

**§ 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.)

## REFERENCES IN TEXT

This chapter, referred to in text, 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

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 Repealed.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<sup>1</sup> American Samoa, the Commonwealth of the Northern Mariana Islands, 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 625 of the Economic Opportunity Act of 1964, as amended by Public Law 92-424 (42 U.S.C. 2971d):<sup>2</sup> *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 "Corporation" means the Corporation for National and Community Service established under section 12651 of this title;

(8) the term "foster grandparent" means a volunteer in the Foster Grandparent Program;

(9) the term "Foster Grandparent Program" means the program established under part B of subchapter II;

(10) except as provided in section 5057 of this title, the term "individual with a disability" has the meaning given the term in section 705(20)(B) of title 29;

(11) the term "Inspector General" means the Inspector General of the Corporation;

(12) the term "national senior volunteer" means a volunteer in the National Senior Service Corps;

(13) the term "National Senior Service Corps" means the programs established under parts A, B, C, and E of subchapter II;

<sup>1</sup> So in original. The word "and" probably should not appear.

<sup>2</sup> See References in Text note below.

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

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

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

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

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

(19) the term “VISTA volunteer” means a volunteer in VISTA; and

(20) the term “authorizing committees” means the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

(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; Pub. L. 105-220, title IV, §414(e), Aug. 7, 1998, 112 Stat. 1242; Pub. L. 108-36, title III, §306, June 25, 2003, 117 Stat. 825; Pub. L. 111-13, title II, §2154, Apr. 21, 2009, 123 Stat. 1591.)

#### REFERENCES IN TEXT

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

Section 625 of the Economic Opportunity Act of 1964, as amended by Public Law 92-424 (42 U.S.C. 2971d), referred to in par. (4), was repealed by Pub. L. 97-35, title VI, §683(a), Aug. 13, 1981, 95 Stat. 519. Section 9924 of this title provides that any reference in any provision of law to the poverty line set forth in section 625 of the Economic Opportunity Act of 1964 is to be construed to be a reference to the poverty line defined in section 9902 of this title.

The Alaska Native Claims Settlement Act, referred to in par. (5), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, 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

2009—Par. (2). Pub. L. 111-13, §2154(1), inserted “, the Commonwealth of the Northern Mariana Islands,” after “American Samoa”.

Pars. (7) to (12). Pub. L. 111-13, §2154(2), (5), redesignated pars. (8) to (13) as (7) to (12), respectively, and struck out former par. (7), which read as follows: “the term ‘boarder baby’ means an infant who is abandoned, as defined in section 5117aa-21 of this title;”.

Pars. (13), (14). Pub. L. 111-13, §2154(5), redesignated pars. (14) and (15) as (13) and (14), respectively. Former par. (13) redesignated (12).

Pub. L. 111-13, §2154(3), (4), substituted “Service Corps” for “Volunteer Corps”.

Pars. (15) to (20). Pub. L. 111-13, §2154(5)–(8), added par. (20) and redesignated former pars. (16) to (20) as (15) to (19), respectively. Former par. (15) redesignated (14).

2003—Par. (7). Pub. L. 108-36 substituted “infant who is abandoned, as defined in section 301” for “infant described in section 103”.

1998—Par. (11). Pub. L. 105-220 substituted “section 705(20)(B) of title 29” for “section 706(8)(B) of title 29”.

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 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 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.

Pub. L. 103-82, title IV, §406(a), Sept. 21, 1993, 107 Stat. 922, 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.

#### (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