

PART IV—SERVICE-LEARNING IMPACT STUDY

§ 12565. Study and report**(a) Study****(1) In general**

From the sums reserved under section 12681(a)(1)(B) of this title for this section, the Corporation shall enter into a contract with an entity that is not otherwise a recipient of financial assistance under this division, to conduct a 10-year longitudinal study on the impact of the activities carried out under this division.

(2) Contents

In conducting the study, the entity shall consider the impact of service-learning activities carried out under this division on students participating in such activities, including in particular examining the degree to which the activities—

(A) improved student academic achievement;

(B) improved student engagement;

(C) improved 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; and

(D) improved the degree to which the participants in the activities engaged in subsequent national service, volunteering, or other service activities, or pursued careers in public service, in the nonprofit sector or government.

(3) Analysis

In carrying out such study, the entity shall examine the impact of the service-learning activities on the 4 factors described in subparagraphs (A) through (D) of paragraph (2), analyzed in terms of how much time participants were engaged in service-learning activities.

(4) Best practices

The entity shall collect information on best practices concerning using service-learning activities to improve the 4 factors.

(b) Interim reports

The entity shall periodically submit reports to the Corporation containing the interim results of the study and the information on best practices. The Corporation shall submit such reports to the authorizing committees.

(c) Final report

The entity shall submit a report to the Corporation containing the results of the study and the information on best practices. The Corporation shall submit such report to the authorizing committees, and shall make such report available to the public on the Corporation's website.

(d) Consultation and dissemination

On receiving the report described in subsection (c), the Corporation shall consult with the Secretary of Education to review the results of the study, and to identify best practices concerning using service-learning activities to improve the 4 factors described in subparagraphs (A) through (D) of subsection (a)(2). The Corporation shall disseminate information on the identified best practices.

(Pub. L. 101-610, title I, §120, as added Pub. L. 111-13, title I, §1205, Apr. 21, 2009, 123 Stat. 1483.)

EFFECTIVE DATE

Part 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 C—National Service Trust Program

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 inter-agency 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 of this subchapter 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) of this section, 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.)

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).

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

Division 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. 112-74, div. F, title IV, §402, Dec. 23, 2011, 125 Stat. 1105, 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. 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