

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 interagency 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 na-

tional service positions under subsection (b), the Corporation shall—

(1) approve the provision of national service educational awards described in division D 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), 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 re-

maining 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. 114-113, div. H, title IV, § 404, Dec. 18, 2015, 129 Stat. 2642, 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. 113-235, div. G, title IV, § 402, Dec. 16, 2014, 128 Stat. 2508.

Pub. L. 113-76, div. H, title IV, § 402, Jan. 17, 2014, 128 Stat. 402.

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

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 needs within communities through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

(B) Activities

An Education Corps described in this paragraph may carry out activities such as—

- (i) tutoring, or providing other academic support to elementary school and secondary school students;
- (ii) improving school climate;
- (iii) mentoring students, including adult or peer mentoring;
- (iv) linking needed integrated services and comprehensive supports with students, their families, and their public schools;
- (v) providing assistance to a school in expanding the school day by strengthening the quality of staff and expanding the aca-

demographic programming offered in an expanded learning time initiative, a program of a 21st century community learning center (as defined in section 7171 of title 20), or a high-quality after-school program;

(vi) assisting schools and local educational agencies in improving and expanding high-quality service-learning programs that keep students engaged in schools by carrying out programs that provide specialized training to individuals in service-learning, and place the individuals (after such training) in positions as service-learning coordinators, to facilitate service-learning in programs eligible for funding under part I of division B;

(vii) assisting students in being prepared for college-level work;

(viii) involving family members of students in supporting teachers and students;

(ix) conducting a preprofessional training program in which students enrolled in an institution of higher education—

(I) receive training (which may include classes containing service-learning) in specified fields including early childhood education and care, elementary and secondary education, and other fields such as those relating to health services, criminal justice, environmental stewardship and conservation, or public safety;

(II) perform service related to such training outside the classroom during the school term and during summer or other vacation periods; and

(III) agree to provide service upon graduation to meet unmet human, educational, environmental, or public safety needs related to such training;

(x) assisting economically disadvantaged students in navigating the college admissions process;

(xi) providing other activities, addressing unmet educational needs, that the Corporation may designate; or

(xii) providing skilled musicians and artists to promote greater community unity through the use of music and arts education and engagement through work in low-income communities, and education, health care, and therapeutic settings, and other work in the public domain with citizens of all ages.

(C) Education Corps indicators

The indicators for a corps program described in this paragraph are—

- (i) student engagement, including student attendance and student behavior;
- (ii) student academic achievement;
- (iii) four-year adjusted cohort graduation rate (as defined in section 7801 of title 20);
- (iv) rate of college enrollment and continued college enrollment for recipients of a high school diploma;
- (v) any additional indicator relating to improving education for students that the Corporation, in consultation (as appropriate) with the Secretary of Education, establishes; or