

42 USC Ch. 129: NATIONAL AND COMMUNITY SERVICE
From Title 42—THE PUBLIC HEALTH AND WELFARE

CHAPTER 129—NATIONAL AND COMMUNITY SERVICE

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§12501. Findings and purpose

(a) Findings

The Congress finds the following:

- (1) Throughout the United States, there are pressing unmet human, educational, environmental, and public safety needs.
- (2) Americans desire to affirm common responsibilities and shared values, and join together in positive experiences, that transcend race, religion, gender, age, disability, region, income, and education.
- (3) The rising costs of postsecondary education are putting higher education out of reach for an increasing number of citizens.
- (4) Americans of all ages can improve their communities and become better citizens through service to the United States.
- (5) Nonprofit organizations, local governments, States, and the Federal Government are already supporting a wide variety of national service programs that deliver needed services in a cost-effective manner.
- (6) Residents of low-income communities, especially youth and young adults, can be empowered through their service, and can help provide future community leadership.

(b) Purpose

It is the purpose of this chapter to—

- (1) meet the unmet human, educational, environmental, and public safety needs of the United States, without displacing existing workers;
- (2) renew the ethic of civic responsibility and the spirit of community and service throughout the varied and diverse communities of the United States;
- (3) expand educational opportunity by rewarding individuals who participate in national service with an increased ability to pursue higher education or job training;

- (4) encourage citizens of the United States, regardless of age, income, geographic location, or disability, to engage in full-time or part-time national service;
- (5) reinvent government to eliminate duplication, support locally established initiatives, require measurable goals for performance, and offer flexibility in meeting those goals;
- (6) expand and strengthen existing national service programs with demonstrated experience in providing structured service opportunities with visible benefits to the participants and community;
- (7) build on the existing organizational service infrastructure of Federal, State, and local programs, agencies, and communities to expand full-time and part-time service opportunities for all citizens;
- (8) provide tangible benefits to the communities in which national service is performed;
- (9) expand and strengthen service-learning programs through year-round opportunities, including opportunities during the summer months, to improve the education of children and youth and to maximize the benefits of national and community service, in order to renew the ethic of civic responsibility and the spirit of community for children and youth throughout the United States;
- (10) assist in coordinating and strengthening Federal and other service opportunities, including opportunities for participation in emergency and disaster preparedness, relief, and recovery;
- (11) increase service opportunities for the Nation's retiring professionals, including such opportunities for those retiring from the science, technical, engineering, and mathematics professions, to improve the education of the Nation's youth and keep America competitive in the global knowledge economy, and to further utilize the experience, knowledge, and skills of older individuals;
- (12) encourage the continued service of the alumni of the national service programs, including service in times of national need;
- (13) encourage individuals age 55 or older to partake of service opportunities;
- (14) focus national service on the areas of national need such service has the capacity to address, such as improving education, increasing energy conservation, improving the health status of economically disadvantaged individuals, and improving economic opportunity for economically disadvantaged individuals;
- (15) recognize and increase the impact of social entrepreneurs and other nonprofit community organizations in addressing national and local challenges;
- (16) increase public and private investment in nonprofit community organizations that are effectively addressing national and local challenges and encourage such organizations to replicate and expand successful initiatives;
- (17) leverage Federal investments to increase State, local, business, and philanthropic resources to address national and local challenges;
- (18) support institutions of higher education that engage students in community service activities and provide high-quality service-learning opportunities; and
- (19) recognize the expertise veterans can offer to national service programs, expand the participation of the veterans in the national service programs, and assist the families of veterans and members of the Armed Forces on active duty.

(Pub. L. 101–610, §2, Nov. 16, 1990, 104 Stat. 3129; Pub. L. 103–82, §2(a), Sept. 21, 1993, 107 Stat. 787; Pub. L. 111–13, title I, §1101, Apr. 21, 2009, 123 Stat. 1463.)

Editorial Notes

References in Text

This chapter, referred to in subsec. (b), was in the original "this Act", meaning Pub. L. 101–610, Nov. 16, 1990, 104 Stat. 3127, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

Amendments

2009—Subsec. (b)(2). Pub. L. 111–13, §1101(1), substituted "community and service throughout the varied and diverse communities of" for "community throughout".

Subsec. (b)(4). Pub. L. 111–13, §1101(2), inserted "geographic location," after "income,".

Subsec. (b)(6). Pub. L. 111–13, §1101(3), inserted "national" after "existing".

Subsec. (b)(7). Pub. L. 111–13, §1101(4)(A), substituted "programs, agencies, and communities" for "programs and agencies".

Subsec. (b)(9) to (19). Pub. L. 111–13, §1101(4)(B)–(6), added pars. (9) to (19).

1993—Pub. L. 103–82 amended section generally, substituting provisions relating to findings and purposes for former provisions setting forth the purposes of this chapter.

Statutory Notes and Related Subsidiaries

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.

Short Title of 2009 Amendment

Pub. L. 111–13, §1(a), Apr. 21, 2009, 123 Stat. 1460, provided that: "This Act [see Tables for classification] may be cited as the 'Serve America Act'."

Short Title of 2002 Amendment

Pub. L. 107–117, div. B, §1301(a), Jan. 10, 2002, 115 Stat. 2339, provided that: "This section [enacting subchapter III of this chapter] may be cited as the 'Unity in the Spirit of America Act' or the 'USA Act'."

Short Title of 1994 Amendment

Pub. L. 103–304, §1, Aug. 23, 1994, 108 Stat. 1565, provided that: "This Act [amending sections 4953, 5024, 12591, 12602, 12615, 12619, 12622, 12651d, 12653, and 12655n of this title and enacting provisions set out as a note under section 4953 of this title] may be cited as the 'King Holiday and Service Act of 1994'."

Short Title of 1993 Amendment

Pub. L. 103–82, §1(a), Sept. 21, 1993, 107 Stat. 785, provided that: "This Act [see Tables for classification] may be cited as the 'National and Community Service Trust Act of 1993'."

Short Title of 1992 Amendment

Pub. L. 102–384, §1, Oct. 5, 1992, 106 Stat. 1455, provided that: "This Act [amending sections 12511, 12522, 12523, 12525, 12526, 12541, 12550, 12612, 12614, 12615, 12622, 12639, 12651, and 12681 of this title] may be cited as the 'National and Community Service Technical Amendment Act of 1992'."

Short Title of 1991 Amendment

Pub. L. 102–10, §1, Mar. 12, 1991, 105 Stat. 29, provided that: "This Act [enacting section 12645 of this title, amending sections 5091m, 12511, 12521, 12522, 12524, 12527, 12531, 12542 to 12544, 12548, 12553, 12575, 12576, 12602, 12638, and 12651 of this title, and repealing section 12556 of this title] may be cited as the 'National and Community Service Technical Amendments Act of 1991'."

Short Title

Pub. L. 101–610, §1(a), Nov. 16, 1990, 104 Stat. 3127, provided that: "This Act [enacting this chapter, sections 5091 to 5091n of this title, and section 2452a of Title 22, Foreign Relations and Intercourse, amending sections 1018c, 1018e, 1070a–6, 1087vv, 1092, and 1092b of Title 20, Education, and former section 546 of Title 45, Railroads, and enacting provisions set out as notes under this section and section 24301 of Title 49, Transportation] may be cited as the 'National and Community Service Act of 1990'."

Pub. L. 101–610, title I, subtitle B (§§110–118), §110, Nov. 16, 1990, 104 Stat. 3132, which provided that such subtitle (enacting former part B (§§12521–12531) of subchapter I of this chapter) be cited as the "Serve-America: The Community Service, Schools and Service-Learning Act of 1990", was repealed by Pub. L. 103–82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 825.

Pub. L. 108–45, §1, July 3, 2003, 117 Stat. 844, which provided that Pub. L. 108–45, enacting section 12605 of this title, could be cited as the "Strengthen AmeriCorps Program Act", was repealed by Pub. L. 111–13, title I, §1406(b), Apr. 21, 2009, 123 Stat. 1521.

Pub. L. 101–610, title I, §199, formerly §120, Nov. 16, 1990, 104 Stat. 3140, as renumbered by Pub. L. 103–82, title I, §101(a), Sept. 21, 1993, 107 Stat. 788, provided that: "This subtitle [subtitle I (§§199–199O) (formerly subtitle C (§§120–136)) of title I of Pub. L. 101–610, enacting division I (formerly part C) of subchapter I of this chapter] may be cited as the 'American Conservation and Youth Service Corps Act of 1990'."

Pub. L. 101–610, title I, subtitle D (§§140–150), §140, Nov. 16, 1990, 104 Stat. 3150, which provided that such subtitle (enacting former part D (§§12571–12580) of subchapter I of this chapter) be cited as the "National and Community Service Act", was omitted in the general amendment of part D (now division D) by Pub. L. 103–82, title I, §102(a), Sept. 21, 1993, 107 Stat. 816.

Pub. L. 101–610, title III, §301, Nov. 16, 1990, 104 Stat. 3180, which provided that title III of Pub. L. 101–610, enacting subchapter II of this chapter, could be cited as "The Points of Light Foundation Act", was repealed by Pub. L. 111–13, title I, §1831(a), Apr. 21, 2009, 123 Stat. 1578.

Provisions Related to the Corporation for National and Community Service

Pub. L. 116–136, div. A, title III, §3514, Mar. 27, 2020, 134 Stat. 405, as amended by Pub. L. 116–159, div. A, §156(d)(1), Oct. 1, 2020, 134 Stat. 721, provided that:

"(a) Accrual of Service Hours.—

"(1) Accrual through other service hours.—

"(A) In general.—Notwithstanding any other provision of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.) or the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.), the Corporation for National and Community Service shall allow an individual described in subparagraph (B) to accrue other service hours that will count toward the number of hours needed for the individual's education award.

"(B) Affected individuals.—Subparagraph (A) shall apply to any individual serving in a position eligible for an educational award under subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.)—

"(i) who is performing limited service due to COVID–19; or

"(ii) whose position has been suspended or placed on hold due to COVID–19.

"(2) Provisions in case of early exit.—In any case where an individual serving in a position eligible for an educational award under subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.) was required to exit the position early at the direction of the Corporation for National and Community Service, the Chief Executive Officer of the Corporation for National and Community Service may—

"(A) deem such individual as having met the requirements of the position; and

"(B) award the individual the full value of the educational award under such subtitle for which the individual would otherwise have been eligible.

"[(b) Repealed. Pub. L. 116–159, div. A, §156(d)(1), Oct. 1, 2020, 134 Stat. 721.]

"(c) No Required Return of Grant Funds.—Notwithstanding section 129(l)(3)(A)(i) of the National and Community Service Act of 1990 (42 U.S.C. 12581(l)(3)(A)(i)), the Chief Executive Officer of the Corporation for National and Community Service may permit fixed-amount grant recipients under such section 129(l) to maintain a pro rata amount of grant funds, at the discretion of the Corporation for National and Community Service, for participants who exited, were suspended, or are serving in a limited capacity due to COVID–19, to enable the grant recipients to maintain operations and to accept participants.

"(d) Extension of Terms and Age Limits.—Notwithstanding any other provision of law, the Corporation for National and Community Service may extend the term of service (for a period not to exceed the 1-year period immediately following the end of the national emergency) or waive any upper age limit (except in no case shall the maximum age exceed 26 years of age) for national service programs carried out by the National Civilian Community Corps under subtitle E of title I of the National and Community Service Act of 1990 (42 U.S.C. 12611 et seq.), and the participants in such programs, for the purposes of—

"(1) addressing disruptions due to COVID–19; and

"(2) minimizing the difficulty in returning to full operation due to COVID–19 on such programs and participants."

[Pub. L. 116–159, div. A, §156(d)(1), Oct. 1, 2020, 134 Stat. 721, provided that: "Section 3514(b) of title III of division A of Public Law 116–136 [formerly set out above] is hereby repealed, and such section shall be applied hereafter as if such subsection had never been enacted."]

[Pub. L. 116–159, div. A, §156(e), Oct. 1, 2020, 134 Stat. 721, provided that:

["(1) This section [amending section 3514 of Pub. L. 116–136, set out above] shall become effective immediately upon enactment of this Act [div. A of Pub. L. 116–159, approved Oct. 1, 2020].

["(2) If this Act is enacted after September 30, 2020, this section shall be applied as if it were in effect on September 30, 2020."]

Compliance With Buy American Act

Pub. L. 103–82, title V, §501, Sept. 21, 1993, 107 Stat. 922, provided that: "No funds appropriated pursuant to this Act [see Tables for classification] (including the amendments made by this Act) may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 ([former] 41 U.S.C. 10a–10c, popularly known as the 'Buy American Act' [see 41 U.S.C. 8301 et seq.])."

Sense of Congress; Requirement Regarding Notice

Pub. L. 103–82, title V, §502, Sept. 21, 1993, 107 Stat. 923, provided that:

"(a) Purchase of American-Made Equipment and Products.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided under this Act [see Tables for classification] (including the amendments made by this Act), it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

"(b) Notice to Recipients of Assistance.—In providing financial assistance under this Act (including the amendments made by this Act), the Secretary of Education shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress."

Prohibition of Contracts With Persons Falsely Labeling Products as Made in America

Pub. L. 103–82, title V, §503, Sept. 21, 1993, 107 Stat. 923, provided that: "If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a 'Made in America' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds appropriated to carry out this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations."

Executive Documents

Ex. Ord. No. 13254. Establishing the USA Freedom Corps

Ex. Ord. No. 13254, Jan. 29, 2002, 67 F.R. 4869, as amended by Ex. Ord. No. 13286, §6, Feb. 28, 2003, 68 F.R. 10620, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Policy.* Building on our Nation's rich tradition of citizen service, this Administration's policy is to foster a culture of responsibility, service, and citizenship by promoting, expanding, and enhancing public service

opportunities for all Americans and by making these opportunities readily available to citizens from all geographic areas, professions, and walks of life. More specifically, this Administration encourages all Americans to serve their country for the equivalent of at least 2 years (4,000 hours) over their lifetimes. Toward those ends, the executive departments, agencies, and offices constituting the USA Freedom Corps shall coordinate and strengthen Federal and other service opportunities, including opportunities for participation in homeland security preparedness and response, other areas of public and social service, and international service. The executive branch departments, agencies, and offices also will work with State and local governments and private entities to foster and encourage participation in public and social service programs, as appropriate.

Sec. 2. USA Freedom Corps. The USA Freedom Corps shall be an interagency initiative, bringing together executive branch departments, agencies, and offices with public service programs and components, including but not limited to programs and components with the following functions:

- (i) recruiting, mobilizing, and encouraging all Americans to engage in public service;
- (ii) providing concrete opportunities to engage in public service;
- (iii) providing the public with access to information about public service opportunities through Federal programs and elsewhere; and
- (iv) providing recognition and awards to volunteers and other participants in public service programs.

Sec. 3. USA Freedom Corps Council. (a) *Establishment and Mission.* There shall be a USA Freedom Corps Council (Council) chaired by the President and composed of heads of executive branch departments, agencies, and offices, which shall have the following functions:

- (i) serving as a forum for Federal officials responsible for public service programs to coordinate and improve public service programs and activities administered by the executive branch;
- (ii) working to encourage all Americans to engage in public service, whether through Federal programs or otherwise;
- (iii) advising the President and heads of executive branch departments, agencies, and offices concerning the optimization of current Federal programs to enhance public service opportunities;
- (iv) coordinating public outreach and publicity of citizen service opportunities provided by Federal programs;
- (v) encouraging schools, universities, private public service organizations, and other non-Federal entities to foster and reward public service;
- (vi) studying the availability of public service opportunities provided by the Federal Government and elsewhere; and
- (vii) tracking progress in participation in public service programs.

(b) *Membership.* In addition to the Chair, the members of the Council shall be the heads of the executive branch departments, agencies, and offices listed below, or their designees, and such other officers of the executive branch as the President may from time to time designate. Every member of the Council or designee shall be a full-time or permanent part-time officer or employee of the Federal Government. Members shall not be compensated for their service on the Council in addition to the salaries they receive as employees or officers of the Federal Government.

- (i) Vice President;
- (ii) Attorney General;

- (iii) Secretary of State;
- (iv) Secretary of Health and Human Services;
- (v) Secretary of Commerce;
- (vi) Secretary of Education;
- (vii) Secretary of Veterans Affairs;
- (viii) Secretary of Homeland Security;
- (ix) Chief Executive Officer of the Corporation for National and Community Service;
- (x) Director of the Peace Corps;
- (xi) Administrator of the United States Agency for International Development;
- (xii) Director of the USA Freedom Corps Office; and
- (xiii) Director of the Office of Faith-Based and Community Initiatives.

(c) *Chair.* The President shall be the Chair of the USA Freedom Corps Council, and in his absence, the Vice President shall serve as Chair. The Director of the USA Freedom Corps Office may, at the President's direction, preside over meetings of the Council in the President's and Vice President's absence.

(d) *Honorary Co-Chair.* The President may, from time to time, designate an Honorary Co-Chair or Co-Chairs, who shall serve in an advisory role to the Council and to the President on matters considered by the Council. Any Honorary Co-Chair shall be a full-time or permanent part-time employee or officer of the Federal Government.

(e) *Meetings.* The Council shall meet at the President's direction. The Director of the USA Freedom Corps Office shall be responsible, at the President's direction, for determining the agenda, ensuring that necessary papers are prepared, and recording Council actions and Presidential decisions.

(f) *Responsibilities of Executive Branch Departments, Agencies, and Offices.*

(i) Members of the Council shall remain responsible for overseeing the programs administered by their respective departments, agencies, and offices. Each such department, agency, and office will retain its authority and responsibility to administer those programs according to law;

(ii) Each executive branch department, agency, or office with responsibility for programs relating to the functions and missions of the USA Freedom Corps as described in section 2 of this order shall be responsible for identifying those public service opportunities and coordinating with the USA Freedom Corps Council to ensure that such programs are, if appropriate, publicized and encouraged by the Council; and

(iii) Upon the request of the Chair, and to the extent permitted by law, the heads of executive branch departments and agencies shall provide the Council with relevant information.

Sec. 4. *USA Freedom Corps Office.* (a) *General.* The USA Freedom Corps also shall be supported by a USA Freedom Corps Office (Office), which shall be a component of the White House Office. The USA Freedom Corps Office shall have a Director who shall be appointed by the President. The Director shall be assisted by an appropriate staff within the White House Office.

(b) *Presidential Recognition to Participants in USA Freedom Corps Programs.* In addition to supporting and facilitating the functions of the Council listed in section 3 of this order, the Office shall support the President in

providing recognition to volunteers and other participants in programs and activities relating to the functions and missions of the USA Freedom Corps as described in section 2 of this order.

Sec. 5. General Provisions. (a) The White House Office shall provide the Council and Office with such funding and administrative support, to the extent permitted by law and subject to the availability of appropriations, as directed by the Chief of Staff to the President to carry out the provisions of this order.

(b) This order does not alter the existing authorities or roles of executive branch departments, agencies, or offices. Nothing in this order shall supersede any requirement made by or under law.

(c) This order does not create any right or benefit, substantive or procedural, enforceable at law or equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.

George W. Bush.

Ex. Ord. No. 13331. National and Community Service Programs

Ex. Ord. No. 13331, Feb. 27, 2004, 69 F.R. 9911, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to strengthen the ability of programs authorized under the national service laws to build and reinforce a culture of service, citizenship, and responsibility throughout our Nation, and to institute reforms to improve accountability and efficiency in the administration of those programs, it is hereby ordered as follows:

Section 1. *Definitions.* For purposes of this order:

(a) "National service laws" means the National and Community Service Act of 1990 (42 U.S.C. 12501 *et seq.*) and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 *et seq.*);

(b) "National and community service programs" means those programs authorized under the national service laws;

(c) "Policies governing programs authorized under the national service laws" refers to all policies, programs, guidelines, and regulations, including official guidance and internal agency procedures and practices, that are issued by the Corporation for National and Community Service (Corporation) and have significant effects on national and community service programs; and

(d) "Professional corps programs" means those programs described in section 122(a)(8) of the National and Community Service Act of 1990 (42 U.S.C. 12572(a)(8)) [see 42 U.S.C. 12572(c)(1)(D)].

Sec. 2. Fundamental Principles and Policymaking Criteria. In formulating and implementing policies governing programs authorized under the national service laws, the Corporation shall, to the extent permitted by law, adhere to the following fundamental principles:

(a) National and community service programs should support and encourage greater engagement of Americans in volunteering;

(b) National and community service programs should be more responsive to State and local needs;

(c) National and community service programs should make Federal support more accountable and more effective; and

(d) National and community service programs should expand opportunities for involvement of faith-based and other community organizations.

Sec. 3. *Agency Implementation.* (a) The Chief Executive Officer of the Corporation for National and Community Service (Chief Executive Officer) shall, in coordination with the USA Freedom Corps Council, review and evaluate existing policies governing national and community service programs in order to assess the consistency of such policies with the fundamental principles and policymaking criteria described in section 2 of this order.

(b) The Chief Executive Officer shall ensure that all policies governing national and community service programs issued by the Corporation are consistent with the fundamental principles and policymaking criteria described in section 2 of this order. To that end, the Chief Executive Officer shall, to the extent permitted by law,

(i) amend all such existing policies to ensure that they are consistent with the fundamental principles and policymaking criteria articulated in section 2 of this order; and

(ii) where appropriate, implement new policies that are consistent with and necessary to further the fundamental principles and policymaking criteria set forth in section 2 of this order.

(c) In developing implementation steps, the Chief Executive Officer should address, at a minimum, the following objectives:

(i) National and community service programs should leverage Federal resources to maximize support from the private sector and from State and local governments, with an emphasis on reforms that enhance programmatic flexibility, reduce administrative burdens, and calibrate Federal assistance to the respective needs of recipient organizations;

(ii) National and community service programs should leverage Federal resources to enable the recruitment and effective management of a larger number of volunteers than is currently possible;

(iii) National and community service programs should increase efforts to expand opportunities for, and strengthen the capacity of, faith-based and other community organizations in building and strengthening an infrastructure to support volunteers that meet community needs;

(iv) National and community service programs should adopt performance measures to identify those practices that merit replication and further investment, as well as to ensure accountability;

(v) National and community service programs should, consistent with the principles of Federalism and the constitutional role of the States and Indian tribes, promote innovation, flexibility, and results at all levels of government;

(vi) National and community service programs based in schools should employ tutors who meet required paraprofessional qualifications, and use such practices and methodologies as are required for supplemental educational services;

(vii) National and community service programs should foster a lifetime of citizenship and civic engagement among those who serve;

(viii) National and community service programs should avoid or eliminate practices that displace volunteers who are not supported under the national service laws; and

(ix) Guidelines for the selection of national and community service programs should recognize the importance of professional corps programs in light of the fundamental principles and policymaking criteria set forth in this order.

Sec. 4. *Management Reforms.* (a) The Corporation should implement internal management reforms to strengthen its oversight of national and community service programs through enforcement of performance and compliance standards and other management tools.

(b) Management reforms should include, but should not be limited to, the following:

- (i) Institutionalized changes to the budgetary and grant-making processes to ensure that financial commitments remain within available resources;
- (ii) Enhanced accounting and management systems that would ensure compliance with fiscal restrictions and provide timely, accurate, and readily available information about enrollment in AmeriCorps and about funding and obligations incurred for all national and community service programs;
- (iii) Assurance by the Chief Executive Officer and the Chief Financial Officer in the Corporation's Management Representation Letter that its financial statements, including the Statement of Budgetary Resources, are accurate and reliable; and
- (iv) Management reforms that tie employee performance to fiscal responsibility, attainment of management goals, and professional conduct.

Sec. 5. Report. Within 180 days after the date of this order, the Chief Executive Officer shall report to the President, through the Assistant to the President and Director of the USA Freedom Corps Office, the actions the Corporation proposes to undertake to accomplish the objectives set forth in this order.

Sec. 6. Judicial Review. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.

George W. Bush.

Expanding National Service Through Partnerships To Advance Government Priorities

Memorandum of President of the United States, July 15, 2013, 78 F.R. 43747, provided:

Memorandum for the Heads of Executive Departments and Agencies

Service has always been integral to the American identity. Our country was built on the belief that all of us, working together, can make this country a better place for all. That spirit remains as strong and integral to our identity today as at our country's founding.

Since its creation 20 years ago, the Corporation for National and Community Service (CNCS) has been the Federal agency charged with leading and expanding national service. The Edward M. Kennedy Serve America Act of 2009 (SAA) expanded CNCS's authority to create opportunities for more Americans to serve. This landmark, bipartisan legislation focuses national service on six areas: emergency and disaster services; economic opportunity; education; environmental stewardship; healthy futures; and veterans and military families. The SAA provides greater opportunities for CNCS to partner with other executive departments and agencies (agencies) and with the private sector to utilize national service to address these critical areas.

National service and volunteering can be effective solutions to national challenges and can have positive and lasting impacts that reach beyond the immediate service experience. Americans engaged in national service make an intensive commitment to tackle unmet national and local needs by working through non-profit, faith-based, and community organizations. Service can help Americans gain valuable skills, pursue higher education, and jumpstart their careers, which can provide immediate and long-term benefits to those individuals, as well as the communities in which they serve.

Americans are ready and willing to serve. Applications from Americans seeking to engage in national service programs far exceed the number of available positions. By creating new partnerships between agencies and CNCS that expand national service opportunities in areas aligned with agency missions, we can utilize the American spirit of service to improve lives and communities, expand economic and educational opportunities, enhance agencies' capacity to achieve their missions, efficiently use tax dollars, help individuals develop skills

that will enable them to prepare for long-term careers, and build a pipeline to employment inside and outside the Federal Government.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to expand the positive impact of national service, I hereby direct the following:

Section 1. *Establishing a Task Force on Expanding National Service.* There is established a Task Force on Expanding National Service, to be co-chaired by the Chief Executive Officer of CNCS and the Director of the Domestic Policy Council, which shall include representatives from agencies and offices that administer programs and develop policies in areas that include the six focus areas set forth in the SAA. The Task Force shall include representatives from:

- (a) the Department of Defense;
- (b) the Department of Justice;
- (c) the Department of the Interior;
- (d) the Department of Agriculture;
- (e) the Department of Commerce;
- (f) the Department of Labor;
- (g) the Department of Health and Human Services;
- (h) the Department of Housing and Urban Development;
- (i) the Department of Transportation;
- (j) the Department of Energy;
- (k) the Department of Education;
- (l) the Department of Veterans Affairs;
- (m) the Department of Homeland Security;
- (n) the Peace Corps;
- (o) the National Science Foundation;
- (p) the Office of Personnel Management;
- (q) the Environmental Protection Agency;
- (r) the White House Office of Cabinet Affairs; and
- (s) such other agencies and offices as the co-chairs may designate.

Sec. 2. *Mission and Function of the Task Force.* (a) The Task Force shall:

- (i) identify existing, and, if appropriate, recommend new, policies or practices that support the expansion of national service and volunteer opportunities that align with the SAA and agency priorities;
- (ii) make recommendations on the most effective way to coordinate national service and volunteering programs across the Federal Government;

(iii) identify and develop opportunities for interagency agreements between CNCS and other agencies to support the expansion of national service and volunteering;

(iv) identify and develop public-private partnerships to support the expansion of national service and volunteering;

(v) identify and develop strategies to use innovation and technology to facilitate the ability of the public to participate in national service and volunteering activities; and

(vi) develop a mechanism to evaluate the effectiveness and cost-effectiveness of national service and volunteering interventions in achieving agency priorities, and aggregate and disseminate the results of that evaluation.

(b) Within 18 months of the date of this memorandum, the Task Force shall provide the President with a report on the progress made with respect to the functions set forth in subsection (a) of this section.

Sec. 3. Facilitating National Service and Volunteering Partnerships. (a) Each agency on the Task Force shall:

(i) within 180 days of the date of this memorandum, consult with CNCS about how existing authorities and CNCS programs can be used to enter into interagency and public-private partnerships that allow for meaningful national service and volunteering opportunities, including participating in AmeriCorps, and help the agency achieve its mission;

(ii) work with CNCS to evaluate the effectiveness and cost-effectiveness of such partnerships; and

(iii) work with CNCS to identify ways in which the agency's national service participants and volunteers can develop transferable skills, and also how national service can serve as a pipeline to employment inside and outside the Federal Government.

(b) Where practicable, agencies may consider entering into interagency agreements with CNCS to share program development and funding responsibilities, as authorized under 42 U.S.C. 12571(b)(1).

Sec. 4. Recruitment of National Service Participants in the Civilian Career Services. In order to provide national service participants a means to pursue additional opportunities to continue their public service through career civilian service, the Office of Personnel Management shall, within 120 days of the date of this memorandum, issue guidance to agencies on developing and improving Federal recruitment strategies for participants in national service.

Sec. 5. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law or Executive Order to an agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Chief Executive Officer of CNCS is hereby authorized and directed to publish this memorandum in the Federal Register.

Barack Obama.

SUBCHAPTER I—NATIONAL AND COMMUNITY SERVICE STATE GRANT PROGRAM

Division A—General Provisions

§12511. Definitions

For purposes of this subchapter:

(1) Adult volunteer

The term "adult volunteer" means an individual, such as an older adult, an individual with a disability, a parent, or an employee of a business or public or private nonprofit organization, who—

(A) works without financial remuneration in an educational institution to assist students or out-of-school youth; and

(B) is beyond the age of compulsory school attendance in the State in which the educational institution is located.

(2) Alaska Native-serving institution

The term "Alaska Native-serving institution" has the meaning given the term in section 1059d(b) of title 20.

(3) Approved national service position

The term "approved national service position" means a national service position for which the Corporation has approved the provision of a national service educational award described in section 12603 of this title as one of the benefits to be provided for successful service in the position.

(4) Approved silver scholar position

The term "approved silver scholar position" means a position, in a program described in section 12653c(a) of this title, for which the Corporation has approved the provision of a silver scholarship educational award as one of the benefits to be provided for successful service in the position.

(5) Approved summer of service position

The term "approved summer of service position" means a position, in a program described in section 12563(c) (8) of this title, for which the Corporation has approved the provision of a summer of service educational award as one of the benefits to be provided for successful service in the position.

(6) Asian American and Native American Pacific Islander-serving institution

The term "Asian American and Native American Pacific Islander-serving institution" has the meaning given the term in section 1059g(b) of title 20.

(7) Authorizing committees

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.

(8) Carry out

The term "carry out", when used in connection with a national service program, means the planning, establishment, operation, expansion, or replication of the program.

(9) Chief Executive Officer

The term "Chief Executive Officer", except when used to refer to the chief executive officer of a State, means the Chief Executive Officer of the Corporation appointed under section 12651c of this title.

(10) Community-based agency

The term "community-based agency" means a private nonprofit organization (including a church or other religious entity) that—

- (A) is representative of a community or a significant segment of a community; and
- (B) is engaged in meeting human, educational, environmental, or public safety community needs.

(11) Community-based entity

The term "community-based entity" means a public or private nonprofit organization that—

- (A) has experience with meeting unmet human, educational, environmental, or public safety needs; and
- (B) meets other such criteria as the Chief Executive Officer may establish.

(12) Corporation

The term "Corporation" means the Corporation for National and Community Service established under section 12651 of this title.

(13) Disadvantaged youth

The term "disadvantaged youth" includes those youth who are economically disadvantaged and 1 or more of the following:

- (A) Who are out-of-school youth, including out-of-school youth who are unemployed.
- (B) Who are in or aging out of foster care.
- (C) Who have limited English proficiency.
- (D) Who are homeless or who have run away from home.
- (E) Who are at-risk to leave secondary school without a diploma.
- (F) Who are former juvenile offenders or at risk of delinquency.
- (G) Who are individuals with disabilities.

(14) Economically disadvantaged

The term "economically disadvantaged" means, with respect to an individual, an individual who is determined by the Chief Executive Officer to be low-income according to the latest available data from the Department of Commerce.

(15) Elementary school

The term "elementary school" has the same meaning given such term in section 7801 of title 20.

(16) Encore service program

The term "encore service program" means a program, carried out by an eligible entity as described in subsection (a), (b), or (c) of section 12572 of this title, that—

(A) involves a significant number of participants age 55 or older in the program; and

(B) takes advantage of the skills and experience that such participants offer in the design and implementation of the program.

(17) Hispanic-serving institution

The term "Hispanic-serving institution" has the meaning given such term in section 1101a(a) of title 20.

(18) Historically black college or university

The term "historically black college or university" means a part B institution, as defined in section 1061 of title 20.

(19) Indian

The term "Indian" means a person who is a member of an Indian tribe, or is a "Native", as defined in section 1602(b) of title 43.

(20) Indian lands

The term "Indian lands" means any real property owned by an Indian tribe, any real property held in trust by the United States for an Indian or Indian tribe, and any real property held by an Indian or Indian tribe that is subject to restrictions on alienation imposed by the United States.

(21) Indian tribe

The term "Indian tribe" means—

(A) an Indian tribe, band, nation, or other organized group or community, including—

(i) any Native village, as defined in section 1602(c) of title 43, whether organized traditionally or pursuant to the Act of June 18, 1934 (commonly known as the "Indian Reorganization Act"; 48 Stat. 984, chapter 576; 25 U.S.C 461 et seq.); ¹ and

(ii) any Regional Corporation or Village Corporation, as defined in subsection (g) or (j), respectively, of section 1602 of title 43,

that is recognized as eligible for the special programs and services provided by the United States under Federal law to Indians because of their status as Indians; and

(B) any tribal organization controlled, sanctioned, or chartered by an entity described in subparagraph (A).

(22) Individual with a disability

Except as provided in section 12635(a) of this title, the term "individual with a disability" has the meaning given the term in section 705(20)(B) of title 29.

(23) Institution of higher education

The term "institution of higher education" has the same meaning given such term in sections 1001(a) and 1002(a)(1) of title 20.

(24) Local educational agency

The term "local educational agency" has the same meaning given such term in section 7801 of title 20.

(25) Medically underserved population

The term "medically underserved population" has the meaning given that term in section 254b(b)(3) of this title.

(26) National service laws

The term "national service laws" means this chapter and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

(27) Native American-serving, nontribal institution

The term "Native American-serving, nontribal institution" has the meaning given the term in section 1059f(b) of title 20.

(28) Native Hawaiian-serving institution

The term "Native Hawaiian-serving institution" has the meaning given the term in section 1059d(b) of title 20.

(29) Out-of-school youth

The term "out-of-school youth" means an individual who—

(A) has not attained the age of 27;

(B) has not completed college or the equivalent thereof; and

(C) is not enrolled in an elementary or secondary school or institution of higher education.

(30) Participant

(A) In general

The term "participant" means—

- (i) for purposes of division C, an individual in an approved national service position; and
- (ii) for purposes of any other provision of this chapter, an individual enrolled in a program that receives assistance under this subchapter.

(B) Rule

A participant shall not be considered to be an employee of the organization receiving assistance under the national service laws through which the participant is engaging in service.

(31) Partnership program

The term "partnership program" means a program through which an adult volunteer, a public or private nonprofit organization, an institution of higher education, or a business assists a local educational agency.

(32) Predominantly Black Institution

The term "Predominantly Black Institution" has the meaning given the term in section 1059e of title 20.

(33) Principles of scientific research

The term "principles of scientific research" means principles of research that—

- (A) apply rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to the subject matter involved;
- (B) present findings and make claims that are appropriate to, and supported by, the methods that have been employed; and
- (C) include, appropriate to the research being conducted—
 - (i) use of systematic, empirical methods that draw on observation or experiment;
 - (ii) use of data analyses that are adequate to support the general findings;
 - (iii) reliance on measurements or observational methods that provide reliable and generalizable findings;
 - (iv) strong claims of causal relationships, only with research designs that eliminate plausible competing explanations for observed results, such as, but not limited to, random-assignment experiments;
 - (v) presentation of studies and methods in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;
 - (vi) acceptance by a peer-reviewed journal or critique by a panel of independent experts through a comparably rigorous, objective, and scientific review; and
 - (vii) consistency of findings across multiple studies or sites to support the generality of results and conclusions.

(34) Program

The term "program", unless the context otherwise requires, and except when used as part of the term "academic program", means a program described in section 12523(a) of this title (other than a program referred to in

paragraph (3)(B) of such section), 12561a, or 12561(b)(1), or subsection (a), (b), or (c) of section 12572 of this title, or in paragraph (1) or (2) of section 12612(b) of this title, section 12653b of this title, 12653c of this title, 198G, ¹12653h of this title, or 12653k of this title, or an activity that could be funded under section 12639a, 12653, 12653o, 12653p, or 12657 of this title.

(35) Project

The term "project" means an activity, carried out through a program that receives assistance under this subchapter, that results in a specific identifiable service or improvement that otherwise would not be done with existing funds, and that does not duplicate the routine services or functions of the employer to whom participants are assigned.

(36) Qualified organization

The term "qualified organization" means a public or private nonprofit organization with experience working with school-age youth that meets such criteria as the Chief Executive Officer may establish.

(37) School-age youth

The term "school-age youth" means—

(A) individuals between the ages of 5 and 17, inclusive; and

(B) children with disabilities, as defined in section 602(3) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(3)), who receive services under part B of such Act [20 U.S.C. 1411 et seq.].

(38) Scientifically valid research

The term "scientifically valid research" includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with principles of scientific research.

(39) Secondary school

The term "secondary school" has the same meaning given such term in section 7801 of title 20.

(40) Service-learning

The term "service-learning" means a method—

(A) under which students or participants learn and develop through active participation in thoughtfully organized service that—

(i) is conducted in and meets the needs of a community;

(ii) is coordinated with an elementary school, secondary school, institution of higher education, or community service program, and with the community; and

(iii) helps foster civic responsibility; and

(B) that—

(i) is integrated into and enhances the academic curriculum of the students, or the educational components of the community service program in which the participants are enrolled; and

(ii) provides structured time for the students or participants to reflect on the service experience.

(41) Service-learning coordinator

The term "service-learning coordinator" means an individual who provides services as described in subsection (a)(3) or (b) of section 12523 of this title.

(42) Service sponsor

The term "service sponsor" means an organization, or other entity, that has been selected to provide a placement for a participant.

(43) State

The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(44) State Commission

The term "State Commission" means a State Commission on National and Community Service maintained by a State pursuant to section 12638 of this title. Except when used in section 12638 of this title, the term includes an alternative administrative entity for a State approved by the Corporation under such section to act in lieu of a State Commission.

(45) State educational agency

The term "State educational agency" has the same meaning given such term in section 7801 of title 20.

(46) Student

The term "student" means an individual who is enrolled in an elementary or secondary school or institution of higher education on a full- or part-time basis.

(47) Territory

The term "territory" means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(48) Tribally controlled college or university

The term "tribally controlled college or university" has the meaning given such term in section 1801 of title 25.

(49) Veteran

The term "veteran" has the meaning given the term in section 101 of title 38.

(Pub. L. 101–610, title I, §101, Nov. 16, 1990, 104 Stat. 3129; Pub. L. 102–10, §3, Mar. 12, 1991, 105 Stat. 29; Pub. L. 102–384, §3, Oct. 5, 1992, 106 Stat. 1455; Pub. L. 103–82, title I, §111(a), Sept. 21, 1993, 107 Stat. 857; Pub. L. 103–382, title III, §394(h)(1), Oct. 20, 1994, 108 Stat. 4028; Pub. L. 105–220, title IV, §414(g), Aug. 7, 1998, 112 Stat. 1242; Pub. L. 105–244, title I, §102(a)(13)(K), Oct. 7, 1998, 112 Stat. 1621; Pub. L. 107–110, title X, §1076(ff), Jan. 8, 2002, 115 Stat. 2093; Pub. L. 108–446, title III, §305(m), Dec. 3, 2004, 118 Stat. 2806; Pub. L. 111–13, title I, §1102, Apr. 21, 2009, 123 Stat. 1464; Pub. L. 114–95, title IX, §9215(bbb)(1), Dec. 10, 2015, 129 Stat. 2184.)

Editorial Notes

References in Text

Act of June 18, 1934 (commonly known as the "Indian Reorganization Act"; 48 Stat. 984, chapter 576; 25 U.S.C 461 et seq.), referred to in par. (21)(A)(i), is act [June 18, 1934, ch. 576, 48 Stat. 984](#), which was classified generally to subchapter V (§461 et seq.) of chapter 14 of Title 25, Indians, prior to editorial reclassification as chapter 45 (§5101 et seq.) of Title 25. For complete classification of this Act to the Code, see Short Title note set out under section 5101 of Title 25 and Tables.

This chapter, referred to in pars. (26) and (30)(A)(ii), was in the original "this Act", meaning [Pub. L. 101–610, Nov. 16, 1990, 104 Stat. 3127](#), which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 12501 of this title and Tables.

The Domestic Volunteer Service Act of 1973, referred to in par. (26), is [Pub. L. 93–113, Oct. 1, 1973, 87 Stat. 394](#), which is classified principally to chapter 66 (§4950 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4950 of this title and Tables.

Section 198G, referred to in par. (34), is unidentifiable in the original, since Pub. L. 101–610 does not contain a section 198G.

The Individuals with Disabilities Education Act, referred to in par. (37)(B), is title VI of [Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175](#). Part B of the Act is classified generally to subchapter II (§1411 et seq.) of chapter 33 of Title 20, Education. For complete classification of this Act to the Code, see section 1400 of Title 20 and Tables.

Amendments

2015—Pars. (15), (24), (39), (45). Pub. L. 114–95 made technical amendment to reference in original act which appears in text as reference to section 7801 of title 20.

2009—Pub. L. 111–13, §1102(b), redesignated pars. (1) to (49) as (1), (3), (8), (9), (10), (12), (14), (15), (19), (20), (21), (22), (23), (24), (26), (29), (30), (31), (34), (35), (37), (39), (40), (41), (42), (43), (44), (45), (46), (2), (4), (5), (6), (7), (11), (13), (16), (17), (18), (25), (27), (28), (32), (33), (36), (38), (47), (48), and (49), respectively, and rearranged pars. in numerical order.

Par. (3). Pub. L. 111–13, §1102(a)(1), struck out "described in section 12572 of this title" after "service program".

Par. (13). Pub. L. 111–13, §1102(a)(2), which directed substitution of "sections 1001(a) and 1002(a)(1) of title 20" for "section 1001(a) of title 20", was executed by making the substitution for "section 1001 of title 20" to reflect the probable intent of Congress.

Par. (17)(B). Pub. L. 111–13, §1102(a)(3), substituted "organization receiving assistance under the national service laws through which the participant is engaging in service" for "program in which the participant is enrolled".

Par. (19). Pub. L. 111–13, §1102(a)(4), substituted "section 12523(a) of this title" for "section 12521(a) of this title", struck out "12542(a)," after "(3)(B) of such section)", substituted "12561a, or 12561(b)(1), or subsection (a), (b), or (c) of section 12572 of this title," for "12561(b)(1), or 12572(a) of this title," inserted "section 12653b of this title, 12653c of this title, 198G, 12653h of this title, or 12653k of this title," after "section 12612(b) of this title," and substituted "12639a, 12653, 12653o, 12653p, or 12657" for "12653, 12653c, or 12653d".

Par. (21)(B). Pub. L. 111–13, §1102(a)(5), substituted "602(3)" for "602" and "1401(3)" for "1401".

Par. (24). Pub. L. 111–13, §1102(a)(6), substituted "section 12523 of this title" for "section 12521 of this title".

Par. (26). Pub. L. 111–13, §1102(a)(7), struck out "The term also includes Palau, until such time as the Compact of Free Association is ratified." at end.

Pars. (30) to (49). Pub. L. 111–13, §1102(a)(8), added pars. (30) to (49).

2004—Par. (21)(B). Pub. L. 108–446 substituted "section 602" for "section 602(a)(1)" and "1401" for "1401(a)(1)".

2002—Pars. (8), (14), (22), (28). Pub. L. 107–110 substituted "section 7801 of title 20" for "section 8801 of title 20".

1998—Par. (12). Pub. L. 105–220 substituted "section 705(20)(B) of title 29" for "section 706(8)(B) of title 29".

Par. (13). Pub. L. 105–244 substituted "section 1001" for "section 1141(a)".

1994—Par. (8). Pub. L. 103–382, §394(h)(1)(A), substituted "section 8801 of title 20" for "section 2891(8) of title 20".

Par. (14). Pub. L. 103–382, §394(h)(1)(B), substituted "section 8801 of title 20" for "section 2891(12) of title 20".

Par. (22). Pub. L. 103–382, §394(h)(1)(C), substituted "section 8801 of title 20" for "section 2891(21) of title 20".

Par. (28). Pub. L. 103–382, §394(h)(1)(D), substituted "section 8801 of title 20" for "section 2891(23) of title 20".

1993—Pub. L. 103–82 amended section generally, substituting provisions consisting of 29 definitions of terms used in this subchapter for former provisions consisting of 30 definitions.

1992—Par. (29). Pub. L. 102–384, §3(1), added par. (29) and struck out former par. (29) which read as follows: "The term 'summer program' means a youth corps program authorized under this subchapter that is limited to the months of June, July, and August."

Par. (30). Pub. L. 102–384, §3(2), substituted "living allowances" for "stipends".

1991—Par. (7). Pub. L. 102–10, §3(1), added par. (7). Former par. (7) redesignated (8).

Par. (8). Pub. L. 102–10, §3(2), (3), redesignated par. (7) as (8) and inserted "an Indian or" before "Indian tribes" in two places. Former par. (8) redesignated (9).

Pars. (9) to (13). Pub. L. 102–10, §3(2), redesignated pars. (8) to (12) as (9) to (13), respectively. Former par. (13) redesignated (14).

Par. (14). Pub. L. 102–10, §3(2), (4), redesignated par. (13) as (14) and inserted at end "Participants shall not be considered employees of the program." Former par. (14) redesignated (15).

Pars. (15) to (22). Pub. L. 102–10, §3(2), redesignated pars. (14) to (21) as (15) to (22), respectively. Former par. (22) redesignated (23).

Par. (23). Pub. L. 102–10, §3(5), which directed the substitution of "participants" for "students or out of school youth", was executed by making the substitution for "students or out-of-school youth" to reflect the probable intent of Congress.

Pub. L. 102–10, §3(2), redesignated par. (22) as (23). Former par. (23) redesignated (24).

Par. (24). Pub. L. 102–10, §3(2), (6), redesignated par. (23) as (24) and in heading and text substituted "participant" for "member". Former par. (24) redesignated (25).

Pars. (25) to (29). Pub. L. 102–10, §3(2), redesignated pars. (24) to (28) as (25) to (29), respectively. Former par. (29) redesignated (30).

Par. (30). Pub. L. 102–10, §3(2), (7), redesignated par. (29) as (30) and inserted "corps" after "youth service".

Statutory Notes and Related Subsidiaries

Change of Name

Committee on Education and Labor of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

Effective Date of 2015 Amendment

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of Title 20, Education.

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 2002 Amendment

Amendment by Pub. L. 107–110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107–110, set out as an Effective Date note under section 6301 of Title 20, Education.

Effective Date of 1998 Amendment

Amendment by Pub. L. 105–244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105–244, see section 3 of Pub. L. 105–244, set out as a note under section 1001 of Title 20, Education.

Effective Date of 1993 Amendment

Amendment by Pub. L. 103–82 effective Oct. 1, 1993, see section 123 of Pub. L. 103–82, set out as a note under section 1701 of Title 16, Conservation.

¹ [See References in Text note below.](#)

§12512. Repealed. Pub. L. 103–82, title I, §112, Sept. 21, 1993, 107 Stat. 861

Section, Pub. L. 101–610, title I, §102, Nov. 16, 1990, 104 Stat. 3132, authorized Commission to make grants to carry out programs under parts B, C, D, and E of this subchapter.

Statutory Notes and Related Subsidiaries

Effective Date of Repeal

Repeal effective Oct. 1, 1993, see section 123 of Pub. L. 103–82, set out as an Effective Date of 1993 Amendment note under section 1701 of Title 16, Conservation.

§12513. Study of program effectiveness

(a) In general

Not later than 12 months after April 21, 2009, the Comptroller General of the United States shall develop performance measures for each program receiving Federal assistance under the national service laws.

(b) Contents

The performance measures developed under subsection (a) shall—

- (1) to the maximum extent practicable draw on research-based, quantitative data;
- (2) take into account program purpose and program design;
- (3) include criteria to evaluate the cost effectiveness of programs receiving assistance under the national service laws;
- (4) include criteria to evaluate the administration and management of programs receiving Federal assistance under the national service laws; and
- (5) include criteria to evaluate oversight and accountability of recipients of assistance through such programs under the national service laws.

(c) Report

Not later than 2 years after the development of the performance measures under subsection (a), and every 5 years thereafter, the Comptroller General of the United States shall prepare and submit to the authorizing committees

and the Corporation's Board of Directors a report containing an assessment of each such program with respect to the performance measures developed under subsection (a).

(d) Definitions

In this section:

(1) In general

The terms "authorizing committees", "Corporation", and "national service laws" have the meanings given the terms in section 12511 of this title.

(2) Program

The term "program" means an entire program carried out by the Corporation under the national service laws, such as the entire AmeriCorps program carried out under subtitle C.¹

(Pub. L. 111–13, title I, §1712, Apr. 21, 2009, 123 Stat. 1551.)

Editorial Notes

References in Text

Subtitle C, referred to in subsec. (d)(2), probably means subtitle C (§121 et seq.) of title I of Pub. L. 101–610, which is classified generally to division C (§12571 et seq.) of this subchapter. For complete classification of subtitle C to the Code, see Tables.

Codification

Section was enacted as part of the Serve America Act, and not as part of the National and Community Service Act of 1990 which comprises this chapter.

Statutory Notes and Related Subsidiaries

Effective Date

Section effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111–13, set out as an Effective Date of 2009 Amendment note under section 4950 of this title.

¹ [See References in Text note below.](#)

Division B—School-Based and Community-Based Service-Learning Programs

Editorial Notes

Prior Provisions

This division is comprised of subtitle B, §§111–120, of title I of Pub. L. 101–610. A prior part B (§12521 et seq.), comprised of subtitle B, §§111–118, of title I of Pub. L. 101–610, related to programs for students and out-of-school youth, prior to repeal by Pub. L. 103–82, title I, §103(a)(2), (b), Sept. 21, 1993, 107 Stat. 825, 837.

Part I—Programs for Elementary and Secondary School Students

Editorial Notes

Codification

Part I of subtitle B of title I of the National and Community Service Act of 1990, comprising this part, was originally added to Pub. L. 101–610, title I, subtitle B, by Pub. L. 103–82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 825, and amended by Pub. L. 103–382, Oct. 20, 1994, 108 Stat. 3518. Such part is shown herein, however, as having been added by Pub. L. 111–13, title I, §1201, Apr. 21, 2009, 123 Stat. 1467, without reference to such intervening amendments because of the extensive revision of the part's provisions by Pub. L. 111–13.

§12521. Purpose

The purpose of this part is to promote service-learning as a strategy to—

- (1) support high-quality service-learning projects that engage students in meeting community needs with demonstrable results, while enhancing students' academic and civic learning; and
- (2) support efforts to build institutional capacity, including the training of educators, and to strengthen the service infrastructure to expand service opportunities.

(Pub. L. 101–610, title I, §111, as added Pub. L. 111–13, title I, §1201, Apr. 21, 2009, 123 Stat. 1467.)

Editorial Notes

Prior Provisions

A prior section 12521, Pub. L. 101–610, title I, §111, as added Pub. L. 103–82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 825, prescribed general authority of the Corporation for National and Community Service to make grants for service-learning programs, prior to the general amendment of this part by Pub. L. 111–13.

Another prior section 12521, Pub. L. 101–610, title I, §111, Nov. 16, 1990, 104 Stat. 3132; Pub. L. 102–10, §4(2), Mar. 12, 1991, 105 Stat. 30, prescribed general authority of Commission on National and Community Service to make grants for service-learning programs, prior to repeal by Pub. L. 103–82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 825.

Statutory Notes and Related Subsidiaries

Effective Date

Section effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111–13, set out as an Effective Date of 2009 Amendment note under section 4950 of this title.

§12522. Definitions

In this part:

(1) State

The term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

(2) State educational agency

The term "State educational agency" means—

(A) a State educational agency (as defined in section 12511 of this title) of a State; or

(B) for a State in which a State educational agency described in subparagraph (A) has designated a statewide entity under section 12523(e) [1](#) of this title, that designated statewide entity.

(Pub. L. 101–610, title I, §111A, as added Pub. L. 111–13, title I, §1201, Apr. 21, 2009, 123 Stat. 1467.)

Editorial Notes

References in Text

Section 12523(e) of this title, referred to in par. (2)(B), probably should be a reference to section 12523(d) of this title, which relates to designation of a statewide entity to carry out the functions of the State educational agency. Section 12523(e) relates to consultation of the Corporation with the Secretary of Education.

Prior Provisions

A prior section 12522, Pub. L. 101–610, title I, §111A, as added Pub. L. 103–82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 827, granted the Corporation authority to assist local applicants in nonparticipating States, prior to the general amendment of this part by Pub. L. 111–13.

Another prior section 12522, Pub. L. 101–610, title I, §112, Nov. 16, 1990, 104 Stat. 3133; Pub. L. 102–10, §4(3), Mar. 12, 1991, 105 Stat. 30; Pub. L. 102–384, §4, Oct. 5, 1992, 106 Stat. 1455, related to allotments, prior to repeal by Pub. L. 103–82, §103(a)(2).

Statutory Notes and Related Subsidiaries

Effective Date

Section effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111–13, set out as an Effective Date of 2009 Amendment note under section 4950 of this title.

¹ [See References in Text note below.](#)

§12523. Assistance to States, territories, and Indian tribes

(a) Allotments to States, territories, and Indian tribes

The Corporation, in consultation with the Secretary of Education, may make allotments to State educational agencies, territories, and Indian tribes to pay for the Federal share of—

(1) planning and building the capacity within the State, territory, or Indian tribe involved to implement service-learning programs that are based principally in elementary schools and secondary schools, including—

(A) providing training and professional development for teachers, supervisors, personnel from community-based entities (particularly with regard to the recruitment, utilization, and management of participants), and trainers, to be conducted by qualified individuals or organizations that have experience with service-learning;

(B) developing service-learning curricula, consistent with State or local academic content standards, to be integrated into academic programs, including curricula for an age-appropriate learning component that provides participants an opportunity to analyze and apply their service experiences;

(C) forming local partnerships described in paragraph (2) or (4)(D) to develop school-based service-learning programs in accordance with this part;

(D) devising appropriate methods for research on and evaluation of the educational value of service-learning and the effect of service-learning activities on communities;

(E) establishing effective outreach and dissemination of information to ensure the broadest possible involvement of community-based entities with demonstrated effectiveness in working with school-age youth in their communities; and

(F) establishing effective outreach and dissemination of information to ensure the broadest possible participation of schools throughout the State, throughout the territory, or serving the Indian tribe involved with particular attention to schools implementing comprehensive support and improvement activities or targeted support and improvement activities under section 6311(d) of title 20;

(2) implementing, operating, or expanding school-based service-learning programs, which may include paying for the cost of the recruitment, training, supervision, placement, salaries, and benefits of service-learning coordinators, through distribution by State educational agencies, territories, and Indian tribes of Federal funds made available under this part to projects operated by local partnerships among—

(A) local educational agencies; and

(B) 1 or more community partners that—

(i) shall include a public or private nonprofit organization that—

(I) has a demonstrated expertise in the provision of services to meet unmet human, education, environmental, or public safety needs;

(II) will make projects available for participants, who shall be students; and

(III) was in existence at least 1 year before the date on which the organization submitted an application under section 12525 of this title; and

(ii) may include a private for-profit business, private elementary school or secondary school, or Indian tribe (except that an Indian tribe distributing funds to a project under this paragraph is not eligible to be part of the partnership operating that project);

(3) planning of school-based service-learning programs, through distribution by State educational agencies, territories, and Indian tribes of Federal funds made available under this part to local educational agencies and Indian tribes, which planning may include paying for the cost of—

(A) the salaries and benefits of service-learning coordinators; or

(B) the recruitment, training and professional development, supervision, and placement of service-learning coordinators who may be participants in a program under division C or receive a national service educational award under division D, who may be participants in a project under section 5001 of this title, or who may participate in a Youthbuild program under section 3226 of title 29,

who will identify the community partners described in paragraph (2)(B) and assist in the design and implementation of a program described in paragraph (2);

(4) implementing, operating, or expanding school-based service-learning programs to utilize adult volunteers in service-learning to improve the education of students, through distribution by State educational agencies, territories, and Indian tribes of Federal funds made available under this part to—

(A) local educational agencies;

(B) Indian tribes (except that an Indian tribe distributing funds under this paragraph is not eligible to be a recipient of those funds);

(C) public or private nonprofit organizations; or

(D) partnerships or combinations of local educational agencies, and entities described in subparagraph (B) or (C); and

(5) developing, as service-learning programs, civic engagement programs that promote a better understanding of —

(A) the principles of the Constitution, the heroes of United States history (including military heroes), and the meaning of the Pledge of Allegiance;

(B) how the Nation's government functions; and

(C) the importance of service in the Nation's character.

(b) Duties of service-learning coordinator

A service-learning coordinator referred to in paragraph (2) or (3) of subsection (a) shall provide services to a local partnership described in subsection (a)(2) or entity described in subsection (a)(3), respectively, that may include—

- (1) providing technical assistance and information to, and facilitating the training of, teachers and assisting in the planning, development, execution, and evaluation of service-learning in their classrooms;
- (2) assisting local partnerships described in subsection (a)(2) in the planning, development, and execution of service-learning projects, including summer of service programs;
- (3) assisting schools and local educational agencies in developing school policies and practices that support the integration of service-learning into the curriculum; and
- (4) carrying out such other duties as the local partnership or entity, respectively, may determine to be appropriate.

(c) Related expenses

An entity that receives financial assistance under this part from a State, territory, or Indian tribe may, in carrying out the activities described in subsection (a), use such assistance to pay for the Federal share of reasonable costs related to the supervision of participants, program administration, transportation, insurance, and evaluations and for other reasonable expenses related to the activities.

(d) Special rule

A State educational agency described in section 12522(2)(A) of this title may designate a statewide entity (which may be a community-based entity) with demonstrated experience in supporting or implementing service-learning programs, to receive the State educational agency's allotment under this part, and carry out the functions of the agency under this part.

(e) Consultation with Secretary of Education

The Corporation is authorized to enter into agreements with the Secretary of Education for initiatives (and may use funds authorized under section 12681(a)(6) of this title to enter into the agreements if the additional costs of the initiatives are warranted) that may include—

- (1) identification and dissemination of research findings on service-learning and scientifically valid research based practices for service-learning; and
- (2) provision of professional development opportunities that—
 - (A) improve the quality of service-learning instruction and delivery for teachers both preservice and in-service, personnel from community-based entities and youth workers; and
 - (B) create and sustain effective partnerships for service-learning programs between local educational agencies, community-based entities, businesses, and other stakeholders.

(Pub. L. 101–610, title I, §112, as added Pub. L. 111–13, title I, §1201, Apr. 21, 2009, 123 Stat. 1468; amended Pub. L. 113–128, title V, §512(u)(1), July 22, 2014, 128 Stat. 1712; Pub. L. 114–95, title IX, §9215(bbb)(2), Dec. 10, 2015, 129 Stat. 2185.)

Editorial Notes

Prior Provisions

A prior section 12523, Pub. L. 101–610, title I, §111B, as added Pub. L. 103–82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 827, granted the Corporation authority to assist public or private nonprofit organizations, prior to the general amendment of this part by Pub. L. 111–13.

Another prior section 12523, Pub. L. 101–610, title I, §113, Nov. 16, 1990, 104 Stat. 3134; Pub. L. 102–384, §4, Oct. 5, 1992, 106 Stat. 1455, related to State grant applications, prior to repeal by Pub. L. 103–82, §103(a)(2).

A prior section 112 of Pub. L. 101–610 was classified to section 12524 prior to the general amendment of this part by Pub. L. 111–13.

Another prior section 112 of Pub. L. 101–610 was classified to section 12522 of this title prior to repeal by Pub. L. 103–82.

Amendments

2015—Subsec. (a)(1)(F). Pub. L. 114–95 substituted "implementing comprehensive support and improvement activities or targeted support and improvement activities under section 6311(d) of title 20" for "not making adequate yearly progress for two or more consecutive years under section 6311 of title 20".

2014—Subsec. (a)(3)(B). Pub. L. 113–128 substituted "or who may participate in a Youthbuild program under section 3226 of title 29" for "or who may participate in a Youthbuild program under section 2918a of title 29".

Statutory Notes and Related Subsidiaries

Effective Date of 2015 Amendment

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of Title 20, Education.

Effective Date of 2014 Amendment

Amendment by Pub. L. 113–128 effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113–128, set out as an Effective Date note under section 3101 of Title 29, Labor.

Effective Date

Section effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111–13, set out as an Effective Date of 2009 Amendment note under section 4950 of this title.

§12524. Allotments

(a) Indian tribes and territories

Of the amounts appropriated to carry out this part for any fiscal year, the Corporation shall reserve an amount of not less than 2 percent and not more than 3 percent for payments to Indian tribes, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with their respective needs.

(b) Allotments through States**(1) In general**

After reserving an amount under subsection (a), the Corporation shall use the remainder of the funds appropriated to carry out this part for the fiscal year as follows:

(A) Allotments based on school-age youth

From 50 percent of such remainder, the Corporation shall allot to each State an amount that bears the same ratio to 50 percent of such remainder as the number of school-age youth in the State bears to the total number of school-age youth in all States.

(B) Allotments based on allocations under Elementary and Secondary Education Act of 1965

From 50 percent of such remainder, the Corporation shall allot to each State an amount that bears the same ratio to 50 percent of such remainder as the allocation to the State for the previous fiscal year under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) bears to the total of such allocations to all States.

(2) Minimum amount

For any fiscal year for which amounts appropriated for this division exceed \$50,000,000, the minimum allotment to each State under paragraph (1) shall be \$75,000.

(c) Reallotment

If the Corporation determines that the allotment of a State, territory, or Indian tribe under this section will not be required for a fiscal year because the State, territory, or Indian tribe did not submit and receive approval of an application for the allotment under section 12525 of this title, the Corporation shall make the allotment for such State, territory, or Indian tribe available for grants to community-based entities to carry out service-learning programs as described in section 12523(b) of this title in such State, in such territory, or for such Indian tribe. After community-based entities apply for grants from the allotment, by submitting an application at such time and in such manner as the Corporation requires, and receive approval, the remainder of such allotment shall be available for reallotment to such other States, territories, or Indian tribes with approved applications submitted under section 12525 of this title as the Corporation may determine to be appropriate.

(Pub. L. 101–610, title I, §112A, as added Pub. L. 111–13, title I, §1201, Apr. 21, 2009, 123 Stat. 1470.)

Editorial Notes**References in Text**

The Elementary and Secondary Education Act of 1965, referred to in subsec. (b)(1)(B), is Pub. L. 89–10, Apr. 11, 1965, 79 Stat. 27. Title I of the Act is classified generally to subchapter I (§6301 et seq.) of chapter 70 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of Title 20 and Tables.

Prior Provisions

A prior section 12524, Pub. L. 101–610, title I, §112, as added Pub. L. 103–82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 827; amended Pub. L. 103–382, title III, §§391(y), 394(h)(2), Oct. 20, 1994, 108 Stat. 4026, 4028, related to grants and allotments, prior to the general amendment of this part by Pub. L. 111–13.

Another prior section 12524, Pub. L. 101–610, title I, §114, Nov. 16, 1990, 104 Stat. 3135; Pub. L. 102–10, §4(4), Mar. 12, 1991, 105 Stat. 30, related to local applications for assistance, prior to repeal by Pub. L. 103–82, §103(a)(2).

Statutory Notes and Related Subsidiaries

Effective Date

Section effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111–13, set out as an Effective Date of 2009 Amendment note under section 4950 of this title.

§12525. Applications

(a) Applications to Corporation for allotments

(1) In general

To be eligible to receive an allotment under section 12524 of this title, a State, acting through the State educational agency, territory, or Indian tribe shall prepare and submit to the Corporation an application at such time and in such manner as the Chief Executive Officer may reasonably require, and obtain approval of the application.

(2) Contents

An application for an allotment under section 12523 of this title shall include—

(A) a proposal for a 3-year plan promoting service-learning, which shall contain such information as the Chief Executive Officer may reasonably require, including how the applicant will integrate service opportunities into the academic program of the participants;

(B) information about the criteria the State educational agency, territory, or Indian tribe will use to evaluate and grant approval to applications submitted under subsection (b), including an assurance that the State educational agency, territory, or Indian tribe will comply with the requirement in section 12526(a) of this title;

(C) assurances about the applicant's efforts to—

(i) ensure that students of different ages, races, sexes, ethnic groups, disabilities, and economic backgrounds have opportunities to serve together;

- (ii) include any opportunities for students, enrolled in schools or programs of education providing elementary or secondary education, to participate in service-learning programs and ensure that such service-learning programs include opportunities for such students to serve together;
- (iii) involve participants in the design and operation of the programs;
- (iv) promote service-learning in areas of greatest need, including low-income or rural areas; and
- (v) otherwise integrate service opportunities into the academic program of the participants; and

(D) assurances that the applicant will comply with the nonduplication and nondisplacement requirements of section 12637 of this title and the notice, hearing, and grievance procedures required by section 12636 of this title.

(b) Application to State, territory, or Indian tribe for assistance to carry out school-based service-learning programs

(1) In general

Any—

- (A) qualified organization, Indian tribe, territory, local educational agency, for-profit business, private elementary school or secondary school, or institution of higher education that desires to receive financial assistance under this subpart ¹ from a State, territory, or Indian tribe for an activity described in section 12523(a)(1) of this title;
- (B) partnership described in section 12523(a)(2) of this title that desires to receive such assistance from a State, territory, or Indian tribe for an activity described in section 12523(a)(2) of this title;
- (C) entity described in section 12523(a)(3) of this title that desires to receive such assistance from a State, territory, or Indian tribe for an activity described in such section;
- (D) entity or partnership described in section 12523(a)(4) of this title that desires to receive such assistance from a State, territory, or Indian tribe for an activity described in such section; and
- (E) entity that desires to receive such assistance from a State, territory, or Indian tribe for an activity described in section 12521(a)(5) ² of this title,

shall prepare, submit to the State educational agency for the State, territory, or Indian tribe, and obtain approval of, an application for the program.

(2) Submission

Such application shall be submitted at such time and in such manner, and shall contain such information, as the agency, territory, or Indian tribe may reasonably require.

(Pub. L. 101–610, title I, §113, as added Pub. L. 111–13, title I, §1201, Apr. 21, 2009, 123 Stat. 1471.)

Editorial Notes

References in Text

Section 12521(a)(5) of this title, referred to in subsec. (b)(1)(E), probably should be a reference to section 12523(a)(5) of this title. Section 12521 does not contain subsections.

Prior Provisions

A prior section 12525, Pub. L. 101–610, title I, §113, as added Pub. L. 103–82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 829, related to submission and contents of State or tribal applications, prior to the general amendment of this part by Pub. L. 111–13.

Another prior section 12525, Pub. L. 101–610, title I, §115, Nov. 16, 1990, 104 Stat. 3137; Pub. L. 102–384, §4, Oct. 5, 1992, 106 Stat. 1455, related to priority applications and private school participation, prior to repeal by Pub. L. 103–82, §103(a)(2).

A prior section 113 of Pub. L. 101–610 was classified to section 12523 of this title prior to repeal by Pub. L. 103–82.

Statutory Notes and Related Subsidiaries

Effective Date

Section effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111–13, set out as an Effective Date of 2009 Amendment note under section 4950 of this title.

¹ [So in original. Probably should be "this part".](#)

² [See References in Text note below.](#)

§12526. Consideration of applications

(a) Criteria for local applications

In providing assistance under this part, a State educational agency, territory, or Indian tribe (or the Corporation if section 12524(c) of this title applies) shall consider criteria with respect to sustainability, replicability, innovation, and quality of programs.

(b) Priority for local applications

In providing assistance under this part, a State educational agency, territory, or Indian tribe (or the Corporation if section 12524(c) of this title applies) shall give priority to entities that submit applications under section 12525 of this title with respect to service-learning programs described in section 12521 of this title that are in the greatest need of assistance, such as programs targeting low-income areas or serving economically disadvantaged youth.

(c) Rejection of applications to Corporation

If the Corporation rejects an application submitted by a State, territory, or Indian tribe under section 12525 of this title for an allotment, the Corporation shall promptly notify the State, territory, or Indian tribe of the reasons for the rejection of the application. The Corporation shall provide the State, territory, or Indian tribe with a reasonable opportunity to revise and resubmit the application and shall provide technical assistance, if needed, to the State, territory, or Indian tribe as part of the resubmission process. The Corporation shall promptly reconsider such resubmitted application.

(Pub. L. 101–610, title I, §114, as added Pub. L. 111–13, title I, §1201, Apr. 21, 2009, 123 Stat. 1472.)

Editorial Notes

Prior Provisions

A prior section 12526, Pub. L. 101–610, title I, §114, as added Pub. L. 103–82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 829, related to preparation, submission, and approval of local applications, prior to the general amendment of this part by Pub. L. 111–13.

Another prior section 12526, Pub. L. 101–610, title I, §116, Nov. 16, 1990, 104 Stat. 3138; Pub. L. 102–384, §4, Oct. 5, 1992, 106 Stat. 1455, prescribed Federal and local project contributions, prior to repeal by Pub. L. 103–82, §103(a)(2).

A prior section 114 of Pub. L. 101–610 was classified to section 12524 of this title prior to repeal by Pub. L. 103–82.

Statutory Notes and Related Subsidiaries

Effective Date

Section effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111–13, set out as an Effective Date of 2009 Amendment note under section 4950 of this title.

§12527. Participation of students and teachers from private schools

(a) In general

To the extent consistent with the number of students in the State, in the territory, or served by the Indian tribe or in the school district of the local educational agency involved who are enrolled in private nonprofit elementary schools and secondary schools, such State, territory, or Indian tribe, or agency shall (after consultation with appropriate private school representatives) make provision—

(1) for the inclusion of services and arrangements for the benefit of such students so as to allow for the equitable participation of such students in the programs implemented to carry out the objectives and provide the benefits described in this part; and

(2) for the training of the teachers of such students so as to allow for the equitable participation of such teachers in the programs implemented to carry out the objectives and provide the benefits described in this part.

(b) Waiver

If a State, territory, Indian tribe, or local educational agency is prohibited by law from providing for the participation of students or teachers from private nonprofit schools as required by subsection (a), or if the Corporation determines that a State, territory, Indian tribe, or local educational agency substantially fails or is unwilling to provide for such participation on an equitable basis, the Chief Executive Officer shall waive such requirements and shall arrange for the provision of services to such students and teachers.

(Pub. L. 101–610, title I, §115, as added Pub. L. 111–13, title I, §1201, Apr. 21, 2009, 123 Stat. 1473.)

Editorial Notes

Prior Provisions

A prior section 12527, Pub. L. 101–610, title I, §115, as added Pub. L. 103–82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 830, related to consideration of applications, prior to the general amendment of this part by Pub. L. 111–13.

Another prior section 12527, Pub. L. 101–610, title I, §117, Nov. 16, 1990, 104 Stat. 3138; Pub. L. 102–10, §4(5), Mar. 12, 1991, 105 Stat. 30, prescribed authorized uses of funds, prior to repeal by Pub. L. 103–82, §103(a)(2).

A prior section 115 of Pub. L. 101–610 was classified to section 12525 of this title prior to repeal by Pub. L. 103–82.

Statutory Notes and Related Subsidiaries

Effective Date

Section effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111–13, set out as an Effective Date of 2009 Amendment note under section 4950 of this title.

§12528. Federal, State, and local contributions

(a) Corporation share

(1) In general

The Corporation share of the cost of carrying out a program for which a grant is made from an allotment under this part—

(A) for new grants may not exceed 80 percent of the total cost of the program for the first year of the grant period, 65 percent for the second year, and 50 percent for each remaining year; and

(B) for continuing grants, may not exceed 50 percent of the total cost of the program.

(2) Noncorporation contribution

In providing for the remaining share of the cost of carrying out such a program, each recipient of such a grant under this part—

(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services;

(B) except as provided in subparagraph (C), may provide for such share through Federal, State, or local sources, including private funds or donated services; and

(C) may not provide for such share through Federal funds made available under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) [20 U.S.C. 6301 et seq.] or the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(b) Waiver

The Chief Executive Officer may waive the requirements of subsection (a) in whole or in part with respect to any such program for any fiscal year, on a determination that such a waiver would be equitable due to a lack of resources at the local level.

(Pub. L. 101–610, title I, §116, as added Pub. L. 111–13, title I, §1201, Apr. 21, 2009, 123 Stat. 1473.)

Editorial Notes

References in Text

The Elementary and Secondary Education Act of 1965, referred to in subsec. (a)(2)(C), is Pub. L. 89–10, Apr. 11, 1965, 79 Stat. 27. Title I of the Act is classified generally to subchapter I (§6301 et seq.) of chapter 70 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of Title 20 and Tables.

The Individuals with Disabilities Education Act, referred to in subsec. (a)(2)(C), is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, which is classified generally to chapter 33 (§1400 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see section 1400 of Title 20 and Tables.

Prior Provisions

A prior section 12528, Pub. L. 101–610, title I, §115A, as added Pub. L. 103–82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 831; amended Pub. L. 103–382, title III, §394(h)(3), Oct. 20, 1994, 108 Stat. 4028, related to participation of students and teachers from private schools, prior to the general amendment of this part by Pub. L. 111–13.

A prior section 116 of Pub. L. 101–610 was classified to section 12529 of this title prior to the general amendment of this part by Pub. L. 111–13.

Another prior section 116 of Pub. L. 101–610 was classified to section 12526 of this title prior to repeal by Pub. L. 103–82.

Statutory Notes and Related Subsidiaries

Effective Date

Section effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111–13, set out as an Effective Date of 2009 Amendment note under section 4950 of this title.

§12529. Limitations on uses of funds

Not more than 6 percent of the amount of assistance received by a State, territory, or Indian tribe that is the original recipient of an allotment under this part for a fiscal year may be used to pay, in accordance with such standards as the Corporation may issue, for administrative costs, incurred by that recipient.

(Pub. L. 101–610, title I, §117, as added Pub. L. 111–13, title I, §1201, Apr. 21, 2009, 123 Stat. 1474.)

Editorial Notes

Prior Provisions

A prior section 12529, Pub. L. 101–610, title I, §116, as added Pub. L. 103–82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 832, related to Federal, State, and local contributions, prior to the general amendment of this part by Pub. L. 111–13, effective Oct. 1, 2009.

A prior section 117 of Pub. L. 101–610 was classified to section 12541 of this title prior to the general amendment of this part by Pub. L. 111–13.

Another prior section 117 of Pub. L. 101–610 was classified to section 12527 of this title prior to repeal by Pub. L. 103–82.

Prior sections 12530, 12531, 12541 to 12547, and 12551, comprising former subpart B of this part relating to community-based service programs for school-age youth and former subpart C of this part relating to establishment of a service-learning clearinghouse, were omitted in the general amendment of this part by Pub. L. 111–13.

Section 12530, Pub. L. 101–610, title I, §116A, as added Pub. L. 103–82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 832, set forth limitations on uses of funds.

Section 12531, Pub. L. 101–610, title I, §116B, as added Pub. L. 103–82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 833, defined terms used in former subpart A.

Another prior section 12531, Pub. L. 101–610, title I, §118, Nov. 16, 1990, 104 Stat. 3139; Pub. L. 102–10, §4(6), Mar. 12, 1991, 105 Stat. 30, related to higher education innovative projects for community service, prior to repeal by Pub. L. 103–82, §103(b).

Section 12541, Pub. L. 101–610, title I, §117, as added Pub. L. 103–82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 833, defined terms used in former subpart B.

Another prior section 12541, Pub. L. 101–610, title I, §121, Nov. 16, 1990, 104 Stat. 3140, as amended, which prescribed general authority of Commission to make grants and transfer funds for youth corps programs, was renumbered section 199A of Pub. L. 101–610 by Pub. L. 103–82, §101(a), and transferred to section 12655 of this title.

Section 12542, Pub. L. 101–610, title I, §117A, as added Pub. L. 103–82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 833, gave the Corporation grantmaking authority.

Another prior section 12542, Pub. L. 101–610, title I, §122, Nov. 16, 1990, 104 Stat. 3140, as amended, which related to allocation of funds by Commission for conservation and youth corps programs, was renumbered section 199B of Pub. L. 101–610 by Pub. L. 103–82, §101(a), and transferred to section 12655a of this title.

Section 12543, Pub. L. 101–610, title I, §117B, as added Pub. L. 103–82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 834, set forth an application process for State grant eligibility.

Another prior section 12543, Pub. L. 101–610, title I, §123, Nov. 16, 1990, 104 Stat. 3141, as amended, which related to applications for assistance by States, Indian tribes and other local applicants, was renumbered section 199C of Pub. L. 101–610 by Pub. L. 103–82, §101(a), and transferred to section 12655b of this title.

Section 12544, Pub. L. 101–610, title I, §117C, as added Pub. L. 103–82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 834, set forth an application process for local grant eligibility.

Another prior section 12544, Pub. L. 101–610, title I, §124, Nov. 16, 1990, 104 Stat. 3143, as amended, which prescribed appropriate focus for conservation and youth service corps programs, was renumbered section 199D of Pub. L. 101–610 by Pub. L. 103–82, §101(a), and transferred to section 12655c of this title.

Section 12545, Pub. L. 101–610, title I, §117D, as added Pub. L. 103–82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 835, set forth application consideration criteria.

Another prior section 12545, Pub. L. 101–610, title I, §125, Nov. 16, 1990, 104 Stat. 3144, which related to administration of related programs, was renumbered section 199E of Pub. L. 101–610 by Pub. L. 103–82, §101(a), and transferred to section 12655d of this title.

Section 12546, Pub. L. 101–610, title I, §117E, as added Pub. L. 103–82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 836, related to Federal, State, and local contributions.

Another prior section 12546, Pub. L. 101–610, title I, §126, Nov. 16, 1990, 104 Stat. 3144, which related to program activities on public or Indian lands, was renumbered section 199F of Pub. L. 101–610 by Pub. L. 103–82, §101(a), and transferred to section 12655e of this title.

Section 12547, Pub. L. 101–610, title I, §117F, as added Pub. L. 103–82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 836, placed limitations on uses of funds.

Another prior section 12547, Pub. L. 101–610, title I, §127, Nov. 16, 1990, 104 Stat. 3145, which related to training and education services, was renumbered section 199G of Pub. L. 101–610 by Pub. L. 103–82, §101(a), and transferred to section 12655f of this title.

A prior section 12548, Pub. L. 101–610, title I, §128, Nov. 16, 1990, 104 Stat. 3146, as amended, which related to amount of award and matching requirement, was renumbered section 199H of Pub. L. 101–610 by Pub. L. 103–82, title I, §101(a), Sept. 21, 1993, 107 Stat. 788, and transferred to section 12655g of this title, prior to repeal by Pub. L. 103–82, §101(e)(8)(A).

A prior section 12549, Pub. L. 101–610, title I, §129, Nov. 16, 1990, 104 Stat. 3146, which related to preference for certain projects, was successively renumbered section 199I, then 199H, of Pub. L. 101–610 by Pub. L. 103–82, §101(a), (e)(8)(B), and transferred to section 12655h of this title.

A prior section 12550, Pub. L. 101–610, title I, §130, Nov. 16, 1990, 104 Stat. 3146, as amended, which related to age and citizenship criteria for enrollment, was successively renumbered section 199J, then 199I, of Pub. L. 101–610 by Pub. L. 103–82, §101(a), (e)(8)(B), and transferred to section 12655i of this title.

Section 12551, Pub. L. 101–610, title I, §118, as added Pub. L. 103–82, title I, §103(a)(2), Sept. 21, 1993, 107 Stat. 836, required the Corporation to provide funds for a service-learning clearinghouse.

Another prior section 12551, Pub. L. 101–610, title I, §131, Nov. 16, 1990, 104 Stat. 3147, which related to use of volunteers in assisting program projects, was successively renumbered section 199K, then 199J, of Pub. L. 101–610 by Pub. L. 103–82, §101(a), (e)(8)(B), and transferred to section 12655j of this title.

A prior section 12552, Pub. L. 101–610, title I, §132, Nov. 16, 1990, 104 Stat. 3147, which related to post-service benefits, was renumbered section 199L of Pub. L. 101–610 by Pub. L. 103–82, §101(a), and transferred to section 12655k of this title, prior to repeal by Pub. L. 103–82, §101(e)(8)(A).

A prior section 12553, Pub. L. 101–610, title I, §133, Nov. 16, 1990, 104 Stat. 3147, as amended, which related to living allowance, was successively renumbered section 199M, then 199K, of Pub. L. 101–610 by Pub. L. 103–82, §101(a), (e)(8)(B), and transferred to section 12655l of this title.

A prior section 12554, Pub. L. 101–610, title I, §134, Nov. 16, 1990, 104 Stat. 3148, which related to joint programs, was successively renumbered section 199N, then 199L, of Pub. L. 101–610 by Pub. L. 103–82, §101(a), (e)(8)(B), and transferred to section 12655m of this title.

A prior section 12555, Pub. L. 101–610, title I, §135, Nov. 16, 1990, 104 Stat. 3149, which related to Federal and State employee status, was successively renumbered section 199O, then 199M, of Pub. L. 101–610 by Pub. L. 103–82, §101(a), (e)(8)(B), and transferred to section 12655n of this title.

A prior section 12556, Pub. L. 101–610, title I, §136, Nov. 16, 1990, 104 Stat. 3150, directed Commission on National and Community Service to promulgate regulations implementing American Conservation Youth Corps program and established procedures for promulgation, prior to repeal by Pub. L. 102–10, §5(7), Mar. 12, 1991, 105 Stat. 31.

Statutory Notes and Related Subsidiaries

Effective Date

Section effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111–13, set out as an Effective Date of 2009 Amendment note under section 4950 of this title.

Part II—Higher Education Innovative Programs for Community Service

§12561. Higher education innovative programs for community service

(a) Purpose

It is the purpose of this part to expand participation in community service by supporting innovative community service programs through service-learning carried out through institutions of higher education, acting as civic institutions to meet the human, educational, environmental, or public safety needs of neighboring communities.

(b) General authority

The Corporation, in consultation with the Secretary of Education, is authorized to make grants to, and enter into contracts with, institutions of higher education (including a consortium of such institutions), and partnerships comprised of such institutions and of other public or private nonprofit organizations, to pay for the Federal share of the cost of—

(1) enabling such an institution or partnership to create or expand an organized community service program that

- (A) engenders a sense of social responsibility and commitment to the community in which the institution is located;
 - (B) provides projects for participants, who shall be students, faculty, administration, or staff of the institution, or residents of the community; and
 - (C) the institution or partnership may coordinate with service-learning curricula being offered in the academic curricula at the institution of higher education or at 1 or more members of the partnership;
- (2) supporting student-initiated and student-designed community service projects through the program;
 - (3) strengthening the leadership and instructional capacity of institutions of higher education and their faculty, with respect to service-learning, by—
 - (A) including service-learning as a key component of the preservice teacher curricula of the institution to strengthen the instructional capacity of teachers to provide service-learning at the elementary and secondary levels;
 - (B) including service-learning as a component of other curricula or academic programs (other than education curricula or programs), such as curricula or programs relating to nursing, medicine, criminal justice, or public policy; and
 - (C) encouraging the faculty of the institution to use service-learning methods throughout their curriculum;
 - (4) facilitating the integration of community service carried out under the program into academic curricula, including integration of clinical programs into the curriculum for students in professional schools, so that students can obtain credit for their community service projects;
 - (5) supplementing the funds available to carry out work-study programs under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) ¹ to support service-learning and community service through the community service program;
 - (6) strengthening the service infrastructure within institutions of higher education in the United States through the program; and
 - (7) providing for the training of teachers, prospective teachers, related education personnel, and community leaders in the skills necessary to develop, supervise, and organize service-learning.

(c) Federal, State, and local contributions

(1) Federal share

(A) In general

The Federal share of the cost of carrying out a program for which assistance is provided under this part may not exceed 50 percent of the total cost of the program.

(B) Non-Federal contribution

In providing for the remaining share of the cost of carrying out such a program, each recipient of a grant or contract under this part—

- (i) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and
- (ii) may provide for such share through State sources or local sources, including private funds or donated services.

(2) Waiver

The Chief Executive Officer may waive the requirements of paragraph (1) in whole or in part with respect to any such program for any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

(d) Application for grant

(1) Submission

To receive a grant or enter into a contract under this part, an institution or partnership shall prepare and submit to the Corporation, an application at such time, in such manner, and containing such information and assurances as the Corporation may reasonably require, and obtain approval of the application. In requesting applications for assistance under this part, the Corporation shall specify such required information and assurances.

(2) Contents

An application submitted under paragraph (1) shall contain, at a minimum—

(A) assurances that—

- (i) prior to the placement of a participant, the applicant will consult with the appropriate local labor organization, if any, representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program, to prevent the displacement and protect the rights of such employees; and
- (ii) the applicant will comply with the nonduplication and nondisplacement provisions of section 12637 of this title and the notice, hearing, and grievance procedures required by section 12636 of this title; and

(B) such other assurances as the Chief Executive Officer may reasonably require.

(e) Special consideration

To the extent practicable, in making grants and entering into contracts under subsection (b), the Corporation shall give special consideration to applications submitted by, or applications from partnerships including, institutions serving primarily low-income populations, including—

- (1) Alaska Native-serving institutions;
- (2) Asian American and Native American Pacific Islander-serving institutions;
- (3) Hispanic-serving institutions;
- (4) historically black colleges and universities;

- (5) Native American-serving, nontribal institutions;
- (6) Native Hawaiian-serving institutions;
- (7) Predominantly black institutions;
- (8) tribally controlled colleges and universities; and
- (9) community colleges serving predominantly minority populations.

(f) Considerations

In making grants and entering into contracts under subsection (b), the Corporation shall take into consideration whether the applicants submit applications containing proposals that—

- (1) demonstrate the commitment of the institution of higher education involved, other than by demonstrating the commitment of the students, to supporting the community service projects carried out under the program;
- (2) specify the manner in which the institution will promote faculty, administration, and staff participation in the community service projects;
- (3) specify the manner in which the institution will provide service to the community through organized programs, including, where appropriate, clinical programs for students in professional schools and colleges;
- (4) describe any partnership that will participate in the community service projects, such as a partnership comprised of—
 - (A) the institution;
 - (B)(i) a community-based agency;
 - (ii) a local government agency; or
 - (iii) a nonprofit entity that serves or involves school-age youth, older adults, or low-income communities; and
 - (C)(i) a student organization;
 - (ii) a department of the institution; or
 - (iii) a group of faculty comprised of different departments, schools, or colleges at the institution;
- (5) demonstrate community involvement in the development of the proposal and the extent to which the proposal will contribute to the goals of the involved community members;
- (6) demonstrate a commitment to perform community service projects in underserved urban and rural communities;
- (7) describe research on effective strategies and methods to improve service utilized in the design of the projects;
- (8) specify that the institution or partnership will use the assistance provided through the grant or contract to strengthen the service infrastructure in institutions of higher education;
- (9) with respect to projects involving delivery of services, specify projects that involve leadership development of school-age youth; or

(10) describe the needs that the proposed projects are designed to address, such as housing, economic development, infrastructure, health care, job training, education, crime prevention, urban planning, transportation, information technology, or child welfare.

(g) Federal work-study

To be eligible for assistance under this part, an institution of higher education shall demonstrate that it meets the minimum requirements under section 443(b)(2)(A) of the Higher Education Act of 1965 (42 U.S.C. 2753(b)(2)(A)) ¹ relating to the participation of students employed under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) ¹ (relating to Federal Work-Study ² programs) in community service activities, or has received a waiver of those requirements from the Secretary of Education.

(h) Definition

Notwithstanding section 12511 of this title, as used in this part, the term "student" means an individual who is enrolled in an institution of higher education on a full- or part-time basis.

(i) National service educational award

A participant in a program funded under this part shall be eligible for the national service educational award described in division D, if the participant served in an approved national service position.

(Pub. L. 101–610, title I, §118, formerly §119, as added Pub. L. 103–82, title I, §103(b), Sept. 21, 1993, 107 Stat. 837; renumbered §118 and amended Pub. L. 111–13, title I, §1202, Apr. 21, 2009, 123 Stat. 1474.)

Editorial Notes

References in Text

The Higher Education Act of 1965, referred to in subsecs. (b)(5) and (g), is Pub. L. 89–329, Nov. 8, 1965, 79 Stat. 1219. Part C of title IV of the Act was formerly classified generally to part C (§2751 et seq.) of subchapter I of chapter 34 of this title prior to transfer to part C (§1087–51 et seq.) of subchapter IV of chapter 28 of Title 20, Education. Section 443 of the Act was transferred from section 2753 of this title to section 1087–53 of Title 20. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

Prior Provisions

A prior section 118 of Pub. L. 101–610 was classified to section 12551 of this title prior to the general amendment of part I of this division by Pub. L. 111–13.

Another prior section 118 of Pub. L. 101–610 was classified to section 12531 of this title prior to repeal by Pub. L. 103–82.

Amendments

2009—Subsec. (a). Pub. L. 111–13, §1202(b)(1), inserted "through service-learning" after "community service programs".

Subsec. (b). Pub. L. 111–13, §1202(b)(2)(A), substituted "consortium" for "combination" in introductory provisions.

Subsec. (b)(1)(C). Pub. L. 111–13, §1202(b)(2)(B), added subpar. (C).

Subsec. (b)(3). Pub. L. 111–13, §1202(b)(2)(C)(i), substituted "institutions of higher education and their faculty" for "teachers at the elementary, secondary, and postsecondary levels" in introductory provisions.

Subsec. (b)(3)(A). Pub. L. 111–13, §1202(b)(2)(C)(ii), substituted "curricula of the institution to strengthen the instructional capacity of teachers to provide service-learning at the elementary and secondary levels;" for "education of the institution; and".

Subsec. (b)(3)(B), (C). Pub. L. 111–13, §1202(b)(2)(C)(iii), (iv), added subpar. (B) and redesignated former subpar. (B) as (C).

Subsecs. (c) to (i). Pub. L. 111–13, §1202(b)(3)–(5), added subsecs. (c) to (h), redesignated former subsec. (f) as (i), and struck out former subsecs. (c), (d), (e), and (g) which related to Federal share of the cost, grant application, applicant priority, and definition of "student", respectively.

Statutory Notes and Related Subsidiaries

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

Section effective Oct. 1, 1993, see section 123 of Pub. L. 103–82, set out as an Effective Date of 1993 Amendment note under section 1701 of Title 16, Conservation.

[¹ See References in Text note below.](#)

[² So in original. Probably should not be capitalized.](#)

§12561a. Campuses of Service

(a) In general

The Corporation, after consultation with the Secretary of Education, may annually designate not more than 25 institutions of higher education as Campuses of Service, from among institutions nominated by State Commissions.

(b) Applications for nomination

(1) In general

To be eligible for a nomination to receive designation under subsection (a), and have an opportunity to apply for funds under subsection (d) for a fiscal year, an institution of higher education in a State shall submit an

application to the State Commission at such time, in such manner, and containing such information as the State Commission may require.

(2) Contents

At a minimum, the application shall include information specifying—

- (A)(i) the number of undergraduate and, if applicable, graduate service-learning courses offered at such institution for the most recent full academic year preceding the fiscal year for which designation is sought; and
- (ii) the number and percentage of undergraduate students and, if applicable, the number and percentage of graduate students at such institution who were enrolled in the corresponding courses described in clause (i), for such preceding academic year;
- (B) the percentage of undergraduate students engaging in and, if applicable, the percentage of graduate students engaging in activities providing community services, as defined in section 441(c) of the Higher Education Act of 1965 (42 U.S.C. 2751(c)),¹ during such preceding academic year, the quality of such activities, and the average amount of time spent, per student, engaged in such activities;
- (C) for such preceding academic year, the percentage of Federal work-study funds made available to the institution under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.)¹ that is used to compensate students employed in providing community services, as so defined, and a description of the efforts the institution undertakes to make available to students opportunities to provide such community services and be compensated through such work-study funds;
- (D) at the discretion of the institution, information demonstrating the degree to which recent graduates of the institution, and all graduates of the institution, have obtained full-time public service employment in the nonprofit sector or government, with a private nonprofit organization or a Federal, State, or local public agency; and
- (E) any programs the institution has in place to encourage or assist graduates of the institution to pursue careers in public service in the nonprofit sector or government.

(c) Nominations and designation

(1) Nomination

(A) In general

A State Commission that receives applications from institutions of higher education under subsection (b) may nominate, for designation under subsection (a), not more than 3 such institutions of higher education, consisting of—

- (i) not more than one 4-year public institution of higher education;
- (ii) not more than one 4-year private institution of higher education; and
- (iii) not more than one 2-year institution of higher education.

(B) Submission

The State Commission shall submit to the Corporation the name and application of each institution nominated by the State Commission under subparagraph (A).

(2) Designation

The Corporation shall designate, under subsection (a), not more than 25 institutions of higher education from among the institutions nominated under paragraph (1). In making the designations, the Corporation shall, if feasible, designate various types of institutions, including institutions from each of the categories of institutions described in clauses (i), (ii), and (iii) of paragraph (1)(A).

(d) Awards

(1) In general

Using sums reserved under section 12681(a)(1)(C) of this title for Campuses of Service, the Corporation shall provide an award of funds to institutions designated under subsection (c), to be used by the institutions to develop or disseminate service-learning models and information on best practices regarding service-learning to other institutions of higher education.

(2) Plan

To be eligible to receive funds under this subsection, an institution designated under subsection (c) shall submit a plan to the Corporation describing how the institution intends to use the funds to develop or disseminate service-learning models and information on best practices regarding service-learning to other institutions of higher education.

(3) Allocation

The Corporation shall determine how the funds reserved under section 12681(a)(1)(C) of this title for Campuses of Service for a fiscal year will be allocated among the institutions submitting acceptable plans under paragraph (2). In determining the amount of funds to be allocated to such an institution, the Corporation shall consider the number of students at the institution, the quality and scope of the plan submitted by the institution under paragraph (2), and the institution's current (as of the date of submission of the plan) strategies to encourage or assist students to pursue public service careers in the nonprofit sector or government.

(Pub. L. 101–610, title I, §118A, as added Pub. L. 111–13, title I, §1203, Apr. 21, 2009, 123 Stat. 1477.)

Editorial Notes

References in Text

The Higher Education Act of 1965, referred to in subsec. (b)(2)(C), is Pub. L. 89–329, Nov. 8, 1965, 79 Stat. 1219. Part C of title IV of the Act was formerly classified generally to part C (§2751 et seq.) of subchapter I of chapter 34 of this title prior to transfer to part C (§1087–51 et seq.) of subchapter IV of chapter 28 of Title 20, Education. Section 441 of the Act was transferred from section 2751 of this title to section 1087–51 of Title 20. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

Statutory Notes and Related Subsidiaries

Effective Date

Section effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111–13, set out as an Effective Date of 2009 Amendment note under section 4950 of this title.

[¹ See References in Text note below.](#)

Part III—Innovative and Community-Based Service-Learning Programs and Research

§12563. Innovative and community-based service-learning programs and research

(a) Definitions

In this part:

(1) Eligible entity

The term "eligible entity" means a State educational agency, a State Commission, a territory, an Indian tribe, an institution of higher education, or a public or private nonprofit organization (including community-based entities), a public or private elementary school or secondary school, a local educational agency, a consortium of such entities, or a consortium of 2 or more such entities and a for-profit organization.

(2) Eligible partnership

The term "eligible partnership" means a partnership that—

(A) shall include—

(i) 1 or more community-based entities that have demonstrated records of success in carrying out service-learning programs with economically disadvantaged students, and that meet such criteria as the Chief Executive Officer may establish; and

(ii) a local educational agency for which—

(I) a high number or percentage, as determined by the Corporation, of the students served by the agency are economically disadvantaged students; and

(II) the four-year adjusted cohort graduation rate (as defined in section 7801 of title 20) for the secondary school students served by the agency is less than 70 percent; and

(B) may also include—

(i) a local government agency that is not described in subparagraph (A);

(ii) the office of the chief executive officer of a unit of general local government;

(iii) an institution of higher education;

(iv) a State Commission or State educational agency; or

(v) more than 1 local educational agency described in subclause (I).¹

(3) Youth engagement zone

The term "youth engagement zone" means the area in which a youth engagement zone program is carried out.

(4) Youth engagement zone program

The term "youth engagement zone program" means a service-learning program in which members of an eligible partnership collaborate to provide coordinated school-based or community-based service-learning opportunities

- (A) in order to address a specific community challenge;
- (B) for an increasing percentage of out-of-school youth and secondary school students served by a local educational agency; and
- (C) in circumstances under which—
 - (i) not less than 90 percent of such students participate in service-learning activities as part of the program; or
 - (ii) service-learning is a part of the curriculum in all of the secondary schools served by the local educational agency.

(b) General authority

From the amounts appropriated to carry out this part for a fiscal year, the Corporation may make grants (which may include approved summer of service positions in the case of a grant for a program described in subsection (c)(8)) and fixed-amount grants (in accordance with section 12581(l) of this title) to eligible entities or eligible partnerships, as appropriate, for programs and activities described in subsection (c).

(c) Authorized activities

Funds under this part may be used to—

- (1) integrate service-learning programs into the science, technology, engineering, and mathematics (referred to in this part as "STEM") curricula at the elementary, secondary, postsecondary, or postbaccalaureate levels in coordination with practicing or retired STEM professionals;
- (2) involve students in service-learning programs focusing on energy conservation in their community, including conducting educational outreach on energy conservation and working to improve energy efficiency in low-income housing and in public spaces;
- (3) involve students in service-learning programs in emergency and disaster preparedness;
- (4) involve students in service-learning programs aimed at improving access to and obtaining the benefits from computers and other emerging technologies, including improving such access for individuals with disabilities, in low-income or rural communities, in senior centers and communities, in schools, in libraries, and in other public spaces;
- (5) involve high school age youth in the mentoring of middle school youth while involving all participants in service-learning to seek to meet unmet human, educational, environmental, public safety, or emergency and disaster preparedness needs in their community;
- (6) conduct research and evaluations on service-learning, including service-learning in middle schools, and disseminate such research and evaluations widely;

- (7) conduct innovative and creative activities as described in section 12523(a) of this title;
- (8) establish or implement summer of service programs (giving priority to programs that enroll youth who will be enrolled in any of grades 6 through 9 at the end of the summer concerned) during the summer months (including recruiting, training, and placing service-learning coordinators)—
 - (A) for youth who will be enrolled in any of grades 6 through 12 at the end of the summer concerned; and
 - (B) for community-based service-learning projects—
 - (i) that shall—
 - (I) meet unmet human, educational, environmental (including energy conservation and stewardship), and emergency and disaster preparedness and other public safety needs; and
 - (II) be intensive, structured, supervised, and designed to produce identifiable improvements to the community;
 - (ii) that may include the extension of academic year service-learning programs into the summer months; and
 - (iii) under which a student who completes 100 hours of service as described in section 12602(b)(2) of this title,² shall be eligible for a summer of service educational award of \$500 or \$750 as described in sections 12602(a)(2) (C) and 12603(d) of this title;
- (9) establish or implement youth engagement zone programs in youth engagement zones, for students in secondary schools served by local educational agencies for which a majority of such students do not participate in service-learning activities that are—
 - (A) carried out by eligible partnerships; and
 - (B) designed to—
 - (i) involve all students in secondary schools served by the local educational agency in service-learning to address a specific community challenge;
 - (ii) improve student engagement, including student attendance and student behavior, and student achievement, graduation rates, and college-going rates at secondary schools; and
 - (iii) involve an increasing percentage of students in secondary school and out-of-school youth in the community in school-based or community-based service-learning activities each year, with the goal of involving all students in secondary schools served by the local educational agency and involving an increasing percentage of the out-of-school youth in service-learning activities; and
- (10) conduct semester of service programs that—
 - (A) provide opportunities for secondary school students to participate in a semester of coordinated school-based or community-based service-learning opportunities for a minimum of 70 hours (of which at least a third will be spent participating in field-based activities) over a semester, to address specific community challenges;
 - (B) engage as participants high percentages or numbers of economically disadvantaged students;

(C) allow participants to receive academic credit, for the time spent in the classroom and in the field for the program, that is equivalent to the academic credit for any class of equivalent length and with an equivalent time commitment; and

(D) ensure that the classroom-based instruction component of the program is integrated into the academic program of the local educational agency involved; and

(11) carry out any other innovative service-learning programs or research that the Corporation considers appropriate.

(d) Applications

To be eligible to receive a grant to carry out a program or activity under this part, an entity or partnership, as appropriate, shall prepare and submit to the Corporation an application at such time and in such manner as the Chief Executive Officer may reasonably require, and obtain approval of the application.

(e) Priority

In making grants under this part, the Corporation shall give priority to applicants proposing to—

(1) involve students and community stakeholders in the design and implementation of service-learning programs carried out using funds received under this part;

(2) implement service-learning programs in low-income or rural communities; and

(3) utilize adult volunteers, including tapping the resources of retired and retiring adults, in the planning and implementation of service-learning programs.

(f) Requirements

(1) Term

Each program or activity funded under this part shall be carried out over a period of 3 years, which may include 1 planning year. In the case of a program funded under this part, the 3-year period may be extended by 1 year, if the program meets performance levels established in accordance with section 12639(k) of this title and any other criteria determined by the Corporation.

(2) Collaboration encouraged

Each entity carrying out a program or activity funded under this part shall, to the extent practicable, collaborate with entities carrying out programs under this division, division C, and titles I and II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq., 5001 et seq.).

(3) Evaluation

Not later than 4 years after the effective date of the Serve America Act, the Corporation shall conduct an independent evaluation of the programs and activities carried out using funds made available under this part, and determine best practices relating to service-learning and recommendations for improvement of those programs and activities. The Corporation shall widely disseminate the results of the evaluations, and information on the best practices and recommendations to the service community through multiple channels, including the Corporation's Resource Center or a clearinghouse of effective strategies.

(Pub. L. 101–610, title I, §119, as added Pub. L. 111–13, title I, §1204, Apr. 21, 2009, 123 Stat. 1479; amended Pub. L. 114–95, title IX, §9215(bbb)(3), Dec. 10, 2015, 129 Stat. 2185.)

Editorial Notes

References in Text

The Domestic Volunteer Service Act of 1973, referred to in subsec. (f)(2), is Pub. L. 93–113, Oct. 1, 1973, 87 Stat. 394. Titles I and II of the Act are classified generally to subchapters I (§4951 et seq.) and II (§5000 et seq.), respectively, of chapter 66 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4950 of this title and Tables.

For the effective date of the Serve America Act, referred to in subsec. (f)(3), as Oct. 1, 2009, see section 6101(a) of Pub. L. 111–13, set out as an Effective Date of 2009 Amendment note under section 4950 of this title.

Prior Provisions

A prior section 119 of Pub. L. 101–610 was renumbered section 118 and is classified to section 12561 of this title.

Amendments

2015—Subsec. (a)(2)(A)(ii)(II). Pub. L. 114–95 substituted "the four-year adjusted cohort graduation rate (as defined in section 7801 of title 20)" for "the graduation rate (as defined in section 6311(b)(2)(C)(vi) of title 20 and as clarified in applicable regulations promulgated by the Department of Education".

Statutory Notes and Related Subsidiaries

Effective Date of 2015 Amendment

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of Title 20, Education.

Effective Date

Section effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111–13, set out as an Effective Date of 2009 Amendment note under section 4950 of this title.

¹ [So in original. Clause \(v\) does not contain subclauses.](#)

² [So in original. Comma probably should not appear.](#)

Part IV—Repealed

Part related to service-learning impact study, prior to repeal by Pub. L. 113–188, title III, §301(a), Nov. 26, 2014, 128 Stat. 2018.

§12565. Repealed. Pub. L. 113–188, title III, §301(a), Nov. 26, 2014, 128 Stat. 2018

Section, Pub. L. 101–610, title I, §120, as added Pub. L. 111–13, title I, §1205, Apr. 21, 2009, 123 Stat. 1483, provided for a 10-year longitudinal study and reports on the impact of the activities carried out under this division.

Division C—National Service Trust Program

Editorial Notes

Prior Provisions

This division is comprised of subtitle C, §§121–141, of title I of Pub. L. 101–610. A prior part C (§12541 et seq.), comprised of subtitle C, §§120–135, of title I of Pub. L. 101–610 was renumbered subtitle I, §§199A–199O, of title I of Pub. L. 101–610 by Pub. L. 103–82, title I, §101(a), Sept. 21, 1993, 107 Stat. 788, and transferred to division I of this subchapter.

Part I—Investment in National Service

§12571. Authority to provide assistance and approved national service positions

(a) Provision of assistance

Subject to the availability of appropriations for this purpose, the Corporation for National and Community Service may make grants to States, subdivisions of States, territories, Indian tribes, public or private nonprofit organizations, and institutions of higher education for the purpose of assisting the recipients of the grants—

(1) to carry out full- or part-time national service programs, including summer programs, described in subsection (a), (b), or (c) of section 12572 of this title; and

(2) to make grants in support of other national service programs described in subsection (a), (b), or (c) of section 12572 of this title that are carried out by other entities.

(b) Restrictions on agreements with Federal agencies

(1) Agreements authorized

The Corporation may enter into an interagency agreement (other than a grant agreement) with another Federal agency to support a national service program carried out or otherwise supported by the agency. The Corporation, in entering into the interagency agreement may approve positions as approved national service positions for a program carried out or otherwise supported by the agency.

(2) Prohibition on grants

The Corporation may not provide a grant under this section to a Federal agency.

(3) Consultation with State Commissions

A Federal agency carrying out or supporting a national service program shall consult with the State Commissions for those States in which projects will be conducted through that program in order to ensure that the projects do not duplicate projects conducted by State or local national service programs.

(4) Support for other national service programs

A Federal agency that enters into an interagency agreement under paragraph (1) shall, in an appropriate case, enter into a contract or cooperative agreement with an entity that is carrying out a national service program in a State that is in existence in the State as of the date of the contract or cooperative agreement and is of high quality, in order to support the national service program.

(5) Application of requirements

A requirement under this chapter that applies to an entity receiving assistance under this section (other than a requirement limited to an entity receiving assistance under subsection (a)) shall be considered to apply to a Federal agency that enters into an interagency agreement under this subsection, even though no Federal agency may receive financial assistance under such an agreement.

(c) Provision of approved national service positions

As part of the provision of assistance under subsection (a), and in providing approved national service positions under subsection (b), the Corporation shall—

(1) approve the provision of national service educational awards described in division D for the participants who serve in national service programs carried out using such assistance; and

(2) deposit in the National Service Trust established in section 12601(a) of this title an amount equal to the product of—

(A) the value of a national service educational award under section 12603 of this title; and

(B) the total number of approved national service positions to be provided or otherwise approved.

(d) Five percent limitation on administrative costs

(1) Limitation

Not more than 5 percent of the amount of assistance provided to the original recipient of a grant or transfer of assistance under subsection (a) for a fiscal year may be used to pay for administrative costs incurred by—

(A) the recipient of the assistance; and

(B) national service programs carried out or supported with the assistance.

(2) Rules on use

The Corporation may by rule prescribe the manner and extent to which—

(A) assistance provided under subsection (a) may be used to cover administrative costs; and

(B) that portion of the assistance available to cover administrative costs should be distributed between—

- (i) the original recipient of the grant or transfer of assistance under such subsection; and
- (ii) national service programs carried out or supported with the assistance.

(e) Matching funds requirements

(1) Requirements

Except as provided in section 12594 of this title, the Corporation share of the cost (including the costs of member living allowances, employment-related taxes, health care coverage, and workers' compensation and other necessary operation costs) of carrying out a national service program that receives the assistance under subsection (a), whether the assistance is provided directly or as a subgrant from the original recipient of the assistance, may not exceed 75 percent of such cost.

(2) Calculation

In providing for the remaining share of the cost of carrying out a national service program, the program—

(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

(B) may provide for such share through State sources, local sources, or other Federal sources (other than the use of funds made available under the national service laws).

(3) Cost of health care

In providing a payment in cash under paragraph (2)(A) as part of providing for the remaining share of the cost of carrying out a national service program, the program may count not more than 85 percent of the cost of providing a health care policy described in section 12594(d)(2) of this title toward such share.

(4) Waiver

The Corporation may waive in whole or in part the requirements of paragraph (1) with respect to a national service program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

(5) Other Federal funds

(A) Recipient report

A recipient of assistance under this section (other than a recipient of assistance through a fixed-amount grant in accordance with section 12581(l) of this title) shall report to the Corporation the amount and source of any Federal funds used to carry out the program for which the assistance is made available other than those provided by the Corporation.

(B) Corporation report

The Corporation shall report to the authorizing committees on an annual basis information regarding each recipient of such assistance that uses Federal funds other than those provided by the Corporation to carry out such a program, including the amounts and sources of the other Federal funds.

(f) Plan for approved national service positions

The Corporation shall—

(1) develop a plan to—

(A) establish the number of the approved national service positions as 88,000 for fiscal year 2010;

(B) increase the number of the approved positions to—

(i) 115,000 for fiscal year 2011;

(ii) 140,000 for fiscal year 2012;

(iii) 170,000 for fiscal year 2013;

(iv) 200,000 for fiscal year 2014;

(v) 210,000 for fiscal year 2015;

(vi) 235,000 for fiscal year 2016; and

(vii) 250,000 for fiscal year 2017;

(C) ensure that the increases described in subparagraph (B) are achieved through an appropriate balance of full- and part-time service positions;

(2) not later than 1 year after April 21, 2009, submit a report to the authorizing committees on the status of the plan described in paragraph (1); and

(3) subject to the availability of appropriations and quality service opportunities, implement the plan described in paragraph (1).

(Pub. L. 101–610, title I, §121, as added Pub. L. 103–82, title I, §101(b), Sept. 21, 1993, 107 Stat. 788; amended Pub. L. 111–13, title I, §1301, Apr. 21, 2009, 123 Stat. 1484.)

Editorial Notes

References in Text

This chapter, referred to in subsec. (b)(5), was in the original "this Act", meaning [Pub. L. 101–610, Nov. 16, 1990, 104 Stat. 3127](#), which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 12501 of this title and Tables.

Prior Provisions

A prior section 12571, [Pub. L. 101–610, title I, §141, Nov. 16, 1990, 104 Stat. 3150](#), related to general authority to make grants for national and community service programs, prior to the general amendment of subtitle D of title I of [Pub. L. 101–610](#) [formerly part D of this subchapter] by [Pub. L. 103–82, §102\(a\)](#).

A prior section 121 of Pub. L. 101–610 was renumbered section 199A, and is classified to section 12655 of this title.

Amendments

2009—Subsec. (a). Pub. L. 111–13, §1301(1)(A), inserted "territories," after "subdivisions of States," in introductory provisions.

Subsec. (a)(1), (2). Pub. L. 111–13, §1301(1)(B), substituted "subsection (a), (b), or (c) of section 12572" for "section 12572(a)".

Subsec. (b). Pub. L. 111–13, §1301(2)(A), substituted "Restrictions on agreements with Federal agencies" for "Agreements with Federal agencies" in heading.

Subsec. (b)(1). Pub. L. 111–13, §1301(2)(B), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: "The Corporation may enter into a contract or cooperative agreement with another Federal agency to support a national service program carried out by the agency. The support provided by the Corporation pursuant to the contract or cooperative agreement may include the transfer to the Federal agency of funds available to the Corporation under this division."

Subsec. (b)(2). Pub. L. 111–13, §1301(2)(C), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: "A Federal agency receiving assistance under this subsection shall not be required to satisfy the matching funds requirements specified in subsection (e) of this section. However, the supplementation requirements specified in section 12633 of this title shall apply with respect to the Federal national service programs supported with such assistance."

Subsec. (b)(3). Pub. L. 111–13, §1301(2)(D), substituted "carrying out or supporting a national service program" for "receiving assistance under this subsection" and "through that program" for "using such assistance".

Subsec. (b)(4). Pub. L. 111–13, §1301(2)(E), substituted "an interagency agreement" for "a contract or cooperative agreement" the first place it appeared.

Subsec. (b)(5). Pub. L. 111–13, §1301(2)(F), added par. (5).

Subsec. (c). Pub. L. 111–13, §1301(3)(A), substituted "subsection (a), and in providing approved national service positions under subsection (b)," for "subsections (a) and (b) of this section," in introductory provisions.

Subsec. (c)(2)(B). Pub. L. 111–13, §1301(3)(B), substituted "to be provided or otherwise approved" for "to be provided".

Subsec. (d)(1), (2)(A). Pub. L. 111–13, §1301(4), struck out "or (b) of this section" after "subsection (a)" in introductory provisions of par. (1) and in par. (2)(A).

Subsec. (e)(1). Pub. L. 111–13, §1301(5)(A), substituted "Corporation share of the cost (including the costs of member living allowances, employment-related taxes, health care coverage, and workers' compensation and other necessary operation costs)" for "Federal share of the cost".

Subsec. (e)(5). Pub. L. 111–13, §1301(5)(B), added par. (5).

Subsec. (f). Pub. L. 111–13, §1301(6), added subsec. (f).

Statutory Notes and Related Subsidiaries

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

Section effective Oct. 1, 1993, see section 123 of Pub. L. 103–82, set out as an Effective Date of 1993 Amendment note under section 1701 of Title 16, Conservation.

Overall Minimum Share Requirement

Pub. L. 118–47, div. D, title IV, §402, Mar. 23, 2024, 138 Stat. 695, provided that: "AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first 3 years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) [42 U.S.C. 12571(e)] or the member support Federal share limitations in section 140 of the 1990 Act [National and Community Service Act of 1990, 42 U.S.C. 12594], and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations."

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 117–328, div. H, title IV, §402, Dec. 29, 2022, 136 Stat. 4900.

Pub. L. 117–103, div. H, title IV, §402, Mar. 15, 2022, 136 Stat. 488.

Pub. L. 116–260, div. H, title IV, §402, Dec. 27, 2020, 134 Stat. 1614.

Pub. L. 116–94, div. A, title IV, §402, Dec. 20, 2019, 133 Stat. 2599.

Pub. L. 115–245, div. B, title IV, §402, Sept. 28, 2018, 132 Stat. 3110.

Pub. L. 115–141, div. H, title IV, §402, Mar. 23, 2018, 132 Stat. 756.

Pub. L. 115–31, div. H, title IV, §402, May 5, 2017, 131 Stat. 555.

Pub. L. 114–113, div. H, title IV, §404, Dec. 18, 2015, 129 Stat. 2642.

Pub. L. 113–235, div. G, title IV, §402, Dec. 16, 2014, 128 Stat. 2508.

Pub. L. 113–76, div. H, title IV, §402, Jan. 17, 2014, 128 Stat. 402.

Pub. L. 112–74, div. F, title IV, §402, Dec. 23, 2011, 125 Stat. 1105.

Pub. L. 111–117, div. D, title IV, §402, Dec. 16, 2009, 123 Stat. 3273.

Pub. L. 111–8, div. F, title IV, §407, Mar. 11, 2009, 123 Stat. 795.

Pub. L. 110–161, div. G, title IV, §407, Dec. 26, 2007, 121 Stat. 2202.

§12572. National service programs eligible for program assistance

(a) National service corps

The recipient of a grant under section 12571(a) of this title and a Federal agency operating or supporting a national service program under section 12571(b) of this title shall use a portion of the financial assistance or positions involved, directly or through subgrants to other entities, to support or carry out the following national service corps or programs, as full- or part-time corps or programs, to address unmet needs:

(1) Education Corps

(A) In general

The recipient may carry out national service programs through an Education Corps that identifies and meets unmet educational needs within communities through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

(B) Activities

An Education Corps described in this paragraph may carry out activities such as—

- (i) tutoring, or providing other academic support to elementary school and secondary school students;
- (ii) improving school climate;
- (iii) mentoring students, including adult or peer mentoring;
- (iv) linking needed integrated services and comprehensive supports with students, their families, and their public schools;
- (v) providing assistance to a school in expanding the school day by strengthening the quality of staff and expanding the academic programming offered in an expanded learning time initiative, a program of a 21st century community learning center (as defined in section 7171 of title 20), or a high-quality after-school program;
- (vi) assisting schools and local educational agencies in improving and expanding high-quality service-learning programs that keep students engaged in schools by carrying out programs that provide specialized training to individuals in service-learning, and place the individuals (after such training) in positions as service-learning coordinators, to facilitate service-learning in programs eligible for funding under part I of division B;
- (vii) assisting students in being prepared for college-level work;
- (viii) involving family members of students in supporting teachers and students;
- (ix) conducting a preprofessional training program in which students enrolled in an institution of higher education—
 - (I) receive training (which may include classes containing service-learning) in specified fields including early childhood education and care, elementary and secondary education, and other fields such as those relating to health services, criminal justice, environmental stewardship and conservation, or public safety;
 - (II) perform service related to such training outside the classroom during the school term and during summer or other vacation periods; and
 - (III) agree to provide service upon graduation to meet unmet human, educational, environmental, or public safety needs related to such training;

- (x) assisting economically disadvantaged students in navigating the college admissions process;
- (xi) providing other activities, addressing unmet educational needs, that the Corporation may designate; or
- (xii) providing skilled musicians and artists to promote greater community unity through the use of music and arts education and engagement through work in low-income communities, and education, health care, and therapeutic settings, and other work in the public domain with citizens of all ages.

(C) Education Corps indicators

The indicators for a corps program described in this paragraph are—

- (i) student engagement, including student attendance and student behavior;
- (ii) student academic achievement;
- (iii) four-year adjusted cohort graduation rate (as defined in section 7801 of title 20);
- (iv) rate of college enrollment and continued college enrollment for recipients of a high school diploma;
- (v) any additional indicator relating to improving education for students that the Corporation, in consultation (as appropriate) with the Secretary of Education, establishes; or
- (vi) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) relating to improving education for students, that is approved by the Corporation or a State Commission.

(2) Healthy Futures Corps

(A) In general

The recipient may carry out national service programs through a Healthy Futures Corps that identifies and meets unmet health needs within communities through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

(B) Activities

A Healthy Futures Corps described in this paragraph may carry out activities such as—

- (i) assisting economically disadvantaged individuals in navigating the health services system;
- (ii) assisting individuals in obtaining access to health services, including oral health services, for themselves or their children;
- (iii) educating economically disadvantaged individuals and individuals who are members of medically underserved populations about, and engaging individuals described in this clause in, initiatives regarding navigating the health services system and regarding disease prevention and health promotion, with a particular focus on common health conditions, chronic diseases, and conditions, for which disease prevention and health promotion measures exist and for which socioeconomic, geographic, and racial and ethnic health disparities exist;
- (iv) improving the literacy of patients regarding health, including oral health;
- (v) providing translation services at clinics and in emergency rooms to improve health services;

- (vi) providing services designed to meet the health needs of rural communities, including the recruitment of youth to work in health professions in such communities;
- (vii) assisting in health promotion interventions that improve health status, and helping people adopt and maintain healthy lifestyles and habits to improve health status;
- (viii) addressing childhood obesity through in-school and after-school physical activities, and providing nutrition education to students, in elementary schools and secondary schools; or
- (ix) providing activities, addressing unmet health needs, that the Corporation may designate.

(C) Healthy Futures Corps indicators

The indicators for a corps program described in this paragraph are—

- (i) access to health services among economically disadvantaged individuals and individuals who are members of medically underserved populations;
- (ii) access to health services for uninsured individuals, including such individuals who are economically disadvantaged children;
- (iii) participation, among economically disadvantaged individuals and individuals who are members of medically underserved populations, in disease prevention and health promotion initiatives, particularly those with a focus on addressing common health conditions, addressing chronic diseases, and decreasing health disparities;
- (iv) literacy of patients regarding health;
- (v) any additional indicator, relating to improving or protecting the health of economically disadvantaged individuals and individuals who are members of medically underserved populations, that the Corporation, in consultation (as appropriate) with the Secretary of Health and Human Services and the Director of the Centers for Disease Control and Prevention, establishes; or
- (vi) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) relating to improving or protecting the health of economically disadvantaged individuals and individuals who are members of medically underserved populations, that is approved by the Corporation or a State Commission.

(3) Clean Energy Service Corps

(A) In general

The recipient may carry out national service projects through a Clean Energy Service Corps that identifies and meets unmet environmental needs within communities through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

(B) Activities

A Clean Energy Service Corps described in this paragraph may carry out activities such as—

- (i) weatherizing and retrofitting housing units for low-income households to significantly improve the energy efficiency and reduce carbon emissions of such housing units;
- (ii) building energy-efficient housing units in low-income communities;

- (iii) conducting energy audits for low-income households and recommending ways for the households to improve energy efficiency;
- (iv) providing clean energy-related services designed to meet the needs of rural communities;
- (v) working with schools and youth programs to educate students and youth about ways to reduce home energy use and improve the environment, including conducting service-learning projects to provide such education;
- (vi) assisting in the development of local recycling programs;
- (vii) renewing and rehabilitating national and State parks and forests, city parks, county parks and other public lands, and trails owned or maintained by the Federal Government or a State, including planting trees, carrying out reforestation, carrying out forest health restoration measures, carrying out erosion control measures, fire hazard reduction measures, and rehabilitation and maintenance of historic sites and structures throughout the national park system, and providing trail enhancements, rehabilitation, and repairs;
- (viii) cleaning and improving rivers maintained by the Federal Government or a State;
- (ix) carrying out projects in partnership with the National Park Service, designed to renew and rehabilitate national park resources and enhance services and learning opportunities for national park visitors, and nearby communities and schools;
- (x) providing service through a full-time, year-round youth corps program or full-time summer youth corps program, such as a conservation corps or youth service corps program that—
 - (I) undertakes meaningful service projects with visible public benefits, including projects involving urban renewal, sustaining natural resources, or improving human services;
 - (II) includes as participants youths and young adults who are age 16 through 25, including out-of-school youth and other disadvantaged youth (such as youth who are aging out of foster care, youth who have limited English proficiency, homeless youth, and youth who are individuals with disabilities), who are age 16 through 25; and
 - (III) provides those participants who are youth and young adults with—
 - (aa) team-based, highly structured, and adult-supervised work experience, life skills, education, career guidance and counseling, employment training, and support services including mentoring; and
 - (bb) the opportunity to develop citizenship values and skills through service to their community and the United States; ¹
- (xi) carrying out other activities, addressing unmet environmental and workforce needs, that the Corporation may designate.

(C) Clean Energy Service Corps indicators

The indicators for a corps program described in this paragraph are—

- (i) the number of housing units of low-income households weatherized or retrofitted to significantly improve energy efficiency and reduce carbon emissions;
- (ii) annual energy costs (to determine savings in those costs) at facilities where participants have provided service;

- (iii) the number of students and youth receiving education or training in energy-efficient and environmentally conscious practices;
- (iv)(I) the number of acres of national parks, State parks, city parks, county parks, or other public lands, that are cleaned or improved; and
- (II) the number of acres of forest preserves, or miles of trails or rivers, owned or maintained by the Federal Government or a State, that are cleaned or improved;
- (v) any additional indicator relating to clean energy, the reduction of greenhouse gas emissions, or education and skill attainment for clean energy jobs, that the Corporation, in consultation (as appropriate) with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of the Interior, or the Secretary of Labor, as appropriate, establishes; or
- (vi) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) relating to clean energy, the reduction of greenhouse gas emissions, or education or skill attainment for clean energy jobs, that is approved by the Corporation or a State Commission.

(4) Veterans Corps

(A) In general

The recipient may carry out national service programs through a Veterans Corps that identifies and meets unmet needs of veterans and members of the Armed Forces who are on active duty through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

(B) Activities

A Veterans Corps described in this paragraph may carry out activities such as—

- (i) promoting community-based efforts to meet the unique needs of military families while a family member is deployed and upon that family member's return home;
- (ii) recruiting veterans, particularly returning veterans, into service opportunities, including opportunities that utilize their military experience;
- (iii) assisting veterans in developing their educational opportunities (including opportunities for professional certification, licensure, or credentials), coordinating activities with and assisting State and local agencies administering veterans education benefits, and coordinating activities with and assisting entities administering veterans programs with internships and fellowships that could lead to employment in the private and public sectors;
- (iv) promoting efforts within a community to serve the needs of veterans and members of the Armed Forces who are on active duty, including helping veterans file benefits claims and assisting Federal agencies in providing services to veterans, and sending care packages to Members of the Armed Forces who are deployed;
- (v) assisting veterans in developing mentoring relationships with economically disadvantaged students;
- (vi) developing projects to assist veterans with disabilities, veterans who are unemployed, older veterans, and veterans in rural communities, including assisting veterans described in this clause with transportation; or
- (vii) other activities, addressing unmet needs of veterans, that the Corporation may designate.

(C) Veterans' Corps indicators

The indicators for a corps program described in this paragraph are—

- (i) the number of housing units created for veterans;
- (ii) the number of veterans who pursue educational opportunities;
- (iii) the number of veterans receiving professional certification, licensure, or credentials;
- (iv) the number of veterans engaged in service opportunities;
- (v) the number of military families assisted by organizations while a family member is deployed and upon that family member's return home;
- (vi) the number of economically disadvantaged students engaged in mentoring relationships with veterans;
- (vii) the number of projects designed to meet identifiable public needs of veterans, especially veterans with disabilities, veterans who are unemployed, older veterans, and veterans in rural communities;
- (viii) any additional indicator that relates to education or skill attainment that assists in providing veterans with the skills to address identifiable public needs, or that relates to improving the lives of veterans, of members of the Armed Forces on active duty, and of families of the veterans and the members on active duty, and that the Corporation, in consultation (as appropriate) with the Secretary of Veterans Affairs, establishes; or
- (ix) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) relating to the education or skill attainment, or the improvement, described in clause (viii), that is approved by the Corporation or a State Commission.

(5) Opportunity Corps

(A) In general

The recipient may carry out national service programs through an Opportunity Corps that identifies and meets unmet needs relating to economic opportunity for economically disadvantaged individuals within communities, through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

(B) Activities

An Opportunity Corps described in this paragraph may carry out activities such as—

- (i) providing financial literacy education to economically disadvantaged individuals, including financial literacy education with regard to credit management, financial institutions including banks and credit unions, and utilization of savings plans;
- (ii) assisting in the construction, rehabilitation, or preservation of housing units, including energy efficient homes, for economically disadvantaged individuals;
- (iii) assisting economically disadvantaged individuals, including homeless individuals, in finding placement in and maintaining housing;
- (iv) assisting economically disadvantaged individuals in obtaining access to health services for themselves or their children;
- (v) assisting individuals in obtaining information about Federal, State, local, or private programs or benefits focused on assisting economically disadvantaged individuals, economically disadvantaged children, or low-

income families;

(vi) facilitating enrollment in and completion of job training for economically disadvantaged individuals;

(vii) assisting economically disadvantaged individuals in obtaining access to job placement assistance;

(viii) carrying out a program that seeks to eliminate hunger in low-income communities and rural areas through service in projects—

(I) involving food banks, food pantries, and nonprofit organizations that provide food during emergencies;

(II) seeking to address the long-term causes of hunger through education and the delivery of appropriate services;

(III) providing training in basic health, nutrition, and life skills necessary to alleviate hunger in communities and rural areas; or

(IV) assisting individuals in obtaining information about federally supported nutrition programs;

(ix) addressing issues faced by homebound citizens, such as needs for food deliveries, legal and medical services, nutrition information, and transportation;

(x) implementing an E-Corps program that involves participants who provide services in a community by developing and assisting in carrying out technology programs that seek to increase access to technology and the benefits of technology in such community; and

(xi) carrying out other activities, addressing unmet needs relating to economic opportunity for economically disadvantaged individuals, that the Corporation may designate.

(C) Opportunity Corps indicators

The indicators for a corps program described in this paragraph are—

(i) the degree of financial literacy among economically disadvantaged individuals;

(ii) the number of housing units built or improved for economically disadvantaged individuals or low-income families;

(iii) the number of economically disadvantaged individuals with access to job training and other skill enhancement;

(iv) the number of economically disadvantaged individuals with access to information about job placement services;

(v) any additional indicator relating to improving economic opportunity for economically disadvantaged individuals that the Corporation, in consultation (as appropriate) with the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Housing and Urban Development, and the Secretary of the Treasury, establishes; or

(vi) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) that is approved by the Corporation or a State Commission.

(b) National service programs

(1) In general

The recipient of a grant under section 12571(a) of this title and a Federal agency operating or supporting a national service program under section 12571(b) of this title may use the financial assistance or positions involved, directly or through subgrants to other entities, to carry out national service programs and model programs under this subsection that are focused on meeting community needs and improve performance on the indicators described in paragraph (3).

(2) Programs

The programs may include the following types of national service programs:

(A) A community service program designed to meet the needs of rural communities, using teams or individual placements to address the development needs of rural communities, including addressing rural poverty, or the need for health services, education, or job training.

(B) A program—

(i) that engages participants in public health, emergency and disaster preparedness, and other public safety activities;

(ii) that may include the recruitment of qualified participants for, and placement of the participants in, positions to be trainees as law enforcement officers, firefighters, search and rescue personnel, and emergency medical service workers; and

(iii) that may engage Federal, State, and local stakeholders, in collaboration, to organize more effective responses to issues of public health, emergencies and disasters, and other public safety issues.

(C) A program that seeks to expand the number of mentors for disadvantaged youths and other youths (including by recruiting high school-,² and college-age individuals to enter into mentoring relationships), either through—

(i) provision of direct mentoring services;

(ii) provision of supportive services to direct mentoring service organizations (in the case of a partnership);

(iii) the creative utilization of current and emerging technologies to connect youth with mentors; or

(iv) supporting mentoring partnerships (including statewide and local mentoring partnerships that strengthen direct service mentoring programs) by—

(I) increasing State resources dedicated to mentoring;

(II) supporting the creation of statewide and local mentoring partnerships and programs of national scope through collaborative efforts between entities such as local or direct service mentoring partnerships, or units of State or local government; and

(III) assisting direct service mentoring programs.

(D) A program—

(i) in which not less than 75 percent of the participants are disadvantaged youth;

(ii) that may provide life skills training, employment training, educational counseling, assistance to complete a secondary school diploma or its recognized equivalent, counseling, or a mentoring relationship with an adult volunteer; and

(iii) for which, in awarding financial assistance and approved national service positions, the Corporation shall give priority to programs that engage retirees to serve as mentors.

(E) A program—

(i) that reengages court-involved youth and adults with the goal of reducing recidivism;

(ii) that may create support systems beginning in correctional facilities; and

(iii) that may have life skills training, employment training, an education program (including a program to complete a secondary school diploma or its recognized equivalent), educational and career counseling, and postprogram placement services.

(F) A demonstration program—

(i) that has as 1 of its primary purposes the recruitment and acceptance of court-involved youth and adults as participants, volunteers, or members; and

(ii) that may serve any purpose otherwise permitted under this chapter.

(G) A program that provides education or job training services that are designed to meet the needs of rural communities.

(H) A program that seeks to expand the number of mentors for youth in foster care through—

(i) the provision of direct academic mentoring services for youth in foster care;

(ii) the provision of supportive services to mentoring service organizations that directly provide mentoring to youth in foster care, including providing training of mentors in child development, domestic violence, foster care, confidentiality requirements, and other matters related to working with youth in foster care; or

(iii) supporting foster care mentoring partnerships, including statewide and local mentoring partnerships that strengthen direct service mentoring programs.

(I) Such other national service programs addressing unmet human, educational, environmental, or public safety needs as the Corporation may designate.

(3) Indicators

The indicators for a program described in this subsection are the indicators described in subparagraph (C) of paragraphs ³(1), (2), (3), (4), or (5) of subsection (a) or any additional local indicator (applicable to a participant or recipient and on which an improvement in performance is needed) relating to meeting unmet community needs, that is approved by the Corporation or a State Commission.

(c) Program models for service corps

(1) In general

In addition to any activities described in subparagraph (B) of paragraphs (1) through (5) of subsection (a), and subsection (b)(2), a recipient of a grant under section 12571(a) of this title and a Federal agency operating or supporting a national service program under section 12571(b) of this title may directly or through grants or subgrants to other entities carry out a national service corps program through the following program models:

(A) A community corps program that meets unmet health, veteran, and other human, educational, environmental, or public safety needs and promotes greater community unity through the use of organized teams of participants of varied social and economic backgrounds, skill levels, physical and developmental capabilities, ages, ethnic backgrounds, or genders.

(B) A service program that—

(i) recruits individuals with special skills or provides specialized preservice training to enable participants to be placed individually or in teams in positions in which the participants can meet such unmet needs; and

(ii) if consistent with the purposes of the program, brings participants together for additional training and other activities designed to foster civic responsibility, increase the skills of participants, and improve the quality of the service provided.

(C) A campus-based program that is designed to provide substantial service in a community during the school term and during summer or other vacation periods through the use of—

(i) students who are attending an institution of higher education, including students participating in a work-study program assisted under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.); ⁴

(ii) teams composed of students described in clause (i); or

(iii) teams composed of a combination of such students and community residents.

(D) A professional corps program that recruits and places qualified participants in positions—

(i) as teachers, nurses and other health care providers, police officers, early childhood development staff, engineers, or other professionals providing service to meet human, educational, environmental, or public safety needs in communities with an inadequate number of such professionals;

(ii) for which the salary may exceed the maximum living allowance authorized in subsection (a)(2) of section 12594 of this title, as provided in subsection (c) of such section; and

(iii) that are sponsored by public or private employers who agree to pay 100 percent of the salaries and benefits (other than any national service educational award under division D) of the participants.

(E) A program that provides opportunities for veterans to participate in service projects.

(F) A program carried out by an intermediary that builds the capacity of local nonprofit and faith-based organizations to expand and enhance services to meet local or national needs.

(G) Such other program models as may be approved by the Corporation or a State Commission, as appropriate.

(2) Program models within corps

A recipient of financial assistance or approved national service positions for a corps program described in subsection (a) may use the assistance or positions to carry out the corps program, in whole or in part, using a program model described in this subsection. The corps program shall meet the applicable requirements of subsection (a) and this subsection.

(d) Qualification criteria to determine eligibility

(1) Establishment by Corporation

The Corporation shall establish qualification criteria for different types of national service programs for the purpose of determining whether a particular national service program should be considered to be a national service program eligible to receive assistance or approved national service positions under this division.

(2) Consultation

In establishing qualification criteria under paragraph (1), the Corporation shall consult with organizations and individuals with extensive experience in developing and administering effective national service programs or regarding the delivery of veteran services, and other human, educational, environmental, or public safety services, to communities or persons.

(3) Application to subgrants

The qualification criteria established by the Corporation under paragraph (1) shall also be used by each recipient of assistance under section 12571(a) of this title that uses any portion of the assistance to conduct a grant program to support other national service programs.

(4) Encouragement of intergenerational components of programs

The Corporation shall encourage national service programs eligible to receive assistance or approved national service positions under this division to establish, if consistent with the purposes of the program, an intergenerational component of the program that combines students, out-of-school youths, disadvantaged youth, and older adults as participants to provide services to address unmet human, educational, environmental, or public safety needs.

(e) Priorities for certain corps

In awarding financial assistance and approved national service positions to eligible entities proposed to carry out the corps described in subsection (a)—

(1) in the case of a corps described in subsection (a)(2)—

(A) the Corporation may give priority to eligible entities that propose to provide support for participants who, after completing service under this section, will undertake careers to improve performance on health indicators described in subsection (a)(2)(C); and

(B) the Corporation shall give priority to eligible entities that propose to carry out national service programs in medically underserved areas (as designated individually, by the Secretary of Health and Human Services as an area with a shortage of personal health services); and

(2) in the case of a corps described in subsection (a)(3), the Corporation shall give priority to eligible entities that propose to recruit individuals for the Clean Energy Service Corps so that significant percentages of participants in the Corps are economically disadvantaged individuals, and provide to such individuals support services and education and training to develop skills needed for clean energy jobs for which there is current demand or projected future demand.

(f) National service priorities

(1) Establishment

(A) By Corporation

In order to concentrate national efforts on meeting human, educational, environmental, or public safety needs and to achieve the other purposes of this chapter, the Corporation, after reviewing the strategic plan approved under section 12651b(g)(1.)² of this title shall establish, and may periodically alter, priorities regarding the types of national service programs and corps to be assisted under section 12581 of this title and the purposes for which such assistance may be used.

(B) By States

Consistent with paragraph (4), States shall establish, and through the national service plan process described in section 12638(e)(1) of this title, periodically alter priorities as appropriate regarding the national service programs to be assisted under section 12581(e) of this title. The State priorities shall be subject to Corporation review as part of the application process under section 12582 of this title.

(2) Notice to applicants

The Corporation shall provide advance notice to potential applicants of any national service priorities to be in effect under this subsection for a fiscal year. The notice shall specifically include—

(A) a description of any alteration made in the priorities since the previous notice; and

(B) a description of the national service programs that are designated by the Corporation under section 12585(d)(2) of this title as eligible for priority consideration in the next competitive distribution of assistance under section 12571(a) of this title.

(3) Regulations

The Corporation shall by regulation establish procedures to ensure the equitable treatment of national service programs that—

(A) receive funding under this division for multiple years; and

(B) would be adversely affected by annual revisions in such national service priorities.

(4) Application to subgrants

Any national service priorities established by the Corporation under this subsection shall also be used by each recipient of funds under section 12571(a) of this title that uses any portion of the assistance to conduct a grant program to support other national service programs.

(g) Consultation on indicators

The Corporation shall consult with the Secretary of Education, the Secretary of Health and Human Services, the Director of the Centers for Disease Control and Prevention, the Secretary of Energy, the Secretary of Veterans Affairs, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, the Secretary of Labor, the Secretary of Housing and Urban Development, and the Secretary of the Treasury, as appropriate, in developing additional indicators for the corps and programs described in subsections (a) and (b).

(h) Requirements for tutors**(1) In general**

Except as provided in paragraph (2), the Corporation shall require that each recipient of assistance under the national service laws that operates a tutoring program involving elementary school or secondary school students certifies that individuals serving in approved national service positions as tutors in such program have—

- (A) obtained their high school diplomas; and
- (B) successfully completed pre- and in-service training for tutors.

(2) Exception

The requirements in paragraph (1) do not apply to an individual serving in an approved national service position who is enrolled in an elementary school or secondary school and is providing tutoring services through a structured, school-managed cross-grade tutoring program.

(i) Requirements for tutoring programs

Each tutoring program that receives assistance under the national service laws shall—

- (1) offer a curriculum that is high quality, research-based, and consistent with the State academic content standards required by section 6311 of title 20 and the instructional program of the local educational agency; and
- (2) offer high quality, research-based pre- and in-service training for tutors.

(j) Citizenship training

The Corporation shall establish guidelines for recipients of assistance under the national service laws, that are consistent with the principles on which citizenship programs administered by U.S. Citizenship and Immigration Services are based, relating to the promotion of citizenship and civic engagement among participants in approved national service positions and approved summer of service positions, and appropriate to the age, education, and experience of the participants.

(k) Report

Not later than 60 days after the end of each fiscal year for which the Corporation makes grants under section 12571(a) of this title, the Corporation shall prepare and submit to the authorizing committees a report containing

- (1) information describing how the Corporation allocated financial assistance and approved national service positions among eligible entities proposed to carry out corps and national service programs described in this section for that fiscal year;

(2) information describing the amount of financial assistance and the number of approved national service positions the Corporation provided to each corps and national service program described in this section for that fiscal year;

(3) a measure of the extent to which the corps and national service programs improved performance on the corresponding indicators; and

(4) information describing how the Corporation is coordinating—

(A) the national service programs funded under this section; with

(B) applicable programs, as determined by the Corporation, carried out under division B of this subchapter, and part A of title I and parts A and B of title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq., 5001, 5011) that improve performance on those indicators or otherwise address identified community needs.

(Pub. L. 101–610, title I, §122, as added Pub. L. 103–82, title I, §101(b), Sept. 21, 1993, 107 Stat. 790; amended Pub. L. 111–13, title I, §1302, Apr. 21, 2009, 123 Stat. 1485; Pub. L. 114–95, title IX, §9215(bbb)(4), Dec. 10, 2015, 129 Stat. 2185.)

Editorial Notes

References in Text

This chapter, referred to in subsecs. (b)(2)(F)(ii) and (f)(1)(A), was in the original "this Act", meaning Pub. L. 101–610, Nov. 16, 1990, 104 Stat. 3127, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 12501 of this title and Tables.

The Higher Education Act of 1965, referred to in subsec. (c)(1)(C)(i), is Pub. L. 89–329, Nov. 8, 1965, 79 Stat. 1219. Part C of title IV of the Act was formerly classified generally to part C (§2751 et seq.) of subchapter I of chapter 34 of this title prior to transfer to part C (§1087–51 et seq.) of subchapter IV of chapter 28 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

The Domestic Volunteer Service Act of 1973, referred to in subsec. (k)(4)(B), is Pub. L. 93–113, Oct. 1, 1973, 87 Stat. 394. Part A of title I of the Act is classified generally to part A (§4951 et seq.) of subchapter I of chapter 66 of this title. Parts A and B of title II of the Act are classified generally to parts A (§5001) and B (§5011 et seq.), respectively, of subchapter II of chapter 66 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4950 of this title and Tables.

Prior Provisions

A prior section 12572, Pub. L. 101–610, title I, §142, Nov. 16, 1990, 104 Stat. 3150, related to criteria and requirements for awarding grants for national and community service programs, prior to the general amendment of subtitle D of title I of Pub. L. 101–610 [former part D of this subchapter] by Pub. L. 103–82, §102(a).

A prior section 122 of Pub. L. 101–610 was renumbered section 199B, and is classified to section 12655a of this title.

Amendments

2015—Subsec. (a)(1)(C)(iii). Pub. L. 114–95 substituted "four-year adjusted cohort graduation rate (as defined in section 7801 of title 20)" for "secondary school graduation rates as defined in section 6311(b)(2)(C)(vi) of title 20 and as clarified in applicable regulations promulgated by the Department of Education".

2009—Pub. L. 111–13 substituted "National" for "Types of national" in section catchline and amended text generally. Prior to amendment, section enumerated eligible types of national service programs, set forth qualification criteria to determine eligibility, and required establishment of priorities regarding national service programs.

Statutory Notes and Related Subsidiaries

Effective Date of 2015 Amendment

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of Title 20, Education.

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

Section effective Oct. 1, 1993, see section 123 of Pub. L. 103–82, set out as an Effective Date of 1993 Amendment note under section 1701 of Title 16, Conservation.

¹ [So in original. Probably should be followed by "or".](#)

² [So in original. The comma probably should not appear.](#)

³ [So in original. Probably should be "paragraph".](#)

⁴ [See References in Text note below.](#)

§12573. Types of national service positions eligible for approval for national service educational awards

The Corporation may approve of any of the following service positions as an approved national service position that includes the national service educational award described in division D as one of the benefits to be provided for successful service in the position:

(1) A position for a participant in a national service program described in subsection (a), (b), or (c) of section 12572 of this title that receives assistance under subsection (a) of section 12571 of this title.

(2) A position for a participant in a program that—

(A) is carried out by a State, a subdivision of a State, a territory, an Indian tribe, a public or private nonprofit organization, an institution of higher education, or a Federal agency (under an interagency agreement described

in section 12571(b) of this title); and

(B) would be eligible to receive assistance under section 12571(a) of this title, based on criteria established by the Corporation, but has not applied for such assistance.

(3) A position involving service as a VISTA volunteer under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.).

(4) A position facilitating service-learning in a program described in section 12572(a)(1)(B)(vi) of this title that is eligible for assistance under part I of division B.

(5) A position for a participant in the National Civilian Community Corps under division E.

(6) A position involving service as a crew leader in a youth corps program or a similar position supporting a national service program that receives an approved national service position.

(7) A position involving service in the ServeAmerica Fellowship program carried out under section 12653b of this title.

(8) Such other national service positions as the Corporation considers to be appropriate.

(Pub. L. 101–610, title I, §123, as added Pub. L. 103–82, title I, §101(b), Sept. 21, 1993, 107 Stat. 794; amended Pub. L. 111–13, title I, §1303, Apr. 21, 2009, 123 Stat. 1499.)

Editorial Notes

References in Text

The Domestic Volunteer Service Act of 1973, referred to in par. (3), is Pub. L. 93–113, Oct. 1, 1973, 87 Stat. 394. Title I of the Act is classified generally to subchapter I (§4951 et seq.) of chapter 66 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4950 of this title and Tables.

Prior Provisions

A prior section 12573, Pub. L. 101–610, title I, §143, Nov. 16, 1990, 104 Stat. 3152, related to types of national service, prior to the general amendment of subtitle D of title I of Pub. L. 101–610 [former part D of this subchapter] by Pub. L. 103–82, §102(a).

A prior section 123 of Pub. L. 101–610 was renumbered section 199C, and is classified to section 12655b of this title.

Amendments

2009—Par. (1). Pub. L. 111–13, §1303(1), substituted "subsection (a), (b), or (c) of section 12572" for "section 12572(a)" and struck out "or (b)" before "of section 12571".

Par. (2)(A). Pub. L. 111–13, §1303(2), inserted "a territory," after "subdivision of a State," and substituted "Federal agency (under an interagency agreement described in section 12571(b) of this title)" for "Federal

agency".

Par. (4). Pub. L. 111–13, §1303(3), substituted "section 12572(a)(1)(B)(vi)" for "section 12572(a)(3)".

Par. (5). Pub. L. 111–13, §1303(4), inserted "National" before "Civilian Community Corps".

Pars. (7), (8). Pub. L. 111–13, §1303(5), (6), added par. (7) and redesignated former par. (7) as (8).

Statutory Notes and Related Subsidiaries

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

Section effective Oct. 1, 1993, see section 123 of Pub. L. 103–82, set out as an Effective Date of 1993 Amendment note under section 1701 of Title 16, Conservation.

§12574. Types of program assistance

(a) Planning assistance

The Corporation may provide assistance under section 12571 of this title to a qualified applicant that submits an application under section 12582 of this title for the planning of a national service program. Assistance provided in accordance with this subsection may cover a period of not more than 1 year.

(b) Operational assistance

The Corporation may provide assistance under section 12571 of this title to a qualified applicant that submits an application under section 12582 of this title for the establishment, operation, or expansion of a national service program. Assistance provided in accordance with this subsection may cover a period of not more than 3 years, but may be renewed by the Corporation upon consideration of a new application under section 12582 of this title.

(c) Replication assistance

The Corporation may provide assistance under section 12571 of this title to a qualified applicant that submits an application under section 12582 of this title for the expansion of a proven national service program to another geographical location. Assistance provided in accordance with this subsection may cover a period of not more than 3 years, but may be renewed by the Corporation upon consideration of a new application under section 12582 of this title.

(d) Application to subgrants

The requirements of this section shall apply to any State or other applicant receiving assistance under section 12571 of this title that proposes to conduct a grant program using the assistance to support other national service programs.

(Pub. L. 101–610, title I, §124, as added Pub. L. 103–82, title I, §101(b), Sept. 21, 1993, 107 Stat. 794.)

Editorial Notes

Prior Provisions

A prior section 12574, Pub. L. 101–610, title I, §144, Nov. 16, 1990, 104 Stat. 3152, related to terms of service for national and community service, prior to the general amendment of subtitle D of title I of Pub. L. 101–610 [former part D of this subchapter] by Pub. L. 103–82, §102(a).

A prior section 124 of Pub. L. 101–610 was renumbered section 199D, and is classified to section 12655c of this title.

Statutory Notes and Related Subsidiaries

Effective Date

Section effective Oct. 1, 1993, see section 123 of Pub. L. 103–82, set out as an Effective Date of 1993 Amendment note under section 1701 of Title 16, Conservation.

§12575. Repealed. Pub. L. 111–13, title I, §1304, Apr. 21, 2009, 123 Stat. 1500

Section, Pub. L. 101–610, title I, §125, as added Pub. L. 103–82, title I, §101(b), Sept. 21, 1993, 107 Stat. 795, related to training and technical assistance.

A prior section 12575, Pub. L. 101–610, title I, §145, Nov. 16, 1990, 104 Stat. 3153; Pub. L. 102–10, §6(a), Mar. 12, 1991, 105 Stat. 31, related to eligibility for part-time, full-time, and special senior service in national and community service program, prior to the general amendment of subtitle D of title I of Pub. L. 101–610 (former part D of this subchapter) by Pub. L. 103–82.

Editorial Notes

Prior Provisions

A prior section 125 of Pub. L. 101–610 was renumbered section 199E, and is classified to section 12655d of this title.

Statutory Notes and Related Subsidiaries

Effective Date of Repeal

Repeal effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111–13, set out as an Effective Date of 2009 Amendment note under section 4950 of this title.

§12576. Other special assistance

(a) Support for State Commissions

(1) Grants authorized

From amounts appropriated for a fiscal year pursuant to the authorization of appropriation in section 12681(a)(5) of this title, the Corporation may make a grant in an amount between \$250,000 and \$1,000,000 to a State to assist the State to establish or operate the State Commission on National and Community Service required to be established by the State under section 12638 of this title.

(2) Matching requirement

In making a grant to a State under this subsection, the Corporation shall require the State to agree to provide matching funds from non-Federal sources of not less than \$1 for every \$1 provided by the Corporation through the grant.

(3) Alternative

Notwithstanding paragraph (2), the Chief Executive Officer may permit a State that demonstrates hardship or a new State Commission to meet alternative matching requirements for such a grant as follows:

(A) First \$100,000

For the first \$100,000 of grant funds provided by the Corporation, the State involved shall not be required to provide matching funds.

(B) Amounts greater than \$100,000

For grant amounts of more than \$100,000 and not more than \$250,000 provided by the Corporation, the State shall agree to provide matching funds from non-Federal sources of not less than \$1 for every \$2 provided by the Corporation, in excess of \$100,000.

(C) Amounts greater than \$250,000

For grant amounts of more than \$250,000 provided by the Corporation, the State shall agree to provide matching funds from non-Federal sources of not less than \$1 for every \$1 provided by the Corporation, in excess of \$250,000.

(b) Disaster service

The Corporation may undertake activities, including activities carried out through part A of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), to involve programs that receive assistance under the national service laws in disaster relief efforts, and to support, including through mission assignments under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), nonprofit organizations and public agencies responding to the needs of communities experiencing disasters.

(c) Challenge grants for national service programs

(1) Assistance authorized

The Corporation may make challenge grants under this subsection to programs supported under the national service laws.

(2) Selection criteria

The Corporation shall develop criteria for the selection of recipients of challenge grants under this subsection, so as to make the grants widely available to a variety of programs that—

(A) are high-quality national service programs; and

(B) are carried out by entities with demonstrated experience in establishing and implementing projects that provide benefits to participants and communities.

(3) Amount of assistance

A challenge grant under this subsection may provide, for an initial 3-year grant period, not more than \$1 of assistance under this subsection for each \$1 in cash raised from private sources by the program supported under the national service laws in excess of amounts required to be provided by the program to satisfy matching funds requirements. After an initial 3-year grant period, a grant under this subsection may provide not more than \$1 of assistance under this subsection for each \$2 in cash raised from private sources by the program in excess of amounts required to be provided by the program to satisfy matching funds requirements. The Corporation may permit the use of local or State funds under this paragraph in lieu of cash raised from private sources if the Corporation determines that such use would be equitable due to a lack of available private funds at the local level. The Corporation shall establish a ceiling on the amount of assistance that may be provided to a national service program under this subsection.

(Pub. L. 101–610, title I, §126, as added Pub. L. 103–82, title I, §101(b), Sept. 21, 1993, 107 Stat. 795; amended Pub. L. 111–13, title I, §1305, Apr. 21, 2009, 123 Stat. 1500.)

Editorial Notes

References in Text

The Domestic Volunteer Service Act of 1973, referred to in subsec. (b), is Pub. L. 93–113, Oct. 1, 1973, 87 Stat. 394. Part A of title I of the Act is classified generally to part A (§4951 et seq.) of subchapter I of chapter 66 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4950 of this title and Tables.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (b), is Pub. L. 93–288, May 22, 1974, 88 Stat. 143, which is classified principally to chapter 68 (§5121 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of this title and Tables.

Prior Provisions

Prior sections 12576 to 12580, which related to national and community service, were omitted in the general amendment of subtitle D of title I of Pub. L. 101–610 [former part D of this subchapter] by Pub. L. 103–82, §102(a).

Section 12576, Pub. L. 101–610, title I, §146, Nov. 16, 1990, 104 Stat. 3153; Pub. L. 102–10, §6(b), Mar. 12, 1991, 105 Stat. 31; Pub. L. 102–325, title XV, §1557, July 23, 1992, 106 Stat. 841, related to post-service benefits.

A prior section 126 of Pub. L. 101–610 was renumbered section 199F and is classified to section 12655e of this title.

Section 12577, Pub. L. 101–610, title I, §147, Nov. 16, 1990, 104 Stat. 3154, related to living allowances for participants.

Section 12578, Pub. L. 101–610, title I, §148, Nov. 16, 1990, 104 Stat. 3155, related to training of participants.

Section 12579, Pub. L. 101–610, title I, §149, Nov. 16, 1990, 104 Stat. 3156, related to cooperation between public and private entities.

Section 12580, Pub. L. 101–610, title I, §150, Nov. 16, 1990, 104 Stat. 3156, related to in-service education benefits.

Amendments

2009—Subsec. (a)(1). Pub. L. 111–13, §1305(1)(A), substituted "\$250,000 and \$1,000,000" for "\$125,000 and \$750,000" and "12681(a)(5)" for "12681(a)(4)".

Subsec. (a)(2), (3). Pub. L. 111–13, §1305(1)(B), added pars. (2) and (3) and struck out former par. (2). Text of former par. (2) read as follows: "Notwithstanding the amounts specified in paragraph (1), the amount of a grant that may be provided to a State Commission under this subsection, together with other Federal funds available to establish or operate the State Commission, may not exceed—

"(A) 85 percent of the total cost to establish or operate the State Commission for the first year for which the State Commission receives assistance under this subsection; and

"(B) such smaller percentage of such cost as the Corporation may establish for the second, third, and fourth years of such assistance in order to ensure that the Federal share does not exceed 50 percent of such costs for the fifth year, and any subsequent year, for which the State Commission receives assistance under this subsection."

Subsec. (b). Pub. L. 111–13, §1305(2), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: "The Corporation may undertake activities, including activities carried out through part A of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), to involve in disaster relief efforts youth corps programs described in section 12572(a)(2) of this title and other programs that receive assistance under the national service laws."

Subsec. (c)(1). Pub. L. 111–13, §1305(3)(A), substituted "to programs supported under the national service laws" for "to national service programs that receive assistance under section 12571 of this title".

Subsec. (c)(3). Pub. L. 111–13, §1305(3)(B), added par. (3) and struck out former par. (3). Prior to amendment, text read as follows: "A challenge grant under this subsection may provide not more than \$1 of assistance under this subsection for each \$1 in cash raised by the national service program from private sources in excess of amounts required to be provided by the program to satisfy matching funds requirements under section 12571(e) of this title. The Corporation shall establish a ceiling on the amount of assistance that may be provided to a national service program under this subsection."

Statutory Notes and Related Subsidiaries

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

Section effective Oct. 1, 1993, see section 123 of Pub. L. 103–82, set out as an Effective Date of 1993 Amendment note under section 1701 of Title 16, Conservation.

Part II—Application and Approval Process

§12581. Provision of assistance and approved national service positions

(a) One percent allotment for certain territories

Of the funds allocated by the Corporation for provision of assistance under section 12571(a) of this title for a fiscal year, the Corporation shall reserve 1 percent for grants to the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands upon approval by the Corporation of an application submitted under section 12582 of this title. The Corporation shall allot for a grant to each such territory under this subsection for a fiscal year an amount that bears the same ratio to 1 percent of the allocated funds for that fiscal year as the population of the territory bears to the total population of all such territories.

(b) Allotment for Indian tribes

Of the funds allocated by the Corporation for provision of assistance under section 12571(a) of this title for a fiscal year, the Corporation shall reserve at least 1 percent for grants to Indian tribes to be allotted by the Corporation on a competitive basis.

(c) Reservation of approved positions

The Corporation shall ensure that each individual selected during a fiscal year for assignment as a VISTA volunteer under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) or as a participant in the National Civilian Community Corps Program under division E shall receive the national service educational award described in division D if the individual satisfies the eligibility requirements for the award. Funds for approved national service positions required by this paragraph for a fiscal year shall be deducted from the total funding for approved national service positions to be available for distribution under subsections (d) and (e) for that fiscal year.

(d) Allotment for competitive grants

(1) In general

Of the funds allocated by the Corporation for provision of assistance under section 12571(a) of this title for a fiscal year and subject to section 12585(d)(3) of this title, the Corporation shall reserve not more than 62.7 percent for grants awarded on a competitive basis to States specified in subsection (e)(1) for national service programs, to nonprofit organizations seeking to operate a national service program in 2 or more of those States, and to Indian tribes.

(2) Equitable treatment

In the consideration of applications for such grants, the Corporation shall ensure the equitable treatment of applicants from urban areas, applicants from rural areas, applicants of diverse sizes (as measured by the number of participants served), applicants from States, and applicants from national nonprofit organizations.

(3) Encore service programs

In making grants under this subsection for a fiscal year, the Corporation shall make an effort to allocate not less than 10 percent of the financial assistance and approved national service positions provided through the grants for that fiscal year to eligible entities proposing to carry out encore service programs, unless the Corporation does not receive a sufficient number of applications of adequate quality to justify making that percentage available to those eligible entities.

(4) Corps programs

In making grants under this subsection for a fiscal year, the Corporation—

(A) shall select 2 or more of the national service corps described in section 12572(a) of this title to receive grants under this subsection; and

(B) may select national service programs described in section 12572(b) of this title to receive such grants.

(e) Allotment to certain States on formula basis

(1) Grants

Of the funds allocated by the Corporation for provision of assistance under section 12571(a) of this title for a fiscal year, the Corporation shall make a grant to each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico that submits an application under section 12582 of this title that is approved by the Corporation.

(2) Allotments

The Corporation shall allot for a grant to each such State under this subsection for a fiscal year an amount that bears the same ratio to 35.3 percent of the allocated funds for that fiscal year as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, in compliance with paragraph (3).

(3) Minimum amount

Notwithstanding paragraph (2), the minimum grant made available to each State approved by the Corporation under paragraph (1) for each fiscal year shall be at least \$600,000, or 0.5 percent of the amount allocated for the State formula under this subsection for the fiscal year, whichever is greater.

(f) Effect of failure to apply

If a State or territory fails to apply for, or fails to give notice to the Corporation of its intent to apply for, an allotment under this section, or the Corporation does not approve the application consistent with section 12585 of this title, the Corporation may use the amount that would have been allotted under this section to the State or territory to—

(1) make grants (and provide approved national service positions in connection with such grants) to other community-based entities under section 12571 of this title that propose to carry out national service programs in

such State or territory; and

(2) make reallocations to other States or territories with approved applications submitted under section 12582 of this title, from the allotment funds not used to make grants as described in paragraph (1).

(g) Application required

The Corporation shall make an allotment of assistance (including the provision of approved national service positions) to a recipient under this section only pursuant to an application submitted by a State or other applicant under section 12582 of this title.

(h) Approval of positions subject to available funds

The Corporation may not approve positions as approved national service positions under this division for a fiscal year in excess of the number of such positions for which the Corporation has sufficient available funds in the National Service Trust for that fiscal year, taking into consideration funding needs for national service educational awards under division D based on completed service. If appropriations are insufficient to provide the maximum allowable national service educational awards under division D for all eligible participants, the Corporation is authorized to make necessary and reasonable adjustments to program rules.

(i) Sponsorship of approved national service positions

(1) Sponsorship authorized

The Corporation may enter into agreements with persons or entities who offer to sponsor national service positions for which the person or entity will be responsible for supplying the funds necessary to provide a national service educational award. The distribution of those approved national service positions shall be made pursuant to the agreement, and the creation of those positions shall not be taken into consideration in determining the number of approved national service positions to be available for distribution under this section.

(2) Deposit of contribution

Funds provided pursuant to an agreement under paragraph (1) shall be deposited in the National Service Trust established in section 12601 of this title until such time as the funds are needed.

(j) Reservation of funds for special assistance

(1) Reservation

From amounts appropriated for a fiscal year pursuant to the authorization of appropriations in section 12681(a) (2) of this title and allocated to carry out this division and subject to the limitation in such section, the Corporation may reserve such amount as the Corporation considers to be appropriate for the purpose of making assistance available under subsections (b) and (c) of section 12576 of this title.

(2) Limitation

The amount reserved under paragraph (1) for a fiscal year may not exceed \$10,000,000.

(3) Timing

The Corporation shall reserve such amount, and any amount reserved under subsection (k) from funds appropriated and allocated to carry out this division, before allocating funds for the provision of assistance under any other provision of this division.

(k) Reservation of funds to increase the participation of individuals with disabilities

(1) Reservation

To make grants to public or private nonprofit organizations to increase the participation of individuals with disabilities in national service and for demonstration activities in furtherance of this purpose, and subject to the limitation in paragraph (2), the Chief Executive Officer shall reserve not less than 2 percent from the amounts, appropriated to carry out this division and divisions D, E, and H for each fiscal year.

(2) Limitation

The amount reserved under paragraph (1) for a fiscal year may not exceed \$20,000,000.

(3) Remainder

The Chief Executive Officer may use the funds reserved under paragraph (1), and not distributed to make grants under this subsection for other activities described in section 12681(a)(2) of this title.

(l) Authority for fixed-amount grants

(1) In general

(A) Authority

From amounts appropriated for a fiscal year to provide financial assistance under the national service laws, the Corporation may provide assistance in the form of fixed-amount grants in an amount determined by the Corporation under paragraph (2) rather than on the basis of actual costs incurred by a program.

(B) Limitation

Other than fixed-amount grants to support programs described in section 12581a of this title, for the 1-year period beginning on the effective date of the Serve America Act, the Corporation may provide assistance in the form of fixed-amount grants to programs that only offer full-time positions.

(2) Determination of amount of fixed-amount grants

A fixed-amount grant authorized by this subsection shall be in an amount determined by the Corporation that is —

(A) significantly less than the reasonable and necessary costs of administering the program supported by the grant; and

(B) based on an amount per individual enrolled in the program receiving the grant, taking into account—

(i) the capacity of the entity carrying out the program to manage funds and achieve programmatic results;

(ii) the number of approved national service positions, approved silver scholar positions, or approved summer of service positions for the program, if applicable;

- (iii) the proposed design of the program;
- (iv) whether the program provides service to, or involves the participation of, disadvantaged youth or otherwise would reasonably incur a relatively higher level of costs; and
- (v) such other factors as the Corporation may consider under section 12585 of this title in considering applications for assistance.

(3) Requirements for grant recipients

In awarding a fixed-amount grant under this subsection, the Corporation—

(A) shall require the grant recipient—

- (i) to return a pro rata amount of the grant funds based upon the difference between the number of hours served by a participant and the minimum number of hours for completion of a term of service (as established by the Corporation);
- (ii) to report on the program's performance on standardized measures and performance levels established by the Corporation;
- (iii) to cooperate with any evaluation activities undertaken by the Corporation; and
- (iv) to provide assurances that additional funds will be raised in support of the program, in addition to those received under the national service laws; and

(B) may adopt other terms and conditions that the Corporation considers necessary or appropriate based on the relative risks (as determined by the Corporation) associated with any application for a fixed-amount grant.

(4) Other requirements not applicable

Limitations on administrative costs and matching fund documentation requirements shall not apply to fixed-amount grants provided in accordance with this subsection.

(5) Rule of construction

Nothing in this subsection shall relieve a grant recipient of the responsibility to comply with the requirements of chapter 75 of title 31 or other requirements of Office of Management and Budget Circular A-133.

(Pub. L. 101-610, title I, §129, as added Pub. L. 103-82, title I, §101(b), Sept. 21, 1993, 107 Stat. 796; amended Pub. L. 111-13, title I, §1306, Apr. 21, 2009, 123 Stat. 1501.)

Editorial Notes

References in Text

The Domestic Volunteer Service Act of 1973, referred to in subsec. (c), is Pub. L. 93-113, Oct. 1, 1973, 87 Stat. 394. Title I of the Act is classified generally to subchapter I (§4951 et seq.) of chapter 66 of this title. For

complete classification of this Act to the Code, see Short Title note set out under section 4950 of this title and Tables.

For the effective date of the Serve America Act, referred to in subsec. (l)(1)(B), as Oct. 1, 2009, see section 6101(a) of Pub. L. 111–13, set out as an Effective Date of 2009 Amendment note under section 4950 of this title.

Prior Provisions

A prior section 129 of Pub. L. 101–610 was renumbered section 199H and is classified to section 12655h of this title.

Amendments

2009—Pub. L. 111–13 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (g) relating to allotments of assistance and approved national service positions to States and Indian tribes, reservation of the national service educational award for eligible individuals in approved positions, reservation of amounts appropriated as considered appropriate for special assistance, competitive distribution of remaining funds, application requirement, approval of positions subject to available funds, and sponsorship of approved national service positions.

Statutory Notes and Related Subsidiaries

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

Section effective Oct. 1, 1993, see section 123 of Pub. L. 103–82, set out as an Effective Date of 1993 Amendment note under section 1701 of Title 16, Conservation.

§12581a. Educational awards only program

(a) In general

From amounts appropriated for a fiscal year to provide financial assistance under this division and consistent with the restriction in subsection (b), the Corporation may, through fixed-amount grants (in accordance with section 12581(l) of this title), provide operational support to programs that receive approved national service positions but do not receive funds under section 12571(a) of this title.

(b) Limit on Corporation grant funds

The Corporation may provide the operational support under this section for a program in an amount that is not more than \$800 per individual enrolled in an approved national service position, or not more than \$1,000 per such individual if at least 50 percent of the persons enrolled in the program are disadvantaged youth.

(c) Inapplicable provisions

The following provisions shall not apply to programs funded under this section:

- (1) The limitation on administrative costs under section 12571(d) of this title.
- (2) The matching funds requirements under section 12571(e) of this title.
- (3) The living allowance and other benefits under sections 12583(e) and 12594 of this title (other than individualized support services for participants with disabilities under section 12594(f) of this title).

(Pub. L. 101–610, title I, §129A, as added Pub. L. 111–13, title I, §1307, Apr. 21, 2009, 123 Stat. 1505.)

Statutory Notes and Related Subsidiaries

Effective Date

Section effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111–13, set out as an Effective Date of 2009 Amendment note under section 4950 of this title.

§12582. Application for assistance and approved national service positions

(a) Time, manner, and content of application

To be eligible to receive assistance under section 12571(a) of this title or approved national service positions for participants who serve in the national service programs to be carried out using the assistance, a State, territory, subdivision of a State, Indian tribe, public or private nonprofit organization, or institution of higher education shall prepare and submit to the Corporation an application at such time, in such manner, and containing such information as the Corporation may reasonably require.

(b) Types of permissible application information

In order to have adequate information upon which to consider an application under section 12585 of this title, the Corporation may require the following information to be provided in an application submitted under subsection (a):

- (1) A description of the national service programs proposed to be carried out directly by the applicant using assistance provided under section 12571 of this title.
- (2) A description of the national service programs that are selected by the applicant to receive a grant using assistance requested under section 12571 of this title and a description of the process and criteria by which the programs were selected.
- (3) A description of other funding sources to be used, or sought to be used, for the national service programs referred to in paragraphs (1) and (2), and, if the application is submitted for the purpose of seeking a renewal of assistance, a description of the success of the programs in reducing their reliance on Federal funds.
- (4) A description of the extent to which the projects to be conducted using the assistance will address unmet human, educational, environmental, or public safety needs and produce a direct benefit for the community in which the projects are performed.
- (5) A description of the plan to be used to recruit participants, including youth who are individuals with disabilities and economically disadvantaged young men and women, for the national service programs referred

to in paragraphs (1) and (2).

(6) A description of the manner in which the national service programs referred to in paragraphs (1) and (2) build on existing programs, including Federal programs.

(7) A description of the manner in which the national service programs referred to in paragraphs (1) and (2) will involve participants—

(A) in projects that build an ethic of civic responsibility and produce a positive change in the lives of participants through training and participation in meaningful service experiences and opportunities for reflection on such experiences; and

(B) in leadership positions in implementing and evaluating the program.

(8) Measurable goals for the national service programs referred to in paragraphs (1) and (2), and a strategy to achieve such goals, in terms of—

(A) the impact to be made in meeting unmet human, educational, environmental, or public safety needs; and

(B) the service experience to be provided to participants in the programs.

(9) A description of the manner and extent to which the national service programs referred to in paragraphs (1) and (2) conform to the national service priorities established by the Corporation under section 12572(f) of this title.

(10) A description of the past experience of the applicant in operating a comparable program or in conducting a grant program in support of other comparable service programs.

(11) A description of the type and number of proposed service positions in which participants will receive the national service educational award described in division D and a description of the manner in which approved national service positions will be apportioned by the applicant.

(12) A description of the manner and extent to which participants, representatives of the community served, community-based agencies with a demonstrated record of experience in providing services, municipalities and governments of counties in which such a community is located, and labor organizations contributed to the development of the national service programs referred to in paragraphs (1) and (2), including the identity of the individual representing each appropriate labor organization (if any) who was consulted and the nature of the consultation.

(13) Such other information as the Corporation may reasonably require.

(c) Required application information

An application submitted under subsection (a) shall contain the following information:

(1) A description of the proposed positions into which participants will be placed using the assistance provided under section 12571 of this title.

(2) A description of the proposed minimum qualifications that individuals shall meet to become participants in such programs.

(3) In the case of a nonprofit organization intending to operate programs in 2 or more States, a description of the manner in which and extent to which the organization consulted with the State Commissions of each State in which the organization intends to operate and the nature of the consultation.

(d) Additional required application information

An application submitted under subsection (a) for programs described in 12572(a) ¹ of this title shall also contain—

- (1) measurable goals, to be used for annual measurements of the program's performance on 1 or more of the corresponding indicators described in section 12572 of this title;
- (2) information describing how the applicant proposes to utilize funds to improve performance on the corresponding indicators utilizing participants, including describing the activities in which such participants will engage to improve performance on those indicators;
- (3) information identifying the geographical area in which the eligible entity proposing to carry out the program proposes to use funds to improve performance on the corresponding indicators, and demographic information on the students or individuals, as appropriate, in such area, and statistics demonstrating the need to improve such indicators in such area; and
- (4) if applicable, information on how the eligible entity will work with other community-based entities to carry out activities to improve performance on the corresponding indicators using such funds.

(e) Application to receive only approved national service positions

(1) Applicability of subsection

This subsection shall apply in the case of an application in which—

- (A) the applicant is not seeking assistance under section 12571(a) of this title, but requests national service educational awards for individuals serving in service positions described in section 12573 of this title; or
- (B) the applicant requests national service educational awards for service positions described in section 12573 of this title, but the positions are not positions in a national service program described in subsection (a), (b), or (c) of section 12572 of this title for which assistance may be provided under section 12571(a) of this title.

(2) Special application requirements

For the applications described in paragraph (1), the Corporation shall establish special application requirements in order to determine—

- (A) whether the service positions meet unmet human, educational, environmental, or public safety needs and meet the criteria for assistance under this division; and
- (B) whether the Corporation should approve the positions as approved national service positions.

(f) Special rule for State applicants

(1) Submission by State Commission

The application of a State for approved national service positions or for a grant under section 12571(a) of this title shall be submitted by the State Commission.

(2) Competitive selection

The application of a State shall contain an assurance that all assistance provided under section 12571(a) of this title to the State will be used to support national service programs that were or will be selected by the State on a competitive basis. In making such competitive selections, the State shall seek to ensure the equitable allocation within the State of assistance and approved national service positions provided under this division to the State taking into consideration such factors as the location of the programs applying to the State, population density, and economic distress.

(3) Assistance to non-State entities

The application of a State shall also contain an assurance that not less than 60 percent of the assistance will be used to make grants in support of national service programs other than national service programs carried out by a State agency. The Corporation may permit a State to deviate from the percentage specified by this subsection if the State has not received a sufficient number of acceptable applications to comply with the percentage.

(g) Special rule for certain applicants

(1) Written concurrence

In the case of an applicant that proposes to also serve as the service sponsor, the application shall include the written concurrence of any local labor organization representing employees of the service sponsor who are engaged in the same or substantially similar work as that proposed to be carried out.

(2) Applicant defined

For purposes of this subsection, the term "applicant" means—

(A) a State, subdivision of a State, territory, Indian tribe, public or private nonprofit organization, or institution of higher education submitting an application under this section; or

(B) an entity applying for assistance or approved national service positions through a grant program conducted using assistance provided to a State, subdivision of a State, territory, Indian tribe, public or private nonprofit organization, or institution of higher education under section 12571 of this title.

(h) Limitation on same project receiving multiple grants

Unless specifically authorized by law, the Corporation may not provide more than 1 grant under the national service laws for a fiscal year to support the same project under the national service laws.

(Pub. L. 101–610, title I, §130, as added Pub. L. 103–82, title I, §101(b), Sept. 21, 1993, 107 Stat. 800; amended Pub. L. 111–13, title I, §1308, Apr. 21, 2009, 123 Stat. 1505.)

Editorial Notes

Prior Provisions

A prior section 130 of Pub. L. 101–610 was renumbered section 199I and is classified to section 12655i of this title.

Amendments

2009—Subsec. (a). Pub. L. 111–13, §1308(1), substituted "section 12571(a)" for "section 12571", inserted "territory," after "assistance, a State,", and substituted "or institution of higher education" for "institution of higher education, or Federal agency".

Subsec. (b)(9). Pub. L. 111–13, §1308(2)(A), substituted "section 12572(f)" for "section 12572(c)".

Subsec. (b)(12). Pub. L. 111–13, §1308(2)(B), inserted "municipalities and governments of counties in which such a community is located," after "providing services,".

Subsec. (c)(1). Pub. L. 111–13, §1308(3)(A), substituted "proposed positions" for "jobs or positions" and a period for ", including descriptions of specific tasks to be performed by such participants."

Subsec. (c)(2). Pub. L. 111–13, §1308(3)(B), inserted "proposed" before "minimum".

Subsec. (c)(3). Pub. L. 111–13, §1308(3)(C), added par. (3).

Subsec. (d). Pub. L. 111–13, §1308(5), added subsec. (d) and redesignated former subsec. (d) as (e).

Subsec. (d)(1). Pub. L. 111–13, §1308(4), substituted "section 12571(a)" for "subsection (a) or (b) of section 12571" in subpars. (A) and (B) and "subsection (a), (b), or (c) of section 12572" for "section 12572(a)" in subpar. (B).

Subsecs. (e), (f). Pub. L. 111–13, §1308(5), redesignated subsecs. (d) and (e) as (e) and (f), respectively. Former subsec. (f) redesignated (g).

Subsec. (f)(2). Pub. L. 111–13, §1308(6), which directed substitution of "were or will be selected" for "were selected" in par. (2)(A), was executed by making the substitution in par. (2) to reflect the probable intent of Congress because par. (2) does not contain subpars.

Subsec. (g). Pub. L. 111–13, §1308(5), redesignated subsec. (f) as (g). Former subsec. (g) redesignated (h).

Subsec. (g)(1). Pub. L. 111–13, §1308(7)(A), substituted "an applicant" for "a program applicant".

Subsec. (g)(2). Pub. L. 111–13, §1308(7)(B)(i), (ii), substituted "Applicant" for "Program applicant" in heading and "applicant" for "program applicant" in introductory provisions.

Subsec. (g)(2)(A), (B). Pub. L. 111–13, §1308(7)(B)(iii), (iv), inserted "territory," after "subdivision of a State," and substituted "or institution of higher education" for "institution of higher education, or Federal agency".

Subsec. (h). Pub. L. 111–13, §1308(5), (8), redesignated subsec. (g) as (h) and amended subsec. (h) generally. Prior to amendment, text read as follows: "The Corporation shall reject an application submitted under this section if a project proposed to be conducted using assistance requested by the applicant is already described in another application pending before the Corporation."

Statutory Notes and Related Subsidiaries

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

Section effective Oct. 1, 1993, see section 123 of Pub. L. 103–82, set out as an Effective Date of 1993 Amendment note under section 1701 of Title 16, Conservation.

¹ [So in original. Probably should be preceded by "section".](#)

§12583. National service program assistance requirements

(a) Impact on communities

An application submitted under section 12582 of this title shall include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 12571 of this title and any national service program supported by a grant made by the applicant using such assistance will—

- (1) address unmet human, educational, environmental, or public safety needs through services that provide a direct benefit to the community in which the service is performed; and
- (2) comply with the nonduplication and nondisplacement requirements of section 12637 of this title and the grievance procedure requirements of section 12636(f) of this title.

(b) Impact on participants

An application submitted under section 12582 of this title shall also include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 12571 of this title and any national service program supported by a grant made by the applicant using such assistance will—

- (1) provide participants in the national service program with the training, skills, and knowledge necessary for the projects that participants are called upon to perform;
- (2) provide support services to participants, such as the provision of appropriate information and support—
 - (A) to those participants who are completing a term of service and making the transition to other educational and career opportunities; and
 - (B) to those participants who are school dropouts in order to assist those participants in earning the equivalent of a high school diploma; and
- (3) provide, if appropriate, structured opportunities for participants to reflect on their service experiences.

(c) Consultation

An application submitted under section 12582 of this title shall also include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 12571 of this title and any national service program supported by a grant made by the applicant using such assistance will—

- (1) provide in the design, recruitment, and operation of the program for broad-based input from—
 - (A) the community served, the municipality and government of the county (if appropriate) in which the community is located, and potential participants in the program; and

(B) community-based agencies with a demonstrated record of experience in providing services and local labor organizations representing employees of service sponsors, if these entities exist in the area to be served by the program;

(2) prior to the placement of participants, consult with the appropriate local labor organization, if any, representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program to ensure compliance with the nondisplacement requirements specified in section 12637 of this title; and

(3) in the case of a program that is not funded through a State (including a national service program that a nonprofit organization seeks to operate in 2 or more States), consult with and coordinate activities with the State Commission for each State in which the program will operate, and the Corporation shall obtain confirmation from the State Commission that the applicant seeking assistance under this chapter has consulted with and coordinated with the State Commission when seeking to operate the program in that State.

(d) Evaluation and performance goals

(1) In general

An application submitted under section 12582 of this title shall also include an assurance by the applicant that the applicant will—

(A) arrange for an independent evaluation of any national service program carried out using assistance provided to the applicant under section 12571 of this title or, with the approval of the Corporation, conduct an internal evaluation of the program;

(B) apply measurable performance goals and evaluation methods (such as the use of surveys of participants and persons served), which are to be used as part of such evaluation to determine the impact of the program—

(i) on communities and persons served by the projects performed by the program;

(ii) on participants who take part in the projects; and

(iii) in such other areas as the Corporation may require; and

(C) cooperate with any evaluation activities undertaken by the Corporation.

(2) Evaluation

Subject to paragraph (3), the Corporation shall develop evaluation criteria and performance goals applicable to all national service programs carried out with assistance provided under section 12571 of this title.

(3) Alternative evaluation requirements

The Corporation may establish alternative evaluation requirements for national service programs based upon the amount of assistance received under section 12571 of this title or received by a grant made by a recipient of assistance under such section. The determination of whether a national service program is covered by this paragraph shall be made in such manner as the Corporation may prescribe.

(e) Living allowances and other inservice benefits

Except as provided in section 12594(c) of this title, an application submitted under section 12582 of this title shall also include an assurance by the applicant that the applicant will—

(1) ensure the provision of a living allowance and other benefits specified in section 12594 of this title to participants in any national service program carried out by the applicant using assistance provided under section 12571 of this title; and

(2) require that each national service program that receives a grant from the applicant using such assistance will also provide a living allowance and other benefits specified in section 12594 of this title to participants in the program.

(f) Selection of participants from individuals recruited by Corporation or State Commissions

The Corporation may also require an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 12571 of this title and any national service program supported by a grant made by the applicant using such assistance will select a portion of the participants for the program from among prospective participants recruited by the Corporation or State Commissions under section 12592(d) of this title. The Corporation may specify a minimum percentage of participants to be selected from the national leadership pool established under section 12592(e) of this title and may vary the percentage for different types of national service programs.

(Pub. L. 101–610, title I, §131, as added Pub. L. 103–82, title I, §101(b), Sept. 21, 1993, 107 Stat. 803; amended Pub. L. 111–13, title I, §1309, Apr. 21, 2009, 123 Stat. 1507.)

Editorial Notes

References in Text

This chapter, referred to in subsec. (c)(3), was in the original "this Act", meaning Pub. L. 101–610, Nov. 16, 1990, 104 Stat. 3127, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 12501 of this title and Tables.

Prior Provisions

A prior section 131 of Pub. L. 101–610 was renumbered section 199J and is classified to section 12655j of this title.

Amendments

2009—Subsec. (c)(1)(A). Pub. L. 111–13, §1309(1), added subpar. (A) and struck out former subpar. (A) which read as follows: "the community served and potential participants in the program; and".

Subsec. (c)(3). Pub. L. 111–13, §1309(2), added par. (3) and struck out former par. (3) which read as follows: "in the case of a program that is not funded through a State, consult with and coordinate activities with the State Commission for the State in which the program operates."

Statutory Notes and Related Subsidiaries

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

Section effective Oct. 1, 1993, see section 123 of Pub. L. 103–82, set out as an Effective Date of 1993 Amendment note under section 1701 of Title 16, Conservation.

§12584. Ineligible service categories

(a) In general

Except as provided in subsection (b), an application submitted to the Corporation under section 12582 of this title shall include an assurance by the applicant that any national service program carried out using assistance provided under section 12571 of this title and any approved national service position provided to an applicant will not be used to perform service that provides a direct benefit to any—

- (1) business organized for profit;
- (2) labor union;
- (3) partisan political organization;
- (4) organization engaged in religious activities, unless such service does not involve the use of assistance provided under section 12571 of this title or participants—
 - (A) to give religious instruction;
 - (B) to conduct worship services;
 - (C) to provide instruction as part of a program that includes mandatory religious education or worship;
 - (D) to construct or operate facilities devoted to religious instruction or worship or to maintain facilities primarily or inherently devoted to religious instruction or worship; or
 - (E) to engage in any form of proselytization; or
- (5) nonprofit organization that fails to comply with the restrictions contained in section 501(c) of title 26, except that nothing in this section shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative.

(b) Regional Corporation

The requirement of subsection (a) relating to an assurance regarding direct benefits to businesses organized for profit shall not apply with respect to a Regional Corporation, as defined in section 3(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(g)), that is established in accordance with such Act [43 U.S.C. 1601 et seq.] as a for-profit corporation but that is engaging in nonprofit activities.

(Pub. L. 101–610, title I, §132, as added Pub. L. 103–82, title I, §101(b), Sept. 21, 1993, 107 Stat. 805.)

Editorial Notes

References in Text

The Alaska Native Claims Settlement Act, referred to in subsec. (b), 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.

Prior Provisions

A prior section 132 of Pub. L. 101–610 was renumbered section 199L and classified to section 12655k of this title, prior to repeal by Pub. L. 103–82, §101(e)(8)(A).

Statutory Notes and Related Subsidiaries

Effective Date

Section effective Oct. 1, 1993, see section 123 of Pub. L. 103–82, set out as an Effective Date of 1993 Amendment note under section 1701 of Title 16, Conservation.

§12584a. Prohibited activities and ineligible organizations

(a) Prohibited activities

An approved national service position under this division may not be used for the following activities:

- (1) Attempting to influence legislation.
- (2) Organizing or engaging in protests, petitions, boycotts, or strikes.
- (3) Assisting, promoting, or deterring union organizing.
- (4) Impairing existing contracts for services or collective bargaining agreements.
- (5) Engaging in partisan political activities, or other activities designed to influence the outcome of an election to Federal office or the outcome of an election to a State or local public office.
- (6) 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.
- (7) 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 proselytization, consistent with section 12584 of this title.
- (8) Consistent with section 12584 of this title, providing a direct benefit to any—
 - (A) business organized for profit;

(B) labor union;

(C) partisan political organization;

(D) nonprofit organization that fails to comply with the restrictions contained in section 501(c) of title 26, except that nothing in this paragraph shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative; and

(E) organization engaged in the religious activities described in paragraph (7), unless the position is not used to support those religious activities.

(9) Providing abortion services or referrals for receipt of such services.

(10) Conducting a voter registration drive or using Corporation funds to conduct a voter registration drive.

(11) Carrying out such other activities as the Corporation may prohibit.

(b) Ineligibility

No assistance provided under this division may be provided to any organization that has violated a Federal criminal statute.

(c) Nondisplacement of employed workers or other volunteers

A participant in an approved national service position under this division may not be directed to perform any services or duties, or to engage in any activities, prohibited under the nonduplication, nondisplacement, or nonsupplantation requirements relating to employees and volunteers in section 12637 of this title.

(Pub. L. 101–610, title I, §132A, as added Pub. L. 111–13, title I, §1310, Apr. 21, 2009, 123 Stat. 1507.)

Statutory Notes and Related Subsidiaries

Effective Date

Section effective Oct. 1, 2009, see section 6101(a) of Pub. L. 111–13, set out as an Effective Date of 2009 Amendment note under section 4950 of this title.

§12585. Consideration of applications

(a) Corporation consideration of certain criteria

The Corporation shall apply the criteria described in subsections (c) and (d) in determining whether—

(1) to approve an application submitted under section 12582 of this title and provide assistance under section 12571 of this title to the applicant; and

(2) to approve service positions described in the application as national service positions that include the national service educational award described in division D and provide such approved national service positions to the applicant.

(b) Application to subgrants

(1) In general

A State or other entity that uses assistance provided under section 12571(a) of this title to support national service programs selected on a competitive basis to receive a share of the assistance shall use the criteria described in subsections (c) and (d) when considering an application submitted by a national service program to receive a portion of such assistance or an approved national service position.

(2) Contents

The application of the State or other entity under section 12582 of this title shall contain—

(A) a certification that the State or other entity used these criteria in the selection of national service programs to receive assistance;

(B) a description of the positions into which participants will be placed using such assistance, including descriptions of specific tasks to be performed by such participants; and

(C) a description of the minimum qualifications that individuals shall meet to become participants in such programs.

(c) Assistance criteria

The criteria required to be applied in evaluating applications submitted under section 12582 of this title are as follows:

(1) The quality of the national service program proposed to be carried out directly by the applicant or supported by a grant from the applicant.

(2) The innovative aspects of the national service program, and the feasibility of replicating the program.

(3) The sustainability of the national service program, based on evidence such as the existence—

(A) of strong and broad-based community support for the program; and

(B) of multiple funding sources or private funding for the program.

(4) The quality of the leadership of the national service program, the past performance of the program, and the extent to which the program builds on existing programs.

(5) The extent to which participants of the national service program are recruited from among residents of the communities in which projects are to be conducted, and the extent to which participants and community residents are involved in the design, leadership, and operation of the program.

(6) The extent to which projects would be conducted in the following areas where they are needed most:

(A) Communities designated as empowerment zones or redevelopment areas, targeted for special economic incentives, or otherwise identifiable as having high concentrations of low-income people.

(B) Areas that are environmentally distressed.

(C) Areas adversely affected by Federal actions related to the management of Federal lands that result in significant regional job losses and economic dislocation.

(D) Areas adversely affected by reductions in defense spending or the closure or realignment of military installations.

(E) Areas that have an unemployment rate greater than the national average unemployment for the most recent 12 months for which satisfactory data are available.

(7) In the case of applicants other than States, the extent to which the application is consistent with the application under section 12582 of this title of the State in which the projects would be conducted.

(8) Such other criteria as the Corporation considers to be appropriate.

(d) Other considerations

(1) Geographic diversity

The Corporation shall ensure that recipients of assistance provided under section 12571 of this title are geographically diverse and include projects to be conducted in those urban and rural areas in a State with the highest rates of poverty.

(2) Priorities

The Corporation may designate, under such criteria as may be established by the Corporation, certain national service programs or types of national service programs described in subsection (a), (b), or (c) of section 12572 of this title for priority consideration in the competitive distribution of funds under section 12581(d) of this title. In designating national service programs to receive priority, the Corporation may include—

(A) national service programs that—

(i) conform to the national service priorities in effect under section 12572(f) of this title;

(ii) are innovative; and

(iii) are well established in 1 or more States at the time of the application and are proposed to be expanded to additional States using assistance provided under section 12571 of this title;

(B) grant programs in support of other national service programs if the grant programs are to be conducted by nonprofit organizations with demonstrated and extensive expertise in the provision of services to meet human, educational, environmental, or public safety needs; and

(C) professional corps programs described in section 12572(c)(1)(D) of this title.

(3) Additional priority

In making a competitive distribution of funds under section 12581(d) of this title, the Corporation may give priority consideration to a national service program that is—

(A) proposed in an application submitted by a State Commission; and

(B) not one of the types of programs described in paragraph (2),

if the State Commission provides an adequate explanation of the reasons why it should not be a priority of such State to carry out any of such types of programs in the State.

(4) Review panel

The Corporation shall—

(A) establish panels of experts for the purpose of securing recommendations on applications submitted under section 12582 of this title for more than \$250,000 in assistance, or for national service positions that would require more than \$250,000 in national service educational awards; and

(B) consider the opinions of such panels prior to making such determinations.

(e) Emphasis on areas most in need

In making assistance available under section 12571 of this title and in providing approved national service positions under section 12573 of this title, the Corporation shall ensure that not less than 50 percent of the total amount of assistance to be distributed to States under subsections (d) and (e) of section 12581 of this title for a fiscal year is provided to carry out or support national service programs and projects that—

(1) are conducted in any of the areas described in subsection (c)(6) or on Federal or other public lands, to address unmet human, educational, environmental, or public safety needs in such areas or on such lands; and

(2) place a priority on the recruitment of participants who are residents of any of such areas or Federal or other public lands.

(f) Views of State Commission

In making competitive awards under section 12581(d) of this title, the Corporation shall solicit and consider the views of a State Commission regarding any application for assistance to carry out a national service program within the State.

(g) Rejection of State applications

(1) Notification of State applicants

If the Corporation rejects an application submitted by a State Commission under section 12582 of this title for funds described in section 12581(e) of this title, the Corporation shall promptly notify the State Commission of the reasons for the rejection of the application.

(2) Resubmission and reconsideration

The Corporation shall provide a State Commission notified under paragraph (1) with a reasonable opportunity to revise and resubmit the application. At the request of the State Commission, the Corporation shall provide technical assistance to the State Commission as part of the resubmission process. The Corporation shall promptly reconsider an application resubmitted under this paragraph.

(3) Reallotment

The amount of any State's allotment under section 12581(e) of this title for a fiscal year that the Corporation determines will not be provided for that fiscal year shall be available for distribution by the Corporation as provided in section 12581(f) of this title.

(Pub. L. 101-610, title I, §133, as added