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[National Service Trust Act-Discussion Drafts] [3]

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Position:

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1 “(ii) the applicant will comply with
2 the nonduplication and nondisplacement
3 provisions of section 177; and

4 “(C) such other assurances as the ~~Chair~~
5 ~~person~~ may reasonably require.

6 “(e) PRIORITY.—

7 “(1) IN GENERAL.—In making grants and en-
8 tering into contracts under subsection (b), the Cor-
9 poration shall give priority to applicants that submit
10 applications containing proposals that—

11 “(A) demonstrate the commitment of the
12 institution of higher education, other than by
13 demonstrating the commitment of the students,
14 to supporting the community service projects
15 carried out under the program;

16 “(B) specify the manner in which the insti-
17 tution will promote faculty, administration, and
18 staff participation in the community service
19 projects;

20 “(C) specify the manner in which the insti-
21 tution will provide service to the community
22 through organized programs, including, where
23 appropriate, clinical programs for students in
24 professional schools;

1 “(D) describe any partnership that will
2 participate in the community service projects,
3 such as a partnership comprised of—

4 “(i) the institution;

5 “(ii)(I) a community-based agency;

6 “(II) a local government agency; or

7 “(III) a nonprofit entity that serves or
8 involves school-age youth or older adults;

9 or

10 “(iii) a student organization;

11 “(E) demonstrate community involvement
12 in the development of the proposal;

13 “(F) specify that the institution will use
14 such assistance to strengthen the service infra-
15 structure in institutions of higher education; or

16 “(G) with respect to projects involving de-
17 livery of service, specify projects that involve
18 leadership development of school-age youth.

19 “(2) DETERMINATION.—In giving priority to
20 applicants under paragraph (1), the Corporation
21 shall give increased priority to such an applicant for
22 each characteristic described in subparagraphs (A)
23 through (G) of paragraph (1) that is reflected in the
24 application submitted by the applicant.

1 “(f) NATIONAL SERVICE EDUCATIONAL AWARD.—A
2 participant in a program funded under this part shall be
3 eligible for the national service educational award de-
4 scribed in subtitle D, if the participant served in an ap-
5 proved national service position.

6 “(g) DEFINITION.—Notwithstanding section
7 101(28), as used in this part, the term ‘student’ means
8 an individual who is enrolled in an institution of higher
9 education on a full- or part-time basis.”.

10 “(c) TABLE OF CONTENTS.—Section 1(b) of the Na-
11 tional and Community Service Act of 1990 (Public Law
12 101–610; 104 Stat. 3127) is amended by striking the
13 items relating to subtitle B of title I of such Act and in-
14 serting the following:

“Subtitle B—School-Based and Community-Based Service-Learning Programs

“PART I—SERVE-AMERICA PROGRAMS

“SUBPART A—SCHOOL-BASED PROGRAMS FOR STUDENTS

- “Sec. 111. Authority to assist States and Indian tribes.
- “Sec. 111A. Authority to assist local applicants in nonparticipating States.
- “Sec. 111B. Authority to assist public or private nonprofit organizations.
- “Sec. 112. Grants and allotments.
- “Sec. 113. State or tribal applications.
- “Sec. 114. Local applications.
- “Sec. 115. Consideration of applications.
- “Sec. 115A. Participation of students and teachers from private schools.
- “Sec. 116. Federal, State, and local contributions.
- “Sec. 116A. Limitations on uses of funds.
- “Sec. 116B. Definitions.

“SUBPART B—COMMUNITY-BASED SERVICE PROGRAMS FOR SCHOOL-AGE
YOUTH

- “Sec. 117. Definitions.
- “Sec. 117A. General authority.
- “Sec. 117B. State applications.
- “Sec. 117C. Local applications.
- “Sec. 117D. Consideration of applications.

110

"Sec. 117E. Federal, State, and local contributions.

"Sec. 117F. Limitations on uses of funds.

"SUBPART C—CLEARINGHOUSE

"Sec. 118. Service-learning clearinghouse.

"SUBPART D—GENERAL PROVISIONS

"Sec. 119. Availability of appropriations.

"PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY
SERVICE

"Sec. 120. Higher education innovative programs for community service."

1 (d) ~~TECHNICAL AND CONFORMING AMENDMENTS.—~~
2 Section 172(a)(3)(A) of the National and Community
3 Service Act of 1990 (42 U.S.C. 12632(a)(3)(A)) is amend-
4 ed by striking "113(9)" and inserting "113(b)(1)(C)(v)".

5 **SEC. 104. QUALITY AND INNOVATION ACTIVITIES.**

6 (a) REPEAL.—Subtitle E of title I of the National
7 and Community Service Act of 1990 (42 U.S.C. 12591
8 et seq.) is repealed.

9 (b) TRANSFER.—Title I of the National and Commu-
10 nity Service Act of 1990 is amended—

11 (1) by redesignating subtitle H (42 U.S.C.
12 12653 et seq.) as, and transferring such subtitle to,
13 subtitle E;

14 (2) by inserting subtitle E (as so redesignated
15 by paragraph (1) of this subsection) after subtitle D;
16 and

17 (3) by redesignating sections 195 through 195O
18 as sections 151 through 166, respectively.

1 (c) INVESTMENT FUND FOR QUALITY AND INNOVA-
2 TION.—Title I of the National and Community Service Act
3 of 1990 (as amended by subsection (b) of this section)
4 is amended by adding at the end the following new sub-
5 title:

*Investment Fund
for*
6 **“Subtitle H—Quality and**
7 **Innovation Activities—**

8 **“SEC. 198. ADDITIONAL CORPORATION ACTIVITIES TO SUP-**
9 **PORT NATIONAL SERVICE.**

10 “(a) METHODS OF CONDUCTING ACTIVITIES.—The
11 Corporation may carry out this section directly or through
12 grants, contracts, and cooperative agreements with other
13 entities.

14 “(b) INNOVATION AND QUALITY IMPROVEMENT.—
15 The Corporation may undertake activities to improve the
16 quality of national service programs and to support inno-
17 vative and model programs, including programs for rural
18 youth, employer-based retiree programs, intergenerational
19 programs, and programs sponsored by State Governors.

20 An intergenerational program referred to in this sub-
21 section may include a program in which older adults pro-
22 vide services to children who participate in Head Start
23 programs.

24 “(c) SUMMER PROGRAMS.—The Corporation may
25 support service programs intended to be carried out be-

**
under
Sub B + C
programs involving
people with
disabilities
as service
providers*

1 tween May 1 and October 1, except that such a program
2 may also include a year-round component.

3 “(d) COMMUNITY-BASED AGENCIES.—The Corpora-
4 tion may provide training and technical assistance and
5 other assistance to service sponsors and other community-
6 based agencies that provide volunteer placements in order
7 to improve the ability of such agencies to use participants
8 and other volunteers in a manner that results in high-qual-
9 ity service and a positive service experience for the partici-
10 pants and volunteers.

11 “(e) IMPROVE ABILITY TO APPLY FOR ASSIST-
12 ANCE.—The Corporation may provide training and tech-
13 nical assistance to individuals, programs, ^{local labor organizations,} State edu-
14 cational agencies, State commissions, local educational
15 agencies, local governments, community-based agencies,
16 and other entities to enable them to apply for funding
17 under a national service law, to conduct high-quality pro-
18 grams, to evaluate such programs, and for other purposes.

19 “(f) NATIONAL SERVICE FELLOWSHIPS.—The Cor-
20 poration may award national service fellowships.

21 “(g) CONFERENCES AND MATERIALS.—The Corpora-
22 tion may organize and hold conferences, and prepare and
23 publish materials, to disseminate information and promote
24 the sharing of information among programs for the pur-
25 pose, improving the quality of programs and projects.

113

1 “(h) PEACE CORPS AND ~~FEDERAL PROGRAMS~~.—The
2 Corporation may provide training assistance to selected in-
3 dividuals who volunteer to serve in the Peace Corps or a
4 program authorized under title I of the Domestic Volun-
5 teer Service Act of 1973 (42 U.S.C. 4951 et seq.). The
6 training shall be provided as part of the course of study
7 of the individual at an institution of higher education, and
8 shall cover appropriate skills that the individual will use
9 in the Peace Corps or VISTA.

10 “(i) PROMOTION AND RECRUITMENT.—The Corpora-
11 tion may conduct a campaign to ^{solicit} raise funds for the Na-
12 tional Service Trust and ^{other programs and activities} to promote and recruit partici-
13 pants for programs that receive assistance under the na-
14 tional service laws.

15 “(j) TRAINING.—The Corporation may support na-
16 tional and regional participant and supervisor training, in-
17 cluding ^{leadership training and} training in specific types of service and in building
18 ^{the} a national service ethic ^{of civic responsibility}

19 “(k) RESEARCH.—The Corporation may support re-
20 search on national service, including service-learning.

21 “(l) ^{not italics} INTERGENERATIONAL SUPPORT.—The Corpora-
22 tion may assist programs in developing a service compo-
23 nent that combines students, out-of-school youths, and
24 older adults as participants to provide needed community
25 services.

1 “(m) PLANNING COORDINATION.—The Corporation

2 may coordinate community-wide planning among pro-
3 grams and projects.

4 “(n) POINTS OF LIGHT FOUNDATION.—The Cor-
5 poration may support the activities of the Points of Light
6 Foundation under title III.

7 “(o) ~~ESPRIT DE CORPS~~ ^{national program identity,}.—The Corporation may sup-
8 port the development and dissemination of materials, in-
9 cluding training materials and ~~uniforms~~ ^{designs of} designed to pro-
10 mote unity and shared features among programs that re-
11 ceive assistance under the national service laws.

12 **“SEC. 198A. CLEARINGHOUSES.**

13 “(a) ASSISTANCE.—The Corporation shall provide as-
14 sistance to appropriate entities to establish one or more
15 clearinghouses, including the clearinghouse described in
16 section 118.

17 “(b) APPLICATION.—To be eligible to receive assist-
18 ance under subsection (a), an entity shall submit an appli-
19 cation to the Corporation at such time, in such manner,
20 and containing such information as the Corporation may
21 require.

22 **“SEC. 198B. PRESIDENTIAL AWARDS FOR SERVICE.**

23 “(a) PRESIDENTIAL AWARDS.—

24 “(1) IN GENERAL.—The President, acting
25 through the Corporation, may make Presidential

Insert
existing
§190(f)(3)
here—
change
“shall” to
“may”

1 awards for service to individuals providing signifi-
2 cant service, and to outstanding service programs.

3 “(2) INDIVIDUALS AND PROGRAMS.—Notwith-
4 standing section 101(17)—

5 “(A) an individual receiving an award
6 under this subsection need not be a participant
7 in a program authorized under this Act; and

8 “(B) a program receiving an award under
9 this subsection need not be a program author-
10 ized under this Act.

11 “(3) NATURE OF AWARD.—In making an award
12 under this section to an individual or program, the
13 President, acting through the Corporation—

14 “(A) is authorized to incur necessary ex-
15 penses for the honorary recognition of the indi-
16 vidual or program; and

17 “(B) is not authorized to make a cash
18 award to such individual or program.

19 “(b) INFORMATION.—The President, acting through
20 the Corporation, shall ensure that information concerning
21 individuals and programs receiving awards under this sec-
22 tion is widely disseminated.”.

23 (d) TABLE OF CONTENTS.—

24 (1) CIVILIAN COMMUNITY CORPS.—Section 1(b)
25 of the National and Community Service Act of 1990

1 (Public Law 101-610; 104 Stat. 3127) is amended
 2 by striking the items relating to subtitle E of title
 3 I of such Act and inserting the following:

"Subtitle E—Civilian Community Corps

- "Sec. 151. Purpose.
- "Sec. 152. Establishment of Civilian Community Corps Demonstration Program.
- "Sec. 153. National service program.
- "Sec. 154. Summer national service program.
- "Sec. 155. Civilian Community Corps.
- "Sec. 156. Training.
- "Sec. 157. Service projects.
- "Sec. 158. Authorized benefits for Corps personnel under Federal law.
- "Sec. 159. Administrative provisions.
- "Sec. 160. Status of Corps members and Corps personnel under Federal law.
- "Sec. 161. Contract and grant authority.
- "Sec. 162. Responsibilities of other departments.
- "Sec. 163. Advisory board.
- "Sec. 164. Annual evaluation.
- "Sec. 165. Funding limitation.
- "Sec. 166. Definitions."

4 (2) QUALITY AND INNOVATION.—Section 1(b)
 5 of the National and Community Service Act of 1990
 6 (Public Law 101-610; 104 Stat. 3127) is amended
 7 by striking the items relating to subtitle H of title
 8 I of such Act and inserting the following:

Investment Fund for
 "Subtitle H—Quality and Innovation ~~Activities~~

- "Sec. 198. Additional corporation activities to support national service.
- "Sec. 198A. Clearinghouses.
- "Sec. 198B. Presidential awards for service."

9 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

10 (1) NATIONAL DEFENSE AUTHORIZATION ACT
 11 FOR FISCAL YEAR 1993.—

12 (A) Section 1091(f)(2) of the National De-
 13 fense Authorization Act for Fiscal Year 1993

1 (Public Law 102-484) is amended by striking
2 "195G" and inserting "158".

3 (B) Paragraphs (1) and (2) of section
4 1092(b), and sections 1092(c), 1093(a), and
5 1094(a) of such Act are amended by striking
6 "195A" and inserting "152".

7 (C) Sections 1091(f)(2), 1092(b)(1), and
8 1094(a), and subsections (a) and (c) of section
9 1095 of such Act are amended by striking
10 "subtitle H" and inserting "subtitle E".

11 (D) Section 1094(b)(1) and subsections (b)
12 and (c)(1) of section 1095 of such Act are
13 amended by striking "subtitles B, C, D, E, F,
14 and G" and inserting "subtitles B, C, D, F, G,
15 and H".

16 (2) NATIONAL AND COMMUNITY SERVICE ACT
17 OF 1990.—

18 (A) Section 102 of the National and Com-
19 munity Service Act of 1990 (42 U.S.C. 12512)
20 is amended by striking "B, C, D, or E" and in-
21 serting "B, C, D, or H".

22 (B) Subsections (b) and (c) of section 171
23 of such Act (42 U.S.C. 12631) are amended by
24 striking "B through E" and inserting "B, C, D,
25 and H".

1 (C) Section 195B(a) of such Act (42
2 U.S.C. 12635b(a)) is amended by striking
3 “195A(a)” and inserting “152(a)”.

4 (D) Section 195C(a) of such Act (42
5 U.S.C. 12635c(a)) is amended by striking
6 “195A(a)” and inserting “152(a)”.

7 (E) Section 195D of such Act (42 U.S.C.
8 12635d) is amended—

9 (i) in subsection (a), by striking
10 “195H(c)(1)” and inserting “159(c)(1)”;

11 (ii) in subsection (c)(2), by striking
12 “195H(c)(2)” and inserting “159(c)(2)”;

13 and

14 (iii) in subsection (d)(3), by striking
15 “195K(a)(3)” and inserting “162(a)(3)”.

16 (F) Section 195E of such Act (42 U.S.C.
17 12635e) is amended—

18 (i) in subsection (c)(1), by striking
19 “195H(c)(2)” and inserting “159(c)(2)”;

20 and

21 (ii) in subsection (d), by striking
22 “195K(a)(3)” and inserting “162(a)(3)”.

23 (G) Section 195H of such Act (42 U.S.C.
24 12635h) is amended—

25 (i) in subsection (a)—

119

1 (I) by striking "195A" and in-
2 serting "152"; and

3 (II) by striking "195" and in-
4 serting "151"; and

5 (ii) in subsection (c)(2)(C)(i), by
6 striking "195K(a)(2)" and inserting "sec-
7 tion 162(a)(2)".

8 (H) Section 195J(b)(1)(B) of such Act (42
9 U.S.C. 12635j(b)(1)(B)) is amended by striking
10 "195K(a)(3)" and inserting "162(a)(3)".

11 (I) Section 195K(a)(2)(A) of such Act (42
12 U.S.C. 12635k(a)(2)(A)) is amended by strik-
13 ing "195(3)" and inserting "151(3)".

14 (J) Section 195O of such Act (42 U.S.C.
15 12635o) is amended—

16 (i) in paragraph (2), by striking
17 "195D" and inserting "155";

18 (ii) in paragraph (8), by striking
19 "195A" and inserting "152";

20 (iii) in paragraph (10), by striking
21 "195D(d)" and inserting "155(d)"; and

22 (iv) in paragraph (11), by striking
23 "195D(c)" and inserting "155(c)".

1 **SEC. 105. 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 by the
21 Corporation as a position that includes a national
22 service educational award described in section 147
23 as one of the benefits to be provided for successful
24 service in the position.

25 “(3) CARRY OUT.—The term ‘carry out’, when
26 used in connection with a national service program

1 described in section 122, means the planning, estab-
2 lishment, operation, expansion, or replication of the
3 program.

4 “(4) CHAIRPERSON.—The term ‘Chairperson’
5 means the Chairperson and Director of the Corpora-
6 tion appointed under section 193.

7 “(5) COMMUNITY-BASED AGENCY.—The term
8 ‘community-based agency’ means a private nonprofit
9 organization that is representative of a community
10 and that is engaged in meeting human, educational,
11 environmental, or public safety community needs.

12 “(6) CORPORATION.—The term ‘Corporation’
13 means the Corporation for National Service estab-
14 lished under section 191.

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

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

23 “(9) INDIAN.—The term ‘Indian’ means a per-
24 son who is a member of an Indian tribe.

**
Is there a
definition for
this in an
ed law?*

1 “(10) INDIAN LANDS.—The term ‘Indian lands’
2 means any real property owned by an Indian tribe,
3 any real property held in trust by the United States
4 for an Indian or Indian tribe, and any real property
5 held by an Indian or Indian tribe that is subject to
6 restrictions on alienation imposed by the United
7 States.

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

18 “(12) INSTITUTION OF HIGHER EDUCATION.—
19 The term ‘institution of higher education’ has the
20 same meaning given such term in section 1201(a) of
21 the Higher Education Act of 1965 (20 U.S.C.
22 1141(a)).

23 “(13) LOCAL EDUCATIONAL AGENCY.—The
24 term ‘local educational agency’ has the same mean-
25 ing given such term in section 1471(12) of the Ele-

1 mentary and Secondary Education Act of 1965 (20
2 U.S.C. 2891(12)).

3 “(14) NATIONAL SERVICE LAWS.—The term
4 ‘national service laws’ means this Act and the Do-
5 mestic Volunteer Service Act of 1973 (42 U.S.C.
6 4950 et seq.).

7 “(15) OUT-OF-SCHOOL YOUTH.—The term ‘out-
8 of-school youth’ means an individual who—

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

10 “(B) has not completed college or the
11 equivalent thereof; and

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

15 “(16) PARTICIPANT.—

16 “(A) IN GENERAL.—The term ‘participant’
17 means—

18 “(i) for purposes of subtitle C, *and D?* an in-
19 dividual in an approved national service
20 position; and

21 “(ii) for purposes of any other provi-
22 sion of this Act, an individual enrolled in
23 a program that receives assistance under
24 this title.

1 “(B) RULE.—A participant shall not be
2 considered to be an employee of the program in
3 which the participant is enrolled.

4 “(17) PARTNERSHIP PROGRAM.—The term
5 ‘partnership program’ means a program through
6 which an adult volunteer, a public or private non-
7 profit agency, an institution of higher education, or
8 a business assists a local educational agency.

9 “(18) PROGRAM.—The term ‘program’, except
10 when used as part of the term ‘academic program’,
11 means a program described in section 111(a) (other
12 than a program referred to in paragraph (3)(B) of
13 such section), 117A(a), 120(b)(1), or 122(a) (other
14 than a program referred to in paragraph (2)(B) of
15 such section), in paragraph (1) or (2) of section
16 152(b), or in section 198.

17 “(19) PROJECT.—The term ‘project’ means an
18 activity, ~~carried out through a program that receives~~
19 ~~assistance under this title, that results in a specific~~
20 identifiable service or improvement. *(Please add the old*

21 “(20) SCHOOL-AGE YOUTH.—The term ‘school-
22 age youth’ means an individual between the ages of
23 5 and ~~18~~, inclusive. *language at the end)*

24 “(21) SECONDARY SCHOOL.—The term ‘second-
25 ary school’ has the same meaning given such term

1 in section 1471(21) of the Elementary and Second-
2 ary Education Act of 1965 (20 U.S.C. 2891(21)).

3 “(22) SERVICE-LEARNING.—The term ‘service-
4 learning’ means a method—

5 “(A) under which students or participants
6 learn and develop through active participation
7 in thoughtfully organized service that—

8 “(i) is conducted in and meets the
9 needs of a community;

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

14 “(iii) helps foster civic responsibility;
15 and

16 “(B) that—

17 “(i) is integrated into and enhances
18 the academic curriculum of the students,
19 or the educational components of the com-
20 munity service program in which the par-
21 ticipants are enrolled; and

22 “(ii) provides structured time for the
23 students or participants to reflect on the
24 service experience.

1 “(23) SERVICE-LEARNING COORDINATOR.—The
2 term ‘service-learning coordinator’ means an individ-
3 ual who provides services as described in section
4 subsection (a)(3) or (b) of section 111.

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

9 “(25) STATE.—The term ‘State’ means each of
10 the several States, the District of Columbia, the
11 Commonwealth of Puerto Rico, the Virgin Islands,
12 Guam, American Samoa, and the Commonwealth of
13 the Northern Mariana Islands. The term also in-
14 cludes Palau, until such time as the Compact of
15 Free Association is ratified.

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

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

24 “(28) STUDENT.—The term ‘student’ means an
25 individual who is enrolled in an elementary or sec-

1 ondary school or institution of higher education on
2 a full- or part-time basis.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

4 (1) Section 182(a)(2) of the National and Com-
5 munity Service Act of 1990 (42 U.S.C 12642(a)(2))
6 is amended by striking “adult volunteer and partner-
7 ship” each place the term appears and inserting
8 “partnership”.

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

13 (3) Section 441(c)(2) of the Higher Education
14 Act of 1965 (42 U.S.C. 2751(c)(2)) is amended by
15 striking “service opportunities or youth corps as de-
16 fined in section 101 of the National and Community
17 Service Act of 1990, and service in the agencies, in-
18 stitutions and activities designated in section 124(a)
19 of the National and Community Service Act of
20 1990” and inserting “a project, as defined in section
21 101(19) of the National and Community Service Act
22 of 1990 (42 U.S.C. 12511(18))”.

23 (4) Section 1122(a)(2)(C) of the Higher Edu-
24 cation Act of 1965 (20 U.S.C. 1137a(a)(2)(C)) is
25 amended by striking “youth corps as defined in sec-

1 tion 101(30) of the National and Community Service
2 Act of 1990” and inserting “youth corps programs,
3 as described in section 122(a)(1) of the National
4 and Community Service Act of 1990”.

5 (5) Section 1201(p) of the Higher Education
6 Act of 1965 (20 U.S.C. 1141(p)) is amended by
7 striking “section 101(22) of the National and Com-
8 munity Service Act of 1990” and inserting “section
9 101(22) of the National and Community Service Act
10 of 1990 (42 U.S.C. 12511(21))”.

11 **TITLE II—ORGANIZATIONS**

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

13 (a) ESTABLISHMENT REQUIRED.—Subtitle F of title
14 I of the National and Community Service Act of 1990 is
15 amended by striking section 178 (42 U.S.C. 12638) and
16 inserting the following new section:

17 **“SEC. 178. ESTABLISHMENT OF STATE COMMISSIONS ON** 18 **NATIONAL SERVICE.**

19 “(a) ESTABLISHMENT REQUIRED.—To be eligible to
20 receive a grant or allotment under subtitle B or C, or to
21 receive a distribution of approved national service posi-
22 tions under subtitle C, a State shall establish a State Com-
23 mission on National Service that satisfies the require-
24 ments of this section.

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)

1 “(b) APPOINTMENT AND SIZE.—Except as provided
 2 in subsection (c)(2), the members of a State Commission
 3 for a State shall be appointed by the chief executive officer
 4 of the State. A State Commission shall consist of not less
 5 than 7 members and not more than ¹³ 11 members.

6 “(c) COMPOSITION AND MEMBERSHIP.—

7 “(1) IN GENERAL.—Except as provided in para-
 8 graph (2), the members of a State Commission shall
 9 be appointed from among the following:

10 “(A) Representatives, including ^{youth} partici-
 11 pants, of national service programs, such as
 12 youth corps programs, service programs for
 13 school-age youth, programs in which older
 14 Americans are participants, and other national
 15 service programs.

16 “(B) Representatives of ^{local} labor ^{organizations} and business
 17 groups and community-based organizations, and ^{local government}

18 “(C) Educators and experts regarding na-
 19 tional service or regarding the delivery of
 20 human, educational, environmental, and ^{or} public
 21 safety services to communities and persons.

22 “(2) CORPORATION REPRESENTATIVE.—The
 23 representative of the Corporation designated under
 24 section 195(b) for a State shall be a full voting
 25 member of the State Commission for that State.

Not to exceed 250
 of Commission
 members may be
 employees of
 State government

1 “(3) EX OFFICIO STATE REPRESENTATIVES.—

2 The chief executive officer of a State may appoint as
3 nonvoting ex officio members of the State Commis-
4 sion for the State ~~not more than~~ ~~[number]~~
5 representatives selected from among officers and em-
6 ployees of State agencies operating community serv-
7 ice, youth service, education, social service, senior
8 service, and job training programs.

9 “(d) MISCELLANEOUS MATTERS.—

10 “(1) MEMBERSHIP BALANCE.—The chief execu-
11 tive officer of a State shall ensure that the member-
12 ship of the State Commission for the State is bal-
13 anced according to ~~political affiliation~~, race, ethnic
14 background, age, and gender.

15 “(2) TERMS.—Each member of the State Com-
16 mission for a State shall serve for a term of 3 years,
17 except that the chief executive officer of a State
18 shall initially appoint a portion of the members to
19 terms of 1 year and 2 years.

20 “(3) VACANCIES.—As vacancies occur on a
21 State Commission, new members shall be appointed
22 by the chief executive of the State and serve for the
23 remainder of the term for which the predecessor of
24 such member was appointed. The vacancy shall not

*No more than
50% + 1 memb.
may be from
any political
party*

1 affect the power of the remaining members to exe-
2 cute the duties of the State Commission.

3 “(4) COMPENSATION.—A member of a State
4 Commission shall not receive any additional com-
5 pensation by reason of service on the State Commis-
6 sion, except that the State may authorize the reim-
7 bursement of travel expenses, including a per diem
8 in lieu of subsistence, in the same manner as other
9 employees serving intermittently in the service of the
10 State.

11 “(5) CHAIRPERSON.—The members of a State
12 Commission shall elect one of the voting members to
13 serve as chairperson of the State Commission.

14 “(e) DUTIES OF A STATE COMMISSION.—The State
15 Commission for a State shall be responsible for the follow-

16 ing duties: (1) *Preparation of a 3-year strategic plan*

17 “(1) Preparation of the applications of the
18 State under sections 117B and 130 for financial as-
19 sistance.

20 “(2) Assist ^{once} in the preparation of the application
21 of the State educational agency for assistance under
22 section 113.

23 “(3) Preparation of the application of the State
24 under section 130 for the approval of national serv-

*for the
State
that includes
such information
as the Corporations
and State
Commissions
deem appropriate*

1 ice positions that include the national service edu-
2 cational award described in subtitle D.

3 “(5) Assist^{ance} in the provision of health care and
4 child care benefits under section 140 to participants
5 in national service programs that receive assistance
6 under section 121.

7 “(6) Development of a State system for the recruit-
8 ment and placement of participants in national service
9 programs that receive assistance under section 121 and
10 dissemination of information concerning national service
11 programs that receive assistance and approved national
12 service positions..

13 “(7) Administration of any grant program in
14 support of national service programs that is con-
15 ducted by the State using assistance provided to the
16 State under section 121, including oversight and
17 evaluation of grant recipients.

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

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

(g) Delegation. — A State Commission
may delegate any non-policy making function
to a state agency, public or private organization

“(g) APPROVAL OF STATE COMMISSION.—

“(1) SUBMISSION TO CORPORATION.—The chief executive officer for a State shall notify the Corporation of the establishment of the State Commission ^{or designation} for the State. The notification shall include a description of—

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

“(B) the authority of the State Commission regarding national service activities carried out by the State.

“(2) REJECTION.—The Corporation may reject a State Commission if the Corporation determines that the composition, membership, or duties of the State Commission do not comply with the requirements of this section. If the Corporation rejects a State Commission under this paragraph, the Corporation shall promptly notify the State of the reasons for the rejection.

“(3) RESUBMISSION AND RECONSIDERATION.—The Corporation shall provide a State notified under paragraph (2) with a reasonable opportunity to revise the State Commission. At the request of the State, the Corporation shall provide technical assistance to the State as part of the revision process.

1 The Corporation shall promptly reconsider any re-
2 submission of a notification under paragraph (1).

3 “(4) SUBSEQUENT CHANGES.—This subsection
4 shall also apply to any change in the composition or
5 duties of a State Commission made after approval of
6 the Commission.”.

7 (b) TABLE OF CONTENTS.—Section 1(b) of the Na-
8 tional and Community Service Act of 1990 (Public Law
9 101–610; 104 Stat. 3127) is amended by striking the item
10 relating to section 178 and inserting the following new
11 item:

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

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section shall take effect on the date of the enactment
14 of this Act.

15 (d) TRANSITIONAL PROVISIONS.—

16 (1) USE OF ALTERNATIVES TO STATE COMMIS-
17 SION.—If a State does not have a State Commission
18 on National Service that satisfies the requirements
19 specified in section 178 of the National and Commu-
20 nity Services Act of 1990, as amended by subsection
21 (a), the Corporation for National Service may au-
22 thorize another ^{entity} ~~agency of the~~ State to perform the
23 duties otherwise reserved to a State Commission
24 under subsection (e) of such section.



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

4 **SEC. 202. INTERIM AUTHORITIES OF THE CORPORATION**
5 **FOR NATIONAL SERVICE AND ACTION AGEN-**
6 **CY.**

7 (a) NATIONAL AND COMMUNITY SERVICE ACT OF
8 1990.—Subtitle G of title I of the National and Commu-
9 nity Service Act of 1990 (42 U.S.C. 12651) is amended
10 to read as follows:

11 **“Subtitle G—Corporation for**
12 **National Service**

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

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

19 **“SEC. 192. BOARD OF DIRECTORS.**

20 “(a) COMPOSITION.—

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

24 “(A) 11 members, including the Chair-
25 person appointed under section 193, to be ap-

1 pointed by the President, by and with the ad-
2 vice and consent of the Senate; and

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

5 “(2) QUALIFICATIONS.—

6 “(A) IN GENERAL.—To the maximum ex-
7 tent practicable, the President shall appoint
8 members—

9 “(i) who have extensive experience in
10 volunteer and service programs, ^{including programs} ~~including~~
11 ~~funded under DUSA and this Act and in state~~
~~programs not authorized under this title;~~
~~Government~~

12 “(ii) who represent a broad range of
13 viewpoints;

14 “(iii) who have expertise in the area
15 of human, ^{needs} educational, environmental, or
16 public safety service; and

17 “(iv) so that the Board shall be di-
18 verse according to race, ethnicity, age, and
19 gender, ~~and shall have bipartisan represen-~~

20 ~~tation.~~ ^{so that no more than 6 six members are}
^{from a single party.}

21 ~~“(B) GRANT APPLICANTS AND RECIPI-~~
22 ~~ENTS.—An individual who receives financial as-~~
23 ~~sistance to carry out activities under this Act~~
24 ~~during a period shall not be eligible to be ap-~~
25 ~~pointed to the Board during such period. An in-~~

137

dividual who is an applicant for such financial assistance may be appointed to the Board, but shall not participate in any decision involving such assistance.

No fewer than 8

“(3) INITIAL MEMBERS.—~~The~~ members first appointed to the Board after the date of enactment of this section shall be appointed from among individuals who served on the Board of Directors of the Commission on National and Community Service.

“(4) EX OFFICIO MEMBERS.—The Secretary of Education, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Housing and Urban Development, the Secretary of Defense, the Attorney General, and the Administrator of the Environmental Protection Agency shall serve as ex officio nonvoting members of the Board.

*add *
Peace
corps*

“(b) TERMS.—Each appointed member of the Board shall serve for a term of 3 years, except that 4 of the members first appointed to the Board after the date of enactment of this section shall serve for a term of 1 year and 4 shall serve for a term of 2 years, as designated by the President.

1 “(c) VACANCIES.—As vacancies occur on the Board,
2 new members shall be appointed by the President, by and
3 with the advice and consent of the Senate, and serve for
4 the remainder of the term for which the predecessor of
5 such member was appointed. The vacancy shall not affect
6 the power of the remaining members to execute the duties
7 of the Board.

8 **“SEC. 192A. AUTHORITIES AND DUTIES OF THE BOARD OF**
9 **DIRECTORS.**

10 “(a) MEETINGS.—The Board shall meet not less than
11 3 times each year. The Board shall hold additional meet-
12 ings if 6 members of the Board request such meetings in
13 writing.

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

16 “(c) OFFICERS.—

17 “(1) VICE CHAIRPERSON.—The Board shall
18 elect a Vice Chairperson from among its member-
19 ship. The Vice Chairperson may conduct meetings of
20 the Board in the absence of the Chairperson.

21 “(2) OTHER OFFICERS.—The Board may elect
22 from among its membership such additional officers
23 of the Board as the Board determines to be appro-
24 priate.

1 “(d) EXPENSES.—While away from their homes or
2 regular places of business on the business of the Board,
3 members of such Board ^{shall} ~~may~~ be allowed travel expenses,
4 ~~including per diem in lieu of subsistence, as is authorized~~
5 ~~under section 5703 of title 5, United States Code, for per-~~
6 ~~sons employed intermittently in the Government service.~~

*in accordance w/ the provisions of subchapter I
of chapter 57 of title 5*

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

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

17 “(g) DUTIES.—The Board shall—

18 “(1) prepare ^a ~~an annual~~ strategic plan for the
19 Corporation with respect to the grants, allotments,
20 contracts, assistance, and payments described in sec-
21 tion 193A(b)(4)(A), and with respect to such stand-
22 ards, policies, procedures, programs, and initiatives
23 as are necessary or appropriate to carry out this
24 Act;

every three years, updated annually,

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) advise the ~~Chairperson~~^{President} and the Congress
16 concerning developments in national and community
17 service that merit the attention of the ~~Chairperson~~^{President}
18 and the Congress;

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

22 “(5/1) arrange for the evaluation of programs es-
23 tablished under this Act, in accordance with section
24 179;

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

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

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(g)(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—

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 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;

*same as
4 on
page 145?*

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;

1 “(8) sue [and be sued] in any court of record
2 of a State having general jurisdiction or in any dis-
3 trict court of the United States, [with respect to a
4 civil action 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.

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 [or against]
13 the Chairperson shall survive notwithstanding any
14 change in the person occupying the office of Chair-
15 person or any vacancy 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 property under the con-
19 trol of the Chairperson; and

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

24 **“SEC. 194. OFFICERS.**

25 “(a) MANAGING DIRECTORS.—

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

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

9 “(3) DUTIES.—

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

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

18 “(b) INSPECTOR GENERAL.—

19 “(1) OFFICE.—There shall be in the Corpora-
20 tion an Office of the Inspector General.

21 “(2) APPOINTMENT.—Such Office shall be
22 headed by an Inspector General appointed in accord-
23 ance with the Inspector General Act of 1978, who
24 shall report directly to the Board.

1 “(3) COMPENSATION.—The Inspector General
2 shall be compensated at the rate provided for level
3 IV of the Executive Schedule under section 5315 of
4 title 5, United States Code.

5 “(4) DUTIES.—[To be supplied.] *see next page*
6 **“SEC. 195. EMPLOYEES, CONSULTANTS, AND OTHER PER-**
7 **SONNEL.**

8 “(a) EMPLOYEES.—

9 “(1) IN GENERAL.—The Chairperson may ap-
10 point and determine the compensation of such em-
11 ployees as the Chairperson determines to be nec-
12 essary to carry out the duties of the Corporation.

13 “(2) TERMS.—

14 “(A) INITIAL TERM.—

15 “(i) LENGTH OF TERM.—Such an em-
16 ployee shall be appointed for an initial
17 term that shall not exceed 5 years.

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

JACK - Hope this is of some help
- Phil

357-9457

Please incorporate

APPOINTMENT OF INSPECTOR GENERAL; CREATION OF OVERSIGHT COMMITTEE

The National Service Corporation (NSC) shall be a "designated federal entity" for purposes of the Inspector General Act of 1978, as amended, except that for the purposes of the Program Fraud Civil Remedies Act the NSC shall be considered to as if it were an "establishment" for purposes of the Inspector General Act.

The Vice-Chairman of the Board and two Board members to be designated by the Vice-Chairman shall form an Oversight Committee. The Chairman of the Board may not serve on the Oversight Committee. The Vice-Chairman of the Board shall serve as the Chairman of the Oversight Committee. The Oversight Committee shall perform all functions that are required or may be performed by the "head of the agency" under the Inspector General Act and, for purposes of the IG Act, the "head of the agency" shall be the Oversight Committee.

The Chairman of the Oversight Committee shall appoint an Inspector General to a career-reserved position in the Senior Executive Service at level 6.

Note: The following may be better as legislative history:

A. The Chairman of the Oversight Committee shall designate a member of the Oversight Committee (the "Oversight Member") to serve as the Inspector General's rating official for performance appraisals. The Chairman of the Oversight Committee will serve as the reviewing official for performance appraisals of the Inspector General and, in that capacity the Oversight Member (after consultation with the Oversight Member) may issue performance bonuses to the Inspector General pursuant to the rules for performance bonuses that are then applicable to members of the Senior Executive Service. The Oversight Committee shall serve as the Performance Review Board for the Inspector General.

Note: The following is required by the IG Act anyway:

B. Pursuant to the Inspector General Act, the IG must issue Semiannual Reports to Congress. The Oversight Committee shall review the Semiannual Reports and forward them unchanged to Congress together with any comments the Oversight Committee chooses to attach to the Semiannual Reports.

Note: The following is allowed, but not required by the IG Act:

C. Pursuant to the IG Act, the IG shall periodically evaluate the performance of NSC programs to determine if the programs are efficiently and effectively meeting the goals specified by the NSC Act and by the NSC Board when authorizing the programs.

Report to Congress

add
*

3B E X E C U T I V E O F F I C E O F T H E P R E S I D E N T O B

27-Apr-1993 02:43pm

3B TO:OB Christopher J. Mustain

3B TO:OB Pamela B. VanWie

3B FROM:OB Raymond P. Kogut

3B OB Office of Mgmt and Budget, GMD

3B CC:OB Robert B. Rideout

3B CC:OB Debra L. Williams

3B CC:OB Carol S. Johnson

3B SUBJECT:OB DLRM #D-172, ONS Draft Bill National Service Trust Act

I have several comments to offer on the personnel related provisions in the legislation:

Page 150, Section 195(a)(2)(B) should be reworded to "(B) Appointment Extensions.--The appointment of an employee may be extended if the Chairperson determines that such an extension is

necessary to ensure the continuity of functions under this Act. *add*

Page 150, Sec. 195(a)(2)(D)(i) and (ii) use the phrase "is separated from the Corporation on the basis of any requirement of this paragraph" which I do not understand. The intent is to provide for Corporation employees to be appointed by another agency to a position in the competitive service after they have served beyond their probationary period. ***

- on transfers (no break in service), only after completing 1 or more years of service with the Corporation.

- on appointments after a break in service (like reinstatement)

- if 3 or more years of Corporations service, may be appointed at any time by another agency

- if more than one year but less than three years of Corporation service, may be appointed (reinstated) only within 3 years of date of separation from the Corporation.

Page 153, Section 195(a)(3)((B)(iii). Remove the phrase "shall include a scheme for the classification of positions in the Corporation, and" since it more appropriately belongs in the next part, (iv) Compensation System. Incorporate that phrase into (iv), and modify to soften reference to job performance, such as:

"(iv) Compensation System.--The compensation system shall include a scheme for the classification of positions in the Corporation and require that an employee's compensation be determined based in

add
*

part on job performance and consistent with the principles described in section 5301 of title 5, United States Code. The rate of compensation....."

Page 199, Section 472. Deposit Requirement Credit for Service as a Volunteer. Our comments here are the same as those provided on identical provisions included in the Peace Corps authorization bill on LMR #D-92 to Annette Rooney.

We have no objection to granting service credit in CSRS for Vista volunteer or volunteer leader service. However, the bill would require a reduction of the retiree's annuity at age 62 by a trivial amount -- Action's share of the social security benefit of that annuitant/former volunteer. The reduction would provide no real savings, yet it would complicate administration of the program. For this reason, we recommend deleting sub-section (c)(1)(C) and (c)(2) through (6) on pages 205 through 208.

Also, as we commented on the similar proposal of the Peace Corps, we also recommend rewriting sub-section (b) Federal Employees Retirement System (page 202). We prefer to provide service credit only in cases where Vista volunteers/leaders interrupt a career in the Federal service. This would be consistent with an interest in encouraging mid-career Federal employees to volunteer.

Furthermore, it would prevent giving away service credit to those *add*
who volunteer at a young age, without any awareness of or interest
in Federal employment. 

1 “(B) ADDITIONAL TERMS.—Such an em-
2 ployee may be appointed for one or more addi-
3 tional terms, if the Chairperson determines that
4 such an appointment is necessary to ensure the
5 continuity of functions under this Act.

6 “(C) LIMITATIONS.—

7 “(i) IN GENERAL.—No such employee
8 shall be appointed for a total period of
9 more than 7 years, unless the Chairperson
10 determines that special circumstances re-
11 quire the appointment of an employee for
12 a longer period.

13 “(ii) DETERMINATION.—The Chair-
14 person may not delegate the authority to
15 make the determination described in clause
16 (i).

17 “(D) APPOINTMENT IN THE COMPETITIVE
18 SERVICE AFTER EMPLOYMENT IN THE COR-
19 PORATION.—

20 “(i) EMPLOYEES WITH NOT LESS
21 THAN 3 YEARS OF EMPLOYMENT.—If an
22 employee, other than a representative de-
23 scribed in section 195(b), is separated
24 from the Corporation on the basis of any
25 requirement of this paragraph, and has

151

1 been continuously employed by the Corpora-
2 tion for a period of not less than 3 years,
3 such period shall be treated as period of
4 service in the competitive service for pur-
5 poses of chapter 33 of title 5, United
6 States Code.

7 “(ii) EMPLOYEES WITH NOT LESS
8 THAN 1 BUT LESS THAN 3 YEARS OF EM-
9 PLOYMENT.—If an employee, other than a
10 representative described in section 195(b),
11 is separated from the Corporation on the
12 basis of any requirement of this para-
13 graph, and has been continuously employed
14 by the Corporation for a period of not less
15 than 1 year, but less than 3 years, such
16 period shall be treated as period of service
17 in the competitive service for purposes of
18 chapter 33 of title 5, United States Code,
19 until the date that is 3 years after the date
20 of separation.

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

25 “(3) APPOINTMENT AND COMPENSATION.—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraphs (B)(iv) and (C)(ii), the Chair-
3 person may appoint and determine the com-
4 pensation of employees under this subsection
5 without regard to the provisions of title 5, Unit-
6 ed States Code, governing appointments in the
7 competitive service, and without regard to the
8 provisions of chapter 51 and subchapter III of
9 chapter 53 of such title relating to classification
10 and General Schedule pay rates.

11 “(B) CORPORATION SELECTION AND COM-
12 PENSATION SYSTEMS.—

13 “(i) ESTABLISHMENT OF SYSTEM.—
14 The Chairperson, after consultation with
15 the Director of the Office of Personnel
16 Management and after reviewing the rec-
17 ommendations of the Board under section
18 192A(g)(2), shall issue regulations estab-
19 lishing selection and compensation systems
20 for the Corporation.

21 “(ii) APPLICATION.—The Chairperson
22 shall appoint and determine the compensa-
23 tion of employees referred to in paragraph
24 (1), other than representatives described in
25 section 195(b), in accordance with the se-

*Regulations
must
pursuant
to this
requirement shall provide
sufficient flexibility
for proper management*

lection and compensation systems referred to in clause (i).

“(iii) SELECTION SYSTEM.—The selection system shall include a scheme for the classification of positions in the Corporation, and shall provide for the selection of such an employee for such a position—

“(I) through a competitive process; and

“(II) on the basis of the qualifications of applicants and the requirements of the position.

“(iv) COMPENSATION SYSTEM.—The compensation system shall require that the compensation of such an employee be determined on the basis of the job performance of the employee, and shall be consistent with the principles described in section 5301 of title 5, United States Code. The rate of compensation for each employee compensated through the system shall not exceed the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

1 “(C) SELECTION AND COMPENSATION OF
2 CORPORATION REPRESENTATIVES.—

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

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

16 “(b) CORPORATION REPRESENTATIVE IN EACH
17 STATE.—

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

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

4 “(A) the Corporation and the State Com-
5 mission that is established in the State or
6 States; and

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

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

18 “(c) CONSULTANTS.—The Chairperson may procure
19 the temporary and intermittent services of experts and
20 consultants and compensate the experts and consultants
21 ~~in accordance with~~ ^{without regard to} section 3109(b) of title 5, United
22 States Code.

23 “(d) DETAILS OF PERSONNEL.—The head of any
24 Federal department or agency may detail on a reimburs-
25 able basis, or on a nonreimbursable basis for not to exceed

*is this the
non-compete
provision?*

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

8 “(e) ADVISORY COMMITTEES.—

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

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

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

24 “(4) STAFF.—The Chairperson is authorized to
25 appoint and fix the compensation of such staff as

*acting upon the
recommendation of
the Board*

1 the Chairperson determines to be necessary to carry
2 out the functions of the advisory committee, in ac-
3 cordance with subsection (a)(3)(A), and without re-
4 gard to the selection and compensation systems de-
5 scribed in subsection (a)(3)(B). Such compensation
6 shall not exceed the rate described in subsection
7 (a)(3)(C)(ii).

8 **"SEC. 196. ADMINISTRATION.**

9 **"(a) DONATIONS.—**

10 **"(1) SERVICES.—**

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

19 **"(B) LIMITATION.—**Such a volunteer shall
20 not be considered to be a Federal employee and
21 shall not be subject to the provisions of law re-
22 lating to Federal employment, including those
23 relating to hours of work, rates of compensa-
24 tion, leave, unemployment compensation, and
25 Federal employee benefits, except that—

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

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

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

20 “(3) RULES.—The Chairperson shall establish
21 written rules setting forth the criteria to ^{assure that} ~~be used in~~
22 ~~determining whether~~ the solicitation or acceptance of
23 contributions of money or property, real, personal,
24 or mixed, tangible or intangible, received by gift, de-
25 vice, bequest, or otherwise (pursuant to paragraph

1 (2)) would ^{not} reflect unfavorably upon the ability of the
 2 Corporation or any employee of the Corporation to
 3 carry out the responsibilities or official duties of the
 4 Corporation in a fair and objective manner, or would
 5 compromise the integrity of the programs of the
 6 Corporation or any official involved in such pro-
 7 grams.

8 "(4) DISPOSITION.—Upon completion of the
 9 use by the Corporation of any affected property,
 10 such completion shall be reported to the General
 11 Services Administration and such property shall be
 12 disposed ^{without regard to} ~~in accordance with~~ title II of the Federal
 13 Property and Administrative Services Act of 1949
 14 (40 U.S.C. 471 et seq.).

15 "(5) VOLUNTEER.—As used in this subsection,
 16 the term 'volunteer' does not include a participant.

17 "(b) CONTRACTS.—Subject to the Federal Property
 18 and Administrative Services Act of 1949, the Corporation
 19 may enter into contracts, and cooperative and interagency
 20 agreements, with Federal and State agencies, private
 21 firms, institutions, and individuals to conduct activities
 22 necessary to carry out the duties of the Corporation under
 23 this Act."

24 (b) DOMESTIC VOLUNTEER SERVICE ACT OF

25 1973.—Section 401 of the Domestic Volunteer Service Act

instead insert
the following:
"The Corporation
may adopt,
amend or
repeal such
rules and
regulations
to enter into
contracts, grants
and other
instruments, as
deemed necessary
to carry out
the duties
of the Corporation
under this Act
without regard to
chapters 4 and 7
of 41 USC and
48 CFR, chapter
1. The Corp-
oration may
keep its own
system of
accounts and
the forms and
contents of its
contracts, grants,
documents, and
request information re-
to its functions w/o re-
to 5 CFR 1320 E.O. 1
and the Paper
Reduction
Act

and other bus-
ness or
information re-
to 5 CFR 1320 E.O. 1
and the Paper
Reduction
Act

1 of 1973 (42 U.S.C. 5041) is amended by inserting after
2 the second sentence the following: "The Director shall re-
3 port directly to the Chairperson of the Corporation for Na-
4 tional Service."

5 (c) TRANSFER OF FUNCTIONS OF COMMISSION ON
6 NATIONAL AND COMMUNITY SERVICE.—

7 (1) DEFINITIONS.—For purposes of this sub-
8 section, unless otherwise provided or indicated by
9 the context, each term specified in section 203(c)(1)
10 shall have the meaning given the term in such sec-
11 tion.

12 (2) TRANSFER OF FUNCTIONS.—There are
13 transferred to the Corporation the functions that the
14 Board of Directors or Executive Director of the
15 Commission on National and Community Service ex-
16 ercised before the effective date of this subsection
17 (including all related functions of any officer or em-
18 ployee of the Commission).

19 (3) APPLICATION.—The provisions of para-
20 graphs (3) through (10) of section 203(c) shall
21 apply with respect to the transfer described in para-
22 graph (2), except that—

23 (A) for purposes of such application, ref-
24 erences to the term "ACTION Agency" shall be
25 deemed to be references to the Corporation; and

161

1 (B) paragraph (10) of such section shall
2 not preclude the transfer of the members of the
3 Board of Directors of the Commission to the
4 Corporation if, on the effective date of this sub-
5 section, the Board of Directors of the Corpora-
6 tion has not been ^{confirmed} ~~appointed~~ (?).

7 (d) CONTINUING PERFORMANCE OF CERTAIN FUNC-
8 TIONS.—The individuals who, on the day before the date
9 of enactment of this Act, are performing any of the func-
10 tions required by section 190 of the National and Commu-
11 nity Service Act of 1990 (42 U.S.C. 12651), as in effect
12 on such date, to be performed by the members of the
13 Board of Directors of the Commission on National and
14 Community Service may, subject to section 193A of the
15 National and Community Service Act of 1990, as added
16 by subsection (a) of this section, continue to perform such
17 functions until the date on ~~which such functions are as-~~
18 ~~signed to~~ the Board of Directors of the Corporation for
19 National Service. ^{holds its first meeting} The service of such individuals as mem-
20 bers of the Board of Directors of such Commission, and
21 the employment of such individuals as special government
22 employees, shall terminate on such date.

23 (e) JOB SEARCH ASSISTANCE.—The Chairperson
24 shall establish a program to provide, or shall seek to enter
25 into a memorandum of understanding with ~~the Secretary~~ ^{the Office of Personnel}

*
Management


1 ~~of Labor~~ to provide, job search and related assistance to
2 employees of the ACTION agency who are not transferred
3 to the Corporation for National Service under section
4 203(c).

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

“Subtitle G—Corporation for National Service

- numbering*
- “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.”.

10 (g) EFFECTIVE DATES.—

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

14 (2) ESTABLISHMENT AND APPOINTMENT AU-
15 THORITIES.—Sections 191, 192, and 193 of the Na-
16 tional and Community Service Act of 1990, as added
17 by subsection (a), shall take effect on the date of en-
18 actment of this Act.

1 **SEC. 203. FINAL AUTHORITIES OF THE CORPORATION FOR**
2 **NATIONAL SERVICE.**

3 (a) NATIONAL AND COMMUNITY SERVICE ACT OF
4 1990.—

5 (1) APPLICATION.—Subtitle I of the National
6 and Community Service Act of 1990 (as amended by
7 section 202 of this Act) is amended in section 191,
8 paragraphs (1) and (3) of section 192A(g), section
9 193(c), subsections (b), (c) (other than paragraph
10 (8)), and (d) of section 193A, subsections (a), (b),
11 and (d) of section 195, and subsections (a) and (b)
12 of section 196, by striking “this Act” each place the
13 term appears and inserting “the national service
14 laws”.

15 (2) GRANTS.—Section 192A(g) of the National
16 and Community Service Act of 1990 (as added by
17 section 202 of this Act) is amended—

18 (A) by striking “and” at the end of para-
19 graph (8);

20 (B) by redesignating paragraph (9) as
21 paragraph (10); and

22 (C) by inserting after paragraph (8) the
23 following:

24 “(9) notwithstanding any other provision of
25 law, make grants to or contracts with Federal or
26 other public departments or agencies and private

1 nonprofit organizations for the assignment or refer-
2 ral of volunteers under the provisions of the Domes-
3 tic Volunteer Service Act of 1973 (except as pro-
4 vided in section 108 of the Domestic Volunteer Serv-
5 ice Act of 1973), which may provide that the agency
6 or organization shall pay all or a part of the costs
7 of the program; and”.

8 (b) AUTHORITIES OF ACTION AGENCY.—Sections
9 401 and 402 of the Domestic Volunteer Service Act of
10 1973 (42 U.S.C. 5041 and 5042) are repealed.

11 (c) TRANSFER OF FUNCTIONS FROM ACTION
12 AGENCY.—

13 (1) DEFINITIONS.—For purposes of this sub-
14 section, unless otherwise provided or indicated by
15 the context—

16 (A) the term “Chairperson” means the
17 Chairperson of the Corporation;

18 (B) the term “Corporation” means the
19 Corporation for National Service, established
20 under section 191 of the National and Commu-
21 nity Service Act of 1990;

22 (C) the term “Federal agency” has the
23 meaning given to the term “agency” by section
24 551(1) of title 5, United States Code;

1 (D) the term "function" means any duty,
2 obligation, power, authority, responsibility,
3 right, privilege, activity, or program; and

4 (E) the term "office" includes any office,
5 administration, agency, institute, unit, organi-
6 zational entity, or component thereof.

7 (2) TRANSFER OF FUNCTIONS.—There are
8 transferred to the Corporation such functions as the
9 President determines to be appropriate that the Di-
10 rector of the ACTION Agency exercised before the
11 effective date of this subsection (including all related
12 functions of any officer or employee of the ACTION
13 Agency).

14 (3) DETERMINATIONS OF CERTAIN FUNCTIONS
15 BY THE OFFICE OF MANAGEMENT AND BUDGET.—
16 If necessary, the Office of Management and Budget
17 shall make any determination of the functions that
18 are transferred under paragraph (2).

19 (4) REORGANIZATION.—The Chairperson is au-
20 thorized to allocate or reallocate any function trans-
21 ferred under paragraph (2) among the officers of the
22 Corporation.

23 (5) TRANSFER AND ALLOCATIONS OF APPRO-
24 PRIATIONS AND PERSONNEL.—Except as otherwise
25 provided in this subsection, the personnel employed

1 in connection with, and the assets, liabilities, con-
2 tracts, property, records, and unexpended balances
3 of appropriations, authorizations, allocations, and
4 other funds employed, used, held, arising from,
5 available to, or to be made available in connection
6 with the functions transferred by this subsection,
7 subject to section 1531 of title 31, United States
8 Code, shall be transferred to the Corporation. Unex-
9 pended funds transferred pursuant to this paragraph
10 shall be used only for the purposes for which the
11 funds were originally authorized and appropriated.

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

1 mination of the affairs of all entities terminated by
2 this subsection and for such further measures and
3 dispositions as may be necessary to effectuate the
4 purposes of this subsection.

5 (7) EFFECT ON PERSONNEL.—

6 (A) IN GENERAL.—Except as otherwise
7 provided by this subsection, the transfer pursu-
8 ant to this subsection of full-time personnel (ex-
9 cept special Government employees) and part-
10 time personnel holding permanent positions
11 shall not cause any such employee to be sepa-
12 rated or reduced in grade or compensation, or
13 to have the benefits of the employee reduced,
14 for 1 year after the date of transfer of such em-
15 ployee under this subsection.

16 (B) EXECUTIVE SCHEDULE POSITIONS.—

17 Except as otherwise provided in this subsection,
18 any person who, on the day preceding the effec-
19 tive date of this subsection, held a position com-
20 pensated in accordance with the Executive
21 Schedule prescribed in chapter 53 of title 5,
22 United States Code, and who, without a break
23 in service, is appointed in the Corporation to a
24 position having duties comparable to the duties
25 performed immediately preceding such appoint-

1 ment shall continue to be compensated in such
2 new position at not less than the rate provided
3 for such previous position, for the duration of
4 the service of such person in such new position.

5 (C) TERMINATION OF CERTAIN POSI-
6 TIONS.—Positions whose incumbents are ap-
7 pointed by the President, by and with the ad-
8 vice and consent of the Senate, the functions of
9 which are transferred by this subsection, shall
10 terminate on the effective date of this sub-
11 section.

12 (8) SAVINGS PROVISIONS.—

13 (A) CONTINUING EFFECT OF LEGAL DOCU-
14 MENTS.—All orders, determinations, rules, reg-
15 ulations, permits, agreements, grants, contracts,
16 certificates, licenses, registrations, privileges,
17 and other administrative actions—

18 (i) that have been issued, made,
19 granted, or allowed to become effective by
20 the President, any Federal agency or offi-
21 cial thereof, or by a court of competent ju-
22 risdiction, in the performance of functions
23 that are transferred under this subsection;
24 and

1 (ii) that are in effect at the time this
2 subsection takes effect, or were final before
3 the effective date of this subsection and
4 are to become effective on or after the ef-
5 fective date of this subsection,
6 shall continue in effect according to their terms
7 until modified, terminated, superseded, set
8 aside, or revoked in accordance with law by the
9 President, the Chairperson, or other authorized
10 official, a court of competent jurisdiction, or by
11 operation of law.

12 (B) PROCEEDINGS NOT AFFECTED.—The
13 provisions of this subsection shall not affect any
14 proceedings, including notices of proposed rule-
15 making, or any application for any license, per-
16 mit, certificate, or financial assistance pending
17 before the ACTION Agency at the time this
18 subsection takes effect, with respect to func-
19 tions transferred by this subsection but such
20 proceedings and applications shall be continued.
21 Orders shall be issued in such proceedings, ap-
22 peals shall be taken therefrom, and payments
23 shall be made pursuant to such orders, as if
24 this subsection had not been enacted, and or-
25 ders issued in any such proceedings shall con-

1 tinue in effect until modified, terminated, su-
2 perseded, or revoked by a duly authorized offi-
3 cial, by a court of competent jurisdiction, or by
4 operation of law. Nothing in this subparagraph
5 shall be deemed to prohibit the discontinuance
6 or modification of any such proceeding under
7 the same terms and conditions and to the same
8 extent that such proceeding could have been
9 discontinued or modified if this subsection had
10 not been enacted.

11 (C) SUITS NOT AFFECTED.—The provi-
12 sions of this subsection shall not affect suits
13 commenced before the effective date of this sub-
14 section, and in all such suits, proceedings shall
15 be had, appeals taken, and judgments rendered
16 in the same manner and with the same effect
17 as if this subsection had not been enacted.

18 (D) NONABATEMENT OF ACTIONS.—No
19 suit, action, or other proceeding commenced by
20 or against the ACTION Agency, or by or
21 against any individual in the official capacity of
22 such individual as an officer of the ACTION
23 Agency, shall abate by reason of the enactment
24 of this subsection.

1 (E) ADMINISTRATIVE ACTIONS RELATING
2 TO PROMULGATION OF REGULATIONS.—Any ad-
3 ministrative action relating to the preparation
4 or promulgation of a regulation by the AC-
5 TION Agency relating to a function transferred
6 under this subsection may be continued by the
7 Corporation with the same effect as if this sub-
8 section had not been enacted.

9 (9) SEVERABILITY.—If a provision of this sub-
10 section or its application to any person or cir-
11 cumstance is held invalid, neither the remainder of
12 this subsection nor the application of the provision
13 to other persons or circumstances shall be affected.

14 (10) TRANSITION.—The Chairperson is author-
15 ized to utilize—

16 (A) the services of such officers, employ-
17 ees, and other personnel of the ACTION Agen-
18 cy with respect to functions ^{which will be} transferred to the
19 Corporation by this subsection; and

20 (B) funds appropriated to such functions
21 for such period of time as may reasonably be
22 needed to facilitate the orderly implementation
23 of this subsection.

24 (d) EFFECTIVE DATE.—This section, and the amend-
25 ments made by this section, shall take effect—

*Prior to
any transfer
of function*

1 (1) 18 months after the date of enactment of
2 this Act; or

3 (2) on such earlier date as the President deter-
4 mines to be appropriate.

5 **TITLE III—HIGHER EDUCATION**

6 **SEC. 301. HIGHER EDUCATION.**

7 **[To be supplied.]**

8 **TITLE IV—REAUTHORIZATION**

9 **Subtitle A—National and** 10 **Community Service Act of 1990**

11 **SEC. 401. AUTHORIZATION OF APPROPRIATIONS.**

12 **[To be supplied. Language should include carryover**
13 **provisions and an advance funding provision similar to the**
14 **following:**

15 **“(____) ADVANCE FUNDING.—**

16 **“(1) IN GENERAL.—**In order to afford the re-
17 sponsible State, local, and Federal officers concerned
18 adequate notice of available Federal financial assist-
19 ance for programs under the **[national service**
20 **Acts]**, appropriations for grants, contracts, or other
21 payments under any applicable program under such
22 Acts are authorized to be included in the appropria-
23 tion Act for the fiscal year preceding the fiscal year
24 for which the appropriations are available for obliga-
25 tion.

**
forward
funding
is head??*

1 “(2) APPLICATION.—In order to effect a transi-
2 tion to the method of timing appropriation action
3 described in paragraph (1), paragraph (1) shall
4 apply notwithstanding that the initial application of
5 the paragraph under such program will result in the
6 enactment in the same year (whether in the same
7 appropriation Act or otherwise) of two separate ap-
8 propriations, one for the then current fiscal year and
9 one for the succeeding fiscal year.”.]

10 **Subtitle B—Domestic Volunteer**
11 **Service Act of 1973**

12 **SEC. 411. SHORT TITLE; REFERENCES.**

13 (a) SHORT TITLE.—This subtitle may be cited as the
14 “Domestic Volunteer Service Act Amendments of 1993”.

15 (b) REFERENCES.—Except as otherwise specifically
16 provided, whenever in this subtitle an amendment or re-
17 peal is expressed in terms of an amendment to, or repeal
18 of, a section or other provision, the reference shall be con-
19 sidered to be made to a section or other provision of the
20 Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950
21 et seq.).

1 **CHAPTER 1—VISTA AND OTHER ANTI-**
2 **POVERTY PROGRAMS**

3 **SEC. 421. PURPOSE OF THE VISTA PROGRAM.**

4 The last sentence of section 101 (42 U.S.C. 4951)
5 is amended to read as follows: "In addition, the objective
6 of this part is to generate the commitment of private sec-
7 tor resources, to encourage volunteer service at the local
8 level, and to strengthen local agencies and organizations
9 to carry out the purpose set forth in this part."

10 **SEC. 422. SELECTION AND ASSIGNMENT OF VISTA VOLUN-**
11 **TEERS.**

12 (a) VOLUNTEER ASSIGNMENTS.—Section 103(a) (42
13 U.S.C. 4953(a)) is amended—

14 (1) in the matter preceding paragraph (1), by
15 striking "a ~~public~~";

16 (2) in paragraph (2), by striking "and" at the
17 end thereof;

18 (3) in paragraph (3), by striking "illiterate or
19 functionally illiterate youth and other individuals,";

20 (4) in paragraph (5), by striking "and" at the
21 end thereof;

22 (5) in paragraph (6)—

23 (A) by striking "or the Community Eco-
24 nomic" and inserting "the Community Eco-
25 nomic";

1 (B) by inserting “or other similar Acts”
2 after “1981,”; and

3 (C) by striking the period and inserting “;
4 and”; and

5 (6) by adding at the end thereof the following
6 new paragraph:

7 “(7) in strengthening, supplementing, and ex-
8 panding efforts to address the problem of illiteracy
9 throughout the United States.”.

10 (b) RECRUITMENT PROCEDURES.—Section 103(b)
11 (42 U.S.C. 4953(b)) is amended—

12 (1) by striking paragraphs (2), (4), (5) and (6);
13 and

14 (2) by redesignating paragraphs (3) and (7) as
15 paragraphs (2) and (3), respectively; and

16 (3) in paragraph (2) (as so redesignated), by
17 striking “paragraph (7)” and inserting “paragraph
18 (3)”; and

19 (4) in paragraph (3) (as so redesignated)—

20 (A) by striking “paragraph (4)” in sub-
21 paragraph (A) and inserting “paragraph (2)”;
22

23 (B) by striking subparagraphs (B) and
(E);

1 (C) by redesignating subparagraphs (C),
2 (D) and (F) as subparagraphs (B), (C) and
3 (D), respectively;

4 (D) by striking subparagraph (B) (as so
5 redesignated) and inserting the following new
6 subparagraph: and

7 “(B) A sponsoring organization may recruit volun-
8 teers for service under this part subject to final selection
9 approval by the Director of ACTION.”.

10 (c) PUBLIC AWARENESS AND RECRUITMENT.—Sub-
11 section (c) of section 103 (42 U.S.C. 4953(c)) is
12 amended—

13 (1) in paragraph (1), to read as follows:

14 “(1) The Director shall conduct national and local
15 public awareness and recruitment activities in order to
16 meet the volunteer goals of the program. Such activities
17 may include public service announcements, advertise-
18 ments, publicity on loan deferments and cancellations
19 available to VISTA Volunteers, maintenance of a toll-free
20 telephone system, and provision of technical assistance for
21 the recruitment of volunteers to programs and projects re-
22 ceiving assistance under this part. Further, the Director
23 shall take steps to recruit individuals 18 through 27 years
24 of age, 55 years of age and older, recent graduates of in-

*shall be
coordinated
with recruitment
authorized
under subfiles
C and H of
the NCST and*

stitutions of higher education, and special skilled volunteers";

and to promote diverse participation in the program
(2) in paragraph (3), by adding at the end thereof the following new sentence: "In addition, the Director shall take steps to provide opportunities for returned Peace Corps Volunteers to serve in ^{VISTA} Vista.";

(3) by striking paragraphs (4) and (5);

(4) by redesignating paragraphs (6) as paragraph (4); and

(5) by striking paragraph (4) (as so redesignated), and inserting the following new paragraph:

"(4) Beginning in fiscal year 1994 and for each fiscal year thereafter, for the purpose of carrying out this subsection, the Director shall obligate such sums as necessary of the amounts appropriated for each fiscal year under section 501(a).".

(d) COORDINATION WITH OTHER FEDERAL AGENCIES.—Section 103 (42 U.S.C. 4953) is amended by adding at the end thereof the following new subsection:

"(h) The Director of ACTION is encouraged to enter into agreements with other Federal agencies to use VISTA Volunteers in furtherance of program objectives that are consistent with the purposes described in section 101.".

1 **SEC. 423. TERMS AND PERIODS OF SERVICE.**

2 (a) CLARIFICATION AND PERIODS OF SERVICE.—
3 Subsection (b) of section 104 (42 U.S.C. 4954(b)) is
4 amended to read as follows:

5 “(b) Volunteers serving under this part may be en-
6 rolled initially for not less than 1 year, nor more than 2
7 years, except as provided for under subsection (e), except
8 that volunteers serving under this part may be enrolled
9 for periods of service of less than 1 year when the Director
10 determines, on an individual basis, that a period of service
11 of less than 1 year is necessary to meet a critical scarce
12 skill need. Volunteers serving under this part may be
13 reenrolled for periods of service in a manner to be deter-
14 mined by the Director. No volunteer shall serve for more
15 than a total of 5 years under this part.”.

16 (b) SUMMER PROGRAM.—Section 104 (42 U.S.C.
17 4954) is amended by adding at the end thereof the follow-
18 ing new subsection:

19 “(e) Notwithstanding any other provision under this
20 part, the Director may enroll full-time VISTA Summer
21 Associates for the summer months only, under the terms
22 and conditions to be set by the Director. Such individuals
23 must be assigned to projects that meet the criteria set
24 forth in section 103(a). The Agency shall report on par-
25 ticipants, costs, and accomplishments under the summer
26 program separately. The limitation on funds appropriated

1 for grants and contracts, as contained in section 108, shall
2 not apply to the summer program.”.

3 **SEC. 424. SUPPORT FOR VISTA VOLUNTEERS.**

4 (a) POSTSERVICE STIPEND.—Section 105(a)(1) (42
5 U.S.C. 4955(a)(1)) is amended by striking the second sen-
6 tence and inserting the following: “Such stipend shall not
7 exceed \$95 per month in fiscal year 1994, but shall be
8 set at a minimum of \$125 per month during the volun-
9 teer’s service after October 1, 1994, assuming the avail-
10 ability of funds to accomplish this increase. The Director
11 may provide a stipend of a minimum of \$200 per month
12 in the case of persons who have served for at least 1 year
13 and who, in accordance with standards established in reg-
14 ulations which the Director shall prescribe, have been des-
15 ignated volunteer leaders on the basis of experience and
16 special skills and a demonstrated leadership among volun-
17 teers.”.

18 (b) SUBSISTENCE ALLOWANCE.—Section 105(b) (42
19 U.S.C. 4955(b)) is amended—

20 (1) in paragraph (3)—

21 (A) by striking subparagraph (A);

22 (B) by striking the subparagraph of sub-
23 paragraph (B); and

24 (C) by adding at the end thereof the fol-
25 lowing new sentence: “The Director shall review

*Such stipend shall
not be paid to
an individual who
elects to receive
a national service
educational
award under
Subchapter D of the
NCSEA.*

1 such adjustments on an annual basis to assure
2 they are current.”; and
3 (2) by striking paragraph (4).

4 **SEC. 425. PARTICIPATION OF YOUNGER AND OLDER PER-**
5 **SONS.**

6 Section 107 (42 U.S.C. 4957) is amended to read as
7 follows:

8 “PARTICIPATION OF YOUNGER AND OLDER PERSONS

9 “SEC. 107. In carrying out this part and part C, the
10 Director shall take necessary steps, including the develop-
11 ment of special projects, where appropriate, to encourage
12 the fullest participation of individuals 18 through 27 years
13 of age and individuals 55 years of age and older in the
14 various programs and activities authorized under such
15 parts.”.

16 **SEC. 426. LITERACY ACTIVITIES.**

17 Section 109 (42 U.S.C. 4959) is amended—

18 (1) in subsection (g)—

19 (A) by striking paragraph (1); and

20 (B) by striking the paragraph designation
21 of paragraph (2); and

22 (2) in subsection (h), by striking paragraph (3).

23 **SEC. 427. APPLICATIONS FOR ASSISTANCE.**

24 Section 110 (42 U.S.C. 4960) is amended to read as
25 follows:

1 "APPLICATIONS FOR ASSISTANCE

2 "SEC. 110. The Director shall not deny assistance
3 under this part to any project or program, or any public
4 or private nonprofit organization, solely on the basis of
5 the duration of the assistance such project, program, or
6 organization has previously received under this part. The
7 Director shall grant assistance under this part on the
8 basis of merit and to accomplish the goals of the VISTA
9 program, and shall consider the needs and requirements
10 of existing projects as well as potential new projects."

11 **SEC. 428. REPEAL OF AUTHORITY FOR STUDENT COMMU-**
12 **NTY SERVICE PROGRAMS.**

13 Part B of title I (42 U.S.C. 4971 et seq.) is
14 amended—

15 ~~(1)~~ in section 111 (42 U.S.C. 4971(a))—
16 ~~(A) by striking out subsection (a), and~~
17 ~~(B) by striking out the subsection designa-~~
18 ~~tion of subsection (b), and~~
19 ~~(2)~~ by repealing section 114 (42 U.S.C. 4974).

20 **SEC. 429. UNIVERSITY YEAR FOR VISTA.**

21 Part B of title I (42 U.S.C. 4971 et seq.) is
22 amended—

23 (1) in the part heading to read as follows:

1 “PART B—UNIVERSITY YEAR FOR VISTA”;

2 (2) by striking “University Year for ACTION”
3 each place that such appears in such part and in the
4 Act and inserting “University Year for VISTA”;

5 (3) by striking “UYA” each place that such ap-
6 pears in such part and in the Act and inserting
7 “UYV”;

8 (4) in section 112 (42 U.S.C. 4972) by striking
9 the section heading and inserting the following new
10 section heading:

11 “AUTHORITY TO OPERATE UNIVERSITY YEAR FOR VISTA
12 PROGRAM”; AND

13 (5) in section 113(a) (42 U.S.C. 4973(a))—

14 (A) by striking “of not less than the dura-
15 tion of an academic year” and inserting “of not
16 less than the duration of an academic semester
17 or its equivalent”; and

18 (B) by adding at the end thereof the fol-
19 lowing new sentence: “Volunteers may receive a
20 living allowance and such other support or al-
21 lowances as the Director determines appro-
22 priate.”.

1 **SEC. 430. AUTHORITY TO ESTABLISH AND OPERATE SPE-**
2 **CIAL VOLUNTEER AND DEMONSTRATION**
3 **PROGRAMS.**

4 Section 122 (42 U.S.C. 4992) is amended to read as
5 follows:

6 “AUTHORITY TO ESTABLISH AND OPERATE SPECIAL
7 VOLUNTEER AND DEMONSTRATION PROGRAMS

8 “SEC. 122. (a) IN GENERAL.—The Director is au-
9 thorized to conduct or award grants or contracts to public
10 and nonprofit organizations for special volunteer programs
11 or demonstration programs to encourage wider volunteer
12 participation on a full-time, part-time, or short-term basis
13 to further the purpose of this part, and to identify particu-
14 lar segments of the poverty community which could benefit
15 from volunteer and other antipoverty efforts. The assign-
16 ment of volunteers under this section, and the provision
17 of support for such volunteers, including any subsistence
18 allowances and stipends, shall be on such terms and condi-
19 tions as the Director shall determine but shall not exceed
20 the level of support provided under section 105. Projects
21 using nonstipend volunteers may also be supported under
22 this section.

23 “(b) CRITERIA.—In carrying out the activities au-
24 thorized under this section and section 123, the Director
25 shall establish criteria and priorities to award grants and
26 enter into contracts in each fiscal year. No grant or con-

1 tract exceeding \$100,000 shall be made under this part
2 unless the grantee or contractor has been selected by a
3 competitive process which includes public announcement
4 of the availability of funds for such grant or contract, gen-
5 eral criteria for the selection of recipients or contractors,
6 and a description of the application process and applica-
7 tion review process.”.

8 **SEC. 431. TECHNICAL AND FINANCIAL ASSISTANCE.**

9 Section 123 (42 U.S.C. 4993) is to read as follows:

10 “TECHNICAL AND FINANCIAL ASSISTANCE

11 “SEC. 123. The Director may provide technical and
12 financial assistance to Federal agencies, State and local
13 governments and agencies, private nonprofit organiza-
14 tions, employers, and other private organizations which
15 utilize or desire to utilize volunteers in carrying out the
16 purpose of this part.”.

17 **SEC. 432. ELIMINATION OF SEPARATE AUTHORITY FOR**
18 **DRUG ABUSE PROGRAMS.**

19 Section 124 (42 U.S.C. 4994) is repealed.

20 **CHAPTER 2—NATIONAL SENIOR**
21 **VOLUNTEER CORPS**

22 **SEC. 441. NATIONAL SENIOR VOLUNTEER CORPS.**

23 (a) REFERENCES.—The Act is amended by striking
24 “Older American Volunteer Programs” each place that
25 such appears and inserting “National Senior Volunteer
26 Corps.”.

1 (b) TITLE HEADING.—The heading for title II is
2 amended to read as follows:

3 **“TITLE II—NATIONAL SENIOR**
4 **VOLUNTEER CORPS”.**

5 **SEC. 442. THE RETIRED AND SENIOR VOLUNTEER PRO-**
6 **GRAM.**

7 Section 200 (42 U.S.C. 5000) is amended by striking
8 “retired senior volunteer program” each place that such
9 appears in such section and the Act and inserting “retired
10 and senior volunteer program”.

11 **SEC. 443. OPERATION OF THE RETIRED AND SENIOR VOL-**
12 **UNTEER PROGRAM.**

13 (a) ELIGIBILITY FOR PARTICIPANTS IN THE PRO-
14 GRAM.—Section 201(a) (42 U.S.C. 5001(a)) is
15 amended—

16 (1) in the matter preceding paragraph (1), by
17 inserting “and older working” after “retired”; and

18 (2) in paragraph (2), by striking “aged sixty”
19 and inserting “aged fifty-five”.

20 (b) DELETION OF REQUIREMENT FOR STATE AGEN-
21 CY REVIEW.—Section 201 (42 U.S.C. 5001) is amended—

22 (1) by striking subsection (c); and

23 (2) by redesignating subsection (d) as sub-
24 section (c).

1 **SEC. 444. SERVICES UNDER THE FOSTER GRANDPARENT**
2 **PROGRAM.**

3 Section 211(a) (42 U.S.C. 5011(a)) is amended—

4 (1) by striking “receiving care in hospitals,
5 homes for dependent and neglected children, or
6 other establishments providing care for children with
7 special needs” and inserting “receiving care in hos-
8 pitals; residing in homes for dependent and ne-
9 glected children; and participating in day care cen-
10 ters, schools, Head Start projects, and a variety of
11 other establishments and institutions providing serv-
12 ices for children with special or exceptional needs”;
13 and

14 (2) by inserting after the first sentence the fol-
15 lowing new sentence: “Individual foster grand-
16 parents may provide person-to-person services to one
17 or more children depending upon the needs of the
18 project and local site.”.

19 **SEC. 445. STIPENDS FOR LOW-INCOME VOLUNTEERS.**

20 Section 211(d) (42 U.S.C. 5011(d)) is amended in
21 the second sentence by striking “Any stipend or allowance
22 provided under this subsection shall not be less than \$2.20
23 per hour until October 1, 1990, \$2.35 per hour during
24 fiscal year 1991, and \$2.50 per hour and after October
25 1, 1992,” and inserting “Any stipend or allowance pro-
26 vided under this section shall not be less than \$2.45 per

1 hour on and after October 1, 1993, and shall be adjusted
2 once during the period of 1993 through 1997 to account
3 for inflation, as determined by the Director and rounded
4 to the nearest five cents.”.

5 **SEC. 446. PARTICIPATION OF NON-LOW-INCOME PERSONS**
6 **UNDER PARTS B AND C.**

7 Subsection (f) of section 211(f) (42 U.S.C. 5011(f))
8 is amended to read as follows:

9 “(f) Individuals who are not low-income persons may
10 serve as volunteers under parts B and C, in accordance
11 with such regulations as the Director shall issue, at the
12 discretion of the local project and without receiving any
13 allowance, stipend, or other financial support except reim-
14 bursement for transportation, meals, and out-of-pocket ex-
15 penses incident to serving.”

16 **SEC. 447. CONDITIONS OF GRANTS AND CONTRACTS.**

17 Section 212 (42 U.S.C. 5012) is repealed.

18 **SEC. 448. EVALUATION OF THE SENIOR COMPANION PRO-**
19 **GRAM.**

20 Paragraph (3) of section 213(c) (42 U.S.C.
21 5013(c)(3)) is repealed.

22 **SEC. 449. AGREEMENTS WITH OTHER FEDERAL AGENCIES.**

23 Section 221(a) (42 U.S.C. 5021) is amended by add-
24 ing at the end thereof the following new sentence: “The
25 Director is encouraged to enter into agreements with the

1 Department of Health and Human Services to ~~provide~~ ^{involve} fos-
2 ter grandparents in Head Start projects, ~~to use Medicaid~~
3 ~~funds where cost-effective in involving Senior Companions~~
4 ~~in health care arrangements~~, and to promote in-home care
5 in cooperation with the Administration on Aging, with the
6 Department of Education to promote intergenerational tu-
7 toring and mentoring for at-risk children, and with the
8 Environmental Protection Agency to support conservation
9 efforts.”

RSVP
volunteers
and

NSVC volunteers

*

10 **SEC. 450. PROGRAMS OF NATIONAL SIGNIFICANCE.**

11 Section 225 (42 U.S.C. 5025) is amended—

12 (1) in subsection (a)—

13 (A) by striking paragraph (1) and insert-
14 ing the following new paragraph:

15 “(1) The Director is authorized to make grants under
16 the programs authorized in parts A, B, and C of this title
17 to support programs that address national problems that
18 are also of local concern. The Director may, in any fiscal
19 year, determine which programs of national significance
20 will receive priority in that year.”;

21 (B) by striking “paragraph (10)” in para-
22 graph (2)(B) and inserting “paragraphs (10)
23 and (12)”; and

1 (C) by striking "and (10)" in paragraph
2 (2)(C) and inserting "(10), (12), (15), and
3 (16)";

4 (2) in subsection (b), by adding at the end
5 thereof the following new paragraphs:

6 "(12) Programs that address environmental
7 needs.

8 "(13) Programs that reach out to organizations
9 not previously involved in addressing local needs,
10 such as labor unions and profit-making organiza-
11 tions.

12 "(14) Programs that provide for ethnic out-
13 reach.

14 "(15) Programs that support criminal justice
15 activities.

16 "(16) Programs that involve older volunteers
17 working with young people in apprenticeship pro-
18 grams."; and

19 (5) in subsection (d), by striking paragraph (1)
20 and inserting the following new paragraph:

21 "(1) Except as provided in paragraph (2), in each
22 fiscal year there shall be available to the Director to make
23 grants under subsection (a) such sums as necessary."

1 **SEC. 451. ADJUSTMENTS TO FEDERAL FINANCIAL ASSIST-**
2 **ANCE.**

3 Section 226 (42 U.S.C. 5026) is amended—

4 (1) by striking subparagraph (B) of subsection
5 (a)(1) and ~~all that follows through subsection (b);~~
6 and

7 (B) by striking “(a)(1)(A)”.

8 **SEC. 452. ARRANGEMENTS WITH PRIVATE, PROFIT-MAKING**
9 **ORGANIZATIONS.**

10 Part D of title II (42 U.S.C. 5021) is amended by
11 adding at the end thereof the following new section:

12 “ARRANGEMENTS WITH PRIVATE, PROFIT-MAKING
13 ORGANIZATIONS

14 “SEC. 228. The Director and grantees funded under
15 this title may enter into arrangements with profit-making
16 organizations so as to offer the services of Senior Compan-
17 ions, Foster Grandparents, and Retired Senior Volunteers
18 to those profit-making organizations, including their em-
19 ployees and relatives, on the condition that all costs of the
20 services, including administrative expenses, are paid for
21 by the profit-making organization and that there is no im-
22 pact on the ACTION funded project to provide services
23 to the community under the grant.”

24 **SEC. 453. DEMONSTRATION PROGRAMS.**

25 Title II is amended by adding at the end thereof the
26 following new part:

1 “PART E—DEMONSTRATION PROGRAMS

2 “AUTHORITY OF DIRECTOR

3 “SEC. 231. The Director is authorized to make
4 grants or contracts to public and nonprofit organizations,
5 including the organizations funded under parts A, B, and
6 C, for the purposes of demonstrating innovative activities
7 involving older Americans as volunteers. The Director may
8 support both nonstipend and stipended volunteers under
9 this part. Funding may be provided for activities such
10 as—

11 “(1) linking youth groups and older American
12 organizations in volunteer activities;

13 “(2) involving older volunteers in programs and
14 activities different from those currently supported in
15 the community; and

16 “(3) testing whether older American volunteer
17 programs may contribute to new objectives or cer-
18 tain national priorities.

19 “PROHIBITION

20 “SEC. 232. The Director may not reduce the activi-
21 ties, projects, or volunteers funded under the other parts
22 of this title in order to support projects under this part.”.

23 **CHAPTER 3—ADMINISTRATION**

24 **SEC. 461. PURPOSE OF AGENCY.**

25 Section 401 (42 U.S.C. 5041) is amended by insert-
26 ing after the first sentence the following: “This Agency

1 shall also promote the coordination of volunteer efforts
2 among Federal, State, and local agencies and organiza-
3 tions, exchange technical assistance information among
4 them, and provide technical assistance to other nations
5 concerning domestic volunteer programs within their coun-
6 tries.”.

7 **SEC. 462. AUTHORITY OF THE DIRECTOR.**

8 Section 402 (42 U.S.C. 5042) is amended—

9 (1) in paragraphs (5) and (6), by inserting “so-
10 licit and” before “accept” in each such paragraph;

11 (2) in paragraph (13), by striking “and” at the
12 end thereof;

13 (3) by redesignating paragraph (14) as para-
14 graph (15); and

15 (4) by inserting after paragraph (13) the fol-
16 lowing new paragraph:

17 “(14) enter into arrangements with private,
18 profit-making organizations under terms and condi-
19 tions determined by the Director when such agree-
20 ments will further the purposes of the Act; and”.

21 **SEC. 463. COMPENSATION FOR VOLUNTEERS.**

22 Section 404(c) (42 U.S.C. 5044(c)) is amended by
23 inserting “from such volunteers or beneficiaries” after
24 “compensation”.

**ACTION**1100 VERMONT AVENUE, NW
WASHINGTON, DC 20525

April 28, 1993

The Honorable Shirley Sagawa
Special Assistant to the President
The White House
Washington, D.C. 20500

Dear Shirley:

We understand there to be three substantive comments from other agencies on the DVSA Amendments. The remainder of the comments referred to other sections of the bill or were simply questions about intent.

The first concerns federal pension coverage for VISTA Volunteers. Both we and Peace Corps agree with the first comment of OMB and agree to delete subsections (c)(1)(C) and (c)(2) through (6) on pages 205 through 208. The second comment is a policy issue, and we strongly disagree with the OMB comment. Service credit should exist for all VISTA Volunteers, not just those interrupting a career in the federal service. The intent of the original provisions relating to credit for service for both Peace Corps and VISTA Volunteers was to attract interested graduates of these programs into Federal service. That basic policy remains valid today, and should not have been affected by the change from the Civil Service Retirement System to FERS. Hence, we recommend no change to subsection (b) on page 202.

The second concerns copyright protection for the OAVP programs. We have worked this out with the Patent and Trademark Office, and recommend that section 470 be revised to read as follows:

"Sec. 470. PROTECTION AGAINST IMPROPER USE.

Title IV is amended by adding at the end thereof the following new section:

"PROTECTION AGAINST IMPROPER USE

"Sec. 426. (1) IN GENERAL. -- Whoever falsely advertises or represents, or publishes or displays any sign, symbol or advertisement reasonably calculated to convey the impression that the entity is affiliated with, funded by, or operating under the authority of ACTION or any of its locally funded programs as enumerated and defined in subsection (2) of this section, may be enjoined under an action filed by the Attorney General, upon a complaint by the Director.

"(2) DEFINITIONS.--[SAME AS (d) ON PAGE 198 OF THE BILL]"

ACTION'S MISSION

To stimulate voluntary citizen participation in addressing the needs of American communities, particularly those of the poor, the disadvantaged and the elderly.

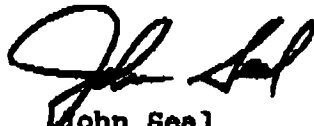
*
Substitute
language

-2-

The third matter concerns the VISTA "floor." You are well aware of this issue and that we strongly support the floor. The current budget for ACTION for FY 1994 supports 2,928 volunteer service years for the regular VISTA program (and an additional 430 for Literacy Corps). If the floor is set at 5,500 service years, the budget increase required is \$31.8 million. The cost per service year is \$12,400 (rounded). We believe increasing the floor sends a strong, positive message of support for VISTA as part of national service.

If you have any questions, please call Gary Kowalczyk or me tomorrow.

Sincerely,



John Seal
Acting Director

1 **SEC. 464. REPEAL OF REPORT ON ANNUAL RECRUITMENT**
2 **PLAN.**

3 Section 407 (42 U.S.C. 5047) is repealed.

4 **SEC. 465. APPLICATION OF FEDERAL LAW.**

5 Section 415(b)(4)(A) (42 U.S.C. 5055(b)(4)(A)) is
6 amended by striking “grade GS-7” and inserting “grade
7 GS-5”.

8 **SEC. 466. EVALUATION OF PROGRAMS.**

9 Section 416 (42 U.S.C. 5056) is amended—

10 (1) in subsection (a)—

11 (A) by striking “(including the VISTA Lit-
12 eracy Corps which shall be evaluated as a sepa-
13 rate program at least once every 3 years)” in
14 the first sentence; and

15 (B) by striking “at least once every 3
16 years” in the second sentence and inserting
17 “periodically”;

18 (2) in subsection (b) to read as follows:

19 “(b) In carrying out evaluations of ACTION’s pro-
20 grams, the Director shall create appropriate management
21 information systems that will summarize volunteer activi-
22 ties and accomplishments across the programs supported
23 under this Act. The Director shall report this information
24 on a periodic basis.”; and

25 (3) by striking subsections (d), (e), (f), and (g).

1 **SEC. 467. NONDISCRIMINATION PROVISIONS.**

2 Section 417 (42 U.S.C. 5057) is amended to read as
3 follows:

4 "NONDISCRIMINATION PROVISIONS

5 "SEC. 417. (a) IN GENERAL.—An individual with re-
6 sponsibility for the operation of a project that receives as-
7 sistance under this Act shall not discriminate against a
8 participant or member of the staff of such project on the
9 basis of race, color, national origin, sex, age, disability,
10 or political affiliation of such participant or member.

11 "(b) FEDERAL FINANCIAL ASSISTANCE.—Any assist-
12 ance provided under this Act shall constitute Federal fi-
13 nancial assistance for purposes of title VI of the Civil
14 Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX
15 of the Education Amendments of 1972 (20 U.S.C. 1681
16 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. 701
17 et seq.), the Age Discrimination Act of 1975 (42 U.S.C.
18 6101 et seq.), and the regulations issued under such Acts.

19 (c) RELIGIOUS DISCRIMINATION.—

20 (1) IN GENERAL.—Except as provided in para-
21 graph (2), an individual with responsibility for the
22 operation of a project that receives assistance under
23 this Act shall not discriminate on the basis of reli-
24 gion against a participant or a member of the
25 project staff who is paid with funds received under
26 this Act.

1 (2) EXCEPTION.—Paragraph (1) shall not
2 apply to the employment, with assistance provided
3 under this Act, of any member of the staff of a
4 project that receives assistance under this Act who
5 was employed with the organization operating the
6 project on the date the grant under this Act was
7 awarded.

8 (d) RULES AND REGULATIONS.—The Director shall
9 promulgate rules and regulations to provide for the en-
10 forcement of this section that shall include provisions for
11 summary suspension of assistance for not more than 30
12 days, on an emergency basis, until notice and an oppor-
13 tunity to be heard can be provided.”.

14 **SEC. 468. ELIMINATION OF SEPARATE REQUIREMENTS FOR**
15 **SETTING REGULATIONS.**

16 Section 420 (42 U.S.C. 5060) is repealed.

17 **SEC. 469. CLARIFICATION OF ROLE OF INSPECTOR GEN-**
18 **ERAL.**

19 Section 422 (42 U.S.C. 5062) is amended—

20 (1) in subsection (a), by inserting “and the In-
21 specter General of ACTION” after “Director”; and

22 (2) in subsection (b), by inserting “, the Inspec-
23 tor General of ACTION,” after “Director” each
24 place that such appears.

confirm?

1 **SEC. 470. COPYRIGHT PROTECTION.**

2 Title IV is amended by adding at the end thereof,
3 the following new section:

4 "COPYRIGHT PROTECTION

5 "SEC. 426. (a) IN GENERAL.—The following are
6 hereby declared the property of the United States:

7 "(1) The name 'Retired and Senior Volunteer
8 Program' and the logo and acronym, 'RSVP', associ-
9 ated therewith;

10 "(2) The name 'Foster Grandparent Program'
11 and the logo and acronym, 'FGP', associated there-
12 with;

13 "(3) The name 'Senior Companion Program'
14 and the logo and acronym, 'SCP', associated there-
15 with;

16 "(4) The name 'Volunteers in Service to Amer-
17 ica' and the logo and acronym, 'VISTA', associated
18 therewith; and

19 "(5) The name 'National Senior Volunteer
20 Corps'.

21 "(b) SPECIAL ACCOUNT.—The Director shall deposit
22 into a special account, to be available to foster and expand
23 volunteerism consistent with this Act, all fees collected
24 under regulations prescribed by the Director relating to
25 use or reproduction of the property described in subsection
26 (a) by entities other than ACTION.

Substitute
Language
X

1 “(c) IMPROPER USE.—

2 “(1) IN GENERAL.—Whoever, except as per-
3 mitted by the laws of the United States and regula-
4 tions issued by the Director—

5 “(A) uses the names ‘ACTION’, ‘National
6 Senior Volunteer Corps’, ‘Retired and Senior
7 Volunteer Program’ (or its acronym, ‘RSVP’),
8 ‘Foster Grandparent Program’ (or its acronym,
9 ‘FGP’), ‘Senior Companion Program’ (or its ac-
10 ronym, ‘SCP’), or ‘Volunteers in Service to
11 America’ (or its acronym, ‘VISTA’), as part of
12 the business or firm name of a person, corpora-
13 tion, partnership, association or other business
14 entity; or

15 “(B) falsely advertises or represents, or
16 publishes or displays any sign, symbol or adver-
17 tisement reasonably calculated to convey the
18 impression that the entity is affiliated with,
19 funded by, or operating under the authority of
20 ACTION or any of its locally funded programs;
21 may be enjoined under an action filed by the Attor-
22 ney General, upon a complaint by the Director.

23 “(2) EXCEPTION.—This section shall not make
24 unlawful the use of any name or title which was law-
25 ful on the date of enactment of this section.

1 “(d) DEFINITIONS.—For purposes of this section:

2 “(1) FOSTER GRANDPARENT PROGRAM.—The
3 term ‘Foster Grandparent Program’ means the pro-
4 gram established under part B of title II.

5 “(2) NATIONAL SENIOR VOLUNTEER CORPS.—
6 The term ‘National Senior Volunteer Corps’ means
7 the programs established under parts A, B, C, and
8 E of title II.

9 “(3) RETIRED AND SENIOR VOLUNTEER PRO-
10 GRAM.—The term ‘Retired and Senior Volunteer
11 Program’ means the program established under part
12 A of title II.

13 “(4) SENIOR COMPANION PROGRAM.—The term
14 ‘Senior Companion Program’ means the program es-
15 tablished under part C of title II.

16 “(5) VOLUNTEERS IN SERVICE TO AMERICA.—
17 The terms ‘Volunteers in Service to America’ and
18 ‘VISTA’ mean the program established under part A
19 of title I.”.

20 **SEC. 471. CENTER FOR RESEARCH AND TRAINING.**

21 Title IV (as amended by section 470) is further
22 amended by at the end thereof the following new section:

23 “CENTER FOR RESEARCH AND TRAINING
24 SEC. 427. ~~There is established within ACTION~~ *The Director may establish directly, or by grant or* a *contract,*
25 Center for Research and Training on Volunteerism. ~~The~~ *to*
26 ~~Center shall~~ carry out research concerning the impact of

1 volunteerism on individuals, organizations, and commu-
 2 nities. ~~The Center shall~~ provide training to help improve
 3 programs across the country, ~~The Center may award~~ *and such other functions as the* the Director
 4 ~~grants to, or enter into contracts with, organizations in~~ *deems*
 5 ~~order to carry out its responsibilities."~~ *appropriate*.

6 **SEC. 472. DEPOSIT REQUIREMENT CREDIT FOR SERVICE AS**

7 **A VOLUNTEER.**

8 (a) CIVIL SERVICE RETIREMENT SYSTEM.—

9 (1) CREDITABLE SERVICE.—Section 8332(j) of
 10 title 5, United States Code, is amended—

11 (A) in paragraph (1), by inserting "as a
 12 full-time volunteer enrolled in a program of at
 13 least 1 year's duration under part A, B, or C
 14 of title I of the Domestic Volunteer Service Act
 15 of 1973," after "Economic Opportunity Act of

16 1964,"; and *(i) in the first and second sentences*
 17 (B) by adding at the end thereof the fol- *(ii) in the last sentence. -- by inserting "or*
 18 *under the DVSA of 1973" after "Economic*
 19 *Opportunity Act of 1964"; and (ii) by*
 20 *inserting "or*
 21 *ACTION" after*
 22 *Director of the*
 23 *Office of*
 24 *Economic*
 25 *Opportunity;*
 26 *and*

18 lowing new paragraph:
 19 "(3) The provisions of paragraph (1) relating to
 20 credit for service as a volunteer or volunteer leader
 21 under the Economic Opportunity Act of 1964 and
 22 the Domestic Volunteer Service Act of 1973, shall
 23 not apply to any period of service as a volunteer, or
 24 volunteer leader of an employee or Member with re-
 25 spect to which the employee or Member has made

200

1 the deposit with interest, if any, required by section
2 8334(1).”.

3 (2) DEDUCTIONS, CONTRIBUTIONS, AND DEPOS-
4 ITS.—

5 (A) Section 8334 of title 5, United States
6 Code, is amended by adding at the end thereof
7 the following new subsection:

8 “(1)(1) Each employee or Member who has performed
9 service as a volunteer or volunteer leader under part A
10 of title VIII of the Economic Opportunity Act of 1964 or
11 as a full-time volunteer enrolled in a program of at least
12 1 year’s duration under part A, B, or C of title I of the
13 Domestic Volunteer Service Act of 1973, before the date
14 of separation from service on which the entitlement to any
15 annuity under this subchapter is based may pay, in ac-
16 cordance with such regulations as the Office of Personnel
17 Management shall issue, to the agency by which the em-
18 ployee is employed or, in the case of a Member or a Con-
19 gressional employee, to the Secretary of the Senate or the
20 Clerk of the House of Representatives, as appropriate, an
21 amount equal to 7 percent of the readjustment allowance
22 paid to the employee or Member under section 803 of the
23 Economic Opportunity Act of 1964 or section 105(a) or
24 the Domestic Volunteer Service Act of 1973 for each pe-
25 riod of service as such a volunteer or volunteer leader.

1 “(2) Any deposit made under paragraph (1) more
2 than 2 years after the later of—

3 “(A) the date of enactment of this subsection;
4 or

5 “(B) the date on which the employee or Mem-
6 ber making the deposit first becomes an employee or
7 Member,
8 shall include interest on such amount, computed and com-
9 puted annually beginning on the date of the expiration of
10 the 2-year period. The interest rate that is applicable in
11 computing interest in any year under this paragraph shall
12 be equal to the interest rate that is applicable for such
13 year under subsection (e).

14 “(3) Any payment received by an agency, the Sec-
15 retary of the Senate, or Clerk of the House of Representa-
16 tives under this subsection shall be immediately remitted
17 to the Office of Personnel Management for deposit in the
18 Treasury of the United States to the credit of the Fund.

19 “(4) The Director of ACTION shall furnish such in-
20 formation to the Office to the Personnel Management as
21 the Office may determine to be necessary for the adminis-
22 tration of this subsection.”.

23 (B) Section 8334(e) of title 5, United
24 States Code, is amended in paragraphs (1) and

1 (2) by striking “or (k)” each place that such
2 appears and inserting “(k), or (l)”.

3 (b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

4 (1) CREDITABLE SERVICE.—Section 8411 of
5 title 5, United States Code, is amended—

6 (A) in subsection (b)(3), by striking “sub-
7 section (f)” and inserting “subsection (f) or
8 (h)”; and

9 (B) by adding at the end thereof the fol-
10 lowing new subsection:

11 “(h) An employee or Member shall be allowed credit
12 for services as a volunteer or volunteer leader under part
13 A of title VIII of the Economic Opportunity Act of 1964,
14 or as a full-time volunteer enrolled in a program of at least
15 1 year’s duration under part A, B, or C of title I of the
16 Domestic Volunteer Service Act of 1973, performed at any
17 time prior to the separation from service entitlement to
18 any annuity is based if the employee or Member has made
19 a deposit with interest, if any, with respect to such service
20 under section 8422(f).”.

21 (2) DEDUCTIONS, CONTRIBUTIONS.—Section
22 8422 of title 5, United States Code, is amended by
23 adding at the end thereof the following new sub-
24 section:

1 “(f)(1) Each employee or Member who has performed
2 service as a volunteer or volunteer leader under part A
3 of title VIII of the Economic Opportunity Act of 1964,
4 or as a full-time volunteer enrolled in a program or at
5 least 1 year’s duration under part A, B, or C of title I
6 of the Domestic Volunteer Service Act of 1973, before the
7 date of the separation from service on which the entitle-
8 ment to any annuity under this subchapter, or subchapter
9 V of this chapter, is based may pay, in accordance with
10 such regulations as the Office of Personnel Management
11 shall issue, to the agency by which the employee is em-
12 ployed or, in the case of Member or a congressional em-
13 ployee, to the Secretary of the Senate or Clerk of the
14 House of Representatives, as appropriate, an amount
15 equal to 3 percent of the readjustment allowance paid to
16 the employee or Member under title VIII of the Economic
17 Opportunity Service Act of 1964 or title I of the Domestic
18 Volunteer Service Act of 1973 for each period of service
19 as such a volunteer or volunteer leader.

20 “(2) Any deposit made under paragraph (1) more
21 than 2 years after the later of—

22 “(A) the date of enactment of this subsection,
23 or

1 “(B) the date on which the employee or Mem-
2 ber making the deposit first becomes an employee or
3 Member,
4 shall include interest on such amount computed and
5 compounded annually beginning on the date of the expira-
6 tion of the 2-year period. The interest rate that is applica-
7 ble in computing interest in any year under this paragraph
8 shall be equal to the interest rate that is applicable for
9 such year under section 8334(e).

10 “(3) Any payment received by an agency, the Sec-
11 retary of the Senate, or the Clerk of the House of Rep-
12 resentatives under this subsection shall be immediately re-
13 mitted to the Office of Personnel Management for deposit
14 in the Treasury of the United States to the credit of the
15 Fund.

16 “(4) The Director of ~~of ACTION~~ shall furnish such in-
17 formation to the Office of Personnel Management as the
18 Office may determine to be necessary for the administra-
19 tion of this subsection.”

20 (c) APPLICABILITY AND OTHER PROVISIONS.—

21 (1) APPLICABILITY.—

22 (A) The amendments made by subsections
23 (a) and (b) shall apply with respect to credit for
24 service as a volunteer or volunteer leader under
25 the Economic Opportunity Act of 1964 or the

1 Domestic Volunteer Service Act of 1973 to indi-
2 viduals who are entitled to an annuity on the
3 basis of a separation from service occurring be-
4 fore, on, or after the effective date of this Act.

5 (B) In the case of any individual whose en-
6 titlement to an annuity is based on a separation
7 from service occurring before the date of enact-
8 ment of this Act, any increase in such individ-
9 ual's annuity on the basis of a deposit made
10 pursuant to section 8334(l) or section 8442(f)
11 of title 5, United States Code, as amended by
12 this Act, shall be effective only with respect to
13 annuity payments payable for calendar months
14 beginning after the date of enactment of this
15 Act.

16 (C) In the case of any individual who is
17 entitled to an annuity under subchapter III of
18 chapter 83 of title 5, United States Code, credit
19 for service under such subchapter III shall be
20 subject to paragraphs (2) through (6).

21 (2) OLD AGE OR SURVIVOR'S ENTITLEMENT.—
22 Subject to paragraph (3), in any case in which an
23 individual described in paragraph (1)(C) is also enti-
24 tled to old age or survivor's insurance benefits under
25 section 202 of the Social Security Act (or would be

1 entitled to such benefits upon filing an application
2 therefore), the amount of the annuity to which such
3 individual is entitled under subchapter III of chapter
4 83 of title 5, United States Code (after taking in ac-
5 count service as a volunteer or volunteer leader
6 under the Economic Opportunity Act of 1964 and
7 the Domestic Volunteer Service Act of 1973) which
8 is payable for any month shall be reduced by an
9 amount determined by multiplying the amount of
10 such old-age or survivor's insurance benefit for the
11 determination month by a fraction—

12 (A) the numerator of which is the total of
13 the wages (within the meaning of section 209 of
14 the Social Security Act) for service as a volun-
15 teer or volunteer leader under the Economic
16 Opportunity Act of 1964 and the Domestic Vol-
17 unteer Service Act of 1973 of such individual
18 credited for years before the calendar year in
19 which the determination month occurs, up to
20 the contribution and benefit base determined
21 under section 230 of the Social Security Act (or
22 other applicable maximum annual amount re-
23 ferred to in section 215(e)(1) of such Act for
24 each year); and

1 (B) the denominator of which is the total
2 of all wages described in subparagraph (A),
3 plus all other wages (within the meaning of sec-
4 tion 209 of such Act) and all self-employment
5 income (within the meaning of section 211(b) of
6 such Act) of such individual credited for years
7 after 1936 and before the calendar year in
8 which the determination month occurs, up to
9 the contribution and benefit base (of such other
10 amount referred to in section 215(e)(1) of such
11 Act) for each such year.

12 (3) LIMITATION.—Paragraph (2) shall not re-
13 duce the annuity of an individual below the amount
14 of the annuity which would be payable to the indi-
15 vidual for the determination month if service of a
16 volunteer or volunteer leader under the Economic
17 Opportunity Act of 1964 or the Domestic Volunteer
18 Service Act of 1973 were not creditable in the com-
19 putation of the individual's annuity for such month.

20 (4) DETERMINATION MONTH.—For purposes of
21 this subsection, the term “determination month”
22 means—

23 (A) the first month the individual de-
24 scribed in paragraph (1)(C) is entitled to old-
25 age or survivor's benefits under section 202(a)

1 of the Social Security Act (or would be entitled
2 to such benefits upon filing an application
3 therefore); or

4 (B) the first calendar month beginning
5 after the date of enactment of this Act, in the
6 case of any individual entitled to such benefits
7 for such month.

8 (5) EFFECTIVE DATE.—The provisions of para-
9 graphs (2) through (4) shall take effect with respect
10 to any annuity payment payable under subchapter
11 III of chapter 83 of title 5, United States Code, for
12 calendar months beginning after the date of enact-
13 ment of this Act.

14 (6) FURNISHING OF INFORMATION.—The Sec-
15 retary of Health and Human Services shall furnish
16 such information to the Office of Personnel Manage-
17 ment as may be necessary to carry out the provi-
18 sions of this subsection.

19 (7) ACTION TO INFORM INDIVIDUALS.—The Di-
20 rector of the Office of Personnel Management shall
21 take such action as may be necessary and appro-
22 priate to inform individuals entitled to credit under
23 this section for service as a volunteer or volunteer
24 leader, or to have any annuity recomputed, or to

stet

1 make a deposit under this section, of such entitle-
2 ment.

3 **CHAPTER 4—AUTHORIZATION OF APPRO-**
4 **PRIATIONS AND OTHER AMENDMENTS**

5 **SEC. 481. AUTHORIZATION OF APPROPRIATIONS FOR TITLE**

6 **I.**

7 Section 501 (42 U.S.C. 5081) is amended to read as
8 follows:

9 **“NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS**

10 **“SEC. 501. (a) AUTHORIZATIONS.—**

11 **“(1) VOLUNTEERS IN SERVICE TO AMERICA.—**

12 There are authorized to be appropriated to carry out
13 part A of title I, excluding sections 104(e) and 109,
14 *in FY 1994 and* such sums as may be necessary for each of the fiscal
15 years 1994 through 1998.

16 **“(2) SUMMER PROGRAM.—**There are authorized
17 to be appropriated to carry out section 104(e), such
18 sums as may be necessary for each of the fiscal
19 years 1994 through 1998.

20 **“(3) LITERACY ACTIVITIES.—**There are author-
21 ized to be appropriated to carry out section 109,
22 such sums as may be necessary for each of the fiscal
23 years 1994 through 1998.

24 *Univers. by year for VISTA*
“(4) ~~STUDENT COMMUNITY SERVICE PRO-~~
25 **~~GRAMS.—~~**There are authorized to be appropriated to
26 carry out part B of title I, such sums as may be nec-

1 essary for each of the fiscal years 1994 through
2 1998.

3 “(5) SPECIAL VOLUNTEER PROGRAMS.—There
4 are authorized to be appropriated to carry out part
5 C of title I, excluding section 125, such sums as may
6 be necessary for each of the fiscal years 1994
7 through 1998.

8 “(6) LITERACY CHALLENGE GRANTS.—There
9 are authorized to be appropriated to carry out sec-
10 tion 125, such sums as may be necessary for each
11 of the fiscal years 1994 through 1998.

12 “(b) SUBSISTENCE.—The minimum level of allow-
13 ances for subsistence required under section 105(b)(2), to
14 be provided to each volunteer under this Act may not be
15 reduced or limited in order to provide for an increase in
16 the number of volunteer service years under part A of title
17 I.

18 “(c) LIMITATION.—No part of the funds appro-
19 priated to carry out part A of title I may be used to pro-
20 vide volunteers or assistance to any program or project
21 authorized under part B or C of title I, or under title II,
22 unless the program or project meets the antipoverty cri-
23 teria of part A of title I.

1 “(d) AVAILABILITY.—Amounts appropriated for part
2 A of title I shall remain available for obligation for a 2-
3 year period.

4 “(e) VOLUNTEER SERVICE REQUIREMENT.—Of the
5 amounts appropriated under this section for parts A, B,
6 and C of title I, including section 125, there shall first
7 be available for part A of title I an amount not less than
8 the amount necessary to provide ³⁷⁰⁰~~5,000~~ volunteer service
9 years in fiscal year 1994, and ^{4000 in 1995, 4500 in 1996, 5500 in}~~7,500~~ volunteer service
10 ~~years in each of fiscal years 1995, 1996, 1997, and 1998.~~ 1997 and
11 If funds are insufficient to meet this requirement, the Di-
12 rector shall submit a plan to the relevant authorizing and
13 appropriations committees of Congress that will detail
14 what is necessary to fully meet this requirement.”.

7500 in
1998,

15 **SEC. 482. AUTHORIZATION OF APPROPRIATIONS FOR TITLE**

16 **II.**

17 Section 502 (42 U.S.C. 5082) is amended to read as
18 follows:

19 “NATIONAL SENIOR VOLUNTEER CORPS

20 “SEC. 502. (a) RETIRED AND SENIOR VOLUNTEER
21 PROGRAM.—There are authorized to be appropriated to
22 carry out part A of title II, such sums as may be necessary
23 for each of the fiscal years 1994⁵ through 1998.

24 “(b) FOSTER GRANDPARENT PROGRAM.—There are
25 authorized to be appropriated to carry out part B of title

1 ~~II, such sums as~~ ^{in 1994 and} 212 may be necessary for each of the fiscal
2 years 1994~~/~~ through 1998.

3 “(c) SENIOR COMPANION PROGRAM.—There are au-
4 thorized to be appropriated to carry out part C of title
5 ~~II, such sums as~~ ^{in 1994 and} may be necessary for each of the fiscal
6 years 1994~~/~~ through 1998.

7 “(d) DEMONSTRATION PROGRAMS.—There are au-
8 thorized to be appropriated to carry out part E of title
9 II, such sums as may be necessary for each of the fiscal
10 years 1994 through 1998.”.

11 **SEC. 483. AUTHORIZATION OF APPROPRIATIONS FOR TITLE**

12 **IV.**

13 Section 504 (42 U.S.C. 5084) is amended to read as
14 follows:

15 “ADMINISTRATION AND COORDINATION

16 “SEC. 504 (a) IN GENERAL.—For each of the fiscal
17 years 1994 through 1997~~/~~, there are authorized to be ap-
18 propriated for the administration of this Act as provided
19 for in title IV, 20 percent of the total amount appropriated
20 under sections 501, 502, and title VII with respect to such
21 year.

22 “(b) EVALUATION AND CENTER FOR RESEARCH AND
23 TRAINING.—For each of the fiscal years 1994 through
24 1998, the Director is authorized to expend not less than
25 one-half of 1 percent, nor more than 1 percent, from the

1 amounts appropriated under sections 501, 502, and title
2 VII for the purposes prescribed in sections 416 and 427.”.

3 **SEC. 484. CONFORMING AMENDMENTS; COMPENSATION**
4 **FOR VISTA FECA CLAIMANTS.**

5 Section 8143(b) of title 5, United States Code, is
6 amended by striking “GS-7” and inserting “GS-5”.

7 **SEC. 485. REPEAL OF AUTHORITY FOR ~~YOUTHBUILD PRO-~~**
8 **GRAM**

9 Title VII (42 U.S.C. 5051 et seq.) is repealed.

10 **SEC. 486. EFFECTIVE DATE.**

11 This subtitle shall become effective on October
12 1, 1993, or on the date of enactment of this Act,
13 whichever is later.

*do we
need?*

14 **TITLE V—TECHNICAL AND**
15 **CONFORMING AMENDMENTS**

16 **SEC. 501. DEFINITION OF DIRECTOR.**

17 The Domestic Volunteer Service Act of 1973 is
18 amended—

19 (1) in section 421 (42 U.S.C. 5061), by striking
20 paragraph (1) and inserting the following new para-
21 graph:

22 “(1) the term ‘Director’ means the Chairperson
23 ~~and Executive Director~~ of the Corporation for Na-
24 tional Service appointed under section 191C of the

1 National and Community Services Act of 1990;”;
2 and

3 (2) in section 713 (42 U.S.C. 5091l) by striking
4 paragraph (2) and inserting the following new para-
5 graph:

6 “(2) DIRECTOR.—The term ‘Director’ means
7 the Chairperson ~~and Executive Director~~ of the Cor-
8 poration for National Service appointed under sec-
9 tion 191C of the National and Community Services
10 Act of 1990.”.



11 **SEC. 502. REFERENCES TO ACTION AND THE ACTION AGEN-**
12 **CY IN THE NATIONAL SERVICE LAWS.**

13 (a) DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—
14 The Domestic Volunteer Service Act of 1973 is amended
15 as follows:

16 (1) Section 2(b) (42 U.S.C. 4950(b)) is
17 amended—

18 (A) by striking “ACTION, the Federal do-
19 mestic volunteer agency,” and inserting “this
20 Act”; and

21 (B) by striking “ACTION” and inserting
22 “the Corporation for National Service”.

23 (2) Section 103(b) (42 U.S.C. 4953(b)) is
24 amended—

1 (A) in paragraph (2)(A), by striking “the
2 national headquarters of the ACTION Agency”
3 and inserting “the Corporation”;

4 **【reference to regional employee】** (B) in
5 paragraph (2)(C), by striking “the ACTION
6 Agency” and inserting “the Corporation”;

7 (C) in paragraph (5)—

8 (i) by striking “the ACTION Agency”
9 both places it appears and inserting “the
10 Corporation”; and

11 (ii) by striking “of the Agency”; and

12 **【reference to regional office】** (D) in para-
13 graph (6)—

14 (i) by striking “the ACTION Agency”
15 and inserting “the Corporation”; and

16 (ii) by striking “the regional ACTION
17 office” and inserting “the office of the
18 Corporation”.

19 (3) Section 103(c)(1)(D) (42 U.S.C.
20 4953(c)(1)(D)) is amended by striking “the AC-
21 TION Agency” and inserting “the Corporation”.

22 (4) Section 105(b) (42 U.S.C. 4955(b)) is
23 amended—

1 **【reference to regional office】** (A) in para-
2 graph (3)(A), by striking “the ACTION Agen-
3 cy” and inserting “the Corporation”; and

4 **【reference to regional office】** (B) in para-
5 graph (4), by striking “the ACTION Agency”
6 and inserting “the Corporation”.

7 (5) NOTE: Sections 111, 112, and 113 refer to
8 the “University Year for ACTION (UYA)” program.
9 What should be done about this reference?

10 (6) Section 125(b) (42 U.S.C. 4995(b)) is
11 amended by striking “the ACTION Agency” and in-
12 serting “the Corporation”.

13 (7) Section 225(e) (42 U.S.C. 5025(e)) is
14 amended by striking “the ACTION Agency” and in-
15 serting “the Corporation”.

16 (8) Section 403(a) (42 U.S.C. 5043(a) is
17 amended—

18 (A) by striking “the ACTION Agency” the
19 first place it appears and inserting “the Cor-
20 poration under this Act”; and

21 (B) by striking “the ACTION Agency” the
22 second place it appears and inserting “the Cor-
23 poration”.

217

(9) Section 407(5) (42 U.S.C. 5047(5)) is amended by striking “the ACTION Agency” and inserting “the Corporation”.

(10) Section 408 (42 U.S.C. 5048) is amended
by striking “the ACTION Agency” and inserting
“the Corporation”.

(11) Section 416(f)(1) (42 U.S.C. 5056(f)(1))
is amended by striking “ACTION Agency” and in-
serting “Corporation”.

(12) Section 420(b) (42 U.S.C. 5060(b)) is amended by striking “the ACTION Agency” and inserting “the Corporation”.

13 (13) Section 702(a) (42 U.S.C. 5091a(a)) is
14 amended by striking “of the ACTION Agency”.

15 (b) NATIONAL AND COMMUNITY SERVICE ACT OF
16 1990.—[To be Added]

17 SEC. 503. REFERENCES TO ACTION AND THE ACTION AGEN-
18 CY IN OTHER LAWS.

19 (a) INSPECTOR GENERAL.—Section 8E(a)(2) of the
20 Inspector General Act of 1978 (5 U.S.C. App.) is
21 amended—

22 (1) by striking “ACTION,”; and

(2) by inserting “the Corporation for National Service,” after “the Consumer Product Safety Commission,”.

1 (b) PUBLIC HOUSING SECURITY.—Section 207(c) of
2 the Public Housing Security Demonstration Act of 1978
3 (Public Law 95–557; 92 Stat. 2093; 12 U.S.C. 1701z–
4 6 note) is amended—

5 (1) in paragraph (3)(ii), by striking “Action”
6 and inserting “the Corporation for National Serv-
7 ice”; and

8 (2) in paragraph (4), by striking “Action” and
9 inserting “the Corporation for National Service”.

10 (c) NATIONAL FOREST VOLUNTEERS.—Section 1 of
11 the Volunteers in the National Forests Act of 1972 (16
12 U.S.C. 558a) is amended by striking “Action” and insert-
13 ing “the Corporation for National Service”.

14 (d) PEACE CORPS.—Section 2A of the Peace Corps
15 Act (22 U.S.C. 2501–1) is amended by inserting after
16 “the ACTION Agency” the following: “, the successor to
17 the ACTION Agency,”.

18 (e) INDIAN ECONOMIC DEVELOPMENT.—Section 502
19 of the Indian Financing Act of 1974 (25 U.S.C. 1542)
20 is amended by striking “ACTION Agency” and inserting
21 “the Corporation for National Service”.

22 (f) OLDER AMERICANS.—The Older Americans Act
23 of 1965 is amended—

24 (1) in section 202(c)(1) (42 U.S.C. 3012(c)(1)),
25 by striking “the Director of the ACTION Agency”

1 and inserting “the Corporation for National Serv-
2 ice”;

3 (2) in section 203(a)(1) (42 U.S.C.
4 3013(a)(1)), by striking “the ACTION Agency” and
5 inserting “the Corporation for National Service”;
6 and

7 (3) in section 422(b)(12)(C) (42 U.S.C.
8 3035a(b)(12)(C)), by striking “the ACTION Agen-
9 cy” and inserting “the Corporation for National
10 Service”.

11 (g) ~~VISTA~~ SERVICE EXTENSION.—Section 101(c)(1)
12 of the Domestic Volunteer Service Act Amendments of
13 1989 (Public Law 101-204; 103 Stat. 1810; 42 U.S.C.
14 4954 note) is amended by striking “Director of the AC-
15 TION Agency” and inserting “Executive Director of the
16 Corporation for National Service”.

17 (h) AGING RESOURCE SPECIALISTS.—Section 205(c)
18 of the Older American Amendments of 1975 (Public Law
19 94-135; 89 Stat. 727; 42 U.S.C. 5001 note) is amended—

20 (1) in paragraph (1)—

21 (A) by striking “the ACTION Agency,”
22 and inserting “the Corporation for National
23 Service,”; and

1 (B) by striking “the Director of the AC-
2 TION Agency” and inserting “the Executive
3 Director of the Corporation;

4 (2) in paragraph (2)(A), by striking “ACTION
5 Agency” and inserting “Corporation”; and

6 (3) in paragraph (3), by striking subparagraph
7 (A) and inserting the following new subparagraph:

8 “(A) the term ‘Corporation’ means the Cor-
9 poration for National Service established by section
10 191 of the National and Community Service Act of
11 1990.”.

12 (i) PROMOTION OF PHOTOVOLTAIC ENERGY.—Sec-
13 tion 11(a) of the Solar Photovoltaic Energy Research, De-
14 velopment, and Demonstration Act of 1978 (42 U.S.C.
15 5590) is amended by striking “the Director of ACTION,”.

16 (j) COORDINATING COUNCIL ON JUVENILE JUS-
17 TICE.—Section 206(a)(1) of the Juvenile Justice and De-
18 linquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1))
19 is amended by striking “the Director of the ACTION
20 Agency” and inserting “the Executive Director of the Cor-
21 poration for National Service”.

22 (k) ENERGY CONSERVATION.—Section 413(b)(1) of
23 the Energy Conservation and Production Act (42 U.S.C.
24 6863(b)(1)) is amended by striking “the Director of the
25 ACTION Agency,”.

1 (l) INTERAGENCY COUNCIL ON THE HOMELESS.—
2 Section 202(a) of the Stewart B. McKinney Homeless As-
3 sistance Act (42 U.S.C. 11312(a)) is amended by striking
4 paragraph (12) and inserting the following new para-
5 graph:

6 “(12) The Executive Director of the Corpora-
7 tion for National Service, or the designee of the Ex-
8 ecutive Director.”.

9 (m) ANTI-DRUG ABUSE.—Section 3601 of the Anti-
10 Drug Abuse Act of 1988 (42 U.S.C. 11851) is amended
11 by striking paragraph (6) and inserting the following new
12 paragraph:

13 “(6) the term ‘Director’ means the Chairperson
14 and Executive Director of the Corporation for Na-
15 tional Service,”.

16 (n) ADMINISTRATION CHILDREN, YOUTH, AND FAMI-
17 LIES.—Section 916(b) of the Claude Pepper Young Amer-
18 icans Act of 1990 (42 U.S.C. 13212(b)) is amended by
19 striking “the Director of the ACTION Agency” and in-
20 serting “the Executive Director of the Corporation for Na-
21 tional Service”.

22 **SEC. 504. DEFINITION OF CORPORATION.**

23 Section 421 of the Domestic Volunteer Service Act
24 of 1973 (42 U.S.C. 5061) is amended—

1 (1) by striking “and” at the end of paragraph
2 (6);

3 (2) by striking the period at the end of para-
4 graph (7) and inserting “; and”; and

5 (3) by adding at the end the following new
6 paragraph:

7 “(8) the term ‘Corporation’ means the Corpora-
8 tion for National Service established under section
9 191 of the National and Community Service Act of
10 1990.”.

11 **SEC. 505. REFERENCES TO COMMISSION.**

12 **[To be supplied.]**

13 **SEC. 506. EFFECTIVE DATE.**

14 (a) ACTION.—The amendments made by sections
15 501 through 503 shall take effect on the effective date
16 of section 203.

17 (b) COMMISSION.—The amendments made by sec-
18 tions 504 and 505 will take effect on October 1, 1993.

19 **[Other amendments to be supplied]**

new health care language
Subtitle 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.

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)

1 by participants, who shall be school-age youth;
2 or

3 “(B) to provide training and technical as-
4 sistance to such an organization.

5 “(2) QUALIFIED ORGANIZATIONS.—A qualified
6 organization, other than a grantmaking entity, may
7 use a grant made under subsection (a) to implement,
8 operate, expand, or replicate a program described in
9 paragraph (1)(A).

10 **“SEC. 117B. STATE APPLICATIONS.**

11 “(a) IN GENERAL.—To be eligible to receive a grant
12 under section 117A(a), a State Commission shall prepare,
13 submit to the Corporation, and obtain approval of, an ap-
14 plication.

15 “(b) SUBMISSION.—Such application shall be submit-
16 ted to the Corporation at such time and in such manner,
17 and shall contain such information, as the Chairperson
18 may reasonably require.

19 “(c) CONTENTS.—Such an application shall include,
20 at a minimum, a State plan that contains the descriptions,
21 proposals, and assurance described in section 117C(d)
22 with respect to each community-based service program
23 proposed to be carried out through funding distributed by
24 the State Commission under this subpart.

1 **“SEC. 117C. LOCAL APPLICATIONS.**

2 “(a) APPLICATION TO CORPORATION TO MAKE
3 GRANTS FOR COMMUNITY-BASED SERVICE PROGRAMS.—
4 To be eligible to receive a grant from the Corporation
5 under section 117A(a) to make grants under section
6 117A(b)(1), a grantmaking entity shall prepare, submit
7 to the Corporation, and obtain approval of, an application
8 that proposes a community-based service program to be
9 carried out through grants made to qualified organiza-
10 tions. Such application shall be submitted at such time
11 and in such manner, and shall contain such information,
12 as the Chairperson may reasonably require.

13 “(b) DIRECT APPLICATION TO CORPORATION TO
14 CARRY OUT COMMUNITY-BASED SERVICE PROGRAMS.—
15 To be eligible to receive a grant from the Corporation
16 under section 117A(a) to implement, operate, expand, or
17 replicate a community service program, a qualified organi-
18 zation shall prepare, submit to the Corporation, and ob-
19 tain approval of, an application that proposes a commu-
20 nity-based service program to be carried out at multiple
21 sites, or that proposes an innovative community-based
22 service program. Such application shall be submitted at
23 such time and in such manner, and shall contain such in-
24 formation, as the Chairperson may reasonably require.

25 “(c) APPLICATION TO STATE COMMISSION OR
26 GRANTMAKING ENTITY TO RECEIVE GRANTS TO CARRY

1 OUT COMMUNITY-BASED SERVICE PROGRAMS.—To be el-
2 igible to receive a grant from a State Commission or
3 grantmaking entity under section 117A(b)(1), a qualified
4 organization shall prepare, submit to the Commission or
5 entity, and obtain approval of, an application. Such appli-
6 cation shall be submitted at such time and in such man-
7 ner, and shall contain such information, as the Commis-
8 sion or entity may reasonably require.

9 “(d) REQUIREMENTS OF APPLICATION.—An applica-
10 tion submitted under subsection (a), (b), or (c) shall, at
11 a minimum, contain—

12 “(1) a description of any community-based
13 service program proposed to be implemented, oper-
14 ated, expanded, or replicated directly by the appli-
15 cant using assistance provided under this subpart;

16 “(2) a description of any grant program pro-
17 posed to be conducted by the applicant with assist-
18 ance provided under this subpart to support a com-
19 munity-based service program;

20 “(3) a proposal for carrying out the commu-
21 nity-based service program that describes the man-
22 ner in which the entity carrying out the program
23 will—

24 “(A) provide preservice and inservice train-
25 ing, for supervisors and participants, that will

1 be conducted by qualified individuals, or quali-
2 fied organizations, that have experience in com-
3 munity-based service programs;

4 “(B) include economically disadvantaged
5 individuals as participants in the program pro-
6 posed by the applicant;

7 “(C) provide an age-appropriate service-
8 learning component described in section
9 114(d)(5)(B);

10 “(D) conduct an appropriate evaluation of
11 the program;

12 “(E) provide for appropriate community
13 involvement in the program;

14 “(F) provide service experiences that pro-
15 mote leadership abilities among participants in
16 the program, including experiences that involve
17 such participants in program design;

18 “(G) involve participants in projects ap-
19 proved by community-based agencies;

20 “(H) establish and measure progress to-
21 ward the goals of the program; and

22 “(I) organize participants in the program
23 into teams, with team leaders who may be par-
24 ticipants in a program under subtitle C or indi-

1 viduals who receive a national service edu-
2 cational award under subtitle D; and

3 “(4) an assurance that the entity carrying out
4 the program proposed by the applicant will comply
5 with the nonduplication and nondisplacement provi-
6 sions of section 177 and grievance procedure re-
7 quirements of section 176(f).

8 **“SEC. 117D. CONSIDERATION OF APPLICATIONS.**

9 “(a) APPLICATION OF CRITERIA.—The Corporation
10 shall apply the criteria described in subsection (b) in de-
11 termining whether to approve an application submitted
12 under section 117B or under subsection (a) or (b) of sec-
13 tion 117C and to provide assistance under section 117A
14 to the applicant on the basis of the application.

15 “(b) ASSISTANCE CRITERIA.—In evaluating such an
16 application with respect to a program under this subpart,
17 the Corporation shall consider the criteria established for
18 national service programs under section 133(c).

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), in whole or in part, as pro-
14 vided in section 116(b).

15 **“SEC. 117F. LIMITATIONS ON USES OF FUNDS.**

16 “(a) ADMINISTRATIVE COSTS.—Not more than 5 per-
17 cent of the amount of assistance provided to a State Com-
18 mission, grantmaking entity, or qualified organization that
19 is the original recipient of a grant under section 117A(a)
20 for a fiscal year may be used to pay for administrative
21 costs incurred by—

22 “(1) the original recipient; or

23 “(2) the entity carrying out the community-
24 based service programs supported with the assist-
25 ance.

1 “(b) RULES ON USE.—The Chairperson may by rule
2 prescribe the manner and extent to which—

3 “(1) such assistance may be used to cover ad-
4 ministrative costs; and

5 “(2) that portion of the assistance available to
6 cover administrative costs should be distributed
7 between—

8 “(A) the original recipient; and

9 “(B) the entity carrying out the commu-
10 nity-based service programs supported with the
11 assistance.

12 **“Subpart C—Clearinghouse**

13 **“SEC. 118. SERVICE-LEARNING CLEARINGHOUSE.**

14 “(a) IN GENERAL.—The Corporation shall provide fi-
15 nancial assistance, from funds appropriated to carry out
16 subtitle H, to agencies described in subsection (b) to es-
17 tablish a clearinghouse, which shall carry out activities,
18 either directly or by arrangement with another such entity,
19 with respect to information about service-learning.

20 “(b) PUBLIC AND PRIVATE NOT-FOR-PROFIT AGEN-
21 CIES.—Public and private not-for-profit agencies that
22 have extensive experience with service-learning, including
23 use of adult volunteers to foster service-learning, shall be
24 eligible to receive assistance under subsection (a).

1 “(c) FUNCTION OF CLEARINGHOUSE.—An entity
2 that receives assistance under subsection (a) may—

3 “(1) assist entities carrying out State or local
4 service-learning programs with needs assessments
5 and planning;

6 “(2) conduct research and evaluations concern-
7 ing service-learning;

8 “(3)(A) provide leadership development and
9 training to State and local service-learning program
10 administrators, supervisors, service sponsors, and
11 participants; and

12 “(B) provide training to persons who can pro-
13 vide the leadership development and training de-
14 scribed in subparagraph (A);

15 “(4) facilitate communication among entities
16 carrying out service-learning programs and partici-
17 pants in such programs;

18 “(5) provide information, curriculum materials,
19 and technical assistance relating to planning and op-
20 eration of service-learning programs, to States and
21 local entities eligible to receive financial assistance
22 under this title;

23 “(6)(A) gather and disseminate information on
24 successful service-learning programs, components of
25 such successful programs, innovative youth skills

1 curricula related to service-learning, and service-
2 learning projects; and

3 “(B) coordinate the activities of the Clearing-
4 house with appropriate entities to avoid duplication
5 of effort;

6 “(7) make recommendations to State and local
7 entities on quality controls to improve the quality of
8 service-learning programs;

9 “(8) assist organizations in recruiting, screen-
10 ing, and placing service-learning coordinators; and

11 “(9) carry out such other activities as the
12 Chairperson determines to be appropriate.”.

13 (b) HIGHER EDUCATION INNOVATIVE PROJECTS.—
14 Subtitle B of title I of the National and Community Serv-
15 ice Act of 1990 (42 U.S.C. 12531 et seq.) is amended
16 by striking part II and inserting the following:

17 **“PART II—HIGHER EDUCATION INNOVATIVE**
18 **PROGRAMS FOR COMMUNITY SERVICE**
19 **“SEC. 119. HIGHER EDUCATION INNOVATIVE PROGRAMS**
20 **FOR COMMUNITY SERVICE.**

21 “(a) PURPOSE.—It is the purpose of this part to ex-
22 pand participation in community service by supporting in-
23 novative community service programs carried out through
24 institutions of higher education, acting as civic institutions

1 to meet the human, educational, environmental, or public
2 safety needs of neighboring communities.

3 “(b) GENERAL AUTHORITY.—The Corporation, in
4 consultation with the Secretary of Education, is author-
5 ized to make grants to, and enter into contracts with, in-
6 stitutions of higher education (including a combination of
7 such institutions), and partnerships comprised of such in-
8 stitutions and of other public agencies or not-for-profit
9 private organizations, to pay for the Federal share of the
10 cost of—

11 “(1) enabling such an institution or partnership
12 to create or expand an organized community service
13 program that—

14 “(A) engenders a sense of social respon-
15 sibility and commitment to the community in
16 which the institution is located; and

17 “(B) provides projects for participants,
18 who shall be students, faculty, administration,
19 or staff of the institution, or residents of the
20 community;

21 “(2) supporting student-initiated and student-
22 designed community service projects through the
23 program;

24 “(3) facilitating the integration of community
25 service carried out under the program into academic

1 curricula, including integration of clinical programs
2 into the curriculum for students in professional
3 schools, so that students can obtain credit for their
4 community service projects;

5 “(4) supplementing the funds available to carry
6 out work-study programs under part C of title IV of
7 the Higher Education Act of 1965 (42 U.S.C. 2751
8 et seq.) to support service-learning and community
9 service through the community service program;

10 “(5) strengthening the service infrastructure
11 within institutions of higher education in the United
12 States through the program; and

13 “(6) providing for the training of teachers, pro-
14 spective teachers, related education personnel, and
15 community leaders in the skills necessary to develop,
16 supervise, and organize service-learning.

17 “(c) FEDERAL SHARE.—

18 “(1) SHARE.—

19 “(A) IN GENERAL.—The Federal share of
20 the cost of carrying out a community service
21 project for which a grant or contract is awarded
22 under this part may not exceed 50 percent.

23 “(B) CALCULATION.—Each recipient of as-
24 sistance under this part shall comply with sec-
25 tion 116(a)(2).

1 “(2) WAIVER.—The Chairperson may waive the
2 requirements of paragraph (1), in whole or in part,
3 as provided in section 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
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;

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 students and
13 community members, including service re-
14 cipients, in the design and implementation
15 of the program; 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 “(ii) the applicant will comply with
2 the nonduplication and nondisplacement
3 provisions of section 177 and grievance
4 procedure requirements of section 176(f);
5 and

6 “(C) such other assurances as the Chair-
7 person may reasonably require.

8 “(e) PRIORITY.—

9 “(1) IN GENERAL.—In making grants and en-
10 tering into contracts under subsection (b), the Cor-
11 poration shall give priority to applicants that submit
12 applications containing proposals that—

13 “(A) demonstrate the commitment of the
14 institution of higher education, other than by
15 demonstrating the commitment of the students,
16 to supporting the community service projects
17 carried out under the program;

18 “(B) specify the manner in which the insti-
19 tution will promote faculty, administration, and
20 staff participation in the community service
21 projects;

22 “(C) specify the manner in which the insti-
23 tution will provide service to the community
24 through organized programs, including, where

1 appropriate, clinical programs for students in
2 professional schools;

3 “(D) describe any partnership that will
4 participate in the community service projects,
5 such as a partnership comprised of—

6 “(i) the institution;

7 “(ii)(I) a community-based agency;

8 “(II) a local government agency; or

9 “(III) a not-for-profit entity that
10 serves or involves school-age youth or older
11 adults; and

12 “(iii) a student organization;

13 “(E) demonstrate community involvement
14 in the development of the proposal;

15 “(F) specify that the institution will use
16 such assistance to strengthen the service infra-
17 structure in institutions of higher education; or

18 “(G) with respect to projects involving de-
19 livery of service, specify projects that involve
20 leadership development of school-age youth.

21 “(2) DETERMINATION.—In giving priority to
22 applicants under paragraph (1), the Corporation
23 shall give increased priority to such an applicant for
24 each characteristic described in subparagraphs (A)

1 through (G) of paragraph (1) that is reflected in the
2 application submitted by the applicant.

3 “(f) NATIONAL SERVICE EDUCATIONAL AWARD.—A
4 participant in a program funded under this part shall be
5 eligible for the national service educational award de-
6 scribed in subtitle D, if the participant served in an ap-
7 proved national service position.

8 “(g) DEFINITION.—Notwithstanding section
9 101(28), as used in this part, the term ‘student’ means
10 an individual who is enrolled in an institution of higher
11 education on a full- or part-time basis.

12 **“PART III—GENERAL PROVISIONS**

13 **“SEC. 120. AVAILABILITY OF APPROPRIATIONS.**

14 “Of the aggregate amount appropriated to carry out
15 this subtitle for each fiscal year—

16 “(1) a sum equal to 75 percent of such aggre-
17 gate amount shall be available to carry out part I,
18 of which—

19 “(A) 85 percent of such sum shall be avail-
20 able to carry out subpart A; and

21 “(B) 15 percent of such sum shall be avail-
22 able to carry out subpart B; and

23 “(2) a sum equal to 25 percent of such aggre-
24 gate amount shall be available to carry out part II.”.

1 (c) 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
4 items relating to subtitle B of title I of such Act and in-
5 serting the following:

“Subtitle B—School-Based and Community-Based Service-Learning Programs

“PART I—SERVE-AMERICA PROGRAMS

“SUBPART A—SCHOOL-BASED PROGRAMS FOR STUDENTS

- “Sec. 111. Authority to assist States and Indian tribes.
- “Sec. 111A. Authority to assist local applicants in nonparticipating States.
- “Sec. 111B. Authority to assist public or private not-for-profit organizations.
- “Sec. 112. Grants and allotments.
- “Sec. 113. State or tribal applications.
- “Sec. 114. Local applications.
- “Sec. 115. Consideration of applications.
- “Sec. 115A. Participation of students and teachers from private schools.
- “Sec. 116. Federal, State, and local contributions.
- “Sec. 116A. Limitations on uses of funds.
- “Sec. 116B. Definitions.

“SUBPART B—COMMUNITY-BASED SERVICE PROGRAMS FOR SCHOOL-AGE
YOUTH

- “Sec. 117. Definitions.
- “Sec. 117A. General authority.
- “Sec. 117B. State applications.
- “Sec. 117C. Local applications.
- “Sec. 117D. Consideration of applications.
- “Sec. 117E. Federal, State, and local contributions.
- “Sec. 117F. Limitations on uses of funds.

“SUBPART C—CLEARINGHOUSE

- “Sec. 118. Service-learning clearinghouse.

“PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY
SERVICE

- “Sec. 119. Higher education innovative programs for community service.

“PART III—GENERAL PROVISIONS

- “Sec. 120. Availability of appropriations.”.

1 **SEC. 104. QUALITY AND INNOVATION ACTIVITIES.**

2 (a) REPEAL.—Subtitle E of title I of the National
3 and Community Service Act of 1990 (42 U.S.C. 12591
4 et seq.) is repealed.

5 (b) TRANSFER.—Title I of the National and Commu-
6 nity Service Act of 1990 is amended—

7 (1) by redesignating subtitle H (42 U.S.C.
8 12653 et seq.) as subtitle E;

9 (2) by inserting subtitle E (as redesignated by
10 paragraph (1) of this subsection) after subtitle D;
11 and

12 (3) by redesignating sections 195 through 195O
13 as sections 151 through 166, respectively.

14 (c) INVESTMENT FOR QUALITY AND INNOVATION.—
15 Title I of the National and Community Service Act of
16 1990 (as amended by subsection (b) of this section) is
17 amended by adding at the end the following new subtitle:

18 **“Subtitle H—Investment for**
19 **Quality and Innovation**

20 **“SEC. 198. ADDITIONAL CORPORATION ACTIVITIES TO SUP-**
21 **PORT NATIONAL SERVICE.**

22 “(a) METHODS OF CONDUCTING ACTIVITIES.—The
23 Corporation may carry out this section directly or through
24 grants, contracts, and cooperative agreements with other
25 entities.

26 “(b) INNOVATION AND QUALITY IMPROVEMENT.—

1 “(1) ACTIVITIES.—The Corporation may under-
2 take activities to improve the quality of national
3 service programs and to support innovative and
4 model programs, including—

5 “(A) programs under subtitle B or C for
6 rural youth;

7 “(B) employer-based retiree programs;

8 “(C) intergenerational programs;

9 “(D) programs involving individuals with
10 disabilities as participants providing service;
11 and

12 “(E) programs sponsored by Governors.

13 “(2) INTERGENERATIONAL PROGRAM.—An
14 intergenerational program referred to in paragraph
15 (1)(C) may include a program in which older adults
16 provide services to children who participate in Head
17 Start programs.

18 “(c) SUMMER PROGRAMS.—The Corporation may
19 support service programs intended to be carried out be-
20 tween May 1 and October 1, except that such a program
21 may also include a year-round component.

22 “(d) COMMUNITY-BASED AGENCIES.—The Corpora-
23 tion may provide training and technical assistance and
24 other assistance to service sponsors and other community-
25 based agencies that provide volunteer placements in order

1 to improve the ability of such agencies to use participants
2 and other volunteers in a manner that results in high-quality
3 service and a positive service experience for the participants
4 and volunteers.

5 “(e) IMPROVE ABILITY TO APPLY FOR ASSISTANCE.—The Corporation may provide training and technical
6 assistance to individuals, programs, local labor organizations, State educational agencies, State commissions,
7 local educational agencies, local governments, community-based agencies, and other entities to enable them to apply
8 for funding under one of the national service laws, to conduct high-quality programs, to evaluate such programs,
9 and for other purposes.

14 “(f) NATIONAL SERVICE FELLOWSHIPS.—The Corporation may award national service fellowships.

16 “(g) CONFERENCES AND MATERIALS.—The Corporation may organize and hold conferences, and prepare and
17 publish materials, to disseminate information and promote the sharing of information among programs for the purpose
18 of improving the quality of programs and projects.

21 “(h) PEACE CORPS AND VISTA TRAINING.—The Corporation may provide training assistance to selected individuals
22 who volunteer to serve in the Peace Corps or a program authorized under title I of the Domestic Volunteer
23 Service Act of 1973 (42 U.S.C. 4951 et seq.). The

1 training shall be provided as part of the course of study
2 of the individual at an institution of higher education,
3 shall involve service-learning, and shall cover appropriate
4 skills that the individual will use in the Peace Corps or
5 VISTA.

6 “(i) PROMOTION AND RECRUITMENT.—The Corpora-
7 tion may conduct a campaign to solicit funds for the Na-
8 tional Service Trust and other programs and activities au-
9 thorized under the national service laws and to promote
10 and recruit participants for programs that receive assist-
11 ance under the national service laws.

12 “(j) TRAINING.—The Corporation may support na-
13 tional and regional participant and supervisor training, in-
14 cluding leadership training and training in specific types
15 of service and in building the ethic of civic responsibility.

16 “(k) RESEARCH.—The Corporation may support re-
17 search on national service, including service-learning.

18 “(l) INTERGENERATIONAL SUPPORT.—The Corpora-
19 tion may assist programs in developing a service compo-
20 nent that combines students, out-of-school youths, and
21 older adults as participants to provide needed community
22 services.

23 “(m) PLANNING COORDINATION.—The Corporation
24 may coordinate community-wide planning among pro-
25 grams and projects.

1 “(n) YOUTH LEADERSHIP.—The Corporation may
2 support activities to enhance the ability of youth and
3 young adults to play leadership roles in national service.

4 “(o) NATIONAL PROGRAM IDENTITY.—The Corpora-
5 tion may support the development and dissemination of
6 materials, including training materials, and arrange for
7 uniforms and insignia, designed to promote unity and
8 shared features among programs that receive assistance
9 under the national service laws.

10 “(p) SERVICE-LEARNING.—The Corporation shall
11 support innovative programs and activities that promote
12 service-learning.

13 **“SEC. 198A. CLEARINGHOUSES.**

14 “(a) ASSISTANCE.—The Corporation shall provide as-
15 sistance to appropriate entities to establish one or more
16 clearinghouses, including the clearinghouse described in
17 section 118.

18 “(b) APPLICATION.—To be eligible to receive assist-
19 ance under subsection (a), an entity shall submit an appli-
20 cation to the Corporation at such time, in such manner,
21 and containing such information as the Corporation may
22 require.

23 “(c) FUNCTION OF CLEARINGHOUSES.—An entity
24 that receives assistance under subsection (a) may—

1 “(1) assist entities carrying out State or local
2 community service programs with needs assessments
3 and planning;

4 “(2) conduct research and evaluations concern-
5 ing community service;

6 “(3)(A) provide leadership development and
7 training to State and local community service pro-
8 gram administrators, supervisors, and participants;
9 and

10 “(B) provide training to persons who can pro-
11 vide the leadership development and training de-
12 scribed in subparagraph (A);

13 “(4) facilitate communication among entities
14 carrying out community service programs and par-
15 ticipants;

16 “(5) provide information, curriculum materials,
17 technical assistance relating to planning and oper-
18 ation of community service programs, to States and
19 local entities eligible to receive funds under this title;

20 “(6)(A) gather and disseminate information on
21 successful community service programs, components
22 of such successful programs, innovative youth skills
23 curriculum, and community service projects; and

1 “(B) coordinate the activities of the clearing-
2 house with appropriate entities to avoid duplication
3 of effort;

4 “(7) make recommendations to State and local
5 entities on quality controls to improve the delivery of
6 community service programs and on changes in the
7 programs under this title; and

8 “(8) carry out such other activities as the
9 Chairperson determines to be appropriate.”.

10 **“SEC. 198B. PRESIDENTIAL AWARDS FOR SERVICE.**

11 “(a) PRESIDENTIAL AWARDS.—

12 “(1) IN GENERAL.—The President, acting
13 through the Corporation, may make Presidential
14 awards for service to individuals providing signifi-
15 cant service, and to outstanding service programs.

16 “(2) INDIVIDUALS AND PROGRAMS.—Notwith-
17 standing section 101(17)—

18 “(A) an individual receiving an award
19 under this subsection need not be a participant
20 in a program authorized under this Act; and

21 “(B) a program receiving an award under
22 this subsection need not be a program author-
23 ized under this Act.

1 “(3) NATURE OF AWARD.—In making an award
2 under this section to an individual or program, the
3 President, acting through the Corporation—

4 “(A) is authorized to incur necessary ex-
5 penses for the honorary recognition of the indi-
6 vidual or program; and

7 “(B) is not authorized to make a cash
8 award to such individual or program.

9 “(b) INFORMATION.—The President, acting through
10 the Corporation, shall ensure that information concerning
11 individuals and programs receiving awards under this sec-
12 tion is widely disseminated.”.

13 (d) TABLE OF CONTENTS.—

(1) CIVILIAN COMMUNITY CORPS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to subtitle E of title I of such Act and inserting the following:

“Subtitle E—Civilian Community Corps

“Sec. 151. Purpose.

“Sec. 152. Establishment of Civilian Community Corps Demonstration Program.

"Sec. 153. National service program.

"Sec. 154. Summer national service program.

"Sec. 155. Civilian Community Corps.

“Sec. 156. Training.

"Sec. 157. Service projects.

"Sec. 158. Authorized benefits for Corps personnel under Federal law.

“Sec. 159. Administrative provisions.

"Sec. 160. Status of Corps members and Corps personnel under Federal law.

"Sec. 161. Contract and grant authority.

"Sec. 162. Responsibilities of other departments.

"Sec. 163. Advisory board.

“Sec. 164. Annual evaluation.

“Sec. 165. Funding limitation.

“Sec. 166. Definitions.”.

1 (2) QUALITY AND INNOVATION.—Section 1(b)
2 of the National and Community Service Act of 1990
3 (Public Law 101–610; 104 Stat. 3127) is amended
4 by striking the items relating to subtitle H of title
5 I of such Act and inserting the following:

 “Subtitle H—Investment for Quality and Innovation

“Sec. 198. Additional corporation activities to support national service.

“Sec. 198A. Clearinghouses.

“Sec. 198B. Presidential awards for service.”.

6 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

7 (1) NATIONAL DEFENSE AUTHORIZATION ACT
8 FOR FISCAL YEAR 1993.—

9 (A) Section 1091(f)(2) of the National De-
10 fense Authorization Act for Fiscal Year 1993
11 (Public Law 102–484) is amended by striking
12 “195G” and inserting “158”.

13 (B) Paragraphs (1) and (2) of section
14 1092(b), and sections 1092(c), 1093(a), and
15 1094(a) of such Act are amended by striking
16 “195A” and inserting “152”.

17 (C) Sections 1091(f)(2), 1092(b)(1), and
18 1094(a), and subsections (a) and (c) of section
19 1095 of such Act are amended by striking
20 “subtitle H” and inserting “subtitle E”.

1 (D) Section 1094(b)(1) and subsections (b)
2 and (c)(1) of section 1095 of such Act are
3 amended by striking “subtitles B, C, D, E, F,
4 and G” and inserting “subtitles B, C, D, F, G,
5 and H”.

6 (2) NATIONAL AND COMMUNITY SERVICE ACT
7 OF 1990.—

8 (A) Subsections (b) and (c) of section 171
9 of the National and Community Service Act of
10 1990 (42 U.S.C. 12631) are amended by strik-
11 ing “B through E” and inserting “B, C, D, and
12 H”.

13 (B) Section 153(a) of such Act (as redesign-
14 nated in subsection (b)(3) of this section) (42
15 U.S.C. 12653b(a)) is amended by striking
16 “195A(a)” and inserting “152(a)”.

17 (C) Section 154(a) of such Act (as redesign-
18 nated in subsection (b)(3) of this section) (42
19 U.S.C. 12653c(a)) is amended by striking
20 “195A(a)” and inserting “152(a)”.

21 (D) Section 155 of such Act (as redesign-
22 nated in subsection (b)(3) of this section) (42
23 U.S.C. 12653d) is amended—

24 (i) in subsection (a), by striking
25 “195H(c)(1)” and inserting “159(c)(1)”;

1 (ii) in subsection (c)(2), by striking
2 “195H(c)(2)” and inserting “159(c)(2)”;
3 and

4 (iii) in subsection (d)(3), by striking
5 “195K(a)(3)” and inserting “162(a)(3)”.

6 (E) Section 156 of such Act (as redesign-
7 nated in subsection (b)(3) of this section) (42
8 U.S.C. 12653e) is amended—

9 (i) in subsection (c)(1), by striking
10 “195H(c)(2)” and inserting “159(c)(2)”;
11 and

12 (ii) in subsection (d), by striking
13 “195K(a)(3)” and inserting “162(a)(3)”.

14 (F) Section 159 of such Act (as redesign-
15 nated in subsection (b)(3) of this section) (42
16 U.S.C. 12653h) is amended—

17 (i) in subsection (a)—

18 (I) by striking “195A” and in-
19 serting “152”; and

20 (II) by striking “195” and in-
21 serting “151”; and

22 (ii) in subsection (c)(2)(C)(i), by
23 striking “195K(a)(2)” and inserting “sec-
24 tion 162(a)(2)”.

1 (G) Section 161(b)(1)(B) of such Act (as
2 redesignated in subsection (b)(3) of this sec-
3 tion) (42 U.S.C. 12653j(b)(1)(B)) is amended
4 by striking “195K(a)(3)” and inserting
5 “162(a)(3)”.

6 (H) Section 162(a)(2)(A) of such Act (as
7 redesignated in subsection (b)(3) of this sec-
8 tion) (42 U.S.C. 12653k(a)(2)(A)) is amended
9 by striking “195(3)” and inserting “151(3)”.

10 (I) Section 166 of such Act (as redesign-
11 nated in subsection (b)(3) of this section) (42
12 U.S.C. 12653o) is amended—

13 (i) in paragraph (2), by striking
14 “195D” and inserting “155”;

15 (ii) in paragraph (8), by striking
16 “195A” and inserting “152”;

17 (iii) in paragraph (10), by striking
18 “195D(d)” and inserting “155(d)”; and

19 (iv) in paragraph (11), by striking
20 “195D(c)” and inserting “155(c)”.

21 (f) EXTENSION OF AUTHORITY TO CONDUCT CIVIL-
22 IAN COMMUNITY CORPS.—Section 1092(c) of the National
23 Defense Authorization Act for Fiscal Year 1993 (Public
24 Law 102-484; 106 Stat. 2534), as amended by subsection
25 (e)(1) of this section, is further amended by adding at the



104

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1 end the following new sentence: “The amount made avail-
2 able for the Civilian Community Corps Demonstration
3 Program pursuant to this subsection shall remain avail-
4 able for expenditure during fiscal years 1993 and 1994.”.

5 (g) ADDITIONAL AMENDMENT REGARDING CIVILIAN
6 COMMUNITY CORPS.—Section 158 of the National and
7 Community Service Act of 1990 (as redesignated in sub-
8 section (b)(3) of this section) (42 U.S.C. 12653g) is
9 amended by striking subsections (f), (g), and (h) and in-
10 serting the following new subsections:

11 “(f) NATIONAL SERVICE EDUCATIONAL AWARDS.—
12 A Corps member who successfully completes a period of
13 agreed service in the Corps may receive the national serv-
14 ice educational award described in subtitle D if the Corps
15 member—

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

18 “(2) satisfies the eligibility requirements speci-
19 fied in section 146 with respect to service in that ap-
20 proved national service position.

21 “(g) ALTERNATIVE BENEFIT.—If a Corps member
22 who successfully completes a period of agreed service in
23 the Corps is ineligible for the national service educational
24 award described in subtitle D, the Director may provide

1 for the provision of a suitable alternative benefit for the
2 Corps member.”.

3 **Subtitle B—Related Provisions**

4 **SEC. 111. DEFINITIONS.**

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

8 **“SEC. 101. DEFINITIONS.**

9 “For purposes of this title:

10 “(1) ADULT VOLUNTEER.—The term ‘adult vol-
11 unteer’ means an individual, such as an older adult,
12 an individual with a disability, a parent, or an em-
13 ployee of a business or public or private not-for-prof-
14 it agency, who—

15 “(A) works without financial remuneration
16 in an educational institution to assist students
17 or out-of-school youth; and

18 “(B) is beyond the age of compulsory
19 school attendance in the State in which the edu-
20 cational institution is located.

21 “(2) APPROVED NATIONAL SERVICE POSI-
22 TION.—The term ‘approved national service position’
23 means a national service position designated by the
24 Corporation as a position that includes a national
25 service educational award described in section 147

1 as one of the benefits to be provided for successful
2 service in the position.

3 “(3) CARRY OUT.—The term ‘carry out’, when
4 used in connection with a national service program
5 described in section 122, means the planning, estab-
6 lishment, operation, expansion, or replication of the
7 program.

8 “(4) CHAIRPERSON.—The term ‘Chairperson’
9 means the Chairperson and Director of the Corpora-
10 tion appointed under section 193.

11 “(5) COMMUNITY-BASED AGENCY.—The term
12 ‘community-based agency’ means a private not-for-
13 profit organization that is representative of a com-
14 munity and that is engaged in meeting human, edu-
15 cational, environmental, or public safety community
16 needs.

17 “(6) CORPORATION.—The term ‘Corporation’
18 means the Corporation for National Service estab-
19 lished under section 191.

20 “(7) ECONOMICALLY DISADVANTAGED.—The
21 term ‘economically disadvantaged’ means, with re-
22 spect to an individual, an individual who is deter-
23 mined by the Chairperson to be low-income accord-
24 ing to the latest available data from the Department
25 of Commerce.

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

5 “(9) INDIAN.—The term ‘Indian’ means a per-
6 son who is a member of an Indian tribe.

7 “(10) INDIAN LANDS.—The term ‘Indian lands’
8 means any real property owned by an Indian tribe,
9 any real property held in trust by the United States
10 for an Indian or Indian tribe, and any real property
11 held by an Indian or Indian tribe that is subject to
12 restrictions on alienation imposed by the United
13 States.

14 “(11) INDIAN TRIBE.—The term ‘Indian tribe’
15 means an Indian tribe, band, nation, or other orga-
16 nized group or community, including any Native vil-
17 lage, Regional Corporation, or Village Corporation,
18 as defined in subsection (c), (g), or (j), respectively,
19 of section 3 of the Alaska Native Claims Settlement
20 Act (43 U.S.C. 1602 (c), (g), or (j)), that is recog-
21 nized as eligible for the special programs and serv-
22 ices provided by the United States under Federal
23 law to Indians because of their status as Indians.

24 “(12) INSTITUTION OF HIGHER EDUCATION.—
25 The term ‘institution of higher education’ has the

1 same meaning given such term in section 1201(a) of
2 the Higher Education Act of 1965 (20 U.S.C.
3 1141(a)).

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

9 “(14) NATIONAL SERVICE LAWS.—The term
10 ‘national service laws’ means this Act and the Do-
11 mestic Volunteer Service Act of 1973 (42 U.S.C.
12 4950 et seq.).

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

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

16 “(B) has not completed college or the
17 equivalent thereof; and

18 “(C) is not enrolled in an elementary or
19 secondary school or institution of higher edu-
20 cation.

21 “(16) PARTICIPANT.—

22 “(A) IN GENERAL.—The term ‘participant’
23 means—

1 “(i) for purposes of subtitle C, an in-
2 dividual in an approved national service
3 position; and

4 “(ii) for purposes of any other provi-
5 sion of this Act, an individual enrolled in
6 a program that receives assistance under
7 this title.

8 “(B) RULE.—A participant shall not be
9 considered to be an employee of the program in
10 which the participant is enrolled.

11 “(17) PARTNERSHIP PROGRAM.—The term
12 ‘partnership program’ means a program through
13 which an adult volunteer, a public or private not-for-
14 profit agency, an institution of higher education, or
15 a business assists a local educational agency.

16 “(18) PROGRAM.—The term ‘program’, except
17 when used as part of the term ‘academic program’,
18 means a program described in section 111(a) (other
19 than a program referred to in paragraph (3)(B) of
20 such section), 117A(a), 119(b)(1), or 122(a), in
21 paragraph (1) or (2) of section 152(b), or in section
22 198.

23 “(19) PROJECT.—The term ‘project’ means an
24 activity, carried out through a program that receives
25 assistance under this title, that results in a specific

1 identifiable service or improvement that otherwise
2 would not be done with existing funds, and that does
3 not duplicate the routine services or functions of the
4 employer to whom participants are assigned.

5 “(20) SCHOOL-AGE YOUTH.—The term ‘school-
6 age youth’ means an individual between the ages of
7 5 and 17, inclusive.

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

12 “(22) SERVICE-LEARNING.—The term ‘service-
13 learning’ means a method—

14 “(A) under which students or participants
15 learn and develop through active participation
16 in thoughtfully organized service that—

17 “(i) is conducted in and meets the
18 needs of a community;

19 “(ii) is coordinated with an elemen-
20 tary school, secondary school, institution of
21 higher education, or community service
22 program, and with the community; and

23 “(iii) helps foster civic responsibility;
24 and

25 “(B) that—

1 “(i) is integrated into and enhances
2 the academic curriculum of the students,
3 or the educational components of the com-
4 munity service program in which the par-
5 ticipants are enrolled; and

6 “(ii) provides structured time for the
7 students or participants to reflect on the
8 service experience.

9 “(23) SERVICE-LEARNING COORDINATOR.—The
10 term ‘service-learning coordinator’ means an individ-
11 ual who provides services as described in section
12 subsection (a)(3) or (b) of section 111.

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.

24 “(26) STATE COMMISSION.—The term ‘State
25 Commission’ means a State Commission on National

1 Service maintained by a State pursuant to section
2 178. Except when used in section 178, the term in-
3 cludes an alternative administrative entity for a
4 State approved by the Corporation under such sec-
5 tion to act in lieu of a State Commission.

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

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

15 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

1 (3) Section 441(c)(2) of the Higher Education
2 Act of 1965 (42 U.S.C. 2751(c)(2)) is amended by
3 striking “service opportunities or youth corps as de-
4 fined in section 101 of the National and Community
5 Service Act of 1990, and service in the agencies, in-
6 stitutions and activities designated in section 124(a)
7 of the National and Community Service Act of
8 1990” and inserting “a project, as defined in section
9 101(19) of the National and Community Service Act
10 of 1990 (42 U.S.C. 12511(18))”.

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(22) of the National and Community Service Act
23 of 1990 (42 U.S.C. 12511(21))”.

1 **SEC. 112. AUTHORITY TO MAKE STATE GRANTS.**

2 Section 102 of the National and Community Service
3 Act of 1990 (42 U.S.C. 12512) is repealed.

4 **SEC. 113. FAMILY AND MEDICAL LEAVE.**

5 (a) IN GENERAL.—Section 171 of the National and
6 Community Service Act of 1990 (42 U.S.C. 12631) is
7 amended to read as follows:

8 **“SEC. 171. FAMILY AND MEDICAL LEAVE.**

9 “(a) PARTICIPANTS IN PRIVATE, STATE, AND LOCAL
10 PROJECTS.—For purposes of title I of the Family and
11 Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), if—

12 “(1) a participant has provided service for the
13 period required by section 101(2)(A)(i) (29 U.S.C.
14 2611(2)(A)(i)), and has met the hours of service re-
15 quirement of section 101(2)(A)(ii), of such Act with
16 respect to a project; and

17 “(2) the service sponsor of the project is an em-
18 ployer described in section 101(4) of such Act (other
19 than an employing agency within the meaning of
20 subchapter V of chapter 63 of title 5, United States
21 Code),

22 the participant shall be considered to be an eligible em-
23 ployee of the service sponsor.

24 “(b) PARTICIPANTS IN FEDERAL PROJECTS.—For
25 purposes of subchapter V of chapter 63 of title 5, United
26 States Code, if—

1 “(1) a participant has provided service for the
2 period required by section 6381(1)(B) of such title
3 with respect to a project; and

4 “(2) the service sponsor of the project is an em-
5 ploying agency within the meaning of such sub-
6 chapter,

7 the participant shall be considered to be an employee of
8 the service sponsor.”.

9 (b) TABLE OF CONTENTS.—Section 1(b) of the Na-
10 tional and Community Service Act of 1990 (Public Law
11 101–610; 104 Stat. 3127) is amended by striking the item
12 relating to section 171 of such Act and inserting the fol-
13 lowing:

 “Sec. 171. Family and medical leave.”.

14 **SEC. 114. REPORTS.**

15 Section 172 of the National and Community Service
16 Act of 1990 (42 U.S.C. 12632) is amended—

17 (1) in subsection (a)(3)(A), by striking “sec-
18 tions 177 and 113(9)” and inserting “section 177”;
19 and

20 (2) in subsection (b)(1), by striking “this title”
21 and inserting “the national service laws”.

22 **SEC. 115. NONDISCRIMINATION.**

23 Section 175 of the National and Community Service
24 Act of 1990 (42 U.S.C. 12635) is amended to read as
25 follows:

1 **“SEC. 175. NONDISCRIMINATION.**

2 “(a) IN GENERAL.—

3 “(1) BASIS.—An individual with responsibility
4 for the operation of a project that receives assistance
5 under this title shall not discriminate against a par-
6 ticipant in, or member of the staff of, such project
7 on the basis of race, color, national origin, sex, age,
8 or political affiliation of such participant or member,
9 or on the basis of disability, if the participant or
10 member is a qualified individual with a disability.

11 “(2) DEFINITION.—As used in paragraph (1),
12 the term ‘qualified individual with a disability’ has
13 the meaning given the term in section 101(8) of the
14 Americans with Disabilities Act of 1990 (42 U.S.C.
15 12111(8)).

16 “(b) FEDERAL FINANCIAL ASSISTANCE.—Any assist-
17 ance provided under this title shall constitute Federal fi-
18 nancial assistance for purposes of title VI of the Civil
19 Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX
20 of the Education Amendments of 1972 (20 U.S.C. 1681
21 et seq.), section 504 of the Rehabilitation Act of 1973 (29
22 U.S.C. 794), and the Age Discrimination Act of 1975 (42
23 U.S.C. 6101 et seq.).

24 “(c) RELIGIOUS DISCRIMINATION.—

25 “(1) IN GENERAL.—Except as provided in para-
26 graph (2), an individual with responsibility for the

1 operation of a project that receives assistance under
2 this title shall not discriminate on the basis of reli-
3 gion against a participant in such project or a mem-
4 ber of the staff of such project who is paid with
5 funds received under this title.

6 “(2) EXCEPTION.—Paragraph (1) shall not
7 apply to the employment, with assistance provided
8 under this title, of any member of the staff, of a
9 project that receives assistance under this title, who
10 was employed with the organization operating the
11 project on the date the grant under this title was
12 awarded.

13 “(d) RULES AND REGULATIONS.—The Chairperson
14 shall promulgate rules and regulations to provide for the
15 enforcement of this section that shall include provisions
16 for summary suspension of assistance for not more than
17 30 days, on an emergency basis, until notice and an oppor-
18 tunity to be heard can be provided.”.

19 **SEC. 116. NOTICE, HEARING, AND GRIEVANCE PROCE-**
20 **DURES.**

21 (a) DECERTIFICATION OF POSITIONS.—Section
22 176(a) of the National and Community Service Act of
23 1990 (42 U.S.C. 12636(a)) is amended—

24 (1) in paragraph (1), by inserting “, or revoke
25 the designation of positions, related to the grant or

1 contract, as approved national service positions,” be-
2 fore “whenever the Commission”; and

3 (2) in paragraph (2)(B), by inserting “or re-
4 voked” after “terminated”.

5 (b) CONSTRUCTION.—Section 176(e) of such Act (42
6 U.S.C. 12636(e)) is amended by adding before the period
7 the following “, other than assistance provided pursuant
8 to this Act”.

9 (c) GRIEVANCE PROCEDURE.—Section 176(f) of such
10 Act is amended to read as follows:

11 “(f) GRIEVANCE PROCEDURE.—

12 “(1) IN GENERAL.—A State or local applicant
13 that receives assistance under this title shall estab-
14 lish and maintain a procedure for the filing and ad-
15 judication of grievances from participants, labor or-
16 ganizations, and other interested individuals con-
17 cerning projects that receive assistance under this
18 title, including grievances regarding proposed place-
19 ments of such participants in such projects.

20 “(2) DEADLINE FOR GRIEVANCES.—Except for
21 a grievance that alleges fraud or criminal activity, a
22 grievance shall be made not later than 1 year after
23 the date of the alleged occurrence of the event that
24 is the subject of the grievance.

1 “(3) DEADLINE FOR HEARING AND DECI-
2 SION.—

3 “(A) HEARING.—A hearing on any griev-
4 ance conducted under this subsection shall be
5 conducted not later than 30 days after the fil-
6 ing of such grievance.

7 “(B) DECISION.—A decision on any such
8 grievance shall be made not later than 60 days
9 after the filing of such grievance.

10 “(4) ARBITRATION.—

11 “(A) IN GENERAL.—

12 “(i) JOINTLY SELECTED ARBITRA-
13 TOR.—In the event of a decision on a
14 grievance that is adverse to the party who
15 filed such grievance, or 60 days after the
16 filing of such grievance if no decision has
17 been reached, such party shall be per-
18 mitted to submit such grievance to binding
19 arbitration before a qualified arbitrator
20 who is jointly selected and independent of
21 the interested parties.

22 “(ii) APPOINTED ARBITRATOR.—If
23 the parties cannot agree on an arbitrator,
24 the Chairperson shall appoint an arbitrator
25 from a list of qualified arbitrators within

1 15 days after receiving a request for such
2 appointment from one of the parties to the
3 grievance.

4 “(B) DEADLINE FOR PROCEEDING.—An
5 arbitration proceeding shall be held not later
6 than 45 days after the request for such arbitra-
7 tion proceeding, or, if the arbitrator is ap-
8 pointed by the Chairperson in accordance with
9 subparagraph (A)(ii), not later than 30 days
10 after the appointment of such arbitrator.

11 “(C) DEADLINE FOR DECISION.—A deci-
12 sion concerning a grievance shall be made not
13 later than 30 days after the date such arbitra-
14 tion proceeding begins.

15 “(D) COST.—

16 “(i) IN GENERAL.—Except as pro-
17 vided in clause (ii), the cost of an arbitra-
18 tion proceeding shall be divided evenly be-
19 tween the parties to the arbitration.

20 “(ii) EXCEPTION.—If a participant,
21 labor organization, or other interested indi-
22 vidual described in paragraph (1) prevails
23 under a binding arbitration proceeding, the
24 State, local agency, public or private not-
25 for-profit organization, or partnership of

1 such agencies and organizations, that is a
2 party to such grievance shall pay the total
3 cost of such proceeding and the attorneys'
4 fees of such participant, labor organiza-
5 tion, or individual, as the case may be.

6 “(5) PROPOSED PLACEMENT.—If a grievance is
7 filed regarding a proposed placement of a partici-
8 pant in a project that receives assistance under this
9 title, such placement shall not be made unless the
10 placement is consistent with the resolution of the
11 grievance pursuant to this subsection.

12 “(6) REMEDIES.—Remedies for a grievance
13 filed under this subsection include—

14 “(A) suspension of payments for assistance
15 under this title;

16 “(B) termination of such payments;

17 “(C) prohibition of the placement described
18 in paragraph (5); and

19 “(D) in a case in which the grievance in-
20 volves a violation of subsection (a) or (b) of sec-
21 tion 177 and the employer of the displaced em-
22 ployee is the recipient of assistance under this
23 title—

1 “(i) reinstatement of the displaced
2 employee to the position held by such em-
3 ployee prior to displacement;

4 “(ii) payment of lost wages and bene-
5 fits of the displaced employee;

6 “(iii) reestablishment of other relevant
7 terms, conditions, and privileges of employ-
8 ment of the displaced employee; and

9 “(iv) such equitable relief as is nec-
10 essary to correct any violation of sub-
11 section (a) or (b) of section 177 or to
12 make the displaced employee whole.

13 “(7) ENFORCEMENT.—Suits to enforce arbitra-
14 tion awards under this section may be brought in
15 any district court of the United States having juris-
16 diction of the parties, without regard to the amount
17 in controversy and without regard to the citizenship
18 of the parties.”.

19 **SEC. 117. NONDISPLACEMENT.**

20 Section 177(b)(3) of the National and Community
21 Service Act of 1990 (42 U.S.C. 12637(b)(3)) is
22 amended—

23 (1) in subparagraph (B), to read as follows:

24 “(B) SUPPLANTATION OF HIRING.—A par-
25 ticipant in any program receiving assistance

1 under this title shall not perform any services
2 or duties, or engage in activities, that—

3 “(i) will supplant the hiring of em-
4 ployed workers; or

5 “(ii) are services, duties, or activities
6 with respect to which an individual has re-
7 call rights pursuant to a collective bargain-
8 ing agreement or applicable personnel pro-
9 cedures.”; and

10 (2) in subparagraph (C)(iii), to read as follows:

11 “(iii) employee who—

12 “(I) is subject to a reduction in
13 force; or

14 “(II) has recall rights pursuant
15 to a collective bargaining agreement
16 or applicable personnel procedures;”.

17 **SEC. 118. EVALUATION.**

18 Section 179 of the National and Community Service
19 Act of 1990 (42 U.S.C 12639) is amended—

20 (1) in subsection (a)—

21 (A) in the matter preceding paragraph (1),
22 by striking “this title” and inserting “the na-
23 tional service laws”; and

24 (B) in paragraph (2)—

1 (i) in the matter preceding
2 subparagraph (A), by striking “for purposes
3 of the reports required by subsection (j),”
4 and inserting “with respect to the pro-
5 grams authorized under subtitle C”; and

6 (ii) in subparagraph (A), by striking
7 “older American volunteer programs” and
8 inserting “National Senior Volunteer
9 Corps programs”;

10 (2) in subsection (g)—

11 (A) in the matter preceding paragraph (1),
12 by striking “subtitle D” and inserting “subtitle
13 C”; and

14 (B) in paragraphs (3) and (9), by striking
15 “older American volunteer programs” and in-
16 serting “National Senior Volunteer Corps pro-
17 grams”; and

18 (3) by striking subsections (i) and (j).

19 **SEC. 119. ENGAGEMENT OF PARTICIPANTS.**

20 Section 180 of the National and Community Service
21 Act of 1990 (42 U.S.C. 12640) is amended by striking
22 “post-service benefits” and inserting “national service
23 educational awards”.

1 **SEC. 120. CONTINGENT EXTENSION.**

2 (a) IN GENERAL.—Section 181 of the National and
3 Community Service Act of 1990 (42 U.S.C. 12641) is
4 amended to read as follows:

5 **“SEC. 181. CONTINGENT EXTENSION.**

6 “Section 414 of the General Education Provisions
7 Act (20 U.S.C. 1226a) shall apply to this Act.”.

8 (b) TABLE OF CONTENTS.—Section 1(b) of the Na-
9 tional and Community Service Act of 1990 (Public Law
10 101–610; 104 Stat. 3127) is amended by striking the item
11 relating to sections 181 of such Act and inserting the fol-
12 lowing:

“Sec. 181. Contingent extension.”.

13 **SEC. 121. REPEALS.**

14 (a) IN GENERAL.—Subtitle F of title I of the Na-
15 tional and Community Service Act of 1990 (42 U.S.C.
16 12631 et seq.) is amended—

17 (1) by repealing sections 183, 185, and 186;

18 and

19 (2) by redesignating section 184 as section 183.

20 (b) TABLE OF CONTENTS.—Section 1(b) of the Na-
21 tional and Community Service Act of 1990 (Public Law
22 101–610; 104 Stat. 3127) is amended by striking the
23 items relating to sections 183, 184, and 185 of such Act
24 and inserting the following:

“Sec. 183. Drug-free workplace requirements.”.

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 provides for the individuals
25 described in paragraphs (1) and (2) of subsection (c)

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)(3), 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) REQUIRED MEMBERS.—The State Com-
13 mission for a State shall include as voting members
14 at least one representative from each of the follow-
15 ing categories:

16 “(A) A national service program, such as
17 a youth corps program, a service program for
18 school-age youth, and a program in which older
19 Americans are participants.

20 “(B) Local governments in the State.

21 “(C) Local labor organizations.

22 “(2) SOURCES OF OTHER MEMBERS.—The
23 State Commission for a State may include as voting
24 members the following:

1 “(A) Representatives of community-based
2 organizations.

3 “(B) Members selected from among par-
4 ticipants in service programs who are youths.

5 “(C) Members selected from among edu-
6 cators.

7 “(D) Members selected from among ex-
8 perts in the delivery of human, educational, en-
9 vironmental, or public safety services to commu-
10 nities and persons.

11 “(E) Representatives of businesses and
12 business groups.

13 “(3) CORPORATION REPRESENTATIVE.—The
14 representative of the Corporation designated under
15 section 195(b) for a State shall be a voting member
16 of the State Commission for that State.

17 “(4) EX OFFICIO STATE REPRESENTATIVES.—
18 The chief executive officer of a State may appoint as
19 nonvoting ex officio members of the State Commis-
20 sion for the State representatives selected from
21 among officers and employees of State agencies op-
22 erating community service, youth service, education,
23 social service, senior service, and job training pro-
24 grams.

1 “(5) LIMITATION ON NUMBER OF STATE EM-
2 PLOYEES AS MEMBERS.—The number of voting
3 members of a State Commission selected under
4 paragraph (1) or (2) who are officers or employees
5 of the State may not exceed 25 percent (reduced to
6 the nearest whole number) of the total membership
7 of the State Commission.

8 “(d) MISCELLANEOUS MATTERS.—

9 “(1) MEMBERSHIP BALANCE.—The chief execu-
10 tive officer of a State shall ensure that the member-
11 ship of the State Commission for the State is bal-
12 anced according to race, ethnic background, age,
13 and gender. Not more than 50 percent of the voting
14 members of a State Commission, plus one additional
15 member, may be from the same political party.

16 “(2) TERMS.—Each member of the State Com-
17 mission for a State shall serve for a term of 3 years,
18 except that the chief executive officer of a State
19 shall initially appoint a portion of the members to
20 terms of 1 year and 2 years.

21 “(3) VACANCIES.—As vacancies occur on a
22 State Commission, new members shall be appointed
23 by the chief executive of the State and serve for the
24 remainder of the term for which the predecessor of
25 such member was appointed. The vacancy shall not

1 affect the power of the remaining members to exe-
2 cute the duties of the State Commission.

3 “(4) COMPENSATION.—A member of a State
4 Commission shall not receive any additional com-
5 pensation by reason of service on the State Commis-
6 sion, except that the State may authorize the reim-
7 bursement of travel expenses, including a per diem
8 in lieu of subsistence, in the same manner as other
9 employees serving intermittently in the service of the
10 State.

11 “(5) CHAIRPERSON.—The voting members of a
12 State Commission shall elect one of the voting mem-
13 bers to serve as chairperson of the State Commis-
14 sion.

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

18 “(1) Preparation of a national service plan for
19 the State that—

20 “(A) covers a 3-year period;

21 “(B) is updated annually; and

22 “(C) contains such information as the
23 State Commission considers to be appropriate
24 or as the Corporation may require.

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

4 “(3) Assistance in the preparation of the appli-
5 cation of the State educational agency for assistance
6 under section 113.

7 “(4) Preparation of the application of the State
8 under section 130 for the approval of service posi-
9 tions that include the national service educational
10 award described in subtitle D.

11 “(5) Assistance in the provision of health care
12 and child care benefits under section 140 to partici-
13 pants in national service programs that receive as-
14 sistance under section 121.

15 “(6) Development of a State system for the re-
16 cruitment and placement of participants in national
17 service programs that receive assistance under sec-
18 tion 121 and dissemination of information concern-
19 ing national service programs that receive assistance
20 and approved national service positions.

21 “(7) Administration of the grant program in
22 support of national service programs that is con-
23 ducted by the State using assistance provided to the
24 State under section 121, including selection, over-
25 sight, and evaluation of grant recipients.

1 “(8) Development of projects, training methods,
2 curriculum materials, and other materials and activi-
3 ties related to national service programs that receive
4 assistance directly from the Corporation or from the
5 State using assistance provided under section 121.

6 “(f) ACTIVITY INELIGIBLE FOR ASSISTANCE.—A
7 State Commission may not directly carry out any national
8 service program that receives assistance under section
9 121.

10 “(g) DELEGATION.—Subject to such requirements as
11 the Corporation may prescribe, a State Commission may
12 delegate nonpolicymaking duties to a State agency or pub-
13 lic or private not-for-profit organization.

14 “(h) APPROVAL OF STATE COMMISSION OR ALTER-
15 NATIVE.—

16 “(1) SUBMISSION TO CORPORATION.—The chief
17 executive officer for a State shall notify the Corpora-
18 tion of the establishment or designation of the State
19 Commission for the State. The notification shall in-
20 clude a description of—

21 “(A) the composition and membership of
22 the State Commission; and

23 “(B) the authority of the State Commis-
24 sion regarding national service activities carried
25 out by the State.

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

6 “(3) REJECTION.—The Corporation may reject
7 a State Commission if the Corporation determines
8 that the composition, membership, or duties of the
9 State Commission do not comply with the require-
10 ments of this section. The Corporation shall reject a
11 request to use an alternative administrative entity in
12 lieu of a State Commission if the Corporation deter-
13 mines that use of the alternative administrative en-
14 tity does not allow the individuals described in para-
15 graphs (1) and (2) of subsection (c) to play a sig-
16 nificant policy-making role in carrying out the duties
17 otherwise entrusted to a State Commission. If the
18 Corporation rejects a State Commission or alter-
19 native administrative entity under this paragraph,
20 the Corporation shall promptly notify the State of
21 the reasons for the rejection.

22 “(4) RESUBMISSION AND RECONSIDERATION.—
23 The Corporation shall provide a State notified under
24 paragraph (3) with a reasonable opportunity to re-
25 vise the rejected State Commission or alternative ad-

1 ministrative entity. At the request of the State, the
2 Corporation shall provide technical assistance to the
3 State as part of the revision process. The Corpora-
4 tion shall promptly reconsider any resubmission of a
5 notification under paragraph (1) or application to
6 use an alternative administrative entity under para-
7 graph (2).

8 “(5) SUBSEQUENT CHANGES.—This subsection
9 shall also apply to any change in the composition or
10 duties of a State Commission or an alternative ad-
11 ministrative entity made after approval of the State
12 Commission or the alternative administrative en-
13 tity.”.

14 (b) TABLE OF CONTENTS.—Section 1(b) of the Na-
15 tional and Community Service Act of 1990 (Public Law
16 101-610; 104 Stat. 3127) is amended by striking the item
17 relating to section 178 and inserting the following new
18 item:

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

19 (c) EFFECTIVE DATE.—The amendments made by
20 this section shall take effect on the date of the enactment
21 of this Act.

22 (d) TRANSITIONAL PROVISIONS.—

23 (1) USE OF ALTERNATIVES TO STATE COMMIS-
24 SION.—If a State does not have a State Commission
25 on National Service that satisfies the requirements

1 specified in section 178 of the National and Commu-
2 nity Services Act of 1990, as amended by subsection
3 (a), the Corporation for National Service may au-
4 thorize the chief executive of the State to use an ex-
5 isting agency of the State to perform the duties oth-
6 erwise reserved to a State Commission under sub-
7 section (e) of such section.

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

11 **SEC. 202. INTERIM AUTHORITIES OF THE CORPORATION**
12 **FOR NATIONAL SERVICE AND ACTION AGEN-**
13 **CY.**

14 (a) NATIONAL AND COMMUNITY SERVICE ACT OF
15 1990.—Subtitle G of title I of the National and Commu-
16 nity Service Act of 1990 (42 U.S.C. 12651) is amended
17 to read as follows:

18 **“Subtitle G—Corporation for**
19 **National Service**

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

21 “There is established a Corporation for National
22 Service that shall administer the programs established
23 under this Act. The Corporation shall be a Government
24 corporation, as defined in section 103 of title 5, United
25 States Code.

1 **“SEC. 192. BOARD OF DIRECTORS.**

2 “(a) COMPOSITION.—

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

6 “(A) 11 members, including the Chair-
7 person appointed under section 193, to be ap-
8 pointed by the President, by and with the ad-
9 vice and consent of the Senate; and

10 “(B) the ex officio members described in
11 paragraph (4).

12 “(2) QUALIFICATIONS.—To the maximum ex-
13 tent practicable, the President shall appoint
14 members—

15 “(A) who have extensive experience in vol-
16 unteer and service programs, including pro-
17 grams funded under one of the national service
18 laws, and in State government;

19 “(B) who represent a broad range of view-
20 points;

21 “(C) who are experts in the delivery of
22 human, educational, environmental, or public
23 safety services;

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

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

4 “(3) INITIAL MEMBERS.—No fewer than 8 of
5 the members first appointed to the Board after the
6 date of enactment of this section shall be appointed
7 from among individuals who served on the Board of
8 Directors of the Commission on National and Com-
9 munity Service.

10 “(4) EX OFFICIO MEMBERS.—The Secretary of
11 Education, the Secretary of Health and Human
12 Services, the Secretary of Labor, the Secretary of
13 the Interior, the Secretary of Agriculture, the Sec-
14 retary of Housing and Urban Development, the Sec-
15 retary of Defense, the Attorney General, the Direc-
16 tor of the Peace Corps, and the Administrator of the
17 Environmental Protection Agency shall serve as ex
18 officio nonvoting members of the Board.

19 “(b) TERMS.—Each appointed member of the Board
20 shall serve for a term of 3 years, except that 4 of the mem-
21 bers first appointed to the Board after the date of enact-
22 ment of this section shall serve for a term of 1 year and
23 4 shall serve for a term of 2 years, as designated by the
24 President.

1 “(c) VACANCIES.—As vacancies occur on the Board,
2 new members shall be appointed by the President, by and
3 with the advice and consent of the Senate, and serve for
4 the remainder of the term for which the predecessor of
5 such member was appointed. The vacancy shall not affect
6 the power of the remaining members to execute the duties
7 of the Board.

8 **“SEC. 192A. AUTHORITIES AND DUTIES OF THE BOARD OF**
9 **DIRECTORS.**

10 “(a) MEETINGS.—The Board shall meet not less than
11 3 times each year. The Board shall hold additional meet-
12 ings if 6 members of the Board request such meetings in
13 writing.

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

16 “(c) OFFICERS.—

17 “(1) VICE CHAIRPERSON.—The Board shall
18 elect a Vice Chairperson from among its member-
19 ship. The Vice Chairperson may conduct meetings of
20 the Board in the absence of the Chairperson.

21 “(2) OTHER OFFICERS.—The Board may elect
22 from among its membership such additional officers
23 of the Board as the Board determines to be appro-
24 priate.

1 “(d) INSPECTOR GENERAL OVERSIGHT COMMIT-
2 TEE.—The Board shall establish an Inspector General
3 oversight committee (referred to in this subtitle as the
4 ‘oversight committee’). Such committee shall be comprised
5 of the Vice Chairperson and two members selected by the
6 Vice Chairperson. The Chairperson shall not serve on the
7 oversight committee.

8 “(e) EXPENSES.—While away from their homes or
9 regular places of business on the business of the Board,
10 members of such Board shall be allowed travel expenses,
11 including per diem in lieu of subsistence, at rates author-
12 ized for employees of agencies under subchapter I of chap-
13 ter 57 of title 5, United States Code, for persons employed
14 intermittently in the Government service.

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

21 “(g) STATUS OF MEMBERS.—

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

1 “(2) OTHER CLAIMS.—A member of the Board
2 has no personal liability under Federal law with re-
3 spect to any claim arising out of or resulting from
4 any act or omission by such person, within the scope
5 of the service of the member on the Board, in con-
6 nection with any transaction involving the provision
7 of financial assistance by the Corporation. This
8 paragraph shall not be construed to limit personal li-
9 ability for criminal acts or omissions, willful or mali-
10 cious misconduct, acts or omissions for private gain,
11 or any other act or omission outside the scope of the
12 service of such member on the Board.

13 “(3) EFFECT ON OTHER LAW.—This subsection
14 shall not be construed—

15 “(A) to affect any other immunities and
16 protections that may be available to such mem-
17 ber under applicable law with respect to such
18 transactions;

19 “(B) to affect any other right or remedy
20 against the Corporation, against the United
21 States under applicable law, or against any per-
22 son other than a member of the Board partici-
23 pating in such transactions; or

24 “(C) to limit or alter in any way the im-
25 munities that are available under applicable law

1 for Federal officials and employees not de-
2 scribed in this subsection.

3 “(h) DUTIES.—The Board shall—

4 “(1) make such grants and allotments, enter
5 into such contracts, award such other financial as-
6 sistance, make such payments (in lump sum or in-
7 stallments, and in advance or by way of reimburse-
8 ment, and in the case of financial assistance other-
9 wise authorized under this Act, with necessary ad-
10 justments on account of overpayments and under-
11 payments), and designate such positions as approved
12 national service positions as are necessary or appro-
13 priate to carry out this Act;

14 “(2) prepare a strategic plan every 3 years, and
15 annual updates of the plan, for the Corporation with
16 respect to the grants, allotments, contracts, assist-
17 ance, and payments described in paragraph (1), and
18 with respect to such standards, policies, procedures,
19 programs, and initiatives as are necessary or appro-
20 priate to carry out this Act;

21 “(3) make recommendations with respect to the
22 regulations established under section
23 195(a)(3)(B)(i);

24 “(4)(A) review the actions of the Chairperson
25 with respect to the personnel of the Corporation,

1 and with respect to the standards, policies, proce-
2 dures, programs, and initiatives; and

3 “(B) inform the Chairperson of any aspects of
4 the actions of the Chairperson that are not in com-
5 pliance with the annual strategic plan described in
✓ 6 paragraph ²~~(1)~~ or the recommendations described in
✓ 7 paragraph ³~~(2)~~, or are not consistent with the objec-
8 tives of this Act;

9 “(5) receive, and act on, the reports issued by
10 the Inspector General of the Corporation;

11 “(6) arrange for the evaluation of programs es-
12 tablished under this Act, in accordance with section
13 179;

14 “(7) provide for research with respect to na-
15 tional and community service programs, including
16 service-learning programs;

17 “(8) advise the President and the Congress con-
18 cerning developments in national and community
19 service that merit the attention of the President and
20 the Congress;

21 “(9) disseminate information regarding the pro-
22 grams and initiatives of the Corporation; and

23 “(10) carry out any other activities determined
24 to be appropriate by the Chairperson.