

taken to consolidate or modify the application procedures and reporting requirements for programs, projects, and activities funded under the national service laws, including a description of the procedures for consultation with recipients of the funding.

(Pub. L. 101-610, title I, §185, as added Pub. L. 111-13, title I, §1612, Apr. 21, 2009, 123 Stat. 1538.)

#### REFERENCES IN TEXT

For the effective date of the Serve America Act, referred to in subsec. (b), as 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.

#### PRIOR PROVISIONS

A prior section 185 of Pub. L. 101-610 amended sections 1070a-6 and 1087vv of title 20 prior to repeal by section 122(a) of Pub. L. 103-82.

#### 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.

### § 12645. Sustainability

The Corporation, after consultation with State Commissions and recipients of assistance, may set sustainability goals for projects or programs under the national service laws, so that recipients of assistance under the national service laws are carrying out sustainable projects or programs. Such sustainability goals shall be in writing and shall be used—

- (1) to build the capacity of the projects or programs that receive assistance under the national service laws to meet community needs;
- (2) in providing technical assistance to recipients of assistance under the national service laws regarding acquiring and leveraging non-Federal funds for support of the projects or programs that receive such assistance; and
- (3) to determine whether the projects or programs, receiving such assistance, are generating sufficient community support.

(Pub. L. 101-610, title I, §186, as added Pub. L. 111-13, title I, §1612, Apr. 21, 2009, 123 Stat. 1538.)

#### PRIOR PROVISIONS

A prior section 12645, Pub. L. 101-610, title I, §186, as added Pub. L. 102-10, §8(2), Mar. 12, 1991, 105 Stat. 31, directed Commission to issue final rules or regulations necessary to implement this subchapter, prior to repeal by Pub. L. 103-82, title I, §§122(a), 123, Sept. 21, 1993, 107 Stat. 867, effective Oct. 1, 1993.

#### 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.

### § 12645a. Grant periods

Unless otherwise specifically provided, the Corporation has authority to award a grant or contract, or enter into a cooperative agreement, under the national service laws for a period of 3 years.

(Pub. L. 101-610, title I, §187, as added Pub. L. 111-13, title I, §1612, Apr. 21, 2009, 123 Stat. 1538.)

#### 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.

### § 12645b. Generation of volunteers

In making decisions on applications for assistance or approved national service positions under the national service laws, the Corporation shall take into consideration the extent to which the applicant's proposal will increase the involvement of volunteers in meeting community needs. In reviewing the application for this purpose, the Corporation may take into account the mission of the applicant.

(Pub. L. 101-610, title I, §188, as added Pub. L. 111-13, title I, §1612, Apr. 21, 2009, 123 Stat. 1538.)

#### 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.

### § 12645c. Limitation on program grant costs

#### (a) Limitation on grant amounts

Except as otherwise provided by this section, the amount of funds approved by the Corporation for a grant to operate a program authorized under the national service laws, for supporting individuals serving in approved national service positions, may not exceed \$18,000 per full-time equivalent position.

#### (b) Costs subject to limitation

The limitation under subsection (a), and the increased limitation under subsection (e)(1), shall apply to the Corporation's share of the member support costs, staff costs, and other costs to operate a program authorized under the national service laws incurred,<sup>1</sup> by the recipient of the grant.

#### (c) Costs not subject to limitation

The limitation under subsection (a), and the increased limitation under subsection (e)(1), shall not apply to expenses under a grant authorized under the national service laws to operate a program that are not included in the grant award for operating the program.

#### (d) Adjustments for inflation

The amounts specified in subsections (a) and (e)(1) shall be adjusted each year after 2008 for inflation as measured by the Consumer Price Index for All Urban Consumers published by the Secretary of Labor.

#### (e) Waiver authority and reporting requirement

##### (1) Waiver

The Chief Executive Officer may increase the limitation under subsection (a) to not more than \$19,500 per full-time equivalent position if necessary to meet the compelling needs of a particular program, such as—

- (A) exceptional training needs for a program serving disadvantaged youth;
- (B) the need to pay for increased costs relating to the participation of individuals with disabilities;
- (C) the needs of tribal programs or programs located in the territories; and
- (D) the need to pay for start-up costs associated with a first-time recipient of assistance under a program of the national service laws.

<sup>1</sup> So in original. The comma probably should not appear.

**(2) Reports**

The Chief Executive Officer shall report to the authorizing committees annually on all limitations increased under this subsection, with an explanation of the compelling needs justifying such increases.

(Pub. L. 101-610, title I, §189, as added Pub. L. 111-13, title I, §1612, Apr. 21, 2009, 123 Stat. 1539.)

## 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.

**§ 12645d. Matching funds for severely economically distressed communities****(a) In general**

Notwithstanding any other provision of law, a severely economically distressed community that receives assistance from the Corporation for any program under the national service laws shall not be subject to any requirements to provide matching funds for any such program, and the Federal share of such assistance for such a community may be 100 percent.

**(b) Severely economically distressed community**

For the purposes of this section, the term “severely economically distressed community” means—

(1) an area that has a mortgage foreclosure rate, home price decline, and unemployment rate all of which are above the national average for such rates or level, for the most recent 12 months for which satisfactory data are available; or

(2) a residential area that lacks basic living necessities, such as water and sewer systems, electricity, paved roads, and safe, sanitary housing.

(Pub. L. 101-610, title I, §189A, as added Pub. L. 111-13, title I, §1612, Apr. 21, 2009, 123 Stat. 1539.)

## 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.

**§ 12645e. Audits and reports**

The Corporation shall comply with applicable audit and reporting requirements as provided in the Chief Financial Officers Act of 1990 (31 U.S.C. 901 note; Public Law 101-576) and chapter 91 of title 31 (commonly known as the “Government Corporation Control Act”). The Corporation shall report to the authorizing committees any failure to comply with such requirements.

(Pub. L. 101-610, title I, §189B, as added Pub. L. 111-13, title I, §1612, Apr. 21, 2009, 123 Stat. 1540.)

## REFERENCES IN TEXT

The Chief Financial Officers Act of 1990, referred to in text, is Pub. L. 101-576, Nov. 15, 1990, 104 Stat. 2838. For complete classification of this Act to the Code, see Short Title of 1990 Amendment note set out under section 501 of Title 31, Money and Finance, and Tables.

## 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.

**§ 12645f. Restrictions on Federal Government and use of Federal funds****(a) General prohibition**

Nothing in the national service laws shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school’s curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this chapter.

**(b) Prohibition on endorsement of curriculum**

Notwithstanding any other prohibition of Federal law, no funds provided to the Corporation under this chapter may be used by the Corporation to endorse, approve, or sanction any curriculum designed to be used in an elementary school or secondary school.

**(c) Prohibition on requiring Federal approval or certification standards**

Notwithstanding any other provision of Federal law, not<sup>1</sup> State shall be required to have academic content or student academic achievement standards approved or certified by the Federal Government, in order to receive assistance under this chapter.

(Pub. L. 101-610, title I, §189C, as added Pub. L. 111-13, title I, §1612, Apr. 21, 2009, 123 Stat. 1540.)

## REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 101-610, Nov. 16, 1990, 104 Stat. 3127, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 12501 of this title and Tables.

## 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.

**§ 12645g. Criminal history checks****(a) In general**

Each entity selecting individuals to serve in a position in which the individuals receive a living allowance, stipend, national service educational award, or salary through a program receiving assistance under the national service laws, shall, subject to regulations and requirements established by the Corporation, conduct criminal history checks for such individuals.

**(b) Requirements**

A criminal history check under subsection (a) shall, except in cases approved for good cause by the Corporation, include—

(1) a name-based search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.);<sup>1</sup> and

(2)(A) a search of the State criminal registry or repository in the State in which the program is operating and the State in which the individual resides at the time of application; or

<sup>1</sup> So in original. Probably should be “no”.

<sup>1</sup> See References in Text note below.