

(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—

¹ See References in Text note below.

- (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,¹ 12653h 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.

§ 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.

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.),

¹ See References in Text note below.