

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.)

#### § 5027a. Acceptance of donations

##### (a) In general

Except as provided in subsection (b), an entity receiving assistance under this subchapter may accept donations, including donations in cash or in kind fairly evaluated, including plant, equipment, or services.

##### (b) Exception

An entity receiving assistance under this subchapter to carry out an activity shall not accept donations from the beneficiaries of the activity.

(Pub. L. 93-113, title II, §228, as added Pub. L. 111-13, title II, §2146(e), Apr. 21, 2009, 123 Stat. 1591.)

#### EFFECTIVE DATE

Section effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111-13, set out as an Effective Date of 2009 Amendment note under section 4950 of this title.

#### PART E—DEMONSTRATION PROGRAMS

#### § 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

#### §§ 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 Corpora-

tion, 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.)

REFERENCES IN TEXT

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

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 or other volunteers (not including participants under this chapter and the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.)), and which will not supplant the hiring of or result in the displacement of employed workers or other volunteers (not including participants under this chapter and the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.)),<sup>1</sup> 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; Pub. L. 111-13, title II, §2151, Apr. 21, 2009, 123 Stat. 1591.)

## REFERENCES IN TEXT

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

The National and Community Service Act of 1990, referred to in subsec. (a), is Pub. L. 101-610, Nov. 16, 1990, 104 Stat. 3127, which is classified principally to chapter 129 (§12501 et seq.) 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.

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

2009—Subsec. (a). Pub. L. 111-13 inserted "or other volunteers (not including participants under this chapter and the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.))," after "employed workers" in two places.

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

<sup>1</sup> So in original.