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1 **TITLE II—ORGANIZATION**

2 **SEC. 201. STATE COMMISSIONS ON NATIONAL SERVICE.**

3 (a) COMPOSITION AND DUTIES OF STATE COMMIS-
4 SIONS.—Subtitle F of title I of the National and Commu-
5 nity Service Act of 1990 is amended by striking section
6 178 (42 U.S.C. 12638) and inserting the following new
7 section:

8 **“SEC. 178. STATE COMMISSIONS ON NATIONAL SERVICE.**

9 “(a) EXISTENCE REQUIRED.—

10 “(1) STATE COMMISSION.—Except as provided
11 in paragraph (2), to be eligible to receive a grant or
12 allotment under subtitle B or C or to receive a dis-
13 tribution of approved national service positions
14 under subtitle C, a State shall maintain a State
15 Commission on National Service that satisfies the
16 requirements of this section.

17 “(2) ALTERNATIVE ADMINISTRATIVE ENTITY.—

18 The chief executive officer of a State may apply to
19 the Corporation for approval to use an alternative
20 administrative entity to carry out the duties other-
21 wise entrusted to a State Commission under this
22 Act. The chief executive officer shall ensure that any
23 alternative administrative entity used in lieu of a
24 State Commission still allows the individuals de-
25 scribed in paragraphs (1) and (2) of subsection (c)

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1 to play a significant policy-making role in carrying
2 out the duties otherwise entrusted to a State Com-
3 mission, including the submission of applications on
4 behalf of the State under sections 117B and 130.

5 “(b) APPOINTMENT AND SIZE.—Except as provided
6 in subsection (c)(2), the members of a State Commission
7 for a State shall be appointed by the chief executive officer
8 of the State. A State Commission shall consist of not less
9 than 7 voting members and not more than 13 voting mem-
10 bers.

11 “(c) COMPOSITION AND MEMBERSHIP.—

12 ~~“(1) IN GENERAL.—Except as provided in para-~~
13 ~~graph (2), the voting members of a State Commis-~~
14 ~~sion shall be appointed from among the following:~~

15 ~~“(A) Representatives of national service~~
16 ~~programs, such as youth corps programs, serv-~~
17 ~~ice programs for school age youth, programs in~~
18 ~~which older Americans are participants, and~~
19 ~~other national service programs. Such rep-~~
20 ~~resentatives shall include participants in the~~
21 ~~programs who are youths or young adults.~~

22 ~~“(B) Representatives of local governments~~
23 ~~in the State, local labor organizations, business~~
24 ~~groups, and community based organizations.~~

Under State Commission

p. 129 (c)(1) Except as provided in paragraph (4), the members of a State Commission shall include at least one representative from each of the following:

(A) Representatives of national service program sponsors (including youth corps, service programs for school-age youth, and programs in which older Americans are participants);

(B) Representatives of local government;

(C) Representatives of local labor organizations;

(2) The members of a State Commission may include:

(A) Community-based organizations

(B) Youth

(C) Educators

(D) Experts in the delivery of human, educational, environmental, or public safety services to communities and persons.

(E) Business

(3) Not to exceed 25 percent of Commission members may be employees of state government.

(4) (use language now in three)

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1 ~~“(C) Educators and experts regarding na-~~
2 ~~tional service or regarding the delivery of~~
3 ~~human, educational, environmental, or public~~
4 ~~safety services to communities and persons.~~

5 “(2) CORPORATION REPRESENTATIVE.—The
6 representative of the Corporation designated under
7 section 195(b) for a State shall be a voting member
8 of the State Commission for that State.

9 “(3) EX OFFICIO STATE REPRESENTATIVES.—
10 The chief executive officer of a State may appoint as
11 nonvoting ex officio members of the State Commis-
12 sion for the State representatives selected from
13 among officers and employees of State agencies op-
14 erating community service, youth service, education,
15 social service, senior service, and job training pro-
16 grams.

17 “(4) LIMITATION ON NUMBER OF STATE EM-
18 PLOYEES AS MEMBERS.—The number of voting
19 members of a State Commission selected under
20 paragraph (1) who are officers or employees of the
21 State may not exceed 25 percent of the total mem-
22 bership of the State Commission.

23 “(d) MISCELLANEOUS MATTERS.—

24 “(1) MEMBERSHIP BALANCE.—The chief execu-
25 tive officer of a State shall ensure that the member-

round down

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1 ship of the State Commission for the State is bal-
2 anced according to race, ethnic background, age,
3 and gender. Not more than 50 percent of the voting
4 members of a State Commission, plus one additional
5 member, may be from the same political party.

6 “(2) TERMS.—Each member of the State Com-
7 mission for a State shall serve for a term of 3 years,
8 except that the chief executive officer of a State
9 shall initially appoint a portion of the members to
10 terms of 1 year and 2 years.

11 “(3) VACANCIES.—As vacancies occur on a
12 State Commission, new members shall be appointed
13 by the chief executive of the State and serve for the
14 remainder of the term for which the predecessor of
15 such member was appointed. The vacancy shall not
16 affect the power of the remaining members to exe-
17 cute the duties of the State Commission.

18 “(4) COMPENSATION.—A member of a State
19 Commission shall not receive any additional com-
20 pensation by reason of service on the State Commis-
21 sion, except that the State may authorize the reim-
22 bursement of travel expenses, including a per diem
23 in lieu of subsistence, in the same manner as other
24 employees serving intermittently in the service of the
25 State.

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1 “(5) CHAIRPERSON.—The voting members of a
2 State Commission shall elect one of the voting mem-
3 bers to serve as chairperson of the State Commis-
4 sion.

5 “(e) DUTIES OF A STATE COMMISSION.—The State
6 Commission for a State shall be responsible for the follow-
7 ing duties:

8 “(1) Preparation of a national service plan for
9 the State that—

10 “(A) covers a 3-year period, and

and is updated annually

11 “(B) contains such information as the
12 State Commission considers to be appropriate
13 or as the Corporation may require.

14 “(2) Preparation of the applications of the
15 State under sections 117B and 130 for financial as-
16 sistance.

17 “(3) Assistance in the preparation of the appli-
18 cation of the State educational agency for assistance
19 under section 113.

20 “(4) Preparation of the application of the State
21 under section 130 for the approval of service posi-
22 tions that include the national service educational
23 award described in subtitle D.

24 “(5) Assistance in the provision of health care
25 and child care benefits under section 140 to partici-

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1 pants in national service programs that receive as-
2 sistance under section 121.

3 “(6) Development of a State system for the re-
4 cruitment and placement of participants in national
5 service programs that receive assistance under sec-
6 tion 121 and dissemination of information concern-
7 ing national service programs that receive assistance
8 and approved national service positions.

9 “(7) Administration of the grant program in
10 support of national service programs that is con-
11 ducted by the State using assistance provided to the
12 State under section 121, including ^{selection,} oversight and
13 evaluation of grant recipients.

14 “(8) Development of projects, training methods,
15 curriculum materials, and other materials and activi-
16 ties related to national service programs that receive
17 assistance directly from the Corporation or from the
18 State using assistance provided under section 121.

19 “(f) PROHIBITED ACTIVITY.—A State Commission
20 may not directly carry out any national service program
21 that receives assistance under section 121.

22 “(g) DELEGATION.—A State Commission may dele-
23 gate nonpolicy-making duties to a State agency or public
24 or private not-for-profit organization. *subject to limitations
set by the Corporation*

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1 “(h) APPROVAL OF STATE COMMISSION OR ALTER-
2 NATIVE.—

3 “(1) SUBMISSION TO CORPORATION.—The chief
4 executive officer for a State shall notify the Corpora-
5 tion of the establishment or designation of the State
6 Commission for the State. The notification shall in-
7 clude a description of—

8 “(A) the composition and membership of
9 the State Commission; and

10 “(B) the authority of the State Commis-
11 sion regarding national service activities carried
12 out by the State.

13 “(2) APPROVAL OF ALTERNATIVE ADMINISTRA-
14 TIVE ENTITY.—Any use of an alternative adminis-
15 trative entity to carry out the duties of a State Com-
16 mission shall be subject to the approval of the Cor-
17 poration.

18 “(3) REJECTION.—The Corporation may reject
19 a State Commission if the Corporation determines
20 that the composition, membership, or duties of the
21 State Commission do not comply with the require-
22 ments of this section. The Corporation shall reject a
23 request to use an alternative administrative entity in
24 lieu of a State Commission if the Corporation deter-
25 mines that use of the alternative administrative en-

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1 tity does not allow the individuals described in para-
2 graphs (1) and (2) of subsection (c) to play a sig-
3 nificant policy-making role in carrying out the duties
4 otherwise entrusted to a State Commission. If the
5 Corporation rejects a State Commission or alter-
6 native administrative entity under this paragraph,
7 the Corporation shall promptly notify the State of
8 the reasons for the rejection.

9 “(4) RESUBMISSION AND RECONSIDERATION.—
10 The Corporation shall provide a State notified under
11 paragraph (3) with a reasonable opportunity to re-
12 vise the rejected State Commission or alternative ad-
13 ministrative entity. At the request of the State, the
14 Corporation shall provide technical assistance to the
15 State as part of the revision process. The Corpora-
16 tion shall promptly reconsider any resubmission of a
17 notification under paragraph (1) or application to
18 use an alternative administrative entity under para-
19 graph (2).

20 “(5) SUBSEQUENT CHANGES.—This subsection
21 shall also apply to any change in the composition or
22 duties of a State Commission or an alternative ad-
23 ministrative entity made after approval of the State
24 Commission or the alternative administrative en-
25 tity.”.

1 (b) TABLE OF CONTENTS.—Section 1(b) of the Na-
2 tional and Community Service Act of 1990 (Public Law
3 101-610; 104 Stat. 3127) is amended by striking the item
4 relating to section 178 and inserting the following new
5 item:

“Sec. 178. State Commissions on National Service.”.

6 (c) EFFECTIVE DATE.—The amendments made by
7 this section shall take effect on the date of the enactment
8 of this Act.

9 (d) TRANSITIONAL PROVISIONS.—

10 (1) USE OF ALTERNATIVES TO STATE COMMIS-
11 SION.—If a State does not have a State Commission
12 on National Service that satisfies the requirements
13 specified in section 178 of the National and Commu-
14 nity Services Act of 1990, as amended by subsection
15 (a), the Corporation for National Service may au-
16 thorize the chief executive of the State to use an-
17 other entity to perform the duties otherwise reserved
18 to a State Commission under subsection (e) of such
19 section.

20 (2) APPLICATION OF SUBSECTION.—This sub-
21 section shall apply only during the 1-year period be-
22 ginning on the date of the enactment of this Act.

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1 SEC. 202. INTERIM AUTHORITIES OF THE CORPORATION
2 FOR NATIONAL SERVICE AND ACTION AGEN-
3 CY.

4 (a) NATIONAL AND COMMUNITY SERVICE ACT OF
5 1990.—Subtitle G of title I of the National and Commu-
6 nity Service Act of 1990 (42 U.S.C. 12651) is amended
7 to read as follows:

8 **“Subtitle G—Corporation for**
9 **National Service**

10 **“SEC. 191. CORPORATION FOR NATIONAL SERVICE.**

11 “There is established a Corporation for National
12 Service that shall administer the programs established
13 under this Act. The Corporation shall be a Government
14 corporation, as defined in section 103 of title 5, United
15 States Code.

16 **“SEC. 192. BOARD OF DIRECTORS.**

17 “(a) COMPOSITION.—

18 “(1) IN GENERAL.—There shall be in the Cor-
19 poration a Board of Directors (referred to in this
20 subtitle as the ‘Board’) that shall be composed of—

21 “(A) 11 members, including the Chair-
22 person appointed under section 193, to be ap-
23 pointed by the President, by and with the ad-
24 vice and consent of the Senate; and

25 “(B) the ex officio members described in
26 paragraph (4).

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1 “(2) QUALIFICATIONS.—To the maximum ex-
2 tent practicable, the President shall appoint
3 members—

4 “(A) who have extensive experience in vol-
5 unteer and service programs, including pro-
6 grams funded under one of the national service
7 laws, and in State government;

8 “(B) who represent a broad range of view-
9 points;

10 “(C) who have expertise relating to human.
11 educational, environmental, or public safety
12 needs;

13 “(D) so that the Board shall be diverse ac-
14 cording to race, ethnicity, age, and gender; and

15 “(E) so that no more than 6 appointed
16 members of the Board are from a single politi-
17 cal party.

18 “(3) INITIAL MEMBERS.—No fewer than 8 of
19 the members first appointed to the Board after the
20 date of enactment of this section shall be appointed
21 from among individuals who served on the Board of
22 Directors of the Commission on National and Com-
23 munity Service.

24 “(4) EX OFFICIO MEMBERS.—The Secretary of
25 Education, the Secretary of Health and Human

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1 Services, the Secretary of Labor, the Secretary of
2 the Interior, the Secretary of Agriculture, the Sec-
3 retary of Housing and Urban Development, the Sec-
4 retary of Defense, the Attorney General, the Direc-
5 tor of the Peace Corps, and the Administrator of the
6 Environmental Protection Agency shall serve as ex
7 officio nonvoting members of the Board.

8 “(b) TERMS.—Each appointed member of the Board
9 shall serve for a term of 3 years, except that 4 of the mem-
10 bers first appointed to the Board after the date of enact-
11 ment of this section shall serve for a term of 1 year and
12 4 shall serve for a term of 2 years, as designated by the
13 President.

14 “(c) VACANCIES.—As vacancies occur on the Board,
15 new members shall be appointed by the President, by and
16 with the advice and consent of the Senate, and serve for
17 the remainder of the term for which the predecessor of
18 such member was appointed. The vacancy shall not affect
19 the power of the remaining members to execute the duties
20 of the Board.

21 **“SEC. 192A. AUTHORITIES AND DUTIES OF THE BOARD OF**
22 **DIRECTORS.**

23 “(a) MEETINGS.—The Board shall meet not less than
24 3 times each year. The Board shall hold additional meet-

1 ings if 6 members of the Board request such meetings in
2 writing.

3 “(b) QUORUM.—A majority of the appointed mem-
4 bers of the Board shall constitute a quorum.

5 “(c) OFFICERS.—

6 “(1) VICE CHAIRPERSON.—The Board shall
7 elect a Vice Chairperson from among its member-
8 ship. The Vice Chairperson may conduct meetings of
9 the Board in the absence of the Chairperson.

10 “(2) OTHER OFFICERS.—The Board may elect
11 from among its membership such additional officers
12 of the Board as the Board determines to be appro-
13 priate.

14 “(d) INSPECTOR GENERAL OVERSIGHT COMMIT-
15 TEE.—The Board shall establish an Inspector General
16 oversight committee (referred to in this subtitle as the
17 ‘oversight committee’). Such committee shall be comprised
18 of the Vice Chairperson and two members selected by the
19 Vice Chairperson. The Chairperson shall not serve on the
20 oversight committee.

21 “(e) EXPENSES.—While away from their homes or
22 regular places of business on the business of the Board,
23 members of such Board shall be allowed travel expenses,
24 including per diem in lieu of subsistence, at rates author-
25 ized for employees of agencies under subchapter I of chap-

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1 ter 57 of title 5, United States Code, for persons employed
2 intermittently in the Government service.

3 “(f) SPECIAL GOVERNMENT EMPLOYEES.—For pur-
4 poses of the provisions of chapter 11 of part I of title 18,
5 United States Code, and any other provision of Federal
6 law, a member of the Board (to whom such provisions
7 would not otherwise apply except for this subsection) shall
8 be a special Government employee.

9 “(g) STATUS OF MEMBERS.—

10 “(1) TORT CLAIMS.—For the purposes of the
11 tort claims provisions of chapter 171 of title 28,
12 United States Code, a member of the Board shall be
13 considered to be a Federal employee.

14 “(2) OTHER CLAIMS.—~~A~~ ^A member of the
15 Board has no personal liability under Federal law
16 with respect to any claim arising out of or resulting
17 from any act or omission by such person, within the
18 scope of the service of the member on the Board, in
19 connection with any transaction involving the provi-
20 sion of financial assistance by the Corporation. This
21 paragraph shall not be construed to limit personal li-
22 ability for criminal acts or omissions, willful or mali-
23 cious misconduct, acts or omissions for private gain,
24 or any other act or omission outside the scope of the
25 service of such member on the Board.]

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1 “(3) EFFECT ON OTHER LAW.—~~7~~ [This sub-
2 section shall not be construed—

3 “(A) to affect any other immunities and
4 protections that may be available to such mem-
5 ber under applicable law with respect to such
6 transactions;

7 “(B) to affect any other right or remedy
8 against the Corporation, against the United
9 States under applicable law, or against any per-
10 son other than a member of the Board partici-
11 pating in such transactions; or

12 “(C) to limit or alter in any way the im-
13 munities that are available under applicable law
14 for Federal officials and employees not de-
15 scribed in this subsection.”

16 “(h) DUTIES.—The Board shall—

17 “(1) prepare a strategic plan every 3 years, and
18 annual updates of the plan, for the Corporation with
19 respect to the grants, allotments, contracts, assist-
20 ance, and payments described in section
21 193A(b)(4)(A), and with respect to such standards,
22 policies, procedures, programs, and initiatives as are
23 necessary or appropriate to carry out this Act;

1 “(2) make recommendations with respect to the
2 regulations established under section
3 195(a)(3)(B)(i);

4 “(3)(A) review the actions of the Chairperson
5 with respect to the personnel of the Corporation,
6 and with respect to the standards, policies, proce-
7 dures, programs, and initiatives; and

8 “(B) inform the Chairperson of any aspects of
9 the actions that are not in compliance with the an-
10 nual strategic plan described in paragraph (1) or the
11 recommendations described in paragraph (2), or are
12 not consistent with the objectives of this Act;

13 “(4) receive, and act on, the reports issued by
14 the Inspector General of the Corporation;

15 “(5) arrange for the evaluation of programs es-
16 tablished under this Act, in accordance with section
17 179;

18 “(6) provide for research with respect to na-
19 tional and community service programs, including
20 service-learning programs;

21 “(7) advise the President and the Congress con-
22 cerning developments in national and community
23 service that merit the attention of the President and
24 the Congress;

advisory
approved
decisions made
by Congress

1 “(8) disseminate information regarding the pro-
2 grams and initiatives of the Corporation: and

3 “(9) carry out any other activities determined
4 to be appropriate by the Chairperson.

5 “(h) ADMINISTRATION.—The Federal Advisory Com-
6 mittee Act (5 U.S.C. App.) shall not apply with respect
7 to the Board.

8 **“SEC. 193. CHAIRPERSON AND DIRECTOR.**

9 “(a) APPOINTMENT.—The Corporation shall be head-
10 ed by an individual who shall serve as Chairperson of the
11 Board and as Director of the Corporation, and who shall
12 be appointed by the President, by and with the advice and
13 consent of the Senate.

14 “(b) COMPENSATION.—The Chairperson shall be
15 compensated at the rate provided for level III of the Exec-
16 utive Schedule under section 5314 of title 5, United States
17 Code.

18 “(c) REGULATIONS.—The Chairperson shall pre-
19 scribe such rules and regulations as are necessary or ap-
20 propriate to carry out this Act.

21 **“SEC. 193A. AUTHORITIES AND DUTIES OF THE CHAIR-**
22 **PERSON.**

23 “(a) GENERAL POWERS AND DUTIES.—The Chair-
24 person shall be responsible for the exercise of the powers
25 and the discharge of the duties of the Corporation that

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1 are not reserved to the Board, and shall have authority
2 and control over all personnel of the Corporation.

3 “(b) DUTIES.—In addition to the duties conferred on
4 the Chairperson under any other provision of this Act, the
5 Chairperson shall—

6 “(1) submit a proposal to the Board regarding,
7 and establish, such standards, policies, and proce-
8 dures, as are necessary or appropriate to carry out
9 this Act;

10 “(2) establish and administer such programs
11 and initiatives as the Chairperson, acting on the rec-
12 ommendation of the Board, may determine to be
13 necessary or appropriate to carry out this Act;

14 “(3) consult with appropriate Federal agencies
15 in administering such programs and initiatives;

16 “(4) on the recommendation of the Board—

17 “(A) make such grants and allotments,
18 enter into such contracts, award such other fi-
19 nancial assistance, and make such payments (in
20 lump sum or installments, and in advance or by
21 way of reimbursement, and in the case of finan-
22 cial assistance otherwise authorized under this
23 Act, with necessary adjustments on account of
24 overpayments and underpayments), as are nec-
25 essary or appropriate to carry out this Act; and

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1 “(B) suspend or terminate such payments,
2 in accordance with section 176:

3 “(5) prepare and submit to the Board an an-
4 nual report, and such interim reports as may be nec-
5 essary, describing the major actions of the Chair-
6 person with respect to the personnel of the Corpora-
7 tion, and with respect to such standards, policies,
8 procedures, programs, and initiatives;

9 “(6) notify, and provide an explanation to, the
10 Board regarding any substantial differences between
11 the actions of the Chairperson and the strategic plan
12 described in section 192A(h)(1); and

13 “(7) prepare and submit to the appropriate
14 committees of Congress an annual report, and such
15 interim reports as may be necessary, describing—

16 “(A) the services referred to in paragraph
17 (1), and the money and property referred to in
18 paragraph (2), of section 196(a) that have been
19 accepted by the Corporation; and

20 “(B) the manner in which the Corporation
21 used or disposed of such services, money, and
22 property.

23 “(c) POWERS.—In addition to the authority conferred
24 on the Chairperson under any other provision of this Act,
25 the Chairperson may—

*or de-certify
approved
nat'l service
positions*

*(add to
§176)*

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1 “(1) establish, alter, consolidate, or discontinue
2 such organizational units or components within the
3 Corporation as the Chairperson considers necessary
4 or appropriate;

5 “(2) with the approval of the President—

6 “(A) arrange with and reimburse the heads
7 of other Federal agencies for the performance
8 of any of the provisions of this Act; and

9 “(B) as necessary or appropriate—

10 “(i) delegate any of the functions of
11 the Chairperson under this Act, or, with
12 the permission of the Board, any of the
13 functions of the Board under this Act, to
14 such heads of Federal agencies; and

15 “(ii) authorize the redelegation of
16 such functions,

17 subject to provisions to assure the maximum
18 possible liaison between the Corporation and
19 such other agencies at all operating levels;

20 “(3) with their consent, utilize the services and
21 facilities of Federal agencies ^{with or} without reimbursement,
22 and, with the consent of any State or a political sub-
23 division of a State, accept and utilize the services
24 and facilities of the agencies of such State or sub-
25 divisions without reimbursement;

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1 “(4) allocate and expend, or transfer to other
2 Federal agencies for expenditure, such funds made
3 available under this Act ~~as the Chairperson deter-~~
4 ~~mines to be necessary to carry out the provisions of~~
5 ~~this Act,~~ including expenditure for construction, re-
6 pairs, and capital improvements;

7 “(5) disseminate, without regard to the provi-
8 sions of section 3204 of title 39, United States
9 Code, data and information, in such form as the
10 Chairperson shall determine to be appropriate to
11 public agencies, private organizations, and the gen-
12 eral public;

13 “(6) collect or compromise all obligations to or
14 held by the Chairperson and all legal or equitable
15 rights accruing to the Chairperson in connection
16 with the payment of obligations in accordance with
17 chapter 37 of title 31, United States Code (com-
18 monly known as the ‘Federal Claims Collection Act
19 of 1966’);

20 “(7) expend funds made available for purposes
21 of this Act, without regard to any other law or regu-
22 lation, for rent of buildings and space in buildings
23 and for repair, alteration, and improvement of build-
24 ings and space in buildings rented by the Chair-
25 person;

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1 “(8) file a civil action in any court of record of
2 a State having general jurisdiction or in any district
3 court of the United States, with respect to a claim
4 arising under this Act;

5 “(9) exercise the authorities of the Corporation
6 under section 196; and

7 “(10) generally perform such functions and
8 take such steps consistent with the objectives and
9 provisions of this Act, as the Chairperson determines
10 to be necessary or appropriate to carry out such pro-
11 visions.

12 “(d) DELEGATION.—

13 “(1) DEFINITION.—As used in this subsection,
14 the term ‘function’ means any duty, obligation,
15 power, authority, responsibility, right, privilege, ac-
16 tivity, or program.

17 “(2) IN GENERAL.—Except as otherwise pro-
18 hibited by law or provided in this Act, the Chair-
19 person may delegate any function under this Act,
20 and authorize such successive redelegations of such
21 function as may be necessary or appropriate. No del-
22 egation of a function by the Chairperson under this
23 subsection or under any other provision of this Act
24 shall relieve such Chairperson of responsibility for
25 the administration of such function.

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1 “(3) FUNCTION OF BOARD.—The Chairperson
2 may not delegate a function of the Board without
3 the permission of the Board.

4 ~~“(4) FULL-TIME FEDERAL EMPLOYEE.—The~~
5 ~~Chairperson may delegate a function under this Act~~
6 ~~only to a full-time Federal employee.—~~

7 “(e) ACTION.—In an action described in subsection
8 (c)(8)—

9 “(1) a district court referred to in such sub-
10 section shall have jurisdiction of such a civil action
11 without regard to the amount in controversy;

12 “(2) such an action brought by the Chairperson
13 shall survive notwithstanding any change in the per-
14 son occupying the office of Chairperson or any va-
15 cancy in that office;

16 “(3) no attachment, injunction, garnishment, or
17 other similar process, mesne or final, shall be issued
18 against the Chairperson or the Board or property
19 under the control of the Chairperson or the Board;
20 and

21 “(4) ~~nothing~~ ^{nothing} in this section shall be construed
22 to except litigation arising out of activities under
23 this Act from the application of sections 509, 517,
24 547, and 2679 of title 28, United States Code.]

1 "SEC. 194. OFFICERS.

2 "(a) MANAGING DIRECTORS.—

3 "(1) IN GENERAL.—There shall be in the Cor-
4 poration 2 Managing Directors, who shall be ap-
5 pointed by the President, by and with the advice and
6 consent of the Senate.

7 "(2) COMPENSATION.—The Managing Direc-
8 tors shall be compensated at the rate provided for
9 level IV of the Executive Schedule under section
10 5315 of title 5, United States Code.

11 "(3) DUTIES.—

12 "(A) FEDERAL PROGRAMS.—One of the
13 Managing Directors shall be primarily respon-
14 sible for the Federal programs carried out by
15 the Corporation.

16 "(B) INVESTMENT PROGRAMS.—The other
17 Managing Director shall be primarily respon-
18 sible for the financial assistance programs car-
19 ried out by the Corporation.

20 "(b) INSPECTOR GENERAL.—

21 "(1) OFFICE.—There shall be in the Corpora-
22 tion an Office of the Inspector General.

23 "(2) APPOINTMENT.—

24 "(A) IN GENERAL.—The Office shall be
25 headed by an Inspector General, appointed by

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1 the President, by and with the consent of the
2 Senate.

3 “(B) REPORTING.—The Inspector General
4 shall report directly to the oversight committee.

5 “(3) COMPENSATION.—The Inspector General
6 shall be compensated at the rate provided for level
7 ^V~~IV~~ of the Executive Schedule under section 531⁶~~5~~ of
8 title 5, United States Code. ~~【A presidential ap-~~
9 ~~pointee should be on the Executive Schedule. This~~
10 ~~pay is comparable to level 6 of the Senior Executive~~
11 ~~Service Schedule, which is what you requested. It~~
12 ~~might be more appropriate to compensate this per-~~
13 ~~son at level V, however: the Inspectors General at~~
14 ~~level IV are responsible for immense government~~
15 ~~programs, like the entire Department of Defense.】~~

16 “(4) DUTIES.—

17 “(A) IN GENERAL.—Except as provided in
18 subparagraph (B), for purposes of the Inspector
19 General Act of 1978 (5 U.S.C. App.)—

20 “(i) the Corporation shall be consid-
21 ered to be a designated Federal entity, as
22 defined in section 8E(2) of such Act; and
23 ~~【Since the President will appoint your In-~~
24 ~~spector General, it would be internally con-~~
25 ~~sistent to make the Corporation an estab-~~

IG = level V
2 assistants =
GS

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1 lishment. The appointment and compensa-
2 tion authorities of the Inspector General of
3 an establishment, however, provide for ap-
4 pointment of General Schedule employees,
5 and require the appointment of 2 Assistant
6 Inspector Generals.】

7 “(ii) except as provided in paragraph
8 (2)(A), the oversight committee shall be
9 considered to be the head of the designated
10 Federal entity, as defined in section 8E(4)
11 of such Act.

12 “(B) PROGRAM FRAUD.—For purposes of
13 chapter 38 of title 31, United States Code
14 (commonly known as the ‘Program Fraud Civil
15 Remedies Act of 1986’)—

16 “(i) the Corporation shall be consid-
17 ered to be an authority, as defined in sec-
18 tion 3801(a)(1) of such Act;

19 “(ii) the oversight committee shall be
20 considered to be an authority head, as de-
21 fined in section 3801(a)(2) of such Act;
22 and

23 “(iii) the Inspector General shall be
24 considered to be an investigating official,

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1 as defined in section 3801(a)(4) of such
2 Act.

3 **"SEC. 195. EMPLOYEES, CONSULTANTS, AND OTHER PER-**
4 **SONNEL.**

5 **"(a) EMPLOYEES.—**

6 **"(1) IN GENERAL.—**The Chairperson may ap-
7 point and determine the compensation of such em-
8 ployees as the Chairperson determines to be nec-
9 essary to carry out the duties of the Corporation.

10 **"(2) TERMS.—**

11 **"(A) INITIAL TERM.—**

12 **"(i) LENGTH OF TERM.—**Such an em-
13 ployee shall be appointed for an initial
14 term that shall not exceed 5 years.

15 **"(ii) PROBATION PERIOD.—**The
16 Chairperson shall take such action, includ-
17 ing the issuance of rules, regulations, and
18 directives, as shall provide, as nearly as
19 conditions of good administration warrant,
20 for a 1-year period of probation before
21 such an appointment becomes final.

22 **"(B) APPOINTMENT EXTENSIONS.—**The
23 appointment of an employee may be extended if
24 the Chairperson determines that such an exten-

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1 sion is necessary to ensure the continuity of
2 functions under this Act.

3 “(C) APPOINTMENT IN THE COMPETITIVE
4 SERVICE AFTER EMPLOYMENT IN THE COR-
5 PORATION.—

6 “(i) EMPLOYEES WITH NOT LESS
7 THAN 3 YEARS OF EMPLOYMENT.—If an
8 employee, other than a representative de-
9 scribed in section 195(b), [is separated
10 from the Corporation because the appoint-
11 ment of the employee is not extended
12 under subparagraph (B),] and has been
13 continuously employed by the Corporation
14 for a period of not less than 3 years, such
15 period shall be treated as a period of serv-
16 ice in the competitive service for purposes
17 of chapter 33 of title 5, United States
18 Code.

19 “(ii) EMPLOYEES WITH NOT LESS
20 THAN 1 BUT LESS THAN 3 YEARS OF EM-
21 PLOYMENT.—If an employee, other than a
22 representative described in section 195(b),
23 [is separated from the Corporation be-
24 cause the appointment of the employee is
25 not extended under subparagraph (B),]

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1 and has been continuously employed by the
2 Corporation for a period of not less than 1
3 year, but less than 3 years, such period
4 shall be treated as a period of service in
5 the competitive service for purposes of
6 chapter 33 of title 5, United States Code,
7 until the date that is 3 years after the date
8 of separation.

9 **[Transfers are covered separately under**
10 **the specifications, but it is unclear why you**
11 **would need to specify that the established**
12 **rules should apply to their service.]**

13 “(iii) DEFINITION.—As used in this
14 subparagraph, the term ‘competitive serv-
15 ice’ has the meaning given the term in sec-
16 tion 2102 of title 5, United States Code.

17 “(3) APPOINTMENT AND COMPENSATION.—

18 “(A) IN GENERAL.—Except as provided in
19 subparagraphs (B)(iv) and (C)(ii), the Chair-
20 person may appoint and determine the com-
21 pensation of employees under this subsection
22 without regard to the provisions of title 5, Uni-
23 ted States Code, governing appointments in the
24 competitive service, and without regard to the
25 provisions of chapter 51 and subchapter III of

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1 chapter 53 of such title relating to classification
2 and General Schedule pay rates.

3 “(B) CORPORATION SELECTION AND COM-
4 PENSATION SYSTEMS.—

5 “(i) ESTABLISHMENT OF SYSTEM.—

6 The Chairperson, after consultation with
7 the Director of the Office of Personnel
8 Management and after reviewing the rec-
9 ommendations of the Board under section
10 192A(h)(2), shall issue regulations estab-
11 lishing selection and compensation systems
12 for the Corporation. In issuing such regu-
13 lations, the Chairperson shall take into
14 consideration the need for flexibility in
15 such a system.

16 “(ii) APPLICATION.—The Chairperson
17 shall appoint and determine the compensa-
18 tion of employees referred to in paragraph
19 (1), other than representatives described in
20 section 195(b), in accordance with the se-
21 lection and compensation systems referred
22 to in clause (i).

23 “(iii) SELECTION SYSTEM.—The se-
24 lection system shall provide for the selec-

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1 tion of such an employee for such a
2 position—

3 “(I) through a competitive proc-
4 ess; and

5 “(II) on the basis of the quali-
6 fications of applicants and the re-
7 quirements of the position.

8 “(iv) COMPENSATION SYSTEM.—The
9 compensation system shall include a
10 scheme for the classification of positions in
11 the Corporation. The system shall require
12 that the compensation of such an employee
13 be determined based in part on the job
14 performance of the employee, and in a
15 manner consistent with the principles de-
16 scribed in section 5301 of title 5, United
17 States Code. The rate of compensation for
18 each employee compensated through the
19 system shall not exceed the annual rate of
20 basic pay payable for level IV of the Exec-
21 utive Schedule under section 5315 of title
22 5, United States Code.

23 “(C) SELECTION AND COMPENSATION OF
24 CORPORATION REPRESENTATIVES.—

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1 “(i) IN GENERAL.—The Chairperson
2 may appoint and determine the compensa-
3 tion of representatives described in section
4 195(b) without regard to the selection and
5 compensation systems described in sub-
6 paragraph (B).

7 “(ii) LIMITATION ON COMPENSA-
8 TION.—The rate of compensation for each
9 representative described in section 195(b)
10 shall not exceed the maximum rate of basic
11 pay payable for GS-15 of the General
12 Schedule under section 5332 of title 5,
13 United States Code.

14 “(b) CORPORATION REPRESENTATIVE IN EACH
15 STATE.—

16 “(1) DESIGNATION OF REPRESENTATIVE.—The
17 Corporation shall designate 1 employee of the Cor-
18 poration for each State or group of States to serve
19 as the representative of the Corporation in the State
20 or States and to assist the Corporation in carrying
21 out the activities described in this Act in the State
22 or States.

23 “(2) DUTIES.—The representative designated
24 under this subsection for a State or group of States
25 shall serve as the liaison between—

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1 “(A) the Corporation and the State Com-
2 mission that is established in the State or
3 States; and

4 “(B) the Corporation and any subdivision
5 of a State, Indian tribe, public or private non-
6 profit organization, or institution of higher edu-
7 cation, in the State or States, that is awarded
8 a grant under section 121 directly from the
9 Corporation.

10 “(3) MEMBER OF STATE COMMISSION.—The
11 representative designated under this subsection for a
12 State or group of States shall also serve as a voting
13 member of the State Commission established in the
14 State or States.

15 “(c) CONSULTANTS.—The Chairperson may procure
16 the temporary and intermittent services of experts and
17 consultants and compensate the experts and consultants
18 in accordance with section 3109(b) of title 5, United
19 States Code. [If you are trying to exempt the experts and
20 consultants from the competitive service provisions, sec-
21 tion 3109(b) already does that. Is there some aspect of
22 section 3109(b) itself that you are trying to avoid, like
23 the regulations or the upper limit on pay?]

24 “(d) DETAILS OF PERSONNEL.—The head of any
25 Federal department or agency may detail on a reimburs-

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1 able basis, or on a nonreimbursable basis for not to exceed
2 180 calendar days during any fiscal year, as agreed upon
3 by the Chairperson and the head of the Federal agency,
4 any of the personnel of that department or agency to the
5 Corporation to assist the Corporation in carrying out the
6 duties of the Corporation under this Act. Any detail shall
7 not interrupt or otherwise affect the civil service status
8 or privileges of the Federal employee.

9 “(e) ADVISORY COMMITTEES.—

10 “(1) ESTABLISHMENT.—The Chairperson, act-
11 ing upon the recommendation of the Board, may es-
12 tablish advisory committees in the Corporation to
13 advise the Board with respect to national service is-
14 sues, such as the type of programs to be established
15 or assisted under the national service laws, priorities
16 and criteria for such programs, and methods of con-
17 ducting outreach for, and evaluation of, such pro-
18 grams.

19 “(2) COMPOSITION.—Such an advisory commit-
20 tee shall be composed of members appointed by the
21 Chairperson, with such qualifications as the Chair-
22 person may specify.

23 “(3) EXPENSES.—Members of such an advisory
24 committee may be allowed travel expenses as de-
25 scribed in section 192A(e).

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1 “(4) STAFF.—The Chairperson is authorized to
2 appoint and fix the compensation of such staff as
3 the Chairperson determines to be necessary to carry
4 out the functions of the advisory committee, in ac-
5 cordance with subsection (a)(3)(A), and without re-
6 gard to the selection and compensation systems de-
7 scribed in subsection (a)(3)(B). Such compensation
8 shall not exceed the rate described in subsection
9 (a)(3)(C)(ii).

10 **“SEC. 196. ADMINISTRATION.**

11 “(a) DONATIONS.—

12 “(1) SERVICES.—

13 “(A) VOLUNTEERS.—Notwithstanding sec-
14 tion 1342 of title 31, United States Code, the
15 Corporation may solicit and accept the vol-
16 untary services of individuals to assist the Cor-
17 poration in carrying out the duties of the Cor-
18 poration under this Act, and may provide to
19 such individuals the travel expenses described in
20 section 192A(e).

21 “(B) LIMITATION.—Such a volunteer shall
22 not be considered to be a Federal employee and
23 shall not be subject to the provisions of law re-
24 lating to Federal employment, including those
25 relating to hours of work, rates of compensa-

1 tion, leave, unemployment compensation, and
2 Federal employee benefits, except that—

3 “(i) for the purposes of the tort
4 claims provisions of chapter 171 of title
5 28, United States Code, a volunteer under
6 this subtitle shall be considered to be a
7 Federal employee; and

8 “(ii) for the purposes of subchapter I
9 of chapter 81 of title 5, United States
10 Code, relating to compensation to Federal
11 employees for work injuries, volunteers
12 under this subtitle shall be considered to
13 be employees, as defined in section
14 8101(1)(B) of title 5, United States Code,
15 and the provisions of such subchapter shall
16 apply.

17 “(2) PROPERTY.—The Corporation may solicit,
18 accept, use, and dispose of, in furtherance of the
19 purposes of this Act, donations of any money or
20 property, real, personal, or mixed, tangible or intan-
21 gible, received by gift, devise, bequest, or otherwise.

22 “(3) RULES.—The Chairperson shall establish
23 written rules setting forth the criteria to ensure that
24 the solicitation or acceptance of contributions of
25 money or property, real, personal, or mixed, tangible

1 or intangible, received by gift, device, bequest, or
2 otherwise (pursuant to paragraph (2)) will not re-
3 flect unfavorably upon the ability of the Corporation
4 or any employee of the Corporation to carry out the
5 responsibilities or official duties of the Corporation
6 in a fair and objective manner, or compromise the
7 integrity of the programs of the Corporation or any
8 official involved in such programs.

9 “(4) DISPOSITION.—[Upon completion of the
10 use by the Corporation of any property described in
11 paragraph (2), such completion shall be reported to
12 the General Services Administration and such prop-
13 erty shall be disposed of without regard to title II
14 of the Federal Property and Administrative Services
15 Act of 1949 (40 U.S.C. 481 et seq.).]

16 “(5) VOLUNTEER.—As used in this subsection.
17 the term ‘volunteer’ does not include a participant.

18 “(b) CONTRACTS.—

19 “(1) AUTHORITY.—[The Corporation may
20 make such grants, and enter into such contracts and
21 other agreements, with appropriate entities as the
22 Chairperson determines to be necessary to carry out
23 the duties of the Corporation under this Act, without
24 regard to title III of the Federal Property and Ad-
25 ministrative Services Act of 1949 (41 U.S.C. 251 et

Go back to
original
language

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1 seq.), and the Office of Federal Procurement Policy
2 ~~Act (41 U.S.C. 401 et seq.).~~

3 “(2) REGULATIONS.—The Chairperson may
4 issue regulations with respect to making such
5 grants, and entering into such contracts and other
6 instruments.

7 “(3) ACCOUNTS, DOCUMENTS, AND INFORMA-
8 TION.—The Chairperson may determine and main-
9 tain a system of accounts for the Corporation, deter-
10 mine the form and contents of the contracts, grants,
11 and other documents of the Corporation, and gather
12 or request information relative to the functions of
13 the Corporation, without regard to section 1111 of
14 title 31, United States Code, and without regard to
15 chapters 21, 25, 27, 29, 31, and 35 of title 44,
16 United States Code.”.]

17 (b) DOMESTIC VOLUNTEER SERVICE ACT OF
18 1973.—Section 401 of the Domestic Volunteer Service Act
19 of 1973 (42 U.S.C. 5041) is amended by inserting after
20 the second sentence the following: “The Director shall re-
21 port directly to the Chairperson of the Corporation for Na-
22 tional Service.”.

23 (c) TRANSFER OF FUNCTIONS OF COMMISSION ON
24 NATIONAL AND COMMUNITY SERVICE.—

1 (1) DEFINITIONS.—For purposes of this sub-
2 section, unless otherwise provided or indicated by
3 the context, each term specified in section 203(c)(1)
4 shall have the meaning given the term in such sec-
5 tion.

6 (2) TRANSFER OF FUNCTIONS.—There are
7 transferred to the Corporation the functions that the
8 Board of Directors or Executive Director of the
9 Commission on National and Community Service ex-
10 exercised before the effective date of this subsection
11 (including all related functions of any officer or em-
12 ployee of the Commission).

13 (3) APPLICATION.—The provisions of para-
14 graphs (3) through (10) of section 203(c) shall
15 apply with respect to the transfer described in para-
16 graph (2), except that—

17 (A) for purposes of such application, ref-
18 erences to the term “ACTION Agency” shall be
19 deemed to be references to the Corporation; and

20 (B) paragraph (10) of such section shall
21 not preclude the transfer of the members of the
22 Board of Directors of the Commission to the
23 Corporation if, on the effective date of this sub-
24 section, the Board of Directors of the Corpora-
25 tion has not been confirmed.

1 (d) CONTINUING PERFORMANCE OF CERTAIN FUNC-
2 TIONS.—The individuals who, on the day before the date
3 of enactment of this Act, are performing any of the func-
4 tions required by section 190 of the National and Commu-
5 nity Service Act of 1990 (42 U.S.C. 12651), as in effect
6 on such date, to be performed by the members of the
7 Board of Directors of the Commission on National and
8 Community Service may, subject to section 193A of the
9 National and Community Service Act of 1990, as added
10 by subsection (a) of this section, continue to perform such
11 functions until the date on the Board of Directors of the
12 Corporation for National Service conducts the first meet-
13 ing of the Board. The service of such individuals as mem-
14 bers of the Board of Directors of such Commission, and
15 the employment of such individuals as special government
16 employees, shall terminate on such date.

17 (e) JOB SEARCH ASSISTANCE.—The Chairperson
18 shall establish a program to provide, or shall seek to enter
19 into a memorandum of understanding with the Director
20 of the Office of Personnel Management to provide, job
21 search and related assistance to employees of the ACTION
22 agency who are not transferred to the Corporation for Na-
23 tional Service under section 203(c).

24 (f) TABLE OF CONTENTS.—Section 1(b) of the Na-
25 tional and Community Service Act of 1990 (Public Law

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1 101-610; 104 Stat. 3127) is amended by striking the
2 items relating to subtitle G of title I of such Act and in-
3 serting the following:

“Subtitle G—Corporation for National Service

- “Sec. 191. Corporation for National Service.
- “Sec. 192. Board of Directors.
- “Sec. 192A. Authorities and duties of the Board of Directors.
- “Sec. 193. Chairperson and Director.
- “Sec. 193A. Authorities and duties of the Chairperson.
- “Sec. 194. Officers.
- “Sec. 195. Employees, consultants, and other personnel.
- “Sec. 196. Administration.”.

4 (g) EFFECTIVE DATES.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2), the amendments made by this section
7 shall take effect on October 1, 1993.

8 (2) ESTABLISHMENT AND APPOINTMENT AU-
9 THORITIES.—Sections 191, 192, and 193 of the Na-
10 tional and Community Service Act of 1990, as added
11 by subsection (a), shall take effect on the date of en-
12 actment of this Act.

13 **SEC. 203. FINAL AUTHORITIES OF THE CORPORATION FOR**
14 **NATIONAL SERVICE.**

15 (a) NATIONAL AND COMMUNITY SERVICE ACT OF
16 1990.—

17 (1) APPLICATION.—Subtitle I of the National
18 and Community Service Act of 1990 (as amended by
19 section 202 of this Act) is amended in section 191,
20 paragraphs (1) and (3) of section 192A(h), section
21 193(c), subsections (b), (c) (other than paragraph

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1 (8)), and (d) of section 193A, subsections (a), (b),
2 and (d) of section 195, and subsections (a) and (b)
3 of section 196, by striking "this Act" each place the
4 term appears and inserting "the national service
5 laws".

6 (2) GRANTS.—Section 192A(h) of the National
7 and Community Service Act of 1990 (as added by
8 section 202 of this Act) is amended—

9 (A) by striking "and" at the end of para-
10 graph (8);

11 (B) by redesignating paragraph (9) as
12 paragraph (10); and

13 (C) by inserting after paragraph (8) the
14 following:

15 "(9) notwithstanding any other provision of
16 law, make grants to or contracts with Federal or
17 other public departments or agencies and private
18 nonprofit organizations for the assignment or refer-
19 ral of volunteers under the provisions of the Domes-
20 tic Volunteer Service Act of 1973 (except as pro-
21 vided in section 108 of the Domestic Volunteer Serv-
22 ice Act of 1973), which may provide that the agency
23 or organization shall pay all or a part of the costs
24 of the program; and".

1 (b) AUTHORITIES OF ACTION AGENCY.—Sections
2 401 and 402 of the Domestic Volunteer Service Act of
3 1973 (42 U.S.C. 5041 and 5042) are repealed.

4 (c) TRANSFER OF FUNCTIONS FROM ACTION
5 AGENCY.—

6 (1) DEFINITIONS.—For purposes of this sub-
7 section, unless otherwise provided or indicated by
8 the context—

9 (A) the term “Chairperson” means the
10 Chairperson of the Corporation;

11 (B) the term “Corporation” means the
12 Corporation for National Service, established
13 under section 191 of the National and Commu-
14 nity Service Act of 1990;

15 (C) the term “Federal agency” has the
16 meaning given to the term “agency” by section
17 551(1) of title 5, United States Code;

18 (D) the term “function” means any duty,
19 obligation, power, authority, responsibility,
20 right, privilege, activity, or program; and

21 (E) the term “office” includes any office,
22 administration, agency, institute, unit, organi-
23 zational entity, or component thereof.

24 (2) TRANSFER OF FUNCTIONS.—There are
25 transferred to the Corporation such functions as the

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1 President determines to be appropriate that the Di-
2 rector of the ACTION Agency exercised before the
3 effective date of this subsection (including all related
4 functions of any officer or employee of the ACTION
5 Agency).

6 (3) DETERMINATIONS OF CERTAIN FUNCTIONS
7 BY THE OFFICE OF MANAGEMENT AND BUDGET.—
8 If necessary, the Office of Management and Budget
9 shall make any determination of the functions that
10 are transferred under paragraph (2).

11 (4) REORGANIZATION.—The Chairperson is au-
12 thorized to allocate or reallocate any function trans-
13 ferred under paragraph (2) among the officers of the
14 Corporation.

15 (5) TRANSFER AND ALLOCATIONS OF APPRO-
16 PRIATIONS AND PERSONNEL.—Except as otherwise
17 provided in this subsection, the personnel employed
18 in connection with, and the assets, liabilities, con-
19 tracts, property, records, and unexpended balances
20 of appropriations, authorizations, allocations, and
21 other funds employed, used, held, arising from,
22 available to, or to be made available in connection
23 with the functions transferred by this subsection,
24 subject to section 1531 of title 31, United States
25 Code, shall be transferred to the Corporation. Unex-

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1 pended funds transferred pursuant to this paragraph
2 shall be used only for the purposes for which the
3 funds were originally authorized and appropriated.

4 (6) INCIDENTAL TRANSFER.—The Director of
5 the Office of Management and Budget, at such time
6 or times as the Director shall provide, is authorized
7 to make such determinations as may be necessary
8 with regard to the functions transferred by this sub-
9 section, and to make such additional incidental dis-
10 positions of personnel, assets, liabilities, grants, con-
11 tracts, property, records, and unexpended balances
12 of appropriations, authorizations, allocations, and
13 other funds held, used, arising from, available to, or
14 to be made available in connection with such func-
15 tions, as may be necessary to carry out the provi-
16 sions of this subsection. The Director of the Office
17 of Management and Budget shall provide for the ter-
18 mination of the affairs of all entities terminated by
19 this subsection and for such further measures and
20 dispositions as may be necessary to effectuate the
21 purposes of this subsection.

22 (7) EFFECT ON PERSONNEL.—

23 (A) IN GENERAL.—Except as otherwise
24 provided by this subsection, the transfer pursu-
25 ant to this subsection of full-time personnel (ex-

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1 cept special Government employees) and part-
2 time personnel holding permanent positions
3 shall not cause any such employee to be sepa-
4 rated or reduced in grade or compensation, or
5 to have the benefits of the employee reduced,
6 for 1 year after the date of transfer of such em-
7 ployee under this subsection.

8 (B) EXECUTIVE SCHEDULE POSITIONS.—
9 Except as otherwise provided in this subsection,
10 any person who, on the day preceding the effec-
11 tive date of this subsection, held a position com-
12 pensated in accordance with the Executive
13 Schedule prescribed in chapter 53 of title 5,
14 United States Code, and who, without a break
15 in service, is appointed in the Corporation to a
16 position having duties comparable to the duties
17 performed immediately preceding such appoint-
18 ment shall continue to be compensated in such
19 new position at not less than the rate provided
20 for such previous position, for the duration of
21 the service of such person in such new position.

22 (C) TERMINATION OF CERTAIN POSI-
23 TIONS.—Positions whose incumbents are ap-
24 pointed by the President, by and with the ad-
25 vice and consent of the Senate, the functions of

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1 which are transferred by this subsection, shall
2 terminate on the effective date of this sub-
3 section.

4 (8) SAVINGS PROVISIONS.—

5 (A) CONTINUING EFFECT OF LEGAL DOCU-
6 MENTS.—All orders, determinations, rules, reg-
7 ulations, permits, agreements, grants, contracts,
8 certificates, licenses, registrations, privileges,
9 and other administrative actions—

10 (i) that have been issued, made,
11 granted, or allowed to become effective by
12 the President, any Federal agency or offi-
13 cial thereof, or by a court of competent ju-
14 risdiction, in the performance of functions
15 that are transferred under this subsection;
16 and

17 (ii) that are in effect at the time this
18 subsection takes effect, or were final before
19 the effective date of this subsection and
20 are to become effective on or after the ef-
21 fective date of this subsection,

22 shall continue in effect according to their terms
23 until modified, terminated, superseded, set
24 aside, or revoked in accordance with law by the
25 President, the Chairperson, or other authorized

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1 official, a court of competent jurisdiction, or by
2 operation of law.

3 (B) PROCEEDINGS NOT AFFECTED.—The
4 provisions of this subsection shall not affect any
5 proceedings, including notices of proposed rule-
6 making, or any application for any license, per-
7 mit, certificate, or financial assistance pending
8 before the ACTION Agency at the time this
9 subsection takes effect, with respect to func-
10 tions transferred by this subsection but such
11 proceedings and applications shall be continued.
12 Orders shall be issued in such proceedings, ap-
13 peals shall be taken therefrom, and payments
14 shall be made pursuant to such orders, as if
15 this subsection had not been enacted, and or-
16 ders issued in any such proceedings shall con-
17 tinue in effect until modified, terminated, su-
18 perseded, or revoked by a duly authorized offi-
19 cial, by a court of competent jurisdiction, or by
20 operation of law. Nothing in this subparagraph
21 shall be deemed to prohibit the discontinuance
22 or modification of any such proceeding under
23 the same terms and conditions and to the same
24 extent that such proceeding could have been

1 discontinued or modified if this subsection had
2 not been enacted.

3 (C) SUITS NOT AFFECTED.—The provi-
4 sions of this subsection shall not affect suits
5 commenced before the effective date of this sub-
6 section, and in all such suits, proceedings shall
7 be had, appeals taken, and judgments rendered
8 in the same manner and with the same effect
9 as if this subsection had not been enacted.

10 (D) NONABATEMENT OF ACTIONS.—No
11 suit, action, or other proceeding commenced by
12 or against the ACTION Agency, or by or
13 against any individual in the official capacity of
14 such individual as an officer of the ACTION
15 Agency, shall abate by reason of the enactment
16 of this subsection.

17 (E) ADMINISTRATIVE ACTIONS RELATING
18 TO PROMULGATION OF REGULATIONS.—Any ad-
19 ministrative action relating to the preparation
20 or promulgation of a regulation by the AC-
21 TION Agency relating to a function transferred
22 under this subsection may be continued by the
23 Corporation with the same effect as if this sub-
24 section had not been enacted.

Jack and Shirley, here are the last few changes in the bill that I hope we can make. Robert

1. p. 79/line 24. Let's cut "must be operated directly by the applicant." Lines 20-23 ensure that the Corporation will rule directly on all such applications; if we make this cut, states will be able to apply competitively on behalf of professional corps. We will have the control we want over the situation, and these corps will enter into states planning -- as they should.

2. To Shirley's laundry list in the Fund for Quality... Add: To develop and disseminate formal contracts and other measures that will promote ethical conduct and esprit de corps in national service programs.

3. Wherever we have the part about participants leaving the program in hardship, we should add a section stating that if participants violate reasonable rules of conduct, they may be dismissed from programs.

4. In Shirley's new section 127, leadership and past record should be more clearly highlighted. They should appear third on the list instead of fifth, and the section could read: "(5) Leadership of the program, its past performance and the past performance of the leaders, and the extent to which it builds on successful existing programs."

5. New section (probably up front with special rule for transfers to federal agencies): Transfers to federal agencies shall only be made when agencies can clearly demonstrate that they have attempted to fund their programs from other sources. Such transfers shall be available for a nonrenewable period of three years.

6. In the sections on awards, we should change the participant awards from "outstanding" to "outstanding or significant." We should also eliminate the sections on numbers of awards, consultation with governors, and non-participation of award-winners in our program. If there is ever an award program, in the spirit of democracy it should be very widely available. With these changes we can use this authority to make it so.

7. Can we discuss Michael Camunez's suggestions that (1) states be encouraged to show who they will fund, not to make grants, and (2) specific language indicate that we want program money and slots to go into a limited number of programs? The second suggestion in particular seems good.

8. On Shirley's "National Leadership Pool": "From among individuals recruited under (b) **and directly by programs and referred to the Corporation....**

9. Need to add "significant" to description of in-college service programs.

OUTSTANDING POLICY ISSUES

1. Handling state corps:
 - ✓ prohibition on commissions' operating anything
 - ✓ limit on state allocation to other state entity
 - state program match requirement
2. Evaluations
 - ✓ evaluating programs
 - ⊖ evaluating states
 - ✓ using evaluations
3. Allocation of funds: state formula/state competitive/federal
 - ⊖ rejection of state plans
 - ✓ reallocation mechanism
- ✓ 4. State commissions
 - number of members
 - membership
 - selection
- ✓ 5. Inspector General
- ✓ 6. Federal functions
 - advertising
 - national esprit: requiring pledges, contracts, etc.
 - clearinghouse
 - other roles needing specification
- ✓ 7. Fundraising
 - ability to solicit and accept contributions
 - role of POLF or other foundation
- ✓ 8. Stipend
 - below-minimum
 - above-maximum
9. ? VISTA
 - ⊖ post-service benefit application
10. Government reorganization issues
 - civil service ACTION employees
 - 5 year rule
 - interim head of corporation
 - budget
 - procurement
 - contracting
11. Post-service benefit
 - value
 - grad school
 - scoring in financial aid evaluations

12. Corporation Board
 - recusal provisions
 - subsidiary task forces in particular fields
13. Part-time service
14. Decertification

1 **SEC. 104. DEFINITIONS.**

2 (a) IN GENERAL.—Section 101 of the National and
3 Community Service Act of 1990 (42 U.S.C. 12511) is
4 amended to read as follows:

5 **“SEC. 101. DEFINITIONS.**

6 “For purposes of this title:

7 “(1) ADULT VOLUNTEER.—The term ‘adult vol-
8 unteer’ means an individual, such as an older adult,
9 an individual with a disability, a parent, or an em-
10 ployee of a business or public or private nonprofit
11 agency, who—

12 “(A) works without financial remuneration
13 in an educational institution to assist students
14 or out-of-school youth; and

15 “(B) is beyond the age of compulsory
16 school attendance in the State in which the edu-
17 cational institution is located.

18 “(2) APPROVED NATIONAL SERVICE POSI-
19 TION.—The term ‘approved national service position’
20 means a national service position designated under
21 section 137 as a position that includes a post-service
22 educational benefit described in section 147 as one
23 of the benefits to be provided for successful service
24 in the position.

25 “(3) COMMUNITY-BASED AGENCY.—The term
26 ‘community-based agency’ means a private nonprofit

1 organization that is representative of a community
2 or a significant segment of a community and that is
3 engaged in meeting human, educational, environ-
4 mental, or public safety community needs.

5 “(4) CORPORATION.—The term ‘Corporation’
6 means the Corporation for National Service estab-
7 lished under section 191.

8 “(5) DIRECTOR.—The term ‘Director’, except
9 when used as part of the term ‘Managing Director’
10 or ‘Director of the Civilian Community Corps’,
11 means the Chairperson and Executive Director of
12 the Corporation appointed under section 191C.

13 “(6) ECONOMICALLY DISADVANTAGED.—The
14 term ‘economically disadvantaged’ has the same
15 meaning given such term in section 4(8) of the Job
16 Training Partnership Act (29 U.S.C. 1503(8)).

17 “(7) ELEMENTARY SCHOOL.—The term ‘ele-
18 mentary school’ has the same meaning given such
19 term in section 1471(8) of the Elementary and Sec-
20 ondary Education Act of 1965 (20 U.S.C. 2891(8)).

21 “(8) INDIAN.—The term ‘Indian’ means a per-
22 son who is a member of an Indian tribe.

23 “(9) INDIAN LANDS.—The term ‘Indian lands’
24 means any real property owned by an Indian tribe,
25 any real property held in trust by the United States

1 for an Indian or Indian tribe, and any real property
2 held by an Indian or Indian tribe that is subject to
3 restrictions on alienation imposed by the United
4 States.

5 “(10) INDIAN TRIBE.—The term ‘Indian tribe’
6 means an Indian tribe, band, nation, or other orga-
7 nized group or community, including any Native vil-
8 lage, Regional Corporation, or Village Corporation,
9 as defined in subsection (c), (g), or (j), respectively,
10 of section 3 of the Alaska Native Claims Settlement
11 Act (43 U.S.C. 1602 (c), (g), or (j)), that is recog-
12 nized as eligible for the special programs and serv-
13 ices provided by the United States to Indians be-
14 cause of their status as Indians.

15 “(11) INSTITUTION OF HIGHER EDUCATION.—
16 The term ‘institution of higher education’ has the
17 same meaning given such term in section 1201(a) of
18 the Higher Education Act of 1965 (20 U.S.C.
19 1141(a)).

20 “(12) LOCAL EDUCATIONAL AGENCY.—The
21 term ‘local educational agency’ has the same mean-
22 ing given such term in section 1471(12) of the Ele-
23 mentary and Secondary Education Act of 1965 (20
24 U.S.C. 2891(12)).

1 “(13) NATIONAL SERVICE LAWS.—The term
2 ‘national service laws’ means this Act and the Do-
3 mestic Volunteer Service Act of 1973 (42 U.S.C.
4 4950 et seq.).

5 “(14) OUT-OF-SCHOOL YOUTH.—The term ‘out-
6 of-school youth’ means an individual who—

7 “(A) has not attained the age of 27;

8 “(B) has not completed college or the
9 equivalent thereof; and

10 “(C) is not enrolled in an elementary or
11 secondary school or institution of higher edu-
12 cation.

13 “(15) PARTICIPANT.—The term ‘participant’
14 means an individual enrolled in a program. A partic-
15 ipant shall not be considered to be an employee of
16 the program in which the participant is enrolled.

17 “(16) PARTNERSHIP PROGRAM.—The term
18 ‘partnership program’ means a program through
19 which an adult volunteer, a public or private non-
20 profit agency, an institution of higher education, or
21 a business assists a local educational agency.

22 “(17) PROGRAM.—The term ‘program’
23 means—

24 “(A) a service-learning program described
25 in section 111;

1 “(B) a community-based service program
2 described in section 117E;

3 “(C) an innovative program described in
4 section 118;

5 “(D) a national service program described
6 in section 122;

7 “(E) a program described in section 156,
8 160, 165, **[166]**, or 167; or

9 “(F) a national service program or sum-
10 mer national service program referred to in sec-
11 tion 195A,

12 that receives assistance under this title.

13 “(18) PROJECT.—The term ‘project’ means an
14 activity, **[carried out through a program,]** that re-
15 sults in a specific identifiable service or product that
16 otherwise would not be provided with existing funds,
17 and that does not duplicate the routine services or
18 functions of the service sponsor with whom partici-
19 pants are placed. **[Why not cover most of this in**
20 sections 173 (relating to supplementation) and
21 177(a) (relating to nonduplication)?**]**

22 “(19) SCHOOL-AGE YOUTH.—The term ‘school-
23 age youth’ means an individual between the ages of
24 5 and 18, inclusive.

1 “(20) SECONDARY SCHOOL.—The term ‘second-
2 ary school’ has the same meaning given such term
3 in section 1471(21) of the Elementary and Second-
4 ary Education Act of 1965 (20 U.S.C. 2891(21)).

5 “(21) SERVICE-LEARNING.—The term ‘service-
6 learning’ means a method—

7 “(A) under which students or participants
8 learn and develop through active participation
9 in a thoughtfully organized service experience
10 that—

11 “(i) is conducted in and meets the
12 needs of a community;

13 “(ii) is coordinated with an elemen-
14 tary school, secondary school, institution of
15 higher education, or community service
16 program, and with the community; and

17 “(iii) helps foster the development of
18 a sense of caring for others; and

19 “(B) that is integrated into and enhances
20 the academic curriculum of the students, or the
21 educational components of the community serv-
22 ice program in which the participants are en-
23 rolled, **【or】** provides structured time for the
24 students or participants to reflect on the service
25 experience.

1 “(22) SERVICE-LEARNING COORDINATOR.—The
2 term ‘service-learning coordinator’ means an individ-
3 ual who provides services as described in section
4 _____.

5 “(23) SERVICE OPPORTUNITY.—The term ‘serv-
6 ice opportunity’ means a **【project,】** including a serv-
7 ice-learning **【project,】** that enables participants to
8 perform meaningful and constructive service in agen-
9 cies, institutions, and situations, in which the appli-
10 cation of human talent and dedication may help to
11 meet human, educational, environmental, or public
12 safety community needs.

13 “(24) SERVICE SPONSOR.—The term ‘service
14 sponsor’ means an organization, or other entity, that
15 has been selected to provide a placement for a par-
16 ticipant.

17 “(25) STATE.—The term ‘State’ means each of
18 the several States, the District of Columbia, the
19 Commonwealth of Puerto Rico, the Virgin Islands,
20 Guam, American Samoa, and the Commonwealth of
21 the Northern Mariana Islands. The term also in-
22 cludes Palau, until such time as the Compact of
23 Free Association is ratified.

1 “(26) STATE COMMISSION.—The term ‘State
2 Commission’ means a State Commission on National
3 Service established pursuant to section 178.

4 “(27) STATE EDUCATIONAL AGENCY.—The
5 term ‘State educational agency’ has the same mean-
6 ing given such term in section 1471(23) of the Ele-
7 mentary and Secondary Education Act of 1965 (20
8 U.S.C. 2891(23)).

9 “(28) STUDENT.—The term ‘student’ means an
10 individual who is enrolled in an elementary or sec-
11 ondary school or institution of higher education on
12 a full- or part-time basis.”.

13 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

14 (1) Section 182(a)(2) of the National and Com-
15 munity Service Act of 1990 (42 U.S.C. 12642(a)(2))
16 is amended by striking “adult volunteer and partner-
17 ship” each place the term appears and inserting
18 “partnership”.

19 (2) Section 182(a)(3) of the National and Com-
20 munity Service Act of 1990 (42 U.S.C. 12642(a)(3))
21 is amended by striking “adult volunteer and partner-
22 ship” and inserting “partnership”.

23 (3) Section 441(c)(2) of the Higher Education
24 Act of 1965 (20 U.S.C. 2751(c)(2)) is amended by
25 striking “service opportunities or youth corps as de-

1 fined in section 101 of the National and Community
2 Service Act of 1990, and service in the agencies, in-
3 stitutions and activities designated in section 124(a)
4 of the National and Community Service Act of
5 1990” and inserting “a service opportunity, as de-
6 fined in section 101(23) of the National and Com-
7 munity Service Act of 1990 (42 U.S.C.
8 12511(23))”. **【The term service opportunity seems**
9 to be broad enough to encompass service in a youth
10 corps or service under subtitle C generally.**】**

11 (4) Section 1122(a)(2)(C) of the Higher Edu-
12 cation Act of 1965 (20 U.S.C. 1137a(a)(2)(C)) is
13 amended by striking “youth corps as defined in sec-
14 tion 101(30) of the National and Community Service
15 Act of 1990” and inserting “youth corps programs,
16 as described in section 122(a)(1) of the National
17 and Community Service Act of 1990”.

18 (5) Section 1201(p) of the Higher Education
19 Act of 1965 (20 U.S.C. 1141(p)) is amended by
20 striking “section 101(22) of the National and Com-
21 munity Service Act of 1990” and inserting “section
22 101(21) of the National and Community Service Act
23 of 1990 (42 U.S.C. 12511(21))”.

Criticisms

1. Program is too ~~expensive~~ expensive; why spend \$7.4 billion on this
 - a) right wing Republicans
 - b) liberal education community
2. Program is too small; why only 150,000 kids vs. millions with loans outstanding
3. You're just creating another government bureaucracy.
4. You're creating a ^{make-}work project
5. You're displacing skilled workers
6. Kids are spoiled; they'll default
7. You're paying kids 2X -- once for the stipend and once for the loan forgiveness

103D CONGRESS
1ST SESSION/

S. _____

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice and
referred to the Committee on _____

A BILL

To amend the National and Community Service Act of 1990
to establish a Corporation for National Service, enhance
opportunities for national service, and provide national
service educational awards to persons participating in
such service, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “National Service Trust Act of 1993”.

6 (b) **TABLE OF CONTENTS.**—The table of contents is
7 as follows:

Sec. 1. Short title; table of contents.

TITLE I—PROGRAMS

2

- Sec. 101. Federal investment in support of national service.
- Sec. 102. National Service Trust and provision of national service educational awards.
- Sec. 103. Amendments to programs for students and out-of-school youth.
- Sec. 104. Quality and innovation activities.
- Sec. 105. Definitions.

TITLE II—ORGANIZATION

- Sec. 201. *Corporation??* State Commissions on National Service.

TITLE III—HIGHER EDUCATION

- Sec. 301. Higher education.

TITLE IV—REAUTHORIZATION

Subtitle A—National and Community Service Act of 1990

- Sec. 401. Authorization of appropriations.

Subtitle B—Domestic Volunteer Service Act of 1973

- Sec. 411. Short title; references.

CHAPTER 1—VISTA AND OTHER ANTI-POVERTY PROGRAMS

- Sec. 421. Purpose of the VISTA program.
- Sec. 422. Selection and assignment of VISTA volunteers.
- Sec. 423. Terms and periods of service.
- Sec. 424. Support for VISTA volunteers.
- Sec. 425. Participation of younger and older persons.
- Sec. 426. Literacy activities.
- Sec. 427. Applications for assistance.
- Sec. 428. Repeal of authority for student community service programs.
- Sec. 429. University year for VISTA.
- Sec. 430. Authority to establish and operate special volunteer and demonstration programs.
- Sec. 431. Technical and financial assistance.
- Sec. 432. Elimination of separate authority for drug abuse programs.

CHAPTER 2—NATIONAL SENIOR VOLUNTEER CORPS

- Sec. 441. National Senior Volunteer Corps.
- Sec. 442. The Retired and Senior Volunteer Program.
- Sec. 443. Operation of the Retired and Senior Volunteer Program.
- Sec. 444. Services under the Foster Grandparent Program.
- Sec. 445. Stipends for low-income volunteers.
- Sec. 446. Participation of non-low-income persons under parts B and C.
- Sec. 447. Conditions of grants and contracts.
- Sec. 448. Evaluation of the Senior Companion Program.
- Sec. 449. Agreements with other Federal agencies.
- Sec. 450. Programs of national significance.
- Sec. 451. Adjustments to Federal financial assistance.
- Sec. 452. Arrangements with private, profit-making organizations.
- Sec. 453. Demonstration programs.

CHAPTER 3—ADMINISTRATION

3

- Sec. 461. Purpose of agency.
- Sec. 462. Authority of the Director.
- Sec. 463. Compensation for volunteers.
- Sec. 464. Repeal of report on annual recruitment plan.
- Sec. 465. Application of Federal law.
- Sec. 466. Evaluation of programs.
- Sec. 467. Nondiscrimination provisions.
- Sec. 468. Elimination of separate requirements for setting regulations.
- Sec. 469. Clarification of role of Inspector General.
- Sec. 470. Copyright protection.
- Sec. 471. Center for research and training.
- Sec. 472. Deposit requirement credit for service as a volunteer.

CHAPTER 4—AUTHORIZATION OF APPROPRIATIONS AND OTHER
AMENDMENTS

- Sec. 481. Authorization of appropriations for title I.
- Sec. 482. Authorization of appropriations for title II.
- Sec. 483. Authorization of appropriations for title IV.
- Sec. 484. Conforming amendments; compensation for VISTA FECA claimants.
- Sec. 485. Repeal of authority for ~~Youthbuild Program~~.
- Sec. 486. Effective date.

TITLE V—TECHNICAL AND CONFORMING AMENDMENTS

- Sec. 501. Definition of Director.
- Sec. 502. References to ACTION and the ACTION Agency in the national service laws.
- Sec. 503. References to ACTION and the ACTION Agency in other laws.
- Sec. 504. Definition of Corporation.
- Sec. 505. References to Commission.
- Sec. 506. Effective date.

- 1 **TITLE I—PROGRAMS**
- 2 **SEC. 101. FEDERAL INVESTMENT IN SUPPORT OF NA-**
- 3 **TIONAL SERVICE.**
- 4 (a) ASSISTANCE PROGRAM AUTHORIZED.—Subtitle C
- 5 of title I of the National and Community Service Act of
- 6 1990 (42 U.S.C. 12541 et seq.) is amended to read as
- 7 follows:

1 **"Subtitle C—National Service** *TRUST* 2 **Program**

3 **"PART I—INVESTMENT IN NATIONAL SERVICE**

4 **"SEC. 121. AUTHORITY TO PROVIDE ASSISTANCE TO NA-** 5 **TIONAL SERVICE PROGRAMS.** ***

6 ^{ASSISTANCE}
 6 ~~"(a) GRANTS.~~ *For National Service*—The Corporation may make grants to
 7 States, subdivisions of States, Indian tribes, public and
 8 private nonprofit organizations, and institutions of higher
 9 education for the purpose of—

10 "(1) assisting the recipients of the grants to
 11 carry out full- or part-time national service pro-
 12 grams, including summer programs, and make
 13 grants in support of national service programs car-
 14 ried out by other entities; ~~and that~~ *are eligible to offer*
 15 ^{(b) The Corporation may provide} ~~"(2) providing~~ national service educational
 16 awards described in subtitle D ~~to~~ *for* the participants
 17 who serve in such programs.

18 ^C
 18 ~~"(b)~~ *AGREEMENTS WITH FEDERAL AGENCIES.*—The
 19 Corporation may enter into a contract or cooperative
 20 agreement with another Federal agency to support a na-
 21 tional service program carried out by the agency. The sup-
 22 port provided by the Corporation pursuant to the contract
 23 or cooperative agreement may include—

Make sure use same language for just Corporation

educational awards are eligible to offer as a benefit to participants who serve in such programs, a

1 “(1) the transfer to the Federal agency of
2 funds available to the Corporation under this part;
3 and

4 “(2) the provision of national service edu-
5 cational awards described in subtitle D to the par-
6 ticipants who serve in the supported program.

7 “(c) ^d LIMITATION ON ADMINISTRATIVE COSTS.—The
8 recipient of a grant or transfer of assistance under this
9 section may not use more than 5 percent of the amount
10 of the assistance to cover administrative costs incurred by
11 the recipient with respect to the assistance, including costs
12 to administer any grant program using the assistance in
13 support of other national service programs.

14 **“SEC. 122. TYPES OF NATIONAL SERVICE PROGRAMS ELIGI-**
15 **BLE FOR PROGRAM ASSISTANCE.**

16 “(a) ELIGIBLE NATIONAL SERVICE PROGRAMS.—
17 The recipient of a grant under section 121(a) and each
18 Federal agency receiving assistance under subsection
19 121(b) shall use the assistance, directly or through
20 subgrants to other entities, to carry out full- or part-time
21 national service programs, including summer programs,
22 that address unmet human, educational, environmental, or
23 public safety needs. Subject to subsection (b)(1), these na-
24 tional service programs may include the following types
25 of national service programs:

1 individuals after such training in positions, including
2 positions as service-learning coordinators, to facili-
3 tate service-learning in programs eligible for funding
4 under subtitle B.

5 “(4) A service program targeted at specific
6 unmet human, educational, environmental, or public
7 safety needs that—

8 “(A) recruits individuals with special skills
9 or provides specialized preservice training to en-
10 able participants to be placed individually or in
11 teams in positions in which the participants can
12 meet such unmet needs; *and*

13 “(B) brings participants together for addi-
14 tional training and other activities designed to
15 foster civic responsibility, increase the skills of
16 participants, and improve the quality of the
17 service provided.

18 “(5) An individualized placement program that
19 includes regular group activities, such as leadership
20 training and special service projects.

21 “(6) A campus-based program that is designed
22 to provide substantial service in a community during
23 the school year and during summer or other vaca-
24 tion periods through the use of—

1 “(A) students who are attending an insti-
2 tution of higher education, including students
3 supported by work-study funds;

4 “(B) teams composed of such students; or

5 “(C) teams composed of a combination of
6 such students and community residents ~~or rep-~~
7 ~~resentatives of the institution.~~

8 “(7) A preprofessional training program in
9 which students enrolled in an institution of higher
10 education—

11 “(A) receive training in specified fields,
12 which may include classes containing service-
13 learning;

14 “(B) perform service related to such train-
15 ing outside the classroom during the school
16 year and during summer or other vacation peri-
17 ods; and

18 “(C) agree upon graduation to provide
19 service to meet unmet human, educational, en-
20 vironmental, or public safety needs related to
21 such training.

22 “(8) A professional corps program that recruits
23 and places qualified participants in positions—

24 “(A) as teachers, nurses, police officers,
25 early childhood development staff, or other pro-

1 professionals providing educational, human service,
2 environmental, or public safety service in com-
3 munities with an inadequate number of such
4 professionals;

5 “(B) that may include a salary in excess of
6 the maximum living allowance authorized in
7 subsection (a)(3) of section 140, as provided in
8 subsection (b) of such section; and

9 ~~“(B)~~ that are sponsored by public or pri-
10 vate nonprofit employers who agree to pay 100
11 percent of the salaries and awards (other than
12 any national service educational award under
13 subtitle D) of the participants.

14 “(9) A program in which economically dis-
15 advantaged individuals who are 16 to 24 years of
16 age, inclusive, are provided with opportunities to
17 perform service that, while enabling such individuals
18 to obtain the education and employment skills nec-
19 essary to achieve economic self-sufficiency, will help
20 their communities meet—

21 “(A) the housing needs of low-income fam-
22 ilies and the homeless; and

23 “(B) the need for community facilities in
24 low-income areas.

1 “(10) A national service entrepreneur program
2 that identifies, recruits, and trains gifted young
3 adults of all backgrounds and assists them in de-
4 signing solutions to community problems.

5 “(11) An intergenerational program that com-
6 bines students, out-of-school youths, and older
7 adults as participants to provide needed community
8 services.

9 “(12) Such other national service programs ad-
10 dressing unmet human, educational, environmental,
11 or public safety needs as the Corporation may des-
12 ignate.

13 “(b) QUALIFICATION CRITERIA TO DETERMINE ELI-
14 GIBILITY.—

15 “(1) ESTABLISHMENT BY CORPORATION.—The
16 Corporation shall establish qualification criteria for
17 different types of national service programs for the
18 purpose of determining whether a particular national
19 service program should be considered to be a na-
20 tional service program eligible to receive assistance
21 or national service ~~educational~~ positions under this
22 subtitle. ~~To obtain advice in establishing the quali-~~
23 ~~fication criteria, the Corporation may convene panels~~
24 ~~of~~ individuals who are experts regarding national
25 service or regarding the delivery of human, edu-

in consultation with

~~amended~~
~~amended~~

1 cational, environmental, ^{or} ~~and~~ public safety services to
2 communities ^{or} ~~and~~ persons.

3 “(2) APPLICATION TO SUBGRANTS.—The quali-
4 fication criteria established by the Corporation under
5 this subsection shall also be used by each recipient
6 of funds under section 121 that uses any portion of
7 the assistance to conduct a grant program to sup-
8 port other national service programs.

9 “(c) NATIONAL SERVICE PRIORITIES.—

10 “(1) ESTABLISHMENT BY CORPORATION.—In
11 order to concentrate national efforts on resolving
12 certain unmet human, educational, environmental, or
13 public safety needs, the Corporation may establish,
14 and periodically alter, priorities regarding the types
15 of national service programs to be assisted under
16 section 121 and the purposes for which such assist-
17 ance may be used.

18 “(2) NOTICE TO APPLICANTS.—The Corpora-
19 tion shall provide advance notice to potential appli-
20 cants of any national service priorities to be in effect
21 under this subsection for a fiscal year. The notice
22 shall specifically include—

23 “(A) a description of any alteration made
24 in the priorities since the previous notice; and

1 “(B) a description of the national service
2 programs that are designated by the Corpora-
3 tion under section 133(c)(2) as eligible for pri-
4 ority consideration in the next competitive dis-
5 tribution of Corporation funds under section
6 121.^a

7 “(3) APPLICATION TO SUBGRANTS.—Any na-
8 tional service priorities established by the Corpora-
9 tion under this subsection shall also be used by each
10 recipient of funds under section 121^a that uses any
11 portion of the assistance to conduct a grant program
12 to support other national service programs.

13 **“SEC. 123. TYPES OF NATIONAL SERVICE POSITIONS ELIGI-**
14 **BLE FOR APPROVAL FOR NATIONAL SERVICE**
15 **EDUCATIONAL AWARDS.**

16 “The Corporation may approve of any of the follow-
17 ing ~~national service~~ positions as a national service position
18 that includes the national service educational award de-
19 scribed in subtitle D:

20 “(1) A position for a participant in a national
21 service program described in section 122(a) that re-
22 ceives assistance under section 121.^a

23 “(2) A position for a participant in a program
24 that—

1 “(A) is carried out by a State, a subdivi-
2 sion of a State, an Indian tribe, a public or pri-
3 vate nonprofit organization, an institution of
4 higher education, or a Federal agency; and

5 “(B) would be eligible to receive assistance
6 under section 121 (but has not applied for such
7 assistance.

*based on criteria
established by
the Corporation*

8 “(3) A position involving service as a VISTA
9 volunteer under title I of the Domestic Volunteer
10 Service Act of 1973 (42 U.S.C. 4951 et seq.).

11 “(4) A position ^{facilitating} ~~involving service as a service-~~
12 learning ~~coordinator~~ in a program ^{described under} ~~that receives~~ as-
13 sistance under subtitle B, *part I.*

**
§ 123(a)(3) elg 11
to*

14 “(5) A position for a participant in the Civilian
15 Community Corps under subtitle ~~E.~~ *part I.*

16 “(6) A position involving service ~~on the staff of~~ *as a crew leader in*
17 a national service program receiving an approved na- *a youth*
18 tional service position. *Corps or*
similar
position
supporting

19 “(7) ~~A position involving service as an employee~~
20 ~~in certain positions that are created by a govern-~~
21 ~~mental entity or a public or private nonprofit organi-~~
22 ~~zation and meet human, educational, environmental,~~
23 ~~or public safety needs if the position—~~

1 “(A) is unlikely to be filled in the next 6
2 months due to a shortage of qualified appli-
3 cants; and

4 “(B) is located in a community designated
5 as a enterprise zone or redevelopment area or
6 otherwise targeted for special economic incen-
7 tives, an area that is environmentally dis-
8 tressed, or an area adversely affected by reduc-
9 tions in defense spending or the closure or re-
10 alignment of a military installation.

11 “(8) Such other national service positions as
12 the Corporation considers to be appropriate.

13 **“SEC. 124. TYPES OF PROGRAM ASSISTANCE.**

14 “(a) **PLANNING ASSISTANCE.**—The Corporation may
15 provide assistance under section 121 to a qualified appli-
16 cant that submits an application under section 130 for the
17 planning of a national service program. Assistance pro-
18 vided under this subsection may cover a period of not more
19 than 1 year.

20 “(b) **OPERATIONAL ASSISTANCE.**—The Corporation
21 may provide assistance under section 121 to a qualified
22 applicant that submits an application under section 130
23 for the establishment, operation, or expansion of a na-
24 tional service program. Assistance provided under this
25 subsection may cover a period of not more than 3 years,

1 but may be renewed by the Corporation upon consider-
2 ation of a new application under section 130.

3 “(c) REPLICATION ASSISTANCE.—The Corporation
4 may provide assistance under section 121 to a qualified
5 applicant that submits an application under section 130
6 for the expansion of a proven national service program to
7 another geographical location. Assistance provided under
8 this subsection may cover a period of not more than 3
9 years, but may be renewed by the Corporation upon con-
10 sideration of a new application under section 130.

11 “(d) LIMITATION ON ADMINISTRATIVE COSTS.—Ex-
12 cept in the case of assistance described in subsection (a),
13 any national service program established, operated, ex-
14 panded, or replicated using assistance provided under sec-
15 tion 121 and any national service program supported by
16 a grant made using such assistance may not use more
17 than 5 percent of the amount of such assistance to cover
18 administrative costs.

*Is this the same
as 121(c)?*

19 “(e) APPLICATION TO SUBGRANTS.—The require-
20 ments of this section shall apply to any State or other
21 applicant receiving assistance under section 121 that pro-
22 poses to conduct a grant program using the assistance to
23 support other national service programs.

1 **"SEC. 125. TRAINING AND TECHNICAL ASSISTANCE.**

2 “(a) TRAINING PROGRAMS.—The Corporation may
3 conduct, directly or by grant or contract, appropriate
4 training programs regarding national service in order to—

5 “(1) improve the ability of national service pro-
6 grams assisted under section 121 to meet human,
7 educational, environmental, or public safety needs in
8 communities where services are needed most and
9 where programs do not currently exist or are cur-
10 rently too limited to meet community needs;

11 “(2) promote leadership development in such
12 programs;

13 “(3) improve the instructional and pro-
14 grammatic quality of such programs to build an
15 ethic of ^{civic responsibility} ~~successful and lifelong national and commu-~~
16 ~~nity service,~~

17 “(4) develop the management and budgetary
18 skills of program operators; and

19 “(5) ^{provide for or} improve the training provided to the par-
20 ticipants in such programs.

21 “(b) TECHNICAL ASSISTANCE.—The Corporation

22 ^{may} ~~shall~~ make appropriate technical assistance available to
23 ^{labor organizations, organizations run by young adults,} States, and other applicants that desire to develop national
24 service programs and to apply for assistance under section
25 121 or under a grant program conducted using assistance
26 provided under such section.

1 "SEC. 126. OTHER SPECIAL ASSISTANCE.

2 "(a) SUPPORT FOR STATE COMMISSIONS.—The Cor-
 3 poration may make assistance available to assist a State
 4 to establish or operate a State Commission on National
 5 Service required to be established by the State under sec-
 6 tion 178.

7 "(b) DISASTER SERVICE.—The Corporation may un-
 8 dertake activities to involve youth corps programs de-
 9 scribed in section 122(a)(2) and other programs that re-
 10 ceive assistance under a national service law in disaster
 11 relief efforts.

12 "(c) CHALLENGE GRANTS FOR NATIONAL SERVICE
 13 PROGRAMS.—The Corporation may make challenge grants
 14 to a national service program that receives assistance
 15 under section 121 ~~and is designated as a high quality~~

16 ~~model program by the Corporation.~~ The challenge grant
 17 may provide \$1 of assistance under this subsection for
 18 each \$1 ^{in cash} raised by the national service program from pri-
 19 vate sources ^{above the required match and} up to such ceiling as the Corporation may

20 establish, ^{provided that no assistance shall be made}
 to any organization under this subsection unless
 a minimum of five programs qualify for such
 assistance.

The Corporation shall establish a ceiling
 on such awards and other such
 regulations as to make them widely
 available to a variety of programs
 meeting high quality criteria.

Match on
State
Commission -
\$52 in 15 year
Corporation
shall set a
Schedule
to move to
50-50
5
years after
approved.
Non-federal

1 **"PART II—APPLICATION AND APPROVAL**

2 **PROCESS**

3 **"SEC. 129. PROVISION OF ASSISTANCE AND APPROVED NA-**
4 **TIONAL SERVICE POSITIONS BY COMPETI-**
5 **TIVE AND OTHER MEANS.**

6 “(a) ALLOTMENTS OF ASSISTANCE AND APPROVED
7 POSITIONS TO STATES AND INDIAN TRIBES.—

8 “(1) ~~30~~ PERCENT ALLOTMENT OF ASSIST-
9 ANCE.—Of the funds appropriated to the Corpora-
10 tion to provide assistance under section 121 for a
11 fiscal year, the Corporation shall make a grant
12 under such section to each of the several States, the
13 District of Columbia, and the Commonwealth of
14 Puerto Rico. *that has an application approved pursuant to §13*
15 such State under this paragraph for a fiscal year
16 shall be equal to the amount that bears the same
17 ratio to ~~30~~ percent of the funds appropriated to
18 carry out this part for that fiscal year as the popu-
19 lation of the State bears to the total population of
20 the several States, the District of Columbia, and the
21 Commonwealth of Puerto Rico.

22 “(2) ONE PERCENT ALLOTMENT OF ASSIST-
23 ANCE.—Of the funds appropriated to the Corpora-
24 tion to provide assistance under section 121 for a
25 fiscal year, the Corporation shall reserve 1 percent
26 of such appropriated funds for grants under such

1 section to Indian tribes, the Virgin Islands, Guam,
 2 American Samoa, and the Commonwealth of the
 3 Northern Mariana Islands, to be allotted ^{on a competitive basis} in accord-
 4 ance with their respective needs, as determined by
 5 the Corporation. Palau shall also be eligible for an
 6 allotment ^{from such reservation} (under this paragraph until such time as
 7 the Compact of Free Association with Palau is rati-
 8 fied.

9 “(3) CORRESPONDING ALLOTMENT OF AP-
 10 PROVED POSITIONS.—A State or Indian Tribe that
 11 receives an allotment under paragraph (1) or (2) for
 12 a fiscal year shall also receive a number of approved
 13 national service positions in an amount that ^{corresponds to} bears
 14 the same ratio to the total number of approved na-
 15 tional service positions to be available for that fiscal
 16 year (excluding positions reserved for Corporation
 17 programs under subsection (b)) as the amount of as-
 18 sistance provided to the State or Indian Tribe under
 19 paragraph (1) or (2) bears to the total of the funds
 20 appropriated to the Corporation to provide assist-
 21 ance under section 121 for that fiscal year.”

22 “(4) EFFECT OF FAILURE TO APPLY.—If a
 23 State fails to apply for an allotment under para-
 24 graph (1), the Corporation may use the amount that
 25 would have been provided under such paragraph,

or fails to give notice to the Corporation of its intent to apply

April 23, 1993

*add reallocation
 and make same
 as above
 America*

corresponds to the number requested by such applicants submitting approved applications provided that if an insuff. # of pos. is available, Corporation may make adjustment.

in order for educational awards to be available for all positions approved for the plan

*Administrative
 Reallocation
 to the Corporation
 to the plan*

1 and the approved national service positions cor-
2 responding to the allotment, to make grants to sub-
3 divisions of the State, public and private nonprofit
4 organizations, and institutions of higher education in
5 the State that propose to carry out national service
6 programs in the State.

7 “(b) RESERVATION OF APPROVED POSITIONS ~~FOR~~
8 ~~CORPORATION POSITIONS.~~—

9 “(1) NUMBER RESERVED.—Except as provided
10 in paragraph (2), the Corporation shall ensure that
11 each individual selected during a fiscal year for as-
12 signment as a VISTA volunteer under title I of the
13 Domestic Volunteer Service Act of 1973 (42 U.S.C.
14 4951 et seq.) or as a participant in the Civilian
15 Community Corps Demonstration Program under
16 subtitle E shall receive the national service edu-
17 cational award described in subtitle D if the individ-
18 ual satisfies the eligibility requirements for the
19 award. The number of approved national service po-
20 sitions required by this paragraph for a fiscal year
21 shall be deducted from the total number of approved
22 national service positions to be available for distribu-
23 tion under subsection (a) or (c) for that fiscal year.

24 “(2) EXCEPTION.—If the total number of ap-
25 proved national service positions to be available for

*
Make Same
as before
America

1 distribution for a fiscal year does not exceed 200
 2 percent of the number of such positions that would
 3 be required to satisfy paragraph (1) for that fiscal
 4 year, the Corporation shall not reserve the national
 5 service educational award for individuals described
 6 in such paragraph who are selected during that fis-
 7 cal year.

8 “(c) RESERVATION FOR SPECIAL ASSISTANCE.—Of
 9 the funds appropriated to the Corporation to provide as-
 10 sistance under section 121 for a fiscal year, the Corpora-
 11 tion ~~shall use not less than~~ ^{may use not less than} ~~50 percent~~ ^{\$50 million} of such appro-
 12 priated funds to make assistance available under sections 125 and
 13 126. ~~[What about training and technical assist-~~
 14 ~~ance under section 125?]~~

15 “(d) COMPETITIVE DISTRIBUTION OF REMAINING
 16 FUNDS AND APPROVED POSITIONS.—

17 “(1) STATE COMPETITION.—Of the funds ap-
 18 propriated to the Corporation to provide assistance
 19 under section 121 for a fiscal year, the Corporation
 20 shall use not less than 20 percent of such appro-
 21 priated funds to make grants to States on a com-
 22 petitive basis under section 121. Of the total number
 23 of approved national service positions to be available
 24 under this section for a fiscal year (excluding posi-
 25 tions reserved for Corporation programs under sub-

*may reserve
amounts*

*provided that
not more than
\$10 million is
available for
grant under 126(c)*

1 section (b)), the Corporation shall distribute not less
 2 than 20 percent of such positions to States on a
 3 competitive basis.

4 “(2) FEDERAL AGENCIES AND OTHER APPLI-
 5 CANTS.—The Corporation shall distribute on a com-
 6 petitive basis to subdivisions of States, Indian tribes,
 7 public and private nonprofit organizations, institu-
 8 tions of higher education, and Federal agencies—

9 “(A) the remainder of the funds appro-
 10 priated to provide assistance under section 121
 11 for a fiscal year, after operation of paragraph
 12 (1) and subsections (a) and (c); and

13 “(B) the remainder of the approved na-
 14 tional service positions to be available under
 15 this section for a fiscal year, after operation of
 16 paragraph (1) and subsections (a) and (b).

17 “(e) APPLICATION REQUIRED.—The allotment of as-
 18 sistance and approved national service positions to a State
 19 under subsection (a), and the competitive distribution of
 20 assistance and approved national service positions under
 21 subsection (c), shall be made by the Corporation only pur-
 22 suant to an application submitted by a State or other ap-
 23 plicant under section 130 and approved by the Corpora-
 24 tion under section 133.

*100-111
133(c)(2)*

The Corporation may limit the categories of elig. for applicants for assistance under this paragraph, consistent with the provisions established in 133(c)(1).

1 “(f) DISTRIBUTION OF APPROVED POSITIONS SUB-
2 JECT TO AVAILABLE FUNDS.—The Corporation may not
3 distribute approved national service positions under this
4 section for a fiscal year in excess of the number of such
5 positions for which the Corporation has sufficient available
6 funds in the National Service Trust for that fiscal year
7 to satisfy the maximum possible obligations ~~likely~~ to be
8 incurred by the United States to provide the national serv-
9 ice educational award corresponding to service in these po-
10 sitions.

11 “(g) SPONSORSHIP OF APPROVED NATIONAL SERV-
12 ICE POSITIONS.—

13 “(1) SPONSORSHIP AUTHORIZED.—The Cor-
14 poration may enter into agreements with persons or
15 entities who offer to sponsor national service posi-
16 tions for which the person or entity will be respon-
17 sible for supplying the funds necessary to provide a
18 national service educational award. The distribution
19 of these approved national service positions shall be
20 made pursuant to the agreement, and the creation
21 of these positions shall not be taken into consider-
22 ation in determining the number of approved na-
23 tional service positions to be available for distribu-
24 tion under this section.

1 “(2) DEPOSIT OF CONTRIBUTION.—Funds pro-
2 vided pursuant to an agreement under paragraph
3 (1) *or any other contributions for general support* shall be deposited in the National Service Trust
4 established in section 145 until such time as the
5 funds are needed.

6 **“SEC. 130. APPLICATION FOR ASSISTANCE AND APPROVED**
7 **NATIONAL SERVICE POSITIONS.**

8 “(a) TIME, MANNER, AND CONTENT OF APPLICA-
9 TION.—To be eligible to receive assistance under section
10 121 and approved national service positions for partici-
11 pants who serve in the national service programs to be
12 carried out using the assistance, a State, subdivision of
13 a State, Indian tribe, public or private nonprofit organiza-
14 tion, institution of higher education, or Federal agency
15 shall prepare and submit to the Corporation an application
16 at such time, in such manner, and containing such infor-
17 mation as the Corporation may reasonably require.

18 “(b) TYPES OF APPLICATION INFORMATION.—In
19 order to have adequate information upon which to consider
20 an application under section 133, the Corporation may re-
21 quest the following information to be provided in an appli-
22 cation submitted under subsection (a):

23 “(1) A description of the national service pro-
24 grams proposed to be carried out directly by the ap-
25 plicant using assistance provided under section 121.

1 “(2) A description of the process and criteria by
2 which national service programs, other than national
3 service programs carried out by a State agency, were
4 selected by the applicant to receive a grant from as-
5 sistance requested under section 121.

6 “(3) A description of other funding sources to
7 be used, or sought to be used, for the national serv-
8 ice programs and any grant program described in
9 paragraphs (1) and (2), and, if the application is
10 submitted for the purpose of seeking a renewal of
11 assistance, a description of the success of the pro-
12 grams in reducing their reliance on Federal funds.

13 “(4) A description of the extent to which the
14 projects to be conducted using the assistance will ad-
15 dress unmet human, educational, environmental, or
16 public safety needs and produce a direct benefit for
17 the community in which the projects are performed.

18 “(5) A description of the manner in which the
19 national service programs will involve participants—

20 “(A) in projects that build an ethic of civic
21 responsibility and produce a positive change in
22 the lives of participants through training and
23 participation in meaningful service experiences
24 and opportunities for reflection on such experi-
25 ences; and

(5) A description of the plan for recruiting participants, including economically disadvantaged youth;

A description of the ways in which the program will build on existing programs, including federal programs

1 “(B) in the design of the program and pro-
2 vide leadership positions to participants in im-
3 plementing and evaluating the program.

4 “(6) Measurable goals for the national service
5 programs and any grant program, and a strategy to
6 achieve such goals, in terms of—

7 “(A) the impact to be made in meeting
8 unmet human, educational, environmental, or
9 public safety needs; and

10 “(B) the service experience to be provided
11 to participants in the programs.

12 “(7) A description of the manner and extent to
13 which the proposed national service programs and
14 any proposed grant program conform to the national
15 service priorities established by the Corporation
16 under section 122(c).

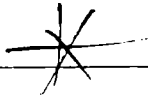
17 “(8) A description of the past experience of the
18 applicant in operating a comparable program or in
19 conducting a grant program in support of other
20 comparable programs.

21 “(9) A description of the type and number of
22 proposed approved national service positions in which participants
23 will receive that the appli-
24 cant requests to be approved as including the na-
25 tional service educational award described in subtitle

D. and how they will be appointed

(11) A description of the ways in which
participants, representatives of the community
served, community-based agencies with a
demonstrated record of experience in providing
volunteer and local labor organizations contribute to the
development of the program;

the individual representing the local labor organization
the applicant shall identify
the nature of the consultation
and the nature of the consultation



add to §130

special rule for public applicants. -

The application of an ~~public sector~~
employer shall include the

written concurrence of any local
labor organization representing
employees of such employer.

[who proposes to serve as a service
sponsor]

✓
1 “(10) Such other information as the Corpora-
2 tion may reasonably require.

3 “(c) APPLICATION TO RECEIVE ONLY APPROVED NA-
4 TIONAL SERVICE POSITIONS.—In the case of ^{all} applicant
5 that requests national service educational awards for indi-
6 viduals serving in positions described in section 123, but
7 ~~that is~~ not seeking assistance under section 121 ^{in cases} ~~or the~~
8 positions are not in a national service program described
9 in section 122(a), the Corporation shall establish special
10 application requirements in order to determine—

11 “(1) whether the service positions meet unmet
12 educational, human service, environmental, or public
13 safety needs; ^{and meet the criteria for assistance under §121} and

14 “(2) whether the Corporation should approve
15 the positions as approved national service positions
16 that include the national service educational award
17 described in subtitle D as one of the benefits to be
18 provided for successful service in the position.

19 “(d) SPECIAL RULE FOR STATE APPLICANTS.—

20 “(1) SUBMISSION BY STATE COMMISSION.—The
21 application of a State for a grant under section 121 ^(a)
22 or approved national service positions, whether sub-
23 mitted to obtain the allotment [?] ~~of the~~ State or a com-
24 petitive grant under section 129, shall be submitted
25 by the State Commission.

1 “(2) ~~ASSISTANCE TO NONSTATE ENTITIES.~~_____

2 The application of a State shall also contain a guar-
3 antee that, ~~not less than 50 percent of any as-~~
4 ~~sistance provided under section 121 to the State will~~
5 ~~be used to make grants in support of national serv-~~
6 ~~ice programs, other than national service programs~~
7 ~~carried out by a State agency, that were selected by~~
8 ~~the State on a competitive basis.~~ *Such applic* (The Corporation
9 may permit a State to deviate from the percentage
10 specified by this subsection if the State has not re-
11 ceived a sufficient number of acceptable applications
12 ~~from national service programs~~ to comply with the
13 percentage.

14 “(e) LIMITATION ON SAME PROJECT IN MULTIPLE
15 APPLICATIONS.—The Corporation ^{shall} ~~may~~ reject an applica-
16 tion submitted under this section if a project proposed to
17 be conducted using assistance requested by the applicant
18 is already pending before the Corporation in another appli-
19 cation.

20 "SEC. 131. NATIONAL SERVICE PROGRAM ASSISTANCE RE-
21 QUIREMENTS. *where is impa*

22 “(a) IMPACT ON PARTICIPANTS.—An application
23 submitted under section 130 shall include a guarantee by
24 the applicant that any national service program carried
25 out by the applicant using assistance provided under sec-

~~7-25%~~

then shall guarantee that not less than 60 percent of such assistance will be used to make grants in support of national service programs other than national service programs carried out by a State agency.

AM ASSISTANCE RE-
→ where is impact on communities put here too

1 tion 121 and any national service program supported by
2 a grant made by the applicant using such assistance will—

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

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

10 “(A) to those participants who are school
11 dropouts in order to assist such participants in
12 earning the equivalent of a high school diploma;
13 and

14 “(B) to those participants who are com-
15 pleting a term of service and making the transi-
16 tion to other educational and career opportuni-
17 ties.

18 “(b) NONDUPLICATION AND NONDISPLACEMENT RE-
19 QUIREMENTS.—An application submitted under section
20 130 shall also include a guarantee by the applicant that
21 the applicant will comply with the nonduplication and
22 nondisplacement requirements specified in subsections (a)
23 and (b) of section 177 in carrying out the national service
24 programs and any grant program in support of national
25 service programs.

reverse

1 “(c) CONSULTATION.—An application submitted
 2 under section 130 shall also include a guarantee by the
 3 applicant that any national service program carried out
 4 by the applicant using assistance provided under section
 5 121 and any national service program supported by a
 6 grant made by the applicant using such assistance will—

**
change
all
Guarantee
to
"assurance"*

7 “(1) provide in the design, recruitment, and op-
 8 eration of the program for broad-based input from
 9 the community served, ~~and~~ community-based agen-
 10 cies with a demonstrated record of experience in pro-
 11 viding services; and *and any local labor organization representing
employees of service sponsors*

12 “(2) prior to the placement of participants, con-
 13 sult with any local labor organization representing
 14 employees in the area who are engaged in the same
 15 or similar work as that proposed to be carried out
 16 by such program ~~to ensure compliance with the~~
 17 ~~nondisplacement requirements specified in section~~
 18 ~~177(a).~~

19 “(d) EVALUATION AND PERFORMANCE GOALS.—

20 “(1) IN GENERAL.—An application submitted
 21 under section 130 shall also include a guarantee by
 22 the applicant that the applicant will—

23 “(A) arrange for an independent evalua-
 24 tion of any national service program carried out

*In the
States, ~~programs~~ shall coordinate with
State Commissions*

1 using assistance provided to the applicant under
2 section 121;

3 “(B) develop measurable performance
4 goals and evaluation methods (such as the use
5 of surveys of participants and persons served),
6 which are to be used as part of such evaluation
7 to determine the impact of the program—

8 “(i) on communities and persons
9 served by the projects performed by the
10 program;

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

13 “(iii) in such other areas as the Cor-
14 poration may require; and

15 “(C) cooperate with any evaluation activi-
16 ties undertaken by the Corporation.

17 “(2) ALTERNATIVE EVALUATION REQUIRE-
18 MENTS.—The Corporation may ~~waive or~~ establish al-
19 ternative evaluation requirements for national serv-
20 ice programs based upon the amount of assistance
21 received under section 121 or received by a grant
22 made by a recipient of assistance under such section.
23 The determination of whether a national service pro-
24 gram is covered by this paragraph shall be made in
25 such manner as the Corporation may prescribe.

1 “(e) LIVING ALLOWANCES AND OTHER INSERVICE
2 BENEFITS.—Except as provided in section 140(b), an ap-
3 plication submitted under section 124 shall also include
4 a guarantee by the applicant that the applicant will—

5 “(1) provide a living allowance and other bene-
6 fits specified in section 140 to participants in any
7 national service program carried out by the appli-
8 cant using assistance provided under section 121;
9 and

10 “(2) require that each national service program
11 that receives a grant from the applicant using such
12 assistance will also provide a living allowance and
13 other benefits specified in section 140 to participants
14 in the program.

15 “(f) SELECTION OF PARTICIPANTS FROM ~~NATION-~~
16 ~~ALLY RECRUITED~~ PARTICIPANTS.—The Corporation may

17 also require a guarantee by the applicant that any national
18 service program carried out by the applicant using assist-

19 ^(a)ance provided under section 121 and any national service
20 program supported by a grant made by the applicant

21 using such assistance will select a portion of the partici-
22 pants for the program from among prospective partici-
23 pants recruited by the Corporation ^{or State Commission} under section 138(c).

24 The Corporation may specify a minimum percentage of
25 participants to be selected from the national leadership

RECRUITED BY CORPORATION w/2
STATE
COMMISSIONS

1 pool established under section 138(d) and may vary the
2 percentage for different types of national service pro-
3 grams.

4 **"SEC. 132. INELIGIBLE SERVICE CATEGORIES.**

5 "An application submitted to the Corporation under
6 section 130 shall include a guarantee by the applicant that
7 any national service program carried out using assistance
8 provided under section 121 and any approved national
9 service position provided to an applicant will not be used
10 to perform service that provides a direct benefit to any—

11 "(1) business organized for profit;

12 "(2) labor union;

13 "(3) partisan political organization; or

14 "(4) organization engaged in religious activities,
15 unless such service does not involve the use of assist-
16 ance provided under section 121 or ~~the occupancy of~~
17 ~~an approved national service position by program~~
18 ~~participants and program staff~~ to give religious in-
19 struction, conduct worship services, or engage in any
20 form of proselytization.

21 **"SEC. 133. CONSIDERATION OF APPLICATIONS.**

22 "(a) CONSIDERATION OF CERTAIN CRITERIA.—The
23 Corporation shall apply the criteria described in sub-
24 sections (b) and (c) in determining whether—

*and state
commissions and
other entities administering
grant programs to
distribute assistance + s/s*

1 “(1) to approve an application submitted under
2 section 130 and provide assistance under section
3 121 to the applicant; and

4 “(2) to designate positions described in the ap-
5 plication as national service positions including the
6 national service educational award described in sub-
7 title D and provide such approved national service
8 positions to the applicant.

9 “(b) ASSISTANCE CRITERIA.—The criteria required
10 to be applied ~~by the Corporation~~ in evaluating applications
11 submitted under section 130 are as follows:

12 “(1) The quality of the national service pro-
13 gram proposed to be carried out directly by the ap-
14 plicant or supported by a grant from the applicant.

15 “(2) The innovative aspects of the national
16 service program, and the feasibility of replicating the
17 program.

18 “(3) The sustainability of the national service
19 program, based on evidence such as the existence—

20 “(A) of strong and broad-based community
21 support for the program; and

22 “(B) of multiple funding sources or private
23 funding for the program.

24 “(4) The quality of the leadership of the na-
25 tional service program, the past performance of the

*In the case of
grants to
Other than States, the
Corporation shall
consider the consistency
of such plans submitted
under §*

1 program, and the extent to which the program
2 builds on existing programs.

3 “(5) The extent to which participants ^{are recruited from among} ~~and~~ resi-
4 dents of the communities in which projects are to be
5 conducted, ^{and the extent to which such participants and community members} are involved in the design, leadership, and
6 operation of the national service program.

7 “(6) The extent to which ^{projects} projects would be con-
8 ducted in areas where they are needed most, such
9 as—

10 “(A) communities designated as enterprise
11 zones or redevelopment areas or otherwise tar-
12 geted for special economic incentives; ^{or otherwise identifiable as having high concentrations of low-income people}

13 “(B) areas that are environmentally dis-
14 tressed; or

15 “(C) areas adversely affected by reductions
16 in defense spending or the closure or realign-
17 ment of military installations.

18 “(7) Such other criteria that the Corporation
19 considers to be appropriate.

20 “(c) OTHER CONSIDERATIONS.—

21 “(1) GEOGRAPHIC DIVERSITY.—The Corpora-
22 tion ^{and State Expressions} shall ensure that recipients of assistance pro-
23 vided under section 121 on a competitive basis are
24 geographically diverse and that ^{include} projects ~~are~~ con-
25 ducted in ^{those} ~~both~~ urban and rural areas ^{in the State with the highest rates of poverty.}

1 “(2) PRIORITIES.—The Corporation may des-
2 ignate, under such criteria as may be established by
3 the Corporation, certain national service programs
4 or types of national service programs described in
5 section 122(a) for priority consideration in the com-
6 petitive distribution of funds under section ^{129(d)(2)}~~121~~. In
7 designating national service programs to receive pri-
8 ority, the Corporation may include—

9 “(A) national service programs carried out
10 by another Federal agency;

11 “(B) national service programs that ~~oper-~~
12 ~~ate in more than 1 State and~~ conform to the
13 national service priorities in effect under section
14 122(c) ~~for that fiscal year;~~

15 “(C) innovative national service programs;

16 “(D) private national service programs
17 that are well established in 1 or more States at
18 the time of the application and are proposed to
19 be expanded to additional States using assist-
20 ance provided under section 121; and

21 “(E) grant programs in support of other
22 national service programs if the grant programs
23 are to be conducted by nonprofit organizations
24 with an established and extensive expertise in

1 the provision of services to meet human, edu-
 2 cational, environmental, or public safety needs.

3 “(d) REJECTION OF STATE APPLICATIONS.—

4 “(1) NOTIFICATION OF STATE APPLICANTS.—If
 5 the Corporation rejects an application submitted by
 6 a State Commission under section 130, the Corpora-
 7 tion shall promptly notify the State Commission of
 8 the reasons for the rejection of the application.

9 “(2) RESUBMISSION AND RECONSIDERATION.—

10 The Corporation shall provide a State Commission
 11 notified under paragraph (1) with a reasonable op-
 12 portunity to revise and resubmit the application. At
 13 the request of the State Commission, the Corpora-
 14 tion shall provide technical assistance to the State
 15 Commission as part of the resubmission process.
 16 The Corporation shall promptly reconsider an appli-
 17 cation resubmitted under this paragraph.

18 “(3) REALLOTMENT.—The amount of any
 19 State’s allotment under section 129(a) for a fiscal
 20 year that the Corporation determines will not be
 21 provided for that fiscal year shall be available for
 22 distribution by the Corporation as provided in para-
 23 graph (4) of such ^{sub}section.

24 “(d) APPLICATION TO SUBGRANTS.—A State or
 25 other applicant that ~~conducts a grant program with assist-~~

*Add -
Professional
Corps*

*for funds described in
§ 129(a)(1)*

*uses assistance
provided under
section 1211 to
support programs
selected on
a competitive
basis to
receive a state
such as...*

1 ~~ance provided under section 121~~ shall ~~use~~ the criteria de-
 2 scribed in subsections (b) and (c) when~~ever~~ considering
 3 applications submitted by national service programs to re-
 4 ceive a portion of such assistance or an approved national
 5 service position.

6 **"SEC. 134. MATCHING FUNDS REQUIREMENTS BY RECIPI-**
 7 **ENTS.**

8 "(a) REQUIREMENTS.—A State or other applicant re-
 9 ceiving assistance under section 121 which uses such as-
 10 sistance to carry out directly a national service program
 11 shall be required to satisfy the matching funds require-
 12 ments established under section (116). Any national service
 13 program that receives funds from a grant program oper-
 14 ated by a State or other applicant using assistance ob-
 15 tained under section 121 shall also satisfy such matching
 16 funds requirements with respect to the funds provided by
 17 the grant. The waiver authority provided under section
 18 (116)(b) shall also apply with respect ^{to *} assistance provided
 19 under this subtitle.

20 "(b) EXCEPTION.—A Federal agency receiving assist-
 21 ance under section 121(b) shall not be required to satisfy
 22 the matching funds requirements established under sec-
 23 tion (116). However, the supplementation requirements
 24 specified in section 173 shall apply with respect to the

certify that applicant used

wrong match!
 Match requirement
 is:
 25% of any
 program grant
 (not including
 support for
 living allowance
 health + child
 care benefits)
 in cash or
 in kind

*including from
 federal
 sources
 the
 n.s. Act*

*Plus - 15%
 cash match
 on living
 allowance +
 health benefit*

both match

*pts are
 waivable
 in cases
 economic
 hardship*

*and made
 efforts to
 meet match*

1 Federal national service programs supported with such as-
2 sistance.

3 **"PART III—NATIONAL SERVICE PARTICIPANTS**

4 **"SEC. 137. DESCRIPTION OF PARTICIPANTS.**

5 "(a) IN GENERAL.—An individual shall be considered
6 to be a participant in a national service program carried
7 out using assistance provided under section 121 if the
8 individual—

9 "(1) meets such eligibility requirements as may
10 be established by the program;

11 "(2) is selected by the program to serve in a
12 ~~leadership position with the program or to serve in~~
13 ~~projects conducted by the program;~~ 

14 "(3) will serve in the program for a term of
15 service specified in section 139 to be performed be-
16 fore, during, or after attendance at an institution of
17 higher education;

18 "(4) is 17 years of age or older at the time the
19 individual begins the term of service;

20 "(5) has received a high school diploma or its
21 equivalent or agrees to obtain a high school diploma
22 or its equivalent ~~during the term of service~~ and the
23 individual did not drop out of an elementary or sec-
24 ondary school to enroll in the program; and

1 “(6) is a citizen of the United States or lawfully
2 admitted for permanent residence.

3 “(b) SPECIAL RULES FOR CERTAIN ^{YOUTH}PROGRAMS.—An
4 individual shall be considered to be a participant in a
5 youth corps program described in section 122(a)(2) or a
6 program described in section 122(a)(9) that is carried out
7 with assistance provided under section 121^(a) if the ~~if~~
8 individual—

9 “(1) satisfies the requirements specified in sub-
10 section (a), except paragraph (4) of such subsection;
11 and

12 “(2) is an out-of-school youth at the time the
13 individual begins the term of service.

14 **“SEC. 138. SELECTION OF NATIONAL SERVICE PARTICI-**
15 **^{and 131(f)} PANTS.**

16 “(a) SELECTION PROCESS.—Subject to subsection
17 (b), the actual recruitment and selection of an individual
18 to serve in a national service program receiving assistance ~~to~~
19 under section 121^(a) or to fill an approved national service
20 position shall be conducted by the State, subdivision of
21 a State, Indian tribe, public or private nonprofit organiza-
22 tion, institution of higher education, Federal agency, or
23 other entity to which the assistance ^{and} or approved national ~~or~~
24 service position is provided.

1 “(b) ~~NONDISCRIMINATION~~ ^{AND NON-} SELECTION OF PAR- ^{POLITICAL}
 2 TICIPANTS. ~~THE~~ The recruitment and selection of individuals
 3 to serve in national service programs receiving assistance
 4 under section 121 or to fill approved national service posi-
 5 tions shall be consistent with the ~~nondiscrimination~~ re-
 6 quirements of section 175 ~~and shall be conducted without~~
 7 ~~regard to the political affiliation of the individuals.~~

8 “(c) RECRUITMENT AND PLACEMENT.—The Cor-
 9 poration and each State Commission shall establish a sys-
 10 tem to recruit individuals who desire to perform national
 11 service and to assist the placement of these individuals in
 12 approved national service positions, including positions
 13 available under title I of the Domestic Volunteer Service
 14 Act of 1973 (42 U.S.C. 4951).

15 “(d) NATIONAL LEADERSHIP POOL.—

16 “(1) SELECTION AND TRAINING.—From among
 17 individuals recruited under subsection (c), the Cor-
 18 poration may select individuals with significant lead-
 19 ership potential, as determined by the Corporation,
 20 to receive special training to enhance their leader-
 21 ship ability. The training shall be provided by Cor-
 22 poration directly or through a grant or contract.

23 “(2) ASSIGNMENT.—At the request of a pro-
 24 gram that receives assistance under the national
 25 service laws, the Corporation may assign an individ-

The Corporation shall make special efforts to recruit such individuals from among individuals who have served in the Peace Corps, as VISTA volunteers, and as participants in programs receiving assistance under this subtitle.

1 ual selected under paragraph (1) to work with the
2 program in a leadership position. ^{carrying out assignments not} An individual as- ^{otherwise}
3 signed to a program shall be considered to be a par- ^{performed by}
4 ticipant of the program. ~~The Corporation or the pro-~~ ^{regular}
5 ~~gram may provide a living allowance to the individ-~~ ^{participants}
6 ~~ual in excess of the maximum level established in~~
7 ~~section 140(a)(3).~~

8 "SEC. 139. ~~REQUIRED TERMS OF SERVICE OF NATIONAL~~
9 ~~SERVICE PARTICIPANTS.~~

10 "(a) IN GENERAL.—As a condition of receiving a na-
11 tional service education award under subtitle D, a partici-
12 pant in an approved national service position shall be re-
13 quired to perform full- or part-time national service for ^{at least one}
14 ~~A~~ term of service specified in subsection (b).

15 "(b) TERM OF SERVICE.—

16 "(1) FULL-TIME SERVICE.—An individual per-
17 forming full-time national service in an approved na-
18 tional service position shall agree to participate in
19 ^{the program} ~~projects~~ for not less than ¹⁷⁰⁰ ~~1,500~~ hours during a pe-
20 riod of not less than 9 months and not more than
21 1 year.

22 "(2) PART-TIME SERVICE.—Except as provided
23 in paragraph (3), an individual performing part-time
24 national service in an approved national service posi-
25 tion shall agree to participate ^{the program} ~~in projects~~ for not less

1 than ¹⁷⁰⁰~~4500~~ hours during a period of not less than
2 1 year and not more than 2 years.

3 “(3) REDUCTION IN HOURS OF PART-TIME
4 SERVICE.—The Corporation may reduce the number
5 of hours required to be served to successfully com-
6 plete part-time national service, ^{to a level determined by the} except that any re- ^{corporation}
7 duction in the required term of service shall include
8 a corresponding reduction in the amount of any na-
9 tional service educational award that may be avail-
10 able under subtitle D with regard to that service.

11 “(c) RELEASE FROM COMPLETING TERM OF SERV-
12 ICE.—

13 “(1) RELEASE AUTHORIZED.—A ~~State or other~~ ^{(a) program sponsoring}
14 recipient of assistance under section 121 or ~~(an ap-~~
15 proved national service position ~~may release a partic-~~
16 ipant from completing a term of service in the posi-
17 tion for compelling personal circumstances as dem-
18 onstrated by the participant.

19 “(2) EFFECT OF RELEASE.—If the released
20 participant was serving in an approved national
21 service position, the participant may receive a por-
22 tion of the national service educational award cor-
23 responding to that service in the manner provided in
24 section 147(c).

1 "SEC. 140. LIVING ALLOWANCES FOR NATIONAL SERVICE
2 PARTICIPANTS.

3 "(a) PROVISION OF LIVING ALLOWANCE.—

4 "(1) LIVING ALLOWANCE PERMITTED.—Subject
5 to paragraph (3), a national service program carried
6 out using assistance provided under section 121 ~~may~~ *shall*
7 provide to each participant in the program a living
8 allowance in such an amount as may be established
9 by the program.

10 "(2) LIMITATION ON FEDERAL SHARE.—The
11 amount of the annual living allowance provided
12 under paragraph (1) that may be paid using assist-
13 ance provided under section 121 and using any other
14 Federal funds shall not exceed the lesser of—

15 "(A) 85 percent of the total average an-
16 nual subsistence allowance ~~and stipend~~ provided
17 to VISTA volunteers under section 105 of the
18 Domestic Volunteer Service Act of 1973 (42
19 U.S.C. 4955); and

20 "(B) 85 percent of the annual living allow-
21 ance established by the national service pro-
22 gram involved.

23 "(3) MAXIMUM LIVING ALLOWANCE.—Except
24 as provided in subsection (b), the total amount of *an annual*
25 living allowance, ~~determined on an hourly basis~~, that
26 may be provided to a participant in a national serv-

b) Such amounts shall be provided for any program in which participants participate in activities of the program fewer than 1700 hours per year.

1 ice program shall not exceed 200 percent of the
 2 ~~hourly equivalent of the total average annual sub-~~
 3 ~~sistence allowance and stipend~~ provided to VISTA
 4 volunteers under section 105 of the Domestic Volun-
 5 teer Service Act of 1973 (42 U.S.C. 4955). ~~for each~~
 6 ~~hour of national service performed by the partici-~~
 7 ~~pant.~~

8 ^(b) EXCEPTION FROM MAXIMUM LIVING ALLOW-
 9 ANCE FOR CERTAIN ASSISTANCE. ~~A State or other appli-~~
 10 ~~cant for assistance under section 121, such as a profes-~~
 11 sional corps program described in section 123(a)(8) ^g that
 12 desires to provide a living allowance in excess of the maxi-
 13 mum allowance authorized in subsection (a)(3) may still
 14 apply for such assistance, except that—

15 “(1) any assistance provided to the applicant
 16 under section 121 ^(b) may not be used to pay for any
 17 portion of the allowance;

18 “(2) the applicant shall apply for such assist-
 19 ance only by submitting an application to the Cor-
 20 poration for assistance on a competitive basis; and

21 “(3) the national service program must be oper-
 22 ated directly by the applicant and must meet urgent,
 23 unmet human, educational, environmental, or public
 24 safety needs, as determined by the Corporation.

See Subtitle Language

from dropping existing coverage

(c) HEALTH INSURANCE.—Any assistance provided to a national service program under section 121, whether the assistance is provided directly by the Corporation under such section or by a grant from a recipient of assistance under such section, shall be in an amount that is sufficient to pay 85 percent of the cost of a basic health care policy for each full-time participant in the program who does not otherwise have access to health insurance.

including the circumstances in which the program may substitute its own health care policy and mechanisms to protect participants

to each full-time participant

The program shall pay the remaining cost to provide the basic health care policy for each full-time participant

the organization offers health insurance benefit package

~~11 section~~

12 “(d) CHILD CARE.—A State or other recipient of as-

13 sistance under section 121 shall—

No Corp shall enter the guidelines regarding the circumstances under which the assistance shall be provided. No waiver of such assistance.

14 “(1) make child care available for children of

15 each full-time participant in a national service pro-

16 gram; or *who needs such assistance in order to participate in the program.*

17 “(2) provide a child care allowance to each full-

18 time participant in a national service program who

19 ~~has children~~ *needs such assistance in order to participate in the program*

20 “SEC. 141. NATIONAL SERVICE EDUCATIONAL AWARDS.

21 “A participant in a national service program carried

22 out using assistance provided to an applicant under sec-

23 tion 121 shall be eligible for the national service edu-

24 cational award described in subtitle D if the participant—

Substitute for health care section of C

A State or other recipient of assistance under section 121 shall provide a basic health care policy for each full-time participant in a program who is not otherwise covered. 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 121. The Corporation shall establish the minimum standards plans must meet in order to qualify for payment under this part, any circumstances in which an alternative health care policy may be substituted for the basic health care policy, and mechanisms to prohibit participants from dropping existing coverage.

1 “(1) serves in an approved national service po-
2 sition; and

3 “(2) satisfies the eligibility requirements speci-
4 fied in section 146 with respect to service in that ap-
5 proved national service position.”.

6 (b) TABLE OF CONTENTS.—Section 1(b) of the Na-
7 tional and Community Service Act of 1990 (Public Law
8 101-610; 104 Stat. 3127) is amended by striking the
9 items relating to subtitle C of title I of such Act and in-
10 serting the following new items:

“Subtitle C—National Service Program

“PART I—INVESTMENT IN NATIONAL SERVICE

- “Sec. 121. Authority to provide assistance to national service programs.
- “Sec. 122. Types of national service programs eligible for program assistance.
- “Sec. 123. Types of national service positions eligible for approval for national service educational awards.
- “Sec. 124. Types of program assistance.
- “Sec. 125. Training and technical assistance.
- “Sec. 126. Other special assistance.

“PART II—APPLICATION AND APPROVAL PROCESS

- “Sec. 129. Provision of assistance and approved national service positions by competitive and other means.
- “Sec. 130. Application for assistance and approved national service positions.
- “Sec. 131. National service program assistance requirements.
- “Sec. 132. Ineligible service categories.
- “Sec. 133. Consideration of applications.
- “Sec. 134. Matching funds requirements by recipients.

“PART III—NATIONAL SERVICE PARTICIPANTS

- “Sec. 137. Description of participants.
- “Sec. 138. Selection of national service participants.
- “Sec. 139. Required terms of service of national service participants.
- “Sec. 140. Living allowances for national service participants.
- “Sec. 141. National service educational awards.”.

A VISTA volunteer shall be ineligible for an educational award if such volunteer accepts a position in the DVSA. (Should this be in §146? DVSA?)

1 SEC. 102. NATIONAL SERVICE TRUST AND PROVISION OF
2 NATIONAL SERVICE EDUCATIONAL AWARDS.

3 (a) ESTABLISHMENT OF TRUST; PROVISION OF
4 AWARDS.—Subtitle D of title I of the National and Com-
5 munity Service Act of 1990 (42 U.S.C. 12571 et seq.) is
6 amended to read as follows:

7 **“Subtitle D—National Service**
8 **Trust and Provision of National**
9 **Service Educational Awards**

10 **“SEC. 145. ESTABLISHMENT OF THE NATIONAL SERVICE**
11 **TRUST.**

12 “(a) ESTABLISHMENT.—There is established in the
13 Treasury of the United States an account to be known
14 as the National Service Trust. The Trust shall consist
15 of—

16 “(1) such amounts as the Corporation may des-
17 ignate to be available for the payment of national
18 service educational awards from the amounts appro-
19 priated to the Corporation and made available to
20 carry out this subtitle pursuant to section 501(a)(1);

21 “(2) any amounts received by the Corporation
22 as gifts, bequests, devise, or otherwise pursuant to
23 section 196(a)(2); *and*

24 “~~1~~(3) the interest on, and proceeds from the
25 sale or redemption of, any obligations held by the
26 Trust ~~1~~

*delete
bracket*

1 ~~“(4) other-to be supplied”.~~

2 “(b) INVESTMENT OF TRUST.—It shall be the duty
3 of the Secretary of the Treasury to invest in full the
4 amounts appropriated to the Trust. [Except as otherwise
5 expressly provided in instruments concerning a gift, be-
6 quest, devise, or other donation and agreed to by the Cor-
7 poration,] such investments may be made only in interest-
8 bearing obligations of the United States or in obligations
9 guaranteed as to both principal and interest by the United
10 States. For such purpose, such obligations may be ac-
11 quired (1) on original issue at the issue price, or (2) by
12 purchase of outstanding obligations at the market place.
13 Any obligation acquired by the Trust may be sold by the
14 Secretary at the market price.

15 “(c) EXPENDITURES FROM TRUST.—Amounts in the
16 Trust shall be available for payments of national service
17 educational awards in accordance with section 148.

18 “(d) REPORTS TO CONGRESS ON RECEIPTS AND EX-
19 PENDITURES.—The Corporation shall submit an annual
20 report to the Congress on the financial status of the Trust.
21 Such report shall—

22 “(1) specify (A) the amount deposited to the
23 Trust from the most recent appropriation to the
24 Corporation, (B) the amount received by the Cor-
25 poration as gifts or bequest during the period cov-

1 ered by the report, and (C) any amounts obtained by
2 the Trust pursuant to subsection ~~[(a)(3) and~~ *and*
3 ~~(a)(4)]~~; *(a)(4)*

4 “(2) identify the number of individuals who are
5 currently performing service to qualify, or have
6 qualified, for national service educational awards;

7 “(3) identify the number of individuals whose
8 ability to claim national service educational awards
9 has, during the period covered by the report, ^{indiv} (A)
10 been reduced pursuant to section 147(b), or ^{indiv} (B)
11 lapsed pursuant to section 146(d); and

12 “(4) estimate the number of additional ap-
13 proved national service positions which the Corpora-
14 tion will be able to make available under subtitle C
15 on the basis of any accumulated surplus in the
16 Trust above the amount required to provide national
17 service educational awards to individuals identified
18 under paragraph (2). *after adjusted under paragraph (3)*

19 **“SEC. 146. INDIVIDUALS ELIGIBLE TO RECEIVE A NATIONAL**
20 **SERVICE EDUCATIONAL AWARD FROM THE**
21 **TRUST.**

22 “(a) ELIGIBLE INDIVIDUALS.—An individual shall
23 receive a national service educational award from the Na-
24 tional Service Trust if the individual—

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

4 “(2) was 17 years of age or older at the time
5 the individual began serving in the approved na-
6 tional service position or was an out-of-school youth
7 serving in an approved national service position with
8 a youth corps program described in section
9 122(a)(2) or a program described in section
10 122(a)(9);

11 “(3) has a high school diploma, or the equiva-
12 lent of such diploma, at the time the individual ~~com-~~ *uses the educational*
13 ~~pletes the term of service; and~~ *award.*

14 “(4) is a citizen of the United States or lawfully
15 admitted for permanent residence.

16 “(b) TERM OF SERVICE.—The term of service for an
17 approved national service position shall not be less than
18 the full- or part-time term of service specified in section
19 139(b).

20 “(c) LIMITATION ON NUMBER OF TERMS OF SERV-
21 ICE FOR AWARDS.—Although an individual may serve
22 more than 2 terms of service described in subsection (b)
23 in an approved national service position, the individual
24 shall receive a national service educational award from the

*needed?
see 146(a)(1)*

1 National Service Trust only on the basis of the first and
2 second of such terms of service.

3 “(d) TIME FOR USE OF EDUCATIONAL AWARD.—

4 “(1) FIVE-YEAR REQUIREMENT.—An individual
5 eligible to receive a national service educational
6 award under this section may not use such award
7 after the end of the 5-year period beginning on the
8 date the individual completes the term of service in
9 an approved national service position that is the
10 basis of the award.

11 “(2) EXCEPTION.—The Corporation may ex-
12 tend the period within which an individual may use
13 a national service educational award if the Corpora-
14 tion determines that the individual—

15 “(A) was unavoidably prevented from
16 using the national service educational award
17 during the original 5-year period; or

18 “(B) performed another term of service in
19 an approved national service position during
20 that period.

21 **“SEC. 147. DETERMINATION OF THE AMOUNT OF THE NA-**
22 **TIONAL SERVICE EDUCATIONAL AWARD.**

23 “(a) AMOUNT GENERALLY.—Except as provided in
24 subsection (b), an individual described in section 146(a)
25 who successfully completes a required term of service in

1 an approved national service position shall receive a na-
 2 tional service educational award having a value equal to
 3 ~~\$8,500~~ for each of not more than 2 of such terms of serv-
 4 ice.

5 "(b) AWARD FOR PARTIAL COMPLETION OF SERV-
 6 ICE.—If an individual serving in an approved national
 7 service position is released from completing the term of
 8 service agreed to by the individual, the Corporation may
 9 provide the individual with that portion of the national
 10 service educational award approved for the individual that
 11 corresponds to the quantity of the term of service actually
 12 completed by the individual.

13 "(c) AWARD EXCLUSION FROM GROSS INCOME.—
 14 For purposes of section 61 of the Internal Revenue Code
 15 of 1986 (26 U.S.C. 61), in the case of an individual, gross
 16 income shall not include any amount received as a national
 17 service educational award from the National Service
 18 Trust.

19 "(d) AWARD EXCLUSION FROM MEANS-TESTED PRO-
 20 GRAMS.—Any amount received by an individual as a na-
 21 tional service educational award shall not be included as
 22 income for purposes of determining eligibility for means-
 23 tested Federal programs. [Define means-tested Federal
 24 programs. Move to conforming amendments?]

*indexing?
Should
of NCSA be
included?*

**
according to
139 (c)(1)*

*jurisdictional
issue*

**
check
§ 429
Higher Ed
Act*

*how about: "Ed awards shall
be treated
as payments
under § 418 of
DVSA?"*

1 "SEC. 148. DISBURSEMENT OF NATIONAL SERVICE EDU-
2 CATIONAL AWARDS.

3 "(a) IN GENERAL.—Amounts in the Trust shall be
4 available—

5 "(1) to repay student loans in accordance with
6 subsection (b);

7 "(2) to pay all or part of the cost of attendance
8 at an institution of higher education in accordance
9 with subsection (c); and

10 "(3) to pay expenses incurred in participating
11 in an apprenticeship program in accordance with
12 subsection (d).

13 "(b) USE OF EDUCATIONAL AWARD TO REPAY OUT-
14 STANDING STUDENT LOANS.—

15 "(1) APPLICATION BY ELIGIBLE INDIVID-
16 UALS.—An eligible individual under section 146 who
17 desires to apply his or her national service edu-
18 cational award to the repayment of qualified student
19 loans shall submit, *in a manner* ~~on a form~~ prescribed by the Cor-
20 poration, an application to the Corporation that—

21 "(A) identifies, or permits the Corporation
22 to identify readily, the holder or holders of such
23 loans;

24 "(B) indicates, or permits the Corporation
25 to determine readily, the amounts of principal
26 and interest outstanding on the loans; and

forbearance
language
*

*

1 “(C) contains or is accompanied by such
2 other information as the Corporation may re-
3 quire.

4 “(2) DISBURSEMENT OF REPAYMENTS.—Upon
5 receipt of an application from an eligible individual
6 of an application that complies with paragraph (1),
7 the Corporation shall, as promptly as practicable
8 consistent with paragraph (5), disburse the amount
9 of the national service educational award to which
10 the eligible individual is entitled. Such disbursement
11 shall be made by check or other means that is pay-
12 able to the holder of the loan and requires the en-
13 dorsement or other certification by the eligible indi-
14 vidual.

15 “(3) APPLICATION OF DISBURSED AMOUNTS.—
16 If the amount disbursed under paragraph (2) is less
17 than the principal and accrued interest on any quali-
18 fied student loan, such amount shall first be applied
19 to the repayment of principal.

20 “(4) REPORTS BY HOLDERS.—Any holder re-
21 ceiving a loan payment pursuant to this subsection
22 shall submit to the Corporation such information as
23 the Corporation may require to verify that such pay-
24 ment was applied in accordance with this subsection

1 and any regulations prescribed to carry out this sub-
2 section.

3 “(5) AUTHORITY TO AGGREGATE PAYMENTS.—
4 The Corporation may, by regulation, provide for the
5 aggregation of payments to holders under this sub-
6 section.

7 “(6) DEFINITION OF QUALIFIED STUDENT
8 LOANS.—The term ‘qualified student loans’ means—

9 “(A) any loan made, insured, or guaran-
10 teed pursuant to title IV of the Higher Edu-
11 cation Act of 1965 (20 U.S.C. 1070 et seq.),
12 other than a loan to a parent of a student pur-
13 suant to section 428B of such Act (20 U.S.C.
14 1078-2);

15 “(B) any loan made pursuant to title VII
16 of the Public Health Service Act (42 U.S.C.
17 292a et seq.);

18 “(C) [other - to be supplied]

19 “(7) DEFINITION OF HOLDER.—The term
20 ‘holder’ with respect to any eligible loan means the
21 original lender or, if the loan is subsequently sold,
22 transferred, or assigned to some other person, and
23 such other person acquires a legally enforceable
24 right to receive payments from the borrower, such
25 other person.

and VIII

1 “(8) [other - to be supplied]

2 “(c) USE OF EDUCATIONAL AWARDS TO PAY CUR-
3 RENT EDUCATIONAL EXPENSES.—

4 “(1) APPLICATION BY ELIGIBLE INDIVIDUAL.—

5 An eligible individual under section 146 who desires
6 to apply his or her national service educational
7 award to the payment of current educational ex-
8 penses shall, ~~on a form~~ *in a manner* prescribed by the Corpora-
9 tion, submit an application to the institution of high-
10 er education in which the student will be enrolled
11 that contains such information as the Corporation
12 may require to verify the individual's eligibility.

13 “(2) SUBMISSION OF REQUESTS FOR PAYMENT
14 BY INSTITUTIONS.—An institution of higher edu-
15 cation that receives 1 or more applications that com-
16 ply with paragraph (1) shall submit to the Corpora-
17 tion a statement, in a form prescribed by the Cor-
18 poration, that—

19 “(A) identifies the eligible individuals filing
20 applications under paragraph (1) for a dis-
21 bursement of the individual's national service
22 educational award under this subsection;

23 “(B) specifies the amounts for which such
24 eligible individuals are, consistent with para-

1 graph (6), qualified for disbursement under this
2 subsection;

3 “(C) certifies that (i) the institution of
4 higher education has in effect a program par-
5 ticipation agreement under section 487 of the
6 Higher Education Act of 1965 (20 U.S.C.
7 1094), and (ii) the institution’s eligibility to
8 participate in programs under title IV of such
9 Act (20 U.S.C. 1070 et seq.) has not been lim-
10 ited, suspended, or terminated; and

11 “(D) contains such provisions concerning
12 **[financial compliance]** as the Corporation may
13 require.

14 “(3) DISBURSEMENT OF PAYMENTS.—Upon re-
15 ceipt of a statement from an institution of higher
16 education that complies with paragraph (2), the Cor-
17 poration shall, subject to paragraph (4), disburse the
18 total amount of the national service educational
19 awards for which eligible individuals who have sub-
20 mitted applications to that institution under para-
21 graph (1) are qualified. Such disbursement shall be
22 made by check or other means that is payable to the
23 institution and requires the endorsement or other
24 certification by the eligible individual.

1 “(4) MULTIPLE DISBURSEMENTS REQUIRED.—

2 The total amount required to be disbursed to an in-
3 stitution of higher education under paragraph (3)
4 for any period of enrollment shall be disbursed by
5 the Corporation in 2 or more installments, none of
6 which exceeds $\frac{1}{2}$ of such total amount. The interval
7 between the first and second such installment shall
8 not be less than $\frac{1}{2}$ of such period of enrollment, ex-
9 cept as necessary to permit the second installment to
10 be paid at the beginning of the second semester,
11 quarter, or similar division of such period of enroll-
12 ment.

13 “(5) REFUND RULES.—The Corporation shall,
14 by regulation, provide for the refund to the Corpora-
15 tion (and the crediting to the national service edu-
16 cational award of an eligible individual) of amounts
17 disbursed to institutions for the benefit of eligible in-
18 dividuals who withdraw or otherwise fail to complete
19 the period of enrollment for which the assistance
20 was provided. Such regulations shall be consistent
21 with the fair and equitable refund policies required
22 of institutions pursuant to section 484B of the
23 Higher Education Act of 1965 (20 U.S.C. 1091b).

24 “(6) MAXIMUM AWARD.—The portion of an eli-
25 gible individual's total available national service edu-

**
clarify that
refunds from
schools to
Corp for
students that
fail to complete
program may
be used to
give awards
to other
participants*

1 cational award that may be disbursed under this
2 subsection for any period of enrollment shall not ex-
3 ceed the difference between—

4 “(A) the eligible individual’s cost of attend-
5 ance for such period of enrollment, determined
6 in accordance with section 472 of the Higher
7 Education Act of 1965 (20 U.S.C. 1087u); and

8 “(B) the sum of (i) the student’s estimated
9 financial assistance for such period *for purposes* pursuant to
10 *STFT* ~~part A of title IV of such Act (20 U.S.C. 1070~~
11 ~~et seq.)~~, and (ii) the student’s veterans’ edu-
12 cation benefits, determined in accordance with
13 section 480(c) of such Act (20 U.S.C.
14 1087vv(c)).

15 “(7) [Other to be supplied].—

16 “(d) USE OF EDUCATIONAL AWARD TO PARTICIPATE
17 IN APPRENTICESHIP PROGRAMS.—The Corporation shall
18 by regulation provide for the payment of national service
19 educational awards to permit eligible individuals to partici-
20 pate in recognized and approved apprenticeship programs.
21 Such regulations shall—

22 (1) [conditions for regulations to be supplied
23 on basis of labor initiatives].

24 “(e) GENERAL ADMINISTRATIVE PROVISIONS.—

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~~1 pate in recognized and approved apprenticeship programs.~~

~~2 Such regulations shall—~~

~~3 (1) [conditions for regulations to be supplied~~

~~4 on basis of labor initiatives].~~

5 “(e) GENERAL ADMINISTRATIVE PROVISIONS.—

6 [to be supplied - may already be located in

7 general Corporation powers.]

8 “(f) [Additional Provisions - to be supplied].

9 “(g) DEFINITION OF INSTITUTION OF HIGHER EDU-

10 CATION.—Notwithstanding section 101 of this Act, for

11 purposes of this section the term ‘institution of higher

12 education’ has the meaning provided by section 481(a) of

13 the Higher Education Act of 1965 (20 U.S.C. 1088(a)).”.

14 (b) TABLE OF CONTENTS.—Section 1(b) of the Na-

15 tional and Community Service Act of 1990 (Public Law

16 101-610; 101 Stat. 3127) is amended by striking the

17 items relating to subtitle D of title I of such Act and in-

18 serting the following new items:

“Subtitle D—National Service Trust and Provision of National Service
Educational Awards

“Sec. 145. Establishment of the National Service Trust.

“Sec. 146. Individuals eligible to receive a national service educational award
from the Trust.

“Sec. 147. Determination of the amount of the national service educational
award.

“Sec. 148. Disbursement of national service educational awards.”.

19 (c) CONFORMING AMENDMENTS.—

20 [(1) IMPACT ON ELIGIBILITY FOR SUBSIDIZED

21 STAFFORD LOANS.—Section 428(a)(2)(C)(i) of the

1 Community Service Act of 1990 (42 U.S.C. 12751
2 et seq.),”.] [This attempts to prevent
3 “overborrowing” of subsidized loans by service
4 award recipients.]

5 [(2) IMPACT ON GENERAL NEEDS ANALYSIS.—
6 Section 480(j) of such Act (20 U.S.C. 1087vv(j)) is
7 amended by adding at the end the following new
8 paragraph:

9 [“(3) Notwithstanding paragraph (1), any na-
10 tional service educational award such student will re-
11 ceive under subtitle D of title I of the National and
12 Community Service Act of 1990 (42 U.S.C. 12751
13 et seq.) shall not be taken into account in determin-
14 ing estimated financial assistance not received under
15 this title.”.] [This attempts to prevent reduction of
16 grants to service award recipients.]

17 [(3) IMPACT ON ELIGIBILITY FOR OTHER
18 NEEDS-TESTED PROGRAMS.—To be supplied, eg.
19 AFDC, ETC?]

20 (4) IMPACT ON ELIGIBILITY FOR STAFFORD
21 LOAN FORGIVENESS.—Section 428J(c) of the Higher
22 Education Act of 1965 (20 U.S.C. 1078-10(e)) is
23 amended by adding at the end the following new
24 paragraph:

1 “(5) INELIGIBILITY OF NATIONAL SERVICE
2 EDUCATIONAL AWARD RECIPIENTS.—No student
3 borrower ~~who~~ may, for the same volunteer service,
4 receive a benefit under both this section and subtitle
5 D of title I of the National and Community Service
6 Act of 1990 (42 U.S.C. 12751 et seq.).” ~~【Note: as-~~
7 ~~sumes prevention of double benefit for service will~~
8 ~~occur at time of service, not at time of loan repay-~~
9 ~~ment. How will this be implemented and coordinated~~
10 ~~between Corporation and Sec. of Ed.?】~~

11 (5) IMPACT ON ELIGIBILITY FOR PERKINS LOAN
12 FORGIVENESS.—Section 465(a) of the Higher Edu-
13 cation Act of 1965 (20 U.S.C. 1087ee(a)) is amend-
14 ed by adding at the end the following new para-
15 graph:

16 “(6) ~~✓~~ ^{TITLE} No borrower ~~who~~ may, for the same volun-
17 teer service, receive a benefit under both this section
18 and subtitle D of title I of the National and Commu-
19 nity Service Act of 1990 (42 U.S.C. 12751 et
20 seq.).” ~~【Note: assumes prevention of double benefit~~
21 ~~for service will occur at time of service, not at time~~
22 ~~of loan repayment. How will this be implemented~~
23 ~~and coordinated between the Corporation and the~~
24 ~~college to whom the loan is repaid?】~~

1 SEC. 103. AMENDMENTS TO PROGRAMS FOR STUDENTS
2 AND OUT-OF-SCHOOL YOUTH.

3 (a) AMENDMENTS TO SERVE-AMERICA PROGRAMS.—

4 (1) PURPOSE.—The purpose of this subsection
5 is to improve the Serve-America programs estab-
6 lished under part I of subtitle B of the National and
7 Community Service Act of 1990, and to enable the
8 Corporation for National Service, and the entities
9 receiving financial assistance under such part, to—

10 (A) work with teachers in elementary
11 schools and secondary schools within a commu-
12 nity, and with community-based agencies, to
13 create and offer service-learning opportunities
14 for all school-age youth;

15 (B) educate teachers, and faculty providing
16 teacher training and retraining, about service-
17 learning, and incorporate service-learning op-
18 portunities into classroom teaching to strength-
19 en academic learning;

20 (C) coordinate the work of adult volunteers
21 who work with elementary and secondary
22 schools as part of their community service ac-
23 tivities; and

24 (D) work with employers in the commu-
25 nities to ensure that projects ~~for middle school~~
26 ~~and high school students~~ introduce the students

1 to various careers and expose the students to
2 needed further education and training.

3 (2) PROGRAMS.—Subtitle B of title I of the Na-
4 tional and Community Service Act of 1990 (42
5 U.S.C. 12501 et seq.) is amended by striking the
6 subtitle heading and all that follows through the end
7 of part I and inserting the following:

8 **“Subtitle B—School-Based and**
9 **Community-Based Service-**
10 **Learning Programs**

11 **“PART I—SERVE-AMERICA PROGRAMS**

12 **“Subpart A—School-Based Programs for Students**

13 **“SEC. 111. AUTHORITY TO ASSIST STATES AND INDIAN**
14 **TRIBES.**

15 **“(a) USE OF FUNDS.—**The Corporation, in consulta-
16 tion with the Secretary of Education, may make grants
17 under section 112(b)(1), and allotments under subsections
18 (a) and (b)(2) of section 112, to States and Indian tribes
19 to pay for the Federal share of—

20 **“(1) planning and building the capacity of the**
21 **States or Indian tribes (which may be accomplished**
22 **through grants or contracts with qualified organiza-**
23 **tions) to implement ~~statewide or tribal~~ school-based**
24 **service-learning programs, including—**





1 “(A) providing ~~preservice and inservice~~
2 training for teachers, supervisors, personnel
3 from community-based agencies (particularly
4 with regard to the utilization of participants),
5 and trainers, to be conducted by qualified indi-
6 viduals or organizations that have experience
7 with service-learning;

8 “(B) developing service-learning curricula
9 to be integrated into academic programs, in-
10 cluding the age-appropriate learning component
11 described in section 114(d)(5)(B);

12 “(C) forming local partnerships described
13 in paragraph (2) or (4) to develop school-based
14 service-learning programs in accordance with
15 this subpart;

16 “(D) devising appropriate methods for re-
17 search and evaluation of the educational value
18 of service-learning and the effect of service-
19 learning activities on communities; and

20 “(E) establishing effective outreach and
21 dissemination of information to ensure the
22 broadest possible involvement of community-
23 based agencies with demonstrated effectiveness
24 in working with school-age youth in their com-
25 munities;

1 “(2) implementing, operating, or expanding
2 school-based service-learning programs, which may
3 include paying for the cost of the recruitment, train-
4 ing, supervision, placement, salaries, and benefits of
5 service-learning coordinators, through State distribu-
6 tion of Federal funds made available under this sub-
7 part to projects operated by local partnerships
8 among—

9 “(A) local educational agencies; and

10 “(B) one or more community partners
11 that—

12 “(i) shall include a public or private
13 nonprofit organization that will make
14 projects available for participants, who
15 shall be students; and

16 “(ii) may include a private for-profit
17 business or private elementary or second-
18 ary school;

19 “(3) planning of school-based service-learning
20 programs through State distribution of Federal
21 funds made available under this subpart to local
22 educational agencies ~~or elementary or secondary~~
23 ~~schools~~, which planning may include paying for the
24 cost of—

1 “(A) the salaries and benefits of service-
2 learning coordinators; or

3 “(B) the recruitment, training, supervision,
4 and placement of service-learning coordinators
5 who are participants in a program under sub-
6 title C or receive a national service educational
7 award under subtitle D,

8 who will identify the community partners described
9 in paragraph (2)(B) and assist in the design and im-
10 plementation of a program described in paragraph
11 (2); and

12 “(4) implementing, operating, or expanding
13 school-based service-learning programs involving
14 adult volunteers to utilize service-learning to improve
15 the education of students through State distribution
16 of Federal funds made available under this part to
17 local partnerships among—

18 “(A) local educational agencies; and

19 “(B) one or more public or private non-
20 profit organizations or private for-profit busi-
21 nesses, ^{or other educational agency}

22 that coordinate and operate projects for participants,
23 who shall be students.

24 “(b) DUTIES OF SERVICE-LEARNING COORDINA-
25 TOR.—A service-learning coordinator referred to in para-

1 graph (2) or (3) of subsection (a) shall provide services
2 to a local educational agency, elementary school, or sec-
3 ondary school by—

4 “(1) expanding the awareness of teachers of the
5 potential of service-learning in strengthening the
6 educational achievement, leadership development,
7 and substantive learning, of students;

8 “(2) providing technical assistance and informa-
9 tion to, and facilitating the training of, teachers who
10 want to use service-learning in their classrooms;

11 “(3) assisting local partnerships described in
12 subsection (a) in the planning, development, and
13 execution of service-learning projects;

14 “(4) recruiting and supervising adult volun-
15 teers, or individuals who are participants in a pro-
16 gram under subtitle C or receive a national service
17 educational award under subtitle D, to expand serv-
18 ice-learning opportunities; and

19 “(5) coordinating the activities of the service-
20 learning coordinator with the activities of the com-
21 mittee described in section 114(d)(1), and, where
22 appropriate, assisting the committee.

23 “(c) **RELATED EXPENSES.**—A partnership, local edu-
24 cational agency, elementary or secondary school, or other
25 qualified organization that receives financial assistance

1 under this subpart may, in carrying out the activities de-
2 scribed in subsection (a), use such assistance to pay for
3 the Federal share of reasonable costs related to the super-
4 vision of participants, program administration, transpor-
5 tation, insurance, evaluations, and for other reasonable ex-
6 penses related to the activities.

7 **"SEC. 111A. AUTHORITY TO ASSIST LOCAL APPLICANTS IN**
8 **NONPARTICIPATING STATES.**

9 "In any fiscal year in which a State ~~or Indian tribe~~
10 does not participate in programs under this subpart, the
11 Corporation may use the allotment of that State ~~or Indian~~
12 ~~tribe~~ under subsection (a) or (b)(2) of section 112 to make
13 direct grants to pay for the Federal share of the cost of—

14 "(1) carrying out the activities described in
15 paragraph (2) or (4) of section 111(a), to a local
16 partnership described in such paragraph; or

17 "(2) carrying out the activities described in
18 paragraph (3) of such section, to an agency or
19 school described in such paragraph,

20 that is located in the State, or serves the Indian tribe.

21 **"SEC. 111B. AUTHORITY TO ASSIST PUBLIC OR PRIVATE**
22 **NONPROFIT ORGANIZATIONS.**

23 "(a) IN GENERAL.—The Corporation may make a
24 grant under section 112(b)(1) to a public or private non-
25 profit organization that—

1 “(1) has experience with service-learning; and

2 “(2) was in existence 1 year before the date on
3 which the organization submitted an application
4 under section 114(a).

5 “(b) USE OF FUNDS.—Such an organization may use
6 a grant made under subsection (a) to make grants to part-
7 nerships described in section 111(a)(2) to implement, op-
8 erate, or expand school-based service-learning programs as
9 described in such section. *and provide technical assistance and training*

10 **“SEC. 112. GRANTS AND ALLOTMENTS.**

11 “(a) INDIAN TRIBES AND TERRITORIES.—Of the
12 amounts appropriated to carry out this subpart for any
13 fiscal year, the Corporation shall reserve an amount of not
14 more than 1 percent for payments to Indian tribes, the
15 Virgin Islands, Guam, American Samoa, and the Com-
16 monwealth of the Northern Mariana Islands, to be allotted
17 in accordance with their respective needs. The Corporation
18 may also make payments from such amount to Palau, in
19 accordance with its needs, until such time as the Compact
20 of Free Association is ratified.

21 “(b) GRANTS AND ALLOTMENTS THROUGH
22 STATES.—The Corporation shall use the remainder of the
23 funds appropriated to carry out this subpart for any fiscal
24 year as follows:

1 “(1) GRANTS.—Except as provided in para-
2 graph (3), from [25 percent] of such funds, the
3 Corporation may make grants, on a competitive
4 basis, to—

5 “(A) State educational agencies and Indian
6 tribes; or

7 “(B) as described in section 111B, to pub-
8 lic or private nonprofit organizations.

9 “(2) ALLOTMENTS.—

10 “(A) SCHOOL-AGE YOUTH.—Except as pro-
11 vided in paragraph (3), from [37.5 percent] of
12 such funds, the Corporation shall allot to each
13 State ^{Submitting an application approved under § 115} an amount that bears the same ratio to
14 [37.5 percent] of such funds as the number of
15 school-age youth in the State bears to the total
16 number of school-age youth of all States.

17 “(B) ALLOCATION UNDER ELEMENTARY
18 AND SECONDARY EDUCATION ACT OF 1965.—
19 Except as provided in paragraph (3), from
20 [37.5 percent] of such funds, the Corporation
21 shall allot to each State ^{Submitting an application approved under § 115} an amount that bears
22 the same ratio to [37.5 percent] of such funds
23 as the allocation to the State for the previous
24 fiscal year under chapter 1 of title I of the Ele-
25 mentary and Secondary Education Act of 1965

1 (20 U.S.C. 2711 et seq.) bears to such alloca-
2 tions to all States.

3 “(3) MINIMUM AMOUNT.—No State shall re-
4 ceive, under paragraph (2), an allotment that is less
5 than the allotment such State received for fiscal year
6 1993 under section 112(b) of this Act, as in effect
7 on the day before the date of enactment of this part.
8 If the amount of funds made available in a fiscal
9 year to carry out paragraph (2) is insufficient to
10 make such allotments, the Corporation shall make
11 available sums from the [25 percent] described in
12 paragraph (1) for such fiscal year to make such al-
13 lotments.

14 “(4) DEFINITION.—Notwithstanding section
15 101(25), for purposes of this subsection, the term
16 ‘State’ means each of the several States, the District
17 of Columbia, the Commonwealth of Puerto Rico, and
18 an Indian tribe.

19 “(c) REALLOTMENT.—If the Corporation determines
20 that the allotment of a State or Indian tribe under this
21 section will not be required for a fiscal year because the
22 State or Indian tribe does not ^{satisfactorily} participate in programs
23 under this subpart in such fiscal year, the Corporation
24 shall, after making any grants under section 111A to a
25 partnership, agency, or school described in such section,

or
meet
standards
set by the Corporation

have an
approved application
under § 115

1 make any remainder of such allotment available for real-
2 lotment to such other States, and Indian tribes, with ap-
3 proved applications submitted under section 113, as the
4 Corporation may determine to be appropriate.

5 “(d) EXCEPTION.—Notwithstanding subsections (a)
6 and (b), if less than \$20,000,000 is appropriated for any
7 fiscal year to carry out this subpart, the Corporation shall
8 award grants to States and Indian tribes, from the
9 amount so appropriated, on a competitive basis to pay for
10 the Federal share of the activities described in section 111.

11 **“SEC. 113. STATE OR TRIBAL APPLICATIONS.**

12 “(a) SUBMISSION.—To be eligible to receive a grant
13 under section 112(b)(1), an allotment under subsection
14 (a) or (b)(2) of section 112, a reallocation under section
15 112(c), or a grant under section 112(d), a State, acting
16 through the State educational agency, or an Indian tribe,
17 shall prepare, submit to the Corporation, and obtain ap-
18 proval of, an application at such time and in such manner
19 as the Chairperson may reasonably require.

20 “(b) CONTENTS.—An application that is submitted
21 under subsection (a) with respect to service-learning pro-
22 grams described in section 111 shall include—

23 “(1) a 3-year strategic plan for promoting serv-
24 ice-learning through the programs, which plan shall

**
(or revised plan previously approved)*

1 contain such information as the Chairperson may
2 reasonably require, such as—

3 “(A) a description of the goals to be at-
4 tained in promoting service-learning through
5 such programs;

6 “(B) a description of—

7 “(i) the resources and organization
8 needed to achieve the goals of such pro-
9 grams within elementary schools and sec-
10 ondary schools; and

11 “(ii) the manner in which such pro-
12 grams and the activities to be carried out
13 under such programs relate to the goals
14 described in subparagraph (A); and

15 ~~“(C) a description of the manner in~~
16 ~~which—~~

17 ~~“(i) the programs will promote in-~~
18 ~~volvement in service-learning activities~~
19 ~~within the State or Indian tribe and within~~
20 ~~such schools;—~~

21 ^{manner in which the}
22 “(iii) the applicant will evaluate the
23 success of the programs and the extent of
24 community involvement in the programs,
and measure the extent to which the pro-

grams meet the goals described in subparagraph (A);

“(i) the applicant ^{has} ~~will~~ rank applications submitted under section 114(c) according to the criteria described in section 115(b), and in a manner that ensures ^{ed} ~~the~~ equitable treatment of all such applications;

“(iv) the programs will be coordinated with—

“(I) the education reform efforts of the applicant;

“(II) other efforts to meet the ~~the~~ National Education Goals;

“(III) other service activities in the State or serving the Indian tribe; and

“(IV) other education programs, training programs, social service programs, and appropriate programs that serve school-age youth, that are authorized under Federal law;

“(v) the applicant will disseminate information, conduct outreach, and take other measures, to encourage cooperative

1 efforts among the local educational agen-
2 cies, local government agencies, commu-
3 nity-based agencies, State agencies, and
4 private for-profit businesses that will carry
5 out the service-learning programs proposed
6 by the applicant, to develop and provide
7 projects, including those that involve the
8 participation of urban, suburban, and rural
9 students working together;

10 “(vi) the applicant will promote ap-
11 propriate projects in such programs for
12 economically disadvantaged students, stu-
13 dents with limited basic skills, students in
14 foster care who are becoming too old for
15 foster care, students of limited-English
16 proficiency, homeless students, and stu-
17 dents with disabilities;

18 “(vii) service-learning training and
19 technical assistance will be provided
20 through the programs—

21 “(I) to State and local edu-
22 cational agency personnel, federally
23 assisted education specialists in the
24 State or serving the Indian tribe, and
25 local recipients of grants under this

1 subpart, to raise the awareness of
2 service-learning among such person-
3 nel, specialists, and recipients; and

4 “(II) by qualified and experi-
5 enced individuals employed by the
6 State or Indian tribe or through
7 grants or contracts with such individ-
8 uals;

9 “(viii) a service-learning network will
10 be established for the State or Indian
11 tribe, comprised of expert teachers and ad-
12 ministrators who have carried out success-
13 ful service-learning activities within the
14 State or serving the Indian tribe; and

15 “(ix) the applicant will use payments
16 from sources described in section
17 116(a)(2)(B) to expand projects for stu-
18 dents through the programs proposed by
19 the applicant;

20 “(2) assurances that—

21 “(A) the applicant will keep such records
22 and provide such information to the Corpora-
23 tion with respect to the programs as may be re-
24 quired for fiscal audits and program evaluation;
25 and

1 “(B) the applicant will comply with the
2 nonduplication and nondisplacement require-
3 ments of section 177; and

4 “(3) such additional information as the Chair-
5 person may reasonably require.

6 **“SEC. 114. LOCAL APPLICATIONS.**

7 “(a) APPLICATION TO CORPORATION TO MAKE
8 GRANTS FOR SCHOOL-BASED SERVICE-LEARNING PRO-
9 GRAMS.—

10 “(1) IN GENERAL.—To be eligible to receive a
11 grant in accordance with section 111B(a) to make
12 grants relating to school-based service-learning pro-
13 grams described in section 111(a)(2), a public or
14 private nonprofit organization shall prepare, submit
15 to the Corporation, and obtain approval of, an appli-
16 cation.

*meeting criteria
established by
the Corporation*

17 “(2) SUBMISSION.—Such application shall be
18 submitted at such time and in such manner, and
19 shall contain such information, as the Chairperson
20 may reasonably require. Such application shall in-
21 clude a proposal to assist such programs in more
22 than 1 State.

23 “(b) DIRECT APPLICATION TO CORPORATION TO
24 CARRY OUT SCHOOL-BASED SERVICE-LEARNING PRO-
25 GRAMS IN NONPARTICIPATING STATES.—To be eligible to

1 receive a grant from the Corporation in the circumstances
2 described in section 111A to carry out an activity de-
3 scribed in such section, a partnership, agency, or school
4 described in such section shall prepare, submit to the Cor-
5 poration, and obtain approval of, an application. Such ap-
6 plication shall be submitted at such time and in such man-
7 ner, and shall contain such information, as the Chair-
8 person may reasonably require.

9 “(c) APPLICATION TO STATE OR INDIAN TRIBE TO
10 RECEIVE ASSISTANCE TO CARRY OUT SCHOOL-BASED
11 SERVICE-LEARNING PROGRAMS.—

12 “(1) IN GENERAL.—Any—

13 “(A) qualified organization that desires to
14 receive financial assistance under this subpart
15 from a State or Indian tribe for an activity de-
16 scribed in section 111(a)(1);

17 “(B) partnership described in section
18 111(a)(2) that desires to receive such assistance
19 from a State, Indian tribe, or grantmaking en-
20 tity for an activity described in section
21 111(a)(2);

22 “(C) agency or school described in section
23 111(a)(3) that desires to receive such assistance
24 from a State or Indian tribe for an activity de-
25 scribed in such section; or

1 “(D) partnership described in section
2 111(a)(4) that desires to receive such assistance
3 from a State or Indian tribe for an activity de-
4 scribed in such section,
5 to be carried out through a service-learning program
6 described in section 111, shall prepare, submit to
7 the State educational agency, Indian tribe, or
8 grantmaking entity, and obtain approval of, an ap-
9 plication for the program.

10 “(2) SUBMISSION.—Such application shall be
11 submitted at such time and in such manner, and
12 shall contain such information, as the agency, tribe,
13 or entity may reasonably require.

14 “(d) CONTENTS OF APPLICATION.—An application
15 that is submitted under subsection (a), (b), or (c) with
16 respect to a service-learning program described in section
17 111 shall, at a minimum, contain a proposal that
18 includes—

19 “(1) information specifying the membership and
20 role of an established advisory committee, consisting
21 of representatives of community-based agencies in-
22 cluding service recipients, students, parents, teach-
23 ers, administrators, representatives of agencies that
24 serve school-age youth or older adults, school board
25 members, representatives of labor, and representa-

1 tives of business, that will provide advice with re-
2 spect to the program;

3 “(2) a description of—

4 “(A) the goals of the program which shall
5 include goals that are quantifiable and dem-
6 onstrate any benefits from the program to par-
7 ticipants and the community;

8 “(B) service-learning projects to be pro-
9 vided under the program, and evidence that
10 participants will make a sustained commitment
11 to service in the projects;

12 “(C) the manner in which participants in
13 the program were or will be involved in the de-
14 sign and operation of the program;

15 “(D) ~~preservice and inservice~~ training for
16 supervisors, teachers, service sponsors, and par-
17 ticipants in the program;

18 “(E) the manner in which exemplary serv-
19 ice will be recognized under the program; and

20 “(F) any resources that will permit con-
21 tinuation of the program, if needed, after the
22 assistance received under this subpart for the
23 program has ended;

24 “(3) information that shall include—

1 “(A) a disclosure of whether or not the
2 participants will receive academic credit for par-
3 ticipation in the program;

4 “(B) the expected number of participants
5 in the program and the hours of service that
6 such participants will provide individually and
7 as a group;

8 “(C) the proportion of expected partici-
9 pants in the program who are economically dis-
10 advantaged, including participants with disabil-
11 ities; and

12 “(D) any role of adult volunteers in imple-
13 menting the program, and the manner in which
14 such volunteers will be recruited;

15 “(4) in the case of an application submitted by
16 a local partnership, a written agreement, between
17 the members of the local partnership, stating that
18 the program was jointly developed by the members
19 and that the program will be jointly executed by the
20 members; and

21 “(5) assurances that—

22 “(A) prior to the placement of a partici-
23 pant, the entity carrying out the program will
24 consult with any local labor organization rep-
25 resenting employees in the area who are en-

1 gaged in the same or similar work as that pro-
2 posed to be carried out by such program, to
3 prevent the displacement and protect the rights
4 of such employees;

5 “(B) the entity carrying out the program
6 will develop an age-appropriate learning compo-
7 nent for participants in the program that shall
8 include a chance for participants to analyze and
9 apply their service experiences; and

10 “(C) the entity carrying out the program
11 will comply with the nonduplication and
12 nondisplacement requirements of section 177.

13 **“SEC. 115. CONSIDERATION OF APPLICATIONS.**

14 “(a) CORPORATION CRITERIA FOR APPLICATIONS.—
15 In making grants under section 112(b)(1), the Corpora-
16 tion shall ~~give priority to States and Indian tribes that~~
17 ~~submit applications under section 113 that meet~~ such cri-
18 teria with respect to sustainability, replicability, innova-
19 tion, and quality of programs under this subpart as the
20 Chairperson may by regulation specify.

21 “(b) PRIORITY FOR LOCAL APPLICATIONS.—

22 “(1) IN GENERAL.—In providing assistance
23 under this subpart, a State educational agency or
24 Indian tribe, or the Corporation if section 111A or
25 111B applies, shall give priority to entities that sub-

*and provide
preference
to § 176*

*approving applications for funding under § 112(b)(2) and
consider*

1 mit applications under section 114 with respect to
2 service-learning programs described in section 111
3 that—

4 “(A) involve participants in the design and
5 operation of the program;

6 “(B) are in the greatest need of assistance,
7 such as programs targeting low-income areas;

8 “(C) involve—

9 “(i) students from public elementary
10 or secondary schools, and students from
11 private elementary or secondary schools,
12 serving together; or

13 “(ii) students of different ages, races,
14 sexes, ethnic groups, disabilities, or eco-
15 nomic backgrounds, serving together; or

16 “(D) are integrated into the academic pro-
17 gram of the participants.

18 “(c) REJECTION OF APPLICATIONS.—

19 ~~“(1) NOTIFICATION OF APPLICANTS.—~~If the
20 Corporation rejects an application submitted by a
21 State ~~or Indian tribe~~ under section 113, the Cor- *for assistance under*
22 poration shall promptly notify the State ~~or Indian~~ *§ 112 (6) (2)*
23 ~~tribe~~ of the reasons for the rejection of the applica-
24 tion. The Corporation shall provide the State ~~or In-~~
25 ~~di- an tribe~~ with a reasonable opportunity to revise

1 and resubmit the application and shall provide tech-
2 nical assistance, if needed, to the State or Indian
3 tribe as part of the resubmission process. The Cor-
4 poration shall promptly reconsider such resubmitted
5 application.

6 ~~“(2) OTHER APPLICANTS.—The Corporation is~~
7 ~~not required to provide notice to applicants other~~
8 ~~than States and Indian tribes of the failure of the~~
9 ~~Corporation to approve an application under section~~
10 ~~114 for assistance.~~

11 **“SEC. 115A. PARTICIPATION OF STUDENTS AND TEACHERS**
12 **FROM PRIVATE SCHOOLS.**

13 ~~“(a) IN GENERAL.—To the extent consistent with the~~
14 ~~number of students in the State or Indian tribe or in the~~
15 ~~school district of the local educational agency involved who~~
16 ~~are enrolled in private nonprofit elementary and secondary~~
17 ~~schools, such State, Indian tribe, or agency shall (after~~
18 ~~consultation with appropriate private school representa-~~
19 ~~tives) make provision—~~

20 ~~“(1) for the inclusion of services and arrange-~~
21 ~~ments for the benefit of such students so as to allow~~
22 ~~for the equitable participation of such students in~~
23 ~~the programs implemented to carry out the objec-~~
24 ~~tives and provide the benefits described in this sub-~~
25 ~~part; and~~

1 “(2) for the training of the teachers of such
2 students so as to allow for the equitable participa-
3 tion of such teachers in the programs implemented
4 to carry out the objectives and provide the benefits
5 described in this subpart.

6 “(b) WAIVER.—If a State, Indian tribe, or local edu-
7 cational agency is prohibited by law from providing for
8 the participation of students or teachers from private non-
9 profit schools as required by subsection (a), or if the Cor-
10 poration determines that a State, Indian tribe, or local
11 educational agency substantially fails or is unwilling to
12 provide for such participation on an equitable basis, the
13 Chairperson shall waive such requirements and shall ar-
14 range for the provision of services to such students and
15 teachers. Such waivers shall be subject to consultation,
16 withholding, notice, and judicial review requirements in
17 accordance with paragraphs (3) and (4) of section 1017(b)
18 of the Elementary and Secondary Education Act of 1965
19 (20 U.S.C. 2727(b)).

20 **“SEC. 116. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.**

21 “(a) SHARE.—

22 “(1) IN GENERAL.—The Federal share attrib-
23 utable to this subpart of the cost of carrying out a
24 program for which a grant or allotment is made
25 under this subpart may not exceed—

1 “(A) 90 percent of the total cost of the
2 program for the first year for which the pro-
3 gram receives assistance under this subpart;

4 “(B) 80 percent of the total cost of the
5 program for the second year for which the pro-
6 gram receives assistance under this subpart;

7 “(C) 70 percent of the total cost of the
8 program for the third year for which the pro-
9 gram receives assistance under this subpart;
10 and

11 “(D) 50 percent of the total cost of the
12 program for the fourth year, and for any subse-
13 quent year, for which the program receives as-
14 sistance under this subpart.

15 “(2) CALCULATION.—In providing for the re-
16 maining share of the cost of carrying out such a pro-
17 gram, each recipient of assistance under this
18 subpart—

19 “(A) shall provide for such share through
20 a payment in cash or in kind, fairly evaluated,
21 including facilities, equipment, or services; and

22 “(B) may provide for such share through
23 State sources, local sources, or Federal sources
24 (other than funds made available under this
25 Act).

in whole or in part S.L.C.

1 “(b) WAIVER.—The Chairperson may waive the re-
2 quirements of subsection (a) with respect to any such pro-
3 gram in any fiscal year if the Corporation determines that
4 such a waiver would be equitable due to a lack of available
5 financial resources at the local level.

6 **“SEC. 116A. LIMITATIONS ON USES OF FUNDS.**

7 “(a) ADMINISTRATIVE COSTS.—

8 “(1) STATE EDUCATIONAL AGENCY, INDIAN
9 TRIBE, OR GRANTMAKING ENTITY.—A State edu-
10 cational agency, Indian tribe, or grantmaking entity
11 that receives a grant or allotment under this subpart
12 for a fiscal year may reserve not more than 5 per-
13 cent of the funds made available through the grant
14 or allotment for the fiscal year, for administrative
15 costs of programs carried out under this subpart.

16 “(2) GRANT RECIPIENT.—If a grantmaking en-
17 tity makes a reservation under paragraph (1) of
18 funds made available for a fiscal year, a partnership
19 that receives a grant from the grantmaking entity
20 under this subpart for such fiscal year may not use
21 funds made available through the grant for adminis-
22 trative costs. If the grantmaking entity does not
23 make such a reservation, the partnership that re-
24 ceives the grant may use not more than 5 percent
25 of the funds made available through the grant for

1 administrative costs of programs carried out under
2 this subpart.

3 “(b) CAPACITY-BUILDING ACTIVITIES.—A State edu-
4 cational agency or Indian tribe that receives a grant or
5 allotment under this subpart for a fiscal year may reserve
6 not less than 10 percent and not more than 15 percent
7 of such funds, to build capacity through training, technical
8 assistance, curriculum development, and coordination ac-
9 tivities, described in section 111(a)(1).

10 “(c) LOCAL USES OF FUNDS.—Funds made available
11 under this subpart may not be used to pay any stipend,
12 allowance, or other financial support to any elementary or
13 secondary school student who is a participant under this
14 subtitle, except reimbursement for transportation, meals,
15 and other reasonable out-of-pocket expenses directly relat-
16 ed to participation in a program assisted under this sub-
17 part.

18 **“SEC. 116B. DEFINITIONS.**

19 “As used in this subpart:

20 “(1) GRANTMAKING ENTITY.—The term
21 ‘grantmaking entity’ means an organization de-
22 scribed in section 111B(a).

23 “(2) SCHOOL-BASED.—The term ‘school-based’
24 means based in an elementary school or a secondary
25 school.

1 “(3) STUDENT.—Notwithstanding section
2 101(28), the term ‘student’ means an individual who
3 is enrolled in an elementary or secondary school on
4 a full- or part-time basis.

5 **“Subpart B—Community-Based Service Programs for**
6 **School-Age Youth**

7 **“SEC. 117. DEFINITIONS.**

8 “As used in this subpart:

9 “(1) COMMUNITY-BASED SERVICE PROGRAM.—
10 The term ‘community-based service program’ means
11 a program described in section 117A(b)(1)(A).

12 “(2) GRANTMAKING ENTITY.—The term
13 ‘grantmaking entity’ means a qualified organization
14 that—

15 “(A) submits an application under section
16 117C(a) to make grants to qualified organiza-
17 tions; *and*

18 ~~“(B) has experience with service learning;~~

19 ~~and~~

20 “(C) ^B was in existence 1 year before the
21 date on which the organization submitted the
22 application.

23 “(3) QUALIFIED ORGANIZATION.—The term
24 ‘qualified organization’ means a public or private

1 nonprofit organization with experience working with
2 school-age youth *that meets criteria established by the*
3 *Corporation*
4 "SEC. 117A. GENERAL AUTHORITY.

5 "(a) GRANTS.—From the funds appropriated to
6 carry out this subpart for a fiscal year, the Corporation
7 may make grants to State Commissions, grantmaking en-
8 tities, and qualified organizations to pay for the Federal
9 share of the implementation, operation, expansion, or rep-
lication of community-based service programs.

10 "(b) USE OF FUNDS.—

11 "(1) STATE COMMISSIONS AND GRANTMAKING
12 ENTITIES.—A State Commission or grantmaking en-
13 tity may use a grant made under subsection (a)—

14 "(A) to make a grant to a qualified organi-
15 zation to implement, operate, expand, or rep-
16 licate ~~such a~~ program that provides *service-learning* projects in-
17 volving meaningful human, educational, envi-
18 ronmental, or public safety service by partici-
19 pants, who shall be school-age youth; or

20 "(B) to provide training and technical as-
21 sistance to a such an organization.

22 "(2) QUALIFIED ORGANIZATIONS.—A qualified
23 organization, other than a grantmaking entity, may
24 use a grant made under subsection (a) to implement,

1 operate, expand, or replicate a program described in
2 paragraph (1)(A).

3 **"SEC. 117B. STATE APPLICATIONS.**

4 "(a) IN GENERAL.—To be eligible to receive a grant
5 under section 117A(a), a State Commission shall prepare,
6 submit to the Corporation, and obtain approval of, an ap-
7 plication.

8 "(b) SUBMISSION.—Such application shall be submit-
9 ted to the Corporation at such time and in such manner,
10 and shall contain such information, as the Chairperson
11 may reasonably require.

12 "(c) CONTENTS.—Such an application shall include,
13 at a minimum, a State plan that contains the descriptions,
14 proposals, and assurance described in section 117C(d)
15 with respect to each community-based service program
16 proposed to be carried out through funding distributed by
17 the State Commission under this subpart.

18 **"SEC. 117C. LOCAL APPLICATIONS.**

19 "(a) APPLICATION TO CORPORATION TO MAKE
20 GRANTS FOR COMMUNITY-BASED SERVICE PROGRAMS.—
21 To be eligible to receive a grant from the Corporation
22 under section 117A(a) to make grants under section
23 117A(b)(1), a ~~qualified organization~~ ^{grantmaking entity} shall prepare, submit
24 to the Corporation, and obtain approval of, an application
25 that proposes a community-based service program to be

1 carried out through grants made to qualified organiza-
2 tions. Such application shall be submitted at such time
3 and in such manner, and shall contain such information,
4 as the Chairperson may reasonably require.

5 “(b) DIRECT APPLICATION TO CORPORATION TO
6 CARRY OUT COMMUNITY-BASED SERVICE PROGRAMS.—

7 To be eligible to receive a grant from the Corporation
8 under section 117A(a) to implement, operate, expand, or
9 replicate a community service program, a qualified organi-
10 zation shall prepare, submit to the Corporation, and ob-
11 tain approval of, an application that proposes a commu-
12 nity-based service program to be carried out at multiple
13 sites, or that proposes an innovative community-based
14 service program. Such application shall be submitted at
15 such time and in such manner, and shall contain such in-
16 formation, as the Chairperson may reasonably require.

17 “(c) APPLICATION TO STATE COMMISSION OR
18 GRANTMAKING ENTITY TO RECEIVE GRANTS TO CARRY
19 OUT COMMUNITY-BASED SERVICE PROGRAMS.—To be el-
20 igible to receive a grant from a State Commission or
21 grantmaking entity under section 117A(b)(1), a qualified
22 organization shall prepare, submit to the Commission or
23 entity, and obtain approval of, an application. Such appli-
24 cation shall be submitted at such time and in such man-

**
grantmaking*

1 ner, and shall contain such information, as the Commis-
2 sion or entity may reasonably require.

3 “(d) REQUIREMENTS OF APPLICATION.—An applica-
4 tion submitted under subsection (a), (b), or (c) shall, at
5 a minimum, contain—

6 “(1) a description of any community-based
7 service program proposed to be implemented, oper-
8 ated, expanded, or replicated directly by the appli-
9 cant using assistance provided under this subpart;

10 “(2) a description of any grant program pro-
11 posed to be conducted by the applicant with assist-
12 ance provided under this subpart to support a com-
13 munity-based service program;

14 “(3) a proposal for carrying out the commu-
15 nity-based service program that describes the man-
16 ner in which the entity carrying out the program
17 will—

18 “(A) provide preservice and inservice train-
19 ing, for supervisors and participants, that will
20 be conducted by qualified individuals, or quali-
21 fied organizations, that have experience in com-
22 munity-based service programs;

23 “(B) include economically disadvantaged
24 individuals as participants in the program pro-
25 posed by the applicant;

1 “(C) provide an age-appropriate service-
2 learning component described in section
3 114(d)(5)(B);

4 “(D) conduct an appropriate evaluation of
5 the program;

6 “(E) provide for appropriate community
7 involvement in the program;

8 “(F) provide service experiences that pro-
9 mote leadership abilities among participants in
10 the program, including experiences that involve
11 such participants in program design;

12 “(G) involve participants in projects ap-
13 proved by community-based agencies;

14 “(H) establish and measure progress to-
15 ward the goals of the program; and

16 “(I) organize participants in the program
17 into teams, with team leaders who may be par-
18 ticipants in a program under subtitle C or indi-
19 viduals who receive a national service edu-
20 cational award under subtitle D; and

21 “(4) an assurance that the entity carrying out
22 the program proposed by the applicant will comply
23 with the nonduplication and nondisplacement provi-
24 sions of section 177.

1 **"SEC. 117D. CONSIDERATION OF APPLICATIONS.**

2 “(a) APPLICATION OF CRITERIA.—The Corporation
3 shall apply the criteria described in subsection (b) in de-
4 termining whether to approve an application submitted
5 under section 117B or under subsection (a) or (b) of sec-
6 tion 117C and to provide assistance under section 117A
7 to the applicant on the basis of the application.

8 “(b) ASSISTANCE CRITERIA.—The Corporation shall
9 consider, in evaluating such an application—

10 “(1) in the case of an application submitted by
11 a State Commission, the quality of the State plan
12 required under section 117B;

13 “(2) the quality of the community-based service
14 program to be conducted directly or supported by
15 the applicant;

16 “(3) the innovative aspects of the program, and
17 the extent to which the program can be replicated;

18 “(4) the sustainability of the program, based
19 on—

20 “(A) evidence of strong and broad-based
21 community support for the program; and

22 “(B) the existence of multiple funding
23 sources and private funding that will permit
24 continuation of the program after the assistance
25 received under this subpart for the program has
26 ended;

*
conform
criteria
to § 133(b)
or cross-refer

1 “(5)(A) the extent to which the program builds
2 on programs, authorized under this Act or under
3 other authority, that are in existence on the date of
4 submission of the application; and

5 “(B) the past performance of such programs;

6 “(6) the extent to which the community-based
7 service program involves participants in the design,
8 operation, and leadership of the program;

9 “(7) the extent to which the program provides
10 services where the services are needed most, such as
11 in communities that are designated as enterprise
12 zones or redevelopment areas or are otherwise tar-
13 geted for special economic incentives, areas that are
14 environmentally distressed, and communities ad-
15 versely affected by reductions in defense spending;
16 and

17 “(8) such other factors as the Chairperson con-
18 sider to be appropriate.

19 “(c) APPLICATION TO SUBGRANTS.—A State Com-
20 mission or grantmaking entity shall apply the criteria de-
21 scribed in subsection (b) in determining whether to ap-
22 prove an application under section 117C(c) and to make
23 a grant under section 117A(b)(1) to the applicant on the
24 basis of the application.

1 **"SEC. 117E. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.**

2 **"(a) FEDERAL SHARE.—**

3 **"(1) IN GENERAL.—**The Federal share attrib-
4 utable to this subpart of the cost of carrying out a
5 program for which a grant is made under this sub-
6 part may not exceed the percentage specified in sub-
7 paragraph (A), (B), (C), or (D) of section 116(a)(1),
8 as appropriate.

9 **"(2) CALCULATION.—**Each recipient of assist-
10 ance under this subpart shall comply with section
11 116(a)(2).

12 **"(b) WAIVER.—**The Chairperson may waive the re-
13 quirements of subsection (a) as provided in section 116(b).

14 **"SEC. 117F. LIMITATIONS ON USES OF FUNDS.**

15 **"(a) STATE COMMISSION OR GRANTMAKING EN-**
16 **TITY.—**A State Commission or grantmaking entity that
17 receives a grant under this subpart for a fiscal year may
18 reserve not more than 5 percent of the funds made avail-
19 able through such grant for the fiscal year, for administra-
20 tive costs of programs carried out under this subpart.

21 **"(b) QUALIFIED ORGANIZATION.—**If a grantmaking
22 entity makes a reservation under subsection (a) of funds
23 made available for a fiscal year, a qualified organization
24 that receives a grant from the entity under this subpart
25 for such fiscal year may not use funds made available
26 through the grant for administrative costs. If the entity

1 does not make such a reservation, the qualified organiza-
2 tion that receives the grant may use not more than 5 per-
3 cent of the funds made available through the grant for
4 administrative costs of programs carried out under this
5 subpart.

6 **“Subpart C—Clearinghouse**

7 **“SEC. 118. SERVICE-LEARNING CLEARINGHOUSE.**

8 “(a) IN GENERAL.—The Corporation shall provide fi-
9 nancial assistance, from funds appropriated to carry out
10 subtitle C, to agencies described in subsection (b) to estab-
11 lish a clearinghouse, which shall carry out activities, either
12 directly or by ~~contract~~ ^{arrangement} with another such entity, with re-
13 spect to information about service-learning.

14 “(b) PUBLIC AND PRIVATE NONPROFIT AGENCIES.—
15 Public and private nonprofit agencies that have extensive
16 experience with service-learning, including use of adult vol-
17 unteers to foster service-learning, shall be eligible to re-
18 ceive assistance under subsection (a).

19 “(c) FUNCTION OF CLEARINGHOUSE.—An entity
20 that receives assistance under subsection (a) may—

21 “(1) assist entities carrying out State or local
22 service-learning programs with needs assessments
23 and planning;

24 “(2) conduct research and evaluations concern-
25 ing service-learning;

1 “(3)(A) provide leadership development and
2 training to State and local service-learning program
3 administrators, supervisors, service sponsors, and
4 participants; and

5 “(B) provide training to persons who can pro-
6 vide the leadership development and training de-
7 scribed in subparagraph (A);

8 “(4) facilitate communication among entities
9 carrying out service-learning programs and partici-
10 pants in such programs;

11 “(5) provide information, curriculum materials,
12 and technical assistance relating to planning and op-
13 eration of service-learning programs, to States and
14 local entities eligible to receive financial assistance
15 under this title;

16 “(6)(A) gather and disseminate information on
17 successful service-learning programs, components of
18 such successful programs, innovative youth skills
19 curricula related to service-learning, and service-
20 learning projects; and

21 “(B) coordinate the activities of the Clearing-
22 house with appropriate entities to avoid duplication
23 of effort;

1 “(7) make recommendations to State and local
2 entities on quality controls to improve the quality of
3 service-learning programs;

4 “(8) assist organizations in recruiting, screen-
5 ing, and placing service-learning coordinators; and

6 “(9) carry out such other activities as the Cor-
7 poration determines to be appropriate.

8 “Subpart D—General Provisions

9 "SEC. 119. AVAILABILITY OF APPROPRIATIONS.

10 "Of the aggregate amount appropriated to carry out
11 this ^{subtitle} ~~part~~ for each fiscal year—⁽¹⁾ a sum equal to 75% shall be available to
carry out Part I, which

12 “(1) a sum equal to 85 percent of such amount
13 shall be available to carry out subpart A; and

14 “(2) a sum equal to 15 percent of such amount
15 shall be available to carry out subpart B.”.

16 (b) HIGHER EDUCATION INNOVATIVE PROJECTS.—

17 Part II of subtitle B of title I of the National and Commu-
18 nity Service Act of 1990 (42 U.S.C. 12531 et seq.) is
19 amended to read as follows:

20 **“PART II—HIGHER EDUCATION INNOVATIVE**
21 **PROGRAMS FOR COMMUNITY SERVICE**

22 "SEC. 120. HIGHER EDUCATION INNOVATIVE PROGRAMS
23 FOR COMMUNITY SERVICE.

24 “(a) PURPOSE.—It is the purpose of this part to ex-
25 pand participation in community service by supporting in-

1 into the curriculum for students in professional
2 schools, so that students can obtain credit for their
3 community service projects;

4 “(4) supplementing the funds available to carry
5 out work-study programs under part C of title IV of
6 the Higher Education Act of 1965 (42 U.S.C. 2751
7 et seq.) to support service-learning and community
8 service through the community service program;

9 “(5) strengthening the service infrastructure
10 within institutions of higher education in the United
11 States through the program; and

12 “(6) providing for the training of teachers, pro-
13 spective teachers, related education personnel, and
14 community leaders in the skills necessary to develop,
15 supervise, and organize service-learning.

16 “(c) FEDERAL SHARE.—

17 “(1) SHARE.—

18 “(A) IN GENERAL.—The Federal share of
19 the cost of carrying out a community service
20 project for which a grant or contract is awarded
21 under this part may not exceed 50 percent.

22 “(B) CALCULATION.—Each recipient of as-
23 sistance under this part shall comply with sec-
24 tion 116(a)(2).

1 novative community service programs carried out through
2 institutions of higher education, acting as civic institutions
3 to improve ~~the health and well-being of~~ *educational, library, environmental* neighboring com-
4 munities. *needs* *Public safety*

5 “(b) GENERAL AUTHORITY.—The Corporation, in
6 consultation with the Secretary of Education, is author-
7 ized to make grants to, and enter into contracts with, in-
8 stitutions of higher education (including a combination of
9 such institutions), and partnerships comprised of such in-
10 stitutions and of other public agencies or nonprofit private
11 organizations, to pay for the Federal share of the cost of—

12 “(1) enabling such an institution or partnership
13 to create or expand an organized community service
14 program that engenders a sense of social responsibil-
15 ity and commitment to the community in which the
16 institution is located, and provides projects for par-
17 ticipants, who shall be students, ~~and may be~~ *and may be* faculty, administra-
18 tion, or staff of the institution, or residents of the
19 community;

20 “(2) supporting student-initiated and student-
21 designed community service projects through the
22 program;

23 “(3) facilitating the integration of community
24 service carried out under the program into academic
25 curricula, including integration of clinical programs

1 into the curriculum for students in professional
2 schools, so that students can obtain credit for their
3 community service projects;

4 “(4) supplementing the funds available to carry
5 out work-study programs under part C of title IV of
6 the Higher Education Act of 1965 (42 U.S.C. 2751
7 et seq.) to support service-learning and community
8 service through the community service program;

9 “(5) strengthening the service infrastructure
10 within institutions of higher education in the United
11 States through the program; and

12 “(6) providing for the training of teachers, pro-
13 spective teachers, related education personnel, and
14 community leaders in the skills necessary to develop,
15 supervise, and organize service-learning.

16 “(c) FEDERAL SHARE.—

17 “(1) SHARE.—

18 “(A) IN GENERAL.—The Federal share of
19 the cost of carrying out a community service
20 project for which a grant or contract is awarded
21 under this part may not exceed 50 percent.

22 “(B) CALCULATION.—Each recipient of as-
23 sistance under this part shall comply with sec-
24 tion 116(a)(2).

1 novative community service programs carried out through
2 institutions of higher education, acting as civic institutions
3 to improve ~~the health and well-being of~~ *educational, business, environmental* neighboring com-
4 munities. *needs* *Public safety*

5 “(b) GENERAL AUTHORITY.—The Corporation, in
6 consultation with the Secretary of Education, is author-
7 ized to make grants to, and enter into contracts with, in-
8 stitutions of higher education (including a combination of
9 such institutions), and partnerships comprised of such in-
10 stitutions and of other public agencies or nonprofit private
11 organizations, to pay for the Federal share of the cost of—

12 “(1) enabling such an institution or partnership
13 to create or expand an organized community service
14 program that engenders a sense of social responsibil-
15 ity and commitment to the community in which the
16 institution is located, and provides projects for par-
17 ticipants, who shall be students, ~~and may be~~ *and may be* faculty, administra-
18 tion, or staff of the institution, or residents of the
19 community;

20 “(2) supporting student-initiated and student-
21 designed community service projects through the
22 program;

23 “(3) facilitating the integration of community
24 service carried out under the program into academic
25 curricula, including integration of clinical programs

1 “(iii) whether or not students will re-
2 ceive academic credit for community serv-
3 ice projects under the program;

4 “(iv) the procedure for training super-
5 visors and participants and for supervising
6 and organizing participants in such pro-
7 gram;

8 “(v) the procedures to ensure that the
9 program includes the age-appropriate
10 learning component described in section
11 114(d)(5)(B);

12 “(vi) the roles played by ^{Student}community
13 members, including service recipients, in
14 the design and implementation of the pro-
15 gram; and

16 “(vii) the budget for the program;

17 “(B) assurances that—

18 “(i) prior to the placement of a partic-
19 ipant, the applicant will consult with any
20 local labor organization representing em-
21 ployees in the area who are engaged in the
22 same or similar work as that proposed to
23 be carried out by such program, to prevent
24 the displacement and protect the rights of
25 such employees; and

1 “(2) WAIVER.—The Chairperson may waive the
2 requirements of paragraph (1) as provided in section
3 116(b).

4 “(d) APPLICATION FOR GRANT.—

5 “(1) SUBMISSION.—To receive a grant or enter
6 into a contract under this part, an institution or
7 partnership described in subsection (b) shall pre-
8 pare, submit to the Corporation, and obtain approval
9 of, an application at such time and in such manner
10 as the Chairperson may reasonably require.

11 “(2) CONTENTS.—An application submitted
12 under paragraph (1) shall contain—

13 “(A) such information as the ~~Chairperson~~ *Corporation?*
14 may reasonably require, such as a description
15 of—

16 “(i) the proposed program to be es-
17 tablished with assistance provided under
18 the grant or contract;

19 “(ii) the human, educational, environ-
20 mental, or public safety service that par-
21 ticipants will perform and the community
22 need that will be addressed under such
23 program;