

tion 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 12655 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 na-

tional 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

(5) is a citizen or national of the United States or lawful permanent resident alien of the United States.

(b) Special rules for certain youth programs

An individual shall be considered to be a participant in a youth corps program described in section 12572(a)(3)(B)(x) of this title that is carried out with assistance provided under section 12571(a) of this title if the individual—

(1) satisfies the requirements specified in subsection (a), except paragraph (3) of such subsection; and

(2) is between the ages of 16 and 25, inclusive, at the time the individual begins the term of service.

(c) Waiver

The Corporation may waive the requirements of subsection (a)(4) with respect to an individual if the program in which the individual seeks to become a participant conducts an independent evaluation demonstrating that the individual is incapable of obtaining a high school diploma or its equivalent.

(Pub. L. 101-610, title I, §137, as added Pub. L. 103-82, title I, §101(b), Sept. 21, 1993, 107 Stat. 808; amended Pub. L. 103-304, §3(b)(3), Aug. 23, 1994, 108 Stat. 1567; Pub. L. 111-13, title I, §1312, Apr. 21, 2009, 123 Stat. 1509.)

PRIOR PROVISIONS

A prior section 12591, Pub. L. 101-610, title I, §155, Nov. 16, 1990, 104 Stat. 3156, related to limitation on grants for innovative and demonstration programs and projects, prior to repeal by Pub. L. 103-82, §104(a).

AMENDMENTS

2009—Subsec. (a)(3) to (6). Pub. L. 111-13, §1312(1), redesignated pars. (4) to (6) as (3) to (5), respectively, and struck out former par. (3), which read as follows: “will serve in the program for a term of service specified in section 12593 of this title to be performed before, during, or after attendance at an institution of higher education;”.

Subsec. (b). Pub. L. 111-13, §1312(2)(A), substituted “section 12572(a)(3)(B)(x)” for “section 12572(a)(2) of this title or a program described in section 12572(a)(9)” in introductory provisions.

Subsec. (b)(1). Pub. L. 111-13, §1312(2)(B), substituted “paragraph (3)” for “paragraph (4)”.

Subsec. (c). Pub. L. 111-13, §1312(3), substituted “(a)(4)” for “(a)(5)”.

1994—Subsec. (c). Pub. L. 103-304 substituted “subsection (a)(5)” for “subsection (a)(5)(A)”.

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.

§ 12592. Selection of national service participants

(a) Selection process

Subject to subsections (b) and (c) and section 12583(f) of this title, the actual recruitment and selection of an individual to serve in a national service program receiving assistance under section 12571 of this title or to fill an approved national service position shall be conducted by the entity to which the assistance and approved national service positions are provided.

(b) Nondiscrimination and nonpolitical selection of participants

The recruitment and selection of individuals to serve in national service programs receiving assistance under section 12571 of this title or to fill approved national service positions shall be consistent with the requirements of section 12635 of this title.

(c) Second term

Acceptance into a national service program to serve a second term of service under section 12593 of this title shall only be available to individuals who perform satisfactorily in their first term of service.

(d) Recruitment and placement

The Corporation and each State Commission shall establish a system to recruit individuals who desire to perform national service and to assist the placement of these individuals in approved national service positions, which may include positions available under titles I and II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq. [and 5000 et seq.]). The Corporation and State Commissions shall disseminate information regarding available approved national service positions through cooperation with secondary schools, institutions of higher education, employment service offices, State vocational rehabilitation agencies within the meaning of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) and other State agencies that primarily serve individuals with disabilities, and other appropriate entities, particularly those organizations that provide outreach to disadvantaged youths and youths who are individuals with disabilities.

(e) National leadership pool

(1) Selection and training

From among individuals recruited under subsection (d), the Corporation may select individuals with significant leadership potential, as determined by the Corporation, to receive special training to enhance their leadership ability. The leadership training shall be provided by the Corporation directly or through a grant or contract.

(2) Emphasis on certain individuals

In selecting individuals to receive leadership training under this subsection, the Corpora-

tion shall make special efforts to select individuals who have served—

(A) in the Peace Corps;

(B) as VISTA volunteers;

(C) as participants in national service programs receiving assistance under section 12571 of this title, particularly those who were considered, at the time of their service, disadvantaged youth;

(D) as participants in programs receiving assistance under part D of this subchapter, as in effect on the day before September 21, 1993; or

(E) as members of the Armed Forces of the United States and who were honorably discharged from such service.

(3) Assignment

At the request of a program that receives assistance under the national service laws, the Corporation may assign an individual who receives leadership training under paragraph (1) to work with the program in a leadership position and carry out assignments not otherwise performed by regular participants. An individual assigned to a program shall be considered to be a participant of the program.

(f) Evaluation of service

The Corporation shall issue regulations regarding the manner and criteria by which the service of a participant shall be evaluated to determine whether the service is satisfactory and successful for purposes of eligibility for a second term of service or a national service educational award.

(Pub. L. 101-610, title I, §138, as added Pub. L. 103-82, title I, §101(b), Sept. 21, 1993, 107 Stat. 809; amended Pub. L. 111-13, title I, §1313, Apr. 21, 2009, 123 Stat. 1510.)

REFERENCES IN TEXT

The Domestic Volunteer Service Act of 1973, referred to in subsec. (d), is Pub. L. 93-113, Oct. 1, 1973, 87 Stat. 394. Titles I and II of the Act are classified generally to subchapters I (§4951 et seq.) and II (§5000 et seq.), respectively, of chapter 66 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4950 of this title and Tables.

The Rehabilitation Act of 1973, referred to in subsec. (d), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, which is classified generally to chapter 16 (§701 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

Part D of this subchapter, as in effect on the day before September 21, 1993, referred to in subsec. (e)(2)(D), means former part D of this subchapter prior to the general amendment of subtitle D of title I of Pub. L. 101-610 [former part D of this subchapter] by Pub. L. 103-82, title I, §102(a), Sept. 21, 1993, 107 Stat. 816.

AMENDMENTS

2009—Subsec. (a). Pub. L. 111-13, §1313(1), substituted “conducted by the entity” for “conducted by the State, subdivision of a State, Indian tribe, public or private nonprofit organization, institution of higher education, Federal agency, or other entity”.

Subsec. (e)(2)(C). Pub. L. 111-13, §1313(2), inserted “, particularly those who were considered, at the time of their service, disadvantaged youth” before semicolon at end.

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.