

(B) Established fraud or criminal activity of a significant nature within the organization or agency involved.

(C) Serious administrative deficiencies identified by the Secretary, such as failure to maintain a financial management system as required by Federal rules or regulations.

(D) Willful obstruction of the audit process.

(E) Failure to provide services to participants for a current or recent grant or to meet applicable core measures of performance or address applicable indicators of performance.

(F) Failure to correct deficiencies brought to the grantee's attention in writing as a result of monitoring activities, reviews, assessments, or other activities.

(G) Failure to return a grant closeout package or outstanding advances within 90 days of the grant expiration date or receipt of the closeout package, whichever is later, unless an extension has been requested and granted.

(H) Failure to submit required reports.

(I) Failure to properly report and dispose of Government property as instructed by the Secretary.

(J) Failure to have maintained effective cash management or cost controls resulting in excess cash on hand.

(K) Failure to ensure that a subrecipient complies with its Office of Management and Budget Circular A-133 audit requirements specified at section 667.200(b) of title 20, Code of Federal Regulations.

(L) Failure to audit a subrecipient within the required period.

(M) Final disallowed costs in excess of 5 percent of the grant or contract award if, in the judgment of the grant officer, the disallowances are egregious.

(N) Failure to establish a mechanism to resolve a subrecipient's audit in a timely fashion.

#### **(5) Determination**

Applicants that are determined to be not responsible shall not be selected as grantees.

#### **(6) Disallowed costs**

Interest on disallowed costs shall accrue in accordance with the Debt Collection Improvement Act of 1996, including the amendments made by that Act.

#### **(e) Grantees serving individuals with barriers to employment**

##### **(1) Definition**

In this subsection, the term "individuals with barriers to employment" means minority individuals, Indian individuals, individuals with greatest economic need, eligible individuals who have been incarcerated or are under supervision following release from prison or jail, and individuals described in subsection (a)(3)(B)(ii) or (b)(2) of section 3056p of this title.

##### **(2) Special consideration**

In areas where a substantial population of individuals with barriers to employment ex-

ists, a grantee that receives a national grant in accordance with this section shall, in selecting subgrantees, give special consideration to organizations (including former recipients of such national grants) with demonstrated expertise in serving individuals with barriers to employment.

#### **(f) Minority-serving grantees**

The Secretary may not promulgate rules or regulations affecting grantees in areas where a substantial population of minority individuals exists, that would significantly compromise the ability of the grantees to serve their targeted population of minority older individuals.

(Pub. L. 89-73, title V, §514, as added Pub. L. 109-365, title V, §501, Oct. 17, 2006, 120 Stat. 2584; amended Pub. L. 114-144, §6(e), Apr. 19, 2016, 130 Stat. 346; Pub. L. 116-131, title IV, §401(a)(2), Mar. 25, 2020, 134 Stat. 266.)

#### **Editorial Notes**

##### **REFERENCES IN TEXT**

The Debt Collection Improvement Act of 1996, referred to in subsec. (d)(6), is section 31001 of title III of Pub. L. 104-134, Apr. 26, 1996, 110 Stat. 1321-358. For complete classification of this Act to the Code, see Short Title of 1996 Amendment note set out under section 3701 of Title 31, Money and Finance, and Tables.

##### **PRIOR PROVISIONS**

A prior section 3056l, Pub. L. 89-73, title V, §514, as added Pub. L. 106-501, title V, §501, Nov. 13, 2000, 114 Stat. 2282, related to competitive requirements relating to grant awards, prior to the general amendment of this subchapter by Pub. L. 109-365.

##### **AMENDMENTS**

2020—Subsec. (e)(1). Pub. L. 116-131 inserted "eligible individuals who have been incarcerated or are under supervision following release from prison or jail," after "need,".

2016—Subsec. (c)(4). Pub. L. 114-144 struck out "and addressing additional indicators of performance" after "measures of performance" and "and additional indicators of performance" after "core indicators of performance".

#### **Statutory Notes and Related Subsidiaries**

##### **EFFECTIVE DATE OF 2020 AMENDMENT**

Amendment by Pub. L. 116-131 effective 1 year after Mar. 25, 2020, see section 401(b) of Pub. L. 116-131, set out as a note under section 3056a of this title.

#### **§ 3056m. Report on service to minority individuals**

##### **(a) In general**

The Secretary shall annually prepare a report on the levels of participation and performance outcomes of minority individuals served by the program carried out under this subchapter.

##### **(b) Contents**

###### **(1) Organization and data**

Such report shall present information on the levels of participation and the outcomes achieved by such minority individuals with respect to each grantee under this subchapter, by service area, and in the aggregate, beginning with data that applies to program year 2005.

**(2) Efforts**

The report shall also include a description of each grantee's efforts to serve minority individuals, based on information submitted to the Secretary by each grantee at such time and in such manner as the Secretary determines to be appropriate.

**(3) Related matters**

The report shall also include—

(A) an assessment of individual grantees based on the criteria established under subsection (c);

(B) an analysis of whether any changes in grantees have affected participation rates of such minority individuals;

(C) information on factors affecting participation rates among such minority individuals; and

(D) recommendations for increasing participation of minority individuals in the program.

**(c) Criteria**

The Secretary shall establish criteria for determining the effectiveness of grantees in serving minority individuals in accordance with the goals set forth in section 3056(a)(1) of title.

**(d) Submission**

The Secretary shall annually submit such a report to the appropriate committees of Congress.

(Pub. L. 89-73, title V, §515, as added Pub. L. 109-365, title V, §501, Oct. 17, 2006, 120 Stat. 2587.)

**Editorial Notes****PRIOR PROVISIONS**

A prior section 3056m, Pub. L. 89-73, title V, §515, as added Pub. L. 106-501, title V, §501, Nov. 13, 2000, 114 Stat. 2286, related to authorization of appropriations, prior to the general amendment of this subchapter by Pub. L. 109-365. See section 3056o of this title.

**§ 3056n. Sense of Congress**

It is the sense of Congress that—

(1) the older American community service employment program described in this subchapter was established with the intent of placing older individuals in community service positions and providing job training; and

(2) placing older individuals in community service positions strengthens the ability of the individuals to become self-sufficient, provides much-needed support to organizations that benefit from increased civic engagement, and strengthens the communities that are served by such organizations.

(Pub. L. 89-73, title V, §516, as added Pub. L. 109-365, title V, §501, Oct. 17, 2006, 120 Stat. 2587.)

**Editorial Notes****PRIOR PROVISIONS**

A prior section 3056n, Pub. L. 89-73, title V, §516, as added Pub. L. 106-501, title V, §501, Nov. 13, 2000, 114 Stat. 2287, related to definitions, prior to the general amendment of this subchapter by Pub. L. 109-365. See section 3056p(a) of this title.

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

There are authorized to be appropriated to carry out this subchapter \$428,000,000 for fiscal year 2020, \$453,680,000 for fiscal year 2021, \$480,900,800 for fiscal year 2022, \$509,754,848 for fiscal year 2023, and \$540,340,139 for fiscal year 2024.

**(b) Obligation**

Amounts appropriated under this section for any fiscal year shall be available for Federal obligation during the annual period that begins on April 1 of the calendar year immediately following the beginning of such fiscal year and that ends on June 30 of the following calendar year. Such amounts obligated to grantees shall be available for obligation and expenditure by grantees during the program year that begins on July 1 of the calendar year immediately following the beginning of the fiscal year in which the amounts are appropriated 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; amended Pub. L. 114-144, §6(f), Apr. 19, 2016, 130 Stat. 346; Pub. L. 116-131, title IV, §402, Mar. 25, 2020, 134 Stat. 267.)

**Editorial Notes****AMENDMENTS**

2020—Subsec. (a). Pub. L. 116-131 amended subsec. (a) generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out this subchapter \$445,189,405 for fiscal year 2017, \$454,499,494 for fiscal year 2018, and \$463,809,605 for fiscal year 2019.”

2016—Subsec. (a). Pub. L. 114-144, §6(f)(1), substituted “\$445,189,405 for fiscal year 2017, \$454,499,494 for fiscal year 2018, and \$463,809,605 for fiscal year 2019.” for “such sums as may be necessary for fiscal years 2007, 2008, 2009, 2010, and 2011.”

Subsec. (b). Pub. L. 114-144, §6(f)(2), substituted “April 1” for “July 1” and inserted “Federal” before “obligation during” and “Such amounts obligated to grantees shall be available for obligation and expenditure by grantees during the program year that begins on July 1 of the calendar year immediately following the beginning of the fiscal year in which the amounts are appropriated and that ends on June 30 of the following calendar year.” before “The Secretary may extend”.