

able accommodation, including auxiliary aids and services (as defined in section 12102(1)<sup>1</sup> of this title), based on the individualized need of a participant who is a qualified individual with a disability (as defined in section 12111(8) of this title).

(Pub. L. 101-610, title I, §140, as added Pub. L. 103-82, title I, §101(b), Sept. 21, 1993, 107 Stat. 811; amended Pub. L. 111-13, title I, §1315, Apr. 21, 2009, 123 Stat. 1511.)

#### REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsec. (a)(3), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219. Part C of title IV of the Act was formerly classified generally to part C (§2751 et seq.) of subchapter I of chapter 34 of this title prior to transfer to part C (§1087-51 et seq.) of subchapter IV of chapter 28 of title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

Section 12102 of this title, referred to in subsec. (f), was amended generally by Pub. L. 110-325, §4(a), Sept. 25, 2008, 122 Stat. 3555, and, as so amended, no longer defines "auxiliary aids and services". However, such term is defined in section 12103(1) of this title.

#### PRIOR PROVISIONS

A prior section 140 of Pub. L. 101-610 was set out as a note under section 12501 of this title, 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, §102(a).

#### AMENDMENTS

2009—Subsec. (a)(1). Pub. L. 111-13, §1315(1)(A), substituted "paragraphs (2) and (3)" for "paragraph (3)".

Subsec. (a)(2), (3). Pub. L. 111-13, §1315(1)(B)-(D), added par. (3), redesignated former par. (3) as (2), and struck out former par. (2). Text of former par. (2) read as follows: "The amount of the annual living allowance provided under paragraph (1) that may be paid using assistance provided under section 12571 of this title and using any other Federal funds shall not exceed 85 percent of the total average annual provided to VISTA volunteers under section 4955 of this title."

Subsec. (a)(4). Pub. L. 111-13, §1315(1)(E), substituted "a term of service that is less than 12 months" for "a reduced term of service under section 12593(b)(3) of this title".

Subsec. (b). Pub. L. 111-13, §1315(2), substituted "may be used to pay the taxes described in this subsection." for "shall include an amount sufficient to cover 85 percent of such taxes based upon the lesser of—

"(1) the total average annual subsistence allowance provided to VISTA volunteers under section 4955 of this title; and

"(2) the annual living allowance established by the program."

Subsec. (c). Pub. L. 111-13, §1315(3), substituted "section 12572(c)(1)(D)" for "section 12572(a)(8)" and "subsection (a)(2)" for "subsection (a)(3) of this section" in introductory provisions, redesignated par. (3) as (2), and struck out former par. (2) which read as follows: "the applicant shall apply for such assistance only by submitting an application to the Corporation for assistance on a competitive basis; and".

Subsec. (d)(1). Pub. L. 111-13, §1315(4)(A), substituted "shall provide or make available" for "shall provide" and struck out second sentence which read as follows: "Not more than 85 percent of the cost of a premium shall be provided by the Corporation, with the remaining cost paid by the entity receiving assistance under section 12571 of this title."

Subsec. (d)(2). Pub. L. 111-13, §1315(4)(B), substituted "provide from its own funds or make available" for "provide from its own funds".

Subsecs. (g), (h). Pub. L. 111-13, §1315(5), struck out subsecs. (g) and (h) which allowed waiver in whole or in part of limitation on Federal share and limited number of terms of service for federally subsidized living allowance, respectively.

#### 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.

### § 12595. National service educational awards

#### (a) Eligibility generally

A participant in a national service program carried out using assistance provided to an applicant under section 12571 of this title shall be eligible for the national service educational award described in division D if the participant—

(1) serves in an approved national service position; and

(2) satisfies the eligibility requirements specified in section 12602 of this title with respect to service in that approved national service position.

#### (b) Special rule for VISTA volunteers

A VISTA volunteer who serves in an approved national service position shall be ineligible for a national service educational award if the VISTA volunteer accepts the stipend authorized under section 4955(a)(1) of this title.

(Pub. L. 101-610, title I, §141, as added Pub. L. 103-82, title I, §101(b), Sept. 21, 1993, 107 Stat. 814.)

#### PRIOR PROVISIONS

A prior section 141 of Pub. L. 101-610 was classified to section 12571 of this title 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, §102(a).

#### Division D—National Service Trust and Provision of Educational Awards

#### CODIFICATION

Subtitle D of title I of Pub. L. 101-610, comprising this division, was formerly classified to part D (§12571 et seq.) of this subchapter prior to the general amendment by Pub. L. 103-82, §102(a).

Pub. L. 111-13, title I, §1401(a), Apr. 21, 2009, 123 Stat. 1512, amended div. heading generally.

### § 12601. Establishment of the National Service Trust

#### (a) Establishment

There is established in the Treasury of the United States an account to be known as the National Service Trust. The Trust shall consist of—

(1) from the amounts appropriated to the Corporation and made available to carry out this division, such amounts as the Corporation may designate to be available for the payment of—

(A) national service educational awards, summer of service educational awards, and silver scholar educational awards; and

(B) interest expenses pursuant to section 12604(e) of this title;

(2) any amounts received by the Corporation as gifts, bequests, devises, or otherwise pursu-