

(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.

CODIFICATION

References in subsec. (a) to "section 30101(1) of title 52" and to "section 30101(3) of title 52" were formerly references to "section 431(1) of title 2" and to "section 431(3) of title 2", respectively, and were updated to reflect the editorial reclassification of section 431 of Title 2, The Congress, to section 30101 of Title 52, Voting and Elections. See 1980 Amendment note below.

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. See Codification note above.

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 30101 of Title 52, Voting and Elections.

§ 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.)),¹ 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

¹ So in original.

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 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 2009 AMENDMENT

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

EFFECTIVE DATE OF 1993 AMENDMENT

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

EFFECTIVE DATE OF 1986 AMENDMENT

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

§ 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;