

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 30101(1) of title 52, and the term “Federal office” has the same meaning given such term by section 30101(3) of title 52.

#### (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.

#### 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.)),<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.

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

#### (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.