

(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.)

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.”

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.

§ 12584. Ineligible service categories**(a) In general**

Except as provided in subsection (b) of this section, 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) of this section 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.)

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, as amended, 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).

§ 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 non-duplication, 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.)

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) of this section 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 of this subchapter 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) of this section 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—