. (a), is Pub. L. 105–220, Aug. 7, 1998, 112 Stat. 936, as amended. Subtitle D of title I of the Act is classified generally to subchapter IV (§ 2911 et seq.) of chapter 30 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of Title 20, Education, and Tables.

Codification

Section was enacted as part of the Environmental Programs Assistance Act of 1984, and not as part of the National Environmental Policy Act of 1969 which comprises this chapter.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

Amendments

1998—Subsec. (a). Pub. L. 105–277, § 101(f) [title VIII, § 405(f)(27)], struck out “title IV of the Job Training Partnership Act or” after “title V of the Older Americans Act of 1965 and” in last sentence.

Pub. L. 105–277, § 101(f) [title VIII, § 405(d)(35)], substituted “and title IV of the Job Training Partnership Act or subtitle D of title I of the Workforce Investment Act of 1998” for “and title IV of the Job Training Partnership Act” in second sentence.

Effective Date of 1998 Amendment

Amendment by section 101 (f) [title VIII, § 405(d)(35)] of Pub. L. 105–277 effective Oct. 21, 1998, and amendment by section 101 (f) [title VIII, § 405(f)(27)] of Pub. L. 105–277 effective July 1, 2000, see section 101 (f) [title VIII, § 405(g)(1), (2)(B)] of Pub. L. 105–277, set out as a note under section 3502 of Title 5, Government Organization and Employees.

Short Title

Section 1 of Pub. L. 98–313 provided that: “This Act [enacting this section] may be cited as the ‘Environmental Programs Assistance Act of 1984’.”