

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

Collection/Record Group: Clinton Presidential Records

Subgroup/Office of Origin: National Service

Series/Staff Member: Shirley Sagawa

Subseries:

OA/ID Number: 1290

FolderID:

Folder Title:

[National and Community Service Trust Act of 1993 Discussion Draft] [8] [loose]

Stack:

S

Row:

66

Section:

2

Shelf:

6

Position:

1

1 **TITLE II—ORGANIZATION**

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

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

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

9 “(a) EXISTENCE REQUIRED.—

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

17 “(2) ALTERNATIVE ADMINISTRATIVE ENTITY.—

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

2-2

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

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

11 “(c) COMPOSITION AND MEMBERSHIP.—

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

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

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

*Replace
with
language
on new
page*

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)

2-3

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

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

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

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

23 “(d) MISCELLANEOUS MATTERS.—

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

*Rounding
rule?*

2-4

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

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

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

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

2-5

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

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

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

10 “(A) covers a 3-year period; and

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

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

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

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

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

*add
annual
updates*

2-6

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

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

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

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

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

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

2-7

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

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

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

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

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

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

2-8

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

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

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

2-9

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

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

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

9 (d) TRANSITIONAL PROVISIONS.—

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

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

2-10

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

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

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

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

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

16 **“SEC. 192. BOARD OF DIRECTORS.**

17 “(a) COMPOSITION.—

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

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

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

2-11

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

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

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

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

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

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

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

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

2-12

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

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

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

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

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

2-13

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

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

5 “(c) OFFICERS.—

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

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

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

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

2-14

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

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

9 “(g) STATUS OF MEMBERS.—

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

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

2-15

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

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

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

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

16 “(h) DUTIES.—The Board shall—

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

2-16

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

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

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

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

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

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

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

*add: approve
grants
decisions
made by
Corporation
Catherine wants
board to
approve
grants*

2-17

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

2-18

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

2-19

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

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

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

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

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

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

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

*or decertify
approved national
service positions*

*note—
need to add
decertification
to §176*

2-20

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;

2-21

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;

2-22

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

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

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

12 “(d) DELEGATION.—

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

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

2-23

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

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

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

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

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

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

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

2-24

1 **"SEC. 194. OFFICERS.**

2 “(a) MANAGING DIRECTORS.—

3 “(1) IN GENERAL.—There shall be in the Cor-
4 poration 2 Managing Directors, who shall be ap-
5 pointed by the President, by and with the advice and
6 consent of the Senate.7 “(2) COMPENSATION.—The Managing Direc-
8 tors shall be compensated at the rate provided for
9 level IV of the Executive Schedule under section
10 5315 of title 5, United States Code.

11 “(3) DUTIES.—

12 “(A) FEDERAL PROGRAMS.—One of the
13 Managing Directors shall be primarily respon-
14 sible for the Federal programs carried out by
15 the Corporation.16 “(B) INVESTMENT PROGRAMS.—The other
17 Managing Director shall be primarily respon-
18 sible for the financial assistance programs car-
19 ried out by the Corporation.

20 “(b) INSPECTOR GENERAL.—

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

23 “(2) APPOINTMENT.—

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

2-25

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

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

5 “(3) COMPENSATION.—The Inspector General
6 shall be compensated at the rate provided for level
7 ~~IV~~ of the Executive Schedule under section 5315 of
8 title 5, United States Code. ~~【A presidential ap-
9 pointee should be on the Executive Schedule. This
10 pay is comparable to level 6 of the Senior Executive
11 Service Schedule, which is what you requested. It
12 might be more appropriate to compensate this per-
13 son at level V, however: the Inspectors General at
14 level IV are responsible for immense government
15 programs, like the entire Department of Defense.】~~

16 “(4) DUTIES.—

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

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

?
IG = level V
2 assistant
on GS

2-26

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

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

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

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

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

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

2-27

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

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

5 “(a) EMPLOYEES.—

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

10 “(2) TERMS.—

11 “(A) INITIAL TERM.—

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

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

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

2-28

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

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

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

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

2-29

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

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

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

17 “(3) APPOINTMENT AND COMPENSATION.—

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

2-30

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

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

5 “(i) ESTABLISHMENT OF SYSTEM.—

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

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

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

2-31

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

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

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

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

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

2-32

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

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

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

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

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

2-33

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

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

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

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

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

2-34

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

9 “(e) ADVISORY COMMITTEES.—

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

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

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

2-35

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

10 **“SEC. 196. ADMINISTRATION.**

11 “(a) DONATIONS.—

12 “(1) SERVICES.—

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

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

2-36

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

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

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

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

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

2-37

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

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

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

18 “(b) CONTRACTS.—

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

2-38

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

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

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

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

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

2-39

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

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

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

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

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

2-40

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

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

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

2-41

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

“Subtitle G—Corporation for National Service

“Sec. 191. Corporation for National Service.

“Sec. 192. Board of Directors.

“Sec. 192A. Authorities and duties of the Board of Directors.

“Sec. 193. Chairperson and Director.

“Sec. 193A. Authorities and duties of the Chairperson.

“Sec. 194. Officers.

“Sec. 195. Employees, consultants, and other personnel.

“Sec. 196. Administration.”.

4 (g) EFFECTIVE DATES.—

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

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

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

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

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

2-42

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

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

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

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

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

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

2-43

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

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

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

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

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

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

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

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

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

2-44

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

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

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

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

2-45

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

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

22 (7) EFFECT ON PERSONNEL.—

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

2-46

cept special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation, or to have the benefits of the employee reduced, for 1 year after the date of transfer of such employee under this subsection.

(B) EXECUTIVE SCHEDULE POSITIONS.—

Except as otherwise provided in this subsection, any person who, on the day preceding the effective date of this subsection, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Corporation to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(C) TERMINATION OF CERTAIN POSI-

TIONS.—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of

2-47

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

4 (8) SAVINGS PROVISIONS.—

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

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

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

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

2-48

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

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

2-49

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

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

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

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

2-50

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

6 (10) TRANSITION.—Prior to, or after, any
7 transfer of a function under this subsection, the
8 Chairperson is authorized to utilize—

9 (A) the services of such officers, employ-
10 ees, and other personnel of the ACTION Agen-
11 cy with respect to functions that will be or have
12 been transferred to the Corporation by this sub-
13 section; and

14 (B) funds appropriated to such functions
15 for such period of time as may reasonably be
16 needed to facilitate the orderly implementation
17 of this subsection.

18 (d) EFFECTIVE DATE.—

19 (1) IN GENERAL.—Except as provided in para-
20 graph (2), this section, and the amendments made
21 by this section, shall take effect—

22 (A) 18 months after the date of enactment
23 of this Act; or

24 (B) on such earlier date as the President
25 shall determine to be appropriate and announce

2-51

1 by proclamation published in the Federal Reg-
2 ister.

3 (2) **TRANSITION.**—Subsection (c)(10) shall take
4 effect on the date of enactment of this Act.

3-1

1 **TITLE III—HIGHER EDUCATION**

2 **SEC. 301. HIGHER EDUCATION.**

3 **[To be supplied.]**

4 **TITLE IV—~~RE~~AUTHORIZATION**

5 **Subtitle A—National and**
6 **Community Service Act of 1990**

7 **SEC. 401. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 501 of the National and Community Service
9 Act of 1990 (42 U.S.C. 12681) is amended to read as
10 follows:

11 **“SEC. 501. AUTHORIZATION OF APPROPRIATIONS.**

12 **“(a) TITLE I.—**

13 **“(1) SUBTITLE B.—**There are authorized to be
14 appropriated to carry out subtitle B of title I,
15 \$45,000,000 for fiscal year 1994, and such sums as
16 may be necessary for fiscal years 1995 through
17 1998.

18 **“(2) SUBTITLES C, D, AND H.—**There are au-
19 thorized to be appropriated to carry out subtitles C,
20 D, and H of title I, \$38⁹7,000,000 for fiscal year
21 1994, and such sums as may be necessary for fiscal
22 years 1995 through 1998.

23 **“(3) ADMINISTRATION.—**There are authorized
24 to be appropriated **[for the administration of this**
25 **Act] [to carry out subtitles F and G of title I] such**

3-2

1 sums as may be necessary for fiscal years 1994
2 through 1998.

3 “(b) TITLE III.—There are authorized to be appro-
4 priated to carry out title III \$5,000,000 for each of the
5 fiscal years 1994 through 1998.

6 “(c) ADVANCE FUNDING.—

7 “(1) IN GENERAL.—[In order to afford the re-
8 sponsible State, local, and Federal officers concerned
9 adequate notice of available Federal financial assist-
10 ance for programs under the [national service
11 Acts], appropriations for grants, contracts, or other
12 payments under any applicable program under such
13 Acts are authorized to be included in the appropria-
14 tion Act for the fiscal year preceding the fiscal year
15 for which the appropriations are available for obliga-
16 tion.

17 “(2) APPLICATION.—In order to effect a transi-
18 tion to the method of timing appropriation action
19 described in paragraph (1), paragraph (1) shall
20 apply notwithstanding that the initial application of
21 the paragraph under such program will result in the
22 enactment in the same year (whether in the same
23 appropriation Act or otherwise) of two separate ap-
24 propriations, one for the then current fiscal year and
25 one for the succeeding fiscal year.

3-3

1 “(d) AVAILABILITY OF APPROPRIATIONS.—Funds
2 appropriated under this section shall remain available
3 [until expended].”.

4 **Subtitle B—Domestic Volunteer**
5 **Service Act of 1973**

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

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

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

16 **CHAPTER 1—VISTA AND OTHER ANTI-**
17 **POVERTY PROGRAMS**

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

19 The last sentence of section 101 (42 U.S.C. 4951)
20 is amended to read as follows: “In addition, the objective
21 of this part is to generate the commitment of private sec-
22 tor resources, to encourage volunteer service at the local
23 level, and to strengthen local agencies and organizations
24 to carry out the purpose set forth in this part.”.

3-4

1 **SEC. 422. SELECTION AND ASSIGNMENT OF VISTA VOLUN-**
2 **TEERS.**

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

5 (1) in the matter preceding paragraph (1), by
6 striking “a”;

7 (2) in paragraph (2), by striking “and” at the
8 end;

9 (3) in paragraph (3), by striking “illiterate or
10 functionally illiterate youth and other individuals,”;

11 (4) in paragraph (5), by striking “and” at the
12 end;

13 (5) in paragraph (6)—

14 (A) by striking “or the Community Eco-
15 nomic” and inserting “the Community Eco-
16 nomic”;

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

19 (C) by striking the period and inserting “;
20 and”; and

21 (6) by adding at the end the following new
22 paragraph:

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

3-5

1 (b) RECRUITMENT PROCEDURES.—Section 103(b)
2 (42 U.S.C. 4953(b)) is amended—

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

4 (2) by redesignating paragraphs (3) and (7) as
5 paragraphs (2) and (3), respectively;

6 (3) in paragraph (2) (as so redesignated), by
7 striking “paragraph (7)” and inserting “paragraph
8 (3)”; and

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

10 (A) by striking “paragraph (4)” in sub-
11 paragraph (A) and inserting “paragraph (2)”;

12 (B) by striking subparagraphs (B) and
13 (E);

14 (C) by redesignating subparagraphs (C),
15 (D) and (F) as subparagraphs (B), (C) and
16 (D), respectively; and

17 (D) by striking subparagraph (B) (as so
18 redesignated) and inserting the following new
19 subparagraph:

20 “(B) A sponsoring organization may recruit volun-
21 teers for service under this part subject to final selection
22 approval by the Director.”.

23 (c) PUBLIC AWARENESS AND RECRUITMENT.—Sub-
24 section (c) of section 103 (42 U.S.C. 4953(e)) is
25 amended—

3-6

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

2 “(1) The Director shall conduct national and local
3 public awareness and recruitment activities in order to
4 meet the volunteer goals of the program. Such activities
5 shall be coordinated with recruitment authorized under
6 subtitle C or E of the National and Community Service
7 Act of 1990 and may include public service announce-
8 ments, advertisements, publicity on loan deferments and
9 cancellations available to VISTA volunteers, maintenance
10 of a toll-free telephone system, and provision of technical
11 assistance for the recruitment of volunteers to programs
12 and projects receiving assistance under this part. Further,
13 the Director shall take steps to recruit individuals 18
14 through 27 years of age, 55 years of age and older, recent
15 graduates of institutions of higher education, and special
16 skilled volunteers and to promote diverse participation in
17 the program.”;

18 (2) in paragraph (3), by adding at the end the
19 following new sentence: “In addition, the Director
20 shall take steps to provide opportunities for returned
21 Peace Corps volunteers to serve in VISTA.”;

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

23 (4) by redesignating paragraph (6) as para-
24 graph (4); and

3-7

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

2 “(4) Beginning in fiscal year 1994 and for each fiscal
3 year thereafter, for the purpose of carrying out this sub-
4 section, the Director shall obligate such sums as necessary
5 of the amounts appropriated for each fiscal year under
6 section 501(a).”.

7
8 (d) COORDINATION WITH OTHER FEDERAL AGEN-
9 CIES.—Section 103 (42 U.S.C. 4953) is amended by add-
10 ing at the end the following new subsection:

11 “(h) The Director is encouraged to enter into agree-
12 ments with other Federal agencies to use VISTA volun-
13 teers in furtherance of program objectives that are consist-
14 ent with the purposes described in section 101.”.

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

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

19 “(b) Volunteers serving under this part may be en-
20 rolled initially for not less than 1 year, nor more than 2
21 years, except as provided for under subsection (e), except
22 that volunteers serving under this part may be enrolled
23 for periods of service of less than 1 year when the Director
24 determines, on an individual basis, that a period of service
25 of less than 1 year is necessary to meet a critical scarce

1 skill need. Volunteers serving under this part may be
2 reenrolled for periods of service in a manner to be deter-
3 mined by the Director. No volunteer shall serve for more
4 than a total of 5 years under this part.”.

5 (b) SUMMER PROGRAM.—Section 104 (42 U.S.C.
6 4954) is amended by adding at the end the following new
7 subsection:

8 “(e) Notwithstanding any other provision under this
9 part, the Director may enroll full-time VISTA summer as-
10 sociates for the summer months only, under the terms and
11 conditions to be set by the Director. Such individuals must
12 be assigned to projects that meet the criteria set forth in
13 section 103(a). The Agency shall report on participants,
14 costs, and accomplishments under the summer program
15 separately. The limitation on funds appropriated for
16 grants and contracts, as contained in section 108, shall
17 not apply to the summer program.”.

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

19 (a) POSTSERVICE STIPEND.—Section 105(a)(1) (42
20 U.S.C. 4955(a)(1)) is amended—

21 (1) by inserting “(A)” after “(a)(1)”; and

22 (2) by striking the second sentence and insert-
23 ing the following:

24 “(B) Such stipend shall not exceed \$95 per month
25 in fiscal year 1994, but shall be set at a minimum of \$125

3-9

1 per month during the volunteer's service after October 1,
2 1994, assuming the availability of funds to accomplish this
3 increase. The Director may provide a stipend of a mini-
4 mum of \$200 per month in the case of persons who have
5 served for at least 1 year and who, in accordance with
6 standards established in regulations which the Director
7 shall prescribe, have been designated volunteer leaders on
8 the basis of experience and special skills and a dem-
9 onstrated leadership among volunteers.

10 “(C) The Director shall not provide a stipend under
11 this subsection to an individual who elects to receive a na-
12 tional service education award under subtitle D of title I
13 of the National and Community Service Act of 1990.”.

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

16 (1) in paragraph (3)—

17 (A) by striking subparagraph (A);

18 (B) in subparagraph (B), by striking the
19 subparagraph designation; and

20 (C) by adding at the end the following new
21 sentence: “The Director shall review such ad-
22 justments on an annual basis to ~~ensure~~ that
23 the adjustments are current.”; and

24 (2) by striking paragraph (4).

3-10

1 **SEC. 425. PARTICIPATION OF YOUNGER AND OLDER PER-**
2 **SONS.**

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

5 **"SEC. 107. PARTICIPATION OF YOUNGER AND OLDER PER-**
6 **SONS.**

7 In carrying out this part and part C, the Director
8 shall take necessary steps, including the development of
9 special projects, where appropriate, to encourage the full-
10 est participation of individuals 18 through 27 years of age
11 and individuals 55 years of age and older in the various
12 programs and activities authorized under such parts."

13 **SEC. 426. LITERACY ACTIVITIES.**

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

15 (1) in subsection (g)—

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

17 (B) by striking the paragraph designation
18 of paragraph (2); and

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

20 **SEC. 427. APPLICATIONS FOR ASSISTANCE.**

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

23 **"SEC. 110. APPLICATIONS FOR ASSISTANCE.**

24 The Director shall not deny assistance under this
25 part to any project or program, or any public or private
26 nonprofit organization, solely on the basis of the duration

3-11

1 of the assistance such project, program, or organization
2 has previously received under this part. The Director shall
3 grant assistance under this part on the basis of merit and
4 to accomplish the goals of the VISTA program, and shall
5 consider the needs and requirements of existing projects
6 as well as potential new projects.”.

7 **SEC. 428. REPEAL OF AUTHORITY FOR STUDENT COMMU-**
8 **NITY SERVICE PROGRAMS.**

9 Part B of title I (42 U.S.C. 4971 et seq.) is amended
10 by repealing section 114 (42 U.S.C. 4974).

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

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

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

15 “PART B—UNIVERSITY YEAR FOR VISTA”;

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

19 (3) by striking “UYA” each place that such ap-
20 pears in such part and in the Act and inserting
21 “UYV”;

22 (4) in section 112 (42 U.S.C. 4972) by striking
23 the section heading and inserting the following new
24 section heading:

3-12

1 “AUTHORITY TO OPERATE UNIVERSITY YEAR FOR VISTA
2 PROGRAM”; and
3 (5) in section 113(a) (42 U.S.C. 4973(a))—
4 (A) by striking “of not less than the dura-
5 tion of an academic year” and inserting “of not
6 less than the duration of an academic semester
7 or its equivalent”; and
8 (B) by adding at the end the following new
9 sentence: “Volunteers may receive a living al-
10 lowance and such other support or allowances
11 as the Director determines appropriate.”.

12 **SEC. 430. AUTHORITY TO ESTABLISH AND OPERATE SPE-**
13 **CIAL VOLUNTEER AND DEMONSTRATION**
14 **PROGRAMS.**

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

17 **“SEC. 122. AUTHORITY TO ESTABLISH AND OPERATE SPE-**
18 **CIAL VOLUNTEER AND DEMONSTRATION**
19 **PROGRAMS.**

20 “(a) IN GENERAL.—The Director is authorized to
21 conduct or award grants or contracts to public and non-
22 profit organizations for special volunteer programs or
23 demonstration programs to encourage wider volunteer par-
24 ticipation on a full-time, part-time, or short-term basis to
25 further the purpose of this part, and to identify particular

3-13

1 segments of the poverty community which could benefit
2 from volunteer and other antipoverty efforts. The assign-
3 ment of volunteers under this section, and the provision
4 of support for such volunteers, including any subsistence
5 allowances and stipends, shall be on such terms and condi-
6 tions as the Director shall determine but shall not exceed
7 the level of support provided under section 105. Projects
8 using nonstipend volunteers may also be supported under
9 this section.

10 “(b) CRITERIA.—In carrying out the activities au-
11 thorized under this section and section 123, the Director
12 shall establish criteria and priorities to award grants and
13 enter into contracts in each fiscal year. No grant or con-
14 tract exceeding \$100,000 shall be made under this part
15 unless the grantee or contractor has been selected by a
16 competitive process which includes public announcement
17 of the availability of funds for such grant or contract, gen-
18 eral criteria for the selection of recipients or contractors,
19 and a description of the application process and applica-
20 tion review process.”.

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

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

3-14

1 **“SEC. 123. TECHNICAL AND FINANCIAL ASSISTANCE.**

2 The Director may provide technical and financial as-
3 sistance to Federal agencies, State and local governments
4 and agencies, private nonprofit organizations, employers,
5 and other private organizations which utilize or desire to
6 utilize volunteers in carrying out the purpose of this
7 part.”.

8 **SEC. 432. ELIMINATION OF SEPARATE AUTHORITY FOR**
9 **DRUG ABUSE PROGRAMS.**

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

11 **CHAPTER 2—NATIONAL SENIOR**
12 **VOLUNTEER CORPS**

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

14 (a) REFERENCES.—The Act is amended by striking
15 “Older American Volunteer Programs” each place that
16 such appears and inserting “National Senior Volunteer
17 Corps.”.

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

20 **“TITLE II—NATIONAL SENIOR**
21 **VOLUNTEER CORPS”.**

22 **SEC. 442. THE RETIRED AND SENIOR VOLUNTEER PRO-**
23 **GRAM.**

24 Section 200 (42 U.S.C. 5000) is amended by striking
25 “retired senior volunteer program” each place that such

3-15

1 appears in such section and the Act and inserting “retired
2 and senior volunteer program”.

3 **SEC. 443. OPERATION OF THE RETIRED AND SENIOR VOL-**
4 **UNTEER PROGRAM.**

5 (a) ELIGIBILITY FOR PARTICIPANTS IN THE PRO-
6 GRAM.—Section 201(a) (42 U.S.C. 5001(a)) is
7 amended—

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

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

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

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

15 (2) by redesignating subsection (d) as sub-
16 section (c).

17 **SEC. 444. SERVICES UNDER THE FOSTER GRANDPARENT**
18 **PROGRAM.**

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

20 (1) by striking “receiving care in hospitals,
21 homes for dependent and neglected children, or
22 other establishments providing care for children with
23 special needs” and inserting “receiving care in hos-
24 pitals; residing in homes for dependent and ne-
25 glected children; and participating in day care cen-

3-16

1 ters, schools, Head Start projects, and a variety of
2 other establishments and institutions providing serv-
3 ices for children with special or exceptional needs”;
4 and

5 (2) by inserting after the first sentence the fol-
6 lowing new sentence: “Individual foster grand-
7 parents may provide person-to-person services to one
8 or more children depending upon the needs of the
9 project and local site.”.

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

11 Section 211(d) (42 U.S.C. 5011(d)) is amended in
12 the second sentence by striking “Any stipend or allowance
13 provided under this subsection shall not be less than \$2.20
14 per hour until October 1, 1990, \$2.35 per hour during
15 fiscal year 1991, and \$2.50 per hour and after October
16 1, 1992,” and inserting “Any stipend or allowance pro-
17 vided under this section shall not be less than \$2.45 per
18 hour on and after October 1, 1993, and shall be adjusted
19 once during the period of 1993 through 1997 to account
20 for inflation, as determined by the Director and rounded
21 to the nearest five cents,”.

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

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

3-17

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

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

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

10 **SEC. 448. EVALUATION OF THE SENIOR COMPANION PRO-**
11 **GRAM.**

12 Paragraph (3) of section 213(c) (42 U.S.C.
13 5013(c)(3)) is repealed.

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

15 Section 221(a) (42 U.S.C. 5021) is amended by add-
16 ing at the end the following new sentence: “The Director
17 is encouraged to enter into agreements with the Depart-
18 ment of Health and Human Services to involve retired or
19 senior volunteers and foster grandparents in Head Start
20 projects, and to promote in-home care in cooperation with
21 the Administration on Aging, with the Department of
22 Education to promote intergenerational tutoring and
23 mentoring for at-risk children, and with the Environ-
24 mental Protection Agency to support conservation ef-
25 forts.”.

3-18

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

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

3 (1) in subsection (a)—

4 (A) by striking paragraph (1) and insert-
5 ing the following new paragraph:

6 “(1) The Director is authorized to make grants under
7 the programs authorized in parts A, B, and C of this title
8 to support programs that address national problems that
9 are also of local concern. The Director may, in any fiscal
10 year, determine which programs of national significance
11 will receive priority in that year.”;

12 (B) by striking “paragraph (10)” in para-
13 graph (2)(B) and inserting “paragraphs (10)
14 and (12)”; and

15 (C) by striking “and (10)” in paragraph
16 (2)(C) and inserting “(10), (12), (15), and
17 (16)”;

18 (2) in subsection (b), by adding at the end the
19 following new paragraphs:

20 “(12) Programs that address environmental
21 needs.

22 “(13) Programs that reach out to organizations
23 not previously involved in addressing local needs,
24 such as labor unions and profit-making organiza-
25 tions.

3-19

1 “(14) Programs that provide for ethnic out-
2 reach.

3 “(15) Programs that support criminal justice
4 activities.

5 “(16) Programs that involve older volunteers
6 working with young people in apprenticeship pro-
7 grams.”; and

8 (3) in subsection (d), by striking paragraph (1)
9 and inserting the following new paragraph:

10 “(1) Except as provided in paragraph (2), in each
11 fiscal year there shall be available to the Director to make
12 grants under subsection (a) such sums as may be nec-
13 essary.”.

14 **SEC. 451. ADJUSTMENTS TO FEDERAL FINANCIAL ASSIST-**
15 **ANCE.**

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

17 (1) in subsection (a)(1)—

18 (A) in subparagraph (A), by striking
19 “(a)(1)(A)”; and

20 (B) by striking subparagraph (B); and

21 (2) in subsection (b)—

22 (A) in paragraph (1), by striking “(1)”;

23 and

24 (B) by striking paragraph (2).

1 **SEC. 452. DEMONSTRATION PROGRAMS.**

2 Title II is amended by adding at the end the following
3 new part:

4 “PART E—DEMONSTRATION PROGRAMS

5 **“SEC. 231. AUTHORITY OF DIRECTOR.**

6 “(a) IN GENERAL.—The Director is authorized to
7 make grants or contracts to public and nonprofit organiza-
8 tions, including the organizations funded under parts A,
9 B, and C, for the purposes of demonstrating innovative
10 activities involving older Americans as volunteers. The Di-
11 rector may support both nonstipend and stipended volun-
12 teers under this part.

13 “(b) ACTIVITIES.—Funding may be provided for ac-
14 tivities such as—

15 “(1) linking youth groups and older American
16 organizations in volunteer activities;

17 “(2) involving older volunteers in programs and
18 activities different from those currently supported in
19 the community; and

20 “(3) testing whether older American volunteer
21 programs may contribute to new objectives or cer-
22 tain national priorities.

23 **“SEC. 232. PROHIBITION.**

24 The Director may not reduce the activities, projects,
25 or volunteers funded under the other parts of this title
26 in order to support projects under this part.”.

3-21

1 CHAPTER 3—ADMINISTRATION**2 SEC. 461. PURPOSE OF AGENCY.**

3 Section 401 (42 U.S.C. 5041) is amended by insert-
4 ing after the first sentence the following: "This Agency
5 shall also promote the coordination of volunteer efforts
6 among Federal, State, and local agencies and organiza-
7 tions, exchange technical assistance information among
8 them, and provide technical assistance to other nations
9 concerning domestic volunteer programs within their coun-
10 tries."

11 SEC. 462. AUTHORITY OF THE DIRECTOR.

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

13 (1) in paragraphs (5) and (6), by inserting "so-
14 licit and" before "accept" in each such paragraph;

15 (2) in paragraph (13), by striking "and" at the
16 end;

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

19 (4) by inserting after paragraph (13) the fol-
20 lowing new paragraph:

21 "(14) enter into arrangements with private,
22 profit-making organizations under terms and condi-
23 tions determined by the Director when such agree-
24 ments will further the purposes of the Act; and".

3-22

1 SEC. 463. COMPENSATION FOR VOLUNTEERS.

2 Section 404 (42 U.S.C. 5044) is amended—

3 (1) in subsection (c), by inserting “from such
4 volunteers or beneficiaries” after “compensation”;

5 (2) by striking subsection (f); and

6 (3) by redesignating subsection (g) as sub-
7 section (f).

8 **SEC. 464. REPEAL OF REPORT ~~ON ANNUAL RECRUITMENT~~**
9 **~~PLAN.~~**

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

11 SEC. 465. APPLICATION OF FEDERAL LAW.

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

15 SEC. 466. EVALUATION OF PROGRAMS.

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

17 (1) in subsection (a)—

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

22 (B) by striking “at least once every 3
23 years” in the second sentence and inserting
24 “periodically”;

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

3-23

1 “(b) In carrying out evaluations of programs under
2 this Act, the Director shall create appropriate manage-
3 ment information systems that will summarize volunteer
4 activities and accomplishments across the programs sup-
5 ported under this Act. The Director shall report this infor-
6 mation on a periodic basis.”; and

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

8 **SEC. 467. NONDISCRIMINATION PROVISIONS.**

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

11 **“SEC. 417. NONDISCRIMINATION PROVISIONS.**

12 “(a) IN GENERAL.—An individual with responsibility
13 for the operation of a project that receives assistance
14 under this Act shall not discriminate against a participant
15 or member of the staff of such project on the basis of race,
16 color, national origin, sex, age, disability, or political affli-
17 ation of such participant or member.

18 “(b) FEDERAL FINANCIAL ASSISTANCE.—Any assist-
19 ance provided under this Act shall constitute Federal fi-
20 nancial assistance for purposes of title VI of the Civil
21 Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX
22 of the Education Amendments of 1972 (20 U.S.C. 1681
23 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. 701
24 et seq.), the Age Discrimination Act of 1975 (42 U.S.C.
25 6101 et seq.), and the regulations issued under such Acts.

need in
man
H
c

3-24

1 “(c) RELIGIOUS DISCRIMINATION.—

2 “(1) IN GENERAL.—Except as provided in para-
3 graph (2), an individual with responsibility for the
4 operation of a project that receives assistance under
5 this Act shall not discriminate on the basis of reli-
6 gion against a participant or a member of the
7 project staff who is paid with funds received under
8 this Act.

9 “(2) EXCEPTION.—Paragraph (1) shall not
10 apply to the employment, with assistance provided
11 under this Act, of any member of the staff of a
12 project that receives assistance under this Act who
13 was employed with the organization operating the
14 project on the date the grant under this Act was
15 awarded.

16 “(d) RULES AND REGULATIONS.—The Director shall
17 promulgate rules and regulations to provide for the en-
18 forcement of this section that shall include provisions for
19 summary suspension of assistance for not more than 30
20 days, on an emergency basis, until notice and an oppor-
21 tunity to be heard can be provided.”.

22 **SEC. 468. ELIMINATION OF SEPARATE REQUIREMENTS FOR**
23 **SETTING REGULATIONS.**

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

3-25

1 **SEC. 469. CLARIFICATION OF ROLE OF INSPECTOR GEN-**
2 **ERAL.**

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

4 (1) in subsection (a), by inserting “and the In-
5 spector General” after “Director”; and

6 (2) in subsection (b), by inserting “, the Inspec-
7 tor General,” after “Director” each place that such
8 appears.

9 **SEC. 470. COPYRIGHT PROTECTION.**

10 Title IV is amended by adding at the end, the follow-
11 ing new section:

12 **“SEC. 426. PROTECTION AGAINST IMPROPER USE.**

13 “Whoever falsely—

14 “(1) advertises or represents; or

15 “(2) publishes or displays any sign, symbol, or
16 advertisement, reasonably calculated to convey the
17 impression,

18 that an entity is affiliated with, funded by, or operating
19 under the authority of ACTION, VISTA, or any of the
20 programs of the National Senior Volunteer Corps may be
21 enjoined under an action filed by the Attorney General,
22 on a complaint by the Director.”.

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

24 Title IV (as amended by section 470) is further
25 amended by adding at the end the following new section:

3-26

1 **“SEC. 427. CENTER FOR RESEARCH AND TRAINING.**

2 The Director may establish, directly or by grant or
3 contract, a Center for Research and Training on Vol-
4 unteerism to carry out research concerning the impact of
5 volunteerism on individuals, organizations, and commu-
6 nities, provide training to help improve programs across
7 the country, and carry out such other functions as the Di-
8 rector determines to be appropriate.”.

9 **SEC. 472. DEPOSIT REQUIREMENT CREDIT FOR SERVICE AS**
10 **A VOLUNTEER.**

11 (a) CIVIL SERVICE RETIREMENT SYSTEM.—

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

14 (A) in paragraph (1)—

15 (i) in the first sentence, by inserting
16 “the period of an individual’s services as a
17 full-time volunteer enrolled in a program of
18 at least 1 year in duration under part A,
19 B, or C of title I of the Domestic Volun-
20 teer Service Act of 1973,” after “Economic
21 Opportunity Act of 1964,”;

22 (ii) in the second sentence, by insert-
23 ing “, as a full-time volunteer enrolled in
24 a program of at least 1 year in duration
25 under part A, B, or C of title I of the Do-
26 mestic Volunteer Service Act of 1973,”

3-27

1 after "Economic Opportunity Act of
2 1964,"; and

3 (iii) in the last sentence—

4 (I) by inserting "or under the
5 Domestic Volunteer Service Act of
6 1973" after "Economic Opportunity
7 Act of 1964"; and

8 (II) by inserting "or the Director
9 of ACTION, as appropriate," after
10 "Director of the Office of Economic
11 Opportunity"; and

12 (B) by adding at the end the following new
13 paragraph:

14 "(3) The provisions of paragraph (1) relating to
15 credit for service as a volunteer or volunteer leader
16 under the Economic Opportunity Act of 1964 or the
17 Domestic Volunteer Service Act of 1973 shall not
18 apply to any period of service as a volunteer or vol-
19 unteer leader of an employee or Member with re-
20 spect to which the employee or Member has made
21 the deposit with interest, if any, required by section
22 8334(1).".

23 (2) DEDUCTIONS, CONTRIBUTIONS, AND DEPOS-
24 ITS.—

3-28

1 (A) IN GENERAL.—Section 8334 of title 5,
2 United States Code, is amended by adding at
3 the end the following new subsection:

4 “(1)(1) Each employee or Member who has performed
5 service as a volunteer or volunteer leader under part A
6 of title VIII of the Economic Opportunity Act of 1964 or
7 as a full-time volunteer enrolled in a program of at least
8 1 year’s duration under part A, B, or C of title I of the
9 Domestic Volunteer Service Act of 1973, before the date
10 of separation from service on which the entitlement to any
11 annuity under this subchapter is based may pay, in ac-
12 cordance with such regulations as the Office of Personnel
13 Management shall issue, to the agency by which the em-
14 ployee is employed or, in the case of a Member or a con-
15 gressional employee, to the Secretary of the Senate or the
16 Clerk of the House of Representatives, as appropriate, an
17 amount equal to 7 percent of the readjustment allowance
18 paid to the employee or Member under section 803 of the
19 Economic Opportunity Act of 1964 or section 105(a) or
20 the Domestic Volunteer Service Act of 1973 for each pe-
21 riod of service as such a volunteer or volunteer leader.

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

24 “(A) the date of enactment of this subsection;
25 or

3-29

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 com-
5 puted annually beginning on the date of the expiration of
6 the 2-year period. The interest rate that is applicable in
7 computing interest in any year under this paragraph shall
8 be equal to the interest rate that is applicable for such
9 year under subsection (e).

10 “(3) Any payment received by an agency, the Sec-
11 retary of the Senate, or Clerk of the House of Representa-
12 tives under this subsection shall be immediately remitted
13 to the Office of Personnel Management for deposit in the
14 Treasury of the United States to the credit of the Fund.
15 “(4) The Director shall furnish such information to
16 the Office to the Personnel Management as the Office may
17 determine to be necessary for the administration of this
18 subsection.”.

19 (B) CONFORMING AMENDMENT.—Section
20 8334(e) of title 5, United States Code, is
21 amended in paragraphs (1) and (2) by striking
22 “or (k)” each place that such appears and in-
23 serting “(k), or (l)”.

24 (b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

3-30

1 (1) CREDITABLE SERVICE.—[Specifications
2 from OMB and ACTION conflict.] Section 8411 of
3 title 5, United States Code, is amended—

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

7 (B) by adding at the end the following new
8 subsection:

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

19 (2) DEDUCTIONS, CONTRIBUTIONS.—Section
20 8422 of title 5, United States Code, is amended by
21 adding at the end the following new subsection:

22 “(f)(1) Each employee or Member who has performed
23 service as a volunteer or volunteer leader under part A
24 of title VIII of the Economic Opportunity Act of 1964,
25 or as a full-time volunteer enrolled in a program or at

3-31

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

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

18 “(A) the date of enactment of this subsection,

19 or

20 “(B) the date on which the employee or Mem-
21 ber making the deposit first becomes an employee or
22 Member,

23 shall include interest on such amount computed and
24 compounded annually beginning on the date of the expira-
25 tion of the 2-year period. The interest rate that is applica-

3-32

1 ble in computing interest in any year under this paragraph
2 shall be equal to the interest rate that is applicable for
3 such year under section 8334(e).

4 “(3) Any payment received by an agency, the Sec-
5 retary of the Senate, or the Clerk of the House of Rep-
6 resentatives under this subsection shall be immediately re-
7 mitted to the Office of Personnel Management for deposit
8 in the Treasury of the United States to the credit of the
9 Fund.

10 “(4) The Director shall furnish such information to
11 the Office of Personnel Management as the Office may
12 determine to be necessary for the administration of this
13 subsection.”

14 (c) APPLICABILITY AND OTHER PROVISIONS.—

15 (1) APPLICABILITY.—

16 (A) TIMING.—The amendments made by
17 subsections (a) and (b) shall apply with respect
18 to credit for service as a volunteer or volunteer
19 leader under the Economic Opportunity Act of
20 1964 or the Domestic Volunteer Service Act of
21 1973 to individuals who are entitled to an an-
22 nuity on the basis of a separation from service
23 occurring before, on, or after the effective date
24 of this Act.

3-33

1 (B) SEPARATION.—In the case of any indi-
2 vidual whose entitlement to an annuity is based
3 on a separation from service occurring before
4 the date of enactment of this Act, any increase
5 in such individual's annuity on the basis of a
6 deposit made pursuant to section 8334(l) or
7 section 8442(f) of title 5, United States Code,
8 as amended by this Act, shall be effective only
9 with respect to annuity payments payable for
10 calendar months beginning after the date of en-
11 actment of this Act.

12 (2) ACTION TO INFORM INDIVIDUALS.—The Di-
13 rector of the Office of Personnel Management shall
14 take such action as may be necessary and appro-
15 priate to inform individuals entitled to credit under
16 this section for service as a volunteer or volunteer
17 leader, or to have any annuity recomputed, or to
18 make a deposit under this section, of such entitle-
19 ment.

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

22 **SEC. 481. AUTHORIZATION OF APPROPRIATIONS FOR**
23 **TITLE I.**

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

§482J of Higher Ed Act
(b). changed "October 1, 1992" to
"October 1, 1989"
+ make subject to §465(a)(5)

TAX changes

make educational award not subject to
tax and make it not affect eligibility
for or amount of federal means-tested
benefits (including those under the Social Security
Act).

Do by
cross ref. to
§465(a)
(5)

make living allowance not affect the
participants' parents' eligibility for amount
eligibility for federal means-tested benefits (including
those under the Soc Sec Act.

Note - please can we do this by cross-reference
to § 481 of DWSA or to some part of
JTPA ??

§ 482J of Higher Ed Act
(b). changed "October 1, 1992" to
"October 1, 1989"
+ make subject to § 465(a)(5)

TAX changes

Do by cross ref. to § 465(a)(5) → make educational award not subject to tax and make it not affect eligibility for or amount of federal means-tested benefits (including those under the Social Security Act).

make living allowance not affect the participants parents' eligibility for amount of federal means-tested benefits (including those under the Soc Sec. Act).

Please
Note - can we do this by cross-reference to § 481 of DWSA or to some part of JTPA ??

OFFICE OF MANAGEMENT AND BUDGET

Legislative Reference Division
Labor - Welfare - Personnel Branch

Facsimile Transmittal Sheet



FROM: Chris Mustain

DATE: 4/29

TO:

Jack Lew

PHONE: 395-3923

FAX: 395-6148

TIME: 3:00

PAGES SENT (including transmittal sheet):

11

COMMENTS:

Attached is a cleaner version of the comments I forwarded yesterday from OPM. Nothing is new in this package, it's just more clear to read.

Check carefully - comments on EAV
Cooperation were contrary to policy.

PLEASE CALL THE PERSON(S) NAMED ABOVE FOR IMMEDIATE PICK-UP.

Gary -

Please
check these
changes -

Are they okay?

If so, mark on
new draft + FAX to

me -

Shirley

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
4 grants to, or enter into contracts with, organizations in
5 order to carry out its responsibilities."

6 SEC. 472. DEPOSIT REQUIREMENT CREDIT FOR SERVICE AS

7 A VOLUNTEER.

8 (a) CIVIL SERVICE RETIREMENT SYSTEM.—

9 (1) CREDITABLE SERVICE.—Section 8382(j) of
10 title 5, United States Code, is amended—

11 (A) in paragraph (1) ^{(i) by inserting "as a}
12 ^{(ii) in the first and second sentences}
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 ^{(iii) in the last sentence}—

17 (B) by adding at the end thereof the fol-
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, ^{and the Peace} ^{Corps Act} ^{Chapter 34} ^{of title 22} ^(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

April 23, 1993

Volunteer Service Act of 1973" after "Economic
Opportunity Act of 1964"; and
"Director of the Office of Economic
Opportunity"; and

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 8384 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, ^{or as a volunteer} 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~~ 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, ^{or section} for each pe-
25 riod of service as such a volunteer or volunteer leader.

the Peace
Corps Act
or volunteer
leader under
Chapter 34
of title 52

2504(c)
or 2505(1)
of title 52

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-~~ *compounded*
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 (c).

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 “(3) The Director ^{and the Peace Corps} 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

202

1 (2) by striking "or (k)" each place ^{it} ~~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, ^{or as a volunteer} performed at any
17 time prior to the separation from service, ^{on which} 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)."

or volunteer
leader under
the Peace
Corps Act
Chapter 94
of Title 22

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 ~~of~~ at
5 least 1 year's duration under part A, B, or C of title I
6 of the Domestic Volunteer Service Act of 1978, ^{or as a} 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 1978, ^{or Section 2504(c) or} for each period of service
19 as such a volunteer or volunteer leader.

*Volunteer or
volunteer
leader under
the Peace Corps
Act [Chapter
34 of H.R. 22],*

*2505(1) of
title 22*

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

204

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 ~~"(2) 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 ^{and the Peace Corps}
17 "(4) The Director^s of ACTION shall furnish such in-
18 formation to the Office of Personnel Management as the
19 Office may determine to be necessary for the administra-
20 tion of this subsection."

21 (c) APPLICABILITY AND OTHER PROVISIONS.—

22 (1) APPLICABILITY.—

23 (A) The amendments made by subsection⁽¹⁾
24 (a) and ~~(b)~~ shall apply with respect to credit for
25 service as a volunteer or volunteer leader under
 the Economic Opportunity Act of 1964, ~~or~~ the

DISCUSSION DRAFT

S.L.C.

205

or the Peace Corps Act
[Chapter 34
of title 22]

1 Domestic Volunteer Service Act of 1973
2 individuals who are entitled to an annuity on the
3 basis of a separation from service occurring ~~on~~

4 ~~from~~, on, or after the effective date of this Act.

5 (B) In the case of any individual ~~who is~~ ^{who is entitled to an}
6 ~~annuity under subchapter III of chapter 83 of title 5,~~
7 ~~entitlement to an annuity is based on a separation~~

8 ~~commencing from service occurring before the date of enact-~~
9 ~~ment of this Act, any increase in such individ-~~
10 ~~ual's annuity on the basis of a deposit made~~

11 ~~and section 8332(j)(1) of title 5 shall not apply to such~~
12 ~~individual. Any annuity increase resulting from~~
13 ~~of title 5, United States Code, as amended by~~

14 ~~application of the preceding sentence shall be effective~~
15 ~~this Act, shall be effective only with respect to~~

16 annuity payments payable for calendar months

17 beginning after the ~~date of enactment~~ ^{effective date} of this

18 Act.

19 (b) The amendments made by subsection (b)
20 ~~(B) In the case of any individual who is~~
21 ~~entitled to an annuity under subchapter III of~~
22 ~~chapter 83 of title 5, United States Code, credit~~
23 ~~of 1964, the Domestic Volunteer Service Act of 1973, or the Peace Corps~~
24 ~~for service under such subchapter III shall be~~
25 ~~subject to paragraphs (2) through (8) of individuals who are entitled to an~~
26 ~~annuity on the basis of~~
27 ~~a separation from service occurring before, on, or after, the effective~~
28 ~~date of this~~
29 ~~Act.~~

30 (2) OLD AGE OR SURVIVOR'S ENTITLEMENT.—

31 Subject to paragraph (8), in any case in which an

32 individual described in paragraph (1)(C) is also enti-

33 tled to old age or survivor's insurance benefits under

34 section 202 of the Social Security Act (or would be

35 (ii) In the case of any individual whose entitlement to an annuity is
based on a separation from service occurring before the effective date of this Act,
any increase in such individual's annuity on the basis of a deposit made
under section 8442(f) of title 5, as amended by this Act, shall be
effective only with respect to annuity payments payable for calendar months beginning
after the effective date of this Act.

DISCUSSION DRAFT

S.L.C.

206

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—

*The Peace
Corps Act
Chapter 34
of title 22*

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

[Section 409 of title 42]

and the Peace Corps Act Chapter 34 of title 22

[Section 430 of title 42]

[Section 415(e)(1) of title 42]

DISCUSSION DRAFT

S.L.C.

207

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, ^[section 409 of title 42] and all self-employment
5 income (within the meaning of section 211(b) of
6 such Act, ^[section 411(b) of title 42] 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(a)(1) of such
11 Act, ^[section 415(e)(1) of title 42] for each such year.

12 (3) LIMITATION. ^(A) 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 ^{section 8332(j)}
16 ~~of title 5 applied to the individual for such month,~~
~~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).

(B) Paragraph (2) shall not apply in the case of an individual
who, prior to enactment of this Act, made a deposit for such
service under section 8334(c) of title 5.

DISCUSSION DRAFT

S.L.C.

208

[section 402(a) of title 42]

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 88 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

1 “(c) LIMITATION ON NUMBER OF TERMS OF SERV-
2 ICE FOR BENEFITS.—Although an individual may serve
3 more than two terms of service described in subsection (b)
4 in an approved national service position, the individual
5 shall receive a post-service educational benefit from the
6 National Service Trust only on the basis of the first two
7 of such terms of service successfully completed.

*Put limit
in c + cross
ref*

8 “(d) TIME FOR USE OF EDUCATIONAL BENEFIT.—

9 “(1) FIVE YEAR REQUIREMENT.—An individual
10 eligible to receive a post-service educational benefit
11 under this section ^{may only} ~~shall not receive or use the benefit~~ *unlike*
12 ~~after~~ the end of the five-year period beginning on *in English!*
13 the date the individual completed the final ~~required~~
14 term of service in an approved national service posi-
15 ~~tion that is the basis for receiving the benefit.~~

16 “(2) EXCEPTION.—Subsection (a) ⁽¹⁾ shall not
17 apply if the Corporation determines, on case by case
18 basis, that an individual was unavoidably prevented
19 from using the post-service educational benefit dur-
20 ing such time period.

21 **“SEC. 147. AMOUNT AND AUTHORIZED USES OF THE POST-**
22 **SERVICE EDUCATIONAL BENEFIT.**

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

1 an approved national service position shall receive a ^{N.S.} ~~post-~~
 2 ~~service~~ educational benefit equal to \$5,000 for each of not
 3 more than two such terms of service.

4 “(b) AMOUNT FOR SERVICE AFTER ^{Post-sec} COLLEGE.—An
 5 individual described in section 146(a) who **[completes]**
 6 **begins?** a required term of service in an approved na-
 7 tional service position after receiving a baccalaureate de-
 8 gree from an institution of higher education shall be per-
 9 mitted to select one of the following ^{N.S.} ~~post-service~~ edu-
 10 cational benefit options upon successfully completing such
 11 term of service:

12 “(1) \$5,000 for each of not more than two suc-
 13 cessfully completed terms of service in an approved
 14 national service position.

15 “(2) The amount equal to the balance of all
 16 qualified Federal student loans ^{as specified in 148(b)(1)} on behalf of the indi-
 17 vidual which were outstanding on the date the indi-
 18 vidual first began serving in an approved national
 19 service position after receiving a baccalaureate de-
 20 gree, except that such amount shall not exceed
 21 \$10,000 for each of not more than two successfully
 22 completed terms of service in an approved national
 23 service position.

24 “(c) NO BENEFIT FOR PARTIAL COMPLETION OF
 25 SERVICE.—If an individual serving in an approved na-

do completely

[make sure this doesn't sound like cash]

1 tional service position is released from completing the term
2 of service agreed to by the individual, the individual shall
3 not receive any portion of the post-service educational ben-
4 efit approved for the individual.

5 “(d) LIMITATION ON USE OF CERTAIN BENEFIT OP-
6 TION.—In the case of an individual described in subsection
7 (b) who selects the post-service educational benefit option
8 specified in paragraph (2) of such subsection, the individ-
9 ual may use the educational benefit only for the repayment
10 of outstanding student loans under section 148(b) that
11 were used to calculate the amount of the educational bene-
12 fit.

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

19 “(f) BENEFIT EXCLUSION FROM MEANS-TESTED
20 PROGRAMS.—Any amount received by an individual as a
21 post-service educational benefit from the National Service
22 Trust shall not be included as income for purposes of de-
23 termining eligibility for means-tested Federal programs.
24 **[Is ‘means-tested Federal programs’ defined**

← *me*

1 ~~somewhere?~~ Are you referring to just Higher
2 Ed programs?]

3 "SEC. 148. DISBURSEMENT OF POST-SERVICE EDU-
4 CATIONAL BENEFITS.

5 "(a) IN GENERAL.—Amounts in the Trust shall be
6 available—

7 "(1) to repay student loans in accordance with
8 subsection (b);

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

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

15 "(b) USE OF EDUCATIONAL BENEFIT TO REPAY
16 OUTSTANDING STUDENT LOANS.—

17 "(1) APPLICATION BY ELIGIBLE INDIVID-
18 UALS.—An eligible individual under section 146 who
19 desires to apply his or her post-service educational
20 benefit to the repayment of qualified student loans
21 shall submit, on a form prescribed by the Corpora-
22 tion, an application to the Corporation that—

23 "(A) identifies the lender or lenders of
24 such loans;

holder?

1 “(B) indicates ~~the~~ amounts of principal
2 and interest outstanding on the loans; and

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

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

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

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

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

3 “(5) AUTHORITY TO AGGREGATE PAYMENTS.—
4 The Corporation may, by regulation, provide for the
5 aggregation of payments to lenders under this sub-
6 section. [Timing problems—but will need this to
7 avoid administration costs.]

8 “(6) DEFINITION OF QUALIFIED STUDENT
9 LOANS.—The term ‘qualified student loans’ means—
10 “(A) any loan made, insured, or guaran-
11 teed pursuant to title IV of the Higher Edu-
12 cation Act of 1965, other than a loan to a par-
13 ent of a student pursuant to section 428B of
14 such Act;

15 “(B) any loan made pursuant to title VII
16 of the Public Health Service Act;

17 “(C) [other - to be supplied]

18 (7) [other - to be supplied]

19 “(c) USE OF EDUCATIONAL BENEFITS TO PAY CUR-
20 RENT EDUCATIONAL EXPENSES.—

21 “(1) APPLICATION BY ELIGIBLE INDIVIDUAL.—
22 An eligible individual under section 146 who desires
23 to apply his or her post-service educational benefit
24 to the payment of current educational expenses
25 shall, on a form prescribed by the Corporation, sub-

*non defaulted
not fully
repayed*

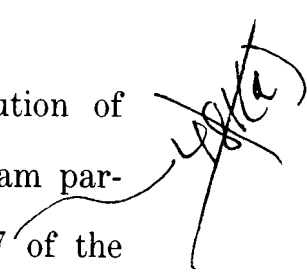
1 mit an application to the institution of higher edu-
2 cation in which student will be enrolled that contains
3 such information as the Corporation may require to
4 verify the individual's eligibility.

5 “(2) SUBMISSION OF REQUESTS FOR PAYMENT
6 BY INSTITUTIONS.—An institution of higher edu-
7 cation that receives one or more applications that
8 comply with paragraph (1) ~~may~~ shall submit to
9 the Corporation a statement, in a form prescribed by
10 the Corporation, that—

11 “(A) identifies the eligible individuals filing
12 applications under paragraph (1) for a dis-
13 bursement of the individual's post-service edu-
14 cational benefit under this subsection;

15 “(B) specifies the amounts for which such
16 eligible individuals are, consistent with para-
17 graph (6), qualified for disbursement under this
18 subsection;

19 “(C) certifies that (i) the institution of
20 higher education has in effect a program par-
21 ticipation agreement under section 487 of the
22 Higher Education Act of 1965 (20 U.S.C.
23 1094), and (ii) the institution's eligibility to
24 participate in programs under title IV of such



1 Act has not been limited, suspended, or termi-
2 nated; and

3 “(D) contains such provisions concerning
4 **【financial compliance】** as the Corporation may
5 require.

6 “(3) DISBURSEMENT OF PAYMENTS.—Upon re-
7 ceipt of a statement from an institution of higher
8 education that complies with paragraph (2), the Cor-
9 poration shall, subject to paragraph (4), disburse the
10 total amount of the post-service educational benefits
11 for which eligible individuals who have submitted ap-
12 plications to that institution under paragraph (1)
13 are qualified. Such disbursement shall be made by
14 check or other means that is payable to the institu-
15 tion and requires the endorsement or other certifi-
16 cation by the eligible individual.

17 “(4) MULTIPLE DISBURSEMENTS REQUIRED.—
18 The total amount required to be disbursed to an in-
19 stitution of higher education under paragraph (3)
20 for any period of enrollment shall be disbursed by
21 the Corporation in 2 or more installments, none of
22 which exceeds $\frac{1}{2}$ of such total amount. The interval
23 between the first and second such installment shall
24 not be less than $\frac{1}{2}$ of such period of enrollment, ex-
25 cept as necessary to permit the second installment to

*Schedule
for disbursement*

1 be paid at the beginning of the second semester,
2 quarter, or similar division of such period of enroll-
3 ment.

4 “(5) REFUND RULES.—The Corporation shall,
5 by regulation, provide for the refund to the Corpora-
6 tion (and the crediting to the post-service edu-
7 cational benefit of an eligible individual) of amounts
8 disbursed to institutions for the benefit of eligible in-
9 dividuals who withdraw or otherwise fail to complete
10 the period of enrollment for which the assistance
11 was provided. Such regulations shall be consistent
12 with the fair and equitable refund policies required
13 of institutions pursuant to section 484B of the
14 Higher Education Act of 1965.

15 “(6) MAXIMUM BENEFIT.—The portion of an
16 eligible individual’s total available post-service edu-
17 cational benefit that may be disbursed under this
18 subsection for any period of enrollment shall not ex-
19 ceed the difference between—

20 “(A) the eligible individual’s cost of attend-
21 ance for such period of enrollment, determined
22 in accordance with section 472 of the Higher
23 Education Act of 1965; and

24 “(B) the sum of (i) the student’s estimated
25 financial assistance for such period pursuant to

1 part A of title IV of such Act, and (ii) the stu-
2 dent's veterans' education benefits, determined
3 in accordance with section 480(c) of such Act.

4 “(7) **【Other to be supplied】**.—

5 “(d) **USE OF EDUCATIONAL BENEFIT TO PARTICI-**
6 **PATE IN APPRENTICESHIP PROGRAMS.**—The Corporation
7 shall by regulation provide for the payment of post-service
8 educational benefits to permit eligible individuals to par-
9 ticipate in recognized and approved apprenticeship pro-
10 grams. Such regulations shall—

11 (1) **【conditions for regulations to be supplied**
12 **on basis of labor initiatives】**. 

13 “(e) **GENERAL ADMINISTRATIVE PROVISIONS.**—

14 **【to be supplied - may already be located in**
15 **general Corporation powers.】**

16 “(f) **【Addition Provisions - to be supplied】**.

17 “(g) **DEFINITION OF INSTITUTION OF HIGHER EDU-**
18 **CATION.**—Notwithstanding section 101 of this Act, for
19 purposes of this section the term ‘institution of higher
20 education’ has the meaning provided by section 481(a) of
21 the Higher Education Act of 1965 (20 U.S.C. 1088(a)).”.

22 (b) **TABLE OF CONTENTS.**—Section 1(b) of the Na-
23 tional and Community Service Act of 1990 (Public Law
24 101-610; 104 Stat. 3127) is amended by striking the

1 items relating to subtitle D of title I of such Act and in-
2 serting the following new items:

“Subtitle D—National Service Trust and Provision of Post-Service
Educational Benefits

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

“Sec. 146. Individuals eligible to receive a post-service educational benefit from
the Trust.

“Sec. 147. Amount and authorized uses of the post-service educational benefit.

“Sec. 148. Disbursement of post-service educational benefits.”.

3 (c) CONFORMING AMENDMENTS.—

4 [(1) IMPACT ON ELIGIBILITY FOR STAFFORD
5 LOANS.—Section 428(a)(2)(C)(i) of the Higher Edu-
6 cation Act of 1965 (20 U.S.C. 1078(a)(2)(C)(i)) is
7 amended by inserting after “parts A and C of this
8 title,” the following: “any post-service educational
9 benefit such student will receive under subtitle D of
10 title I of the National and Community Service Act
11 of 1990 (42 U.S.C. 12751 et seq.),”.] [This at-
12 tempts to prevent “overborrowing” of subsidized
13 loans by service benefit recipients.]

14 [(2) IMPACT ON GENERAL NEEDS ANALYSIS.—
15 Section 480(j) of such Act (42 U.S.C. 1087vv(j)) is
16 amended by adding at the end the following new
17 paragraph:

18 [“(3) Notwithstanding paragraph (1), esti-
19 mated financial assistance not received under this
20 title does not include any post-service educational
21 benefit such student will receive under subtitle D of
22 title I of the National and Community Service Act

1 of 1990 (42 U.S.C. 12751 et seq.),”.] [This at-
2 tempts to prevent reduction of grants to service ben-
3 efit recipients.]

4 ~~(3) [Need to amend 480(b)(7)?]~~

5 **TITLE II—ORGANIZATION**

6 **SEC. 201. CORPORATION FOR NATIONAL SERVICE.**

7 (a) IN GENERAL.—Title I of the National and Com-
8 munity Service Act of 1990 is amended—

9 (1) by repealing subtitle G (42 U.S.C. 12651);

10 and

11 (2) by inserting the following:

12 **“Subtitle G—Corporation for** 13 **National Service**

14 **“PART I—ORGANIZATION**

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

16 “There is established a Corporation for National
17 Service that shall administer the programs established
18 under the national service laws. The Corporation shall be
19 a Government corporation, as defined in section 103 of
20 title 5, United States Code.

21 **“SEC. 191A. BOARD OF DIRECTORS.**

22 “(a) COMPOSITION.—

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

1 “(A) 11 members, including the Chair-
2 person appointed under section 191C, to be ap-
3 pointed by the President by and with the advice
4 and consent of the Senate; and

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

7 “(2) QUALIFICATIONS.—To the maximum ex-
8 tent practicable, the President shall appoint
9 members—

10 “(A) who have extensive experience in [vol-
11 unteer and service opportunity] programs and
12 who represent a broad range of viewpoints;

13 “(B) who have expertise in the area of
14 human, educational, environmental, or public
15 safety service; and

16 “(C) so that the Board shall be diverse ac-
17 cording to race, ethnicity, age, and gender, and
18 shall have bipartisan representation.

19 “(3) INITIAL MEMBERS.—The members first
20 appointed to the Board after the date of enactment
21 of this section shall be appointed from among indi-
22 viduals who served on the Board of Directors of the
23 Commission on National and Community Service.

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

*may be granted
provided they
renew*

1 Services, the Secretary of Labor, the Secretary of
2 the Interior, the Secretary of Agriculture, the Sec-
3 retary of Housing and Urban Development, and the
4 Secretary of Defense shall serve as ^{non-voting} ex officio mem-
5 bers of the Board.

Justice

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

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

19 **“SEC. 191B. AUTHORITIES AND DUTIES OF THE BOARD OF**
20 **DIRECTORS.**

21 “(a) MEETINGS.—The Board shall meet not less than
22 three times each year. The Board shall hold additional
23 meetings if six members of the Board request such meet-
24 ings in writing.

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

3 “(c) VICE CHAIRPERSON.—The Board shall elect a
4 Vice Chairperson from among its membership. The Vice
5 Chairperson may conduct meetings of the Board in the
6 absence of the Director.

*and another
officer
as the
Board wants?*

7 “(d) EXPENSES.—While away from their homes or
8 regular places of business on the business of the Board,
9 members of such Board may be allowed travel expenses,
10 including per diem in lieu of subsistence, as is authorized
11 under section 5703 of title 5, United States Code, for per-
12 sons employed intermittently in the Government service.

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

*— does this
exclude
Chair +
ex. Pres?*

19 “(f) DUTIES.—The Board shall—

20 “(1) advise the Director with respect to policies,
21 programs, and procedures for carrying out the func-
22 tions, duties, or responsibilities of the Director
23 under the national service laws;

24 “(2) advise the Director and the Congress con-
25 cerning developments in national and community

*add:
approve n.s.
criteria
approve grants,
stoks*

staff rule?

1 service that merit the attention of the Director and
2 the Congress;

3 “(3) ^{ignore a} ~~(prepare)~~ (an annual) strategic plan ^{for the Corp} (that
4 makes recommendations to the Director) with respect
5 to the policies, standards, criteria, procedures, con-
6 tracts, agreements, and payments described in sec-
7 tion 191D(e)(9);

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

10 “(5) provide for research with respect to na-
11 tional and community service programs, including
12 service-learning programs;

13 “(6) arrange for the evaluation of programs es-
14 tablished under the national service laws, in accord-
15 ance with section 179; and

16 “(7) carry out any other activities determined
17 to be appropriate by the Chairperson of the Corpora-
18 tion.

19 **“SEC. 191C. CHAIRPERSON.**

20 “(a) APPOINTMENT.—The Corporation shall be head-
21 ed by a Chairperson, who shall be appointed by the Presi-
22 dent by and with the advice and consent of the Senate.

23 “(b) COMPENSATION.—The Chairperson shall be
24 compensated at the rate provided for level III of the Exec-

*could be
Chair duty
↓
convene, as
necessary,
advisory
Committee with
expertise in
ed, human,
p.s., as to
advise the
Board.*

1 utive Schedule under section 5314 of title 5, United States
2 Code.

3 “(c) EXECUTIVE DIRECTOR.—The Chairperson shall
4 serve as the ~~Executive~~ Director of the Corporation. ?

5 “(d) REGULATIONS.—The Chairperson shall pre-
6 scribe such rules and regulations as are necessary or ap-
7 propriate to carry out the national service laws.

8 **“SEC. 191D. AUTHORITIES AND DUTIES OF THE CHAIR-**
9 **PERSON.**

10 “(a) GENERAL POWERS AND DUTIES.—The ~~Director~~ ^{Chair}
11 shall be responsible for the exercise of all powers and the
12 discharge of all duties of the Corporation (and shall have
13 authority and control over all personnel and activities of
14 the Corporation.) needed?

15 “(b) DUTIES.—In addition to the duties conferred on
16 the Director under the Domestic Volunteer Service Act of
17 1973, the ~~Director~~ ^{Chair} shall— or the designee of the chair delegate to staff

18 “(1) design, administer, and disseminate infor-
19 mation regarding the programs and initiatives of
20 the Corporation;

21 “(2) consult with appropriate Federal agencies
22 in administering such programs;

23 “(3) directly or through contract with public or
24 private nonprofit organizations that have extensive
25 experience in service programs—

1 “(A) provide training and technical assist-
2 ance to entities carrying out programs under
3 the national service laws; and

4 “(B) support other activities that build the
5 capacity of organizations to operate quality na-
6 tional service programs and expand opportuni-
7 ties for youth leadership; and

8 “(4) notify the Board of any substantial dif-
9 ferences between the actions of the ^{Chair}(Director) and the
10 (recommendations of the) strategic plan described in
11 section 191B(f)(3).

12 “(c) POWERS.—In addition to the authority conferred
13 on the Director under the Domestic Volunteer Service Act
14 of 1973, the ^{Chair}(Director) may—

15 “(1) establish, alter, consolidate, or discontinue
16 such organizational units or components within the
17 Corporation as the ^{Chair}(Director) considers necessary or
18 appropriate;

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

20 “(A) arrange with and reimburse the heads
21 of other Federal agencies for the performance
22 of any of the provisions of the national service
23 laws; and

24 “(B) as necessary or appropriate—

1 “(i) delegate any of the functions of
2 the ^{Chair}(Director) under the national service
3 laws to such heads of Federal agencies;
4 and

5 “(ii) authorize the redelegation of
6 such functions,

7 subject to provisions to assure the maximum
8 possible liaison between the Corporation and
9 such other agencies at all operating levels;

10 “(3) with their consent, utilize the services and
11 facilities of Federal agencies without reimbursement,
12 and, with the consent of any State or a political sub-
13 division of a State, accept and utilize the services
14 and facilities of the agencies of such State or sub-
15 divisions without reimbursement;

16 “(4) allocate and expend, or transfer to other
17 Federal agencies for expenditure, such funds made
18 available under the national service laws as the ^{Chair}(Di-
19 rector) determines to be necessary to carry out the
20 provisions of such Acts, including expenditure for
21 construction, repairs, and capital improvements;

22 “(5) disseminate, without regard to the provi-
23 sions of section 3204 of title 39, United States
24 Code, data and information, in such form as the ^{Chair}(Di-
25 rector) shall determine to be appropriate to public

1 agencies, private organizations, and the general pub-
2 lic;

3 “(6) collect or compromise all obligations to or
4 held by the (Director) and all legal or equitable rights
5 accruing to the (Director) in connection with the pay-
6 ment of obligations in accordance with chapter 37 of
7 title 31, United States Code (commonly known as
8 the ‘Federal Claims Collection Act of 1966’);

9 “(7) expend funds made available for such pur-
10 poses, without regard to any other law or regulation,
11 for rent of buildings and space in buildings and for
12 repair, alteration, and improvement of buildings and
13 space in buildings rented by the (Director);

14 ~~“(8) notwithstanding any other provision of~~
15 ~~law, make grants to or contracts with Federal or~~
16 ~~other public departments or agencies and private~~
17 ~~nonprofit organizations for the assignment or refer-~~
18 ~~ral of volunteers under the provisions of the national~~
19 ~~service laws (except as provided in section 108 of the~~
20 ~~Domestic Volunteer Service Act of 1973), which may~~
21 ~~provide that the agency or organization shall pay all~~
22 ~~or a part of the costs of the program;~~

23 “(9) establish such policies, standards, criteria,
24 and procedures, enter into such contracts and agree-
25 ments with public agencies and private organizations

1 and persons, and make such payments (in lump sum
2 or installments, and in advance or by way of reim-
3 bursement, and in the case of grants otherwise au-
4 thorized under such provisions, with necessary ad-
5 justments on account of overpayments and under-
6 payments) as are necessary or appropriate to carry
7 out such provisions;

8 (10) sue **【and be sued】** in any court of record
9 of a State having general jurisdiction or in any dis-
10 trict court of the United States, **【with respect to a**
11 **civil action arising under the national service laws】**;
12 and

13 “(11) generally perform such functions and
14 take such steps consistent with the purposes and
15 provisions of the national service laws, as the (Direc-
16 tor) determines to be necessary or appropriate to
17 carry out such provisions.

18 (d) ACTION.—**【In an action described in subsection**
19 **(c)(10)—**

20 (1) a district court referred to in such section
21 shall have jurisdiction of such a civil action without
22 regard to the amount in controversy;

23 (2) such an action brought by **【or against】** the
24 (Director) shall survive notwithstanding any change in

1 the person occupying the office of (Director) or any
2 vacancy in that office;

3 (3) no attachment, injunction, garnishment, or
4 other similar process, mesne or final, shall be issued
5 against the (Director) or property under the control of
6 the (Director); and

7 (4) nothing in this section shall be construed to
8 except litigation arising out of activities under the
9 national service laws from the application of sections
10 509, 517, 547, and 2679 of title 28, United States
11 Code.]

12 **"SEC. 191E. (OTHER) OFFICERS.**

13 ~~“(a) EXECUTIVE DIRECTOR.—~~

14 ~~“(1) IN GENERAL.—There shall be in the Ad-~~
15 ~~ministration an Executive Director.~~

16 ~~“(2) DUTIES.—The Executive Director shall~~
17 ~~carry out operational responsibility for all programs~~
18 ~~described in subsection (b)(3)(A). The Executive Di-~~
19 ~~rector shall identify promising service initiatives, and~~
20 ~~coordinate the work of the Corporation with the~~
21 ~~work of other Federal agencies involved in service~~
22 ~~activities and in the design of a competitive grant to~~
23 ~~provide assistance as authorized under the programs~~
24 ~~described in subsection (b)(3)(B).~~

25 ~~“(b) MANAGING DIRECTORS.—~~

Drop

1 “(1) IN GENERAL.—There shall be in the Ad-
2 ministration two Managing Directors. *appointed by the Chair?*

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

7 “(3) DUTIES.—

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

12 “(B) ~~GRANT~~ *investment* PROGRAMS.—The other Man-
13 aging Director shall be primarily responsible for
14 the grant programs carried out by the Corpora-
15 tion.

16 “(c) INSPECTOR GENERAL.—

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

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

23 “(3) COMPENSATION.—The Inspector General
24 shall be compensated at the rate provided for level

Chair?
Pres?
Adv. & Comm?

1 IV of the Executive Schedule under section 5315 of
2 title 5, United States Code.

3 “(4) DUTIES.—【To be supplied.】

4 “SEC. 191F. EMPLOYEES, CONSULTANTS, AND OTHER PER-
5 SONNEL.

6 “(a) EMPLOYEES.—

7 “(1) IN GENERAL.—The ~~(Director)~~ *through the managing directors* may appoint
8 and determine the compensation of such employees
9 as the ~~(Director)~~ determines to be necessary to carry
10 out the duties of the Corporation.

11 “(2) TERMS.—【Such an employee shall be ap-
12 pointed for a term that shall not exceed 5 years, and
13 may be appointed for an additional term. No such
14 employee shall be appointed for a total period of
15 more than 7 years.】

16 “(3) APPOINTMENT AND COMPENSATION.—

17 “(A) IN GENERAL.—Except as provided in
18 subparagraphs (B) and (C), the ~~(Director)~~ *chair* may
19 appoint and determine the compensation of em-
20 ployees under this paragraph without regard to
21 the provisions of title 5, United States Code,
22 governing appointments in the competitive serv-
23 ice, and without regard to the provisions of
24 chapter 51 and subchapter III of chapter 53 of

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

3 “(B) LIMIT ON COMPENSATION.—The rate
4 of compensation for each employee appointed
5 under this paragraph shall not exceed the an-
6 nual rate of basic pay payable for level V of the
7 Executive Schedule under section 5316 of title
8 5, United States Code.

9 “(C) CIVIL SERVICE EMPLOYEES.—The
10 (Director) may appoint and determine the com-
11 pensation of not more than ____ positions in
12 the Corporation in accordance with the provi-
13 sions of title 5, United States Code.

14 “(b) CONSULTANTS.—The (Director) may procure the
15 temporary and intermittent services of experts and con-
16 sultants and compensate the experts and consultants in
17 accordance with section 3109(b) of title 5, United States
18 Code.

19 “(c) DETAILS OF PERSONNEL.—The head of any
20 Federal department or agency may detail on a reimburs-
21 able basis, or on a nonreimbursable basis for not to exceed
22 180 calendar days during any fiscal year, as agreed upon
23 by the (Director) and the head of the Federal agency, any
24 of the personnel of that department or agency to the Cor-
25 poration to assist the Corporation in carrying out the du-

1 ties of the Corporation under this Act. Any detail shall
2 not interrupt or otherwise affect the civil service status
3 or privileges of the Federal employee.

4 **“SEC. 192. ADMINISTRATION.**

5 “(a) DONATIONS.—

6 “(1) SERVICES.—

7 “(A) VOLUNTEERS.—Notwithstanding any
8 other provision of Federal law, the Corporation
9 may solicit and accept the voluntary services of
10 individuals, and provide to such individuals the
11 travel expenses described in section 191B(d).

12 “(B) LIMITATION.—Such a volunteer shall
13 not be considered to be a Federal employee and
14 shall not be subject to the provisions of law re-
15 lating to Federal employment, including those
16 relating to hours of work, rates of compensa-
17 tion, leave, unemployment compensation, and
18 Federal employee benefits, except that—

19 “(i) for the purposes of the tort
20 claims provisions of chapter 171 of title
21 28, United States Code, a volunteer under
22 this subtitle shall be considered to be a
23 Federal employee; and

24 “(ii) for the purposes of subchapter I
25 of chapter 81 of title 5, United States

1 Code, relating to compensation to Federal
2 employees for work injuries, volunteers
3 under this subtitle shall be considered to
4 be employees, as defined in section
5 8101(1)(B) of title 5, United States Code,
6 and the provisions of such subchapter shall
7 apply.

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

13 “(3) RULES.—The Director shall establish writ-
14 ten rules setting forth the criteria to be used in de-
15 termining whether the solicitation or acceptance of
16 contributions of money or property, real, personal,
17 or mixed, tangible or intangible, received by gift, de-
18 vice, bequest, or otherwise (pursuant to paragraph
19 (2)) would reflect unfavorably upon the ability of the
20 Corporation or any employee of the Corporation to
21 carry out the responsibilities or official duties of the
22 Corporation in a fair and objective manner, or would
23 compromise the integrity of the programs of the
24 Corporation or any official involved in such pro-
25 grams.

1 “(4) DISPOSITION.—Upon completion of the
2 use by the Corporation of any affected property,
3 such completion shall be reported to the General
4 Services Administration and such property shall be
5 disposed in accordance with title II of the Federal
6 Property and Administrative Services Act of 1949
7 (40 U.S.C. 471 et seq.).

8 “(b) TECHNICAL ASSISTANCE.—On the request of
9 the Director, the heads of other pertinent Federal agencies
10 shall provide, without reimbursement, such technical as-
11 sistance and administrative support services to the Cor-
12 poration as the Director determines to be necessary to
13 carry out the duties of the Corporation.

14 “(c) OBTAINING INFORMATION.—The Corporation
15 may secure directly from an officer, department, agency,
16 establishment, or instrumentality of the Federal Govern-
17 ment such information and statistics as the Corporation
18 may require to carry out the duties of the Corporation
19 under this Act, if the information may be disclosed under
20 section 552 of title 5, United States Code. Subject to the
21 previous sentence, on the request of the Director, each
22 such officer, department, agency, establishment, or instru-
23 mentality may furnish, to the extent permitted by law,
24 such information and statistics directly to the Corpora-
25 tion.

1 “(d) CONTRACTS.—Subject to the Federal Property
 2 and Administrative Services Act of 1949, the Corporation
 3 may enter into contracts, and cooperative and interagency
 4 agreements, with Federal and State agencies, private
 5 firms, institutions, and individuals to conduct activities
 6 necessary to carry out the duties of the Corporation under
 7 this Act.

8 **“PART II—CORPORATION PROGRAMS AND**
 9 **ACTIVITIES**

10 ~~“SEC. 193. GRANTS.”~~ *Fixed for Quality & Innovation*

11 “(a) IN GENERAL.—The Director may ~~make~~ *contact* grants
 12 ~~to eligible entities to assist the entities in—~~ *‘thru’ interagency agreements*

13 “(1) ~~developing~~ *developing* and ~~establishing~~ *establishing* model or inno-
 14 vative national service or community service pro-
 15 grams; and

16 “(2) ~~developing~~ *developing* and ~~providing~~ *providing* training, provid-
 17 ing technical assistance, ~~collecting~~ *collecting* and ~~disseminating~~ *disseminating*
 18 information, and ~~conducting~~ *conducting* outreach effects, relat-
 19 ing to national service or community service pro-
 20 grams.

21 “(b) ELIGIBLE ENTITIES.—To be eligible to receive
 22 a grant under subsection (a), an entity shall be a public
 23 or private nonprofit organization, an institution of higher
 24 education, a State agency, or a local educational agency.

*Should this
be subtitle
E?*

*may support:
Add: research/evaluation
Add: publications
Conference
Follows*

*visibility/
Promotion
recruitment
Nat'l agency
&*

*may include
rural youth,
Co-ops,
employer-based
retiree,
intergenerational,
disaster
relief*

1 “(c) APPLICATION.—To be eligible to receive a grant
2 under subsection (a), an entity shall submit an application
3 to the Director at such time, in such manner, and contain-
4 ing such information as the Director may require.

5 **“SEC. 193A. CLEARINGHOUSES.**

6 “The Corporation shall provide assistance to appro-
7 priate entities to establish one or more regional service
8 clearinghouses, including the clearinghouse described in
9 section 117N.

10 **“SEC. 193B. PRESIDENTIAL AWARDS FOR SERVICES.**

11 “(a) PRESIDENTIAL AWARDS.—

12 “(1) IN GENERAL.—The President, acting
13 through the Corporation, is authorized to make
14 Presidential Awards for service to—

15 “(A) individuals demonstrating outstand-
16 ing community service, including school-based
17 service;

18 “(B) outstanding service learning and com-
19 munity service programs; and

20 “(C) outstanding teachers in service-learn-
21 ing programs.

22 “(2) NUMBER OF AWARDS.—The President is
23 authorized to make one or more individual awards
24 under paragraph (1)(A), one or more teaching
25 awards under paragraph (1)(C), and one or more

1 program awards under paragraph (1)(B), in each
2 Congressional district, and in each State.

3 “(3) CONSULTATION.—The President shall con-
4 sult with each Governor, and with the Board, in the
5 selection of individuals and programs for the Presi-
6 dential Awards.

7 “(4) PARTICIPANTS IN PROGRAMS.—An individ-
8 ual receiving an award under this subsection need
9 not be a participant in a program assisted under
10 this title.

11 “(5) NATURE OF AWARD.—[In making an
12 award under this section to an individual, the
13 President—

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

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

19 “(b) INFORMATION.—The President shall ensure that
20 information concerning individuals and programs receiving
21 awards under this section is widely disseminated.”.

22 (b) AUTHORITIES OF ACTION AGENCY.—Sections
23 401 and 402 of the Domestic Volunteer Service Act of
24 1972 (42 U.S.C. 5041 and 5042) are repealed.

different §

1 (c) TRANSFERS.—[Transfer provisions to be sup-
2 plied. This draft assumes that the transfer provisions will
3 include language transferring into the Corporation (in ad-
4 dition to the General Schedule, schedule A, schedule C,
5 and Executive Schedule employees of the Commission on
6 National and Community Service and the ACTION Agen-
7 cy), certain officers of the Commission and the ACTION
8 Agency into the Corporation, and the Board of Directors
9 of the Commission. The transfer will take effect October
10 1, 1993.]

11 (d) CONTINUING PERFORMANCE OF CERTAIN FUNC-
12 TIONS.—

13 (1) DIRECTOR OF THE ACTION AGENCY.—An
14 individual who, on the day before the date of enact-
15 ment of this Act, is performing any of the functions
16 required by section 401 or 402 of the Domestic Vol-
17 unteer Service Act of 1973 (42 U.S.C. 5041 or
18 5042), as in effect on such date, to be performed by
19 the Director of the ACTION Agency may, subject to
20 section 191D of the National and Community Serv-
21 ice Act of 1990, as added by subsection (a) of this
22 section, continue to perform such functions until the
23 date on which such functions are assigned to an in-
24 dividual appointed as a Managing Director under
25 such Act.

1 (2) BOARD OF DIRECTORS OF THE COMMIS-
2 SION.—

3 (A) EX OFFICIO MEMBERS.—Section
4 190(b)(1)(B) of the National and Community
5 Service Act of 1990 is amended to read as fol-
6 lows:

7 “(B) EX OFFICIO MEMBERS.—The Sec-
8 retary of Education, the Secretary of Health
9 and Human Services, the Secretary of Labor,
10 the Secretary of the Interior, the Secretary of
11 Agriculture, the Secretary of Housing and
12 Urban Development, and the Secretary of De-
13 fense shall serve as ex officio members of the
14 Board.”.

15 (B) EFFECTIVE DATE.—The amendment
16 made by subparagraph (A) shall take effect on
17 the date of enactment of this Act.

18 (C) CONTINUING PERFORMANCE.—The in-
19 dividuals who, on the day after the date of en-
20 actment of this Act, are performing any of the
21 functions required by section 190 of the Na-
22 tional and Community Service Act of 1990 (42
23 U.S.C. 12651), as in effect on such date, to be
24 performed by the members of the Board of Di-
25 rectors of the Commission on National and

1 Community Service may, subject to section
2 191D of the National and Community Service
3 Act of 1990, as added by subsection (a) of this
4 section, continue to perform such functions
5 until the date on which such functions are as-
6 signed to the Board of Directors of the Cor-
7 poration for National Service. The employment
8 of such individuals shall terminate on such
9 date.

10 (e) TABLE OF CONTENTS.—

11 (1) ESTABLISHMENT AND APPOINTMENT AU-
12 THORITIES.—

13 (A) IN GENERAL.—Section 1(b) of the Na-
14 tional and Community Service Act of 1990 (42
15 U.S.C. 12401 note) is amended by striking the
16 item relating to section 190 of such Act and in-
17 serting the following:

“Sec. 190. Commission on National and Community Service.

“Sec. 191. Corporation for National Service.

“Sec. 191A. Board of Directors.

“Sec. 191C. Chairperson.”.

18 (B) EFFECTIVE DATE.—The amendments
19 made by paragraph (1) shall take effect on the
20 date of enactment of this Act.

21 (2) FULL AUTHORITIES.—

22 (A) IN GENERAL.—Section 1(b) of the Na-
23 tional and Community Service Act of 1990 (42

1 U.S.C. 12401 note) is amended by striking the
2 items relating to subtitle G of title I of such
3 Act and inserting the following:

“Subtitle G—Corporation for National Service

“PART I—ORGANIZATION

“Sec. 191. Corporation for National Service.

“Sec. 191A. Board of Directors.

“Sec. 191B. Authorities and duties of the Board of Directors.

“Sec. 191C. Chairperson.

“Sec. 191D. Authorities and duties of the Chairperson.

“Sec. 191E. Officers.

“Sec. 191F. Employees, consultants, and other personnel.

“Sec. 192. Administration.

“PART II—CORPORATION PROGRAMS AND ACTIVITIES

“Sec. 193. Grants.

“Sec. 193A. Clearinghouses.

“Sec. 193B. Presidential awards for services.”.

4 (B) EFFECTIVE DATE.—The amendments
5 made by paragraph (3) shall take effect on Oc-
6 tober 1, 1993.

7 (f) EFFECTIVE DATES.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), the amendments made by subsections (a)
10 and (b) shall take effect on October 1, 1993.

11 (2) ESTABLISHMENT AND APPOINTMENT AU-
12 THORITIES.—Sections 191, 191A, and 191C of the
13 National and Community Service Act of 1990, as
14 added by subsection (a), shall take effect on the date
15 of enactment of this Act.

1 **SEC. 202. STATE COMMISSIONS ON NATIONAL SERVICE.**

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

6 **“SEC. 178. ESTABLISHMENT OF STATE COMMISSIONS ON**
7 **NATIONAL SERVICE.**

8 “(a) ESTABLISHMENT REQUIRED.—To be eligible to
9 receive a grant or allotment under subtitles B, C, or E,
10 or to receive a distribution of approved national service
11 positions under subtitle D, a State shall establish a State
12 Commission on National Service that satisfies the require-
13 ments of this section. *A*

*need
approval
of
State
Commission*

*Not later
than date*

14 “(b) APPOINTMENT AND SIZE.—Except as provided
15 in subsection (c)(2), the members of a State Commission
16 shall be appointed by the chief executive officer of the
17 State. A State Commission shall consist of _____ [num-
18 ber] of members.

not less than 7 nor more than

19 “(c) COMPOSITION AND MEMBERSHIP.—

32 members

20 “(1) IN GENERAL.—_____ [number] of the
21 members of a State Commission shall be appointed
22 from among the following:

23 “(A) Representatives of State agencies op-
24 erating community service, youth service, edu-
25 cation, social service, senior service, and job
26 training programs.

Do

*Waiver if
already have
board*

*may be at
office*

1 “(B) Representatives of labor, business,
 2 ~~agencies working with youth~~, community-based
 3 ~~organizations (such as community action agen-~~
 4 ~~cies)~~, students, teachers, Older American Vol- *Older American*
 5 unteer Programs established under title II of *Volunteer*
 6 the Domestic Volunteer Act of 1973 (42 U.S.C.
 7 5001 et seq.), ~~full-time youth corps programs~~, *programs*
 8 ~~school-based community service programs~~, high- *educators*
 9 er education ~~institutions~~, local ~~educational~~ *for school-age*
 10 agencies, ~~volunteer public safety organizations~~, *youth*
 11 educational ~~partnership programs~~, and other *n.s.*
 12 ~~organizations working with volunteers.~~

13 “(2) CORPORATION REPRESENTATIVE.—The
 14 representative of the Corporation designated under
 15 section 134 for the State shall be a full voting mem-
 16 ber of the State Commission.

17 “(3) MEMBERSHIP BALANCE.—To the extent
 18 practicable, the chief executive officer of a State
 19 shall ensure that the membership of the State Com-
 20 mission is balanced according to race, ethnic back-
 21 ground, age, and gender. *bipartisan*

22 “(4) CHAIRPERSON.—The members of a State
 23 Commission shall ~~select~~ *elect?* one of the members to serve
 24 as chairperson of the State Commission.

(A) *Subject matter experts*

Members receive no compensation but may be reimbursed for expenses

include 2 part time

1 “(d) DUTIES OF A STATE COMMISSION.—The State
2 Commission shall be responsible for the following duties:

3 “(1) Preparation of the national service plan
4 for the State.

5 “(2) Preparation of the applications of the
6 State for assistance under subtitles C and E.

7 “(3) Assisting in the preparation of the applica-
8 tion of the State educational agency for assistance
9 under part I of subtitle B.

10 “(4) Preparation of the applications of the
11 State for the designation or allotment of national
12 service positions which include the post-service edu-
13 cational benefit under subtitle D as one the benefits
14 to be provided for service in the positions and dis-
15 tribution of any allotment of such positions received.

16 “(5) Administration of any national service pro-
17 grams proposed to be planned, established, operated,
18 expanded, or replicated directly by the State using
19 assistance provided under subtitles C or E.

20 “(6) ~~Selection~~ ^{Recruitment} and placement of participants in
21 approved national service positions associated with
22 the programs described in paragraph (5).

23 “(7) Administration of any grant program pro-
24 posed to be conducted by the State using assistance

Handwritten notes:
To be included in the bill
to be included in the bill
to be included in the bill

1 provided under subtitles C and E, including over-
 2 sight and evaluation of grant recipients.

3 “(8) Coordination of the activities described in
 4 paragraphs (5) and (7) with similar national service
 5 programs within the State.

6 “(9) Dissemination of information concerning
 7 national service programs that receive assistance and
 8 available approved national service positions.

9 “(10) Development of programs, training meth-
 10 ods, curriculum materials, and other materials and
 11 activities related to national service programs that
 12 receive assistance.

13 “(e) APPROVAL OF STATE COMMISSION.—

14 “(1) SUBMISSION TO CORPORATION.—The ap-
 15 plication of a State for a grant under section 121,
 16 whether submitted to obtain the allotment of the
 17 State under section 122(a) or a competitive grant,
 18 shall include a description of—

19 “(A) the composition and membership of
 20 the State Commission submitting the applica-
 21 tion; and

22 “(B) the authority of the State Commis-
 23 sion to administer any national service program
 24 proposed to be planned, established, operated,
 25 expanded, or replicated directly by the State or

*May not
 operate
 a program
 directly*

*May delegate
 admin. policy
 to state
 agencies if
 charges
 or public or
 private non-
 profit*

*Recruitment
 Placement
 Support*

*Should be
 prior to
 application*

1 any grant program proposed to be conducted by
2 the State using assistance provided under sec-
3 tion 121.

*Where
is
guarantee?*

4 “(2) REJECTION.—The Corporation may reject
5 a State Commission and the application describing
6 the State Commission if the Corporation determines
7 that the composition and membership of the State
8 Commission does not comply with the requirements
9 of subsection (c) or that the State Commission is
10 not given sufficient authority to adequately admin-
11 ister the assistance provided under suction 121. If
12 the Corporation rejects a State Commission or appli-
13 cation under this paragraph, the Corporation shall
14 promptly notify the State of the reasons for the re-
15 jection.

*TA + prom
+ handling*

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

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 item
23 relating to section 178 and inserting the following new
24 item:

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

1 **SEC. 203. STATE NATIONAL SERVICE PLANS.**

2 (a) NATIONAL SERVICE PLANS REQUIRED.—Subtitle
3 F of title I of the National and Community Service Act
4 of 1990 is amended by inserting after section 178, as
5 amended by section 202, the following new section:

6 **“SEC. 178A. NATIONAL SERVICE PLAN FOR A STATE.**

7 “(a) PLAN REQUIRED.—In order for a State to be
8 eligible to receive a grant or allotment under subtitles B,
9 C, or E, or to receive a distribution of approved national
10 service positions under subtitle D, the State Commission
11 on National Service for that State shall prepare and sub-
12 mit to the Corporation a national service plan that satis-
13 fies the requirements of this section.

14 “(b) PURPOSE OF PLAN.—The purpose of the na-
15 tional service plan of a State is to describe—

16 “(1) the manner in which the National Service
17 Commission of the State will use assistance provided
18 to the State ~~under subtitles C or E or to the State~~^B
19 ~~Commission under subtitle B, and~~

20 “(2) the manner in which the National Service
21 Commission of the State will distribute those na-
22 tional service positions including the post-service
23 educational benefit ~~under subtitle D~~ that are award-
24 ed or allotted to the State ~~under subtitle D~~^{skt.}

25 “(c) SPECIFIC CONTENTS OF PLAN.—The national
26 service plan shall include the following:

*not above
than 10% to
State agencies*

1 “(1) A description of the number and type of
2 national service positions that the State Commission
3 proposes for designation as national service positions
4 which include the post-service educational benefit
5 under subtitle D,

6 “(2) A description of the manner in which the
7 State Commission proposes to distribute national
8 service positions which include the post-service edu-
9 cational benefit under subtitle D. including the per-
10 centage of such positions that will be retained by the
11 State and the percentage of such positions that will
12 be awarded to other entities.

13 “(3) A description of the system for ensuring
14 that recipients of grants from the State Commission
15 under subtitles B, C, D, or E comply with the provi-
16 sions of the applicable subtitle.

17 “(4) A description of the extent to which the
18 State proposes to make child care available for chil-
19 dren of individuals participating in national service
20 programs supported by the State ~~using assistance~~
21 ~~provided under subtitles C or E.~~

22 “(5) A description of the objectives and per-
23 formance goals for the national service programs
24 proposed to be planned, established, operated, ex-
25 panded, or replicated directly by the State.

1 “(6) A proposal for the certification of the
2 training skills acquired by participants, the awarding
3 of academic credit to participants for competency
4 developed through training programs or work experi-
5 ence obtained under the programs, and the inclusion
6 of an age-appropriate learning component for par-
7 ticipants that includes procedures that permit par-
8 ticipants to reflect on service experiences.

9 “(7) A description of the geographical areas
10 within such State in which service will be performed
11 to provide the optimum match between the need for
12 services and the anticipated supply of participants.

13 “(8) A description of the facilities, quarters and
14 board (in the case of residential facilities), limited
15 and emergency medical care, transportation from ad-
16 ministrative facilities to work sites, accommodations
17 for individuals with disabilities, and other appro-
18 priate services, supplies, and equipment that will be
19 provided by the State.

20 “(9) A description of the basic standards of
21 work requirements, health, nutrition, sanitation, and
22 safety, and the manner that such standards shall be
23 enforced.

24 “(10) An assurance that, prior to the placement
25 of a participant with a national service program

1 planned, established, operated, expanded, or rep-
2 licated using assistance provided to the State under
3 subtitles C or E or to the State Commission under
4 subtitle B, the State Commission will consult with
5 any local labor organization representing employees
6 in the area who are engaged in the same or similar
7 work as that proposed to be carried out by the pro-
8 gram.

9 “(11) A description of formal social counseling
10 arrangements to be made available to participants.

11 “(12) A plan for ensuring that individuals do
12 not drop out of school for the purpose of participat-
13 ing in a national service program planned, estab-
14 lished, operated, expanded, or replicated using as-
15 sistance provided to the State under subtitles C or
16 E or to the State Commission under subtitle B.

17 “(13) A description of the procedures to be
18 used to assure that entities that do not receive as-
19 sistance or approved national service positions are
20 provided with information concerning the VISTA
21 program, the Civilian Community Corps, and the
22 programs established under title II of the Domestic
23 Volunteer Service Act of 1973 (42 U.S.C. 5001 et
24 seq.).

1 “(14) A description of the amount of State
2 funds to be expended in support of national service.

3 “(15) A plan for evaluating the success and ef-
4 ficiency of those national service programs proposed
5 to be planned, established, operated, expanded, or
6 replicated directly by the State or supported by
7 grants from the State using funds provided under
8 subtitles B, C, and E.

9 “(d) SPECIAL REQUIREMENTS FOR STATE PRO-
10 GRAMS.—With respect to each national service program
11 proposed to be planned, established, operated, expanded,
12 or replicated directly by the State, the national service
13 plan shall include the following:

14 “(1) A description of the management and
15 funding the program, the types of projects to be car-
16 ried out, and the types and duration of training and
17 work experience to be provided.

18 “(2) An estimate of the number of participants
19 and supervisory staff necessary for the program, the
20 length of time that the services of such participants
21 and supervisory staff will be required, and the sup-
22 port services that will be required for such partici-
23 pants and supervisory staff.

24 “(3) A plan for the appointment and training
25 of the supervisory staff (including participants who

*Such other
info as the
corporation
may require*

1 have displayed exceptional leadership qualities) and
2 to ensure the on-site presence of supervisory staff at
3 projects.

4 “(4) A plan for recruiting such participants,
5 including—

6 “(A) participants who are educationally
7 and economically disadvantaged youth, youth
8 with limited basic skills or learning disabilities,
9 homeless youth, youth with disabilities, youth
10 who are in foster care who are becoming too old
11 for foster care, and youth of limited English
12 proficiency; and

13 “(B) participants from diverse back-
14 grounds to the maximum extent practicable.

15 “(5) A plan to assign participants to projects as
16 near to the homes of such participants as is reason-
17 able and practicable.

18 “(e) SPECIAL REQUIREMENTS FOR GRANT PRO-
19 GRAMS.—With respect to any program to make grants to
20 applicants within the State under subtitles B, C, and E,
21 or to distribute approved national service positions to ap-
22 plicants within the State under subtitle D, the national
23 service plan shall include the following:

??
..

1 “(1) A description of the manner in which local
2 applicants will be selected, coordinated, and evalu-
3 ated.

4 “(2) A plan for recruiting participants by such
5 local applicants, including—

6 “(A) participants who are educationally
7 and economically disadvantaged youth, youth
8 with limited basic skills or learning disabilities,
9 homeless youth, youth with disabilities, youth
10 who are in foster care who are becoming too old
11 for foster care, and youth of limited English
12 proficiency; and

13 “(B) participants from diverse back-
14 grounds to the maximum extent practicable.

15 “(3) A plan under which the State will encour-
16 age cooperation among local applicants that are
17 awarded assistance or approved national service po-
18 sitions and the appropriate State job training coordi-
19 nating council established under the Job Training
20 and Partnership Act (29 U.S.C. 1501 et seq.).

21 “(4) An assurance that, prior to the placement
22 of a participant by a local applicant assisted by a
23 grant, the State will ensure that the local applicant
24 consults with each local labor organization rep-
25 resenting employees in the area who are engaged in

1 the same or similar work as the work that is pro-
2 posed to be carried out by participants.

3 “(f) REVIEW AND APPROVAL OF PLAN.—The Cor-
4 poration shall review each national service plan submitted
5 under this section as part of its review of the grant or
6 allotment applications accompanying the plan. The Cor-
7 poration may reject a plan, and the applications accom-
8 panying the plan, if the Corporation determines that the
9 plan is insufficient in any of the descriptions or proposals
10 required to be included in the plan under subsections (c),
11 (d), and (e). The Corporation shall promptly notify the
12 applicant of the reasons for the rejection of the plan.”.

13 (b) TABLE OF CONTENTS.—Section 1(b) of the Na-
14 tional and Community Service Act of 1990 (Public Law
15 101-610; 104 Stat. 3127) is amended by inserting after
16 the item relating to section 178, as amended by section
17 202, and inserting the following new item:

“Sec. 178A. National service plan for a State.”.

18 **TITLE III—AUTHORIZATION OF** 19 **APPROPRIATIONS**

20 **SEC. 301. AUTHORIZATION.**

21 **[To be supplied. Language should include carryover**
22 **provisions and an advance funding provision similar to the**
23 **following:**

24 “(____) **ADVANCE FUNDING.—**

1 “(1) IN GENERAL.—In order to afford the re-
2 sponsible State, local, and Federal officers concerned
3 adequate notice of available Federal financial assist-
4 ance for programs under the [national service
5 Acts], appropriations for grants, contracts, or other
6 payments under any applicable program under such
7 Acts are authorized to be included in the appropria-
8 tion Act for the fiscal year preceding the fiscal year
9 for which the appropriations are available for obliga-
10 tion.

11 “(2) APPLICATION.—In order to effect a transi-
12 tion to the method of timing appropriation action
13 described in paragraph (1), paragraph (1) shall
14 apply notwithstanding that the initial application of
15 the paragraph under such program will result in the
16 enactment in the same year (whether in the same
17 appropriation Act or otherwise) of two separate ap-
18 propriations, one for the then current fiscal year and
19 one for the succeeding fiscal year.”.]

20 **TITLE IV—TECHNICAL AND**
21 **CONFORMING AMENDMENTS**

22 **SEC. 401. AMENDMENTS.**

23 [To be supplied]

add new 122 (b) -- The Corporation (Board) shall establish quality criteria for each type of program eligible to receive funding or national service positions under this subtitle. Such criteria shall be applied by states in making decisions to allocated funding and national service positions. In developing such criteria, the Corporation may convene panels of experts in service programs and in delivering human, education, environment, and public safety service to advise the Corporation.

add new (D) to 123 (c): grant programs to be conducted by establish nonprofit organizations with extensive experience in related service.

add new 127: The Corporation (or the State Commission) shall apply the criteria below in determining whether to approve an application submitted under section 123(a), to provide assistance under section 121, and to award national service positions under section 137:

(1) In the case of an application submitted by a State National Service Commission, the quality of the national service plan for the State required under section 178A.

(2) The quality of the national service programs to be conducted directly or supported by the applicant.

(3) The innovative aspects of the program, and its ability to be replicated.

(4) The sustainability of the program, including evidence of strong and broad-based community support for the program, multiple funding sources, and private funding.

(5) The extent to which the proposed program builds on existing programs, the past performance of such programs ~~and the leaders of such programs.~~

(6) The extent to which services are provided where they are needed most, such as in communities designated as enterprise zones or redevelopment areas or otherwise targeted for special economic incentives, areas that are environmentally distressed, and areas affected by defense conversion. *greenly*
communities adversely reductions in

(7) Such other factors that the Corporation considers to be appropriate.

On page 88, line 15, after "conducted", put "(1) by the State .

Add new 139(a)(2): "consistent with the nondiscrimination requirements of section xxx and without regard to political affiliation."

The extent to which participants are involved in the design, operation & leadership of the program

(6)

Drop (c) on page 89 and insert in lieu:

provided by Corp (through grant or contract or directly)

(c) NATIONAL LEADERSHIP POOL. From among individuals recruited under (b), the Corporation may select individuals with significant leadership potential to receive special training to enhance their leadership ability. Such individuals shall be assigned to work with funded programs (including programs funded under the DVSA) requesting the assistance of such individuals as the Corporation deems appropriate. Such individuals shall be considered participants of the program. *Corporation may set living allowance levels for Leadership Pool.*

Subtitle E

Fund for Quality and Innovation

The Corporation is authorized to make grants and enter into contracts and interagency agreements to improve the quality of national service programs, to support innovation and model programs, and for other purposes described below.

To support Summer of Service programs conducted May through September, inclusive, (with year-round part-time components if appropriate).

To involve youth corps and other programs assisted under the national service Acts in disaster relief efforts.

youth leadership

To provide training and technical assistance, and other assistance to community-based organizations that will provide service opportunities to improve the ability of such organizations to use participants supported under the national service Acts and other volunteers in a manner that will result in high quality service and a positive service experience for the participant.

To make challenge grants to programs funded under subtitle C that have been designated high quality model programs by the Corporation in the amount of one dollar for each dollar raised from private sources up to a ceiling established by the Corporation.

To provide training and technical assistance to individuals, programs, state educational agencies, state national service commissions, local educational agencies, local governments, community-based organizations and others to enable them to apply for funding under the national service Acts, to conduct high quality programs, to evaluate such programs, or for other purposes.

To support national service fellows.

To support Presidential awards as described in section 193B.

To support conferences and publish materials designed to improve the quality of national service programming by disseminating information and promoting the sharing of information among practitioners.

To develop, establish, expand, or replicate model or innovative national service programs, including programs for rural youth, employer-based retiree programs, intergenerational programs, and programs sponsored by Governors.

To provide training assistance to the Peace Corps and national service programs (including VISTA) to be conducted on college campuses (take other information out of existing Subtitle E program).

To conduct a campaign to promote and recruit participants for programs assisted under the national service Acts.

To support national and regional participant and supervisor training, including training in specific types of service and in building a national service ethic.

To support research on national service, including service-learning.

To evaluate programs funded under the national service Acts, as described in sections ____.

To support one or more regional service clearinghouses, including the clearinghouses described in section 117N and in ____ of the DVSA.

To assist programs in integrating an intergenerational service component.

To coordinate community-wide planning among service programs and providers.