

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-

ant to section 12651g(a)(2) of this title, if the terms of such donations direct that the donated amounts be deposited in the National Service Trust;

(3) any amounts recovered by the Corporation pursuant to section 12602a of this title; and

(4) the interest on, and proceeds from the sale or redemption of, any obligations held by the Trust.

**(b) Investment of Trust**

It shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the Trust. Except as otherwise expressly provided in instruments concerning a gift, bequest, devise, or other donation and agreed to by the Corporation, such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the market price. Any obligation acquired by the Trust may be sold by the Secretary at the market price.

**(c) Expenditures from Trust**

Amounts in the Trust shall be available, to the extent provided for in advance by appropriation, for—

(1) payments of national service educational awards, summer of service educational awards, and silver scholar educational awards in accordance with section 12604 of this title; and

(2) payments of interest in accordance with section 12604(e) of this title.

**(d) Reports to the authorizing committees on receipts and expenditures**

Not later than March 1 of each year, the Corporation shall submit a report to the authorizing committees on the financial status of the Trust during the preceding fiscal year. Such report shall—

(1) specify the amount deposited to the Trust from the most recent appropriation to the Corporation, the amount received by the Corporation as gifts, bequests, devises, or otherwise pursuant to section 12651g(a)(2) of this title during the period covered by the report, and any amounts obtained by the Trust pursuant to subsection (a)(3);

(2) identify the number of individuals who are currently performing service to qualify, or have qualified, for national service educational awards, summer of service educational awards, or silver scholar awards;

(3) identify the number of individuals whose expectation to receive national service educational awards, summer of service educational awards, or silver scholar awards during the period covered by the report—

(A) has been reduced pursuant to section 12603(c) of this title; or

(B) has lapsed pursuant to section 12602(d) of this title; and

(4) estimate the number of additional approved national service positions, additional approved summer of service positions, and additional approved silver scholar positions that

the Corporation will be able to make available on the basis of any accumulated surplus in the Trust above the amount required to provide national service educational awards, summer of service educational awards, or silver scholar awards to individuals identified under paragraph (2), including any amounts available as a result of the circumstances referred to in paragraph (3).

(Pub. L. 101-610, title I, §145, as added Pub. L. 103-82, title I, §102(a), Sept. 21, 1993, 107 Stat. 816; amended Pub. L. 111-13, title I, §1401(b), Apr. 21, 2009, 123 Stat. 1512.)

PRIOR PROVISIONS

A prior section 12601, Pub. L. 101-610, title I, §156, Nov. 16, 1990, 104 Stat. 3156, related to authority of Commission on National and Community Service to make grants to States or Indian tribes for creation of innovative volunteer and community service programs, title to repeal by Pub. L. 103-82, §104(a).

A prior section 145 of Pub. L. 101-610 was classified to section 12575 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, §1401(b)(1)(A)(i), struck out “pursuant to section 12681(a)(2) of this title” after “carry out this division” in introductory provisions.

Subsec. (a)(1)(A). Pub. L. 111-13, §1401(b)(1)(A)(ii), inserted “, summer of service educational awards, and silver scholar educational awards” after “national service educational awards”.

Subsec. (a)(2). Pub. L. 111-13, §1401(b)(1)(B)(i), substituted “pursuant to section 12651g(a)(2) of this title, if the terms of such donations direct that the donated amounts be deposited in the National Service Trust” for “pursuant to section 12651g(a)(2) of this title”.

Subsec. (a)(3), (4). Pub. L. 111-13, §1401(b)(1)(B)(ii)-(D), added par. (3) and redesignated former par. (3) as (4).

Subsec. (c). Pub. L. 111-13, §1401(b)(2), substituted “for—” for “for payments of national service educational awards in accordance with section 12604 of this title.” and added pars. (1) and (2).

Subsec. (d). Pub. L. 111-13, §1401(b)(3)(A), (B), substituted “the authorizing committees” for “Congress” in heading and “the authorizing committees” for “the Congress” in introductory provisions.

Subsec. (d)(2), (3). Pub. L. 111-13, §1401(b)(3)(C), inserted “, summer of service educational awards, or silver scholar awards” after “national service educational awards”.

Subsec. (d)(4). Pub. L. 111-13, §1401(b)(3)(C), (D), inserted “, additional approved summer of service positions, and additional approved silver scholar positions” after “additional approved national service positions”, struck out “under division C of this subchapter” after “make available”, and inserted “, summer of service educational awards, or silver scholar awards” after “national service educational awards”.

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.

SEGAL AMERICORPS EDUCATION AWARD

Pub. L. 109-234, title VII, §7014, June 15, 2006, 120 Stat. 484, provided that: “Any national service educational

award described in subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.), made with funds appropriated to, funds transferred to, or interest accumulated in the National Service Trust, shall hereafter be known as a ‘Segal AmeriCorps Education Award.’”

#### § 12601a. Transfer of funds; notice to Congress

For fiscal year 2009 and thereafter, in addition to amounts otherwise provided to the National Service Trust, at no later than the end of the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available, unobligated balances of appropriations available for grants under the National Service Trust Program under subtitle C of title I of the 1990 Act [42 U.S.C. 12571 et seq.] during such fiscal year may be transferred to the National Service Trust after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate, if such funds are initially obligated before the expiration of their period of availability.

(Pub. L. 111–8, div. F, title IV, § 409, Mar. 11, 2009, 123 Stat. 796.)

#### REFERENCES IN TEXT

The 1990 Act, referred to in text, is Pub. L. 101–610, Nov. 16, 1990, 104 Stat. 3127, known as the National and Community Service Act of 1990. Subtitle C of title I of the Act is classified generally to division C (§ 12571 et seq.) of this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 12501 of this title and Tables.

#### CODIFICATION

Section was enacted as part of the appropriation act cited as the credit to this section, and not as part of the National and Community Service Act of 1990 which comprises this chapter.

#### SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation act:

Pub. L. 110–161, div. G, title IV, Dec. 26, 2007, 121 Stat. 2200.

#### § 12602. Individuals eligible to receive an educational award from the Trust

##### (a) Eligible individuals

An individual shall receive a national service educational award, summer of service educational award, or silver scholar educational award from the National Service Trust if the organization responsible for the individual’s supervision in a national service program certifies that the individual—

(1) met the applicable eligibility requirements for the approved national service position, approved silver scholar position, or approved summer of service position, as appropriate, in which the individual served;

(2)(A) for a full-time or part-time national service educational award, successfully completed the required term of service described in subsection (b)(1) in the approved national service position;

(B) for a partial educational award in accordance with section 12593(c) of this title—

(i) satisfactorily performed prior to being granted a release for compelling personal circumstances under such section; and

(ii) completed at least 15 percent of the required term of service described in subsection (b) for the approved national service position;

(C) for a summer of service educational award, successfully completed the required term of service described in subsection (b)(2) in an approved summer of service position, as certified through a process determined by the Corporation through regulations consistent with section 12592(f) of this title; or

(D) for a silver scholar educational award, successfully completed the required term of service described in subsection (b)(3) in an approved silver scholar position, as certified through a process determined by the Corporation through regulations consistent with section 12592(f) of this title; and

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

##### (b) Term of service

###### (1) Approved national service position

The term of service for an approved national service position shall not be less than the full- or part-time term of service specified in section 12593(b) of this title.

###### (2) Approved summer of service position

The term of service for an approved summer of service position shall not be less than 100 hours of service during the summer months.

###### (3) Approved silver scholar position

The term of service for an approved silver scholar position shall be not less than 350 hours during a 1-year period.

##### (c) Limitation on receipt of national service educational awards

An individual may not receive, through national service educational awards and silver scholar educational awards, more than an amount equal to the aggregate value of 2 such awards for full-time service. The value of summer of service educational awards that an individual receives shall have no effect on the aggregate value of the national service educational awards the individual may receive.

##### (d) Time for use of educational award

###### (1) In general

Subject to paragraph (2), an individual eligible to receive a national service educational award or a silver scholar educational award under this section may not use such award after the end of the 7-year period beginning on the date the individual completes the term of service in an approved national service position or an approved silver scholar position, as applicable, that is the basis of the award. Subject to paragraph (2), an individual eligible to receive a summer of service educational award under this section may not use such award after the end of the 10-year period beginning on the date the individual completes the term of service in an approved summer of service position that is the basis of the award.

###### (2) Exception

The Corporation may extend the period within which an individual may use a national