

## 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—