

(Pub. L. 101-610, title I, § 130, as added Pub. L. 103-82, title I, § 101(b), Sept. 21, 1993, 107 Stat. 800; amended Pub. L. 111-13, title I, § 1308, Apr. 21, 2009, 123 Stat. 1505.)

#### PRIOR PROVISIONS

A prior section 130 of Pub. L. 101-610 was renumbered section 199I and is classified to section 12655i of this title.

#### AMENDMENTS

2009—Subsec. (a). Pub. L. 111-13, § 1308(1), substituted “section 12571(a)” for “section 12571”, inserted “territory,” after “assistance, a State,” and substituted “or institution of higher education” for “institution of higher education, or Federal agency”.

Subsec. (b)(9). Pub. L. 111-13, § 1308(2)(A), substituted “section 12572(f)” for “section 12572(c)”.

Subsec. (b)(12). Pub. L. 111-13, § 1308(2)(B), inserted “municipalities and governments of counties in which such a community is located,” after “providing services.”.

Subsec. (c)(1). Pub. L. 111-13, § 1308(3)(A), substituted “proposed positions” for “jobs or positions” and a period for “, including descriptions of specific tasks to be performed by such participants.”

Subsec. (c)(2). Pub. L. 111-13, § 1308(3)(B), inserted “proposed” before “minimum”.

Subsec. (c)(3). Pub. L. 111-13, § 1308(3)(C), added par. (3).

Subsec. (d). Pub. L. 111-13, § 1308(5), added subsec. (d) and redesignated former subsec. (d) as (e).

Subsec. (d)(1). Pub. L. 111-13, § 1308(4), substituted “section 12571(a)” for “subsection (a) or (b) of section 12571” in subpars. (A) and (B) and “subsection (a), (b), or (c) of section 12572” for “section 12572(a)” in subpar. (B).

Subsecs. (e), (f). Pub. L. 111-13, § 1308(5), redesignated subsecs. (d) and (e) as (e) and (f), respectively. Former subsec. (f) redesignated (g).

Subsec. (f)(2). Pub. L. 111-13, § 1308(6), which directed substitution of “were or will be selected” for “were selected” in par. (2)(A), was executed by making the substitution in par. (2) to reflect the probable intent of Congress because par. (2) does not contain subpars.

Subsec. (g). Pub. L. 111-13, § 1308(5), redesignated subsec. (f) as (g). Former subsec. (g) redesignated (h).

Subsec. (g)(1). Pub. L. 111-13, § 1308(7)(A), substituted “an applicant” for “a program applicant”.

Subsec. (g)(2). Pub. L. 111-13, § 1308(7)(B)(i), (ii), substituted “Applicant” for “Program applicant” in heading and “applicant” for “program applicant” in introductory provisions.

Subsec. (g)(2)(A), (B). Pub. L. 111-13, § 1308(7)(B)(iii), (iv), inserted “territory,” after “subdivision of a State,” and substituted “or institution of higher education” for “institution of higher education, or Federal agency”.

Subsec. (h). Pub. L. 111-13, § 1308(5), (8), redesignated subsec. (g) as (h) and amended subsec. (h) generally. Prior to amendment, text read as follows: “The Corporation shall reject an application submitted under this section if a project proposed to be conducted using assistance requested by the applicant is already described in another application pending before the Corporation.”

#### 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

Section 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.

## § 12583. National service program assistance requirements

### (a) Impact on communities

An application submitted under section 12582 of this title shall include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 12571 of this title and any national service program supported by a grant made by the applicant using such assistance will—

(1) address unmet human, educational, environmental, or public safety needs through services that provide a direct benefit to the community in which the service is performed; and

(2) comply with the nonduplication and non-displacement requirements of section 12637 of this title and the grievance procedure requirements of section 12636(f) of this title.

### (b) Impact on participants

An application submitted under section 12582 of this title shall also include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 12571 of this title and any national service program supported by a grant made by the applicant using such assistance will—

(1) provide participants in the national service program with the training, skills, and knowledge necessary for the projects that participants are called upon to perform;

(2) provide support services to participants, such as the provision of appropriate information and support—

(A) to those participants who are completing a term of service and making the transition to other educational and career opportunities; and

(B) to those participants who are school dropouts in order to assist those participants in earning the equivalent of a high school diploma; and

(3) provide, if appropriate, structured opportunities for participants to reflect on their service experiences.

### (c) Consultation

An application submitted under section 12582 of this title shall also include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 12571 of this title and any national service program supported by a grant made by the applicant using such assistance will—

(1) provide in the design, recruitment, and operation of the program for broad-based input from—

(A) the community served, the municipality and government of the county (if appropriate) in which the community is located, and potential participants in the program; and

(B) community-based agencies with a demonstrated record of experience in providing services and local labor organizations representing employees of service sponsors, if

these entities exist in the area to be served by the program;

(2) prior to the placement of participants, consult with the appropriate local labor organization, if any, representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program to ensure compliance with the nondisplacement requirements specified in section 12637 of this title; and

(3) in the case of a program that is not funded through a State (including a national service program that a nonprofit organization seeks to operate in 2 or more States), consult with and coordinate activities with the State Commission for each State in which the program will operate, and the Corporation shall obtain confirmation from the State Commission that the applicant seeking assistance under this chapter has consulted with and coordinated with the State Commission when seeking to operate the program in that State.

**(d) Evaluation and performance goals**

**(1) In general**

An application submitted under section 12582 of this title shall also include an assurance by the applicant that the applicant will—

(A) arrange for an independent evaluation of any national service program carried out using assistance provided to the applicant under section 12571 of this title or, with the approval of the Corporation, conduct an internal evaluation of the program;

(B) apply measurable performance goals and evaluation methods (such as the use of surveys of participants and persons served), which are to be used as part of such evaluation to determine the impact of the program—

(i) on communities and persons served by the projects performed by the program;

(ii) on participants who take part in the projects; and

(iii) in such other areas as the Corporation may require; and

(C) cooperate with any evaluation activities undertaken by the Corporation.

**(2) Evaluation**

Subject to paragraph (3), the Corporation shall develop evaluation criteria and performance goals applicable to all national service programs carried out with assistance provided under section 12571 of this title.

**(3) Alternative evaluation requirements**

The Corporation may establish alternative evaluation requirements for national service programs based upon the amount of assistance received under section 12571 of this title or received by a grant made by a recipient of assistance under such section. The determination of whether a national service program is covered by this paragraph shall be made in such manner as the Corporation may prescribe.

**(e) Living allowances and other inservice benefits**

Except as provided in section 12594(c) of this title, an application submitted under section

12582 of this title shall also include an assurance by the applicant that the applicant will—

(1) ensure the provision of a living allowance and other benefits specified in section 12594 of this title to participants in any national service program carried out by the applicant using assistance provided under section 12571 of this title; and

(2) require that each national service program that receives a grant from the applicant using such assistance will also provide a living allowance and other benefits specified in section 12594 of this title to participants in the program.

**(f) Selection of participants from individuals recruited by Corporation or State Commissions**

The Corporation may also require an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 12571 of this title and any national service program supported by a grant made by the applicant using such assistance will select a portion of the participants for the program from among prospective participants recruited by the Corporation or State Commissions under section 12592(d) of this title. The Corporation may specify a minimum percentage of participants to be selected from the national leadership pool established under section 12592(e) of this title and may vary the percentage for different types of national service programs.

(Pub. L. 101-610, title I, §131, as added Pub. L. 103-82, title I, §101(b), Sept. 21, 1993, 107 Stat. 803; amended Pub. L. 111-13, title I, §1309, Apr. 21, 2009, 123 Stat. 1507.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (c)(3), 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.

PRIOR PROVISIONS

A prior section 131 of Pub. L. 101-610 was renumbered section 199J and is classified to section 12655j of this title.

AMENDMENTS

2009—Subsec. (c)(1)(A). Pub. L. 111-13, §1309(1), added subpar. (A) and struck out former subpar. (A) which read as follows: "the community served and potential participants in the program; and".

Subsec. (c)(3). Pub. L. 111-13, §1309(2), added par. (3) and struck out former par. (3) which read as follows: "in the case of a program that is not funded through a State, consult with and coordinate activities with the State Commission for the State in which the program operates."

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

Section 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.

**§ 12584. Ineligible service categories****(a) In general**

Except as provided in subsection (b), an application submitted to the Corporation under section 12582 of this title shall include an assurance by the applicant that any national service program carried out using assistance provided under section 12571 of this title and any approved national service position provided to an applicant will not be used to perform service that provides a direct benefit to any—

(1) business organized for profit;

(2) labor union;

(3) partisan political organization;

(4) organization engaged in religious activities, unless such service does not involve the use of assistance provided under section 12571 of this title or participants—

(A) to give religious instruction;

(B) to conduct worship services;

(C) to provide instruction as part of a program that includes mandatory religious education or worship;

(D) to construct or operate facilities devoted to religious instruction or worship or to maintain facilities primarily or inherently devoted to religious instruction or worship; or

(E) to engage in any form of proselytization; or

(5) nonprofit organization that fails to comply with the restrictions contained in section 501(c) of title 26, except that nothing in this section shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative.

**(b) Regional Corporation**

The requirement of subsection (a) relating to an assurance regarding direct benefits to businesses organized for profit shall not apply with respect to a Regional Corporation, as defined in section 3(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(g)), that is established in accordance with such Act [43 U.S.C. 1601 et seq.] as a for-profit corporation but that is engaging in nonprofit activities.

(Pub. L. 101-610, title I, §132, as added Pub. L. 103-82, title I, §101(b), Sept. 21, 1993, 107 Stat. 805.)

## REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in subsec. (b), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

## PRIOR PROVISIONS

A prior section 132 of Pub. L. 101-610 was renumbered section 199L and classified to section 12655k of this title, prior to repeal by Pub. L. 103-82, §101(e)(8)(A).

## EFFECTIVE DATE

Section 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.

**§ 12584a. Prohibited activities and ineligible organizations****(a) Prohibited activities**

An approved national service position under this division may not be used for the following activities:

(1) Attempting to influence legislation.

(2) Organizing or engaging in protests, petitions, boycotts, or strikes.

(3) Assisting, promoting, or deterring union organizing.

(4) Impairing existing contracts for services or collective bargaining agreements.

(5) Engaging in partisan political activities, or other activities designed to influence the outcome of an election to Federal office or the outcome of an election to a State or local public office.

(6) Participating in, or endorsing, events or activities that are likely to include advocacy for or against political parties, political platforms, political candidates, proposed legislation, or elected officials.

(7) Engaging in religious instruction, conducting worship services, providing instruction as part of a program that includes mandatory religious instruction or worship, constructing or operating facilities devoted to religious instruction or worship, maintaining facilities primarily or inherently devoted to religious instruction or worship, or engaging in any form of proselytization, consistent with section 12584 of this title.

(8) Consistent with section 12584 of this title, providing a direct benefit to any—

(A) business organized for profit;

(B) labor union;

(C) partisan political organization;

(D) nonprofit organization that fails to comply with the restrictions contained in section 501(c) of title 26, except that nothing in this paragraph shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative; and

(E) organization engaged in the religious activities described in paragraph (7), unless the position is not used to support those religious activities.

(9) Providing abortion services or referrals for receipt of such services.

(10) Conducting a voter registration drive or using Corporation funds to conduct a voter registration drive.

(11) Carrying out such other activities as the Corporation may prohibit.

**(b) Ineligibility**

No assistance provided under this division may be provided to any organization that has violated a Federal criminal statute.

**(c) Nondisplacement of employed workers or other volunteers**

A participant in an approved national service position under this division may not be directed to perform any services or duties, or to engage in any activities, prohibited under the non-duplication, nondisplacement, or nonsupplantation requirements relating to employees and volunteers in section 12637 of this title.