

# SEC. 178. [42 U.S.C. 12638] State Commissions on National and Community Service

## (a) Existence required

### (1) State Commission

Except as provided in paragraph (2), to be eligible to receive a grant or allotment under subtitle B or C of this subchapter or to receive a distribution of approved national service positions under subtitle C of this subchapter, a State shall maintain a State Commission on National and Community Service that satisfies the requirements of this section.

### (2) Alternative administrative entity

The chief executive officer of a State may apply to the Corporation for approval to use an alternative administrative entity to carry out the duties otherwise entrusted to a State Commission under this chapter. The chief executive officer shall ensure that any alternative administrative entity used in lieu of a State Commission provides for the individuals described in paragraph (1), and some of the individuals described in paragraph (2), of subsection (c) of this section to play a significant policymaking role in carrying out the duties otherwise entrusted to a State Commission, including the submission of applications on behalf of the State under sections 12543 and 12582 of this title.

## (b) Appointment and size

Except as provided in subsection (c)(3) of this section, the members of a State Commission for a State shall be appointed by the chief executive officer of the State. A State Commission shall consist of not fewer than 15, and not more than 25, voting members, and any ex officio nonvoting members, as described in paragraph (3) or (4) of subsection (c) of this section.

## (c) Composition and membership

### (1) Required members

The State Commission for a State shall include as voting members at least one of each of the following individuals:

**(A)** An individual with expertise in the educational, training, and development needs of youth, particularly disadvantaged youth.

**(B)** An individual with experience in promoting the involvement of older adults in service and voluntarism.

**(C)** A representative of community-based agencies or community-based organizations within the State.

**(D)** The head of the State educational agency.

**(E)** A representative of local governments in the State.

**(F)** A representative of local labor organizations in the State.

**(G)** A representative of business.

**(H)** An individual between the ages of 16 and 25 who is a participant or supervisor in a program.

**(I)** A representative of a national service program described in section 12572(a) of this title, such as a youth corps program described in section 12572(a)(2) of this title.

(2) Sources of other members

The State Commission for a State may include as voting members the following individuals:

**(A)** Members selected from among local educators.

**(B)** Members selected from among experts in the delivery of human, educational, environmental, or public safety services to communities and persons.

**(C)** Representatives of Indian tribes.

**(D)** Members selected from among out-of-school youth or other at-risk youth.

**(E)** Representatives of entities that receive assistance under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

(3) Corporation representative

The representative of the Corporation designated under section 12651f(c) of this title for a State shall be an ex officio nonvoting member of the State Commission or alternative administrative entity for that State, unless the State permits the representative to serve as a voting member of the State Commission or alternative administrative entity.

(4) Ex officio State representatives

The chief executive officer of a State may appoint, as ex officio nonvoting members of the State Commission for the State, representatives selected from among officers and employees of State agencies operating community service, youth service, education, social service, senior service, and job training programs.

(5) Limitation on number of State employees as members

The number of voting members of a State Commission selected under paragraph (1) or (2) who are officers or employees of the State may not exceed 25 percent (reduced to the nearest whole number) of the total membership of the State Commission.

(d) Miscellaneous matters

(1) Membership balance

The chief executive officer of a State shall ensure, to the maximum extent practicable, that the membership of the State Commission for the State is diverse with respect to race, ethnicity, age, gender, and disability characteristics. Not more than 50 percent of the voting members of a State Commission, plus one additional member, may be from the same political party.

(2) Terms

Each member of the State Commission for a State shall serve for a term of 3 years, except that the chief executive officer of a State shall initially appoint a portion of the members to terms of 1 year and 2 years.

(3) Vacancies

If a vacancy occurs on a State Commission, a new member shall be appointed by the chief executive officer of the State and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the State Commission.

(4) Compensation

A member of a State Commission or alternative administrative entity shall not receive any additional compensation by reason of service on the State Commission or alternative administrative entity, except that the State may authorize the reimbursement of travel expenses, including a per diem in lieu of subsistence, in the same manner as other employees serving intermittently in the service of the State.

(5) Chairperson

The voting members of a State Commission shall elect one of the voting members to serve as chairperson of the State Commission.

(6) Limitation on member participation

(A) General limitation

Except as provided in subparagraph (B), a voting member of the State Commission (or of an alternative administrative entity) shall not participate in the administration of the grant program (including any discussion or decision regarding the provision of assistance or approved national service positions, or the continuation, suspension, or termination of such assistance or such positions, to any program or entity) described in subsection (e)(9) of this section if--

(i) a grant application relating to such program is pending before the Commission (or such entity); and

**(ii)** the application was submitted by a program or entity of which such member is, or in the 1-year period before the submission of such application was, an officer, director, trustee, full-time volunteer, or employee.

**(B)** Exception

If, as a result of the operation of subparagraph (A), the number of voting members of the Commission (or of such entity) is insufficient to establish a quorum for the purpose of administering such program, then voting members excluded from participation by subparagraph (A) may participate in the administration of such program, notwithstanding the limitation in subparagraph (A), to the extent permitted by regulations issued under section 12651d(b)(11) of this title by the Corporation.

**(C)** Rule of construction

Subparagraph (A) shall not be construed to limit the authority of any voting member of the Commission (or of such entity) to participate in--

**(i)** discussion of, and hearing and forums on--

**(I)** the general duties, policies, and operations of the Commission (or of such entity); or

**(II)** the general administration of such program; or

**(ii)** similar general matters relating to the Commission (or such entity).

**(e)** Duties of a State Commission

The State Commission or alternative administrative entity for a State shall be responsible for the following duties:

**(1)** Preparation of a national service plan for the State that--

**(A)** is developed through an open and public process (such as through regional forums, hearings, and other means) that provides for maximum participation and input from national service programs within the State and other interested members of the public;

**(B)** covers a 3-year period;

**(C)** is updated annually;

**(D)** ensures outreach to diverse community-based agencies that serve underrepresented populations, by--

**(i)** using established networks, and registries, at the State level; or

**(ii)** establishing such networks and registries; and

**(E)** contains such information as the State Commission considers to be appropriate or as the Corporation may require.

**(2)** Preparation of the applications of the State under sections 12543 and 12582 of this title for financial assistance.

**(3)** Assistance in the preparation of the application of the State educational agency for assistance under section 12525 of this title.

**(4)** Preparation of the application of the State under section 12582 of this title for the approval of service positions that include the national service educational award described in subtitle D of this subchapter.

**(5)** Make recommendations to the Corporation with respect to priorities for programs receiving assistance under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

**(6)** Make technical assistance available to enable applicants for assistance under section 12571 of this title--

**(A)** to plan and implement service programs; and

**(B)** to apply for assistance under the national service laws using, if appropriate, information and materials available through a clearinghouse established under section 12653a of this title.

**(7)** Assistance in the provision of health care and child care benefits under section 12594 of this title to participants in national service programs that receive assistance under section 12571 of this title.

**(8)** Development of a State system for the recruitment and placement of participants in programs that receive assistance under the national service laws and dissemination of information concerning national service programs that receive such assistance or approved national service positions.

**(9)** Administration of the grant program in support of national service programs that is conducted by the State using assistance provided to the State under section 12571 of this title, including selection, oversight, and evaluation of grant recipients.

**(10)** Development of projects, training methods, curriculum materials, and other materials and activities related to national service programs that receive assistance directly from the Corporation (to be made available in a case in which such a program requests such a project, method, material, or activity) or from the State using assistance provided under section 12571 of this title, for use by programs that request such projects, methods, materials, and activities.

(f) Activity ineligible for assistance

A State Commission or alternative administrative entity may not directly carry out any national service program that receives assistance under section 12571 of this title.

# **SEC. 125. [42 U.S.C. 12575] Training and technical assistance**

## **(a) Training programs**

The Corporation may conduct, directly or by grant or contract, appropriate training programs regarding national service in order to--

**(1)** improve the ability of national service programs assisted under section 12571 of this title to meet human, educational, environmental, or public safety needs in communities--

**(A)** where services are needed most; and

**(B)** where programs do not exist, or are too limited to meet community needs, as of the date on which the Corporation makes the grant or enters into the contract;

**(2)** promote leadership development in such programs;

**(3)** improve the instructional and programmatic quality of such programs to build an ethic of civic responsibility;

**(4)** develop the management and budgetary skills of program operators;

**(5)** provide for or improve the training provided to the participants in such programs; and

**(6)** encourage national service programs to adhere to risk management procedures, including the training of participants in appropriate risk management practices.

## **(b) Technical assistance**

To the extent appropriate and necessary, the Corporation shall make technical assistance available to States, Indian tribes, labor organizations, organizations operated by young adults, organizations serving economically disadvantaged individuals, and other entities described in section 12571 of this title that desire--

**(1)** to develop national service programs; or

**(2)** to apply for assistance under such section or under a grant program conducted using assistance provided under such section.

# **SEC. 138. [42 U.S.C. 12592] Selection of national service participants**

(a) Selection process

Subject to subsections (b) and (c) of this section and section 12583(f) of this title, the actual recruitment and selection of an individual to serve in a national service program receiving assistance under section 12571 of this title or to fill an approved national service position shall be conducted by the State, subdivision of a State, Indian tribe, public or private nonprofit organization, institution of higher education, Federal agency, or other entity to which the assistance and approved national service positions are provided.

(b) Nondiscrimination and nonpolitical selection of participants

The recruitment and selection of individuals to serve in national service programs receiving assistance under section 12571 of this title or to fill approved national service positions shall be consistent with the requirements of section 12635 of this title.

(c) Second term

Acceptance into a national service program to serve a second term of service under section 12593 of this title shall only be available to individuals who perform satisfactorily in their first term of service.

(d) Recruitment and placement

The Corporation and each State Commission shall establish a system to recruit individuals who desire to perform national service and to assist the placement of these individuals in approved national service positions, which may include positions available under Titles I and II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) [42 U.S.C.A. §§ 4951 et seq. and 5000 et seq.]. The Corporation and State Commissions shall disseminate information regarding available approved national service positions through cooperation with secondary schools, institutions of higher education, employment service offices, State vocational rehabilitation agencies within the meaning of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) and other State agencies that primarily serve individuals with disabilities, and other appropriate entities, particularly those organizations that provide outreach to disadvantaged youths and youths who are individuals with disabilities.

(e) National leadership pool

(1) Selection and training

From among individuals recruited under subsection (d) of this section, the Corporation may select individuals with significant leadership potential, as determined by the Corporation, to receive special training to enhance their leadership ability. The leadership training shall be provided by the Corporation directly or through a grant or contract.

(2) Emphasis on certain individuals

In selecting individuals to receive leadership training under this subsection, the Corporation shall make special efforts to select individuals who have served--

**(A)** in the Peace Corps;

**(B)** as VISTA volunteers;

**(C)** as participants in national service programs receiving assistance under section 12571 of this title;

**(D)** as participants in programs receiving assistance under part D of this subchapter, as in effect on the day before September 21, 1993; or

**(E)** as members of the Armed Forces of the United States and who were honorably discharged from such service.

**(3) Assignment**

At the request of a program that receives assistance under the national service laws, the Corporation may assign an individual who receives leadership training under paragraph (1) to work with the program in a leadership position and carry out assignments not otherwise performed by regular participants. An individual assigned to a program shall be considered to be a participant of the program.

**(f) Evaluation of service**

The Corporation shall issue regulations regarding the manner and criteria by which the service of a participant shall be evaluated to determine whether the service is satisfactory and successful for purposes of eligibility for a second term of service or a national service educational award.

