

Prohibited Activities (State and National Grant Terms & Conditions V.C. and 45 CFR 2520.65)

CNCS has placed a strong emphasis on monitoring for prohibited activities. All programs should make note of the prohibited activities and ensure that members, site supervisors, and other staff are well-versed in these activities. It is required that prohibited activities are covered in the member and site supervisor orientations, as well as specifically detailed in the Member Service Agreement.

These prohibited activities include:

- i. Attempting to influence legislation;
- ii. Organizing or engaging in protests, petitions, boycotts, or strikes;
- iii. Assisting, promoting, or deterring union organizing;
- iv. Impairing existing contracts for services or collective bargaining agreements;
- v. Engaging in partisan political activities, or other activities designed to influence the outcome of an election to any public office;
- vi. Participating in, or endorsing, events or activities that are likely to include advocacy for or against political parties, political platforms, political candidates, proposed legislation, or elected officials;
- vii. Engaging in religious instruction, conducting worship services, providing instruction as part of a program that includes mandatory religious instruction or worship, constructing or operating facilities devoted to religious instruction or worship, maintaining facilities primarily or inherently devoted to religious instruction or worship, or engaging in any form of religious proselytization;
- viii. Providing a direct benefit to –
 - a. a business organized for profit;
 - b. a labor union;
 - c. a partisan political organization;
 - d. a nonprofit organization that fails to comply with the restrictions contained in section 501(c)(3) of the Internal Revenue Code of 1986 related to engaging in political activities or substantial amount of lobbying except that nothing in these provisions shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative; and
 - e. an organization engaged in the religious activities described in paragraph vii above, unless CNCS assistance is not used to support those religious activities;
- ix. Conducting a voter registration drive or using CNCS funds to conduct a voter registration drive;
- x. Providing abortion services or referrals for receipt of such services; and
- xi. Such other activities as CNCS may prohibit (see Additional Prohibited Activities below). AmeriCorps members may not engage in the above activities directly or indirectly by recruiting, training, or managing others for the primary purpose of engaging in one of the activities listed above. Individuals may exercise their rights as private citizens and

may participate in the activities listed above on their initiative, on non-AmeriCorps time, and using non-CNCS funds. Individuals should not wear the AmeriCorps logo while engaging in any of the above activities on their personal time. All locations where members serve should post the list of prohibited activities.

Additional Prohibited Activities

This excerpt from 45 CFR 2540.100 expands on prohibited uses of CNCS funds:

- a) Supplantation. CNCS assistance may not be used to replace State and local public funds that had been used to support programs of the type eligible to receive CNCS support. For any given program, this condition will be satisfied if the aggregate non-Federal public expenditure for that program in the fiscal year that support is to be provided is not less than the previous fiscal year.
- b) Religious use. CNCS assistance may not be used to provide religious instruction, conduct worship services, or engage in any form of proselytization.
- c) Political activity. CNCS assistance may not be used by program participants or staff to assist, promote, or deter union organizing; or finance, directly or indirectly, any activity designed to influence the outcome of a Federal, State or local election to public office.
- d) Contracts or collective bargaining agreements. CNCS assistance may not be used to impair existing contracts for services or collective bargaining agreements
- e) Nonduplication. CNCS assistance may not be used to duplicate an activity that is already available in the locality of a program. And, unless the requirements of paragraph (f) of this section are met, CNCS assistance will not be provided to a private nonprofit entity to conduct activities that are the same or substantially equivalent to activities provided by a State or local government agency in which such entity resides.
- f) Nondisplacement.
 - 1) An employer may not displace an employee or position, including partial displacement such as reduction in hours, wages, or employment benefits, as a result of the use by such employer of a participant in a program receiving CNCS assistance.
 - 2) An organization may not displace a volunteer by using a participant in a program receiving CNCS assistance.
 - 3) A service opportunity will not be created under this chapter that will infringe in any manner on the promotional opportunity of an employed individual.
 - 4) A participant in a program receiving CNCS assistance may not perform any services or duties or engage in activities that would otherwise be performed by an employee as part of the assigned duties of such employee.
 - 5) A participant in any program receiving assistance under this chapter may not perform any services or duties, or engage in activities, that –
 - i. Will supplant the hiring of employed workers; or

- ii. Are services, duties, or activities with respect to which an individual has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures.
- 6) A participant in any program receiving assistance under this chapter may not perform services or duties that have been performed by or were assigned to any
 - i. Presently employed worker;
 - ii. Employee who recently resigned or was discharged;
 - iii. Employee who is subject to a reduction in force or who has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures;
 - iv. Employee who is on leave (terminal, temporary, vacation, emergency, or sick); or
 - v. Employee who is on strike or who is being locked out.

Other prohibited activities include:

- i. Members raising funds for their living allowance
- ii. Raising funds for program operating expenses or endowment
- iii. Writing grant applications for CNCS grants, including AmeriCorps
- iv. Writing grant applications for funding provided by other federal agencies
- v. Recruiting volunteers to perform prohibited activities or distributing materials related to prohibited activities (i.e. activities in support of the Prohibited Activities are not allowed. For example, it is not allowable for an AmeriCorps member to recruit community volunteers to perform a prohibited activity, such as voter registration drives, nor is it allowable for an AmeriCorps member to distribute materials related to a prohibited activity, such as registration information for religious instruction.)