

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) 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) 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 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) 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—

(A) of strong and broad-based community support for the program; and

(B) of multiple funding sources or private funding for the program.

(4) The quality of the leadership of the national service program, the past performance of the program, and the extent to which the program builds on existing programs.

(5) The extent to which participants of the national service program are recruited from among residents of the communities in which projects are to be conducted, and the extent to which participants and community residents are involved in the design, leadership, and operation of the program.

(6) The extent to which projects would be conducted in the following areas where they are needed most:

(A) Communities designated as empowerment zones or redevelopment areas, targeted for special economic incentives, or otherwise identifiable as having high concentrations of low-income people.

(B) Areas that are environmentally distressed.

(C) Areas adversely affected by Federal actions related to the management of Federal lands that result in significant regional job losses and economic dislocation.

(D) Areas adversely affected by reductions in defense spending or the closure or realignment of military installations.

(E) Areas that have an unemployment rate greater than the national average unemployment for the most recent 12 months for which satisfactory data are available.

(7) In the case of applicants other than States, the extent to which the application is consistent with the application under section 12582 of this title of the State in which the projects would be conducted.

(8) Such other criteria as the Corporation considers to be appropriate.

(d) Other considerations

(1) Geographic diversity

The Corporation shall ensure that recipients of assistance provided under section 12571 of this title are geographically diverse and include projects to be conducted in those urban and rural areas in a State with the highest rates of poverty.

(2) Priorities

The Corporation may designate, under such criteria as may be established by the Corporation, certain national service programs or types of national service programs described in subsection (a), (b), or (c) of section 12572 of this title for priority consideration in the competitive distribution of funds under section 12581(d) of this title. In designating national service programs to receive priority, the Corporation may include—

(A) national service programs that—

(i) conform to the national service priorities in effect under section 12572(f) of this title;

(ii) are innovative; and

(iii) are well established in 1 or more States at the time of the application and are proposed to be expanded to additional States using assistance provided under section 12571 of this title;

(B) grant programs in support of other national service programs if the grant programs are to be conducted by nonprofit organizations with demonstrated and extensive expertise in the provision of services to meet human, educational, environmental, or public safety needs; and

(C) professional corps programs described in section 12572(c)(1)(D) of this title.

(3) Additional priority

In making a competitive distribution of funds under section 12581(d) of this title, the Corporation may give priority consideration to a national service program that is—

(A) proposed in an application submitted by a State Commission; and

(B) not one of the types of programs described in paragraph (2),

if the State Commission provides an adequate explanation of the reasons why it should not be a priority of such State to carry out any of such types of programs in the State.

(4) Review panel

The Corporation shall—

(A) establish panels of experts for the purpose of securing recommendations on applications submitted under section 12582 of this title for more than \$250,000 in assistance, or for national service positions that would require more than \$250,000 in national service educational awards; and

(B) consider the opinions of such panels prior to making such determinations.

(e) Emphasis on areas most in need

In making assistance available under section 12571 of this title and in providing approved national service positions under section 12573 of this title, the Corporation shall ensure that not less than 50 percent of the total amount of assistance to be distributed to States under subsections (d) and (e) of section 12581 of this title for a fiscal year is provided to carry out or support national service programs and projects that—

(1) are conducted in any of the areas described in subsection (c)(6) or on Federal or other public lands, to address unmet human, educational, environmental, or public safety needs in such areas or on such lands; and

(2) place a priority on the recruitment of participants who are residents of any of such areas or Federal or other public lands.

(f) Views of State Commission

In making competitive awards under section 12581(d) of this title, the Corporation shall solicit and consider the views of a State Commission regarding any application for assistance to carry out a national service program within the State.

(g) Rejection of State applications

(1) Notification of State applicants

If the Corporation rejects an application submitted by a State Commission under section 12582 of this title for funds described in section 12581(e) of this title, the Corporation shall promptly notify the State Commission of the reasons for the rejection of the application.

(2) Resubmission and reconsideration

The Corporation shall provide a State Commission notified under paragraph (1) with a reasonable opportunity to revise and resubmit the application. At the request of the State Commission, the Corporation shall provide technical assistance to the State Commission as part of the resubmission process. The Corporation shall promptly reconsider an application resubmitted under this paragraph.

(3) Reallocation

The amount of any State's allotment under section 12581(e) of this title for a fiscal year

that the Corporation determines will not be provided for that fiscal year shall be available for distribution by the Corporation as provided in section 12581(f) of this title.

(Pub. L. 101-610, title I, §133, as added Pub. L. 103-82, title I, §101(b), Sept. 21, 1993, 107 Stat. 805; amended Pub. L. 111-13, title I, §1311, Apr. 21, 2009, 123 Stat. 1509.)

PRIOR PROVISIONS

A prior section 133 of Pub. L. 101-610 was renumbered section 199K and is classified to section 12655I of this title.

AMENDMENTS

2009—Subsec. (b)(2)(B). Pub. L. 111-13, §1311(1), struck out “jobs or” before “positions”.

Subsec. (d)(2). Pub. L. 111-13, §1311(2)(A)(i), substituted “subsection (a), (b), or (c) of section 12572” for “section 12572(a)” and “section 12581(d)” for “section 12581(d)(2)” in introductory provisions.

Subsec. (d)(2)(A) to (G). Pub. L. 111-13, §1311(2)(A)(ii), added subpars. (A) to (C) and struck out former subpars. (A) to (G), which set forth programs the Corporation could include in designating national service programs to receive priority.

Subsec. (d)(3). Pub. L. 111-13, §1311(2)(B), substituted “section 12581(d)” for “section 12581(d)(2)” in introductory provisions.

Subsec. (e). Pub. L. 111-13, §1311(3), substituted “subsections (d) and (e) of section 12581” for “subsections (a) and (d)(1) of section 12581” in introductory provisions.

Subsec. (f). Pub. L. 111-13, §1311(6), added subsec. (f). Former subsec. (f) redesignated (g).

Subsec. (f)(1). Pub. L. 111-13, §1311(4)(A), substituted “section 12581(e)” for “section 12581(a)(1)”.

Subsec. (f)(3). Pub. L. 111-13, §1311(4)(B), substituted “section 12581(e)” for “section 12581(a)” and “section 12581(f) of this title” for “paragraph (3) of such subsection”.

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

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.

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