

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 divi-

sion 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)<sup>1</sup> 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—

<sup>1</sup> So in original. Probably should be preceded by "section".

(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.

**§ 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 non-displacement 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.