

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

service educational award, summer of service educational award, or silver scholar educational award if the Corporation determines that the individual—

(A) was unavoidably prevented from using the national service educational award, summer of service educational award, or silver scholar educational award during the original 7-year period, or 10-year period, as appropriate; or

(B) performed another term of service in an approved national service position, approved summer of service position, or approved silver scholar position during that period.

(3) Term for transferred educational awards

For purposes of applying paragraphs (1) and (2)(A) to an individual who is eligible to receive an educational award as a designated individual (as defined in section 12604(f)(8) of this title), references to a seven-year period shall be considered to be references to a 10-year period that begins on the date the individual who transferred the educational award to the designated individual completed the term of service in the approved national service position or approved silver scholar position that is the basis of the award.

(e) Suspension of eligibility for drug-related offenses

(1) In general

An individual who, after qualifying under this section or under section 12563(c)(8) of this title as an eligible individual, has been convicted under any Federal or State law of the possession or sale of a controlled substance shall not be eligible to receive a national service educational award, a summer of service educational award, or a silver scholar educational award during the period beginning on the date of such conviction and ending after the interval specified in the following table:

If convicted of:	
The possession of a controlled substance:	Ineligibility period is:
1st conviction	1 year
2nd conviction	2 years
3rd conviction	indefinite
The sale of a controlled substance:	
1st conviction	2 years
2nd conviction	indefinite

(2) Rehabilitation

An individual whose eligibility has been suspended under paragraph (1) shall resume eligibility before the end of the period determined under such paragraph if the individual satisfactorily completes a drug rehabilitation program that complies with such criteria as the Corporation shall prescribe for purposes of this paragraph.

(3) First convictions

An individual whose eligibility has been suspended under paragraph (1) and is convicted of a first offense may resume eligibility before the end of the period determined under such paragraph if the individual demonstrates that he or she has enrolled or been accepted for en-

rollment in a drug rehabilitation program described in paragraph (2).

(4) “Controlled substance” defined

As used in this subsection, the term “controlled substance” has the meaning given in section 802(6) of title 21.

(5) Effective date

This subsection shall be effective upon publication by the Corporation in the Federal Register of criteria prescribed under paragraph (2).

(f) Authority to establish demonstration programs

The Corporation may establish by regulation demonstration programs for the creation and evaluation of innovative volunteer and community service programs.

(Pub. L. 101-610, title I, §146, as added Pub. L. 103-82, title I, §102(a), Sept. 21, 1993, 107 Stat. 818; amended Pub. L. 103-304, §3(b)(4), Aug. 23, 1994, 108 Stat. 1567; Pub. L. 111-13, title I, §1402, Apr. 21, 2009, 123 Stat. 1512.)

PRIOR PROVISIONS

A prior section 12602, Pub. L. 101-610, title I, §157, Nov. 16, 1990, 104 Stat. 3156; Pub. L. 102-10, §7, Mar. 12, 1991, 105 Stat. 31, related to grant applications, awards, and uses, prior to repeal by Pub. L. 103-82, §104(a).

A prior section 146 of Pub. L. 101-610 was classified to section 12576 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—Pub. L. 111-13, §1402(1), substituted section catchline for former section catchline.

Subsec. (a). Pub. L. 111-13, §1402(2)(A), inserted “, summer of service educational award, or silver scholar educational award” after “national service educational award” and substituted “if the organization responsible for the individual’s supervision in a national service program certifies that the individual” for “if the individual” in introductory provisions.

Subsec. (a)(1), (2). Pub. L. 111-13, §1402(2)(B), added pars. (1) and (2) and struck out former pars. (1) and (2), which read as follows:

“(1) successfully completes the required term of service described in subsection (b) of this section in an approved national service position;

“(2) was 17 years of age or older at the time the individual began serving in the approved national service position or was an out-of-school youth serving in an approved national service position with a youth corps program described in section 12572(a)(2) of this title or a program described in section 12572(a)(9) of this title;”.

Subsec. (a)(3), (4). Pub. L. 111-13, §1402(2)(B), (C), redesignated par. (4) as (3) and struck out former par. (3), which read as follows: “at the time the individual uses the national service educational award—

“(A) has received a high school diploma, or the equivalent of such diploma;

“(B) is enrolled at an institution of higher education on the basis of meeting the standard described in paragraph (1) or (2) of subsection (a) of section 1091 of title 20 and meets the requirements of subsection (a) of such section; or

“(C) has received a waiver described in section 12591(c) of this title; and”.

Subsec. (b). Pub. L. 111-13, §1402(3), designated existing provisions as par. (1), inserted par. (1) heading, and added pars. (2) and (3).

Subsec. (c). Pub. L. 111-13, §1402(4), added subsec. (c) and struck out former subsec. (c). Prior to amendment, text read as follows: “Although an individual may

serve more than 2 terms of service described in subsection (b) of this section in an approved national service position, the individual shall receive a national service educational award from the National Service Trust only on the basis of the first and second of such terms of service."

Subsec. (d)(1). Pub. L. 111-13, §1402(5)(A)(i), substituted "In general" for "Seven-year requirement" in heading.

Pub. L. 111-13, §1402(5)(A)(ii)-(v), substituted "Subject to paragraph (2), an" for "An" and inserted "or a silver scholar educational award" after "national service educational award", "or an approved silver scholar position, as applicable," after "approved national service position", and "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." at end.

Subsec. (d)(2). Pub. L. 111-13, §1402(5)(B)(i), inserted ", summer of service educational award, or silver scholar educational award" after "national service educational award" in introductory provisions.

Subsec. (d)(2)(A). Pub. L. 111-13, §1402(5)(B)(i), (ii), inserted ", summer of service educational award, or silver scholar educational award" after "national service educational award" and ", or 10-year period, as appropriate" after "7-year period".

Subsec. (d)(2)(B). Pub. L. 111-13, §1402(5)(B)(iii), inserted ", approved summer of service position, or approved silver scholar position" after "approved national service position".

Subsec. (d)(3). Pub. L. 111-13, §1402(5)(C), added par. (3).

Subsec. (e)(1). Pub. L. 111-13, §1402(6), inserted "or under section 12563(c)(8) of this title" after "qualifying under this section" and ", a summer of service educational award, or a silver scholar educational award" after "to receive a national service educational award".

1994—Subsec. (a)(3). Pub. L. 103-304 struck out second par. (3) which read as follows: "has received a high school diploma, or the equivalent of such diploma, at the time the individual uses the national service educational award, unless this requirement has been waived based on an individual education assessment conducted by the program; and".

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.

STUDY TO EVALUATE THE EFFECTIVENESS OF AGENCY COORDINATION

Pub. L. 111-13, title I, §1711, Apr. 21, 2009, 123 Stat. 1550, provided that:

"(a) STUDY.—In order to reduce administrative burdens and lower costs for national service programs carried out under the national service laws, the Corporation shall conduct a study to determine the feasibility and effectiveness of implementing a data matching system under which the statements of an individual declaring that such individual is in compliance with the requirements of section 146(a)(3) of the National and Community Service Act of 1990 (42 U.S.C. 12602(a)(3)) shall be verified by the Corporation by comparing information provided by the individual with information relevant to such a declaration in the possession of other Federal agencies. Such study shall—

"(1) review the feasibility of—

"(A) expanding, and participating in, the data matching conducted by the Department of Education with the Social Security Administration and the Department of Homeland Security, pursuant to section 484(g) of the Higher Education Act of 1965 (20 U.S.C. 1091(g)); or

"(B) establishing a comparable system of data matching with the Social Security Administration and the Department of Homeland Security; and

"(2) identify—

"(A) the costs, for both the Corporation and the other Federal agencies identified in paragraph (1), associated with expanding or establishing such a system of data matching;

"(B) the benefits or detriments of such an expanded or comparable system both for the Corporation and for the other Federal agencies so identified;

"(C) strategies for ensuring the privacy and security of participant information that is shared between Federal agencies and organizations receiving assistance under the national service laws;

"(D) the information that needs to be shared in order to fulfill the eligibility requirements of section 146(a)(3) of the National and Community Service Act of 1990 (42 U.S.C. 12602(a)(3));

"(E) an alternative system through which an individual's compliance with section 146(a)(3) of such Act may be verified, should such an expanded or comparable system fail to verify the individual's declaration of compliance; and

"(F) recommendations for implementation of such an expanded or comparable system.

"(b) CONSULTATION.—The Corporation shall carry out the study in consultation with the Secretary of Education, the Commissioner of the Social Security Administration, the Secretary of Homeland Security, and other Federal agencies, entities, and individuals that the Corporation considers appropriate.

"(c) REPORT.—Not later than 9 months after the effective date of this Act [for general effective date of Pub. L. 111-13 as Oct. 1, 2009, see Effective Date of 2009 Amendment note under section 4950 of this title], the Corporation shall submit to the authorizing committees a report on the results of the study required by subsection (a) and a plan for implementation of a pilot data matching program using promising strategies and approaches identified in such study, if the Corporation determines such program to be feasible.

"(d) PILOT PROGRAM.—From amounts made available to carry out this section, the Corporation may develop and carry out a pilot data matching program based on the report submitted under subsection (c).

"(e) DEFINITIONS.—In this section, the terms 'Corporation', 'authorizing committees', and 'national service laws' have the meanings given the terms in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511)."

§ 12602a. Certifications of successful completion of terms of service

(a) Certifications

In making any authorized disbursement from the National Service Trust in regard to an eligible individual (including disbursement for a designated individual, as defined in section 12604(f)(8) of this title, due to the service of an eligible individual) under section 12602 of this title who served in an approved national service position, an approved summer of service position, or an approved silver scholar position, the Corporation shall rely on a certification. The certification shall be made by the entity that selected the individual for and supervised the individual in the approved national service position in which such individual successfully completed a required term of service, in a national service program.

(b) Effect of erroneous certifications

If the Corporation determines that the certification under subsection (a) is erroneous or in-