

Subsec. (g). Pub. L. 111-13, §1311(5), redesignated subsec. (f) as (g).

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 III—NATIONAL SERVICE PARTICIPANTS

§ 12591. Description of participants

(a) In general

For purposes of this division, an individual shall be considered to be a participant in a national service program carried out using assistance provided under section 12571 of this title if the individual—

- (1) meets such eligibility requirements, directly related to the tasks to be accomplished, as may be established by the program;
- (2) is selected by the program to serve in a position with the program;
- (3) is 17 years of age or older at the time the individual begins the term of service;
- (4) has received a high school diploma or its equivalent, agrees to obtain a high school diploma or its equivalent (unless this requirement is waived based on an individual education assessment conducted by the program) and the individual did not drop out of an elementary or secondary school to enroll in the program, or is enrolled in an institution of higher education on an ability to benefit basis and is considered eligible for funds under section 1091 of title 20; and
- (5) is a citizen or national of the United States or lawful permanent resident alien of the United States.

(b) Special rules for certain youth programs

An individual shall be considered to be a participant in a youth corps program described in section 12572(a)(3)(B)(x) of this title that is carried out with assistance provided under section 12571(a) of this title if the individual—

- (1) satisfies the requirements specified in subsection (a), except paragraph (3) of such subsection; and
- (2) is between the ages of 16 and 25, inclusive, at the time the individual begins the term of service.

(c) Waiver

The Corporation may waive the requirements of subsection (a)(4) with respect to an individual if the program in which the individual seeks to become a participant conducts an independent evaluation demonstrating that the individual is incapable of obtaining a high school diploma or its equivalent.

(Pub. L. 101-610, title I, §137, as added Pub. L. 103-82, title I, §101(b), Sept. 21, 1993, 107 Stat. 808; amended Pub. L. 103-304, §3(b)(3), Aug. 23, 1994, 108 Stat. 1567; Pub. L. 111-13, title I, §1312, Apr. 21, 2009, 123 Stat. 1509.)

Editorial Notes

PRIOR PROVISIONS

A prior section 12591, Pub. L. 101-610, title I, §155, Nov. 16, 1990, 104 Stat. 3156, related to limitation on grants for innovative and demonstration programs and projects, prior to repeal by Pub. L. 103-82, §104(a).

AMENDMENTS

2009—Subsec. (a)(3) to (6). Pub. L. 111-13, §1312(1), redesignated pars. (4) to (6) as (3) to (5), respectively, and struck out former par. (3), which read as follows: “will serve in the program for a term of service specified in section 12593 of this title to be performed before, during, or after attendance at an institution of higher education.”

Subsec. (b). Pub. L. 111-13, §1312(2)(A), substituted “section 12572(a)(3)(B)(x)” for “section 12572(a)(2) of this title or a program described in section 12572(a)(9)” in introductory provisions.

Subsec. (b)(1). Pub. L. 111-13, §1312(2)(B), substituted “paragraph (3)” for “paragraph (4)”.

Subsec. (c). Pub. L. 111-13, §1312(3), substituted “(a)(4)” for “(a)(5)”.

1994—Subsec. (c). Pub. L. 103-304 substituted “subsection (a)(5)” for “subsection (a)(5)(A)”.

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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.

§ 12592. Selection of national service participants

(a) Selection process

Subject to subsections (b) and (c) and section 12583(f) of this title, the actual recruitment and selection of an individual to serve in a national service program receiving assistance under section 12571 of this title or to fill an approved national service position shall be conducted by the entity to which the assistance and approved national service positions are provided.

(b) Nondiscrimination and nonpolitical selection of participants

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

(c) Second term

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

(d) Recruitment and placement

The Corporation and each State Commission shall establish a system to recruit individuals who desire to perform national service and to assist the placement of these individuals in approved national service positions, which may include positions available under titles I and II of the Domestic Volunteer Service Act of 1973 (42