

**42 USC 5001: Grants and contracts for volunteer service projects**

Text contains those laws in effect on September 10, 2023

**From Title 42-THE PUBLIC HEALTH AND WELFARE**

CHAPTER 66-DOMESTIC VOLUNTEER SERVICES  
SUBCHAPTER II-NATIONAL SENIOR SERVICE CORPS  
Part A-Retired and Senior Volunteer Program

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## **§5001. Grants and contracts for volunteer service projects**

### **(a) Approval of projects; rules and regulations**

In order to help retired individuals and working older individuals to share their experiences, abilities, and skills to improve their communities and themselves through service in their communities, the Director is authorized to make grants to State agencies (established or designated pursuant to section 3025(a)(1) of this title) or grants to or contracts with other public and nonprofit private agencies and organizations to pay part or all of the costs for the development or operation, or both, of volunteer service projects under this section, if the Director determines, in accordance with regulations the Director shall prescribe, that-

- (1) volunteers will not be reimbursed for other than transportation, meals, and other out-of-pocket expenses incident to the provision of services under this part;
- (2) only individuals 55 years of age or older will be enrolled as volunteers to provide services under this part (except for administrative purposes), and such services will be performed in the community where such individuals reside or in nearby communities either (A) on publicly owned and operated facilities or projects, or (B) on local projects sponsored by private nonprofit organizations (other than political parties), other than projects involving the construction, operation, or maintenance of so much of any facility used or to be used for sectarian instruction or as a place for religious worship;
- (3) the project includes such short-term training as may be necessary to make the most effective use of the skills and talents of participating volunteers and individuals, and provide for the payment of the reasonable expenses of such volunteers while undergoing such training; and
- (4) the project is being designed and implemented with the advice of persons competent in the field of service to be provided, as well as persons who have expertise in the management of volunteers and the needs of older individuals.

### **(b) Proportion of required local contribution; exceptions**

In no event shall the required proportion of the local contribution (including in-kind contributions) for a grant or contract made under this section be more than 10 per centum in the first year of assistance under this section, 20 per centum in the second such year, and 30 per centum in any subsequent such years: *Provided, however,* That the Director may make exceptions in cases of demonstrated need, determined (in accordance with regulations which the Director shall prescribe) on the basis of the financial capability of a particular recipient of assistance under this section, to permit a lesser local contribution proportion than any required contribution proportion established by the Director in generally applicable regulations.

### **(c) Conditions upon award of grant or contract**

The Director shall not award any grant or contract under this part for a project in any State to any agency or organization unless, if such State has a State agency established or designated pursuant to section 3025(a)(1) of this title, such agency itself is the recipient of the award or such agency has been afforded at least forty-five days in which to review the project application and make recommendations thereon.

### **(d) Volunteer service as employment**

Notwithstanding any other provision of law, volunteer service under this part shall not be deemed employment for any purpose which the Director finds is not fully consistent with the provisions and in furtherance of the purpose of this part.

### **(e) Duration of grant or contract; competitive process**

- (1) Beginning with fiscal year 2013 and for each fiscal year thereafter, each grant or contract awarded under this section, for such a year, shall be-
  - (A) awarded for a period of 3 years, with an option for a grant renewal of 3 years if the grantee meets the performances <sup>1</sup> measures established under subsection (g); and

(B) awarded through a competitive process described in paragraph (2).

(2)(A) The Corporation shall promulgate regulations establishing the competitive process required under paragraph (1)(B), and make such regulations available to the public, not later than 18 months after April 21, 2009. The Corporation shall consult with the directors of programs receiving grants under this section during the development and implementation of the competitive process.

(B) The competitive process required by subparagraph (A) shall-

(i) include the use of a peer review panel, including members with expertise in senior service and aging, to review applications;

(ii) include site inspections of programs assisted under this section, as appropriate;

(iii) in the case of an applicant who has previously received a grant or contract for a program under this section, include an evaluation of the program conducted by a review team, as described in subsection (f);

(iv) ensure that-

(I) the grants or contracts awarded under this section through the competitive process for a grant or contract cycle support an aggregate number of volunteer service years for a given geographic service area that is not less than the aggregate number of volunteer service years supported under this section for such service area for the previous grant or contract cycle;

(II) the grants or contracts awarded under this section through the competitive process for a grant or contract cycle maintain a similar program distribution, as compared to the program distribution for the previous grant or contract cycle; and

(III) every effort is made to minimize the disruption to volunteers; and

(v) include the use of performance measures, outcomes, and other criteria established under subsection (g).

#### **(f) Evaluation process**

(1) Notwithstanding section 5052 of this title, and effective beginning 180 days after April 21, 2009, each grant or contract under this section that expires in fiscal year 2011, 2012, or 2013 shall be subject to an evaluation process conducted by a review team described in paragraph (4). The evaluation process shall be carried out, to the maximum extent practicable, in fiscal year 2010, 2011, and 2012, respectively.

(2) The Corporation shall promulgate regulations establishing the evaluation process required under paragraph (1), and make such regulations available to the public, not later than 18 months after April 21, 2009. The Corporation shall consult with the directors of programs receiving grants under this section during the development and implementation of the evaluation process.

(3) The evaluation process required under paragraph (1) shall-

(A) include performance measures, outcomes, and other criteria established under subsection (g); and

(B) evaluate the extent to which the recipient of the grant or contract meets or exceeds such performance measures, outcomes, and other criteria through a review of the recipient.

(4) To the maximum extent practicable, the Corporation shall provide that each evaluation required by this subsection is conducted by a review team that-

(A) includes individuals who are knowledgeable about programs assisted under this section;

(B) includes current or former employees of the Corporation who are knowledgeable about programs assisted under this section;

(C) includes representatives of communities served by volunteers of programs assisted under this section; and

(D) shall receive periodic training to ensure quality and consistency across evaluations.

(5) The findings of an evaluation described in this subsection of a program described in paragraph (1) shall-

(A) be presented to the recipient of the grant or contract for such program in a timely, transparent, and uniform manner that conveys information of program strengths and weaknesses and assists with program improvement; and

(B) be used as the basis for program improvement, and for the provision of training and technical assistance.

#### **(g) Performance measures, outcomes, and other criteria**

(1) The Corporation shall, with particular attention to the different needs of rural and urban programs assisted under this section, develop performance measures, outcomes, and other criteria for programs assisted under this section that-

(A) include an assessment of the strengths and areas in need of improvement of a program assisted under this section;

(B) include an assessment of whether such program has adequately addressed population and community-wide needs;

(C) include an assessment of the efforts of such program to collaborate with other community-based organizations, units of government, and entities providing services to seniors, taking into account barriers to such collaboration that such program may encounter;

(D) include a protocol for fiscal management that shall be used to assess such program's compliance with the program requirements for the appropriate use of Federal funds;

(E) include an assessment of whether the program is in conformity with the eligibility, outreach, enrollment, and other requirements for programs assisted under this section; and

(F) contain other measures of performance developed by the Corporation, in consultation with the review teams described in subsection (f)(4).

(2)(A) The performance measures, outcomes, and other criteria established under this subsection may be updated or modified as necessary, in consultation with directors of programs under this section, but not earlier than fiscal year 2014.

(B) For each fiscal year preceding fiscal year 2014, the Corporation may, after consulting with directors of the programs under this section, determine that a performance measure, outcome, or criterion established under this subsection is operationally problematic, and may, in consultation with such directors and after notifying the authorizing committees-

(i) eliminate the use of that performance measure, outcome or criterion; or

(ii) modify that performance measure, outcome, or criterion as necessary to render it no longer operationally problematic.

(3) In the event that a program does not meet one or more of the performance measures, outcome, or criteria established under this subsection, the Corporation shall initiate procedures to terminate the program in accordance with section 5052 of this title.

#### **(h) Training and technical assistance**

The Chief Executive Officer shall develop procedures by which programs assisted under this section may receive training and technical assistance, which may include regular monitoring visits to assist programs in meeting the performance measures, outcomes, and criteria.

##### **(i) Temporary continuation of programs that fail to meet performance measures**

(1) Notwithstanding subsection (g)(3) or section 5052 of this title, the Corporation shall continue to fund a program assisted under this section that has failed to meet or exceed the performance measures, outcomes, and other criteria established under this subsection for not more than 12 months if the competitive process established under subsection (e) does not result in a successor grant or contract for such program, in order to minimize the disruption to volunteers and the disruption of services.

(2) In the case where a program is continued under paragraph (1), the Corporation shall conduct outreach regarding the availability of a grant under this section for the area served by such program and establish a new competition for awarding the successor program to the continued program. The recipient operating the continued program shall remain eligible for the new competition.

(3) The Corporation may monitor the recipient of a grant or contract supporting a program continued under paragraph (1) during this period and may provide training and technical assistance to assist such recipient in meeting the performance measures for such program.

##### **(j) Online resource guide**

The Corporation shall develop and disseminate an online resource guide for programs under this section not later than 180 days after April 21, 2009, which shall include-

(1) examples of high-performing programs assisted under this section;

(2) corrective actions for underperforming programs; and

(3) examples of meaningful outcome-based performance measures, outcomes, and criteria that capture a program's mission and priorities.

(Pub. L. 93–113, title II, §201, Oct. 1, 1973, 87 Stat. 401 ; Pub. L. 93–351, §4, July 12, 1974, 88 Stat. 357 ; Pub. L. 95–478, title IV, §402(a), Oct. 18, 1978, 92 Stat. 1556 ; Pub. L. 98–288, §14(a), (b), May 21, 1984, 98 Stat. 192 ; Pub. L. 101–204, title IX, §902(2), Dec. 7, 1989, 103 Stat. 1826 ; Pub. L. 103–82, title III, §343, Sept. 21, 1993, 107 Stat. 904 ; Pub. L. 111–13, title II, §2143, Apr. 21, 2009, 123 Stat. 1584 .)

#### **EDITORIAL NOTES**

#### **AMENDMENTS**

**2009-Subsec. (a).** Pub. L. 111–13, §2143(1)(A), substituted "share their experiences, abilities, and skills to improve their communities and themselves through service in their communities," for "avail themselves of opportunities for volunteer service in their community," in introductory provisions.

Subsec. (a)(2). Pub. L. 111–13, §2143(1)(B), struck out ", and individuals 60 years of age or older will be given priority for enrollment," before "as volunteers".

Subsec. (a)(4). Pub. L. 111–13, §2143(1)(C), substituted "designed and implemented" for "established and will be carried out" and "field of service to be provided, as well as persons who have expertise in the management of volunteers and the needs of older individuals." for "field of service involved, and of persons with interest in and knowledge of the needs of older persons."

Subsecs. (e) to (j). Pub. L. 111–13, §2143(2), added subsecs. (e) to (j).

**1993**-Subsec. (a). Pub. L. 103–82, §343(1), substituted "retired individuals and working older individuals" for "retired persons" in introductory provisions.

Subsec. (a)(2). Pub. L. 103–82, §343(2), substituted "55 years of age or older" for "aged sixty or over" and inserted ", and individuals 60 years of age or older will be given priority for enrollment," after "will be enrolled".

**1989**-Subsec. (a). Pub. L. 101–204, §902(2)(A), substituted "projects" for "programs" in introductory provisions.

Subsec. (a)(3), (4). Pub. L. 101–204, §902(2)(B), substituted "project" for "program".

**1984**-Subsec. (a). Pub. L. 98–288, §14(a), substituted "the Director" for "he" in two places in provisions before par. (1).

Subsec. (b). Pub. L. 98–288, §14(b), substituted "and 30 per centum in any subsequent such years" for "30 per centum in the third such year, 40 per centum in the fourth such year, and 50 per centum in any subsequent such years".

**1978**-Subsec. (a). Pub. L. 95–478, §402(a)(1), substituted reference to section "3025(a)(1)" for "3024(a)(1)" of this title.

Subsec. (c). Pub. L. 95–478, §402(a)(1), (2), substituted reference to section "3025(a)(1)" for "3024(a)(1)" of this title and decreased period for review to "forty-five" from "sixty" days.

Subsec. (d). Pub. L. 95–478, §402(a)(3), added subsec. (d).

**1974**-Subsecs. (b), (c). Pub. L. 93–351 added subsec. (b) and redesignated former subsec. (b) as (c).

#### **STATUTORY NOTES AND RELATED SUBSIDIARIES**

#### **EFFECTIVE DATE OF 2009 AMENDMENT**

Amendment by Pub. L. 111–13 effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111–13, set out as a note under section 4950 of this title.

#### **EFFECTIVE DATE OF 1993 AMENDMENT**

Amendment by Pub. L. 103–82 effective Oct. 1, 1993, see section 392 of Pub. L. 103–82, set out as a note under section 4951 of this title.

#### **EFFECTIVE DATE OF 1978 AMENDMENT**

Amendment by Pub. L. 95–478 effective at close of Sept. 30, 1978, see section 504 of Pub. L. 95–478, set out as a note under section 3001 of this title.

### **AGING RESOURCE SPECIALISTS FOR COORDINATION OF NATIONAL OLDER AMERICAN VOLUNTEER PROGRAMS WITH STATE AND COMMUNITY PROGRAMS ON AGING AND NUTRITION PROGRAMS FOR ELDERLY; DESIGNATION; DUTIES; DEFINITIONS**

Pub. L. 94–135, title II, §205(c), Nov. 28, 1975, 89 Stat. 727, as amended by Pub. L. 103–82, title III, §341(b)(4), title IV, §405(i), Sept. 21, 1993, 107 Stat. 904, 921, provided that:

"(1) In order to provide maximum coordination between programs carried out under title III and title VII of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.; 42 U.S.C. 3045 et seq.) and National Senior Volunteer Corps [now National Senior Service Corps] programs carried out under title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001 et seq.) [42 U.S.C. 5000 et seq.], in order to enhance the effectiveness of the support provided to such National Senior Volunteer Corps programs by the Corporation for National and Community Service, the Chief Executive Officer of the Corporation shall designate an aging resource specialist with respect to programs carried out in each State under title II of the Domestic Volunteer Service Act of 1973 [this subchapter].

"(2)(A) Each aging resource specialist designated under paragraph (1) shall be qualified to serve in such capacity by appropriate experience and training, and shall be stationed in a State office of the Corporation.

"(B) The primary responsibility of each aging resource specialist shall be-

"(i) to support programs carried out under title II of the Domestic Volunteer Service Act of 1973 [this subchapter] in any State or other jurisdiction served by the State office involved; and

"(ii) to seek to coordinate such programs with programs carried out under title III and title VII of the Older Americans Act of 1965 [sections 3021 et seq. and 3045 et seq. of this title] in any such State or other jurisdiction.

"(3) For purposes of this subsection-

"(A) the term 'Corporation' means the Corporation for National and Community Service established by section 191 of the National and Community Service Act of 1990 [42 U.S.C. 12651].[.]

"(B) the term 'primary responsibility' means the devotion of more than one-half of regular working hours to the performance of duties described in paragraph (2)(B); and

"(C) the term 'State' means the several States, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands."

[For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.]

<sup>1</sup> *So in original. Probably should be "performance".*

**42 USC 5011: Grants and contracts for individual service projects**

Text contains those laws in effect on September 10, 2023

**From Title 42-THE PUBLIC HEALTH AND WELFARE**

CHAPTER 66-DOMESTIC VOLUNTEER SERVICES  
SUBCHAPTER II-NATIONAL SENIOR SERVICE CORPS  
Part B-Foster Grandparent Program

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## **§5011. Grants and contracts for individual service projects**

### **(a) Foster Grandparent projects; amount**

The Director is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of development and operation of projects (including direct payments to individuals serving under this part) designed for the purpose of providing opportunities for low-income persons age 55 or over to provide supportive person-to-person services in health, education, welfare, and related settings to children having special or exceptional needs or circumstances identified as limiting their academic, social, or emotional development. Such services may include services by individuals serving as foster grandparents to children who are individuals with disabilities, who have chronic health conditions, who are receiving care in hospitals, who are residing in homes for dependent and neglected children, or who are receiving services provided by day care centers, schools, early intervention programs under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), Head Start agencies under the Head Start Act [42 U.S.C. 9831 et seq.], or other programs, establishments, and institutions providing services for children having special or exceptional needs or circumstances identified as limiting their academic, social, or emotional development. Individual foster grandparents may provide person-to-person services to one or more children, depending on the needs of the project and local site. The Director may approve assistance in excess of 90 per centum of the costs of the development and operation of such projects only if the Director determines, in accordance with regulations the Director shall prescribe establishing objective criteria, that such action is required in furtherance of the purpose of this section. Provision for such assistance shall be effective as of September 19, 1972. In the case of any project with respect to which, prior to such date, a grant or contract has been made under section 3044b(a)<sup>1</sup> of this title or with respect to any project under the Foster Grandparent program in effect prior to September 17, 1969, contributions in cash or in kind from the Bureau of Indian Affairs, Department of the Interior, toward the cost of the project may be counted as part of the cost thereof which is met from non-Federal sources.

### **(b) Person-to-person services to children in an individual service project by public or private nonprofit agency; authority and criteria for determinations; mutual agreements between parties**

(1) Any public or private nonprofit agency or organization responsible for providing person-to-person services to a child in a project carried out under subsection (a) of this section may determine-

- (A) which children may receive supportive person-to-person services under such project;
- (B) the period of time during which such services shall be continued in the case of each individual child; and
- (C) whether it is in the best interest of the child receiving, and the particular foster grandparent providing, services in such a project, to continue the relationship between the child and the grandparent under this part after the child reaches the age of 21, if such child is an individual with a disability who was receiving such services prior to attaining the age of 21.

(2) If an assignment of a foster grandparent under this part is suspended or discontinued, the replacement of that foster grandparent shall be determined in a manner consistent with paragraph (3).

(3) Any determination made by a public or nonprofit private agency or organization under paragraphs (1) and (2) of this subsection shall be made through mutual agreement by all parties involved with respect to the provision of services to the child involved.

### **(c) "Child" and "children" defined**

For the purposes of this section, the terms "child" and "children" mean any individual or individuals who are less than 21 years of age.

### **(d) Domestic Volunteer Service; allowances, stipends, and other support**

The Director, in accordance with regulations the Director shall prescribe, may provide to low-income persons serving as volunteers under this part, such allowances, stipends, and other support as the Director determines are necessary to carry out the purpose of this part. Any stipend or allowance provided under this section shall not be less than \$3.00 per hour, except that (1) such stipend or allowance shall not be increased as a result of an amendment made to this sentence unless the funds appropriated for carrying out this part are sufficient to maintain for the fiscal year in question a number of participants to serve under this part at least equal to the number of such participants serving during the preceding fiscal year, and (2) in the event that sufficient appropriations for any fiscal year are not available to increase any such stipend or allowance provided to the minimum hourly rate specified in this sentence, the Director shall increase the stipend or allowance to such amount as appropriations for such year permit consistent with clause (1) of this exception. In establishing the amount of, and the effective date for, such adjustment, the Director, in consultation with the State Commissions on National and Community Service (as established under section 12638 of this title) and the heads of the State offices established under section 12651f of this title, shall consider the effect such adjustment will have on the ability of non-federally funded volunteer programs similar to the programs under this subchapter to maintain their current level of volunteer hours.

**(e) "Low-income person" and "person of low income" defined**

For purposes of this part, the terms "low-income person" and "person of low income" mean-

- (1) any person whose income is not more than 200 percent of the poverty line defined in section 9902(2) of this title and adjusted by the Director in the manner described in such section; and
- (2) any person whose income is not more than 100 percent of such poverty line, as so adjusted and determined by the Director after taking into consideration existing poverty guidelines as appropriate to local situations.

Persons described in paragraph (2) shall be given special consideration for participation in projects under this part.

**(f) Persons entitled to serve as volunteers; application of regulations to volunteers; equal treatment to all volunteers by recipients of grants; conditions of grants; use of funds; payment of costs**

(1)(A) Except as provided in subparagraph (B), individuals who are not low-income persons may serve as volunteers under this part, in accordance with such regulations as the Director shall issue, if such individuals serve without receiving any allowance, stipend, or other financial support under this part except reimbursement for transportation, meals, and out-of-pocket expenses incident to serving under this part.

(B) The regulations issued by the Director to carry out this part (other than any regulations relating to allowances, stipends, and other financial support authorized by subsection (d) to be paid under this part to low-income persons) shall apply to all volunteers under this part, without regard to whether such volunteers are eligible to receive a stipend under subsection (d).

(2)(A) Except as provided in subparagraph (B), each recipient of a grant or contract to carry out a project under this part shall give equal treatment to all volunteers who participate in such project, without regard to whether such volunteers are eligible to receive a stipend under subsection (d).

(B) An individual who is not a low-income person may not become a volunteer under this part if allowing such individual to become a volunteer under this part would prevent a low-income individual from becoming a volunteer under this part or would displace a low-income person from being such a volunteer.

(3) The Director may not take into consideration or require as a condition of receiving a grant or contract to carry out a project under this part, any applicant for such grant or contract-

- (A) to accept or recruit individuals who are not low-income persons to serve as volunteers under this part; or
- (B) to solicit locally generated contributions, in cash or in kind, to support such individuals.

The Director may not coerce any applicant for, or recipient of, such grant or contract to engage in conduct described in subparagraph (A) or (B).

(4) Funds appropriated to carry out this part may not be used to pay any cost, including any administrative cost, incurred in connection with volunteers under this part who do not receive a stipend under subsection (d). Such cost incurred with respect to a volunteer may be paid with-

- (A) funds received by the Director as unrestricted gifts;
- (B) funds received by the Director as gifts to pay such cost;
- (C) funds contributed by such volunteer; or
- (D) locally generated contributions in excess of the amount required to be contributed under subsection (a), in the discretion of the recipient of a grant or contract under such subsection.

( Pub. L. 93–113, title II, §211, Oct. 1, 1973, 87 Stat. 402 ; Pub. L. 94–135, title II, §205(b)(1), (2), Nov. 28, 1975, 89 Stat. 727 ; Pub. L. 94–293, §7, May 27, 1976, 90 Stat. 526 ; Pub. L. 95–478, title IV, §402(b), Oct. 18, 1978, 92 Stat. 1557 ; Pub. L. 97–35, title VI, §608(b), Aug. 13, 1981, 95 Stat. 487 ; Pub. L. 98–288, §14(c), May 21, 1984, 98 Stat. 192 ; Pub. L. 99–551, §7(a)(1), Oct. 27, 1986, 100 Stat. 3074 ; Pub. L. 101–204, title V, §§503, 504, Dec. 7, 1989, 103 Stat. 1817 ; Pub. L. 103–82, title III, §§344, 345, Sept. 21, 1993, 107 Stat. 904 , 905; Pub. L. 108–446, title III, §305(k), Dec. 3, 2004, 118 Stat. 2806 ; Pub. L. 111–13, title II, §2144, Apr. 21, 2009, 123 Stat. 1588 .)

**EDITORIAL NOTES**

## REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (a), is title VI of Pub. L. 91–230, [Apr. 13, 1970](#), 84 Stat. 175 . Part C of the Act is classified generally to subchapter III (§1431 et seq.) of chapter 33 of Title 20, Education. For complete classification of this Act to the Code, see section 1400 of Title 20 and Tables.

The Head Start Act, referred to in subsec. (a), is subchapter B (§§635–657) of chapter 8 of subtitle A of title VI of Pub. L. 97–35, [Aug. 13, 1981](#), 95 Stat. 499 , which is classified generally to subchapter II (§9831 et seq.) of chapter 105 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9801 of this title and Tables.

Section 3044b of this title, referred to in subsec. (a), related to grants and contracts for Foster Grandparent projects and for services as senior health aides and senior companions, amount of award, method of payment, and exclusion as income of compensation to individual volunteers, was repealed by Pub. L. 93–113, [title VI, §604\(a\)](#), Oct. 1, 1973, 87 Stat. 417 , and is covered by this section and sections 5022 and 5058 of this title.

## AMENDMENTS

**2009**-Subsec. (a). Pub. L. 111–13, §2144(1), in first sentence, substituted "age 55" for "aged sixty" and "children having special or exceptional needs or circumstances identified as limiting their academic, social, or emotional development" for "children having exceptional needs", and, in second sentence, struck out "any of a variety of" before "other programs" and substituted "children having special or exceptional needs or circumstances identified as limiting their academic, social, or emotional development" for "children with special or exceptional needs".

Subsec. (b)(1). Pub. L. 111–13, §2144(2)(A)(i), which directed substitution of "may determine" for "shall have" and all that follows through '(2) of the subsection' in introductory provisions, was executed by making the substitution for "shall have the exclusive authority to determine, pursuant to the provisions of paragraph (2) of this subsection" to reflect the probable intent of Congress.

Subsec. (b)(1)(C). Pub. L. 111–13, §2144(2)(A)(ii)–(iv), added subparagraph. (C).

Subsec. (b)(2). Pub. L. 111–13, §2144(2)(B), added paragraph. (2) and struck out former paragraph. (2) which read as follows: "In the event that such an agency or organization determines that it is in the best interests of a mentally retarded child receiving, and of a particular foster grandparent providing, services in such a project, such relationship may be continued after the child reaches the chronological age of 21: *Provided*, That such child was receiving such services prior to attaining the chronological age of 21. If the particular foster grandparent subject to the determination under this paragraph becomes unavailable to serve after such determination is made, the agency or organization may select another foster grandparent."

Subsec. (d). Pub. L. 111–13, §2144(3), substituted "\$3.00 per hour, except" for "\$2.45 per hour on and after October 1, 1993, and shall be adjusted once prior to December 31, 1997, to account for inflation, as determined by the Director and rounded to the nearest five cents, except".

Subsec. (e)(1). Pub. L. 111–13, §2144(4)(A), substituted "200 percent" for "125 per centum".

Subsec. (e)(2). Pub. L. 111–13, §2144(4)(B), substituted "percent" for "per centum".

Subsec. (f)(1)(A). Pub. L. 111–13, §2144(5)(A), substituted "subparagraph (B)" for "subparagraphs (B) and (C)".

Subsec. (f)(1)(C). Pub. L. 111–13, §2144(5)(B), struck out subparagraph. (C) which read as follows: "Individuals who are not low-income persons may not serve as volunteers under this part in any community in which there are volunteers serving under part A of this subchapter unless such individuals have been referred previously for possible placement as volunteers under part A of this subchapter and such placement did not occur."

**2004**-Subsec. (a). Pub. L. 108–446 substituted "part C" for "part H" and "1431 et seq." for "1471 et seq.".

**1993**-Subsec. (a). Pub. L. 103–82, §344, struck out ", including services by individuals serving as 'foster grandparents' to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs" after "having exceptional needs" in first sentence and inserted after first sentence "Such services may include services by individuals serving as foster grandparents to children who are individuals with disabilities, who have chronic health conditions, who are receiving care in hospitals, who are residing in homes for dependent and neglected children, or who are receiving services provided by day care centers, schools, early intervention programs under part H of the Individuals with Disabilities Education Act (20 U.S.C. 1471 et seq.), Head Start agencies under the Head Start Act, or any of a variety of other programs, establishments, and institutions providing services for children with special or exceptional needs. Individual foster grandparents may provide person-to-person services to one or more children, depending on the needs of the project and local site."

Subsec. (d). Pub. L. 103–82, §345, in second sentence substituted "Any stipend or allowance provided under this section shall not be less than \$2.45 per hour on and after October 1, 1993, and shall be adjusted once prior to December 31, 1997, to account for inflation, as determined by the Director and rounded to the nearest five cents," for "Any stipend or allowance provided under this subsection shall not be less than \$2.20 per hour until October 1, 1990, \$2.35 per hour during fiscal year 1991, and \$2.50 per hour on and after October 1, 1992," and inserted sentence at end relating to consideration of effect of adjustment on non-federally funded volunteer programs.

**1989**-Subsec. (d). Pub. L. 101–204, §503, inserted "until October 1, 1990, \$2.35 per hour during fiscal year 1991, and \$2.50 per hour on and after October 1, 1992" after "\$2.20 per hour" in introductory provisions, substituted "such stipend or allowance shall not be increased as a result of an amendment made" for "no increase in the stipend or allowance shall be made pursuant" in cl. (1), and substituted "the minimum hourly rate specified in this sentence" for "\$2.20 per hour" in cl. (2).

Subsec. (f)(1)(C). Pub. L. 101–204, §504(1), inserted before period at end "unless such individuals have been referred previously for possible placement as volunteers under part A of this subchapter and such placement did not occur".

Subsec. (f)(3). Pub. L. 101–204, §504(2), inserted "take into consideration or" after "may not", inserted "or recruit" after "accept" in subparagraph (A), and inserted at end "The Director may not coerce any applicant for, or recipient of, such grant or contract to engage in conduct described in subparagraph (A) or (B)."

**1986**-Subsec. (d). Pub. L. 99–551, §7(a)(1)(A), inserted "low-income" after "may provide to".

Subsec. (f). Pub. L. 99–551, §7(a)(1)(B), added subsec. (f).

**1984**-Subsec. (a). Pub. L. 98–288, §14(c)(1), substituted "the Director" for "he" in two places.

Subsec. (b)(2). Pub. L. 98–288, §14(c)(2), inserted at end "If the particular foster grandparent subject to the determination under this paragraph becomes unavailable to serve after such determination is made, the agency or organization may select another foster grandparent."

Subsec. (d). Pub. L. 98–288, §14(c)(3), substituted "the Director" for "he" in two places and "\$2.20" for "\$2" in two places.

Subsec. (e). Pub. L. 98–288, §14(c)(4), in amending subsec. (e) generally, substituted "poverty line defined in section 9902(2) of this title and adjusted by the Director in the manner described in such section" for "poverty line set forth in section 2971d of this title" and "any person whose income is not more than 100 per centum of such poverty line, as so adjusted and determined by the Director after taking into consideration existing poverty guidelines as appropriate to local situations" for "any person considered a poor or low-income person under section 5061(4) of this title".

**1981**-Subsecs. (b) to (f). Pub. L. 97–35, §608(b), struck out subsec. (b) which related to service as senior health aides and senior companions, and redesignated subsecs. (c) to (f) as (b) to (e), respectively.

**1978**-Subsecs. (e), (f). Pub. L. 95–478 added subsecs. (e) and (f).

**1976**-Subsecs. (c), (d). Pub. L. 94–293 added subsecs. (c) and (d).

**1975**-Subsec. (a). Pub. L. 94–135, §205(b)(1), substituted "individuals" for "volunteers" where appearing first and third places and struck out "serve as volunteers to" before "provide supportive person-to-person services".

Subsec. (b). Pub. L. 94–135, §205(b)(2), substituted "individuals" for "volunteers".

#### STATUTORY NOTES AND RELATED SUBSIDIARIES

#### EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111–13 effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111–13, set out as a note under section 4950 of this title.

#### EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103–82 effective Oct. 1, 1993, see section 392 of Pub. L. 103–82, set out as a note under section 4951 of this title.

#### EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99–551 effective Oct. 1, 1986, except as otherwise provided, see section 11 of Pub. L. 99–551, set out as an Effective Date note under section 4950 of this title.

Pub. L. 99–551, §7(a)(2), Oct. 27, 1986, 100 Stat. 3075, provided that: "Section 211(f)(3) of the Domestic Volunteer Service Act of 1973 [subsec. (f)(3) of this section], as added by paragraph (1), shall apply with respect to grants and contracts made under section 211(a) of such Act before the date of the enactment of this Act [Oct. 27, 1986]."

#### EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–478 effective at close of Sept. 30, 1978, see section 504 of Pub. L. 95–478, set out as a note under section 3001 of this title.

<sup>1</sup> See *References in Text note below.*

**42 USC CHAPTER 66, SUBCHAPTER II, Part C: Senior Companion Program**

**From Title 42—THE PUBLIC HEALTH AND WELFARE**  
**CHAPTER 66—DOMESTIC VOLUNTEER SERVICES**  
**SUBCHAPTER II—NATIONAL SENIOR SERVICE CORPS**

**PART C—SENIOR COMPANION PROGRAM****§5013. Grants and contracts for volunteer service projects****(a) Costs of project development and operation**

The Director is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of development and operation of projects (including direct payments to individuals serving under this part in the same manner as provided in section 5011(a) of this title) designed for the purpose of providing opportunities for low-income persons age 55 or older to serve as "senior companions" to persons with exceptional needs. Senior companions may provide services designed to help older persons requiring long-term care, including services to persons receiving home health care, nursing care, home-delivered meals or other nutrition services; services designed to help persons deinstitutionalized from mental hospitals, nursing homes, and other institutions; and services designed to assist persons having developmental disabilities and other special needs for companionship.

**(b) Application of other laws**

Subsections (d), (e), and (f) of section 5011 of this title, and such other provisions of part B as the Director determines to be necessary, shall apply to this part, except that for purposes of this part any reference in such subsections and such provisions to part B shall be deemed to be a reference to this part.

**(c) Senior companion projects to assist homebound elderly**

(1) The Director is authorized to make grants or contracts after <sup>1</sup> subsection (a) for senior companion projects to assist homebound elderly individuals to remain in their own homes and to enable institutionalized elderly individuals to return to home care settings.

(2)(A) The Director is authorized to recruit, subject to subparagraph (B), senior companion volunteer trainers who on the basis of experience (such as, doctors, nurses, home economists, social workers) will be used to train senior companion volunteers to participate in and monitor initial and continuing needs assessments and appropriate in-home services for senior companion volunteer recipients. The needs assessments and in-home services shall be coordinated with and supplement existing community based home health and long-term care systems. The Director may also use senior companion volunteer leaders, who on the basis of experience as volunteers, special skills, and demonstrated leadership abilities may spend time in the program (in addition to their regular assignment) to assist newer senior companion volunteers in performing their assignments and in coordinating activities of such volunteers.

(B) Senior companion volunteer trainers recruited under subparagraph (A) of this paragraph shall not be paid stipends.

(Pub. L. 93–113, title II, §213, as added Pub. L. 97–35, title VI, §608(c)(2), Aug. 13, 1981, 95 Stat. 487; amended Pub. L. 98–288, §15, May 21, 1984, 98 Stat. 193; Pub. L. 99–551, §§7(b), 10(c)(1), Oct. 27, 1986, 100 Stat. 3075, 3077; Pub. L. 101–204, title IX, §902(5), Dec. 7, 1989, 103 Stat. 1826; Pub. L. 103–82, title III, §347, Sept. 21, 1993, 107 Stat. 905; Pub. L. 111–13, title II, §2145, Apr. 21, 2009, 123 Stat. 1589.)

**EDITORIAL NOTES****AMENDMENTS**

**2009**—Subsec. (a). Pub. L. 111–13 substituted "age 55 or older" for "aged 60 or over".

**1993**—Subsec. (c)(3). Pub. L. 103–82 struck out par. (3) which required an evaluation of, and report on, impact of senior companion projects to assist homebound elderly.

**1989**—Subsec. (c)(1). Pub. L. 101–204 inserted "after subsection (a)" after "grants or contracts", and "individuals" after "elderly" in two places.

**1986**—Pub. L. 99–551 inserted "for volunteer service projects" in section catchline and amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "The provisions of section 5011(d) of this title and section 5011(e) of this title and such other provisions of part B as the Director determines to be necessary shall apply to the provisions of this part."

**1984**—Subsec. (c). Pub. L. 98–288 added subsec. (c).

#### **STATUTORY NOTES AND RELATED SUBSIDIARIES**

#### **EFFECTIVE DATE OF 2009 AMENDMENT**

Amendment by Pub. L. 111–13 effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111–13, set out as a note under section 4950 of this title.

#### **EFFECTIVE DATE OF 1993 AMENDMENT**

Amendment by Pub. L. 103–82 effective Oct. 1, 1993, see section 392 of Pub. L. 103–82, set out as a note under section 4951 of this title.

#### **EFFECTIVE DATE OF 1986 AMENDMENT**

Amendment by Pub. L. 99–551 effective Oct. 1, 1986, except as otherwise provided, see section 11 of Pub. L. 99–551, set out as an Effective Date note under section 4950 of this title.

<sup>1</sup> *So in original. Probably should be "under".*

**42 USC 5028: Authority of Director**

Text contains those laws in effect on September 10, 2023

**From Title 42-THE PUBLIC HEALTH AND WELFARE**

CHAPTER 66-DOMESTIC VOLUNTEER SERVICES  
SUBCHAPTER II-NATIONAL SENIOR SERVICE CORPS  
Part E-Demonstration Programs

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## **§5028. Authority of Director**

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

The Director is authorized to make grants to or enter into contracts with public or nonprofit organizations, including organizations funded under part A, B, or C, for the purposes of demonstrating innovative activities involving older Americans as volunteers. The Director may support under this part both volunteers receiving stipends and volunteers not receiving stipends.

### **(b) Activities**

An organization that receives a grant or enters into a contract under subsection (a) may use funds made available through the grant or contract for activities such as-

- (1) linking youth groups and older American organizations in volunteer activities;
- (2) involving older volunteers in programs and activities different from programs and activities supported in the community; and
- (3) testing whether older American volunteer programs may contribute to new objectives or certain national priorities.

(Pub. L. 93–113, title II, §231, as added Pub. L. 103–82, title III, §351, Sept. 21, 1993, 107 Stat. 906 .)

### **STATUTORY NOTES AND RELATED SUBSIDIARIES**

### **EFFECTIVE DATE**

Section effective Oct. 1, 1993, see section 392 of Pub. L. 103–82, set out as an Effective Date of 1993 Amendment note under section 4951 of this title.

**42 USC 5056: Evaluation of programs and projects**

Text contains those laws in effect on September 10, 2023

**From Title 42-THE PUBLIC HEALTH AND WELFARE**

CHAPTER 66-DOMESTIC VOLUNTEER SERVICES

SUBCHAPTER IV-ADMINISTRATION AND COORDINATION

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## **§5056. Evaluation of programs and projects**

### **(a) General objectives; persons conducting the evaluation**

The Director shall measure and evaluate the impact of all programs authorized by this chapter, their effectiveness in achieving stated goals, in general, and in relation to their cost, their impact on related programs, and their structure and mechanism for delivery of services. Each program shall be evaluated at least once every three years. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated. Such evaluation shall also measure and evaluate compliance with the equitable distribution requirement of section 5054 of this title.

### **(b) General standards; publication; reports of ensuing actions**

The Director shall develop and publish general standards for evaluation of program and project effectiveness in achieving the objectives of this chapter. Reports submitted pursuant to section 5047 <sup>1</sup> of this title shall describe the actions taken as a result of evaluations carried out under this section.

### **(c) Opinions of participants**

In carrying out evaluations under this subchapter, the Director shall, whenever possible, arrange to obtain the opinions of program and project participants about the strengths and weaknesses of such programs and projects.

### **(d) Summaries of results; publication**

The Director shall publish summaries of the results of evaluations of program and project impact and effectiveness no later than sixty days after the completion thereof.

### **(e) Federal property**

The Director shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

### **(f) Evaluation of programs that relate to services that assist families caring for frail and disabled adult family members; evaluation of impact by volunteers on such programs; report to committees of Congress**

Not later than December 31, 1988, the Director shall-

(1) evaluate the impact of Corporation programs carried out under subchapter II that relate to services that assist families caring for frail and disabled adult family members and shall include in such evaluation information on-

(A) the range and extent of service needs of, and the services provided to, family caregivers assisted by volunteers;

(B) the characteristics of volunteers and the skills, training, and supervision necessary to provide various types of volunteer assistance to family caregivers;

(C) administrative costs, including recruitment, training, and supervision costs, associated with volunteer assistance to family caregivers; and

(D) such other issues as may be relevant to provide services to assist family caregivers;

(2) evaluate the impact that volunteers who participate in programs under parts B and C of subchapter II without receiving a stipend have on such programs and shall include in such evaluation-

(A) information on administrative <sup>2</sup> costs associated with such volunteers;

(B) a comparison of the quality of services provided by such volunteers and the quality of services provided by volunteers who receive a stipend under such parts, including the rate of absenteeism and turnover; and

(C) a review of the effect that participation by volunteers who do not receive such stipend have on the administration of such programs; and

(3) submit to the authorizing committees a report summarizing in detail the results of the evaluations made under paragraphs (1) and (2).

#### **(g) Funds limitation; reduction of allotments**

The Director is authorized to use such sums as are required, but not to exceed 1 per centum of the funds appropriated under this chapter, to conduct program and project evaluations (directly, or by grants or contracts) as required by this chapter. In the case of allotments from such an appropriation, the amount available for such allotments (and the amount deemed appropriate therefor) shall be reduced accordingly.

( Pub. L. 93–113, title IV, §416, Oct. 1, 1973, 87 Stat. 412 ; Pub. L. 98–288, §23, May 21, 1984, 98 Stat. 195 ; Pub. L. 99–551, §8, Oct. 27, 1986, 100 Stat. 3075 ; Pub. L. 101–204, title IV, §402, Dec. 7, 1989, 103 Stat. 1815 ; Pub. L. 103–82, title IV, §405(a)(9), Sept. 21, 1993, 107 Stat. 920 ; Pub. L. 111–13, title II, §2153, Apr. 21, 2009, 123 Stat. 1591 .)

#### **EDITORIAL NOTES**

#### **REFERENCES IN TEXT**

This chapter, referred to in subsecs. (a), (b), and (g), was in the original "this Act", meaning Pub. L. 93–113, Oct. 1, 1973, 87 Stat. 394 , known as the Domestic Volunteer Service Act of 1973, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 4950 of this title and Tables.

Section 5047 of this title, referred to in subsec. (b), was repealed by Pub. L. 103–82, title III, §365, Sept. 21, 1993, 107 Stat. 908 .

#### **AMENDMENTS**

**2009**-Subsec. (a). Pub. L. 111–13, §2153(1), struck out "(including the VISTA Literacy Corps which shall be evaluated as a separate program at least once every 3 years)" after "authorized by this chapter".

Subsec. (f)(3). Pub. L. 111–13, §2153(2), substituted "authorizing committees" for "Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate".

**1993**-Subsec. (f)(1). Pub. L. 103–82 substituted "Corporation" for "ACTION Agency" in introductory provisions.

**1989**-Subsec. (a). Pub. L. 101–204 inserted "(including the VISTA Literacy Corps which shall be evaluated as a separate program at least once every 3 years)" after "this chapter" in first sentence.

**1986**-Subsec. (a). Pub. L. 99–551, §8(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "The Director shall biennially measure and evaluate the impact of all programs authorized by this chapter, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services. Evaluations shall be conducted by persons not immediately involved in the administration of the program or any project of such program being evaluated. Such evaluation shall also measure and evaluate compliance with the equitable distribution requirement of section 5054 of this title."

Subsecs. (f), (g). Pub. L. 99–551, §8(b), added subsec. (f) and redesignated former subsec. (f) as (g).

**1984**-Subsec. (a). Pub. L. 98–288 substituted "biennially" for "periodically" in first sentence, and substituted "or any project of such program being evaluated. Such evaluation shall also measure and evaluate compliance with the equitable distribution requirement of section 5054 of this title" for "or project evaluated".

#### **STATUTORY NOTES AND RELATED SUBSIDIARIES**

#### **EFFECTIVE DATE OF 2009 AMENDMENT**

Amendment by Pub. L. 111–13 effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111–13, set out as a note under section 4950 of this title.

#### **EFFECTIVE DATE OF 1993 AMENDMENT**

Amendment by Pub. L. 103–82 effective Apr. 4, 1994, see section 406(b) of Pub. L. 103–82, set out as a note under section 8332 of Title 5, Government Organization and Employees.

#### **EFFECTIVE DATE OF 1986 AMENDMENT**

Amendment by Pub. L. 99–551 effective Oct. 1, 1986, except as otherwise provided, see section 11 of Pub. L. 99–551, set out as an Effective Date note under section 4950 of this title.

<sup>1</sup> See References in Text note below.

<sup>2</sup> So in original. Probably should be "administrative".