

and provisions excepting appropriations for research and development use. Sec.

**CHAPTER 66—DOMESTIC VOLUNTEER SERVICES**

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## CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 6022, 12511, 12638, 12639, 12651b, 12651d, 12651f of this title; title 20 sections 1078–10, 1087ee, 1092, 1203a, 1206a.

**§ 4950. Volunteerism policy**

(a) Because of the long-standing importance of volunteerism throughout American history, it is the policy of the Congress to foster the tradition of volunteerism through greater involvement on the part of both young and older citizens.

(b) The purpose of this chapter is to foster and expand voluntary citizen service in communities throughout the Nation in activities designed to help the poor, the disadvantaged, the vulnerable, and the elderly. In carrying out this purpose, the Corporation for National and Community Service shall utilize to the fullest extent the programs authorized under this chapter, coordinate with other Federal, State, and local agencies and utilize the energy, innovative spirit, experience, and skills of all Americans.

(Pub. L. 93–113, § 2, as added Pub. L. 99–551, § 2(a), Oct. 27, 1986, 100 Stat. 3071; amended Pub. L. 103–82, title IV, § 405(a)(1), Sept. 21, 1993, 107 Stat. 920.)

## REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “this Act”, meaning Pub. L. 93–113, Oct. 1, 1973, 87 Stat. 396, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

## AMENDMENTS

1993—Subsec. (b). Pub. L. 103–82 substituted “of this chapter” for “of ACTION, the Federal domestic volunteer agency,” and “the Corporation for National and Community Service shall” for “ACTION shall”.

## 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

Section 11 of Pub. L. 99–551 provided that: “Except as otherwise provided, the amendments made by this Act [enacting this section and section 4959 of this title, amending sections 4953, 4955, 4971, 4972, 4974, 4992, 5011, 5013, 5024, 5041 to 5044, 5047, 5052, 5055, 5056, 5059, 5061, 5081, 5082, and 5084 of this title, and amending provisions set out as a note under section 5041 of this title] shall take effect October 1, 1986.”

## SHORT TITLE OF 1993 AMENDMENT

Section 311(a) of title III of Pub. L. 103–82, provided that: “This subtitle [subtitle B (§§ 311, 392) of title III of Pub. L. 103–82, enacting sections 5028, 5028a, and 5065 of this title, amending sections 4951 to 4955, 4957, 4959, 4960, 4971 to 4973, 4992, 4993, 5000, 5001, 5011, 5013, 5021, 5024 to 5026, 5041 to 5044, 5055, 5057, 5062, 5081, 5082, and 5084 of this title and sections 8143, 8332, 8334, 8411, and 8422 of Title 5, Government Organization and Employees, repealing sections 4974, 4994, 5012, 5047, 5060, and

5091 to 5091n of this title, enacting provisions set out as notes under sections 4951 and 4952 of this title, and section 8332 of Title 5, and amending provisions set out as notes under this section and section 5001 of this title] may be cited as the ‘Domestic Volunteer Service Act Amendments of 1993.’”

## SHORT TITLE OF 1989 AMENDMENT

Pub. L. 101–204, § 1(a), Dec. 7, 1989, 103 Stat. 1806, provided that: “This Act [enacting sections 4960, 5000, 5025, 5026, and 5027 of this title, amending sections 4952 to 4955, 4958, 4959, 4971, 4974, 4992 to 4994, 5001, 5011 to 5013, 5021, 5024, 5041, 5047, 5056, 5061, 5081, 5082, 5084, 5671, 5715, 5751, 5773, 5775, 5777, 9910b, 11803, 11825, 11842, and 11851 of this title, enacting provisions set out as a note under section 4954 of this title, and amending provisions set out as a note under section 5601 of this title] may be cited as the ‘Domestic Volunteer Service Act Amendments of 1989.’”

## SHORT TITLE OF 1986 AMENDMENT

Section 1 of Pub. L. 99–551 provided that: “This Act [enacting this section and section 4959 of this title, amending sections 4953, 4955, 4971, 4972, 4974, 4992, 5011, 5013, 5024, 5041 to 5044, 5047, 5052, 5055, 5056, 5059, 5061, 5081, 5082, and 5084 of this title, enacting provisions set out as notes under this section and section 5011 of this title, and amending provisions set out as a note under section 5041 of this title] may be cited as the ‘Domestic Volunteer Service Act Amendments of 1986.’”

## SHORT TITLE OF 1984 AMENDMENT

Section 1 of Pub. L. 98–288 provided: “That this Act [enacting section 5024 of this title, amending sections 4951 to 4956, 4958, 4971, 4972, 4974, 4991 to 4993, 5001, 5011, 5013, 5041 to 5044, 5047, 5052, 5056 to 5060, 5081, 5082, 5084, 9902, and 9912 of this title, repealing section 5045 of this title, and enacting provisions set out as notes under sections 5042 and 5045 of this title] may be cited as the ‘Domestic Volunteer Service Act Amendments of 1984.’”

## SHORT TITLE OF 1979 AMENDMENT

Pub. L. 96–143, § 1, Dec. 13, 1979, 93 Stat. 1074, provided: “That this Act [enacting sections 5063 and 5064 of this title, amending sections 4953, 4955, 4958, 4973, 4974, 4992, 5021, 5043, 5044, 5050, 5055, 5057, 5058, 5060, 5081, and 5084 of this title, enacting provisions set out as notes under sections 4992 and 5084 of this title, and amending provisions set out as a note under section 4955 of this title] may be cited as the ‘Domestic Volunteer Service Act Amendments of 1979.’”

## SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94–293, § 1, May 27, 1976, 90 Stat. 525, provided: “That this Act [enacting sections 4958 and 4993 of this title, amending sections 4974, 4992, 5011, 5042, 5045, 5081, 5083, and 5084 of this title, repealing section 5053 of this title, and enacting provision set out as a note under section 4958 of this title] may be cited as the ‘Domestic Volunteer Service Act Amendments of 1976.’”

## SHORT TITLE

Section 1(a), formerly section 1, of Pub. L. 93–113, as renumbered § 1 and amended by Pub. L. 103–82, title III, § 391, Sept. 21, 1993, 107 Stat. 915, provided that: “This Act [enacting this chapter, amending section 3067 of this title and section 8332(b)(7) of Title 5, Government Organization and Employees, and repealing sections 2991, 2992 to 2992b, 2993 to 2993b, 2994 to 2994d, and 3044 to 3044e of this title, and enacting provisions set out as notes under this section and section 5041 of this title] may be cited as the ‘Domestic Volunteer Service Act of 1973.’”

## SUBCHAPTER I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

## SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 292d, 5044, 5055, 5081, 12573, 12581, 12592, 12651e, 12653 of this title.

## PART A—VOLUNTEERS IN SERVICE TO AMERICA

## PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 4972, 5055, 5061, 5081, 11421, 12576, 12651e of this title; title 5 sections 8332, 8334, 8411, 8422; title 22 section 4071c.

**§ 4951. Congressional statement of purpose**

This part provides for the Volunteers in Service to America (VISTA) program of full-time volunteer service, together with appropriate powers and responsibilities designed to assist in the development and coordination of such program. The purpose of this part is to strengthen and supplement efforts to eliminate and alleviate poverty and poverty-related problems in the United States by encouraging and enabling persons from all walks of life, all geographical areas, and all age groups, including low-income individuals, elderly and retired Americans, to perform meaningful and constructive volunteer service in agencies, institutions, and situations where the application of human talent and dedication may assist in the solution of poverty and poverty-related problems and secure and exploit opportunities for self-advancement by persons afflicted with such problems. In addition, the objectives of this part are to generate the commitment of private sector resources, to encourage volunteer service at the local level, and to strengthen local agencies and organizations to carry out the purpose of this part.

(Pub. L. 93-113, title I, §101, Oct. 1, 1973, 87 Stat. 396; Pub. L. 98-288, §2, May 21, 1984, 98 Stat. 189; Pub. L. 103-82, title III, §321, Sept. 21, 1993, 107 Stat. 899.)

## AMENDMENTS

1993—Pub. L. 103-82 amended last sentence generally. Prior to amendment last sentence read as follows: "In addition the objective of this part is to generate the commitment of private sector resources and to encourage volunteer service at the local level to carry out the purposes set forth in this section."

1984—Pub. L. 98-288, in second sentence, inserted "and alleviate" after "eliminate", struck out "human, social, and environmental" after "poverty-related", inserted ", all geographical areas," after "all walks of life" and "low-income individuals," before "elderly", and inserted at end "In addition the objective of this part is to generate the commitment of private sector resources and to encourage volunteer service at the local level to carry out the purposes set forth in this section."

## EFFECTIVE DATE OF 1993 AMENDMENT

Section 392 of title III of Pub. L. 103-82 provided that: "This subtitle [subtitle B (§§311-392) of title III of Pub. L. 103-82, enacting sections 5028, 5028a, and 5065 of this title, amending this section, sections 4952 to 4955, 4957, 4959, 4960, 4971 to 4973, 4992, 4993, 5000, 5001, 5011, 5013, 5021, 5024 to 5026, 5041 to 5044, 5055, 5057, 5062, 5081, 5082, and 5084 of this title, and sections 8143, 8332, 8334, 8411, and 8422 of Title 5, Government Organization and Employees, repealing sections 4974, 4994, 5012, 5047, 5060, and 5091 to 5091n of this title, enacting provisions set out as notes under sections 4950 and 4952 of this title and section 8332 of Title 5, and amending provisions set out as notes under sections 4950 and 5001 of this title] shall become effective on October 1, 1993."

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4953 of this title.

**§ 4952. Authority to operate VISTA program**

This part shall be administered by one of the Assistant Directors appointed pursuant to section 12651e(d)(1)(A) of this title. Such Director may recruit, select, and train persons to serve in full-time volunteer programs consistent with the provisions and to carry out the purpose of this part.

(Pub. L. 93-113, title I, §102, Oct. 1, 1973, 87 Stat. 396; Pub. L. 98-288, §3, May 21, 1984, 98 Stat. 189; Pub. L. 101-204, title I, §101(d)(1), Dec. 7, 1989, 103 Stat. 1811; Pub. L. 103-82, title III, §322(a), Sept. 21, 1993, 107 Stat. 899.)

## AMENDMENTS

1993—Pub. L. 103-82 substituted "This part shall be administered by one of the Assistant Directors appointed pursuant to section 12651e(d)(1)(A) of this title. Such Director" for "The Director".

1989—Pub. L. 101-204 struck out subsec. (a) designation before "The Director may", struck out subsec. (b) which related to replacement of applicants who become unavailable for service, and struck out subsec. (c) which related to age quotas.

1984—Subsec. (a). Pub. L. 98-288 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

## EFFECTIVE DATE OF 1993 AMENDMENT

Section 322(b) of Pub. L. 103-82 provided that: "The amendments made by subsection (a) [amending this section] shall take effect on the effective date of section 203(b)." [Section 203(b) of Pub. L. 103-82 is effective 18 months after Sept. 21, 1993, or on such earlier date as the President shall determine to be appropriate and announce by proclamation in the Federal Register, see section 203(d) of Pub. L. 103-82, set out as a note under section 12651 of this title.]

**§ 4953. Selection and assignment of volunteers****(a) Covered projects and programs**

The Director, on the receipt of applications by public or nonprofit private organizations to receive volunteers under this part, may assign volunteers selected under subsection (b) of this section to work in appropriate projects and programs sponsored by such organizations, including work—

(1) in meeting the health, education, welfare, or related needs of Indians living on reservations or Federal trust lands, of migratory and seasonal farmworkers and their families, and of residents of the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, or the Virgin Islands;

(2) in the care and rehabilitation of mentally ill, developmentally disabled, and other handicapped individuals, especially those with severe handicaps;

(3) in addressing the problems of the homeless, the jobless, the hungry, and low-income youths;

(4) in addressing the special needs connected with alcohol and drug abuse prevention, education, and related activities, consistent with the purpose of this part;

(5) in addressing significant health care problems, including chronic and life-threatening illnesses and health care for homeless individuals (especially homeless children) through prevention, treatment, and community-based care activities;

(6) in connection with programs or activities authorized, supported, or of a character eligi-

ble for assistance under this chapter or the Community Service Block Grant Act [42 U.S.C. 9901 et seq.], titles VIII and X of the Economic Opportunity Act of 1964 [42 U.S.C. 2991 et seq., 2996 et seq.], the Headstart Act [42 U.S.C. 9831 et seq.], the Community Economic Development Act of 1981 [42 U.S.C. 9801 et seq.], or other similar Acts, in furtherance of the purpose of this subchapter; and

(7) in strengthening, supplementing, and expanding efforts to address the problem of illiteracy throughout the United States.

**(b) Recruitment and placement procedures for local and national placement of volunteers; establishment, requirements, etc.**

(1) The Director shall establish recruitment and placement procedures that offer opportunities for both local and national placement of volunteers for service under this part.

(2)(A) The Director shall establish and maintain within the national headquarters of the Corporation (or any successor entity of such agency) a volunteer placement office which shall be responsible for all functions related to the recruitment and placement of volunteers under this part. Such functions and activities shall be carried out in coordination or in conjunction with recruitment and placement activities carried out under the National and Community Service Trust Act of 1993. Upon the transfer of the functions of the ACTION Agency to the Corporation for National and Community Service, the office established under this subparagraph shall be merged with the recruitment office of such Corporation. At no time after such transfer of functions shall more than one office responsible primarily for recruitment exist within the Corporation.

(B) Such volunteer placement office shall develop, operate, and maintain a current and comprehensive central information system that shall, on request, promptly provide information—

(i) to individuals, with respect to specific opportunities for service as a volunteer with approved projects or programs to which no volunteer has been assigned; and

(ii) to approved projects or programs, with respect to the availability of individuals whose applications for service as a volunteer have been approved and who are awaiting an assignment with a specific project or program.

(C) The Director shall assign or hire as necessary, such additional national, regional, and State personnel to carry out the functions described in this subsection and subsection (c) of this section as may be necessary to ensure that such functions are carried out in a timely and effective manner. The Director shall give priority in the hiring of such additional personnel to individuals who have formerly served as volunteers under this part and to individuals who have specialized experience in the recruitment of volunteers.

(3) Volunteers shall be selected from among qualified individuals submitting an application for such service at such time, in such form, and containing such information as may be necessary to evaluate the suitability of each individual for such service and to determine, in ac-

cordance with paragraph (7),<sup>1</sup> the most appropriate assignment for each such volunteer. The Director shall approve the application of each individual who applies in conformance with this subsection and who, on the basis of the information provided in the application, is determined by the Director to be qualified to serve as a volunteer under this part.

(4) The Director shall ensure that applications for service as a volunteer under this part are available to the public on request to the Corporation (including any State or regional offices of the Agency)<sup>2</sup> and that an individual making such request is informed of the manner in which such application is required to be submitted. A completed application may be submitted by any interested individual to, and shall be accepted by, any office of the Corporation.

(5)(A) The Director shall provide for the assignment of each applicant approved as a volunteer under this part to a project or program that is, to the maximum extent practicable, consistent with the abilities, experiences, and preferences of such applicant that are set forth in the application described in paragraph (4) and the needs and preferences of projects or programs approved for the assignment of such volunteers.

(B) In carrying out subparagraph (A), the Director shall utilize the information system established under paragraph (2)(B).

(C) A sponsoring organization of VISTA may recruit volunteers for service under this part. The Director shall give a locally recruited volunteer priority for placement in the sponsoring organization of VISTA that recruited such volunteer.

(D) A volunteer under this part shall not be assigned to any project or program without the express approval and consent of such project or program.

(E) If an applicant under this part who is recruited locally becomes unavailable for service prior to the commencement of service, the recipient of the project grant or contract that was designated to receive the services of such applicant may replace such applicant with another qualified applicant approved by the Director.

(F) If feasible and appropriate, low-income community volunteers shall be given the option of serving in the home communities of such volunteers in teams with nationally recruited specialist volunteers. The Director shall attempt to assign such volunteers to serve in the home or nearby communities of such volunteers and shall make national efforts to attract other individuals to serve in the VISTA program. The Director shall also, in the assignment of volunteers under this subparagraph, recognize that community-identified needs that cannot be met in the local area and the individual desires of VISTA volunteers in regard to the service in various geographical areas of the United States should be taken into consideration.

**(c) Public awareness and recruit activities; dissemination of information; reimbursement of costs; coordination; obligation of funds**

(1) The Director, in conjunction with the personnel described in subsection (b)(2)(C) of this

<sup>1</sup> So in original. Probably should be paragraph "(5)".

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

section, shall engage in public awareness and recruitment activities. Such activities may include—

(A) public service announcements through radio, television, and the print media;

(B) advertising through the print media, direct mail, and other means;

(C) disseminating information about opportunities for service as a volunteer under this part to relevant entities including institutions of higher education and other educational institutions (including libraries), professional associations, community-based agencies, youth service and volunteer organizations, business organizations, labor unions, senior citizens organizations, and other institutions and organizations from or through which potential volunteers may be recruited;

(D) disseminating such information through presentations made personally by employees of the Corporation or other designees of the Director, to students and faculty at institutions of higher education and to other entities described in subparagraph (C), including presentations made at the facilities, conventions, or other meetings of such entities;

(E) publicizing the student loan deferment and forgiveness opportunities available to VISTA volunteers under parts B and E of title IV of the Higher Education Act of 1965 [20 U.S.C. 1071 et seq., 1087aa et seq.] and including such information in all applications and recruitment materials;

(F) publicizing national service educational awards available under the National and Community Service Trust Act of 1993;

(G) providing, on request, technical assistance with the recruitment of volunteers under this part to programs and projects receiving assistance under this part; and

(H) maintaining and publicizing a national toll-free telephone number through which individuals may obtain information about opportunities for service as a volunteer under this part and request and receive an application for such service.

(2) In designing and implementing the activities authorized under this section, the Director shall seek to involve individuals who have formerly served as volunteers under this part to assist in the dissemination of information concerning the program established under this part. The Director may reimburse the costs incurred by such former volunteers for such participation, including expenses incurred for travel.

(3) The Director shall consult with the Director of the Peace Corps to coordinate the recruitment and public awareness activities carried out under this subsection with those of the Peace Corps and to develop joint procedures and activities for the recruitment of volunteers to serve under this part.

(4) Beginning in fiscal year 1991 and for each fiscal year thereafter, for the purpose of carrying out this subsection, the Director shall obligate not less than 1.5 percent of the amounts appropriated for each fiscal year under section 5081(a) of this title.

**(d) Provision of plans to volunteers for job advancement; coordination with private industry councils under Job Training Partnership Act**

The Director shall provide each low-income community volunteer with an individual plan for job advancement or for transition to a situation leading to gainful employment. Whenever feasible, such efforts shall be coordinated with an appropriate private industry council under the Job Training Partnership Act [29 U.S.C. 1501 et seq.].

**(e) Educational and vocational counseling for volunteers; Director to provide**

The Director may provide or arrange for educational and vocational counseling of volunteers and recent former volunteers under this part to (1) encourage them to use, in the national interest, the skills and experience which they have derived from their training and service, particularly working in combating poverty as members of the helping professions, and (2) promote the development of appropriate opportunities for the use of such skills and experience, and the placement therein of such volunteers.

**(f) Terms and conditions; restrictions on political activities; place of service**

Except as provided in subsection (e) of this section, the assignment of volunteers under this section shall be on such terms and conditions (including restrictions on political activities that appropriately recognize the special status of volunteers living among the persons or groups served by programs to which they have been assigned) as the Director may determine, including work assignments in their own or nearby communities.

**(g) Program or project submittal to Governor; commencement and termination of service**

Volunteers under this part shall not be assigned to work in a program or project in any community unless the application for such program or project contains evidence of local support and has been submitted to the Governor or other chief executive officer of the State concerned, and such Governor or other chief executive officer has not, within 45 days of the date of such submission, notified the Director in writing, supported by a statement of reasons, that such Governor or other chief executive officer disapproves such program or project. In the event of a timely request in writing, supported by a statement of reasons, by the Governor or other chief executive officer of the State concerned, the Director shall terminate a program or project or the assignment of a volunteer to a program or project not later than 30 days after the date such request is received by the Director, or at such later date as is agreed upon by the Director and such Governor or other chief executive officer.

**(h) Interagency agreements**

The Director is encouraged to enter into agreements with other Federal agencies to use VISTA volunteers in furtherance of program objectives that are consistent with the purposes described in section 4951 of this title.

(Pub. L. 93-113, title I, § 103, Oct. 1, 1973, 87 Stat. 396; Pub. L. 96-143, § 2, Dec. 13, 1979, 93 Stat. 1074;

Pub. L. 98-288, §4(a)-(c)(1), (d), May 21, 1984, 98 Stat. 189, 190; Pub. L. 99-551, §3(a), Oct. 27, 1986, 100 Stat. 3071; Pub. L. 101-204, title I, §101(a), (b), (d)(2), title VII, §701, Dec. 7, 1989, 103 Stat. 1807, 1809, 1811, 1820; Pub. L. 103-82, title III, §323, title IV, §405(a)(2)-(4), Sept. 21, 1993, 107 Stat. 899, 920; Pub. L. 103-304, §3(b)(7), (8), Aug. 23, 1994, 108 Stat. 1568.)

## REFERENCES IN TEXT

The Community Service Block Grant Act, referred to in subsec. (a)(6), probably means the Community Services Block Grant Act, which is subtitle B (§§671-683) of title VI of Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 511, as amended, which is classified generally to chapter 106 (§9901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9901 of this title and Tables.

The Economic Opportunity Act of 1964, referred to in subsec. (a)(6), is Pub. L. 88-452, Aug. 20, 1964, 78 Stat. 508, as amended. Titles VIII and X of the Act are classified generally to subchapters VIII (§2991 et seq.) and X (§2996 et seq.), respectively, of chapter 34 of this title. For complete classification of this Act to the Code, see Tables.

The Headstart Act, referred to in subsec. (a)(6), probably means the Head Start Act, subchapter B (§§635-657) of chapter 8 of subtitle A of title VI of Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 499, as amended, 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.

The Community Economic Development Act of 1981, referred to in subsec. (a)(6), is subchapter A (§§611-633) of chapter 8 of subtitle A of title VI of Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 489, as amended, which is classified generally to subchapter I (§9801 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.

The National and Community Service Trust Act of 1993, referred to in subsecs. (b)(2)(A) and (c)(1)(F), is Pub. L. 103-82, Sept. 21, 1993, 107 Stat. 785. For complete classification of this Act to the Code, see Short Title note set out under section 12501 of this title and Tables.

The Higher Education Act of 1965, referred to in subsec. (c)(1)(E), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, as amended. Parts B and E of title IV of the Higher Education Act of 1965 are classified to parts B (§1071 et seq.) and D (§1087aa et seq.), respectively, of subchapter IV of chapter 28 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

The Job Training Partnership Act, referred to in subsec. (d), is Pub. L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, which is classified generally to chapter 19 (§1501 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of Title 29 and Tables.

## AMENDMENTS

1994—Subsec. (b)(5), (6). Pub. L. 103-304, §3(b)(7), redesignated par. (6) as (5).

Subsec. (c)(1)(F). Pub. L. 103-304, §3(b)(8), realigned margin.

1993—Subsec. (a). Pub. L. 103-82, §323(a)(1), substituted “public” for “a public” in introductory provisions.

Subsec. (a)(2). Pub. L. 103-82, §323(a)(2), directed amendment of par. (2) by striking “and” at end. See 1984 Amendment note below.

Subsec. (a)(3). Pub. L. 103-82, §323(a)(3), struck out “illiterate or functionally illiterate youth and other individuals,” after “the hungry.”

Subsec. (a)(5). Pub. L. 103-82, §323(a)(4), struck out “and” at end.

Subsec. (a)(6). Pub. L. 103-82, §323(a)(5), struck out “or” before “the Community Economic”, inserted “or

other similar Acts,” before “in furtherance of”, and substituted “; and” for period at end.

Subsec. (a)(7). Pub. L. 103-82, §323(a)(6), added par. (7).

Subsec. (b)(2)(A). Pub. L. 103-82, §405(a)(2), substituted “the Corporation (or any)” for “the ACTION Agency (or any)”.

Pub. L. 103-82, §323(b)(1)(A), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “The Director shall establish and maintain within the national headquarters of the ACTION Agency a volunteer placement office. The office shall be headed by an individual designated by the Director to be the national Administrator of Recruitment and Placement, who shall be responsible for carrying out the functions described in this subsection and subsection (c) of this section and all other functions delegated by the Director relating to the recruitment and placement of volunteers under this part.”

Subsec. (b)(2)(C), (D). Pub. L. 103-82, §323(b)(1)(B), (C), redesignated subpar. (D) as (C) and struck out former subpar. (C) which read as follows: “The Director shall, at a minimum, designate one employee of the ACTION Agency in each region of the United States whose primary duties and responsibilities shall be to assist the Administrator in carrying out the functions described in this subsection and subsection (c) of this section.”

Subsec. (b)(4). Pub. L. 103-82, §405(a)(3), substituted “the Corporation” for “the ACTION Agency” in two places.

Pub. L. 103-82, §323(b)(2), (3), redesignated par. (5) as (4) and struck out former par. (4) which read as follows: “Each application for service as a volunteer under this part shall—

“(A) indicate the period of time during which the applicant is available to serve as a volunteer under this part;

“(B) describe the previous education, training, military and work experience, and any other relevant skills or interests of the applicant;

“(C) specify the State or geographic region in which the applicant prefers to be assigned; and

“(D) specify—

“(i) the type of project or program to which the applicant prefers to be assigned; or

“(ii) the particular project or program to which the applicant prefers to be assigned.”

Subsec. (b)(5) to (7). Pub. L. 103-82, §323(b)(2), (3), redesignated pars. (5) and (7) as (4) and (6), respectively, and struck out former par. (6) which read as follows: “Completed applications received by the ACTION Agency shall be forwarded to the regional ACTION office representing the State in which such applicant resides. The regional or State employees designated in subparagraphs (C) and (D) of paragraph (2) shall assist in evaluating such applications and, to the extent feasible and appropriate, interviewing applicants.”

Subsec. (c)(1). Pub. L. 103-82, §323(c)(1)(A), (B), in introductory provisions, substituted “personnel described in subsection (b)(2)(C)” for “regional or State employees designated in subparagraphs (C) and (D) of subsection (b)(2)” and “Such activities may include” for “Such activities shall include”.

Subsec. (c)(1)(D). Pub. L. 103-82, §405(a)(4), substituted “the Corporation” for “the ACTION Agency”.

Subsec. (c)(1)(F) to (H). Pub. L. 103-82, §323(c)(1)(C), (D), added subpar. (F) and redesignated former subpars. (F) and (G) as (G) and (H), respectively.

Subsec. (c)(4) to (6). Pub. L. 103-82, §323(c)(2), (3), redesignated par. (6) as (4) and struck out former par. (4) which required Director to develop annual plan for recruitment of volunteers under this part and former par. (5) which required that at least 20 percent of volunteers under this part be between ages 18 and 27 and that at least 20 percent be 55 or older.

Subsec. (h). Pub. L. 103-82, §323(d), added subsec. (h). 1989—Pub. L. 101-204, §101(d)(2)(A), substituted “Selection and assignment” for “Assignment” in section catchline.

Subsec. (a). Pub. L. 101-204, §101(d)(2)(B), inserted introductory provisions and struck out former introduc-

tory provisions which read as follows: “The Director, upon request of Federal, State, or local agencies, or private nonprofit organizations, may assign such volunteers to work in the several States in the local communities in which the volunteers were recruited in appropriate projects and programs, including work—”.

Subsec. (a)(5), (6). Pub. L. 101-204, § 701, added par. (5) and redesignated former par. (5) as (6).

Subsec. (b). Pub. L. 101-204, § 101(a), amended subsec. (b) generally. Prior to amendment subsec. (b) read as follows: “The Director shall establish, at a cost not to exceed \$250,000, procedures to recruit and place individuals from all walks of life, age groups, economic levels, and geographic areas to serve as VISTA volunteers. The procedures shall include an information system to ensure that potential applicants are made aware of the broad range of VISTA volunteer opportunities and a system to identify and place qualified volunteers where their skills are most needed. The Director shall also establish procedures for national and local recruitment, media and public awareness efforts, and specialized campaigns designed to recruit recent college graduates, special skilled volunteers, and individuals 55 years of age and older. The Director, wherever feasible and appropriate, shall assign low-income community volunteers to serve in their home communities in teams with nationally recruited specialist volunteers. The Director shall make efforts to assign volunteers to serve in their home or nearby communities and shall make national efforts to attract other volunteers to serve in the VISTA program. The Director shall also, in the assignment of volunteers, recognize that the community identified needs which cannot be met in the local area, and the individual desires of VISTA volunteers in regard to placement in various geographic areas of the Nation, should be taken into consideration.”

Subsecs. (c) to (e). Pub. L. 101-204, § 101(b), added subsec. (c) and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

Subsec. (f). Pub. L. 101-204, § 101(b)(1), (d)(2)(C), redesignated subsec. (e) as (f) and substituted reference to subsec. (e) of this section for reference to subsec. (d) of this section. Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 101-204, § 101(b)(1), redesignated former subsec. (f) as (g).

1986—Subsec. (b). Pub. L. 99-551 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “The Director, wherever feasible and appropriate, shall assign low-income community volunteers to serve in their home communities in teams with nationally recruited specialist volunteers. The Director shall make efforts to assign volunteers to serve in their home communities or in nearby communities and shall make national efforts to attract other volunteers to serve in the VISTA program.”

1984—Subsec. (a). Pub. L. 98-288, § 4(a)(1), inserted “in the local communities in which the volunteers were recruited” and inserted “, including work” in provisions before par. (1).

Subsec. (a)(2). Pub. L. 98-288, § 4(a)(2), which directed substitution of a semicolon for “, under the supervision of nonprofit institutions or facilities, and”, was executed by making the substitution for “, under the supervision of nonprofit institutions or facilities; and” to reflect the probable intent of Congress.

Subsec. (a)(3), (4). Pub. L. 98-288, § 4(a)(4), added pars. (3) and (4). Former par. (3) redesignated (5).

Subsec. (a)(5). Pub. L. 98-288, § 4(a)(3), (4), redesignated par. (3) as (5), and substituted “the Community Service Block Grant Act, titles VIII and X of the Economic Opportunity Act of 1964, the Headstart Act, or the Community Economic Development Act of 1981,” for “the Economic Opportunity Act of 1964, as amended”.

Subsec. (b). Pub. L. 98-288, § 4(b), substituted “The Director shall make efforts to assign volunteers to serve in their home communities or in nearby communities and shall make national efforts to attract other volunteers to serve in the VISTA program” for “Not later than 30 days after the assignment of any such commu-

nity volunteer, the Director shall insure that each such volunteer is provided an individual plan designed to provide an opportunity for job advancement or for transition to a situation leading to gainful employment. One hundred and twenty days prior to the completion of such community volunteer’s term of service, the Director shall insure that such plan is updated and reviewed with the volunteer. The Director shall offer to provide each volunteer enrolled for a period of full-time service of not less than one year under this subchapter, and, upon the request of such volunteer, provide such volunteer with an individual and updated plan as described in the preceding two sentences”.

Subsecs. (c), (d). Pub. L. 98-288, § 4(c)(1)(B), added subsecs. (c) and (d). Former subsecs. (c) and (d) redesignated subsecs. (e) and (f), respectively.

Subsec. (e). Pub. L. 98-288, § 4(c)(1)(A), redesignated subsec. (c) as (e).

Subsec. (f). Pub. L. 98-288, § 4(c)(1)(A), (d), redesignated subsec. (d) as (f), and substituted “work in a program or project in any community unless the application for such program or project contains evidence of local support and” for “duties or work in a program or project in any State unless such program or project”.

1979—Subsec. (b). Pub. L. 96-143, § 2(a), substituted “Not later than 30 days after” for “Prior to” and inserted provisions that the Director offer to provide each volunteer enrolled for a period of full-time service of not less than one year under this subchapter, and, upon the request of such volunteer, provide such volunteer with an individual and updated plan as described in the preceding two sentences.

Subsec. (d). Pub. L. 96-143, § 2(b), inserted “in a program or project” after “work” and “or project” after “program” and inserted provisions requiring notification by a Governor or other chief executive officer to the Director that such Governor or other chief executive officer has disapproved a program or project under this section and requiring the Director to terminate a program or project under this section in the event of a timely request by the Governor or other chief executive officer not later than 30 days after the date such request is received or at such date agreed upon by the Director and such Governor or other chief executive officer.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Section 3(b)(10) of Pub. L. 103-304 provided that:

“(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection [amending this section and sections 5024, 12591, 12602, 12615, 12619, 12622, 12651d, 12653, and 12655n of this title] shall take effect on the date of the enactment of this Act [Aug. 23, 1994].

“(B) RETROACTIVE EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) [amending sections 12651d and 12655n of this title] shall take effect as of October 1, 1993.”

#### EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by section 323 of 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.

Amendment by section 405(a)(2) to (4) of 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.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4954, 4972 of this title.

### § 4954. Terms and periods of service

#### (a) Personal commitment; scope of commitment

Volunteers serving under this part shall be required to make a full-time personal commitment to combating poverty and poverty-related problems. To the maximum extent practicable, the requirement for full-time commitment shall include a commitment to live among and at the economic level of the people served, and to remain available for service without regard to regular working hours, at all times during their periods of service, except for authorized periods of leave.

#### (b) Minimum period of service; critical scarce-skill needs exception; reenrollment; limitation

(1) Volunteers serving under this part may be enrolled initially for periods of service of not less than 1 year, nor more than 2 years, except as provided in paragraph (2) or subsection (e) of this section.

(2) Volunteers serving under this part may be enrolled for periods of service of less than 1 year if the Director determines, on an individual basis, that a period of service of less than 1 year is necessary to meet a critical scarce skill need.

(3) Volunteers serving under this part may be reenrolled for periods of service in a manner to be determined by the Director. No volunteer shall serve for more than a total of 5 years under this part.

#### (c) Oath or affirmation

Volunteers under this part shall, upon enrollment, take the oath of office as prescribed for persons appointed to any office of honor or profit by section 3331 of title 5, and shall swear (or affirm) that the volunteer does not advocate the overthrow of the constitutional form of government of the United States and that the volunteer is not a member of an organization that advocates the overthrow of the constitutional form of government of the United States, knowing that such organization so advocates, except that persons legally residing within a State but who are not citizens or nationals of the United States, may serve under this part without taking or subscribing to such oath, if the Director determines that the service of such persons will further the interests of the United States. Such persons shall take such alternative oath or affirmation as the Director shall deem appropriate.

#### (d) Grievance and personal view presentation procedure; notice and hearing; information

The Director shall establish a procedure, including notice and opportunity to be heard, for volunteers under this part to present and obtain resolution of grievances and to present their views in connection with the terms and conditions of their service. The Director shall promptly provide to each volunteer in service on October 1, 1973, and to each such volunteer beginning service thereafter, information regarding such procedure and the terms and conditions of their service.

#### (e) Summer associates

(1) Notwithstanding any other provision of this part, the Director may enroll full-time

VISTA summer associates in a program for the summer months only, under such terms and conditions as the Director shall determine to be appropriate. Such individuals shall be assigned to projects that meet the criteria set forth in section 4953(a) of this title.

(2) In preparing reports relating to programs under this chapter, the Director shall report on participants, costs, and accomplishments under the summer program separately.

(3) The limitation on funds appropriated for grants and contracts, as contained in section 4958 of this title, shall not apply to the summer program.

(Pub. L. 93-113, title I, § 104, Oct. 1, 1973, 87 Stat. 397; Pub. L. 98-288, § 5, May 21, 1984, 98 Stat. 190; Pub. L. 101-204, title VII, § 702, Dec. 7, 1989, 103 Stat. 1821; Pub. L. 103-82, title III, § 324, Sept. 21, 1993, 107 Stat. 900.)

#### AMENDMENTS

1993—Subsec. (b). Pub. L. 103-82, § 324(a), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "Volunteers serving under this part may be enrolled for periods of service not exceeding two years, but for not less than one-year periods of service, except that volunteers serving under this part may be enrolled for periods of service of less than one year when the Director determines, on an individual basis, that a period of service of less than one year is necessary to meet a critical scarce-skill need. Volunteers serving under this part may be reenrolled for periods of service totaling not more than two years. No volunteer shall serve for more than a total of five years under this part."

Subsec. (e). Pub. L. 103-82, § 324(b), added subsec. (e). 1989—Subsec. (c). Pub. L. 101-204 substituted "for persons appointed to any office of honor or profit by section 3331 of title 5, and shall swear (or affirm) that the volunteer does not advocate the overthrow of the constitutional form of government of the United States and that the volunteer is not a member of an organization that advocates the overthrow of the constitutional form of government of the United States, knowing that such organization so advocates, except" for "in section 2504(j) of title 22, except".

1984—Subsec. (a). Pub. L. 98-288 struck out "human, social, and environmental" in first sentence after "poverty-related", and substituted "the requirement for full-time commitment" for "this" in second sentence.

#### 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.

#### TEMPORARY AUTHORITY FOR EXTENSIONS OF PERIOD OF SERVICE

Section 101(c) of Pub. L. 101-204, as amended by Pub. L. 103-82, title IV, § 405(h), Sept. 21, 1993, 107 Stat. 921, provided that:

"(1) IN GENERAL.—Notwithstanding the limitations established in section 104(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4954(b)) for the maximum period of service as a volunteer under part A of title I of such Act (42 U.S.C. 4951 et seq.), the Chief Executive Officer of the Corporation for National and Community Service may, subject to paragraphs (2) and (3), extend beyond such maximum the period of service for such volunteer in any case in which—

"(A) such extension is requested by the project or program to which such volunteer involved is assigned; and

"(B) such Director determines that such extension is appropriate with respect to meeting the goals of such project or program.

"(2) LIMITATIONS ON EXTENSIONS.—With respect to extensions under paragraph (1) for volunteers described in such paragraph—

“(A) such an extension shall not exceed a 1-year period;

“(B) not more than two of such extensions may be made for any one volunteer; and

“(C) not more than 1 percent of the total number of such volunteers serving for the fiscal year involved may receive such extensions.

“(2) [(3)] DURATION OF AUTHORITY.—The authority established in paragraph (1) shall be effective only for fiscal years 1990 through 1993.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4972, 4973, 5081 of this title.

### § 4955. Support services

#### (a) Stipend; limitation; volunteer leaders; payment upon completion of term; advancement of accrued stipend; beneficiary of deceased volunteer

(1)(A) The Director may provide a stipend to volunteers, while they are in training and during their assignments, enrolled for periods of service of not less than one year under this part, except that the Director may, on an individual basis, make an exception to provide a stipend to a volunteer enrolled under this part for an extended period of service not totaling one year.

(B) Such stipend shall not exceed \$95 per month in fiscal year 1994, but shall be set at a minimum of \$100 per month, and a maximum of \$125 per month assuming the availability of funds to accomplish such maximum, during the service of the volunteer after October 1, 1994. The Director may provide a stipend of a maximum of \$200 per month in the case of persons who have served as volunteers under this part for at least 1 year and who, in accordance with standards established in such regulations as the Director shall prescribe, have been designated volunteer leaders on the basis of experience and special skills and a demonstrated leadership among volunteers.

(C) The Director shall not provide a stipend under this subsection to an individual who elects to receive a national service educational award under subtitle D of title I of the National and Community Service Act of 1990 [42 U.S.C. 12601 et seq.].

(2) Stipends shall be payable only upon completion of a period of service, except that under such circumstances as the Director shall determine, in accordance with regulations which the Director shall prescribe, the accrued stipend, or any part of the accrued stipend, may be paid to the volunteer, or, on behalf of the volunteer, to members of the volunteer's family or others during the period of the volunteer's service. In the event of the death of a volunteer during service, the amount of any unpaid stipend shall be paid in accordance with the provisions of section 5582 of title 5.

#### (b) Description of allowances and support services; determination of allowance; adjustments; methodology

(1) The Director shall also provide volunteers such living, travel (including travel to and from places of training and to and from locations to which volunteers are assigned during periods of service) and leave allowances, and such housing, supplies, equipment, subsistence, clothing,

health and dental care, transportation, supervision, pre-service training and where appropriate in-service training, technical assistance, and such other support as the Director deems necessary and appropriate to carry out the purpose and provisions of this part, and shall insure that each such volunteer has available such allowances and support as will enable the volunteer to carry out the purpose and provisions of this part and to effectively perform the work to which such volunteer is assigned.

(2) The Director shall set the subsistence allowance for volunteers under paragraph (1) for each fiscal year so that—

(A) the minimum allowance is not less than an amount equal to 95 percent of such poverty line (as defined in section 9902(2) of this title) for a single individual as expected for each fiscal year; and

(B) the average subsistence allowance, excluding allowances for Hawaii, Guam, American Samoa, and Alaska, is no less than 105 percent of such poverty line.

(3) The Director shall adjust the subsistence allowances for volunteers serving in areas that have a higher cost of living than the national average to reflect such higher cost. The Director shall review such adjustments on an annual basis to ensure that the adjustments are current.

#### (c) Child care

(1) The Director shall—

(A) make child care available for children of each volunteer enrolled under this part who need such child care in order to participate as volunteers; or

(B) provide a child care allowance to each such volunteer who needs such assistance in order to participate as volunteers.

(2) The Corporation shall establish guidelines regarding the circumstances under which child care shall be made available under this subsection and the value of any child care allowance to be provided.

(Pub. L. 93-113, title I, § 105, Oct. 1, 1973, 87 Stat. 398; Pub. L. 94-130, § 5(a), Nov. 14, 1975, 89 Stat. 684; Pub. L. 96-143, § 3, Dec. 13, 1979, 93 Stat. 1074; Pub. L. 98-288, § 6, May 21, 1984, 98 Stat. 191; Pub. L. 99-551, § 10(i)(1), Oct. 27, 1986, 100 Stat. 3078; Pub. L. 101-204, title I, § 102, Dec. 7, 1989, 103 Stat. 1811; Pub. L. 103-82, title III, § 325, Sept. 21, 1993, 107 Stat. 901.)

#### REFERENCES IN TEXT

The National and Community Service Act of 1990, referred to in subsec. (a)(1)(C), is Pub. L. 101-610, Nov. 16, 1990, 104 Stat. 3127, as amended. Subtitle D of title I of the Act is classified generally to division D (§ 12601 et seq.) of subchapter I of chapter 129 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 12501 of this title and Tables.

#### AMENDMENTS

1993—Subsec. (a)(1). Pub. L. 103-82, § 325(a), designated first sentence as subpar. (A), added subpars. (B) and (C), and struck out former second sentence which read as follows: “Such stipend shall not exceed \$75 per month in fiscal year 1990, \$90 per month in fiscal year 1991, and \$95 per month in subsequent fiscal years during the volunteer's service, except that the Director may provide

a stipend not to exceed \$75 per month in fiscal year 1990, \$90 per month in fiscal year 1991, and \$95 per month in subsequent fiscal years in the case of persons who have served for at least one year and who, in accordance with standards established in regulations which the Director shall prescribe, have been designated volunteer leaders on the basis of experience and special skills and a demonstrated leadership among volunteers.”

Subsec. (b)(3). Pub. L. 103-82, §325(b)(1), struck out subpar. (A), struck out subpar. (B) designation before “The Director shall adjust”, and inserted at end: “The Director shall review such adjustments on an annual basis to ensure that the adjustments are current.”. Prior to amendment, subpar. (A) read as follows: “The Director shall consult with regional and State offices of the ACTION Agency to make a determination of the cost of living within each State and whether there are significant local price differentials within the State.”

Subsec. (b)(4). Pub. L. 103-82, §325(b)(2), struck out par. (4) which read as follows: “The Director, in coordination with regional and State offices of the ACTION Agency and taking into account paragraphs (2) and (3), shall establish a method for setting subsistence allowances. The Director shall submit a report on such methods to the appropriate authorizing committees of Congress not later than 90 days after the date of enactment of the fiscal year 1990 appropriation.”

Subsec. (c). Pub. L. 103-82, §325(c), added subsec. (c). 1989—Subsec. (a)(1). Pub. L. 101-204, §102(1), substituted “\$75 per month in fiscal year 1990, \$90 per month in fiscal year 1991, and \$95 per month in subsequent fiscal years” for “\$75 per month” in two places.

Subsec. (b). Pub. L. 101-204, §102(2), designated existing provisions as par. (1), substituted “places of training and to and from locations to which volunteers are assigned during periods of service” for “places of training”, and added pars. (2) to (4).

1986—Subsec. (b). Pub. L. 99-551 substituted “the Director” for “he” before “deems”.

1984—Subsec. (b). Pub. L. 98-288 inserted “pre-service training and where appropriate in-service training.”.

1979—Subsec. (a)(2). Pub. L. 96-143 substituted “under such circumstances as the Director shall determine, in accordance with regulations which the director shall prescribe, the accrued stipend, or any part of the accrued stipend, may be paid to the volunteer, or, on behalf of the volunteer, to members of the volunteer’s family or others during the period of the volunteer’s service” for “in extraordinary circumstances the Director may from time to time advance all or a portion of the accrued stipend to or on behalf of a volunteer”.

1975—Subsec. (a)(1). Pub. L. 94-130 substituted “shall not exceed \$75” for “shall not exceed \$50”.

#### 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.

#### ADDITIONAL APPROPRIATIONS AUTHORIZATION

Section 5(b) of Pub. L. 94-130, as amended by Pub. L. 96-143, §17, Dec. 13, 1979, 93 Stat. 1082, provided that: “There are authorized to be appropriated, in addition to the sums authorized to be appropriated pursuant to section 501 of such Act [section 5081 of this title], such additional sums as may be necessary to carry out the amendments made by subsection (a) of this section [amending this section].”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4973, 4992, 5081, 12594, 12595, 12653c, 12655l of this title.

### § 4956. Participation of program beneficiaries

To the maximum extent practicable, the people of the communities to be served by volunteers under this subchapter shall participate in planning, developing, and implementing programs thereunder, and the Director, after consultation with sponsoring agencies (including volunteers assigned to them) and the people served by such agencies, shall establish in regulations, a continuing mechanism for the meaningful participation of such program beneficiaries.

(Pub. L. 93-113, title I, §106, Oct. 1, 1973, 87 Stat. 398; Pub. L. 98-288, §7, May 21, 1984, 98 Stat. 191.)

#### AMENDMENTS

1984—Pub. L. 98-288 substituted “establish in regulations” for “take all necessary steps to establish, in regulations he shall prescribe”.

### § 4957. Participation of younger and older persons

In carrying out this part and part C of this subchapter, the Director shall take necessary steps, including the development of special projects, where appropriate, to encourage the fullest participation of individuals 18 through 27 years of age, and individuals 55 years of age and older, in the various programs and activities authorized under such parts.

(Pub. L. 93-113, title I, §107, Oct. 1, 1973, 87 Stat. 399; Pub. L. 103-82, title III, §326, Sept. 21, 1993, 107 Stat. 901.)

#### AMENDMENTS

1993—Pub. L. 103-82 amended section generally. Prior to amendment, section read as follows: “In carrying out this part and part C of this subchapter, the Director shall take necessary steps, including the development of special projects, where appropriate, to encourage the fullest participation of older persons and older persons membership groups as volunteers and participant agencies in the various programs and activities authorized under such parts and, because of the high proportion of older persons within the poverty group, shall encourage the development of a variety of volunteer services to older persons, including special projects, to assure that such persons are served in proportion to their need.”

#### 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.

### § 4958. Limitation on funds appropriated for grants and contracts for direct cost of supporting volunteers in programs or projects

(a) Of funds appropriated for the purpose of this part under section 5081 of this title, not more than 30 percent for the fiscal year ending September 30, 1984, and for each fiscal year thereafter, may be obligated for the direct cost of supporting volunteers in programs or projects carried out pursuant to grants and contracts made under section 5042(12)<sup>1</sup> of this title.

(b) No funds shall be obligated under this part pursuant to grants or contracts made after December 13, 1979, for new projects for the direct

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

cost of supporting volunteers unless the recipient of each such grant or contract has been selected through a competitive process which includes—

(1) public announcements of the availability of funds for such grants or contracts, general criteria for the selection of new recipients, and a description of the application process and the application review process; and

(2) a requirement that each applicant for any such grant or contract identify, with sufficient particularity to assure that the assignments of volunteers under such grants and contracts will carry out the purpose of this part, the particular poverty or poverty-related problems on which the grant or contract will focus, and any such grant or contract shall specifically so identify such problems.

(Pub. L. 93-113, title I, §108, as added Pub. L. 94-293, §4(a)(1), May 27, 1976, 90 Stat. 525; amended Pub. L. 96-143, §4, Dec. 13, 1979, 93 Stat. 1075; Pub. L. 98-288, §8, May 21, 1984, 98 Stat. 191; Pub. L. 101-204, title VII, §703, Dec. 7, 1989, 103 Stat. 1821.)

#### REFERENCES IN TEXT

Section 5042 of this title, referred to in subsec. (a), was repealed by Pub. L. 103-82, title II, §203(b), Sept. 21, 1993, 107 Stat. 892.

#### AMENDMENTS

1989—Subsec. (a). Pub. L. 101-204 substituted “30 percent” for “16 per centum”.

1984—Subsec. (a). Pub. L. 98-288, §8(1), (2), substituted “1984” for “1977”, and struck out “During the fiscal year ending September 30, 1980—(1) in no event may in excess of \$5,800,000 be used pursuant to grants and contracts under this part for the direct cost of supporting such volunteers; and (2) funds obligated pursuant to such grants and contracts for such cost may be used to support no greater number of years of volunteer service than the number of such years supported during the fiscal year ending September 30, 1979, pursuant to grants and contracts for such cost.”

Subsec. (b)(2). Pub. L. 98-288, §8(3), struck out “human, social, or environmental” after “poverty-related”.

1979—Subsec. (a). Pub. L. 96-143, §4, designated existing provisions as subsec. (a) and, in subsec. (a) as so designated, substituted “16” for “20”, inserted “During the fiscal year ending September 30, 1980”, and added pars. (1) and (2).

Subsec. (b). Pub. L. 96-143, §4(b), added subsec. (b).

#### EFFECTIVE DATE

Section 4(c) of Pub. L. 94-293 provided that: “The amendments made by subsection (a) and subsection (b) of this section [enacting this section and amending section 5042 of this title] shall be effective on October 1, 1976, and shall not apply to any agreement for the assignment of volunteers entered into before such date during the period of any such agreement.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4954, 12651b of this title.

### § 4959. VISTA Literacy Corps

#### (a) Establishment

As part of the Volunteers in Service to America program established under this part, the Director shall establish a VISTA Literacy Corps for the purpose of developing, strengthening, supplementing, and expanding efforts of both

public and nonprofit organizations at the local, State, and Federal level to mobilize local, State, Federal, and private sector financial and volunteer resources to address the problem of illiteracy throughout the United States.

#### (b) Assignment of volunteers to projects and programs meeting antipoverty criteria and providing assistance to illiterates who are underserved by education programs

The Director shall assign volunteers to projects and programs that meet the antipoverty criteria of this part that provide assistance to functionally illiterate and illiterate individuals who are unserved or underserved by literacy education programs, with special emphasis upon disadvantaged individuals having the highest risk of illiteracy, and individuals with the lowest reading and educational level of competence.

#### (c) Assignment of volunteers to projects and programs utilizing volunteers to address needs of illiterate individuals; administration of programs by public or private nonprofit organizations; considerations governing assignment of volunteers

(1) The Director shall assign volunteers under this subsection to projects and programs that utilize volunteers to address the needs of illiterate individuals.

(2) Programs and projects under this subsection may be administered by public or private nonprofit agencies and organizations including local, State, and national literacy councils and organizations; community-based nonprofit organizations; local and State education agencies; local and State agencies administering adult basic education programs; educational institutions; libraries; antipoverty organizations; local, municipal, and State governmental entities, and administrative entities designated to administer job training plans under the Job Training Partnership Act [29 U.S.C. 1501 et seq.].

(3) In the assignment of volunteers under this subsection the Director shall give priority consideration to—

(A) programs and projects that assist illiterate individuals in greatest need of assistance residing in unserved or underserved areas with the highest concentrations of illiteracy and of low income individuals and families;

(B) projects and programs serving individuals reading at the zero to fourth grade levels;

(C) projects and programs focusing on providing literacy services to high risk populations;

(D) projects and programs operating in areas with the highest concentration of individuals and families living at or below the poverty level;

(E) projects and programs providing literacy services to parents of disadvantaged children between the ages of two and eight, who may be educationally at risk; and

(F) Statewide programs and projects that encourage the creation of new literacy efforts, encourage the coordination of intrastate literacy efforts and provide technical assistance to local literacy efforts.

**(d) Assignment of volunteers to projects and programs utilizing volunteers to tutor illiterate individuals; administration of programs by local public or private nonprofit organizations; considerations in assignment of volunteers**

(1) The Director shall assign volunteers under this subsection to projects and programs that primarily utilize volunteers to tutor illiterate individuals.

(2) Programs and projects under this subsection may be administered by local public or private nonprofit agencies and organizations including local literacy councils and organizations, community-based nonprofit organizations, local educational agencies, local agencies administering adult basic education programs, local educational institutions, libraries, anti-poverty organizations, local and municipal governmental entities, and administrative entities designated to administer job training plans under the Job Training Partnership Act [29 U.S.C. 1501 et seq.].

(3) In the assignment of volunteers under this subsection the Director shall give priority consideration to local programs and projects that assist illiterate individuals in greatest need of assistance residing in unserved or underserved areas with the highest concentrations of illiteracy and of low income individuals and families.

**(e) Equitable distribution of volunteers**

The Director shall ensure an equitable distribution of volunteers under this section in accordance with the equitable distribution requirement of section 5054 of this title.

**(f) Membership of VISTA Literacy Corps**

The VISTA Literacy Corps shall consist of all volunteers serving under this part working on literacy projects and programs.

**(g) Proportionate reduction of services**

In any fiscal year in which the services provided under this part are reduced, the services provided under this section shall be proportionately reduced.

**(h) Assignment of individual to service in general program regarding literacy; priority**

(1) Subject to paragraph (2), with respect to any individual providing volunteer services in the program under this section regarding literacy, the Director may, with the written consent of the individual, assign the individual to serve in the general program under this part regarding literacy.

(2) To the extent practicable and without undue delay, the Director shall ensure that a volunteer under this section is assigned to the vacancy created within the relevant literacy project or program established under this section.

(Pub. L. 93-113, title I, §109, as added Pub. L. 99-551, §4(a), Oct. 27, 1986, 100 Stat. 3072; amended Pub. L. 101-204, title VI, §601, Dec. 7, 1989, 103 Stat. 1819; Pub. L. 103-82, title III, §327, Sept. 21, 1993, 107 Stat. 902.)

REFERENCES IN TEXT

The Job Training Partnership Act, referred to in secs. (c)(2) and (d)(2), is Pub. L. 97-300, Oct. 13, 1982, 96

Stat. 1322, as amended, which is classified generally to chapter 19 (§1501 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of Title 29 and Tables.

AMENDMENTS

1993—Subsec. (g). Pub. L. 103-82, §327(1), struck out par. (1) and struck out par. (2) designation before "In any fiscal". Prior to amendment, par. (1) read as follows: "Funds made available under section 5081(a) of this title for the purposes of this section shall be used to supplement and not supplant the level of services provided under this part in fiscal year 1986 to address the problem of illiteracy. The Director shall ensure that records are maintained to indicate the degree of compliance with this requirement."

Subsec. (h)(1), (3). Pub. L. 103-82, §327(2), substituted "paragraph (2)" for "paragraphs (2) and (3)" in par. (1) and struck out par. (3) which read as follows: "Nothing in this subsection shall diminish or otherwise affect the requirement in subsection (g)(1) of this section that funds made available for this section shall be used to supplement and not to supplant the 1986 level of literacy services provided under this part."

1989—Subsec. (g)(1). Pub. L. 101-204, §601(1), inserted at end "The Director shall ensure that records are maintained to indicate the degree of compliance with this requirement."

Subsec. (h). Pub. L. 101-204, §601(2), added subsec. (h).

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

Section effective Oct. 1, 1986, except as otherwise provided, see section 11 of Pub. L. 99-551, set out as a note under section 4950 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5081 of this title.

**§ 4960. Applications for assistance**

In reviewing an application for assistance under this part, the Director shall not deny such assistance to any project or program, or any public or private nonprofit organization, solely on the basis of the duration of the assistance such project, program, or organization has received under this part prior to the date of submission of the application. The Director shall grant assistance under this part on the basis of merit and to accomplish the goals of the VISTA program, and shall consider the needs and requirements of projects in existence on such date as well as potential new projects.

(Pub. L. 93-113, title I, §110, as added Pub. L. 101-204, title I, §103, Dec. 7, 1989, 103 Stat. 1812; amended Pub. L. 103-82, title III, §328, Sept. 21, 1993, 107 Stat. 902.)

AMENDMENTS

1993—Pub. L. 103-82 amended section generally, substituting present provisions for provisions which related to: in subsec. (a), duration; in subsec. (b), consideration of application; in subsec. (c), new project or program; in subsec. (d), renewal of assistance; in subsec. (e), eligibility; and in subsec. (f), notice.

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.

## PART B—UNIVERSITY YEAR FOR VISTA

## PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 5055, 5081, 12651e of this title; title 5 sections 8332, 8334, 8411, 8422; title 22 section 4071c.

**§ 4971. Congressional statement of purpose**

(a) The purpose of this part is to assist students, through service-learning and community service programs, to undertake volunteer service in such a way as to enhance the educational value of the service experience, through participation in activities that strengthen and supplement efforts to eliminate and alleviate poverty and poverty-related problems. Its purpose further is to provide technical assistance and training to encourage other students and faculty to engage in volunteer service on a part-time, self-supporting basis, to meet the needs of the poor in the surrounding community through expansion of service-learning and community service programs and otherwise.

(b) This part provides for the University Year for VISTA (UYV) program of full-time volunteer service by students enrolled in institutions of higher education. The purpose of the UYV program is to strengthen and supplement efforts to eliminate poverty and poverty-related human, social, and environmental problems by enabling students at cooperating institutions to perform meaningful and constructive volunteer service in connection with the satisfaction of coursework while attending such institutions. Volunteer service under this part is conducted in agencies, institutions, and situations where the application of human talent and dedication may assist in the solution of poverty and poverty-related problems and secure and exploit opportunities for self-advancement by individuals experiencing such problems.

(Pub. L. 93-113, title I, § 111, Oct. 1, 1973, 87 Stat. 399; Pub. L. 98-288, § 9, May 21, 1984, 98 Stat. 191; Pub. L. 99-551, § 5, Oct. 27, 1986, 100 Stat. 3073; Pub. L. 101-204, title II, § 201(2), Dec. 7, 1989, 103 Stat. 1813; Pub. L. 103-82, title III, § 330(a)(2), (3), Sept. 21, 1993, 107 Stat. 902.)

## AMENDMENTS

1993—Subsec. (b). Pub. L. 103-82 substituted “University Year for VISTA (UYV)” for “University Year for ACTION (UYA)” and “purpose of the UYV” for “purpose of the UYA”.

1989—Subsec. (a). Pub. L. 101-204, which directed the amendment of the first sentence of subsec. (a) by inserting “and community service” after “service-learning” both places it appears, was executed by making the insertion once in each of the first and second sentences of subsec. (a), as the probable intent of Congress.

1986—Subsec. (a). Pub. L. 99-551, § 5(1), (2), designated existing provisions as subsec. (a) and struck out “This part provides for the University Year for ACTION (UYA) program of full-time volunteer service by students enrolled in institutions of higher education, together with appropriate powers and responsibilities designed to assist in the development and coordination of such programs. The purpose of this part is to strengthen and supplement efforts to eliminate poverty and poverty-related human, social, and environmental problems by enabling students at such cooperating institutions to perform meaningful and constructive volunteer service in connection with the satisfaction of such students’ course work during their periods of serv-

ice while attending such institutions, in agencies, institutions, and situations where the application of human talent and dedication may assist in the solution of poverty and poverty-related problems and secure and exploit opportunities for self-advancement by persons afflicted with such problems.”

Subsec. (b). Pub. L. 99-551, § 5(3), added subsec. (b).  
1984—Pub. L. 98-288 inserted after first sentence “The purpose of this part is to assist students, through service-learning programs, to undertake volunteer service in such a way as to enhance the educational value of the service experience, through participation in activities that strengthen and supplement efforts to eliminate and alleviate poverty and poverty-related problems.” and substituted “provide technical assistance and training to encourage other students and faculty to engage in volunteer service on a part-time, self-supporting basis, to meet the needs of the poor in the surrounding community through expansion of service-learning programs and otherwise” for “encourage other students and faculty members to engage, on a part-time, self-supporting basis, in such volunteer service and work along with volunteers serving under this part; and to promote participation by such institutions in meeting the needs of the poor in the surrounding community through expansion of service-learning programs and otherwise. Its purpose further is to provide for a program of part-time or short-term service—learning by secondary and post-secondary school students to strengthen and supplement efforts to eliminate poverty and poverty-related human, social, and environmental problems”.

## 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.

**§ 4972. Authority to operate University Year for VISTA program**

Except as otherwise provided in this part, the Director is authorized to conduct or make grants and contracts for, or both, programs to carry out the purposes of this part in accordance with the authorities and subject to the restrictions in the provisions of part A of this subchapter, except for the provisions of sections 4953(f)<sup>1</sup> and 4954(d) of this title, and except that the Director may, in accordance with regulations the Director shall prescribe, determine to reduce or eliminate the stipend for volunteers serving under this part on the basis of the value of benefits provided such volunteers by the institution in question (including the reduction or waiver of tuition).

(Pub. L. 93-113, title I, § 112, Oct. 1, 1973, 87 Stat. 399; Pub. L. 98-288, § 30(b)(1), May 21, 1984, 98 Stat. 197; Pub. L. 99-551, § 10(i)(2), Oct. 27, 1986, 100 Stat. 3078; Pub. L. 103-82, title III, § 330(a)(4), Sept. 21, 1993, 107 Stat. 902.)

## REFERENCES IN TEXT

Section 4953(f) of this title, referred to in text, was redesignated section 4953(g) of this title by Pub. L. 101-204, title I, § 101(b)(1), Dec. 7, 1989, 103 Stat. 1809.

## AMENDMENTS

1993—Pub. L. 103-82 amended section catchline generally.

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

1986—Pub. L. 99-551 substituted “the Director” for “he” before “shall prescribe”.

1984—Pub. L. 98-288 substituted “4953(f)” for “4953(d)”.

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4973 of this title.

**§ 4973. Special conditions**

**(a) Academic credit**

Volunteers serving under this part shall be enrolled for periods of service as provided for in subsection (b) of section 4954 of this title, except that volunteers serving in the University Year for VISTA program may be enrolled for periods of service of not less than the duration of an academic semester or its equivalent, but volunteers enrolled for less than 12 months shall not receive stipends under section 4955(a)(1) of this title. Volunteers serving under this part may receive academic credit for such service in accordance with the regulations of the sponsoring institution of higher education. Volunteers may receive a living allowance and such other support or allowances as the Director determines to be appropriate.

**(b) Participation of student volunteers and educational institutions**

Grants to and contracts with institutions to administer programs under this part shall provide that prospective student volunteers shall participate substantially in the planning of such programs and that such institutions shall make available to the poor in the surrounding community all available facilities, including human resources, of such institutions in order to assist in meeting the needs of such poor persons.

**(c) Financial assistance limitation; commitment stipulations; monitoring of compliance with commitment; compliance information to Secretary**

(1) In making grants or contracts for the administration of UYV programs under this part, the Director shall insure that financial assistance under this chapter to programs carried out pursuant to section 4972 of this title shall not exceed 90 per centum of the total cost (including planning costs) of such program during the first year and such amounts less than 90 per centum as the Director, in consultation with the institution, may determine for not more than four additional years, including years in which support was received under title VIII of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2991-2994d). Each such grant or contract shall stipulate that the institution will make every effort to (A) assume an increasing proportion of the cost of continuing a program carrying out the purpose of this part while the institution re-

ceives support under this part; (B) waive or otherwise reduce tuition for participants in such program, where such waiver is not prohibited by law; (C) utilize students and faculty at such institution to carry out, on a self-supporting basis, appropriate planning for such programs; and (D) maintain similar service-learning programs after such institution no longer receives support under this part.

(2) The Director shall take necessary steps to monitor the extent of compliance by such institutions with commitments entered into under paragraph (1) of this subsection and shall advise the Secretary of Health and Human Services of the extent of each such institution's compliance.

(Pub. L. 93-113, title I, § 113, Oct. 1, 1973, 87 Stat. 399; Pub. L. 96-143, § 5, Dec. 13, 1979, 93 Stat. 1075; Pub. L. 97-35, title VI, § 608(f)(1), Aug. 13, 1981, 95 Stat. 488; Pub. L. 103-82, title III, § 330(a)(2), (3), (b), Sept. 21, 1993, 107 Stat. 902.)

REFERENCES IN TEXT

The Economic Opportunity Act of 1964, as amended, referred to in subsec. (c)(1), is Pub. L. 88-452, Aug. 20, 1964, 78 Stat. 508, as amended. Title VIII of such Act probably means title VIII of Pub. L. 88-452 as added by Pub. L. 89-794, title VIII, § 801, Nov. 8, 1966, 80 Stat. 1472, and generally revised and amended by Pub. L. 90-222, title I, § 110, Dec. 23, 1967, 81 Stat. 722, which was classified generally to subchapter VIII (§ 2991 et seq.) of chapter 34 of this title. Title VIII of the Economic Opportunity Act of 1964 as so added and amended was repealed by Pub. L. 93-113, title VI, § 603, and its provisions are covered by this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

AMENDMENTS

1993—Subsec. (a). Pub. L. 103-82, § 330(a)(2), (b), substituted “VISTA program” for “ACTION program” and “semester or its equivalent” for “year” after “duration of an academic” and inserted at end “Volunteers may receive a living allowance and such other support or allowances as the Director determines to be appropriate.”

Subsec. (c)(1). Pub. L. 103-82, § 330(a)(3), substituted “UYV programs” for “UYA programs”.

1981—Subsec. (c)(2). Pub. L. 97-35 substituted reference to Secretary of Health and Human Services, for reference to Secretary of Health, Education, and Welfare.

1979—Subsec. (a). Pub. L. 96-143 substituted “except that volunteers serving in the University Year for ACTION program may be enrolled for periods of service of not less than the duration of an academic year, but volunteers enrolled for less than 12 months shall not receive stipends under section 4955(a)(1) of this title. Volunteers serving under this part” for “and”.

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.

**§ 4974. Repealed. Pub. L. 103-82, title III, § 329, Sept. 21, 1993, 107 Stat. 902**

Section, Pub. L. 93-113, title I, § 114, Oct. 1, 1973, 87 Stat. 400; Pub. L. 94-293, § 2, May 27, 1976, 90 Stat. 525; Pub. L. 96-143, § 6, Dec. 13, 1979, 93 Stat. 1075; Pub. L. 97-35, title VI, § 608(a), Aug. 13, 1981, 95 Stat. 487; Pub. L. 98-288, § 10, May 21, 1984, 98 Stat. 191; Pub. L. 99-551, § 10(i)(3), Oct. 27, 1986, 100 Stat. 3078; Pub. L. 101-204, title II, § 201(3), Dec. 7, 1989, 103 Stat. 1813, related to student community service programs.

## EFFECTIVE DATE OF REPEAL

Repeal 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.

## PART C—SPECIAL VOLUNTEER PROGRAMS

## PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 4957, 5055, 5081 of this title; title 5 sections 8332, 8334, 8411, 8422; title 22 section 4071c.

**§ 4991. Congressional statement of purpose**

This part provides for special emphasis and demonstration volunteer programs, together with appropriate powers and responsibilities designed to assist in the development and coordination of such programs. The purpose of this part is to strengthen and supplement efforts to meet a broad range of needs, particularly those related to poverty, by encouraging and enabling persons from all walks of life and from all age groups to perform meaningful and constructive volunteer service in agencies, institutions, and situations where the application of human talent and dedication may help to meet such needs. It is the further purpose of this part to provide technical and financial assistance to encourage voluntary organizations and volunteer efforts at the national, State, and local level.

(Pub. L. 93-113, title I, §121, Oct. 1, 1973, 87 Stat. 400; Pub. L. 98-288, §11, May 21, 1984, 98 Stat. 191.)

## AMENDMENTS

1984—Pub. L. 98-288 struck out “human, social, and environmental” after “broad range of”, and inserted at end “It is the further purpose of this part to provide technical and financial assistance to encourage voluntary organizations and volunteer efforts at the national, State, and local level.”

**§ 4992. Authority to establish and operate special volunteer and demonstration programs****(a) In general**

The Director is authorized to conduct special volunteer programs for demonstration programs, or award grants to or enter into contracts with public or nonprofit organizations to carry out such programs. Such programs shall encourage wider volunteer participation on a full-time, part-time, or short-term basis to further the purpose of this part, and identify particular segments of the poverty community that could benefit from volunteer and other anti-poverty efforts.

**(b) Assignment and support of volunteers**

The assignment of volunteers under this section, and the provision of support for such volunteers, including any subsistence allowances and stipends, shall be on such terms and conditions as the Director shall determine to be appropriate, but shall not exceed the level of support provided under section 4955 of this title. Projects using volunteers who do not receive stipends may also be supported under this section.

**(c) Criteria and priorities**

In carrying out this section and section 4993 of this title, the Director shall establish criteria and priorities for awarding grants and entering

into contracts under this part in each fiscal year. No grant or contract exceeding \$100,000 shall be made under this part unless the recipient of the grant or contractor has been selected by a competitive process that includes public announcement of the availability of funds for such grant or contract, general criteria for the selection of recipients or contractors, and a description of the application process and application review process.

(Pub. L. 93-113, title I, §122, Oct. 1, 1973, 87 Stat. 401; Pub. L. 94-293, §3(a), May 27, 1976, 90 Stat. 525; Pub. L. 96-143, §7(a)-(c), Dec. 13, 1979, 93 Stat. 1075, 1076; Pub. L. 98-288, §§12, 30(b)(2), May 21, 1984, 98 Stat. 192, 197; Pub. L. 99-551, §§6(a), 10(d), (i)(4), Oct. 27, 1986, 100 Stat. 3074, 3077, 3078; Pub. L. 101-204, title III, §301, Dec. 7, 1989, 103 Stat. 1813; Pub. L. 103-82, title III, §331, Sept. 21, 1993, 107 Stat. 903.)

## AMENDMENTS

1993—Pub. L. 103-82 amended section generally, substituting present provisions for provisions which related to: in subsec. (a), youthful offender incarceration alternatives, veterans educational opportunities, drug abusers counseling, assistance to victims of domestic violence, periods of service, and identification of segments of poverty community which could benefit from volunteer and other antipoverty efforts; in subsec. (b), assignment of volunteers, and terms and conditions; in subsec. (c), allowances, supports, services, and stipends for part-time and full-time volunteers; in subsec. (d), establishment of criteria for grants and contracts, competitive process, maximum amount, and multiple grants or contracts; and in subsec. (e), prohibition on use of funds for certain State offices.

1989—Subsec. (d)(3), (4). Pub. L. 101-204, §301(a), added par. (3) and redesignated former par. (3) as (4).

Subsec. (e). Pub. L. 101-204, §301(b), added subsec. (e).

1986—Subsec. (a)(1). Pub. L. 99-551, §§6(a), 10(d), inserted “(including Indian reservations)” and substituted “offenders, a program” and “veterans, a program” for “offenders; a program” and “veterans; a program”, respectively.

Subsec. (b). Pub. L. 99-551, §10(i)(4), substituted “the Director” for “he” before “shall prescribe”.

1984—Subsec. (c)(2)(B). Pub. L. 98-288, §30(b)(2), substituted “4953(f)” for “4953(d)”.

Subsec. (d). Pub. L. 98-288, §12, added subsec. (d).

1979—Subsec. (a). Pub. L. 96-143, §7(a), (b), designated existing provisions as par. (1), inserted “in urban and rural areas” after “volunteer programs” and “, a program of assistance to victims of domestic violence, a program to provide technical and management assistance to distressed communities, a program designed to provide personal and group financial counseling to low-income and fixed-income individuals (utilizing volunteers with specialized or technical expertise), and a Helping Hand program” after “drug abusers”, inserted provisions authorizing the Director to provide for the recruitment, selection, and training of volunteers in carrying out programs authorized by this part, and added par. (2).

Subsec. (c). Pub. L. 96-143, §7(c), inserted provisions permitting support payments to part-time volunteers enrolled for at least 20 hours of service per week for at least 26 consecutive weeks and provisions applying sections 4953(b), (d), 4954(d), and 4955(a) of this title to full-time full-year volunteers whose service is similar in character to that of VISTA volunteers.

1976—Subsec. (c). Pub. L. 94-293 inserted provision authorizing the Director to undertake and support volunteer service programs, and recruit, etc., volunteers to carry out this part.

## 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.

## REPORT ON PROGRAMS, ACTIVITIES, GRANTS, AND CONTRACTS RESULTING FROM AMENDMENT BY SECTION 7 OF PUB. L. 96-143

Section 7(d) of Pub. L. 96-143 directed Director of ACTION Agency, not later than 18 months after funds were first made available to carry out activities under the amendments to this part made by section 7 of Pub. L. 96-143, to submit to appropriate committees of Congress a report on programs, activities, grants, and contracts so carried out.

## EXECUTIVE ORDER NO. 12034

Ex. Ord. No. 12034, Jan. 10, 1978, 43 F.R. 1917, which provided for appointment of ACTION Community Volunteers to the Civilian Career Service, was revoked by Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617.

**§ 4993. Technical and financial assistance**

The Director may provide technical and financial assistance to Federal agencies, State and local governments and agencies, private nonprofit organizations, employers, and other private organizations that utilize or desire to utilize volunteers in carrying out the purpose of this part.

(Pub. L. 93-113, title I, §123, as added Pub. L. 94-293, §3(b)(1), May 27, 1976, 90 Stat. 525; amended Pub. L. 98-288, §13, May 21, 1984, 98 Stat. 192; Pub. L. 101-204, title VI, §602, Dec. 7, 1989, 103 Stat. 1820; Pub. L. 103-82, title III, §332, Sept. 21, 1993, 107 Stat. 903.)

## AMENDMENTS

1993—Pub. L. 103-82 amended section generally, substituting single sentence authorizing technical and financial assistance for former subsecs. (a) and (b) which contained similar general authority and provisions detailing use of the general authority.

1989—Pub. L. 101-204 designated existing provisions as subsec. (a) and added subsec. (b).

1984—Pub. L. 98-288 substituted “(2) technical assistance and training programs, including the creation or expansion of private capabilities where possible and the development of voluntary organizations, with particular emphasis on low-income, minority, and community-based groups, or (3)” for “or (2)”.

## 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.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4992 of this title.

**§ 4994. Repealed. Pub. L. 103-82, title III, § 333(1), Sept. 21, 1993, 107 Stat. 903**

Section, Pub. L. 93-113, title I, §124, as added Pub. L. 99-570, title IV, §4301(1), Oct. 27, 1986, 100 Stat. 3207-152; amended Pub. L. 100-690, title III, §3401(a)(1), Nov. 18, 1988, 102 Stat. 4252; Pub. L. 101-204, title III, §302, title VI, §603, Dec. 7, 1989, 103 Stat. 1813, 1820, related to drug abuse education and prevention services and activities.

## EFFECTIVE DATE OF REPEAL

Repeal 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.

**§ 4995. Literacy challenge grants****(a) Authorization of grants**

The Director is authorized to award challenge grants to eligible public agencies and private organizations to pay the Federal share of the costs of establishing, operating or expanding community or employee literacy programs or projects that include the use of full-time or part-time volunteers as one method of addressing illiteracy.

**(b) Application**

Each eligible organization desiring a grant under this section shall submit to the Corporation an application in such form and accompanied by such information as the Director may reasonably require. Each such application shall—

(1) describe the activities for which assistance is sought,

(2) contain assurances that the eligible organization will provide from non-Federal sources the non-Federal share of the cost of the program or project,

(3) provide assurances, satisfactory to the Director, that the literacy project will be operated in cooperation with other public and private agencies and organizations interested in, and qualified to, combat illiteracy in the community where the project is to be conducted, and

(4) contain such other information and assurances as the Director may reasonably require.

**(c) Federal share**

(1)(A) The Federal share of the cost of a program or project authorized by this section administered by a public agency, a nonprofit organization other than an organization described in paragraph (2), or a private, for-profit organization shall not exceed—

(i) 80 percent in the first fiscal year;

(ii) 70 percent in the second fiscal year; and

(iii) 60 percent in the third fiscal year.

(B) The non-Federal share paid by a private, for-profit organization shall be in cash.

(2) The Federal share of the cost of a program or project administered by a nonprofit or community-based organization shall not exceed—

(A) 90 percent in the first fiscal year;

(B) 80 percent in the second fiscal year; and

(C) 70 percent in the third fiscal year.

(3) The non-Federal share provided by a public agency or a nonprofit or community-based organization may be provided in cash, or in kind, fairly evaluated, and may include the use of plant, equipment, and services.

(Pub. L. 93-113, title I, §124, formerly §125, as added Pub. L. 102-73, title VII, §701(a)(1), July 25, 1991, 105 Stat. 358; renumbered §124 and amended Pub. L. 103-82, title III, §333(2), title IV, §405(a)(5), Sept. 21, 1993, 107 Stat. 903, 920.)

## PRIOR PROVISIONS

A prior section 124 of Pub. L. 93-113 was classified to section 4994 of this title prior to repeal by Pub. L. 103-82.

## AMENDMENTS

1993—Subsec. (b). Pub. L. 103-82, §405(a)(5), substituted “the Corporation” for “the ACTION Agency” in introductory provisions.

## EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by section 405(a)(5) of 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.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5081 of this title.

## SUBCHAPTER II—NATIONAL SENIOR VOLUNTEER CORPS

## SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 3013, 5056, 5058, 5061, 5081, 12592 of this title.

**§ 5000. Statement of purposes**

It is the purpose of—

(1) this subchapter to provide for National Senior Volunteer Corps, comprised of the Retired and Senior Volunteer Program, the foster grandparent program, and the senior companion program, that empower older individuals to contribute to their communities through volunteer service, enhance the lives of the volunteers and those whom they serve, and provide communities with valuable services;

(2) part A of this subchapter, the Retired and Senior Volunteer Program, to utilize the vast talents of older individuals willing to share their experiences, abilities, and skills in responding to a wide variety of community needs;

(3) part B of this subchapter, the foster grandparent program, to afford low-income older individuals an opportunity to provide supportive, individualized services to children with exceptional or special needs; and

(4) part C of this subchapter, the senior companion program, to afford low-income older individuals the opportunity to provide personal assistance and companionship to other older individuals through volunteer service.

(Pub. L. 93-113, title II, § 200, as added Pub. L. 101-204, title V, § 501, Dec. 7, 1989, 103 Stat. 1815; amended Pub. L. 103-82, title III, §§ 341(b)(1), 342(b), Sept. 21, 1993, 107 Stat. 904.)

## AMENDMENTS

1993—Par. (1). Pub. L. 103-82, §§ 341(b)(1), 342(b), substituted “National Senior Volunteer Corps” for “Older American Volunteer Programs” and “Retired and Senior Volunteer Program” for “retired senior volunteer program”.

Par. (2). Pub. L. 103-82, § 342(b), substituted “Retired and Senior Volunteer Program” for “retired senior volunteer program”.

## 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.

## PART A—RETIRED AND SENIOR VOLUNTEER PROGRAM

## PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 5000, 5011, 5021, 5025, 5027, 5028, 5061, 5082, 12651e of this title.

**§ 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 avail themselves of op-

portunities for volunteer service in their community, 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, and individuals 60 years of age or older will be given priority for enrollment, 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 established and will be carried out with the advice of persons competent in the field of service involved, and of persons with interest in and knowledge of the needs of older persons.

**(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.

(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.)

AMENDMENTS

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).

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 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.]

PART B—FOSTER GRANDPARENT PROGRAM

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 5000, 5013, 5021, 5025, 5027, 5028, 5056, 5061, 5082, 12651e, 12653 of this title.

**§ 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 aged sixty or over to provide supportive person-to-person services in health, education, welfare, and related settings to children having exceptional needs. 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<sup>1</sup> of the Individuals with Disabilities Education Act (20 U.S.C. 1471 et seq.), Head Start agencies under the Head Start Act [42 U.S.C. 9831 et seq.], or any of a variety of other programs, establishments, and institutions providing services for children with special or exceptional needs. Indi-

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

vidual 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 shall have the exclusive authority to determine, pursuant to the provisions of paragraph (2) of this subsection—

(A) which children may receive supportive person-to-person services under such project; and

(B) the period of time during which such services shall be continued in the case of each individual child.

(2) 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.

(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 sup-

port 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 \$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 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 125 per centum 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 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.

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 subparagraphs (B) and (C), 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 fi-

financial support authorized by subsection (d) of this section 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) of this section.

(C) 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.

(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) of this section.

(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) of this section. 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) of this section, 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.)

## 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, as amended. Part H of the Act was classified generally to subchapter VIII (§1471 et seq.) of chapter 33 of Title 20, Education, prior to repeal by Pub. L. 105-17, title II, §203(b), June 4, 1997, 111 Stat. 157, effective July 1, 1998. 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, as amended, 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 section 604(a) of Pub. L. 93-113, and is covered by this section and sections 5022 and 5058 of this title.

## AMENDMENTS

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 of 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 subpar. (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”.

#### 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.

Section 7(a)(2) of Pub. L. 99-551 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.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5013, 12653 of this title.

### § 5012. Repealed. Pub. L. 103-82, title III, § 346, Sept. 21, 1993, 107 Stat. 905

Section, Pub. L. 93-113, title II, § 212, Oct. 1, 1973, 87 Stat. 402; Pub. L. 94-135, title II, § 205(b)(3), Nov. 28, 1975, 89 Stat. 727; Pub. L. 95-478, title IV, § 402(c), Oct. 18, 1978, 92 Stat. 1557; Pub. L. 101-204, title IX, § 902(4), Dec. 7, 1989, 103 Stat. 1826, set forth conditions of grants and contracts and defined “community action agency”.

#### EFFECTIVE DATE OF REPEAL

Repeal 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.

### PART C—SENIOR COMPANION PROGRAM

#### PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 5000, 5021, 5025, 5027, 5028, 5056, 5061, 5082, 12651e of this title.

### § 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 aged 60 or over 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) of this section 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

<sup>1</sup> So in original. Probably should be “under”.

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.)

#### AMENDMENTS

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) of this section” 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).

#### 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.

#### PART D—GENERAL PROVISIONS

### § 5021. Promotion of National Senior Volunteer Corps

(a)(1) In carrying out this subchapter, the Director shall consult with the Departments of Labor and Health and Human Services, and any other Federal agencies administering relevant programs with a view to achieving optimal coordination with such other programs, and shall promote the coordination of projects under this subchapter with other public or private programs or projects carried out at State and local levels. Such Federal agencies shall cooperate with the Director in disseminating information about the availability of assistance under this subchapter and in promoting the identification and interest of low-income and other older persons whose services may be utilized in projects under this subchapter.

(2) To the maximum extent practicable, the Director shall enter into agreements with—

(A) the Department of Health and Human Services to—

(i) involve retired and senior volunteers, and foster grandparents, in Head Start programs;

(ii) involve retired and senior volunteers, and senior companions, in providing services authorized by title III of the Older Americans Act of 1965 [42 U.S.C. 3021 et seq.]; and

(iii) promote the recognition of such volunteers who are qualified to provide in-home services for reimbursement under title XVIII of the Social Security Act [42 U.S.C. 1395 et seq.] for providing such services;

(B) the Department of Education to promote intergenerational tutoring and mentoring for at-risk children; and

(C) the Environmental Protection Agency to support conservation efforts.

(b)(1) In carrying out this subchapter, the Director shall encourage and facilitate the efforts of private organizations to promote the programs established in parts A, B, and C of this subchapter and the involvement of older individuals as volunteers in such programs.

(2) The Director shall take appropriate actions to ensure that special efforts are made to publicize the programs established in parts A, B, and C of this subchapter, in order to facilitate recruitment efforts, to encourage greater participation of volunteers, and to emphasize the value of volunteering to the health and well-being of volunteers and the communities of such volunteers. Such actions shall include informing recipients of grants and contracts under this subchapter of all informational materials available from the Director.

(3) From funds appropriated under section 5082 of this title, the Director shall expend not less than \$375,000 in each fiscal year to carry out paragraph (2).

(Pub. L. 93-113, title II, § 221, Oct. 1, 1973, 87 Stat. 403; Pub. L. 96-143, § 18(b), Dec. 13, 1979, 93 Stat. 1083; Pub. L. 97-35, title VI, § 608(f)(2), Aug. 13, 1981, 95 Stat. 488; Pub. L. 101-204, title V, § 505, Dec. 7, 1989, 103 Stat. 1817; Pub. L. 103-82, title III, §§ 341(b)(2), 348, Sept. 21, 1993, 107 Stat. 904, 905.)

#### REFERENCES IN TEXT

The Older Americans Act of 1965, referred to in subsec. (a)(2)(A)(ii), is Pub. L. 89-73, July 14, 1965, 79 Stat. 218, as amended. Title III of the Act is classified generally to subchapter III (§ 3021 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 Social Security Act, referred to in subsec. (a)(2)(A)(iii), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title XVIII of the Act is classified generally to subchapter XVIII (§ 1395 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

#### AMENDMENTS

1993—Pub. L. 103-82, § 341(b)(2), substituted “National Senior Volunteer Corps” for “older American volunteer programs” in section catchline.

Subsec. (a). Pub. L. 103-82, § 348(a), designated existing provisions as par. (1) and added par. (2).

Subsec. (b)(3). Pub. L. 103-82, § 348(b), substituted “\$375,000” for “\$250,000”.

1989—Pub. L. 101-204 substituted “Promotion of older American volunteer” for “Coordination with other Federal” in section catchline, designated existing provisions as subsec. (a), and added subsec. (b).

1981—Pub. L. 97-35 substituted “Health and Human Services” for “Health, Education, and Welfare” and struck out reference to Community Services Administration.

1979—Pub. L. 96-143 substituted “Community Services Administration” for “Office of Economic Opportunity”.

## 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.

**§ 5022. Payments; adjustments; advances or reimbursement; installments; conditions**

Payments under this subchapter pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions, as the Director may determine.

(Pub. L. 93-113, title II, §222, Oct. 1, 1973, 87 Stat. 403.)

**§ 5023. Minority group participation**

The Director shall take appropriate steps to insure that special efforts are made to recruit, select, and assign qualified individuals sixty years and older from minority groups to serve as volunteers under this subchapter.

(Pub. L. 93-113, title II, §223, Oct. 1, 1973, 87 Stat. 404.)

**§ 5024. Use of locally generated contributions in National Senior Volunteer Corps**

Whenever locally generated contributions made to National Senior Volunteer Corps projects under this subchapter are in excess of the amount required by the Director, the Director may not restrict the manner in which such contributions are expended if expenditures from locally generated contributions are not inconsistent with the provisions of this chapter.

(Pub. L. 93-113, title II, §224, as added Pub. L. 98-288, §16(a), May 21, 1984, 98 Stat. 194; amended Pub. L. 99-551, §10(b)(1), Oct. 27, 1986, 100 Stat. 3077; Pub. L. 101-204, title IX, §902(6), Dec. 7, 1989, 103 Stat. 1826; Pub. L. 103-82, title III, §341(b)(3), Sept. 21, 1993, 107 Stat. 904; Pub. L. 103-304, §3(b)(9), Aug. 23, 1994, 108 Stat. 1568.)

## AMENDMENTS

1994—Pub. L. 103-304 substituted “National Senior Volunteer Corps projects” for “volunteer projects for older Americans”.

1993—Pub. L. 103-82 amended section catchline and in text directed substitution of “National Senior Volunteer Corps projects” for “volunteer projects for Older Americans”, which could not be executed because the phrase “volunteer projects for Older Americans” did not appear in text.

1989—Pub. L. 101-204 substituted “projects” for “programs”.

1986—Pub. L. 99-551 amended directory language of Pub. L. 98-288 to correct an error, and did not involve any change in text.

## 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.

**§ 5025. Programs of national significance****(a) Program grants for national problems of local concern; minimum amounts available; scope; implementation**

(1) With not less than one-third of the funds made available under subsection (d) of this section in each fiscal year, the Director shall make grants under the programs authorized in parts A, B, and C of this subchapter to support programs that address national problems of local concern.

(2) Except as provided in paragraph (3), the Director may make such grants—

(A) under the program authorized in part A of this subchapter, to support programs that address the national problems specified in subsection (b) of this section;

(B) under the program authorized in part B of this subchapter, to support programs that address the national problems specified in subsection (b) of this section, other than paragraphs (10), (12), (15), and (16) of such subsection; and

(C) under the program authorized in part C of this subchapter, to support programs that address the national problems referred to in paragraphs (1), (2), (5), (6), and (10) of subsection (b) of this section.

(3) Each program for which a grant is received under this subsection shall be carried out in accordance with the requirements applicable to the program under part A, B, or C of this subchapter under which the program supported by such grant is to be carried out.

**(b) Program grants for problems concerning Nation**

The Director shall make grants under subsection (a) of this section to support one or more of the following programs to address problems that concern the Nation:

(1) Programs that assist individuals with chronic and debilitating illnesses, such as acquired immune deficiency syndrome.

(2) Programs designed to decrease drug and alcohol abuse.

(3) Programs that work with teenage parents.

(4) Programs that match volunteer mentors with youth who need guidance.

(5) Programs that provide adult and school-based literacy assistance.

(6) Programs that provide respite care, including care for frail elderly individuals and for disabled or chronically ill children living at home.

(7) Programs that provide before- and after-school activities that are sponsored by organizations, such as libraries, that serve children of working parents.

(8) Programs that work with boarder babies.

(9) Programs that serve children who are enrolled in child care programs, giving priority to such programs that serve children with special needs.

(10) Programs that provide care to developmentally disabled adults who reside at home and in community-based settings, including programs that, when appropriate, involve older developmentally disabled individuals as volunteers under this subchapter.

(11) Programs that provide volunteer tutors to assist educationally disadvantaged children, on a one-to-one basis, to improve the basic skills of such children.

(12) Programs that address environmental needs.

(13) Programs that reach out to organizations (such as labor unions and profitmaking organizations) not previously involved in addressing national problems of local concern.

(14) Programs that provide for outreach to increase participation of members of ethnic groups who have limited English proficiency.

(15) Programs that support criminal justice activities and juvenile justice activities.

(16) Programs that involve older volunteers working with young people in apprenticeship programs.

(17) Programs that support the community integration of individuals with disabilities.

(18) Programs that provide health, education, and welfare services that augment the activities of State and local agencies, to be carried out in a fiscal year for which the aggregate amount of funds available to such agencies is not less than the annual average aggregate amount of funds available to such agencies for the period of 3 fiscal years preceding such fiscal year.

**(c) Eligibility of applicant; supplemental nature of funds available**

(1) In order for an applicant to be eligible to receive a grant under subsection (a) of this section, such applicant shall demonstrate to the Director that such grant will be used to increase the total number of volunteers supported by such applicant.

(2) Funds made available under subsection (d) of this section shall be used to supplement and not supplant the number of volunteers engaged in activities under parts A, B, and C of this subchapter (without regard to this section) addressing the problem for which such funds are awarded unless such sums are an extension of funds previously provided under this section.

**(d) Amount of funds available for grants**

(1) Except as provided in paragraph (2), from the amounts appropriated under subsection (a), (b), (c), or (d) of section 5082 of this title, for each fiscal year there shall be available to the Director such sums as may be necessary to make grants under subsection (a) of this section.

(2) No funds shall be available to the Director to make grants under subsection (a) of this section for a fiscal year unless the amounts appropriated under subsections (a), (b), and (c) of section 5082 of this title and available for such fiscal year to carry out parts A, B, and C of this subchapter (without regard to this section) are sufficient to maintain the number of projects and volunteers funded under parts A, B, and C of this subchapter, respectively, in the preceding fiscal year.

**(e) Dissemination of information respecting grants**

The Director shall disseminate information on grants that may be made under subsection (a) of this section to field personnel of the Corporation and to community volunteer organizations that request such information.

(Pub. L. 93-113, title II, §225, as added Pub. L. 101-204, title V, §502(a), Dec. 7, 1989, 103 Stat. 1815; amended Pub. L. 103-82, title III, §349, title IV, §405(a)(6), Sept. 21, 1993, 107 Stat. 906, 920.)

AMENDMENTS

1993—Subsec. (a)(2)(B). Pub. L. 103-82, §349(1), substituted “paragraphs (10), (12), (15), and (16)” for “paragraph (10)”.

Subsec. (b)(12) to (18). Pub. L. 103-82, §349(2), added pars. (12) to (18).

Subsec. (c)(1). Pub. L. 103-82, §349(3), struck out “under this subchapter” after “supported by such applicant”.

Subsec. (d)(1). Pub. L. 103-82, §349(4), added par. (1) and struck out former par. (1) which read as follows: “Except as provided in paragraph (2), in each fiscal year there shall be available to the Director to make grants under subsection (a) of this section not more than—

“(A) \$6,000,000 from funds appropriated under section 5082(a) of this title;

“(B) \$9,000,000 from funds appropriated under section 5082(b) of this title; and

“(C) \$9,000,000 from funds appropriated under section 5082(c) of this title.”

Subsec. (e). Pub. L. 103-82, §405(a)(6), substituted “the Corporation” for “the ACTION Agency”.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by section 349 of 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.

Amendment by section 405(a)(6) of 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.

**§5026. Adjustments to Federal financial assistance**

(a)(1) In determining the amount of Federal financial assistance to be provided under this subchapter to applicants, the Director shall consider the impact of changes in the Consumer Price Index For All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor on the administrative costs of operating the projects for which such assistance will be provided.

(2) The Director shall, to the fullest extent practicable, make appropriate adjustments in the amount referred to in paragraph (1) to ensure the effective administration of such projects.

(b) The Director shall take reasonable actions to inform applicants for such assistance that such adjustments may be available.

(Pub. L. 93-113, title II, §226, as added Pub. L. 101-204, title V, §506, Dec. 7, 1989, 103 Stat. 1818; amended Pub. L. 103-82, title III, §350, Sept. 21, 1993, 107 Stat. 906; Pub. L. 104-66, title II, §2011, Dec. 21, 1995, 109 Stat. 726.)

AMENDMENTS

1995—Pub. L. 104-66 in subsec. (a), redesignated par. (1)(A) as (1), redesignated par. (1)(B) as (2) and substituted “paragraph (1)” for “subparagraph (A)” after “referred to in”, redesignated former par. (2) as subsec. (b), and struck out former subsec. (b) which read as follows: “The Director shall submit, once every 2 years, to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report on the extent to which adjustments are made under subsection (a) of this section.”

1993—Subsec. (b). Pub. L. 103-82 struck out par. (1) designation before “The Director shall”, substituted “, once every 2 years” for “annually”, and struck out par. (2) which read as follows: “With respect to each of parts A, B, and C of this subchapter, the Director shall include in such report—

“(A) a summary of the number of, and purposes for which, such adjustments are requested by the recipients of grants and contracts under parts A, B, and C of this subchapter, respectively;

“(B) a description of the extent to which such requests are accommodated; and

“(C) a statement explaining the decisions made by the Director with respect to the requested adjustments.”

#### 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.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5027 of this title.

### § 5027. Multiyear grants or contracts

#### (a) Maximum period; compliance requirements where period exceeds 1 year; pro rata reductions where funding below prior fiscal year amounts

(1) Subject to paragraph (2) and the availability of funds, the Director may make a grant or enter into a contract under part A, B, or C of this subchapter for a period not to exceed 3 years. Each applicant who receives a grant, or enters into a contract, under such part for a period exceeding 1 year shall comply with such regulations as the Director may issue to require such applicant—

(A) to demonstrate that such applicant is in compliance with such part and with the terms and conditions of such grant or contract; and

(B) to provide information to update the application submitted to obtain such grant or contract.

(2) If the amount appropriated for any fiscal year to carry out part A, B, or C of this subchapter in a period during which multiyear grants or contracts are in effect under such part is less than the amount appropriated to carry out such part in the first fiscal year in such period, then the amounts payable under all such grants and contracts in effect in such period under such part shall be reduced pro rata.

#### (b) Documentation, etc., by applicant of meaningful administrative savings from multiyear grant or contract

The Director shall require each applicant for a multiyear grant or contract under this section, to document or describe in the application any meaningful administrative savings that will result from such multiyear grant or contract.

#### (c) Single-year grant or contract

If an applicant does not receive a multiyear grant or contract under this section, the Director shall consider such applicant for a single-year grant or contract.

#### (d) Projects for multiyear periods to be treated as single-year projects for specified purposes

If the Director approves an application for a contract or grant to carry out a project for a

multiyear period as referred to in subsection (a) of this section, the Director shall ensure that such project shall be treated in the same manner as a single-year contract or grant with respect to—

(1) the overall level of funding for such project;

(2) any adjustments to Federal financial assistance that may be available under section 5026 of this title; and

(3) the renewal of funding on the expiration of the term of such contract or grant.

(Pub. L. 93-113, title II, §227, as added Pub. L. 101-204, title V, §507, Dec. 7, 1989, 103 Stat. 1818.)

### PART E—DEMONSTRATION PROGRAMS

#### PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 5061, 5082 of this title.

### § 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 of this subchapter, 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) of this section 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.)

#### EFFECTIVE DATE

Part 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.

### § 5028a. Prohibition

The Director may not reduce the activities, projects, or volunteers funded under the other parts of this subchapter in order to support projects under this part.

(Pub. L. 93-113, title II, §232, as added Pub. L. 103-82, title III, §351, Sept. 21, 1993, 107 Stat. 907.)

### SUBCHAPTER III—NATIONAL VOLUNTEER PROGRAMS TO ASSIST SMALL BUSINESSES AND PROMOTE VOLUNTEER SERVICE BY PERSONS WITH BUSINESS EXPERIENCE

#### §§ 5031, 5032. Repealed. Pub. L. 95-510, § 102(a), Oct. 24, 1978, 92 Stat. 1781

Section 5031, Pub. L. 93-113, title III, §301, Oct. 1, 1973, 87 Stat. 404, set out Congressional statement of purpose in enacting this subchapter.

Section 5032, Pub. L. 93-113, title III, §302, Oct. 1, 1973, 87 Stat. 404, authorized Director to establish, coordinate, and operate national volunteer programs. See section 637 of Title 15, Commerce and Trade.

EFFECTIVE DATE OF REPEAL

Repeal of sections 5031 and 5032 effective Oct. 1, 1979, see section 105 of Pub. L. 95-510, set out as an Effective Date of 1978 Amendment note under section 634 of Title 15, Commerce and Trade.

SUBCHAPTER IV—ADMINISTRATION AND COORDINATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 5084 of this title.

**§§ 5041, 5042. Repealed. Pub. L. 103-82, title II, §203(b), Sept. 21, 1993, 107 Stat. 892**

Section 5041, Pub. L. 93-113, title IV, §401, Oct. 1, 1973, 87 Stat. 405; Pub. L. 96-533, title VI, §602(a), Dec. 16, 1980, 94 Stat. 3155; Pub. L. 98-288, §17, May 21, 1984, 98 Stat. 194; Pub. L. 99-551, §10(e), Oct. 27, 1986, 100 Stat. 3078; Pub. L. 101-204, title VII, §704, Dec. 7, 1989, 103 Stat. 1821; Pub. L. 103-82, title II, §202(b), title III, §361, Sept. 21, 1993, 107 Stat. 887, 907, related to establishment of ACTION Agency and appointment, compensation, and functions of Director and other officials. See section 12651 of this title and notes thereunder.

Section 5042, Pub. L. 93-113, title IV, §402, Oct. 1, 1973, 87 Stat. 406; Pub. L. 94-293, §4(b), May 27, 1976, 90 Stat. 526; Pub. L. 97-214, §10(b)(2), July 12, 1982, 96 Stat. 175; Pub. L. 98-288, §§4(c)(2), 18(a), May 21, 1984, 98 Stat. 190, 194; Pub. L. 99-551, §10(f), (i)(5), Oct. 27, 1986, 100 Stat. 3078; Pub. L. 103-82, title III, §362, Sept. 21, 1993, 107 Stat. 907. Related to authority of Director of ACTION Agency. See section 12651 of this title and notes thereunder.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 103-82 effective Apr. 4, 1994, see section 203(d) of Pub. L. 103-82, set out as an Effective Date of 1993 Amendment note under section 12651 of this title.

**§ 5043. Political activities**

**(a) Funds use prohibition; “election” and “Federal office” defined**

No part of any funds appropriated to carry out this chapter, or any program administered by the Corporation under this chapter, shall be used to finance, directly or indirectly, any activity designed to influence the outcome of any election to Federal office, or the outcome of any election to any State or local public office, or any voter registration activity, or to pay the salary of any officer or employee of the Corporation, who, in an official capacity as such an officer or employee, engages in any such activity. As used in this section, the term “election” (when referring to an election for Federal office) has the same meaning given such term by section 431(1) of title 2, and the term “Federal office” has the same meaning given such term by section 431(3) of title 2.

**(b) Prohibition on program identification**

(1) Programs assisted under this chapter shall not be carried on in a manner involving the use of funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such programs with—

(A) any partisan or nonpartisan political activity associated with a candidate, or a contending faction or group, in an election for public or party office;

(B) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election; or

(C) any voter registration activity;

except that programs assisted under this chapter may make voter registration applications and nonpartisan voter registration information available to the public on the premises of such programs.

(2) In carrying out any voter registration activity permitted under paragraph (1), an individual who is affiliated with, or employed to carry out, a program assisted under this chapter shall not—

(A) indicate a preference with respect to any candidate, political party, or election issue; or

(B) seek to influence the political or party affiliation, or voting decision, of any individual.

**(c) Prohibition on influencing passage or defeat of legislation**

No funds appropriated to carry out this chapter shall be used by any program assisted under this chapter in any activity for the purpose of influencing the passage or defeat of legislation or proposals by initiative petition, except—

(1) in any case in which a legislative body, a committee of a legislative body, or a member of a legislative body requests any volunteer in, or employee of, such a program to draft, review, or testify regarding measures or to make representations to such legislative body, committee, or member; or

(2) in connection with an authorization or appropriations measure directly affecting the operation of the program.

**(d) Enforcement; rules and regulations**

The Director, after consultation with the Office of Personnel Management, shall issue rules and regulations to provide for the enforcement of this section, which shall include provisions for summary suspension of assistance for no more than thirty days until notice and an opportunity to be heard can be provided or other action necessary to permit enforcement on an emergency basis.

(Pub. L. 93-113, title IV, §403, Oct. 1, 1973, 87 Stat. 408; Pub. L. 96-143, §§8, 18(c)(1), Dec. 13, 1979, 93 Stat. 1077, 1083; Pub. L. 96-187, title I, §112(e)(1), Jan. 8, 1980, 93 Stat. 1366; Pub. L. 99-551, §10(i)(6), Oct. 27, 1986, 100 Stat. 3078; Pub. L. 103-82, title III, §363, title IV, §405(a)(7), Sept. 21, 1993, 107 Stat. 907, 920.)

AMENDMENTS

1993—Subsec. (a). Pub. L. 103-82, §405(a)(7), substituted “administered by the Corporation under this chapter” for “administered by the ACTION Agency” and “of the Corporation” for “of the ACTION Agency”.

Subsec. (b)(1). Pub. L. 103-82, §363(3), added par. (1) and struck out former par. (1) which read as follows: “Programs assisted under this chapter shall not be carried on in a manner involving the use of funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the

identification of such programs with (A) any partisan or non-partisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office, (B) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or (C) any voter registration activity.”

Subsec. (b)(2). Pub. L. 103-82, §363(3), added par. (2). Former par. (2) redesignated subsec. (c).

Subsec. (c). Pub. L. 103-82, §363(1), (2), redesignated subsec. (b)(2) as subsec. (c) and subpars. (A) and (B) as pars. (1) and (2), respectively. Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 103-82, §363(1), redesignated subsec. (c) as (d).

1986—Subsec. (a). Pub. L. 99-551 substituted “an official capacity” for “his official capacity”.

1980—Subsec. (a). Pub. L. 96-187 substituted “section 431(1) of title 2” and “section 431(3) of title 2” for “section 431(a) of title 2” and “section 431(c) of title 2”, respectively.

1979—Pub. L. 96-143, §8(a), inserted “or the outcome of any election to any State or local public office,” after “Federal office,” and “(when referring to an election for Federal office)” before “has the same meaning”.

Subsec. (b). Pub. L. 96-143, §8(b), designated existing provisions as par. (1), cls. (1) to (3) thereof as cls. (A) to (C), and last sentence thereof as subsec. (c), and added par. (2).

Subsec. (c). Pub. L. 96-143, §§8(b)(3), 18(c)(1), designated as subsec. (c) provisions formerly contained in last sentence of subsec. (b) and, as so designated, substituted “Office of Personnel Management” for “Civil Service Commission”.

#### EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by section 363 of 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.

Amendment by section 405(a)(7) of 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.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-187 effective Jan. 8, 1980, see section 301(a) of Pub. L. 96-187, set out as a note under section 431 of Title 2, The Congress.

### § 5044. Special limitations

#### (a) Volunteer activities; limitation

The Director shall prescribe regulations and shall carry out the provisions of this chapter so as to assure that the service of volunteers assigned, referred, or serving pursuant to grants, contracts, or agreements made under this chapter is limited to activities which would not otherwise be performed by employed workers and which will not supplant the hiring of or result in the displacement of employed workers, or impair existing contracts for service.

#### (b) Support costs

All support, including transportation provided to volunteers under this chapter, shall be furnished at the lowest possible costs consistent with the effective operation of volunteer programs.

#### (c) Compensation of supervising agencies or organizations

No agency or organization to which volunteers are assigned hereunder, or which operates or supervises any volunteer program hereunder, shall request or receive any compensation from such volunteers or from beneficiaries for services of volunteers supervised by such agency or organization.

#### (d) Labor or antilabor organization activities; funds use prohibition

No funds authorized to be appropriated herein shall be directly or indirectly utilized to finance labor or antilabor organization or related activity.

#### (e) Selection procedure

Persons serving as volunteers under this chapter shall provide such information concerning their qualifications, including their ability to perform their assigned tasks, and their integrity, as the Director shall prescribe and shall be subject to such procedures for selection and approval as the Director determines are necessary to carry out the purposes of this chapter. The Director may establish such special procedures for the recruitment, selection, training, and assignment of low-income residents of the area to be served by a program under this chapter who wish to become volunteers as the Director determines will further the purposes of this chapter.

#### (f) Government assistance; eligibility; special limitations

(1) Notwithstanding any other provision of law except as may be provided expressly in limitation of this subsection, payments to volunteers under this chapter shall not in any way reduce or eliminate the level of or eligibility for assistance or services any such volunteers may be receiving under any governmental program, except that this paragraph shall not apply in the case of such payments when the Director determines that the value of all such payments, adjusted to reflect the number of hours such volunteers are serving, is equivalent to or greater than the minimum wage then in effect under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) or the minimum wage, under the laws of the State where such volunteers are serving, whichever is the greater.

(2) Notwithstanding any other provision of law, a person enrolled for full-time service as a volunteer under subchapter I of this chapter who was otherwise entitled to receive assistance or services under any governmental program prior to such volunteer's enrollment shall not be denied such assistance or services because of such volunteer's failure or refusal to register for, seek, or accept employment or training during the period of such service.

(Pub. L. 93-113, title IV, §404, Oct. 1, 1973, 87 Stat. 408; Pub. L. 96-143, §9, Dec. 13, 1979, 93 Stat. 1077; Pub. L. 98-288, §19, May 21, 1984, 98 Stat. 195; Pub. L. 99-551, §10(i)(7), Oct. 27, 1986, 100 Stat. 3078; Pub. L. 103-82, title III, §364, Sept. 21, 1993, 107 Stat. 908.)

#### REFERENCES IN TEXT

The Fair Labor Standards Act of 1938, referred to in subsec. (f)(1), is act June 25, 1938, ch. 676, 52 Stat. 1060,

as amended, which is classified generally to chapter 8 (§201 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

#### AMENDMENTS

1993—Subsec. (c). Pub. L. 103-82, §364(1), inserted “from such volunteers or from beneficiaries” after “compensation”.

Subsecs. (f), (g). Pub. L. 103-82, §364(2), (3), redesignated subsec. (g) as (f) and struck out former subsec. (f) which read as follows: “Notwithstanding any other provision of law, the Director shall assign or delegate any substantial responsibility for carrying out programs under this chapter only to persons appointed or employed pursuant to clauses (1) and (2) of section 5042 of this title, and persons assigned or delegated such substantial responsibilities on October 1, 1973, and who are receiving compensation in accordance with provisions of law other than the applicable provisions of title 5 on such date shall, by operation of law on such date, be assigned a grade level pursuant to such latter provisions so as to fix the compensation of such persons under such authority at no less than their compensation rate on the day preceding such date.”

1986—Subsec. (e). Pub. L. 99-551 substituted “the Director” for “he” before “determines will”.

1984—Subsec. (f). Pub. L. 98-288 struck out “and except as provided in the second sentence of this subsection” after “Notwithstanding any other provision of law” and struck out “The Director may personally make exceptions to the requirements set forth in the first sentence of this subsection for persons he finds will be assigned to carrying out functions under the Peace Corps Act (22 U.S.C. 2501 et seq.) within six months after October 1, 1973.”

1979—Subsec. (g). Pub. L. 96-143 designated existing provisions as par. (1), inserted “, except that this paragraph shall not apply in the case of such payments when the Director determines that the value of all such payments, adjusted to reflect the number of hours such volunteers are serving, is equivalent to or greater than the minimum wage then in effect under the Fair Labor Standards Act of 1938 or the minimum wage, under the laws of the State where such volunteers are serving, whichever is the greater” after “governmental program”, and added par. (2).

#### 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.

### § 5045. Repealed. Pub. L. 98-288, §20(a), May 21, 1984, 98 Stat. 195

Section, Pub. L. 93-113, title IV, §405, Oct. 1, 1973, 87 Stat. 409; Pub. L. 94-293, §5(a), May 27, 1976, 90 Stat. 526; Pub. L. 96-470, title I, §113, Oct. 19, 1980, 94 Stat. 2240; Pub. L. 96-533, title VI, §602(b), Dec. 16, 1980, 94 Stat. 3156, provided for a National Voluntary Service Advisory Council.

#### EFFECTIVE DATE OF REPEAL

Section 20(a) of Pub. L. 98-288 provided that the repeal of this section is effective Jan. 1, 1986.

### § 5046. Labor standards for federally assisted projects, buildings, and works

All laborers and mechanics employed by contractors or subcontractors in the construction, alteration or repair, including painting and

decorating of projects, buildings and works which are federally assisted under this chapter shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Number 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and in section 276c of title 40.

(Pub. L. 93-113, title IV, §406, Oct. 1, 1973, 87 Stat. 410.)

#### REFERENCES IN TEXT

The Davis-Bacon Act, referred to in text, is act Mar. 3, 1931, ch. 411, 46 Stat. 1494, as amended, which is classified generally to sections 276a to 276a-5 of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 276a of Title 40 and Tables.

Reorganization Plan Numbered 14 of 1950, referred to in text, is set out in the Appendix to Title 5, Government Organization and Employees.

### § 5047. Repealed. Pub. L. 103-82, title III, §365, Sept. 21, 1993, 107 Stat. 908

Section, Pub. L. 93-113, title IV, §407, Oct. 1, 1973, 87 Stat. 410; Pub. L. 98-288, §21, May 21, 1984, 98 Stat. 195; Pub. L. 99-551, §3(b), Oct. 27, 1986, 100 Stat. 3072; Pub. L. 101-204, title IV, §401, Dec. 7, 1989, 103 Stat. 1814, required annual report on activities under section 4953 of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal 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.

### § 5048. Joint funding; single non-Federal share requirement; grant or contract requirement waiver

Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this chapter, where funds are provided for a single project by more than one Federal agency to an agency or organization assisted under this chapter, the Federal agency principally involved may be designated to act for all in administering the funds provided, and, notwithstanding any other provision of law, in such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each agency. When the principal agency involved is the Corporation, it may waive any grant or contract requirement (as defined by such regulations) under or pursuant to any law other than this chapter, which requirement is inconsistent with the similar requirements under or pursuant to this chapter.

(Pub. L. 93-113, title IV, §408, Oct. 1, 1973, 87 Stat. 410; Pub. L. 103-82, title IV, §405(a)(8), Sept. 21, 1993, 107 Stat. 920.)

#### AMENDMENTS

1993—Pub. L. 103-82 substituted “the Corporation” for “the ACTION Agency”.

#### EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-82 effective 18 months after Sept. 21, 1993, or on such earlier date as the Presi-

dent shall determine to be appropriate and announce by proclamation published in the Federal Register, see section 406(b) of Pub. L. 103-82, set out as a note under section 8332 of Title 5, Government Organization and Employees.

#### DELEGATION OF FUNCTIONS

Authority of President under this section delegated to Director of Office of Management and Budget, see section 1 of Ex. Ord. No. 11893, eff. Dec. 31, 1975, 41 F.R. 1040, set out as a note under section 7103 of Title 31, Money and Finance.

#### § 5049. Prohibition of Federal control of educational institution or school system

Nothing contained in this chapter shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any education institution or school system.

(Pub. L. 93-113, title IV, § 409, Oct. 1, 1973, 87 Stat. 410.)

#### § 5050. Coordination with other programs

The Director shall take necessary steps to coordinate volunteer programs authorized under this chapter with one another, with community action programs, and with other related Federal, State, and local programs. The Director shall also consult with the heads of other Federal, State, and local agencies responsible for programs related to the purposes of this chapter with a view to encouraging greater use of volunteer services in those programs and establishing in connection with them systematic procedures for the recruitment, referral, or necessary pre-service orientation or training of volunteers serving pursuant to this chapter. The Director, in consultation with the Director of the Office of Personnel Management and the Secretaries of Labor, Commerce, and the Treasury and officials of other appropriate departments and agencies, shall take all appropriate steps to encourage State and local governments, charitable and service organizations, and private employers (1) to take into account experience in volunteer work in the consideration of applicants for employment; and (2) to make provisions for the listing and description of volunteer work on all employment application forms.

(Pub. L. 93-113, title IV, § 410, Oct. 1, 1973, 87 Stat. 410; Pub. L. 96-143, § 10, Dec. 13, 1979, 93 Stat. 1078.)

#### AMENDMENTS

1979—Pub. L. 96-143 inserted provisions requiring the Director in consultation with the Director of the Office of Personnel Management and the Secretaries of Labor, Commerce, and the Treasury and officials of other appropriate departments and agencies to take steps to encourage employers to review the consideration they give volunteer service in the information requested on their standard application forms.

#### § 5051. Performance of functions by existing departments or offices rather than new departments or offices

In order to assure that existing Federal agencies are used to the fullest extent possible in

carrying out the purposes of this chapter, no funds appropriated to carry out this chapter shall be used to establish any new department or office when the intended function is being performed by an existing department or office.

(Pub. L. 93-113, title IV, § 411, Oct. 1, 1973, 87 Stat. 411.)

#### § 5052. Suspension and termination of financial assistance; procedures; notice and hearing; emergency situations; refunding applications

(a) The Director is authorized, in accordance with the provisions of this section, to suspend further payments or to terminate payments under any contract or grant providing assistance under this chapter, whenever the Director determines there is a material failure to comply with the applicable terms and conditions of any such grant or contract. The Director shall prescribe procedures to insure that—

(1) assistance under this chapter shall not be suspended for failure to comply with applicable terms and conditions, except in emergency situations for thirty days;

(2) an application for refunding under this chapter may not be denied unless the recipient has been given (A) notice at least 75 days before the denial of such application of the possibility of such denial and the grounds for any such denial, and (B) opportunity to show cause why such action should not be taken;

(3) in any case where an application for refunding is denied for failure to comply with the terms and conditions of the grant or contract award, the recipient shall be afforded an opportunity for an informal hearing before an impartial hearing officer, who has been agreed to by the recipient and the Agency; and

(4) assistance under this chapter shall not be terminated for failure to comply with applicable terms and conditions unless the recipient has been afforded reasonable notice and opportunity for a full and fair hearing.

(b) In order to assure equal access to all recipients, such hearings or other meetings as may be necessary to fulfill the requirements of this section shall be held at locations convenient to the recipient agency.

(Pub. L. 93-113, title IV, § 412, Oct. 1, 1973, 87 Stat. 411; Pub. L. 98-288, § 22, May 21, 1984, 98 Stat. 195; Pub. L. 99-551, § 10(i)(8), Oct. 27, 1986, 100 Stat. 3078.)

#### AMENDMENTS

1986—Subsec. (a). Pub. L. 99-551 substituted “the Director” for “he” before “determines” in first sentence.

1984—Subsec. (a). Pub. L. 98-288 designated existing provisions as subsec. (a), substituted a semicolon for “nor shall an application for refunding under this chapter be denied, unless the recipient has been given reasonable notice and opportunity to show why such action should not be taken; and” in par. (1), added pars. (2) and (3), redesignated former par. (2) as (4), and added subsec. (b).

#### 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.

**§ 5053. Repealed. Pub. L. 94-293, § 5(b)(1), May 27, 1976, 90 Stat. 526**

Section, Pub. L. 93-113, title IV, § 413, Oct. 1, 1973, 87 Stat. 411, authorized Director to carry out programs of this chapter during fiscal year ending June 30, 1974, and three succeeding fiscal years, and authorizing Congress to appropriate such sums as necessary for each fiscal year.

**§ 5054. Distribution of benefits between rural and urban areas**

The Director shall adopt appropriate administrative measures to assure that the benefits of and services under this chapter will be distributed equitably between residents of rural and urban areas.

(Pub. L. 93-113, title IV, § 414, Oct. 1, 1973, 87 Stat. 411.)

RURAL PROGRAM REPORT

Section 16 of Pub. L. 96-143 provided that not later than Feb. 1, 1980, the Director of the ACTION Agency was to submit to appropriate committees of Congress a report specifying special needs and circumstances to be addressed in designing programs under Domestic Volunteer Service Act of 1973 [this chapter] for implementation in rural areas, such report to include a detailed statement of manner in which Director intended to address such needs and circumstances, together with a timetable for designing and implementing such programs.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4959, 5056 of this title.

**§ 5055. Application of Federal law**

**(a) General rule**

Except as provided in subsections (b), (c), (d), and (e) of this section, volunteers under this chapter shall not be deemed Federal employees and shall not be subject to the provisions of laws relating to Federal officers and employees and Federal employment.

**(b) Specific Federal legislation**

Individuals enrolled as volunteers for periods of full-time service, or, as the Director deems appropriate in accordance with regulations, for periods of part-time service of not less than 20 hours per week for not less than 26 consecutive weeks, under subchapter I of this chapter shall, with respect to such service or training, (1) for the purposes of subchapter III of chapter 73 of title 5, be deemed persons employed in the executive branch of the Federal Government, (2) for the purposes of the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.), be deemed employees of the United States, and any service performed by an individual as a volunteer (including training) shall be deemed to be performed in the employ of the United States, (3) for the purposes of the Federal Tort Claims provisions of title 28, be deemed employees of the United States, (4) for the purposes of subchapter I of chapter 81 of title 5 (relative to compensation to Federal employees for work injuries), shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, and

the provisions of that subchapter shall apply except as follows: (A) in computing compensation benefits for disability or death, the annual rate of pay of a volunteer enrolled for a period of full-time service under such subchapter I of this chapter shall be deemed to be that received under the entrance salary for an employee at grade GS-5 of the General Schedule under section 5332 of title 5, and the annual rate of pay of a volunteer enrolled for a period of part-time service under such subchapter I of this chapter shall be deemed to be such entry salary or an appropriate portion thereof as determined by the Director, and subsections (a) and (b) of section 8113 of title 5 shall apply, and (B) compensation for disability shall not begin to accrue until the day following the date on which the injured volunteer is terminated, and (5) be deemed employees of the United States for the purposes of section 5584 of title 5 (and stipends and allowances paid under this chapter shall be considered as pay for such purposes).

**(c) Subsequent Government employment**

Any period of service of a volunteer enrolled in a program for a period of service of at least one year under part A of subchapter I of this chapter, and any period of full-time service of a volunteer enrolled in a program for a period of service of at least one year under part B or C of subchapter I of this chapter, shall be credited in connection with subsequent employment in the same manner as a like period of civilian employment by the United States Government—

(1) for the purposes of any Act establishing a retirement system for civilian employees of any United States Government agency; and

(2) except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the laws administered by the Office of Personnel Management, the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.], and every other Act establishing or governing terms and conditions of service of civilian employees of the United States Government: *Provided*, That service of a volunteer shall not be credited toward completion of any probationary or trial period or completion of any service requirement for career appointment.

**(d) Competitive service**

Volunteers serving in programs for periods of service of at least one year under part A of subchapter I of this chapter, and volunteers serving for such periods under title VIII of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2991-2994d), including those whose service was completed under such Act, who the Director determines, in accordance with regulations the Director shall prescribe, have successfully completed their periods of service, shall be eligible for appointment in the competitive service in the same manner as Peace Corps volunteers as prescribed in Executive Order Number 11103 (April 10, 1963).

**(e) References in other laws to service under provisions relating to Volunteers in Service to America deemed references to service under subchapter I of this chapter**

Notwithstanding any other provision of law, all references in any other law to persons serving as volunteers under title VIII of the Economic Opportunity Act of 1964, as amended [42 U.S.C. 2991 et seq.], shall be deemed to be references to persons serving as full-time volunteers in a program of at least one year's duration under part A, B, or C of subchapter I of this chapter.

**(f) Civil actions**

(1) The remedy—

(A) against the United States provided by sections 1346(b) and 2672 of title 28 or

(B) through proceedings for compensation or other benefits from the United States as provided by any other law, where the availability of such benefits precludes a remedy under section 1346(b) or 2672 of such title 28,

for damages for personal injury, including death, allegedly arising from malpractice or negligence of a physician, dentist, podiatrist, optometrist, nurse, physician assistant, expanded-function dental auxiliary, pharmacist, or paramedical (for example, medical and dental technicians, nursing assistants, and therapists) or other supporting personnel in furnishing medical care or treatment while in the exercise of such person's duties as a volunteer enrolled under subchapter I of this chapter shall be exclusive of any other civil action or proceeding by reason of the same subject matter against such person (or such person's estate) whose action or omission gave rise to such claim.

(2) The Attorney General of the United States shall defend any civil action or proceeding brought in any court against any person referred to in paragraph (1) of this subsection (or such person's estate) for any such damage or injury. Any such person against whom such civil action or proceeding is brought shall deliver, within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon such person or an attested true copy thereof to such person's immediate supervisor or to whomever is designated by the Director to receive such papers, and such person shall promptly furnish copies of the pleading and process therein to the United States attorney for the district embracing the place wherein the proceeding is brought and to the Attorney General.

(3) Upon a certification by the Attorney General that the defendant was acting in the scope of such person's volunteer assignment at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending and the proceeding deemed a tort action brought against the United States under the provisions of title 28 and all references thereto. After removal the United States shall have available all defenses to which it would have been entitled if the action had originally

been commenced against the United States. Should a district court of the United States determine on a hearing on a motion to remand held before a trial on the merits that the volunteer whose act or omission gave rise to the suit was not acting within the scope of such person's volunteer assignment, the case shall be remanded to the State court.

(4) The Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677 of title 28 and with the same effect.

(Pub. L. 93-113, title IV, §415, Oct. 1, 1973, 87 Stat. 411; Pub. L. 96-143, §§11, 18(c)(2), Dec. 13, 1979, 93 Stat. 1078, 1083; Pub. L. 96-465, title II, §2206(h), Oct. 17, 1980, 94 Stat. 2163; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 99-551, §10(i)(9), Oct. 27, 1986, 100 Stat. 3078; Pub. L. 103-82, title III, §366, Sept. 21, 1993, 107 Stat. 908.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (b)(2), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title II of the Social Security Act is classified generally to subchapter II (§401 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

The Federal Tort Claims provisions of title 28, referred to in subsec. (b)(3), are the provisions of the Federal Tort Claims Act, which is classified generally to section 1346(b) and to chapter 171 (§2671 et seq.) of Title 28, Judiciary and Judicial Procedure.

The Foreign Service Act of 1980, referred to in subsec. (c)(2), is Pub. L. 96-465, Oct. 17, 1980, 94 Stat. 2071, as amended, which is classified principally to chapter 52 (§3901 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of Title 22 and Tables.

The Economic Opportunity Act of 1964, as amended, referred to in subsecs. (d) and (e), is Pub. L. 88-452, Aug. 20, 1964, 78 Stat. 508, as amended. Title VIII of such Act, probably means title VIII of Pub. L. 88-452 as added by Pub. L. 89-794, title VIII, §801, Nov. 8, 1966, 80 Stat. 1472, and generally revised and amended by Pub. L. 90-222, title I, §110, Dec. 23, 1967, 81 Stat. 722, which was classified generally to subchapter VIII (§2991 et seq.) of chapter 34 of this title. Title VIII of the Economic Opportunity Act of 1964 as so added and amended was repealed by Pub. L. 93-113, title VI, 603, and its provisions are covered by this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

Executive Order Number 11103 (April 10, 1963), referred to in subsec. (d), is set out under section 2504 of Title 22, Foreign Relations and Intercourse.

AMENDMENTS

1993—Subsec. (b)(4)(A). Pub. L. 103-82 substituted “an employee at grade GS-5 of the General Schedule under section 5332 of title 5” for “a grade GS-7 employee”.

1986—Subsec. (b)(2). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

Subsec. (d). Pub. L. 99-551 substituted “the Director” for “he” before “shall prescribe”.

1980—Subsec. (c)(1). Pub. L. 96-465, §2206(h)(1), substituted “any” for “section 1092(a)(1) of title 22 and every other”.

Subsec. (c)(2). Pub. L. 96-465, §2206(h)(2), substituted “Foreign Service Act of 1980” for “Foreign Service Act of 1946”.

1979—Subsec. (b). Pub. L. 96-143, §11(a), substituted in provisions preceding cl. (1) “as volunteers for periods of full-time service, or, as the Director deems appropriate

in accordance with regulations, for periods of part-time service of not less than 20 hours per week for not less than 26 consecutive weeks, under subchapter I of this chapter” for “in programs under subchapter I of this chapter for periods of service of at least one year” and in cl. (4)(A) “the annual rate of pay of a volunteer enrolled for a period of full-time service under such subchapter I of this chapter shall be deemed to be that received under the entrance salary for a grade GS-7 employee, and the annual rate of pay of a volunteer enrolled for a period of part-time service under such subchapter I of this chapter shall be deemed to be such entry salary or an appropriate portion thereof as determined by the Director” for “the monthly pay of a volunteer shall be deemed that received under the entrance salary for a grade GS-7 employee” and added cl. (5).

Subsec. (c)(2). Pub. L. 96-143, §18(c)(2), substituted “Office of Personnel Management” for “Civil Service Commission”.

Subsec. (f). Pub. L. 96-143, §11(b), added subsec. (f).

#### 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.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96-465, set out as an Effective Date note under section 3901 of Title 22, Foreign Relations and Intercourse.

#### EX. ORD. NO. 11561. DELEGATION OF AUTHORITY

Ex. Ord. No. 11561, Sept. 25, 1970, 35 F.R. 14981, as amended by Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055; Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617, provided:

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, the authority conferred upon the President by that portion of section 833(c)(2) of the Economic Opportunity Act of 1964 (42 U.S.C. 2994b(c)(2)) [former section 2994b(c)(2) of this title, now subsec. (c)(2) of this section] which reads “except as otherwise determined by the President” is hereby delegated as follows: (1) To the Office of Personnel Management to the extent that such authority is with respect to the laws administered by the Commission, and (2) to the Secretary of State to the extent that such authority is with respect to the Foreign Service Act of 1980, as amended [22 U.S.C. 3901 et seq.].

### § 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 (including the VISTA Literacy Corps which shall be evaluated as a separate program at least once every 3 years), 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 of this chapter 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 of this chapter 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 re-

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

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

ceive 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 Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate 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.)

REFERENCES IN TEXT

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

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”.

CHANGE OF NAME

Committee on Education and Labor of House of Representatives treated as referring to Committee on Economic and Educational Opportunities of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Economic and Educational Opportunities of House of Representatives changed to Committee on Education and the Workforce of House of Represent-

atives by House Resolution No. 5, One Hundred Fifth Congress, Jan. 7, 1997.

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5084 of this title.

**§ 5057. Nondiscrimination provisions**

**(a) In general**

**(1) Basis**

An individual with responsibility for the operation of a program that receives assistance under this chapter shall not discriminate against a participant in, or member of the staff of, such program on the basis of race, color, national origin, sex, age, or political affiliation of such participant or member, or on the basis of disability, if the participant or member is a qualified individual with a disability.

**(2) Definition**

As used in paragraph (1), the term “qualified individual with a disability” has the meaning given the term in section 12111(8) of this title.

**(b) Federal financial assistance**

Any assistance provided under this chapter shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

**(c) Religious discrimination**

**(1) In general**

Except as provided in paragraph (2), an individual with responsibility for the operation of a program that receives assistance under this chapter shall not discriminate on the basis of religion against a participant in such program or a member of the staff of such program who is paid with funds received under this chapter.

**(2) Exception**

Paragraph (1) shall not apply to the employment, with assistance provided under this chapter, of any member of the staff, of a program that receives assistance under this chapter, who was employed with the organization operating the program on the date the grant under this chapter was awarded.

**(d) Rules and regulations**

The Director shall promulgate rules and regulations to provide for the enforcement of this section that shall include provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until notice and an opportunity to be heard can be provided.

(Pub. L. 93-113, title IV, §417, Oct. 1, 1973, 87 Stat. 413; Pub. L. 96-143, §12, Dec. 13, 1979, 93 Stat. 1079; Pub. L. 97-35, title VI, §608(f)(3), Aug. 13, 1981, 95 Stat. 488; Pub. L. 98-288, §30(a), May 21, 1984, 98 Stat. 197; Pub. L. 103-82, title III, §367, Sept. 21, 1993, 107 Stat. 908.)

## REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in subsec. (b), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Act is classified generally to subchapter V (§2000d et seq.) of chapter 21 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of this title and Tables.

The Education Amendments of 1972, referred to in subsec. (b), is Pub. L. 92-318, June 23, 1972, 86 Stat. 235, as amended. Title IX of the Act is classified principally to chapter 38 (§1681 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title of 1972 Amendment note set out under section 1001 of Title 20 and Tables.

The Age Discrimination Act of 1975, referred to in subsec. (b), is title III of Pub. L. 94-135, Nov. 28, 1975, 78 Stat. 728, as amended, which is classified generally to chapter 76 (§6101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6101 of this title and Tables.

## AMENDMENTS

1993—Pub. L. 103-82 amended section generally, substituting present provisions for former provisions relating to nondiscrimination, which set forth: in subsec. (a), general rule; in subsec. (b), special rule against sex discrimination; and in subsec. (c), applicability of nondiscrimination authorities of certain statutes and requirement for regulations.

1984—Subsec. (c)(1). Pub. L. 98-288 struck out “and the Peace Corps Act (22 U.S.C. 2501 et seq.)” after “under this chapter”.

1981—Subsec. (c)(2). Pub. L. 97-35 substituted reference to the Secretary of Health and Human Services for references to the Secretary of Health and Human Resources and the Secretary of Health, Education, and Welfare.

1979—Subsec. (a). Pub. L. 96-143, §12(a), inserted “handicap,” after “age,” and inserted provisions requiring that for purposes of this subsection, and for purposes of title VI of the Civil Rights Act of 1964, section 794 of title 29, and the Age Discrimination Act of 1975, any program, project, or activity to which volunteers are assigned under this chapter be deemed to be receiving Federal financial assistance.

Subsec. (c). Pub. L. 96-143, §12(b), added subsec. (c).

## 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.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5061 of this title.

**§ 5058. Eligibility for other benefits**

Notwithstanding any other provision of law, no payment for supportive services or reimbursement of out-of-pocket expenses made to persons serving pursuant to subchapter II of this chapter shall be subject to any tax or charge or be treated as wages or compensation for the purposes of unemployment, temporary disability, retirement, public assistance, workers' compensation, or similar benefit payments, or minimum wage laws. This section shall become effective with respect to all payments made after October 1, 1973.

(Pub. L. 93-113, title IV, §418, Oct. 1, 1973, 87 Stat. 413; Pub. L. 96-143, §18(a)(2), Dec. 13, 1979, 93 Stat. 1083; Pub. L. 98-288, §24, May 21, 1984, 98 Stat. 196.)

## AMENDMENTS

1984—Pub. L. 98-288 inserted “workers' compensation,” after “public assistance.”

1979—Pub. L. 96-143 substituted “subchapter II of this chapter” for “subchapters II and III of this chapter”.

**§ 5059. Legal expenses**

Notwithstanding any other provision of law and pursuant to regulations which the Director shall prescribe, counsel may be employed and counsel fees, court costs, bail, and other expenses incidental to the defense of volunteers may be paid in judicial or administrative proceedings to which full-time volunteers (or part-time volunteers when such proceeding arises directly out of the performance of activities pursuant to this chapter) serving under this chapter have been made parties.

(Pub. L. 93-113, title IV, §419, Oct. 1, 1973, 87 Stat. 413; Pub. L. 98-288, §25, May 21, 1984, 98 Stat. 196; Pub. L. 99-551, §10(g), Oct. 27, 1986, 100 Stat. 3078.)

## AMENDMENTS

1986—Pub. L. 99-551 substituted “to this chapter” for “to this chapter”.

1984—Pub. L. 98-288 struck out “or section 637(b)(1) of title 15” after “pursuant to this chapter”.

## 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.

**§ 5060. Repealed. Pub. L. 103-82, title III, § 368, Sept. 21, 1993, 107 Stat. 909**

Section, Pub. L. 93-113, title IV, §420, Oct. 1, 1973, 87 Stat. 414; Pub. L. 96-143, §13(a), Dec. 13, 1979, 93 Stat. 1080; Pub. L. 98-288, §26, May 21, 1984, 98 Stat. 196, set out requirements for prescribing regulations.

## EFFECTIVE DATE OF REPEAL

Repeal 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.

**§ 5061. Definitions**

For the purposes of this chapter—

(1) the term “Director” means the Chief Executive Officer of the Corporation for National and Community Service appointed under section 12651c of this title;

(2) the terms “United States” and “States” mean the several States, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, and American Samoa and, for the purposes of subchapter II of this chapter, the Trust Territory of the Pacific Islands;

(3) the term “nonprofit” as applied to any agency, institution, or organization means an agency, institution, or organization which is, or is owned and operated by, one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

(4) the term “poor” or “low-income” persons, individuals, or volunteers means such individuals whose incomes fall at or below the poverty line as set forth in section 2971d<sup>1</sup> of this title: *Provided*, That in determining who is “poor” or “low-income”, the Director shall take into consideration existing poverty guidelines as appropriate to local situations;

(5) the terms “public agencies or organizations” and “Federal, State, or local agencies” shall include any Indian tribe, band, nation, or other organized group or community (including any Alaskan native village or regional village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.]) which is recognized by the United States or the State in which it resides as eligible for special programs and services provided to Indians because of their status as Indians;

(6) the term “poverty line for a single individual” means such poverty line as established by the Director of the Office of Management and Budget in accordance with section 9902(2) of this title;

(7) the term “boarder baby” means an infant described in section 103 of the Abandoned Infants Assistance Act of 1988 (Public Law 100-505; 42 U.S.C. 670 note);

(8) the term “Corporation” means the Corporation for National and Community Service established under section 12651 of this title;

(9) the term “foster grandparent” means a volunteer in the Foster Grandparent Program;

(10) the term “Foster Grandparent Program” means the program established under part B of subchapter II of this chapter;

(11) except as provided in section 5057 of this title, the term “individual with a disability” has the meaning given the term in section 706(8)(B) of title 29;

(12) the term “Inspector General” means the Inspector General of the Corporation;

(13) the term “national senior volunteer” means a volunteer in the National Senior Volunteer Corps;

(14) the term “National Senior Volunteer Corps” means the programs established under parts A, B, C, and E of subchapter II of this chapter;

(15) the term “Retired and Senior Volunteer Program” means the program established under part A of subchapter II of this chapter;

(16) the term “retired or senior volunteer” means a volunteer in the Retired and Senior Volunteer Program;

(17) the term “senior companion” means a volunteer in the Senior Companion Program;

(18) the term “Senior Companion Program” means the program established under part C of subchapter II of this chapter;

(19) the terms “VISTA” and “Volunteers in Service to America” mean the program established under part A of subchapter I of this chapter; and

(20) the term “VISTA volunteer” means a volunteer in VISTA.

(Pub. L. 93-113, title IV, §421, Oct. 1, 1973, 87 Stat. 414; Pub. L. 99-551, §§6(b), 10(h), Oct. 27,

1986, 100 Stat. 3074, 3078; Pub. L. 101-204, title IV, §403, title V, §502(b), Dec. 7, 1989, 103 Stat. 1815, 1817; Pub. L. 103-82, title IV, §§401, 404, 405(a)(10), Sept. 21, 1993, 107 Stat. 917, 920, 921.)

#### REFERENCES IN TEXT

Section 2971d of this title, referred to in par. (4), was repealed by Pub. L. 97-35, title VI, §683(a), Aug. 13, 1981, 95 Stat. 519.

The Alaska Native Claims Settlement Act, referred to in par. (5), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

#### AMENDMENTS

1993—Par. (1). Pub. L. 103-82, §404, added par. (1) and struck out former par. (1) which read as follows: “the term ‘Director’ means the Director of the ACTION Agency;”.

Pars. (8) to (11). Pub. L. 103-82, §401, added pars. (8) to (11).

Par. (12). Pub. L. 103-82, §405(a)(10), substituted “the Corporation” for “ACTION”.

Pub. L. 103-82, §401, added par. (12).

Pars. (13) to (20). Pub. L. 103-82, §401, added pars. (13) to (20).

1989—Par. (6). Pub. L. 101-204, §403, added par. (6).

Par. (7). Pub. L. 101-204, §502(b), added par. (7).

1986—Par. (1). Pub. L. 99-551, §10(h), substituted “Agency” for “agency”.

Par. (5). Pub. L. 99-551, §6(b), added par. (5).

#### EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by sections 404 and 405(a)(10) of 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.

Section 406(a) of Pub. L. 103-82 provided that: “The amendments made by sections 401 through 402 [amending this section, sections 12612, 12617, 12619, 12622 to 12626, 12632, 12636, 12637, 12639, and 12662 of this title, and provisions set out as notes under section 12612 of this title] will take effect on October 1, 1993.”

#### 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.

#### TERMINATION OF 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.

### § 5062. Audit

#### (a) Recordkeeping

Each recipient of Federal grants, subgrants, contracts, subcontracts, or loans entered into under this chapter other than by formal advertising, and which are otherwise authorized by this chapter, shall keep such records as the Director or the Inspector General shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

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

**(b) Access to books, documents, papers, and records; limitations**

The Director, the Inspector General, and the Comptroller General of the United States, or any of their duly authorized representatives, shall, until the expiration of three years after completion of the project or undertaking referred to in subsection (a) of this section, have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients which in the opinion of the Director, the Inspector General, or the Comptroller General may be related or pertinent to the grants, contracts, subcontracts, subgrants, or loans referred to in subsection (a) of this section.

(Pub. L. 93-113, title IV, § 422, Oct. 1, 1973, 87 Stat. 414; Pub. L. 103-82, title III, § 369, Sept. 21, 1993, 107 Stat. 909.)

AMENDMENTS

1993—Subsec. (a). Pub. L. 103-82, § 369(1), inserted “or the Inspector General” after “Director”.

Subsec. (b). Pub. L. 103-82, § 369(2), inserted “, the Inspector General,” after “Director” in two places.

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.

**§ 5063. Reduction of paperwork**

In order to reduce unnecessary, duplicative, or disruptive demands for information, the Director, in consultation with other appropriate agencies and organizations, shall continually review and evaluate all requests for information made under this chapter and take such action as may be necessary to reduce the paperwork required under this chapter. The Director shall request only such information as the Director deems essential to carry out the purposes and provisions of this chapter.

(Pub. L. 93-113, title IV, § 423, as added Pub. L. 96-143, § 14(a), Dec. 13, 1979, 93 Stat. 1081.)

**§ 5064. Review of project renewals**

If the executive authority of any State or local government submits to the Director, not later than 30 days before the expiration of any contract or grant to carry out any project under this chapter, a statement which objects to the renewal of such contract or grant, then the Director shall (1) review such statement and take it into account in determining whether to renew such contract or grant; and (2) submit to such executive authority a written statement of reasons regarding the Director's determination with respect to such renewal and specifically with respect to any objection so submitted.

(Pub. L. 93-113, title IV, § 424, as added Pub. L. 96-143, § 14(a), Dec. 13, 1979, 93 Stat. 1081.)

**§ 5065. Protection against improper use**

Whoever falsely—

- (1) advertises or represents; or
- (2) publishes or displays any sign, symbol, or advertisement, reasonably calculated to convey the impression,

that an entity is affiliated with, funded by, or operating under the authority of the Corporation, VISTA, or any of the programs of the National Senior Volunteer Corps may be enjoined under an action filed by the Attorney General, on a complaint by the Director.

(Pub. L. 93-113, title IV, § 425, as added and amended Pub. L. 103-82, title III, § 370, title IV, § 405(a)(11), Sept. 21, 1993, 107 Stat. 909, 921.)

AMENDMENTS

1993—Pub. L. 103-82, § 405(a)(11), substituted “the Corporation” for “ACTION” in concluding provisions.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by section 405(a)(11) of 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

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.

SUBCHAPTER V—AUTHORIZATION OF APPROPRIATIONS

**§ 5081. National Volunteer Antipoverty Programs**

**(a) Authorizations**

**(1) Volunteers in Service to America**

There are authorized to be appropriated to carry out parts A and B of subchapter I of this chapter, excluding section 4959 of this title, \$56,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

**(2) Literacy activities**

There are authorized to be appropriated to carry out section 4959 of this title, \$5,600,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

**(3) Special volunteer programs**

There are authorized to be appropriated to carry out part C of subchapter I of this chapter, excluding section 4995<sup>1</sup> of this title, such sums as may be necessary for each of the fiscal years 1994 through 1996.

**(4) Literacy challenge grants**

There are authorized to be appropriated to carry out section 4995<sup>1</sup> of this title, such sums as may be necessary for each of the fiscal years 1994 through 1996.

**(5) Specification of budget function**

The authorizations of appropriations contained in this subsection shall be considered to be a component of budget function 500 as used by the Office of Management and Budget to cover education, training, employment, and social services, and, as such, shall be considered to be related to the programs of the Departments of Labor, Health and Human Services, and Education for budgetary purposes.

**(b) Subsistence**

The minimum level of an allowance for subsistence required under section 4955(b)(2) of this

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

title, to be provided to each volunteer under subchapter I of this chapter, may not be reduced or limited in order to provide for an increase in the number of volunteer service years under part A of subchapter I of this chapter.

**(c) Limitation**

No part of the funds appropriated to carry out part A of subchapter I of this chapter may be used to provide volunteers or assistance to any program or project authorized under part B or C of subchapter I of this chapter, or under subchapter II of this chapter, unless the program or project meets the antipoverty criteria of part A of subchapter I of this chapter.

**(d) Availability**

Amounts appropriated for part A of subchapter I of this chapter shall remain available for obligation until the end of the fiscal year following the fiscal year for which the amounts were appropriated.

**(e) Volunteer service requirement**

**(1) Volunteer service years**

Of the amounts appropriated under this section for parts A, B, and C of subchapter I of this chapter, including section 4995 of this title, there shall first be available for part A of subchapter I of this chapter, including sections 4954(e) and 4959 of this title, an amount not less than the amount necessary to provide 3,700 volunteer service years in fiscal year 1994, 4,000 volunteer service years in fiscal year 1995, and 4,500 volunteer service years in fiscal year 1996.

**(2) Plan**

If the Director determines that funds appropriated to carry out part A, B, or C of subchapter I of this chapter are insufficient to provide for the years of volunteer service required by paragraph (1), the Director shall submit a plan to the relevant authorizing and appropriations committees of Congress that will detail what is necessary to fully meet this requirement.

(Pub. L. 93-113, title V, §501, Oct. 1, 1973, 87 Stat. 415; Pub. L. 94-293, §6(a), May 27, 1976, 90 Stat. 526; Pub. L. 96-143, §15(a), (b), Dec. 13, 1979, 93 Stat. 1082; Pub. L. 97-35, title VI, §607(a), Aug. 13, 1981, 95 Stat. 486; Pub. L. 98-288, §27(a), May 21, 1984, 98 Stat. 196; Pub. L. 99-551, §9(a), Oct. 27, 1986, 100 Stat. 3076; Pub. L. 99-570, title IV, §4301(2), Oct. 27, 1986, 100 Stat. 3207-153; Pub. L. 100-690, title III, §3402, Nov. 18, 1988, 102 Stat. 4253; Pub. L. 101-204, title VIII, §§801, 802, Dec. 7, 1989, 103 Stat. 1823, 1824; Pub. L. 102-73, title VII, §701(b), July 25, 1991, 105 Stat. 359; Pub. L. 103-82, title III, §381, Sept. 21, 1993, 107 Stat. 913.)

REFERENCES IN TEXT

Section 4995 of this title, referred to in subsec. (a)(3), (4), was in the original a reference to section 125, meaning section 125 of Pub. L. 93-113, which has been translated as reading section 124 of Pub. L. 93-113 to reflect the probable intent of Congress and the renumbering of section 125 of Pub. L. 93-113 as section 124 by Pub. L. 103-82, title III, §333(2), Sept. 21, 1993, 107 Stat. 903. Pub. L. 93-113 does not contain a section 125.

AMENDMENTS

1993—Pub. L. 103-82 amended section generally, substituting provisions authorizing appropriations for

parts A, B, and C of subchapter I of this chapter for fiscal years 1994 through 1996 for provisions authorizing appropriations for such parts for fiscal years 1987 through 1993.

1991—Subsec. (c). Pub. L. 102-73 designated existing provisions as par. (1), redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (1), and added pars. (2) and (3).

1989—Subsec. (a)(1). Pub. L. 101-204, §801(a), inserted provision authorizing appropriations for fiscal years 1990 through 1993.

Subsec. (a)(2). Pub. L. 101-204, §801(b)(1), inserted provision authorizing appropriations for fiscal years 1990 through 1993.

Subsec. (a)(3). Pub. L. 101-204, §801(b)(2), substituted “1987 through 1993” for “1987, 1988, and 1989”.

Subsec. (b). Pub. L. 101-204, §801(c), inserted provision authorizing appropriations for fiscal years 1990 through 1993.

Subsec. (c). Pub. L. 101-204, §801(d)(1), inserted provision authorizing appropriations for fiscal years 1990 through 1993 to carry out part C of subchapter I of this chapter.

Pub. L. 101-204, §801(d)(2), inserted provision authorizing appropriations for fiscal years 1992 and 1993 for support of drug abuse prevention.

Subsec. (d)(1)(D) to (G). Pub. L. 101-204, §801(e), added subpars. (D) to (G).

Subsec. (d)(4). Pub. L. 101-204, §802, added par. (4).

1988—Subsec. (c). Pub. L. 100-690, §3402(1), inserted “(other than section 4994(b) of this title)” after “of this chapter” and inserted provisions at end relating to additional authorization of appropriations for support of drug abuse prevention in fiscal years 1989 through 1991.

Subsec. (d)(1). Pub. L. 100-690, §3402(2), substituted “subchapter I of this chapter (other than section 4994(b) of this title)” for “subchapter I of this chapter”.

1986—Subsecs. (a), (b). Pub. L. 99-551 added subsecs. (a) and (b) and struck out former subsecs. (a) and (b) which read as follows:

“(a) There is authorized to be appropriated to carry out part A of subchapter I of this chapter \$17,000,000 for fiscal year 1984, \$20,000,000 for fiscal year 1985, and \$25,000,000 for fiscal year 1986.

“(b) There is authorized to be appropriated to carry out part B of subchapter I of this chapter \$1,800,000 for the fiscal year 1984 and for each of the fiscal years 1985 and 1986.”

Subsec. (c). Pub. L. 99-570 inserted at end “In addition to the amounts authorized to be appropriated by the preceding sentence, there is authorized to be appropriated the aggregate sum of \$5,500,000 for fiscal years 1987 and 1988 to be made available for drug abuse prevention.”

Pub. L. 99-551 added subsec. (c) and struck out former subsec. (c) which read as follows: “There is authorized to be appropriated to carry out part C of subchapter I of this chapter \$1,984,000 for the fiscal year 1984 and for each of the fiscal years 1985 and 1986.”

Subsec. (d)(1). Pub. L. 99-551 added par. (1) and struck out former par. (1) which read as follows: “Of the amounts appropriated under this section for parts A, B, and C of subchapter I of this chapter, there shall first be available for part A of subchapter I of this chapter an amount not less than the amount necessary to provide—

“(A) 2,000 years of volunteer service in fiscal year 1984;

“(B) 2,200 years of volunteer service in fiscal year 1985; and

“(C) 2,400 years of volunteer service in fiscal year 1986.”

1984—Pub. L. 98-288 designated existing provisions as subsec. (a), substituted “There is authorized to be appropriated to carry out part A of subchapter I of this chapter \$17,000,000 for fiscal year 1984, \$20,000,000 for fiscal year 1985, and \$25,000,000 for fiscal year 1986” for “There is authorized to be appropriated to carry out subchapter I of this chapter \$25,763,000 for fiscal year 1982 and \$15,391,000 for fiscal year 1983. Of the amounts

appropriated under this section, not less than \$16,000,000 shall first be available for carrying out part A of subchapter I of this chapter for fiscal year 1982, and not less than \$8,000,000 shall first be available for carrying out part A of subchapter I of this chapter for fiscal year 1983", and added subsecs. (b) to (e).

1981—Pub. L. 97-35 substituted provisions relating to authorization and availability of funds for fiscal years 1982 and 1983, for provisions relating to authorization and availability of funds for fiscal year ending June 30, 1974, through fiscal year ending Sept. 30, 1981.

1979—Subsec. (a). Pub. L. 96-143, §15(a), inserted "September 30, 1979, September 30, 1980, and September 30, 1981," after "September 30, 1978," and substituted "this section for the purpose of carrying out subchapter I of this chapter" for "this subchapter".

Subsec. (c). Pub. L. 96-143, §15(b), added subsec. (c).

1976—Subsec. (a). Pub. L. 94-293 inserted "September 30, 1977, and September 30, 1978," after "June 30, 1976".

#### 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.

#### ADDITIONAL APPROPRIATIONS AUTHORIZATION

Additional appropriations authorization for meeting increase in stipend to volunteers under section 4955(a)(1) of this title, see section 5(b) of Pub. L. 94-130, set out as a note under section 4955 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4953, 4958, 5084, 12651d of this title.

### § 5082. National Senior Volunteer Corps

#### (a) Retired and Senior Volunteer Program

There are authorized to be appropriated to carry out part A of subchapter II of this chapter, \$45,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

#### (b) Foster Grandparent Program

There are authorized to be appropriated to carry out part B of subchapter II of this chapter, \$85,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

#### (c) Senior Companion Program

There are authorized to be appropriated to carry out part C of subchapter II of this chapter, \$40,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

#### (d) Demonstration programs

There are authorized to be appropriated to carry out part E of subchapter II of this chapter, such sums as may be necessary for each of the fiscal years 1994 through 1996.

(Pub. L. 93-113, title V, §502, Oct. 1, 1973, 87 Stat. 415; Pub. L. 94-135, title II, §205(a), Nov. 28, 1975, 89 Stat. 727; Pub. L. 95-478, title IV, §402(d), Oct. 18, 1978, 92 Stat. 1558; Pub. L. 97-35, title VI, §607(b), Aug. 13, 1981, 95 Stat. 486; Pub. L. 98-288, §28, May 21, 1984, 98 Stat. 197; Pub. L. 99-551,

§9(b)-(d), Oct. 27, 1986, 100 Stat. 3077; Pub. L. 101-204, title VIII, §804, title IX, §902(7), Dec. 7, 1989, 103 Stat. 1824, 1826; Pub. L. 103-82, title III, §382, Sept. 21, 1993, 107 Stat. 914.)

#### AMENDMENTS

1993—Pub. L. 103-82 amended section generally, substituting subsecs. (a) to (d) authorizing appropriations for parts A, B, C, and E of subchapter II of this chapter for fiscal years 1994 through 1996 for former subsecs. (a) to (c) authorizing appropriations for parts A, B, and C of such subchapter for fiscal years 1989 through 1993.

1989—Pub. L. 101-204, §902(7), struck out "National" before "Older Americans" in section catchline.

Subsec. (a). Pub. L. 101-204, §804(a), inserted "not less than the amount appropriated in the previous fiscal year and not more than" after "to be appropriated", struck out provisions authorizing appropriations for fiscal years 1986 through 1988, and inserted provisions authorizing appropriations for fiscal years 1990 through 1993.

Subsec. (b). Pub. L. 101-204, §804(b), inserted "not less than the amount appropriated in the previous fiscal year and not more than" after "to be appropriated", struck out provisions authorizing appropriations for fiscal years 1986 through 1988, and inserted provisions authorizing appropriations for fiscal years 1990 through 1993.

Subsec. (c). Pub. L. 101-204, §804(c), inserted "not less than the amount appropriated in the previous fiscal year and not more than" after "to be appropriated", struck out provisions authorizing appropriations for fiscal years 1986 through 1988, and inserted provisions authorizing appropriations for fiscal years 1990 through 1993.

1986—Subsec. (a). Pub. L. 99-551, §9(b), inserted "\$32,000,000 for fiscal year 1987, \$33,280,000 for fiscal year 1988, and \$34,610,000 for fiscal year 1989" and struck out "\$30,412,000 for fiscal year 1983, \$29,700,000 for fiscal year 1984, \$30,400,000 for fiscal year 1985, and" after "to be appropriated".

Subsec. (b). Pub. L. 99-551, §9(c), inserted "\$60,000,000 for fiscal year 1987, \$62,400,000 for fiscal year 1988, and \$64,900,000 for fiscal year 1989" and struck out "\$52,650,000 for fiscal year 1983, \$54,300,000 for fiscal year 1984, \$56,700,000 for fiscal year 1985, and" after "to be appropriated".

Subsec. (c). Pub. L. 99-551, §9(d), inserted "\$29,740,000 for fiscal year 1987, \$30,930,000 for fiscal year 1988, and \$32,170,000 for fiscal year 1989" and struck out "\$17,607,000 for fiscal year 1983, \$27,800,000 for fiscal year 1984, \$28,200,000 for fiscal year 1985, and" after "to be appropriated".

1984—Subsec. (a). Pub. L. 98-288, §28(a), struck out "\$28,691,000 for fiscal year 1982 and" after "to be appropriated", and inserted "\$29,700,000 for fiscal year 1984, \$30,400,000 for fiscal year 1985, and \$31,100,000 for fiscal year 1986".

Subsec. (b). Pub. L. 98-288, §28(b), struck out "\$49,670,000 for fiscal year 1982 and" after "to be appropriated", and inserted "\$54,300,000 for fiscal year 1984, \$56,700,000 for fiscal year 1985, and \$58,700,000 for fiscal year 1986".

Subsec. (c). Pub. L. 98-288, §28(c), struck out "\$16,610,000 for fiscal year 1982 and" after "to be appropriated", and inserted "\$27,800,000 for fiscal year 1984, \$28,200,000 for fiscal year 1985, and \$28,600,000 for fiscal year 1986".

1981—Subsec. (a). Pub. L. 97-35, §607(b)(1), substituted provisions authorizing appropriations for fiscal years 1982 and 1983, for provisions authorizing appropriations for fiscal year ending June 30, 1974, through fiscal year ending Sept. 30, 1981.

Subsec. (b). Pub. L. 97-35, §607(b)(2), substituted provisions authorizing appropriations for fiscal years 1982 and 1983, for provisions relating to authorization, availability, and allocation of appropriations from fiscal year ending June 30, 1974, through fiscal year ending Sept. 30, 1981.

Subsec. (c). Pub. L. 97-35, §607(b)(3), added subsec. (c). 1978—Subsec. (a). Pub. L. 95-478, §402(d)(1), authorized appropriations of \$25,000,000; \$30,000,000; and \$35,000,000 for fiscal years ending Sept. 30, 1979, through 1981.

Subsec. (b)(2). Pub. L. 95-478, §402(d)(2), authorized appropriations of \$55,000,000; \$62,500,000; and \$70,000,000 for fiscal years ending Sept. 30, 1979, through 1981, for carrying out part B programs of the subchapter.

1975—Subsec. (a). Pub. L. 94-135, §205(a)(1), authorized appropriations of \$6,000,000 for period beginning July 1, 1976, and ending Sept. 30, 1976, and \$22,000,000 for fiscal years ending Sept. 30, 1977, and 1978.

Subsec. (b). Pub. L. 94-135, §205(a)(2), authorized appropriations of \$10,750,000 for period beginning July 1, 1976, and ending Sept. 30, 1976, and \$43,000,000 for fiscal years ending Sept. 30, 1977, and 1978, in introductory text; \$8,750,000 for period beginning July 1, 1976, and ending Sept. 30, 1976, and \$35,000,000 for fiscal years ending Sept. 30, 1977, and 1978, in cl. (A); and \$2,000,000 for period beginning July 1, 1976, and ending Sept. 30, 1976, and \$8,000,000 for fiscal years ending Sept. 30, 1977, and 1978, in cl. (B).

#### 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.

#### EFFECTIVE DATE OF 1978 AMENDMENT

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

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5021, 5025, 5084 of this title.

### § 5083. Repealed. Pub. L. 95-510, § 102(b), Oct. 24, 1978, 92 Stat. 1781

Section, Pub. L. 93-113, title V, §503, Oct. 1, 1973, 87 Stat. 415; Pub. L. 94-293, §6(b), May 27, 1976, 90 Stat. 526, authorized appropriations for national volunteer programs to assist small businesses and promote volunteer service by persons with business experience.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1979, see section 105 of Pub. L. 95-510, set out as an Effective Date of 1978 Amendment note under section 634 of Title 15, Commerce and Trade.

### § 5084. Administration and coordination

#### (a) In general

For each of the fiscal years 1994 through 1996, there are authorized to be appropriated for the administration of this chapter as provided for in subchapter IV of this chapter, 18 percent of the total amount appropriated under sections 5081 and 5082 of this title with respect to such year.

#### (b) Evaluation

For each of the fiscal years 1994 through 1996, the Director is authorized to expend not less than 2½ percent, and not more than 5 percent, of the amount appropriated under subsection (a) of this section, for the purposes prescribed in section 5056 of this title.

(Pub. L. 93-113, title V, §504, Oct. 1, 1973, 87 Stat. 416; Pub. L. 94-293, §6(c), May 27, 1976, 90 Stat.

526; Pub. L. 96-143, §15(c), Dec. 13, 1979, 93 Stat. 1082; Pub. L. 97-35, title VI, §607(c), Aug. 13, 1981, 95 Stat. 487; Pub. L. 98-288, §29, May 21, 1984, 98 Stat. 197; Pub. L. 99-551, §9(e), Oct. 27, 1986, 100 Stat. 3077; Pub. L. 99-570, title IV, §4301(3), Oct. 27, 1986, 100 Stat. 3207-153; Pub. L. 101-204, title VIII, §803, Dec. 7, 1989, 103 Stat. 1824; Pub. L. 103-82, title III, §383, Sept. 21, 1993, 107 Stat. 915.)

#### AMENDMENTS

1993—Pub. L. 103-82 amended section generally. Prior to amendment, section read as follows:

“(a) There is authorized to be appropriated for the administration of this chapter, as authorized in subchapter IV of this chapter, \$25,312,000 for each of the fiscal years 1987, 1988, and 1989. In addition to the amounts authorized to be appropriated for the administration of this chapter by the preceding sentence, there is authorized to be appropriated the aggregate sum of \$500,000 for fiscal years 1987 and 1988 to be available for support of drug abuse prevention.

“(b) For each of the fiscal years 1990 through 1993, there is authorized to be appropriated for the administration of this chapter, as authorized in subchapter IV of this chapter, 20 percent of the total amount appropriated under sections 5081 and 5082 of this title.”

1989—Pub. L. 101-204 designated existing provisions as subsec. (a) and added subsec. (b).

1986—Pub. L. 99-570 inserted at end “In addition to the amounts authorized to be appropriated for the administration of this chapter by the preceding sentence, there is authorized to be appropriated the aggregate sum of \$500,000 for fiscal years 1987 and 1988 to be available for support of drug abuse prevention.”

Pub. L. 99-551 substituted “\$25,312,000 for each of the fiscal years 1987, 1988, and 1989” for “\$25,800,000 for fiscal year 1984, \$27,000,000 for fiscal year 1985, and \$28,000,000 for fiscal year 1986”.

1984—Pub. L. 98-288 substituted “\$25,800,000 for fiscal year 1984, \$27,000,000 for fiscal year 1985, and \$28,000,000 for fiscal year 1986” for “\$30,091,000 for fiscal year 1982 and \$29,348,000 for fiscal year 1983”.

1981—Pub. L. 97-35 substituted provisions authorizing appropriations for fiscal years 1982 and 1983, for provisions authorizing appropriations for fiscal year ending June 30, 1974, through fiscal year ending Sept. 30, 1981.

1979—Pub. L. 96-143 inserted “September 30, 1979, September 30, 1980, and September 30, 1981,” after “September 30, 1978.”

1976—Pub. L. 94-293 inserted “September 30, 1977, and September 30, 1978,” after “June 30, 1976.”

#### 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.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 20 section 3142.

### § 5085. Availability of appropriations

Notwithstanding any other provision of law, unless enacted in express and specific limitation of the provisions of this section, funds appropriated for any fiscal year to carry out any program under this chapter or any predecessor authority shall remain available, in accordance with the provisions of this chapter, for obligation and expenditure until expended.

(Pub. L. 93-113, title V, §505, Oct. 1, 1973, 87 Stat. 416.)

SUBCHAPTER VI—YOUTHBUILD PROJECTS

§§ 5091 to 5091n. Repealed. Pub. L. 103-82, title III, § 385, Sept. 21, 1993, 107 Stat. 915

Section 5091, Pub. L. 93-113, title VII, §701, as added Pub. L. 101-610, title II, §211, Nov. 16, 1990, 104 Stat. 3172, set forth purpose of this subchapter.

Section 5091a, Pub. L. 93-113, title VII, §702, as added Pub. L. 101-610, title II, §211, Nov. 16, 1990, 104 Stat. 3173, authorized Federal grants for Youthbuild projects.

Section 5091b, Pub. L. 93-113, title VII, §703, as added Pub. L. 101-610, title II, §211, Nov. 16, 1990, 104 Stat. 3173, related to service in construction and rehabilitation projects.

Section 5091c, Pub. L. 93-113, title VII, §704, as added Pub. L. 101-610, title II, §211, Nov. 16, 1990, 104 Stat. 3174, related to education and job training services.

Section 5091d, Pub. L. 93-113, title VII, §705, as added Pub. L. 101-610, title II, §211, Nov. 16, 1990, 104 Stat. 3174, set forth permitted uses of funds provided under this subchapter.

Section 5091e, Pub. L. 93-113, title VII, §706, as added Pub. L. 101-610, title II, §211, Nov. 16, 1990, 104 Stat. 3175, set forth eligibility requirements for participants.

Section 5091f, Pub. L. 93-113, title VII, §707, as added Pub. L. 101-610, title II, §211, Nov. 16, 1990, 104 Stat. 3175, provided living allowance for full-time program participants.

Section 5091g, Pub. L. 93-113, title VII, §708, as added Pub. L. 101-610, title II, §211, Nov. 16, 1990, 104 Stat. 3176, directed that services and activities be carried out through arrangements or under contracts with certain entities.

Section 5091h, Pub. L. 93-113, title VII, §709, as added Pub. L. 101-610, title II, §211, Nov. 16, 1990, 104 Stat. 3176, directed prescribing of standards for evaluating performance of projects.

Section 5091i, Pub. L. 93-113, title VII, §710, as added Pub. L. 101-610, title II, §211, Nov. 16, 1990, 104 Stat. 3176, related to applications for grants.

Section 5091j, Pub. L. 93-113, title VII, §711, as added Pub. L. 101-610, title II, §211, Nov. 16, 1990, 104 Stat. 3177, set forth criteria for selection of projects.

Section 5091k, Pub. L. 93-113, title VII, §712, as added Pub. L. 101-610, title II, §211, Nov. 16, 1990, 104 Stat. 3177, authorized management and technical assistance for projects.

Section 5091l, Pub. L. 93-113, title VII, §713, as added Pub. L. 101-610, title II, §211, Nov. 16, 1990, 104 Stat. 3178, defined terms for purposes of this subchapter.

Section 5091m, Pub. L. 93-113, title VII, §715, as added Pub. L. 101-610, title II, §211, Nov. 16, 1990, 104 Stat. 3179; amended Pub. L. 102-10, §10, Mar. 12, 1991, 105 Stat. 32, directed issuance of necessary regulations.

Section 5091n, Pub. L. 93-113, title VII, §716, as added Pub. L. 101-610, title II, §211, Nov. 16, 1990, 104 Stat. 3179, authorized appropriations to carry out this subchapter.

EFFECTIVE DATE OF REPEAL

Subchapter repealed 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.

CHAPTER 67—CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM

SUBCHAPTER I—GENERAL PROGRAM

- Sec. 5101. Office on Child Abuse and Neglect.
  - (a) Establishment.
  - (b) Purpose.
- 5102. Advisory board on child abuse and neglect.
  - (a) Appointment.
  - (b) Solicitation of nominations.
  - (c) Composition.
  - (d) Vacancies.
  - (e) Election of officers.
  - (f) Duties.

- Sec. 5103. Repealed.
- 5104. National clearinghouse for information relating to child abuse.
  - (a) Establishment.
  - (b) Functions.
  - (c) Coordination with available resources.
- 5105. Research and assistance activities.
  - (a) Research.
  - (b) Provision of technical assistance.
  - (c) Authority to make grants or enter into contracts.
  - (d) Peer review for grants.
- 5106. Grants to public agencies and nonprofit private organizations for demonstration programs and projects.
  - (a) Demonstration programs and projects.
  - (b) Discretionary grants.
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