

§ 3056o. Authorization of appropriations**(a) In general**

There are authorized to be appropriated to carry out this subchapter such sums as may be necessary for fiscal years 2007, 2008, 2009, 2010, and 2011.

(b) Obligation

Amounts appropriated under this section for any fiscal year shall be available for obligation during the annual period that begins on July 1 of the calendar year immediately following the beginning of such fiscal year and that ends on June 30 of the following calendar year. The Secretary may extend the period during which such amounts may be obligated or expended in the case of a particular organization or agency that receives funds under this subchapter if the Secretary determines that such extension is necessary to ensure the effective use of such funds by such organization or agency.

(c) Recapturing funds

At the end of the program year, the Secretary may recapture any unexpended funds for the program year, and reobligate such funds within the 2 succeeding program years for—

- (1) incentive grants to entities that are State grantees or national grantees under section 3056(b) of this title;
- (2) technical assistance; or
- (3) grants or contracts for any other activity under this subchapter.

(Pub. L. 89-73, title V, §517, as added Pub. L. 109-365, title V, §501, Oct. 17, 2006, 120 Stat. 2587.)

§ 3056p. Definitions and rule**(a) Definitions**

For purposes of this subchapter:

(1) Community service

The term “community service” means—

- (A) social, health, welfare, and educational services (including literacy tutoring), legal and other counseling services and assistance, including tax counseling and assistance and financial counseling, and library, recreational, and other similar services;
- (B) conservation, maintenance, or restoration of natural resources;
- (C) community betterment or beautification;
- (D) antipollution and environmental quality efforts;
- (E) weatherization activities;
- (F) economic development; and
- (G) such other services essential and necessary to the community as the Secretary determines by rule to be appropriate.

(2) Community service employment

The term “community service employment” means part-time, temporary employment paid with grant funds in projects described in section 3056(b)(1)(D) of this title, through which eligible individuals are engaged in community service and receive work experience and job skills that can lead to unsubsidized employment.

(3) Eligible individual**(A) In general**

The term “eligible individual” means an individual who is age 55 or older and who has a low income (including any such individual whose income is not more than 125 percent of the poverty line), excluding any income that is unemployment compensation, a benefit received under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), a payment made to or on behalf of veterans or former members of the Armed Forces under the laws administered by the Secretary of Veterans Affairs, or 25 percent of a benefit received under title II of the Social Security Act (42 U.S.C. 401 et seq.), subject to subsection (b).

(B) Participation**(i) Exclusion**

Notwithstanding any other provision of this paragraph, the term “eligible individual” does not include an individual who has participated in projects under this subchapter for a period of 48 months in the aggregate (whether or not consecutive) after July 1, 2007, unless the period was increased as described in clause (ii).

(ii) Increased periods of participation

The Secretary shall authorize a grantee for a project to increase the period of participation described in clause (i), pursuant to a request submitted by the grantee, for individuals who—

- (I) have a severe disability;
- (II) are frail or are age 75 or older;
- (III) meet the eligibility requirements related to age for, but do not receive, benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.);
- (IV) live in an area with persistent unemployment and are individuals with severely limited employment prospects; or
- (V) have limited English proficiency or low literacy skills.

(4) Income

In this section, the term “income” means income received during the 12-month period (or, at the option of the grantee involved, the annualized income for the 6-month period) ending on the date an eligible individual submits an application to participate in a project carried out under this subchapter by such grantee.

(5) Pacific Island and Asian Americans

The term “Pacific Island and Asian Americans” means Americans having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.

(6) Program

The term “program” means the older American community service employment program established under this subchapter.

(7) Supportive services

The term “supportive services” means services, such as transportation, child care, de-

pendent care, housing, and needs-related payments, that are necessary to enable an individual to participate in activities authorized under this subchapter, consistent with the provisions of this subchapter.

(8) Unemployed

The term “unemployed”, used with respect to a person or individual, means an individual who is without a job and who wants and is available for work, including an individual who may have occasional employment that does not result in a constant source of income.

(b) Rule

Pursuant to regulations prescribed by the Secretary, an eligible individual shall have priority for the community service employment and other authorized activities provided under this subchapter if the individual—

- (1) is 65 years of age or older; or
- (2)(A) has a disability;
- (B) has limited English proficiency or low literacy skills;
- (C) resides in a rural area;
- (D) is a veteran;
- (E) has low employment prospects;
- (F) has failed to find employment after utilizing services provided under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); or
- (G) is homeless or at risk for homelessness.

(Pub. L. 89-73, title V, §518, as added Pub. L. 109-365, title V, §501, Oct. 17, 2006, 120 Stat. 2588; amended Pub. L. 113-128, title V, §512(w)(8), July 22, 2014, 128 Stat. 1716.)

AMENDMENT OF SUBSECTION (b)(2)(F)

Pub. L. 113-128, title V, §§ 506, 512(w)(8), July 22, 2014, 128 Stat. 1703, 1716, provided that, effective on the first day of the first full program year after July 22, 2014 [probably July 1, 2015], subsection (b)(2)(F) of this section is amended by striking “has failed to find employment after utilizing services provided under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)” and inserting “has failed to find employment after utilizing services provided under title I of the Workforce Innovation and Opportunity Act”. See 2014 Amendment note below.

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (a)(3)(A), (B)(ii)(III), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Titles II and XVI of the Act are classified generally to subchapters II (§401 et seq.) and XVI (§1381 et seq.), respectively, of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

The Workforce Investment Act of 1998, referred to in (b)(2)(F), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936. Title I of the Act is classified principally to chapter 30 (§2801 et seq.) 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.

AMENDMENTS

2014—Subsec. (b)(2)(F). Pub. L. 113-128 substituted “has failed to find employment after utilizing services provided under title I of the Workforce Innovation and Opportunity Act” for “has failed to find employment

after utilizing services provided under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)”.

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 [probably 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.

SUBCHAPTER X—GRANTS FOR NATIVE AMERICANS

§ 3057. Statement of purpose

It is the purpose of this subchapter to promote the delivery of supportive services, including nutrition services to American Indians, Alaskan Natives, and Native Hawaiians that are comparable to services provided under subchapter III of this chapter.

(Pub. L. 89-73, title VI, §601, as added Pub. L. 100-175, title I, §171, Nov. 29, 1987, 101 Stat. 959.)

PRIOR PROVISIONS

A prior section 3057, Pub. L. 89-73, title VI, §601, as added Pub. L. 95-478, title I, §106, Oct. 18, 1978, 92 Stat. 1548; amended Pub. L. 97-115, §3(d), Dec. 29, 1981, 95 Stat. 1597, related to statement of purpose for grants to Indian tribes, prior to the general amendment of this subchapter by Pub. L. 100-175.

A prior section 601 of Pub. L. 89-73, title VI, as added Pub. L. 91-69, §9, Sept. 17, 1969, 83 Stat. 111; amended Pub. L. 93-29, title VI, §601, May 3, 1973, 87 Stat. 55, related to grants and contracts for volunteer service projects and was classified to section 3044 of this title, prior to repeal by Pub. L. 93-113, title VI, §604(a), Oct. 1, 1973, 87 Stat. 417.

EFFECTIVE DATE

Subchapter 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.

§ 3057a. Sense of Congress

It is the sense of the Congress that older individuals who are Indians, older individuals who are Alaskan Natives, and older individuals who are Native Hawaiians are a vital resource entitled to all benefits and services available and that such services and benefits should be provided in a manner that preserves and restores their respective dignity, self-respect, and cultural identities.

(Pub. L. 89-73, title VI, §602, as added Pub. L. 100-175, title I, §171, Nov. 29, 1987, 101 Stat. 959; amended Pub. L. 102-375, title IX, §904(a)(20), Sept. 30, 1992, 106 Stat. 1309.)

PRIOR PROVISIONS

A prior section 3057a, Pub. L. 89-73, title VI, §602, as added Pub. L. 95-478, title I, §106, Oct. 18, 1978, 92 Stat. 1549; amended Pub. L. 97-115, §3(d), Dec. 29, 1981, 95 Stat. 1597; Pub. L. 98-459, title VI, §601, Oct. 9, 1984, 98 Stat. 1787, related to eligibility of an Indian tribe for assistance and definitions, prior to the general amendment of this subchapter by Pub. L. 100-175. See section 3057c of this title.