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Subseries:

OA/ID Number: 1290

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Folder Title:

Working File - DVSA [Domestic Violence Service Act] Reauthorization [1]

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PHOTOCOPY
PRESERVATION



OFFICE OF THE DIRECTOR

1100 VERMONT AVENUE, NW
WASHINGTON, DC 20525

February 22, 1993

The Honorable Leon Panetta
Director
Office of Management and Budget
Executive Office of the President
Washington, D.C. 20503

Dear Mr. Panetta:

ACTION fully supports the goals articulated by the President in his recent addresses to the Nation and the Congress and we have begun to implement the goals for personnel and administrative cost reductions the President has set forth in his recent executive orders.

I am writing this letter to: (1) present for the consideration of the Administration some of the ways ACTION can quickly and efficiently contribute to the National Service goals expressed by the President within the fiscal year 1994 budget; and (2) point out a feature of the passback that was an unintended error and will be viewed by many as a retreat on program commitments.

Proposals for National Service

The passback provided by OMB for the FY 1994 budget maintains a current services level for the Agency. However, we believe that the Agency can contribute to the overall National Service goals of the Administration, and therefore wanted to outline such a plan. We recognize, of course, that the Director of the Office of National Service is in the process of developing specific National Service proposals. There should be a coordinated position set forth in any proposals released in the Administration's budget in March for ACTION and other organizations concerned with service.

We are confident that ACTION's efforts and programs can be tailored to contribute to an overall service plan. VISTA today is the largest domestic volunteer service program directly comparable to the concept of National Service set forth by the Clinton Administration -- full-time, stipended service addressing critical needs of local communities.

ACTION'S MISSION

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

The Older American Volunteer Programs have a demonstrated record of engaging seniors in service to their communities and to the Nation. Moreover, this population will grow considerably, both in numbers and as a percentage of the total population, over the next several decades. The programs themselves are well established and respond to local needs. Foster Grandparents provide a variety of one-to-one services to children with special needs, an effort consistent with the Administration's emphasis on families and children. Senior Companions are directly engaged in helping the frail elderly to stay in their own homes and to delay or avoid costly institutional care. Over 400,000 Retired Senior Volunteers, at a cost of only about \$80 per year per volunteer, represent perhaps the largest organized volunteer service force in operation today.

Given the clear connection of these programs to the concepts of expanded service in the country, we propose a budget for ACTION's programs of \$255.5 million in fiscal year 1994; this represents an increase of \$85.9 million, or 51 percent, above the \$169.6 million available in fiscal year 1993.

For VISTA, we propose a total budget of \$89.2 million, an increase of \$49.5 million above the FY 1993 amount of \$39.7 million. This level will support:

- Attaining a volunteer strength of 7,500 by the end of the Summer 1994, more than double the current strength of approximately 3,300. Reaching this target equates to a total of 5,500 volunteer service years in fiscal year 1994, an increase of 2,134 volunteer service years, or 63 percent, above the FY 1993 estimate of 3,366 service years.
- A VISTA summer program providing 5,000 college students with the opportunity to engage in a summer of service addressing the needs of low-income Americans.
- A subsistence increase to an average of 110 percent of the poverty level for a single individual, an increase of 5 percent in real terms above the current level. This would set the average subsistence rate at \$675 per month, which is below the levels established in a number of similar Federal and non-Federal programs.

- A postservice stipend of \$1,800 per year of service, which is a 58 percent increase above the current stipend of \$1,140 per year. Many comparable programs provide \$5,000 as a postservice stipend to be used toward further education.
- Expanded training and support costs for volunteers, reflecting the realities of the expanded program described above.

Under this proposal, the total cost per volunteer service year for VISTA would be \$14,400 in fiscal year 1994; this is about 30 percent less than the average costs depicted for a number of other National Service approaches.

For the Older American Volunteer Programs, we are proposing increases of \$25.3 million, or 20 percent above the amounts available in fiscal year 1993. We believe these programs, at relatively little cost, have tremendous potential to contribute to overall national goals in several important policy areas.

For the Foster Grandparent Program, we believe that 1,800 new volunteers can be added to support Parent Child Centers under Head Start, care for HIV-positive babies in our nation's urban hospitals, and provide special education services to children in public institutions across the country. This would represent a 10 percent expansion in the program in a single year at a cost of approximately \$6.5 million.

The Senior Companion Program needs to expand to a number of unserved areas across the 50 States, with the potential to add over 3,000 volunteers in fiscal year 1994 to provide in-home and community-based care for seniors who would otherwise be institutionalized. These low-cost services (less than \$3 per hour) are provided by low-income seniors, and contribute significantly to overall efforts to control health costs for the elderly around the country. The cost of adding 3,000 volunteers in about 50 projects is estimated at \$11.4 million.

It should be noted that both the Foster Grandparent and Senior Companion Programs have waiting lists for potential volunteers who cannot be enrolled due to funding restrictions. Out of over 8 million eligible, low income seniors in the country, approximately 31,000 are currently serving in these 2 programs.

Under the Retired Senior Volunteer Program, 50,000 additional seniors will be engaged in a variety of initiatives to be determined, but include areas such as immunization, mentoring, and environmental activities. The total cost of the expansion is about \$100 per participant, or \$5 million.

We are also requesting an additional \$2.4 million to cover increases in administrative costs of the over 1,200 Older American projects around the country.

For Part B of Title I, we propose a budget of \$3.0 million to support 200 students in a University Year for ACTION program and technical assistance and innovation grants designed to help improve the significant service learning activities and programs that exist throughout our Nation's secondary and postsecondary schools.

For Part C of Title I, we propose a fund of \$10 million for a number of important discretionary activities not directly tied to the specific program structure outlined above, but designed to fulfill ACTION's broader mission of stimulating volunteerism across the country. ACTION has a long and successful history of identifying, developing, and demonstrating innovative and cost-effective strategies to promote the involvement of volunteers in responding to a wide range of community and social needs.

In fiscal year 1994, these funds would be used to support: small seed grants to stimulate community-based programs; training, technical assistance, and other capacity-building initiatives and the replication of already-proven approaches; nationwide demonstrations of promising volunteer strategies, some of which will prove valuable to long-range ACTION and other Federal and non-Federal programs; and responses to new initiatives for innovative programming.

The significant growth in the programs will also have an impact on program administration. We believe that 20 additional staff in our regional and state offices will be required, as well as additional travel and support funds. In total, we believe that an additional \$2 million in program administration funds, above the amounts included in the OMB passback, will be required to deliver the above program in its entirety.

Administrative Error in the Passback

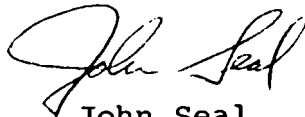
The across-the-board administrative cut included in the passback was based on all items in the 20 series object classes. This methodology does address the type of administrative costs intended by the President. In the case of ACTION, however, those object classes include important parts of the VISTA program which we believe were not intended to be cut.

All of the costs of recruitment, training, and health benefits for VISTA Volunteers are contained in those object classes. Because these costs constitute a large percentage of ACTION funds in these object classes, we cannot absorb the "extra reductions" caused by this programmatic anomaly. Only 45.5 percent of those object classes are associated with ACTION's administrative expenses. The remainder are direct program costs. **We do not want to reduce VISTA at a time when the President has an explicit goal to increase National Service Programs. Therefore, we propose that our "administrative savings" be set at \$188,000, not the \$414,000 as proposed by your office; the former figure is 3 percent of our actual administrative costs.**

If the above programmatic and administrative error adjustments are accepted, ACTION's budget for fiscal year 1994 would be \$290.1 million, not the \$206.7 million included in the OMB passback. If only an adjustment for the administrative error is made at this time, ACTION's budget would be \$206,964,000.

I look forward to discussing the above issues with you or your staff. ACTION remains committed to taking all necessary steps to accomplish the goals of the President.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Seal".

John Seal
Acting Director

Enclosure



ACTION

1100 VERMONT AVENUE, NW
WASHINGTON, DC 20525

April 28, 1993

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

Dear Shirley:

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

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

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

"Sec. 470. PROTECTION AGAINST IMPROPER USE.

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

"PROTECTION AGAINST IMPROPER USE

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

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

ACTION'S MISSION

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

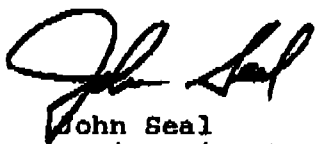
*
Substitute
language

-2-

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "John Seal", written in a cursive style.

John Seal
Acting Director

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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), by inserting "as a"
12 in the first and second sentences
13 full-time volunteer enrolled in a program of at
14 least 1 year's duration under part A, B, or C
15 of title I of the Domestic Volunteer Service Act
16 of 1973," after "Economic Opportunity Act of
17 1964,"; and in the last sentence—

18 (B) by inserting "or under the Domestic"
19 by adding at the end thereof the fol-
20 lowing new paragraph:

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

and the Peace Corps Act
Chapter 34
of title 22

April 23, 1993

Volunteer Service Act of 1973" after "Economic
Opportunity Act of 1964," and
by inserting "or ACTION" after
"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 8334 of title 5, United States
6 Code, is amended by adding at the end thereof
7 the following new subsection:

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

the Peace
Corps Act
or volunteer
leader under
Chapter 34
of title 22

2504(c)
or 2505(1)
of title 22

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 (e).

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

19 “(3) The Director ~~of ACTION~~ *and the Peace Corps* 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 ~~as~~ 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)} 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 title 22]

2505(l) 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

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 "⁽³⁾ The Director^s of ACTION^{and the Peace Corps} shall furnish such in-
17 formation to the Office of Personnel Management as the
18 Office may determine to be necessary for the administra-
19 tion of this subsection."

20 (c) APPLICABILITY AND OTHER PROVISIONS.—

21 (1) APPLICABILITY.—

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

DISCUSSION DRAFT

S.L.C.

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

1 Domestic Volunteer Service Act of 1973, of individuals
2 viduals 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 entitled to an}
6 annuity under subchapter III of chapter 88 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(d) 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~~

13 annuity payments payable for calendar months
14 beginning after the ~~date of enactment~~ ^{effective date} of this
15 Act.

16 (i) The amendments made by subsection (b)
17 ~~(B) In the case of any individual who is~~
18 ~~entitled to an annuity under subchapter III of~~
19 ~~chapter 88 of title 5, United States Code, credit~~
20 ~~of 1964, the Domestic Volunteer Service Act of 1973, or the Peace Corps~~
21 ~~Act [chapter 34 of title 22] of individuals who are entitled to an~~
22 ~~annuity on the basis of~~
23 ~~a separation from service occurring before, on, or after the effective~~
24 ~~date of this Act.~~

21 (2) OLD AGE OR SURVIVOR'S ENTITLEMENT.—
22 Subject to paragraph (8), in any case in which an
23 individual described in paragraph (1)(C) is also enti-
24 tled to old age or survivor's insurance benefits under

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

(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.

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S.L.C.

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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—

*and 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.

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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(a)(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,~~
17 ~~volunteer or volunteer leader under the Economic~~
18 ~~Opportunity Act of 1964 or the Domestic Volunteer~~
19 ~~Service Act of 1973 were not creditable in the com-~~
20 ~~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.

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[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

[COMMITTEE PRINT]

COMPILATION
OF THE
DOMESTIC VOLUNTEER SERVICE ACT
OF 1973

As Amended Through December 31, 1990

PREPARED FOR THE
SUBCOMMITTEE ON HUMAN RESOURCES
AND THE
SUBCOMMITTEE ON SELECT EDUCATION
OF THE
COMMITTEE ON EDUCATION AND LABOR
U.S. HOUSE OF REPRESENTATIVES
ONE HUNDRED SECOND CONGRESS
FIRST SESSION



APRIL 12, 1991

Serial No. 103-

Printed for the use of the House Committee on Education and Labor
WILLIAM D. FORD, *Chairman*

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1992

00-000

DOMESTIC VOLUNTEER SERVICE ACT OF 1973

(Public Law 93-113)

AN ACT To provide for the operation of programs by the ACTION Agency, to establish certain new such programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, with the following table of contents, may be cited as the "Domestic Volunteer Service Act of 1973".

(42 U.S.C. 4950 note)

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VISTA

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DOMESTIC VOLUNTEER SERVICE ACT OF 1973

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- Sec. 222. Payments.
- Sec. 223. Minority group participation.
- Sec. 224. Use of locally generated contributions in older American volunteer programs.
- Sec. 225. Programs of national significance.
- Sec. 226. Adjustments to Federal financial assistance.
- Sec. 227. Multiyear grants or contracts.

[TITLE III—REPEALED]

TITLE IV—ADMINISTRATION AND COORDINATION

- Sec. 401. Establishment of agency.
- Sec. 402. Authority of the Director.
- Sec. 403. Political activities.
- Sec. 404. Special limitations.
- Sec. 405. [Repealed.]¹
- Sec. 406. Labor standards.
- Sec. 407. Reports.
- Sec. 408. Joint funding.
- Sec. 409. Prohibition of Federal control.
- Sec. 410. Coordination with other programs.
- Sec. 411. Prohibition.
- Sec. 412. Notice and hearing procedures for suspension and termination of financial assistance.
- Sec. 413. [Repealed.]²
- Sec. 414. Distribution of benefits between rural and urban areas.
- Sec. 415. Application of Federal law.
- Sec. 416. Evaluation.
- Sec. 417. Nondiscrimination.
- Sec. 418. Eligibility for other benefits.
- Sec. 419. Legal expenses.
- Sec. 420. Requirements for prescribing regulations.
- Sec. 421. Definitions.
- Sec. 422. Audit.
- Sec. 423. Reduction of paperwork.
- Sec. 424. Review of project renewals.

TITLE V—AUTHORIZATION OF APPROPRIATIONS

- Sec. 501. National volunteer antipoverty programs authorization.
- Sec. 502. Older Americans volunteer programs.
- Sec. 503. [Repealed.]
- Sec. 504. Administration and coordination.
- Sec. 505. Availability of appropriations.

TITLE VI—AMENDMENTS TO OTHER LAWS AND REPEALERS

- Sec. 601. Supersedence of Reorganization Plan No. 1 of July 1, 1971.
- Sec. 602. Creditable service for civil service retirement.
- Sec. 603. Repeal of title VIII of the Economic Opportunity Act.
- Sec. 604. Repeal of title VI of the Older Americans Act.

¹ Effective January 1, 1986, the item 405 is repealed (P.L. 98-288).

² Section 413 was deleted pursuant to section 5(b) of Public Law 94-293.

[TITLE VII—YOUTHBUILD PROJECTS]¹

VOLUNTEERISM POLICY

SEC. 2. (a) Because of the long-standing importance of volunteerism throughout American history, it is the policy of the Congress to foster the tradition of volunteerism through greater involvement on the part of both young and older citizens.

¹Section 211 of Public Law 100-610 failed to add the following items to the table of contents:

TITLE VII—YOUTHBUILD PROJECTS

- Sec. 701. Statement of purpose.
- Sec. 702. Authorization of program.
- Sec. 703. Service in construction and rehabilitation projects.
- Sec. 704. Education and job training services.
- Sec. 705. Use of funds.
- Sec. 706. Eligible participants.
- Sec. 707. Living allowances.
- Sec. 708. Contracts.
- Sec. 709. Performance standards.
- Sec. 710. Applications.
- Sec. 711. Selection of projects.
- Sec. 712. Management and technical assistance.
- Sec. 713. Definitions.
- Sec. 715. Regulations.²
- Sec. 716. Authorization of appropriations.²

²Error in amendment made by section 211 of Public Law 101-610. Sections 715 and 716 should be redesignated as sections 714 and 715, respectively.

(b) The purpose of ACTION, the Federal domestic volunteer agency, is to foster and expand voluntary citizen service in communities throughout the Nation in activities designed to help the poor, the disadvantaged, the vulnerable, and the elderly. In carrying out this purpose, ACTION shall utilize to the fullest extent the programs authorized under this Act, coordinate with other Federal, State, and local agencies and utilize the energy, innovative spirit, experience, and skills of all Americans.

(42 U.S.C. 4950)

~~VISTA AND OTHER~~
TITLE I—~~NATIONAL VOLUNTEER~~ ANTIPOVERTY PROGRAMS

~~PART A—VOLUNTEERS IN SERVICE TO AMERICA~~

~~SUB 101 PURPOSE OF THE VISTA PROGRAM~~ STATEMENT OF PURPOSE

SEC. 101. This part provides for the Volunteers in Service to America (VISTA) program of full-time volunteer service, together with appropriate powers and responsibilities designed to assist in the development and coordination of such program. The purpose of this part is to strengthen and supplement efforts to eliminate and alleviate poverty and poverty-related problems in the United States by encouraging and enabling persons from all walks of life, all geographical areas, and all age groups, including low-income individuals, elderly and retired Americans, to perform meaningful and constructive volunteer service in agencies, institutions, and situations where the application of human talent and dedication may assist in the solution of poverty and poverty-related problems and secure and exploit opportunities for self-advancement by persons afflicted with such problems. In addition the objective of this part is to generate the commitment of private sector resources, and to encourage volunteer service at the local level to carry out the purposes set forth in this section.

(42 U.S.C. 4951)

→, and to strengthen local agencies & organizations

~~SUB 102 SELECTION AND ASSIGNMENT~~
~~OF VISTA VOLUNTEERS~~

AUTHORITY TO OPERATE VISTA PROGRAM

SEC. 102. The Director may recruit, select, and train persons to serve in full-time volunteer programs consistent with the provisions and to carry out the purpose of this part.

(42 U.S.C. 4952)

SELECTION AND ASSIGNMENT OF VOLUNTEERS

SEC. 103. (a) The Director, on the receipt of applications by public or nonprofit private organizations to receive volunteers under this part, may assign volunteers selected under subsection (b) to work in appropriate projects and programs sponsored by such organizations, including work—

(1) in meeting the health, education, welfare, or related needs of Indians living on reservations or Federal trust lands, of migratory and seasonal farmworkers and their families, and of residents of the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, or the Virgin Islands;

(2) in the care and rehabilitation of mentally ill, developmentally disabled, and other handicapped individuals, especially those with severe handicaps; ~~and~~¹

(3) in addressing the problems of the homeless, the jobless, the hungry, illiterate or functionally illiterate youth and other individuals, and low-income youths;

(4) in addressing the special needs connected with alcohol and drug abuse prevention, education, and related activities, consistent with the purpose of this part;

(5) in addressing significant health care problems, including chronic and life-threatening illnesses and health care for homeless individuals (especially homeless children) through prevention, treatment, and community-based care activities; and

(6) in connection with programs or activities authorized, supported, or of a character eligible for assistance under this Act or the Community Service Block Grant Act, titles VIII and X of the Economic Opportunity Act of 1964, the Headstart act, ~~or~~ the Community Economic Development Act of 1981, in furtherance of the purpose of this title;

(b)(1) The Director shall establish recruitment and placement procedures that offer opportunities for both local and national placement of volunteers for service under this part.

(2)(A) The Director shall establish and maintain within the national headquarters of the ACTION Agency a volunteer placement office. The office shall be headed by an individual designated by the Director to be the national Administrator of Recruitment and Placement, who shall be responsible for carrying out the functions described in this subsection and subsection (c) and all other functions delegated by the Director relating to the recruitment and placement of volunteers under this part.

(B) Such volunteer placement office shall develop, operate, and maintain a current and comprehensive central information system that shall, on request, promptly provide information—

(i) to individuals, with respect to specific opportunities for service as a volunteer with approved projects or programs to which no volunteer has been assigned; and

(ii) to approved projects or programs, with respect to the availability of individuals whose applications for service as a volunteer have been approved and who are awaiting an assignment with a specific project or program.

(C) The Director shall, at a minimum, designate one employee of the ACTION Agency in each region of the United States whose primary duties and responsibilities shall be to assist the Administrator in carrying out the functions described in this subsection and subsection (c).

(D) The Director shall assign or hire as necessary, such additional national, regional, and State personnel to carry out the functions described in this subsection and subsection (c) as may be necessary to ensure that such functions are carried out in a timely and effective manner. The Director shall give priority in the hiring of

¹P.L. 98-288 struck out ", and" at the end of 103(a)(2). The amendment fails because a semicolon, not a comma precedes "and".

(b) RECRUITMENT PROCEDURES

(7) in strengthening, supplementing, & expanding efforts to address the problem of illiteracy throughout the United States

or other similar Acts

~~such additional personnel to individuals who have formerly served as volunteers under this part and to individuals who have specialized experience in the recruitment of volunteers.~~

- 2 (3) Volunteers shall be selected from among qualified individuals submitting an application for such service at such time, in such form, and containing such information as may be necessary to evaluate the suitability of each individual for such service and to determine, in accordance with paragraph (7), the most appropriate assignment for each such volunteer. The Director shall approve the application of each individual who applies in conformance with this subsection and who, on the basis of the information provided in the application, is determined by the Director to be qualified to serve as a volunteer under this part.

(4) Each application for service as a volunteer under this part shall—

(A) indicate the period of time during which the applicant is available to serve as a volunteer under this part;

(B) describe the previous education, training, military and work experience, and any other relevant skills or interests of the applicant;

(C) specify the State or geographic region in which the applicant prefers to be assigned; and

(D) specify—

(i) the type of project or program to which the applicant prefers to be assigned; or

(ii) the particular project or program to which the applicant prefers to be assigned.

(5) The Director shall ensure that applications for service as a volunteer under this part are available to the public on request to the ACTION Agency (including any State or regional offices of the Agency) and that an individual making such request is informed of the manner in which such application is required to be submitted. A completed application may be submitted by any interested individual to, and shall be accepted by, any office of the ACTION Agency.

(6) Completed applications received by the ACTION Agency shall be forwarded to the regional ACTION office representing the State in which such applicant resides. The regional or State employees designated in subparagraphs (C) and (D) of paragraph (2) shall assist in evaluating such applications and, to the extent feasible and appropriate, interviewing applicants.

- 3 (7)(A) The Director shall provide for the assignment of each applicant approved as a volunteer under this part to a project or program that is, to the maximum extent practicable, consistent with the abilities, experiences, and preferences of such applicant that are set forth in the application described in paragraph (4) and the needs and preferences of projects or programs approved for the assignment of such volunteers.

(B) In carrying out subparagraph (A), the Director shall utilize the information system established under paragraph (2)(B).

- 13 (C) A sponsoring organization of VISTA may recruit volunteers for service under this part. The Director shall give a locally-recruited volunteer priority for placement in the sponsoring organization of VISTA that recruited such volunteer.

December 4, 1992 (1:20 p.m.)

subject to final selection approval by the Director of ACTION

change (4)
to (2)

Repealed

"(c) (1) The Director shall conduct national and local public awareness and recruitment activities in order to meet the volunteer goals of the program. Such activities may include public service announcements; advertisements; publicity on loan deferments and cancellations available to VISTA Volunteers; maintenance of a toll-free telephone system; and provision of technical assistance for the recruitment of volunteers to programs and projects receiving assistance under this part."

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public awareness
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Such efforts
shall be
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to find &
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+ promoting
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in the program

(D) A volunteer under this part shall not be assigned to any project or program without the express approval and consent of such project or program.

~~(E) If an applicant under this part who is recruited locally becomes unavailable for service prior to the commencement of service, the recipient of the project grant or contract that was designated to receive the services of such applicant may replace such applicant with another qualified applicant approved by the Director.~~

(F) If feasible and appropriate, low-income community volunteers shall be given the option of serving in the home communities of such volunteers in teams with nationally recruited specialist volunteers. The Director shall attempt to assign such volunteers to serve in the home or nearby communities of such volunteers and shall make national efforts to attract other individuals to serve in the VISTA program. The Director shall also, in the assignment of volunteers under this subparagraph, recognize that community-identified needs that cannot be met in the local area and the individual desires of VISTA volunteers in regard to the service in various geographical areas of the United States should be taken into consideration.

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tions of higher education and to other entities described in subparagraph (C), including presentations made at the facilities, conventions, or other meetings of such entities;

(E) publicizing the student loan deferment and forgiveness opportunities available to VISTA volunteers under parts B and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) and including such information in all applications and recruitment materials;

(F) providing, on request, technical assistance with the recruitment of volunteers under this part to programs and projects receiving assistance under this part; and

(G) maintaining and publicizing a national toll-free telephone number through which individuals may obtain informa-

December 4, 1992 (1:20 p.m.)

PHOTOCOPY
PRESERVATION

(D) A volunteer under this part shall not be assigned to any project or program without the express approval and consent of such project or program.

~~(E) If an applicant under this part who is recruited locally becomes unavailable for service prior to the commencement of service, the recipient of the project grant or contract that was designated to receive the services of such applicant may replace such applicant with another qualified applicant approved by the Director.~~

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(c)(1) The Director, in conjunction with the regional or State employees designated in subparagraphs (C) and (D) of subsection (b)(2), shall engage in public awareness and recruitment activities. Such activities shall include—

(A) public service announcements through radio, television, and the print media;

(B) advertising through the print media, direct mail, and other means;

(C) disseminating information about opportunities for service as a volunteer under this part to relevant entities including institutions of higher education and other educational institutions (including libraries), professional associations, community-based agencies, youth service and volunteer organizations, business organizations, labor unions, senior citizens organizations, and other institutions and organizations from or through which potential volunteers may be recruited;

(D) disseminating such information through presentations made personally by employees of the ACTION Agency or other designees of the Director, to students and faculty at institutions of higher education and to other entities described in subparagraph (C), including presentations made at the facilities, conventions, or other meetings of such entities;

(E) publicizing the student loan deferment and forgiveness opportunities available to VISTA volunteers under parts B and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) and including such information in all applications and recruitment materials;

(F) providing, on request, technical assistance with the recruitment of volunteers under this part to programs and projects receiving assistance under this part; and

(G) maintaining and publicizing a national toll-free telephone number through which individuals may obtain informa-

~~tion about opportunities for service as a volunteer under this part and request and receive an application for such service.~~

(2) In designing and implementing the activities authorized under this section, the Director shall seek to involve individuals who have formerly served as volunteers under this part to assist in the dissemination of information concerning the program established under this part. The Director may reimburse the costs incurred by such former volunteers for such participation, including expenses incurred for travel.

(3) The Director shall consult with the Director of the Peace Corps to coordinate the recruitment and public awareness activities carried out under this subsection with those of the Peace Corps and to develop joint procedures and activities for the recruitment of volunteers to serve under this part. *In addition, the Director shall take*

(4) At the beginning of each fiscal year, the Director shall develop an annual plan for the recruitment of volunteers under this part that:

(A) describes in detail (including the cost) the recruitment and public awareness activities carried out during the preceding fiscal year and evaluates the effectiveness of such activities;

(B) identifies methods and goals for the recruitment of volunteers during the fiscal year in which such plan is made, including specific methods and goals for the recruitment of individuals 55 years of age and older, individuals 18 through 27 years of age, recent graduates of institutions of higher education, and special skilled volunteers; and

(C) describes in detail (including the expected cost) the recruitment and public awareness activities that shall be undertaken throughout the year to achieve the goals specified in subparagraph (B); and

(D) describes in detail (including the expected cost) the recruitment and public awareness activities that shall be undertaken throughout the year to achieve the goals for the recruitment of individuals described in subparagraph (B).

(5) The Director shall ensure that not less than 20 percent of all volunteers under this part are 55 years of age or older and that, by the beginning of fiscal year 1991 and for each fiscal year thereafter, not less than 20 percent of all such volunteers are between 18 and 27 years of age, (inclusive). *1994*

4 (6) Beginning in fiscal year 1991 and for each fiscal year thereafter, for the purpose of carrying out this subsection, the Director shall obligate ~~not less than 1.5 percent of the amounts appropriated for each fiscal year under section 501(a).~~

(d) The Director shall provide each low-income community volunteer with an individual plan for job advancement or for transition to a situation leading to gainful employment. Whenever feasible, such efforts shall be coordinated with an appropriate private industry council under the Job Training Partnership Act.

(e) The Director may provide or arrange for educational and vocational counseling of volunteers and recent former volunteers under this part to (1) encourage them to use, in the national interest, the skills and experience which they have derived from their training and service, particularly working in combating poverty as

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*such sums as necessary
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for each fiscal year under
section 501(a) [42 U.S.C.
§ 5091 (a)].*

"(b) Volunteers serving under this part may be enrolled initially for not less than one year, nor more than two years, except as provided for under subsection (e) of this part and, further, except that volunteers serving under this part may be enrolled for periods of service of less than one year when the Director determines, on an individual basis, that a period of service of less than one year is necessary to meet a critical scarce skill need. Volunteers serving under this part may be reenrolled for periods of service in a manner to be determined by the Director. No volunteer shall serve for more than a total of five years under this part."

members of the helping professions, and (2) promote the development of appropriate opportunities for the use of such skills and experience, and the placement therein of such volunteers.

(f) Except as provided in subsection (e), the assignment of volunteers under this section shall be on such terms and conditions (including restrictions on political activities that appropriately recognize the special status of volunteers living among the persons or groups served by programs to which they have been assigned) as the Director may determine, including work assignments in their own or nearby communities.

(g) Volunteers under this part shall not be assigned to work in a program or project in any community unless the application for such program or project contains evidence of local support and has been submitted to the Governor or other chief executive officer of the State concerned, and such Governor or other chief executive officer has not, within 45 days of the date of such submission, notified the Director in writing, supported by a statement of reasons, that such Governor or other chief executive officer disapproves such program or project. In the event of a timely request in writing, supported by a statement of reasons, by the Governor or other chief executive officer of the State concerned, the Director shall terminate a program or project or the assignment of a volunteer to a program or project not later than 30 days after the date such request is received by the Director, or at such later date as is agreed upon by the Director and such Governor or other chief executive officer.

(42 U.S.C. 4953)

TERMS AND PERIODS OF SERVICE

SEC. 104. (a) Volunteers serving under this part shall be required to make a full-time personal commitment to combating poverty and poverty-related problems. To the maximum extent practicable, the requirement for full-time commitment shall include a commitment to live among and at the economic level of the people served, and to remain available for service without regard to regular working hours, at all times during their periods of service, except for authorized periods of leave.

"(b) Volunteers serving under this part may be enrolled initially for not less than one year, nor more than two years, except as provided for under subsection (e) of this part and, further, except that volunteers serving under this part may be enrolled for periods of service of less than one year when the Director determines, on an individual basis, that a period of service of less than one year is necessary to meet a critical scarce skill need. Volunteers serving under this part may be reenrolled for periods of service in a manner to be determined by the Director. No volunteer shall serve for more than a total of five years under this part."

States and that the volunteer is not a member of an organization

December 4, 1992 (1:20 p.m.)

PHOTOCOPY
PRESERVATION

*How often
does this
happen?
Should this
be included
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~~(b) Volunteers serving under this part may be enrolled for periods of service not exceeding two years, but for not less than one-year periods of service, except that volunteers serving under this part may be enrolled for periods of service of less than one year when the Director determines, on an individual basis, that a period of service of less than one year is necessary to meet a critical scarce-skill need. Volunteers serving under this part may be reenrolled for periods of service (totaling not more than two years.) No volunteer shall serve for more than a total of five years under this part.~~

(c) Volunteers under this part shall, upon enrollment, take the oath of office as prescribed for persons appointed to any office of honor or profit by section 3331 of title 5, United States Code, and shall swear (or affirm) that the volunteer does not advocate the overthrow of the constitutional form of government of the United States and that the volunteer is not a member of an organization

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that advocates the overthrow of the constitutional form of government of the United States, knowing that such organization so advocates, except that persons legally residing within a State but who are not citizens or nationals of the United States, may serve under this part without taking or subscribing to such oath, if the Director determines that the service of such persons will further the interests of the United States. Such persons shall take such alternative oath or affirmation as the Director shall deem appropriate.

(d) The Director shall establish a procedure, including notice and opportunity to be heard, for volunteers under this part to present and obtain resolution of grievances and to present their views in connection with the terms and conditions of their service. The Director shall promptly provide to each volunteer in service on the date of enactment of this Act, and to each such volunteer beginning service thereafter, information regarding such procedure and the terms and conditions of their service.

(42 U.S.C. 4954)

SUPPORT SERVICE

SEC. 105. (a)(1) The Director may provide a stipend to volunteers, while they are in training and during their assignments, enrolled for periods of service of not less than one year under this part, except that the Director may, on an individual basis, make an exception to provide a stipend to a volunteer enrolled under this part for an extended period of service not totaling one year. Such stipend shall not exceed ~~\$75~~ ^{\$95} per month in fiscal year 1990, \$90 per month in fiscal year 1991, and \$95 per month in subsequent fiscal years during the volunteer's service, except that the Director may provide a stipend not to exceed \$75 per month in fiscal year 1990, \$90 per month in fiscal year 1991, and \$95 per month in subsequent fiscal years in the case of persons who have served for at least one year and who, in accordance with standards established in regulations which the Director shall prescribe, have been designated volunteer leaders on the basis of experience and special skills and a demonstrated leadership among volunteers.

(2) Stipends shall be payable only upon completion of a period of service, except that under such circumstances as the Director shall determine, in accordance with regulations which the Director shall prescribe, the accrued stipend, or any part of the accrued stipend, may be paid to the volunteer, or, on behalf of the volunteer, to members of the volunteer's family or others during the period of the volunteer's service. In the event of the death of a volunteer during service, the amount of any unpaid stipend shall be paid in accordance with the provisions of section 5582 of title 5, United States Code.

(b)(1) The Director shall also provide volunteers such living, travel (including travel to and from places of training and to and from locations to which volunteers are assigned during periods of service) and leave allowances, and such housing, supplies, equipment, subsistence, clothing, health and dental care, transportation, supervision, preservice training and where appropriate in-service training, technical assistance and such other support as the Director deems necessary and appropriate to carry out the purpose and

over →

1994 but shall be set at a minimum of \$125 per month during the volunteer's service after October 1, 1994, assuming the availability of funds to accomplish this increase (over)

keep "in the case of persons..."

Further, the Director may provide a stipend of a minimum of \$200 per month in the case of persons who have served for at least one year to who, in accordance with standards established in regulations which the Director shall prescribe (over)

(b) SUMMER PROGRAM.--Section 104 of the Act (42 U.S.C. § 4954) is amended by adding at the end thereof the following:

"(e) Notwithstanding any other provision under this part, the Director may enroll full-time VISTA Summer Associates for the summer months only, under the terms and conditions to be set by the Director. These individuals must be assigned to projects which meet the criteria set forth in section 103(a). The Agency shall report on participants, costs, and accomplishments under the summer program separately. The limitation on funds appropriated for grants and contracts, as contained in Section 108 of the Act, shall not apply to the summer program."

(b) SUMMER PROGRAM.--Section 104 of the Act (42 U.S.C. § 4954) is amended by adding at the end thereof the following:

"(e) Notwithstanding any other provision under this part, the Director may enroll full-time VISTA Summer Associates for the summer months only, under the terms and conditions to be set by the Director. These individuals must be assigned to projects which meet the criteria set forth in section 103(a). The Agency shall report on participants, costs, and accomplishments under the summer program separately. The limitation on funds appropriated for grants and contracts, as contained in Section 108 of the Act, shall not apply to the summer program."

Further, the Director may provide a stipend of a minimum of \$200 per month in the case of persons who have served for at least one year to who, in accordance with standards established in regulations which the Director shall prescribe (over)
(over

provisions of this part, and shall insure that each such volunteer has available such allowances and support as will enable the volunteer to carry out the purpose and provisions of this part and to effectively perform the work to which such volunteer is assigned.

(2) The Director shall set the subsistence allowance for volunteers under paragraph (1) for each fiscal year so that—

(A) the minimum allowance is not less than an amount equal to 95 percent of such poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) for a single individual as expected for each fiscal year; and

(B) the average subsistence allowance, excluding allowances for Hawaii, Guam, American Samoa, and Alaska, is no less than 105 percent of such poverty line.

(3)(A) The Director shall consult with regional and State offices of the ACTION Agency to make a determination of the cost of living within each State and whether there are significant local price differentials within the State.

(3)

(B) The Director shall adjust the subsistence allowances for volunteers serving in areas that have a higher cost of living than the national average to reflect such higher cost.

(4) The Director, in coordination with regional and State offices of the ACTION Agency and taking into account paragraphs (2) and (3), shall establish a method for setting subsistence allowances. The Director shall submit a report on such methods to the appropriate authorizing committees of Congress not later than 90 days after the date of enactment of the fiscal year 1990 appropriation.

(42 U.S.C. 4955)

PARTICIPATION OF BENEFICIARIES

SEC. 106. To the maximum extent practicable, the people of the communities to be served by volunteers under this title shall participate in planning, developing, and implementing programs thereunder, and the Director, after consultation with sponsoring agencies (including volunteers assigned to them) and the people served by such agencies, shall establish in regulations a continuing mechanism for the meaningful participation of such program beneficiaries.

(42 U.S.C. 4956)

PARTICIPATION OF OLDER PERSONS

SEC. 107. In carrying out this part and part C of this title, the Director shall take necessary steps, including the development of special projects, where appropriate, to encourage the fullest participation of older persons and older persons membership groups as volunteers and participant agencies in the various programs and activities authorized under such parts and because of the high proportion of older persons within the poverty group, shall encourage the development of a variety of volunteer services to older persons, including special projects, to assure that such persons are served in proportion to their need.

(42 U.S.C. 4957)

add language re: older adults

LIMITATION¹

SEC. 108. (a) Of funds appropriated for the purpose of this part under section 501, not more than 30 percent for the fiscal year ending September 30, 1984, and for each fiscal year thereafter, may be obligated for the direct cost of supporting volunteers in programs or projects carried out pursuant to grants and contracts made under section 402(12).

(b) No funds shall be obligated under this part pursuant to grants or contracts made after the date of the enactment of the Domestic Volunteer Service Act Amendments of 1979 for new projects for the direct cost of supporting volunteers unless the recipient of each such grant or contract has been selected through a competitive process which includes—

(1) public announcements of the availability of funds for such grants or contracts, general criteria for the selection of new recipients, and a description of the application process and the application review process; and

(2) a requirement that each applicant for any such grant or contract identify, with sufficient particularity to assure that the assignments of volunteers under such grants and contracts will carry out the purpose of this part, the particular poverty or poverty-related problems on which the grant or contract will focus, and any such grant or contract shall specifically so identify such problems.

(42 U.S.C. 4958)

VISTA LITERACY CORPS

SEC. 109. (a) As part of the Volunteers in Service to America program established under this part, the Director shall establish a VISTA Literacy Corps for the purpose of developing, strengthening, supplementing, and expanding efforts of both public and nonprofit organizations at the local, State, and Federal level to mobilize local, State, Federal, and private sector financial and volunteer resources to address the problem of illiteracy throughout the United States.

(b) The Director shall assign volunteers to projects and programs that meet the antipoverty criteria of part A that provide assistance to functionally illiterate and illiterate individuals who are unserved or underserved by literacy education programs, with special emphasis upon disadvantaged individuals having the highest risk of illiteracy, and individuals with the lowest reading and educational level of competence.

(c)(1) The Director shall assign volunteers under this subsection to projects and programs that utilize volunteers to address the needs of illiterate individuals.

(2) Programs and projects under this subsection may be administered by public or private nonprofit agencies and organizations including local, State, and national literacy councils and organizations; community-based nonprofit organizations; local and State education agencies; local and State agencies administering adult

¹ New section 108 was added by section 4(a)(1) of Public Law 94-293, supra. Section 4(c) of Public Law 94-293 provides that the new section 108 "shall be effective on October 1, 1976, and shall not apply to any agreement for the assignment of volunteers entered into before such date during the period of any such agreement."

basic education programs; educational institutions; libraries; anti-poverty organizations; local, municipal, and State governmental entities, and administrative entities designated to administer job training plans under the Job Training Partnership Act.

(3) In the assignment of volunteers under this subsection the Director shall give priority consideration to—

(A) programs and projects that assist illiterate individuals in greatest need of assistance residing in unserved or underserved areas with the highest concentrations of illiteracy and of low income individuals and families;

(B) projects and programs serving individuals reading at the zero to fourth grade levels;

(C) projects and programs focusing on providing literacy services to high risk populations;

(D) projects and programs operating in areas with the highest concentration of individuals and families living at or below the poverty level;

(E) projects and programs providing literacy services to parents of disadvantaged children between the ages of two and eight, who may be educationally at risk; and

(F) Statewide programs and projects that encourage the creation of new literacy efforts, encourage the coordination of intrastate literacy efforts and provide technical assistance to local literacy efforts.

(d)(1) The Director shall assign volunteers under this subsection to projects and programs that primarily utilize volunteers to tutor illiterate individuals.

(2) Programs and projects under this subsection may be administered by local public or private nonprofit agencies and organizations including local literacy councils and organizations, community-based nonprofit organizations, local educational agencies, local agencies administering adult basic education programs, local educational institutions, libraries, antipoverty organizations, local and municipal governmental entities, and administrative entities designated to administer job training plans under the Job Training Partnership Act.

(3) In the assignment of volunteers under this subsection the Director shall give priority consideration to local programs and projects that assist illiterate individuals in greatest need of assistance residing in unserved or underserved areas with the highest concentrations of illiteracy and of low income individuals and families.

(e) The Director shall ensure an equitable distribution of volunteers under this section in accordance with the equitable distribution requirement of section 414 of this Act.

(f) The VISTA Literacy Corps shall consist of all volunteers serving under part A working on literacy projects and programs.

~~(g)(1) Funds made available under section 501(a) for the purposes of this section shall be used to supplement and not supplant the level of services provided under part A in fiscal year 1986 to address the problem of illiteracy. The Director shall ensure that records are maintained to indicate the degree of compliance with this requirement.~~

"APPLICATIONS FOR ASSISTANCE"

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

(1) (2) In any fiscal year in which the services provided under part A are reduced, the services provided under this section shall be proportionately reduced.

(h)(1) Subject to paragraphs (2) and (3), with respect to any individual providing volunteer services in the program under this section regarding literacy, the Director may, with the written consent of the individual, assign the individual to serve in the general program under this part regarding literacy.

(2) To the extent practicable and without undue delay, the Director shall ensure that a volunteer under this section is assigned to the vacancy created within the relevant literacy project or program established under this section.

(3) ~~Nothing in this subsection shall diminish or otherwise affect the requirement in subsection (g)(1) that funds made available for this section shall be used to supplement and not to supplant the 1986 level of literacy services provided under part A.~~

(42 U.S.C. 4959)

SEC. 110. APPLICATIONS FOR ASSISTANCE ~~BY PREVIOUS RECIPIENTS~~

"APPLICATIONS FOR ASSISTANCE"

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

~~(G) RENEWAL OF ASSISTANCE.—With respect to any consideration that relates to the duration of assistance under this part and that is applied by the Director in the case of a request for a renewal of assistance under this part, the Director may not apply any such consideration against any entity that is—~~

~~(1) functioning as an intermediary between the Director and organizations requesting such renewal and ultimately receiving such assistance; and~~

~~(2) utilized by such organizations—~~

~~(A) to prepare and submit applications for such assistance to the Director; and~~

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(2) In any fiscal year in which the services provided under part A are reduced, the services provided under this section shall be proportionately reduced.

(h)(1) Subject to paragraphs (2) and (3), with respect to any individual providing volunteer services in the program under this section regarding literacy, the Director may, with the written consent of the individual, assign the individual to serve in the general program under this part regarding literacy.

(2) To the extent practicable and without undue delay, the Director shall ensure that a volunteer under this section is assigned to the vacancy created within the relevant literacy project or program established under this section.

(3) Nothing in this subsection shall diminish or otherwise affect the requirement in subsection (g)(1) that funds made available for this section shall be used to supplement and not to supplant the 1986 level of literacy services provided under part A.

(42 U.S.C. 4959)

SEC. 110. APPLICATIONS FOR ASSISTANCE BY PREVIOUS RECIPIENTS.

(a) DURATION.—The Director shall not deny assistance under this part to any project or program, or any public or private nonprofit organization, solely on the basis of the duration of the assistance such project, program, or organization has previously received under this part.

(b) CONSIDERATION OF APPLICATION.—The Director shall consider each application for the renewal of assistance under this part to any project or program on an individualized, case-by-case basis, taking into account—

(1) the extent to which the sponsoring organization has made good faith efforts to achieve the goals agreed on in the application of such project or program; and

(2) any extenuating circumstance beyond the control of the sponsoring organization that may have prevented, delayed, or otherwise impaired the achievement of such goals.

(c) NEW PROJECT OR PROGRAM.—The Director shall consider each application for assistance under this part for a new project or program, that is submitted by a public or private nonprofit organization that has previously received such assistance (so long as such new project or program is clearly distinct from activities for which the organization has previously received such assistance), on an equal basis with all other applications for such assistance and without regard for the fact that the organization has previously received such assistance.

(d) RENEWAL OF ASSISTANCE.—With respect to any consideration that relates to the duration of assistance under this part and that is applied by the Director in the case of a request for a renewal of assistance under this part, the Director may not apply any such consideration against any entity that is—

(1) functioning as an intermediary between the Director and organizations requesting such renewal and ultimately receiving such assistance; and

(2) utilized by such organizations—

(A) to prepare and submit applications for such assistance to the Director; and

(B) to perform other administrative functions and services associated with applying for and receiving such assistance.

(e) ~~ELIGIBILITY.~~—All eligible public and private nonprofit organizations shall be able to apply for assistance under this part.

(f) ~~NOTICE.~~—The Director shall ensure that the language of each of subsections (a) through (e) is included verbatim in—

(1) an application developed by the agency for use by individuals who request assistance under this part for a project or program; and

(2) any regulation or guideline issued for the program established under this part.

(42 U.S.C. 4960)

University Year for ACTION

~~PART B—STUDENT COMMUNITY SERVICE PROGRAMS~~

~~STATEMENT OF PURPOSE~~

SEC. 111. (a) The purpose of this part is to assist students, through service-learning and community service programs, to undertake volunteer service in such a way as to enhance the educational value of the service experience, through participation in activities that strengthen and supplement efforts to eliminate and alleviate poverty and poverty-related problems. Its purpose further is to provide technical assistance and training to encourage other students and faculty to engage in volunteer service on a part-time, self-supporting basis, to meet the needs of the poor in the surrounding community through expansion of service-learning and community service programs and otherwise.

(b) This part provides for the University Year for ACTION (UYA) program of full-time volunteer service by students enrolled in institutions of higher education. The purpose of the UYA program is to strengthen and supplement efforts to eliminate poverty and poverty-related human, social, and environmental problems by enabling students at cooperating institutions to perform meaningful and constructive volunteer service in connection with the satisfaction of course-work while attending such institutions. Volunteer service under this part is conducted in agencies, institutions, and situations where the application of human talent and dedication may assist in the solution of poverty and poverty-related problems and secure and exploit opportunities for self-advancement by individuals experiencing such problems.

(42 U.S.C. 4971)

~~AUTHORITY TO OPERATE UNIVERSITY YEAR FOR ACTION PROGRAM~~

SEC. 112. Except as otherwise provided in this part, the Director is authorized to conduct or make grants and contracts for, or both, programs to carry out the purposes of this part in accordance with the authorities and subject to the restrictions in the provisions of part A of this title, except for the provisions of sections 103(f) and 104(d), and except that the Director may, in accordance with regulations the Director shall prescribe, determine to reduce or eliminate the stipend for volunteers serving under this part on the

basis of the value of benefits provided such volunteers by the institution in question (including the reduction or waiver of tuition).

(42 U.S.C. 4972)

SPECIAL CONDITIONS

SEC. 113. (a) Volunteers serving under this part shall be enrolled for periods of service as provided for in subsection (b) of section 104, except that volunteers serving in the University Year for ACTION program may be enrolled for periods of service of not less than the duration of an academic year, but volunteers enrolled for less than 12 months shall not receive stipends under section 105(a)(1). Volunteers serving under this part may receive academic credit for such service in accordance with the regulations of the sponsoring institution of higher education.

(b) Grants to and contracts with institutions to administer programs under this part shall provide that prospective student volunteers shall participate substantially in the planning of such programs and that such institutions shall make available to the poor in the surrounding community all available facilities, including human resources, of such institutions in order to assist in meeting the needs of such poor persons.

(c)(1) In making grants or contracts for the administration of UYA programs under this part, the Director shall insure that financial assistance under this Act to programs carried out pursuant to section 112 of this part shall not exceed 90 per centum of the total cost (including planning costs) of such program during the first year and such amounts less than 90 per centum as the Director, in consultation with the institution, may determine for not more than four additional years, including years in which support was received under title VIII of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2991-2994d). Each such grant or contract shall stipulate that the institution will make every effort to (A) assume an increasing proportion of the cost of continuing a program carrying out the purpose of this part while the institution receives support under this part; (B) waive or otherwise reduce tuition for participants in such program, where such waiver is not prohibited by law; (C) utilize students and faculty at such institution to carry out, on a self-supporting basis, appropriate planning for such programs; and (D) maintain similar service-learning programs after such institution no longer receives support under this part.

(2) The Director shall take necessary steps to monitor the extent of compliance by such institutions with commitments entered into under paragraph (1) of this subsection and shall advise the Secretary of Health and Human Services of the extent of each such institution's compliance.

(42 U.S.C. 4973)

STUDENT COMMUNITY SERVICE PROGRAMS

SEC. 114. (a) The Director is authorized to make grants and contracts for technical assistance, training, and projects which encourage and enable students in secondary, secondary vocational, and postsecondary schools to participate in service-learning and

semester or its equivalent

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community service programs on an in-school or out-of-school basis in assignments of a character and on such terms and conditions as are described in subsections (a) and (e) of section 103. Any project assisted under this part shall meet the anti-poverty criteria of section 111 and contain an educational and service component.

(b) Persons serving as volunteers under this section shall not be deemed to be Federal employees for any purposes.

(c) The Director may provide volunteers serving under this section a living allowance and only such other support or allowance as he determines, pursuant to regulations which the Director shall prescribe, are required because of unusual or special circumstances affecting the program.

(42 U.S.C. 4974)

PART C—SPECIAL VOLUNTEER PROGRAMS

STATEMENT OF PURPOSE

SEC. 121. This part provides for special emphasis and demonstration volunteer programs, together with appropriate powers and responsibilities designed to assist in the development and coordination of such programs. The purpose of this part is to strengthen and supplement efforts to meet a broad range of needs, particularly those related to poverty, by encouraging and enabling persons from all walks of life and from all age groups to perform meaningful and constructive volunteer service in agencies, institutions, and situations where the application of human talent and dedication may help to meet such needs. It is the further purpose of this part to provide technical and financial assistance to encourage voluntary organizations and volunteer efforts at the national, State, and local level.

(42 U.S.C. 4991)

AUTHORITY TO ESTABLISH AND OPERATE PROGRAMS

SEC. 122. (a)(1) The Director is authorized to conduct or make grants or contracts, or both, for special volunteer programs in urban and rural areas (including Indian reservations) or demonstration programs (such as but not limited to a program to provide alternatives to the incarceration of youthful offenders, a program to promote educational opportunities for veterans, a program to provide community-based peer group outreach and counseling for drug abusers, a program of assistance to victims of domestic violence, a program to provide technical and management assistance to distressed communities, a program designed to provide personal and group financial counseling to low-income and fixed-income individuals (utilizing volunteers with specialized or technical expertise), and a Helping Hand program designed to stimulate and initiate improved methods of providing volunteer services, to encourage wider volunteer participation on a full-time, part-time, or short-term basis to further the purpose of this part, and to identify particular segments of the poverty community which could benefit from volunteer and other antipoverty efforts. In carrying out programs authorized by this part, the Director is authorized to provide for the recruitment, selection, and training of volunteers.

"Section 123. The Director may provide technical and financial assistance to Federal agencies, State and local governments and agencies, private nonprofit organizations, employers, and other private organizations which utilize or desire to utilize volunteers in carrying out the purpose of this part."

(3) After the date of enactment of the Domestic Volunteer Service Act Amendments of 1989, no grant or contract under this part may exceed \$250,000.

(4) Multiple grants or contracts to the same grantee or contractor within any one year to support activities having the same general purpose shall be deemed to be a single grant for the purpose of this subsection, but multiple grants or contracts to the same grantee or contractor to support clearly distinct activities shall be considered separate grants or contracts.

(e) None of the amounts made available under section 501(c) for fiscal year 1990 or subsequent fiscal years may be expended for the purpose of establishing or operating any State office with respect to volunteerism.

(42 U.S.C. 4992)

TECHNICAL AND FINANCIAL ASSISTANCE FOR IMPROVEMENT OF
VOLUNTEER PROGRAMS

"Section 123. The Director may provide technical and financial assistance to Federal agencies, State and local governments and agencies, private nonprofit organizations, employers, and other private organizations which utilize or desire to utilize volunteers in carrying out the purpose of this part."

ment of voluntary organizations, with particular emphasis on low-income, minority, and community-based groups, or (3) the administration of volunteer programs. In providing such technical and financial assistance, the Director shall utilize, to the maximum extent feasible, existing programs, and shall seek to avoid duplication of existing programs in the public or private sectors.

(b)(1) The Director shall provide assistance for identification, development, and dissemination of effective literacy materials and programs by grant or contract to public and private nonprofit organizations whose principal purpose is combatting of illiteracy and its associated problems.

(2) The Director shall consult with and annually submit summaries of exemplary projects based on project reports to the national clearinghouse on literacy education, as designated under section 372(d)(2) of the Adult Education Act (20 U.S.C. 1211a(d)(2)).

(3) The emphasis for the grants or contracts under paragraph (1) shall be—

(A) broadly disseminating information relating to training and technical assistance for the use of volunteers in projects or programs providing literary services in poor urban and rural areas, including English language literacy services for individuals with limited English proficiency; or

(B) developing new and innovative solutions to illiteracy problems that involve the more effective and extensive use of volunteers in such projects or programs.

(42 U.S.C. 4993)

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PRESERVATION

(3) After the date of enactment of the Domestic Volunteer Service Act Amendments of 1989, no grant or contract under this part may exceed \$250,000.

(4) Multiple grants or contracts to the same grantee or contractor within any one year to support activities having the same general purpose shall be deemed to be a single grant for the purpose of this subsection, but multiple grants or contracts to the same grantee or contractor to support clearly distinct activities shall be considered separate grants or contracts.

(e) None of the amounts made available under section 501(c) for fiscal year 1990 or subsequent fiscal years may be expended for the purpose of establishing or operating any State office with respect to volunteerism.

(42 U.S.C. 4992)

TECHNICAL AND FINANCIAL ASSISTANCE FOR IMPROVEMENT OF
VOLUNTEER PROGRAMS

SEC. 123. (a) The Director may provide technical and financial assistance to Federal agencies, State and local governments and agencies, and private nonprofit organizations, which utilize or desire to utilize volunteers in connection with carrying out the purpose of this part. Such assistance may be used to facilitate and improve (1) methods of recruiting, training, or utilizing volunteers, (2) technical assistance and training programs, including the creation or expansion of private capabilities where possible and the development of voluntary organizations, with particular emphasis on low-income, minority, and community-based groups, or (3) the administration of volunteer programs. In providing such technical and financial assistance, the Director shall utilize, to the maximum extent feasible, existing programs, and shall seek to avoid duplication of existing programs in the public or private sectors.

(b)(1) The Director shall provide assistance for identification, development, and dissemination of effective literacy materials and programs by grant or contract to public and private nonprofit organizations whose principal purpose is combatting of illiteracy and its associated problems.

(2) The Director shall consult with and annually submit summaries of exemplary projects based on project reports to the national clearinghouse on literacy education, as designated under section 372(d)(2) of the Adult Education Act (20 U.S.C. 1211a(d)(2)).

(3) The emphasis for the grants or contracts under paragraph (1) shall be—

(A) broadly disseminating information relating to training and technical assistance for the use of volunteers in projects or programs providing literary services in poor urban and rural areas, including English language literacy services for individuals with limited English proficiency; or

(B) developing new and innovative solutions to illiteracy problems that involve the more effective and extensive use of volunteers in such projects or programs.

(42 U.S.C. 4993)

"Section 122. (a) The Director is authorized to conduct or make grants or contracts to public and nonprofit organizations for special volunteer programs or demonstration programs to encourage wider volunteer participation on a full-time, part-time, or short-term basis to further the purpose of this part, and to identify particular segments of the poverty community which could benefit from volunteer and other antipoverty efforts.

"The assignment of volunteers under this section, and the provision of support for such volunteers, including any subsistence allowances and stipends, shall be on such terms and conditions as the Director shall determine but shall not exceed the level of support provided under Section 105. Projects using non-stipended volunteers may also be supported under this Section.

"(b) In carrying out the activities authorized under sections 122 and 123, the Director shall establish criteria and priorities to make grants and enter into contracts in each fiscal year. No grant or contract exceeding \$100,000 shall be made under this part unless the grantee or contractor has been selected by a competitive process which includes public announcement of the availability of funds for such grant or contract, general criteria for the selection of recipients or contractors, and a description of the application process and application review process."

"Section 122. (a) The Director is authorized to conduct or make grants or contracts to public and nonprofit organizations for special volunteer programs or demonstration programs to encourage wider volunteer participation on a full-time, part-time, or short-term basis to further the purpose of this part, and to identify particular segments of the poverty community which could benefit from volunteer and other antipoverty efforts.

"The assignment of volunteers under this section, and the provision of support for such volunteers, including any subsistence allowances and stipends, shall be on such terms and conditions as the Director shall determine but shall not exceed the level of support provided under Section 105. Projects using non-stipended volunteers may also be supported under this Section.

"(b) In carrying out the activities authorized under sections 122 and 123, the Director shall establish criteria and priorities to make grants and enter into contracts in each fiscal year. No grant or contract exceeding \$100,000 shall be made under this part unless the grantee or contractor has been selected by a competitive process which includes public announcement of the availability of funds for such grant or contract, general criteria for the selection of recipients or contractors, and a description of the application process and application review process."

~~availability of funds for such grant or contract, general criteria for the selection of recipients or contractors, and a description of the application process and application review process.~~

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(2) For purposes of this subsection, the term "Helping Hand" program means a program utilizing person-to-person services to reduce the necessity for institutionalization (in hospitals, mental institutions, nursing homes, other extended-care settings, and other facilities) and to ameliorate residential isolation (through senior centers, half-way house facilities, and other residential settings) of older persons, handicapped persons, and other affected persons, stressing interactions between persons from various age groups, particularly young and old, and carried out in coordination with the appropriate State system for the protection and advocacy of the rights of persons with developmental disabilities established pursuant to section 113 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6012).

(b) Except as provided in subsection (c) of this section, assignment of volunteers under this section shall be on such terms and conditions as the Director shall determine, pursuant to regulations which the Director shall prescribe.

(c)(1) The Director, in accordance with regulations which the Director shall prescribe, may provide to volunteers enrolled for periods of part-time service of not less than 20 hours per week for not less than 26 consecutive weeks under this part such allowances, support, and services as are described in section 105(b) and as the Director determines are necessary to carry out the purpose of this part, and shall apply the provisions of sections 104(c) and 105(b) to the service of volunteers enrolled for full-time service under this part.

(2) The Director, in accordance with regulations which the Director shall prescribe with respect to volunteers enrolled for periods of full-time service of not less than one year under this part—

(A) may provide such volunteers such stipends, in total amounts not in excess of stipends provided under section 105(a) to volunteers serving under part A of this title, as the Director determines are necessary to carry out the purpose of this part; and

(B) to the extent that the terms and conditions of the service of such volunteers are of similar character to the terms and conditions of the service of volunteers enrolled under part A of this title, shall apply to the service of such volunteers enrolled under this part the provisions of sections 103(b) relating to low-income community volunteers, 103(f), 104(d), and 105(a) to the extent such provisions are applied to the service of volunteers enrolled under such part A.

(d)(1) In carrying out programs authorized by this part, the Director shall establish criteria to make grants and enter into contracts, in each fiscal year, on the basis of merit and the equitable geographic distribution of programs.

(2) No grant or contract exceeding \$50,000 shall be made under this part unless the grantee or contractor has been selected by a competitive process which includes public announcement of the availability of funds for such grant or contract, general criteria for the selection of recipients or contractors, and a description of the application process and application review process.

DRUG ABUSE EDUCATION AND PREVENTION SERVICES AND ACTIVITIES

SEC. 124. (a) The Director is authorized to engage in activities that mobilize and initiate private sector efforts to increase voluntarism in preventing drug abuse through public awareness and education (including grants, contracts, conferences, speakers bureau, public-private partnerships and technical assistance to nonprofit and for-profit organizations).

(b)(1) The Director is authorized to make grants to public and nonprofit organizations for innovative, community-based volunteer demonstration projects which provide comprehensive drug abuse education and prevention services and activities to youths during the summer months. Such projects may include—

(A) extending effective school-based programs, or other programs operated during the school year, to the summer months;

(B) developing or expanding summer recreational, volunteer service, and youth development activities to provide for youths positive alternatives to illicit drug use; and

(C) incorporating drug abuse education and prevention activities in public and private programs which serve youths during the summer months.

(2) In awarding grants under this subsection, the Director shall give priority to projects that—

(A) serve high-risk youths; and

(B) provide opportunities for parent involvement.

(3) For the purposes of this subsection, the term "high-risk youth" has the meaning given such term in section 5122(b)(2) of the Elementary and Secondary Education Act of 1965.

(c) In awarding grants and contracts under this section, the Director shall give priority to drug abuse education and prevention projects that serve communities, including rural communities, that have not previously received assistance under this part.

(d) The Director shall provide for the evaluation of activities and projects conducted with financial assistance received under this section. An application for a grant under this section in excess of \$10,000 shall include a description of the methods to be used in evaluating the impact any activities and programs financed through such grant have on the drug abuse problem within the communities where such activities and projects are carried out.

(c)¹ The Director may provide technical assistance, by grant or contract, to employers who have established or desire to establish worksite literacy programs to assist such employers in obtaining, training, and integrating volunteers into worksite literacy programs. The Director shall coordinate any activities assisted under this subsection with the Department of Education Workplace Literacy programs established under part C of the Adult Education Act (20 U.S.C. 1201 et seq.).

(42 U.S.C. 4994)

¹ So in law. This second subsection "(c)" probably should be redesignated as "(e)".

LITERACY CHALLENGE GRANTS

SEC. 125. (a) The Director is authorized to award challenge grants to eligible public agencies and private organizations to pay the Federal share of the costs of establishing, operating or expanding community or employee literacy programs or projects that include the use of full-time or part-time volunteers as one method of addressing illiteracy.

(b) Each eligible organization desiring a grant under this section shall submit to the ACTION Agency an application in such form and accompanied by such information as the Director may reasonably require. Each such application shall—

- (1) describe the activities for which assistance is sought,
- (2) contain assurances that the eligible organization will provide from non-Federal sources the non-Federal share of the cost of the program or project,

(3) provide assurances, satisfactory to the Director, that the literacy project will be operated in cooperation with other public and private agencies and organizations interested in, and qualified to, combat illiteracy in the community where the project is to be conducted, and

(4) contain such other information and assurances as the Director may reasonably require.

(c)(1)(A) The Federal share of the cost of a program or project authorized by this section administered by a public agency, a non-profit organization other than an organization described in paragraph (2), or a private, for-profit organization shall not exceed—

- (i) 80 percent in the first fiscal year;
- (ii) 70 percent in the second fiscal year; and
- (iii) 60 percent in the third fiscal year.

(B) The non-Federal share paid by a private, for-profit organization shall be in cash.

(2) The Federal share of the cost of a program or project administered by a nonprofit or community-based organization shall not exceed—

- (A) 90 percent in the first fiscal year;
- (B) 80 percent in the second fiscal year; and
- (C) 70 percent in the third fiscal year.

(3) The non-Federal share provided by a public agency or a nonprofit or community-based organization may be provided in cash, or in kind, fairly evaluated, and may include the use of plant, equipment, and services.

(42 U.S.C. 4995)

~~NATIONAL~~ NATIONAL SENIOR VOLUNTEER CORPS
TITLE II—~~OLDER AMERICAN~~ VOLUNTEER PROGRAMS

STATEMENT OF PURPOSES

SEC. 200. It is the purpose of—

- (1) this title to provide for ~~Older American~~ ^{National Senior} Volunteer Programs, comprised of the retired senior volunteer program, the foster grandparent program, and the senior companion program, that empower older individuals to contribute to their communities through volunteer service, enhance the lives of

the volunteers and those whom they serve, and provide communities with valuable services;

(2) part A, the retired^{and} senior volunteer program, to utilize the vast talents of older individuals willing to share their experiences, abilities, and skills in responding to a wide variety of community needs;

(3) part B, the foster grandparent program, to afford low-income older individuals an opportunity to provide supportive, individualized services to children with exceptional or special needs; and

(4) part C, the senior companion program, to afford low-income older individuals the opportunity to provide personal assistance and companionship to other older individuals through volunteer service.

(42 U.S.C. 5000)

AND

PART A—RETIRED SENIOR VOLUNTEER PROGRAM

GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS

SEC. 201. (a) In order to help retired^{and older working} persons to avail themselves of opportunities for volunteer service in their community, the Director is authorized to make grants to State agencies (established or designated pursuant to section 305(a)(1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3025(a)(1))) or grants to or contracts with other public and nonprofit private agencies and organizations to pay part or all of the costs for the development or operation, or both, of volunteer service projects under this section, if the Director determines, in accordance with regulations the Director shall prescribe, that—

(1) volunteers will not be reimbursed for other than transportation, meals, and other out-of-pocket expenses incident to the provision of services under this part;

(2) only individuals aged ~~sixty~~ or over will be enrolled as volunteers to provide services under this part (except for administrative purposes), and such services will be performed in the community where such individuals reside or in nearby communities either (A) on publicly owned and operated facilities or projects, or (B) on local projects sponsored by private nonprofit organizations (other than political parties), other than projects involving the construction, operation, or maintenance of so much of any facility used or to be used for sectarian instruction or as a place for religious worship;

(3) the project includes such short-term training as may be necessary to make the most effective use of the skills and talents of participating volunteers and individuals, and provide for the payment of the reasonable expenses of such volunteers while undergoing such training; and

(4) the project is being established and will be carried out with the advice of persons competent in the field of service involved, and or persons with interest in and knowledge of the needs of older persons.

(b) In no event shall the required proportion of the local contribution (including in-kind contributions) for a grant or contract

fifty-five ~~45~~

made under this section be more than 10 per centum in the first year of assistance under this section, 20 per centum in the second such year, 30 per centum in any subsequent such years: Provided, however, That the Director may make exceptions in cases of demonstrated need, determined (in accordance with regulations which the Director shall prescribe) on the basis of the financial capability of a particular recipient of assistance under this section, to permit a lesser local contribution proportion than any required contribution proportion established by the Director in generally applicable regulations.

~~(c) The Director shall not award any grant or contract under this part for a project in any State to any agency or organization unless, if such State has a State agency established or designated pursuant to section 305(a)(1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3025(a)(1)), such agency itself is the recipient of the award or such agency has been afforded at least forty-five days in which to review the project application and make recommendations thereon.~~

(d) Notwithstanding any other provision of law, volunteer service under this part shall not be deemed employment for any purpose which the Director finds is not fully consistent with the provisions and in furtherance of the purpose of this part.

(42 U.S.C. 5001)

PART B—FOSTER GRANDPARENT PROGRAM

GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS

SEC. 211. (a) The Director is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of development and operation of projects (including direct payments to individuals serving under this part) designed for the purpose of providing opportunities for low-income persons aged sixty or over to provide supportive person-to-person services in health, education, welfare, and related settings to children having exceptional needs, including services by individuals serving as "foster grandparents" to children receiving care in hospitals; homes for dependent and neglected children; ~~for other establishments providing care for children with special needs.~~ The Director may approve assistance in excess of 90 per centum of the costs of the development and operation of such projects only if the Director determines, in accordance with regulations the Director shall prescribe establishing objective criteria, that such action is required in furtherance of the purpose of this section. Provision for such assistance shall be effective as of September 19, 1972. In the case of any project with respect to which, prior to such date, a grant or contract has been made under section 611(a) of the Older Americans Act of 1965, as amended (42 U.S.C. 3044(b) or with respect to any project under the Foster Grandparent program in effect prior to September 17, 1969, contributions in cash or in kind from the Bureau of Indian Affairs, Department of the Interior, toward the cost of the project may be counted as part of the cost thereof which is met from non-Federal sources.

(b)(1) Any public or private nonprofit agency or organization responsible for providing person-to-person services to a child in a

; and participating in day care centers, schools, Head Start projects, & a variety of other establishments and institutions

or exceptional

Individual Foster Grandparents may provide person-to-person services to one or more children depending upon the needs of the project & local site.

project carried out under subsection (a) of this section shall have the exclusive authority to determine, pursuant to the provisions of paragraph (2) of this subsection—

(A) which children may receive supportive person-to-person services under such project; and

(B) the period of time during which such services shall be continued in the case of each individual child.

(2) In the event that such an agency or organization determines that it is in the best interests of a mentally retarded child receiving, and of a particular foster grandparent providing, services in such a project, such relationship may be continued after the child reaches the chronological age of 21: *Provided*, That such child was receiving such services prior to attaining the chronological age of 21. If the particular foster grandparent subject to the determination under this paragraph becomes unavailable to serve after such determination is made, the agency or organization may select another foster grandparent.

(3) Any determination made by a public or nonprofit private agency or organization under paragraphs (1) and (2) of this subsection shall be made through mutual agreement by all parties involved with respect to the provision of services to the child involved.

(c) For the purposes of this section, the terms "child" and "children" mean any individual or individuals who are less than 21 years of age.

(d) The Director, in accordance with regulations the Director shall prescribe, may provide to low-income persons serving as volunteers under this part, such allowances, stipends, and other support as the Director determines are necessary to carry out the purpose of this part. Any stipend or allowance provided under this subsection shall not be less than ~~\$2.20 per hour until October 1, 1990, \$2.35 per hour during fiscal year 1991, and \$2.50 per hour on and after October 1, 1992~~, except that (1) such stipend or allowance shall not be increased as a result of an amendment made to this sentence unless the funds appropriated for carrying out this part are sufficient to maintain for the fiscal year in question a number of participants to serve under this part at least equal to the number of such participants serving during the preceding fiscal year, and (2) in the event that sufficient appropriations for any fiscal year are not available to increase any such stipend or allowance provided to the minimum hourly rate specified in this sentence, the Director shall increase the stipend or allowance to such amount as appropriations for such year permit consistent with clause (1) of this exception.

(e) For purposes of this part, the terms "low-income person" and "person of low income" mean—

(1) any person whose income is not more than 125 per centum of the poverty line defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) and adjusted by the Director in the manner described in such section; and

(2) any person whose income is not more than 100 per centum of such poverty line, as so adjusted and determined by the Director after taking into consideration existing poverty guidelines as appropriate to local situations.

on 8 ~~330~~ after
\$ 2.45
1993, and shall be
adjusted once during the
period 1993-1997 to
account for inflation, as
determined by the
Director & rounded to
the nearest five cents,

Persons described in paragraph (2) shall be given special consideration for participation in projects under this part.

~~(1)(A) Except as provided in subparagraphs (B) and (C), individuals who are not low-income persons may serve as volunteers under this part, in accordance with such regulations as the Director shall issue, if such individuals serve without receiving any allowance, stipend, or other financial support under this part except reimbursement for transportation, meals, and out-of-pocket expenses incident to serving under this part.~~

(over for new
(f))

~~(B) The regulations issued by the Director to carry out this part (other than any regulations relating to allowances, stipends, and other financial support authorized by subsection (d) to be paid under this part to low-income persons) shall apply to all volunteers under this part, without regard to whether such volunteers are eligible to receive a stipend under subsection (d).~~

~~(C) Individuals who are not low-income persons may not serve as volunteers under this part in any community in which there are volunteers serving under part A of this title unless such individuals have been referred previously for possible placement as volunteers under part A and such placement did not occur.~~

~~(2)(A) Except as provided in subparagraph (B), each recipient of a grant or contract to carry out a project under this part shall give equal treatment to all volunteers who participate in such project, without regard to whether such volunteers are eligible to receive a stipend under subsection (d).~~

~~(B) An individual who is not a low-income person may not become a volunteer under this part if allowing such individual to become a volunteer under this part would prevent a low-income individual from becoming a volunteer under this part or would displace a low-income person from being such a volunteer.~~

~~(3)¹ The Director may not take into consideration or require as a condition of receiving a grant or contract to carry out a project under this part, any applicant for such grant or contract—~~

~~(A) to accept or recruit individuals who are not low-income persons to serve as volunteers under this part; or~~

~~(B) to solicit locally generated contributions, in cash or in kind, to support such individuals.~~

~~The Director may not coerce any applicant for, or recipient of, such grant or contract to engage in conduct described in subparagraph (A) or (B).~~

~~(4) Funds appropriated to carry out this part may not be used to pay any cost, including any administrative cost, incurred in connection with volunteers under this part who do not receive a stipend under subsection (d). Such cost incurred with respect to a volunteer may be paid with—~~

~~(A) funds received by the Director as unrestricted gifts;~~

~~(B) funds received by the Director as gifts to pay such cost;~~

~~(C) funds contributed by such volunteer; or~~

~~(D) locally generated contributions in excess of the amount required to be contributed under subsection (a), in the discre-~~

¹ Section 7(a) of Public Law 99-551, approved October 27, 1987, provides as follows:

"(2) Section 211(f)(3) of the Domestic Volunteer Service Act of 1973, as added by paragraph (1), shall apply with respect to grants and contracts made under section 211(a) of such Act before the date of the enactment of this Act."

"(f) Individuals who are not low-income persons may serve as volunteers under parts B and C of title II, in accordance with such regulations as the Director shall issue, at the discretion of the local project and without receiving any allowance, stipend, or other financial support except reimbursement for transportation, meals, and out-of-pocket expenses incident to serving."

"(f) Individuals who are not low-income persons may serve as volunteers under parts B and C of title II, in accordance with such regulations as the Director shall issue, at the discretion of the local project and without receiving any allowance, stipend, or other financial support except reimbursement for transportation, meals, and out-of-pocket expenses incident to serving."

PHOTOCOPY
PRESERVATION

~~tion of the recipient of a grant or contract under such sub-
section.~~

(42 U.S.C. 5011)

CONDITIONS OF GRANTS AND CONTRACTS

~~Sec. 212. (a)(1) In carrying out this part, the Director shall in-
sure that individuals receiving assistance in any project are older
persons of low income who are no longer in the regular work force.~~

~~(2)(A) The Director shall award a grant or contract under this
part for a project to be carried out over an area in a State more
comprehensive than one community, to the State agency estab-
lished or designated pursuant to section 305(a)(1) of the Older
Americans Act of 1965, as amended (42 U.S.C. 3025(a)(1)), unless
(i) the State has not established or designated such an agency; or
(ii) such agency has been afforded at least 45 days to (I) review the
project application made by a prospective grantee or contractor
other than such agency for a project to be carried out in such State;
and (II) make recommendations thereon. In the event that such an
established or designated State agency is not awarded the grant or
contract, any application approved for a project in such State shall
contain or be supported by satisfactory assurances that the project
has been developed, and will, to the extent feasible, be conducted
in consultation with, or with the participation of, such agency.~~

~~(B) The Director shall award a grant or contract under this
part for a project to be carried out entirely in a community served
by a community action agency, to such agency unless such agency
and the State agency established or designated pursuant to section
305(a)(1) of the Older Americans Act of 1965, as amended (42
U.S.C. 3025(a)(1)) have been afforded at least 45 days to (i) review
the project application made by a prospective grantee or contractor
other than either such agency for a project to be carried out in such
community; and (ii) make recommendations thereon. In the event
that such a community action agency or such an established or des-
ignated State agency is not awarded the grant or contract, any ap-
plication approved for a project to be carried out entirely in such
community shall contain or be supported by satisfactory assurances
that the project has been developed, and will, to the extent feasible,
be conducted, in consultation with, or with the participation of,
such community action agency.~~

~~(b) The term "community action agency" as used in this section
means an eligible entity as defined in section 673(1) of the Commu-
nity Services Block Grant Act (42 U.S.C. 9902(1)).~~

(42 U.S.C. 5012)

PART C—SENIOR COMPANION PROGRAM

GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS

~~SEC. 213. (a) The Director is authorized to make grants to or
contracts with public and nonprofit private agencies and organiza-
tions to pay part or all of the cost of development and operation
of projects (including direct payments to individuals serving under
this part in the same manner as provided in section 211(a)) de-
signed for the purpose of providing opportunities for low-income~~

December 4, 1992 (1:20 p.m.)

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persons aged 60 or over to serve as "senior companions" to persons with exceptional needs. Senior companions may provide services designed to help older persons requiring long-term care, including services to persons receiving home health care, nursing care, home-delivered meals or other nutritional services; services designed to help persons deinstitutionalized from mental hospitals, nursing homes, and other institutions; and services designed to assist persons having developmental disabilities and other special needs for companionship.

(b) Subsections (d), (e), and (f) of section 211, and such other provisions of part B as the Director determines to be necessary, shall apply to this part, except that for purposes of this part any reference in such subsections and such provisions to part B shall be deemed to be a reference to this part.

(c)(1) The Director is authorized to make grants or contracts after subsection (a) for senior companion projects to assist home-bound elderly individuals to remain in their own homes and to enable institutionalized elderly individuals to return to home care settings.

(2)(A) The Director is authorized to recruit, subject to subparagraph (B), senior companion volunteer trainers who on the basis of experience (such as, doctors, nurses, home economists, social workers) will be used to train senior companion volunteers to participate in and monitor initial and continuing needs assessments and appropriate in-home services for senior companion volunteer recipients. The needs assessments and in-home services shall be coordinated with and supplement existing community based home health and long-term care systems. The Director may also use senior companion volunteer leaders, who on the basis of experience as volunteers, special skills, and demonstrated leadership abilities may spend time in the program (in addition to their regular assignment) to assist newer senior companion volunteers in performing their assignments and in coordinating activities of such volunteers.

(B) Senior companion volunteer trainers recruited under subparagraph (A) of this paragraph shall not be paid stipends.

(3) The Director shall conduct an evaluation of the impact of the projects assisted under this subsection based upon a sample survey of projects so assisted. In the third year of such study, the Director shall prepare and submit a report to the Congress. Such evaluation study shall include information on—

(A) the extent to which costs of providing long-term care are reduced by using senior companion volunteers who receive stipends in the provision of long-term care services;

(B) the effectiveness of the provision of long-term care with the use of volunteers;

(C) the extent to which health care needs and health related costs of the senior companion volunteers themselves are affected because of their involvement in the project;

(D) the extent of coordination with other Federal and State efforts aimed at enabling older individuals to receive care in their own homes; and

(E) the effectiveness of using senior companion volunteer leaders and of involving senior companion volunteers based on the training of the volunteer leaders and volunteers.
(42 U.S.C. 5013)

PART D—GENERAL PROVISIONS

PROMOTION OF OLDER AMERICAN VOLUNTEER PROGRAMS

SEC. 221. (a) In carrying out this title, the Director shall consult with the Departments of Labor and Health and Human Services, and any other Federal agencies administering relevant programs with a view to achieving optimal coordination with such other programs, and shall promote the coordination of projects under this title with other public or private programs or projects carried out at State and local levels. Such Federal agencies shall cooperate with the Director in disseminating information about the availability of assistance under this title and in promoting the identification and interest of low-income and other older persons whose services may be utilized in projects under this title.¹

(b)(1) In carrying out this title, the Director shall encourage and facilitate the efforts of private organizations to promote the programs established in parts A, B, and C and the involvement of older individuals as volunteers in such programs.

(2) The Director shall take appropriate actions to ensure that special efforts are made to publicize the programs established in parts A, B, and C, in order to facilitate recruitment efforts, to encourage greater participation of volunteers, and to emphasize the value of volunteering to the health and well-being of volunteers and the communities of such volunteers. Such actions shall include informing recipients of grants and contracts under this title of all informational materials available from the Director.

← addition
(over)

¹Section 205(c) of Public Law 94-135, supra, provides that:

"(c)(1) In order to provide maximum coordination between programs carried out under title III and title VII of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.; 42 U.S.C. 3045 et seq.) and national older American volunteer programs carried out under title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001 et seq.), and in order to enhance the effectiveness of the support provided to such national older American volunteer programs by the ACTION Agency, the Director of the ACTION Agency shall designate an aging resource specialist with respect to programs carried out in each State under title II of the Domestic Volunteer Service Act of 1973.

"(2)(A) Each aging resource specialist designated under paragraph (1) shall be qualified to serve in such capacity by appropriate experience and training, and shall be stationed in a State office of the ACTION Agency.

"(B) The primary responsibility of each aging resource specialist shall be—

"(i) to support programs carried out under title II of the Domestic Volunteer Service Act of 1973 in any State or other jurisdiction served by the State office involved; and
"(ii) to seek to coordinate such programs with programs carried out under title III and title VII of the Older Americans Act of 1965 in any such State or other jurisdiction.

"(3) For purposes of this subsection—

"(A) the term 'ACTION Agency' means the ACTION Agency established by section 401 of the Act (42 U.S.C. 5041);

"(B) the term 'primary responsibility' means the devotion of more than one-half of regular working hours to the performance of duties described in paragraph (2)(B); and

"(C) the term 'State' means the several States, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands."S9001

U157M?
"Further, the Director of ACTION is encouraged to enter into agreements with the Department of Health and Human Services to ^{involve} provide Foster Grandparents in Head Start projects, to use Medicaid funds where cost-effective in involving Senior Companions in health care arrangements; and to promote in-home care in cooperation with the Administration on Aging; with the Department of Education to promote intergenerational tutoring and mentoring for at-risk children; and with the Environmental Protection Agency to support conservation efforts."

U.S.N.A.
"Further, the Director ^{involve} ~~of ACTION~~ is encouraged to enter into agreements with the Department of Health and Human Services to ^{provide} ~~provide~~ Foster Grandparents in Head Start projects, to ~~use Medicaid funds where cost-effective in~~ involving Senior Companions in health care arrangements, and to promote in-home care in cooperation with the Administration on Aging; with the Department of Education to promote intergenerational tutoring and mentoring for at-risk children; ~~and~~ with the Environmental Protection Agency to support conservation efforts."

PHOTOCOPY
PRESERVATION

(3) From funds appropriated under section 502, the Director shall expend not less than \$250,000 in each fiscal year to carry out paragraph (2).

PAYMENTS

SEC. 222. Payments under this title pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions, as the Director may determine.

MINORITY GROUP PARTICIPATION

SEC. 223. The Director shall take appropriate steps to insure that special efforts are made to recruit, select, and assign qualified individuals sixty years and older from minority groups to serve as volunteers under this title.

USE OF LOCALLY GENERATED CONTRIBUTIONS IN OLDER AMERICAN VOLUNTEER PROGRAMS

SEC. 224. Whenever locally generated contributions made to volunteer projects for older Americans under this title are in excess of the amount required by the Director, the Director may not restrict the manner in which contributions are expended if expenditures from locally generated contributions are not inconsistent with the provisions of this Act.

(42 U.S.C. 5024)

PROGRAMS OF NATIONAL SIGNIFICANCE

SEC. 225. (a)(1) With ~~not~~ less than one-third of the funds made available under subsection (d) in each fiscal year, the Director shall make grants under the programs authorized in parts A, B, and C to support programs that address national problems of local concern.

(2) Except as provided in paragraph (3), the Director may make such grants—

(A) under the program authorized in part A, to support programs that address the national problems specified in subsection (b);

(B) under the program authorized in part B, to support programs that address the national problems specified in subsection (b), other than ~~paragraphs~~ (10) of such subsection; and

(C) under the program authorized in part C, to support programs that address the national problems referred to in paragraphs (1), (2), (5), (6), and (10) of subsection (b).

(3) Each program for which a grant is received under this subsection shall be carried out in accordance with the requirements applicable to the program under part A, B, or C under which the program supported by such grant is to be carried out.

(b) The Director shall make grants under subsection (a) to support one or more of the following programs to address problems that concern the Nation:

*replaced by
new (a) — over →*

& (12)

(12), (15), and (16)

"(a)(1) The Director is authorized to make grants under the programs authorized in parts A, B, and C of this title to support programs that address national problems that are also of local concern. The Director may, in any fiscal year, determine which programs of national significance will receive priority in that year."

"(a)(1) The Director is authorized to make grants under the programs authorized in parts A, B, and C of this title to support programs that address national problems that are also of local concern. The Director may, in any fiscal year, determine which programs of national significance will receive priority in that year."

PHOTOCOPY
PRESERVATION

(1) Programs that assist individuals with chronic and debilitating illnesses, such as acquired immune deficiency syndrome.

(2) Programs designed to decrease drug and alcohol abuse.

(3) Programs that work with teenage parents.

(4) Programs that match volunteer mentors with youth who need guidance.

(5) Programs that provide adult and school-based literacy assistance.

(6) Programs that provide respite care, including care for frail elderly individuals and for disabled or chronically ill children living at home.

(7) Programs that provide before- and after-school activities that are sponsored by organizations, such as libraries, that serve children of working parents.

(8) Programs that work with boarder babies.

(9) Programs that serve children who are enrolled in child care programs, giving priority to such programs that serve children with special needs.

(10) Programs that provide care to developmentally disabled adults who reside at home and in community-based settings, including programs that, when appropriate, involve older developmentally disabled individuals as volunteers under this title.

(11) Programs that provide volunteer tutors to assist educationally disadvantaged children, on a one-to-one basis, to improve the basic skills of such children.

(c)(1) In order for an applicant to be eligible to receive a grant under subsection (a), such applicant shall demonstrate to the Director that such grant will be used to increase the total number of volunteers supported by such applicant under this title.

(2) Funds made available under subsection (d) shall be used to supplement and not supplant the number of volunteers engaged in activities under parts A, B, and C (without regard to this section) addressing the problem for which such funds are awarded unless such sums are an extension of funds previously provided under this section.

(d)(1) Except as provided in paragraph (2), in each fiscal year there shall be available to the Director to make grants under subsection (a) ~~not more than~~ *such sums as necessary*.

(A) \$6,000,000 from funds appropriated under section 502(a);

(B) \$9,000,000 from funds appropriated under section 502(b); and

(C) \$9,000,000 from funds appropriated under section 502(c).

(2) No funds shall be available to the Director to make grants under subsection (a) for a fiscal year unless the amounts appropriated under subsections (a), (b), and (c) of section 502 and available for such fiscal year to carry out parts A, B, and C (without regard to this section) are sufficient to maintain the number of projects and volunteers funded under parts A, B, and C, respectively, in the preceding fiscal year.

additions (over)
→

"(12) Programs that address environmental needs.

development ?
"(13) Programs that reach out to organizations not previously involved in addressing local needs, such as labor unions and profit-making organizations.

? "(14) Programs that provide for ethnic outreach.

"(15) Programs that support criminal justice activities.

"(16) Programs that involve older volunteers working with young people in apprenticeship programs."

"(12) Programs that address environmental needs.

? "(13) Programs that reach out to organizations not previously involved in addressing local needs, such as labor unions and profit-making organizations.

? "(14) Programs that provide for ethnic outreach.

"(15) Programs that support criminal justice activities.

"(16) Programs that involve older volunteers working with young people in apprenticeship programs."

from document ?

(e) The Director shall disseminate information on grants that may be made under subsection (a) to field personnel of the ACTION Agency and to community volunteer organizations that request such information.

(42 U.S.C. 5025)

ADJUSTMENTS TO FEDERAL FINANCIAL ASSISTANCE

SEC. 226. ~~(a)(1)(A)~~ In determining the amount of Federal financial assistance to be provided under this title to applicants, the Director shall consider the impact of changes in the Consumer Price Index For All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor on the administrative costs of operating the projects for which such assistance will be provided.

~~(B) The Director shall, to the fullest extent practicable, make appropriate adjustments in the amount referred to in subparagraph (A) to ensure the effective administration of such projects.~~

~~(2) The Director shall take reasonable actions to inform applicants for such assistance that such adjustments may be available.~~

~~(b)(1) The Director shall submit annually, to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report on the extent to which adjustments are made under subsection (a).~~

~~(2) With respect to each of parts A, B, and C, the Director shall include in such report—~~

~~(A) a summary of the number of, and purposes for which, such adjustments are requested by the recipients of grants and contracts under parts A, B, and C, respectively;~~

~~(B) a description of the extent that such requests are accommodated; and~~

~~(C) a statement explaining the decisions made by the Director with respect to the requested adjustments.~~

(42 U.S.C. 5026)

MULTIYEAR GRANTS OR CONTRACTS

SEC. 227. (a)(1) Subject to paragraph (2) and the availability of funds, the Director may make a grant or enter into a contract under part A, B, or C for a period not to exceed 3 years. Each applicant who receives a grant, or enters into a contract, under such part for a period exceeding 1 year shall comply with such regulations as the Director may issue to require such applicant—

(A) to demonstrate that such applicant is in compliance with such part and with the terms and conditions of such grant or contract; and

(B) to provide information to update the application submitted to obtain such grant or contract.

(2) If the amount appropriated for any fiscal year to carry out part A, B, or C in a period during which multiyear grants or contracts are in effect under such part is less than the amount appropriated to carry out such part in the first fiscal year in such period, then the amounts payable under all such grants and contracts in effect in such period under such part shall be reduced pro rata.

(b) The Director shall require each applicant for a multiyear grant or contract under this section, to document or describe in the

Sec. 401 DOMESTIC VOLUNTEER SERVICE ACT OF 1973

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application any meaningful administrative savings that will result from such multiyear grant or contract.

(c) If an applicant does not receive a multiyear grant or contract under this section, the Director shall consider such applicant for a single-year grant or contract.

(d) If the Director approves an application for a contract or grant to carry out a project for a multiyear period as referred to in subsection (a), the Director shall ensure that such project shall be treated in the same manner as a single-year contract or grant with respect to—

- (1) the overall level of funding for such project;
- (2) any adjustments to Federal financial assistance that may be available under section 226; and
- (3) the renewal of funding on the expiration of the term of such contract or grant.

(42 U.S.C. 5027)

(over)

[TITLE III—Repealed]

TITLE IV—ADMINISTRATION AND COORDINATION

ESTABLISHMENT OF AGENCY

Volunteer Action

SEC. 401. There is hereby established in the executive branch of the Government an agency to be known as the ACTION Agency in order to provide a focal point for volunteerism at the national, State, and local level. *Such Agency shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code. There shall also be in such agency a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code. The Deputy Director shall perform such functions as the Director shall from time to time prescribe, and shall act as Director of the ACTION Agency during the absence or disability of the Director. There shall also be in such agency one Associate Director who shall be appointed by the President with the advice and consent of the Senate, and shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code. Such Associate Director shall be designated "Associate Director for Domestic and Anti-Poverty Operations" and shall carry out operational responsibility for all programs authorized under this Act. There shall also be in such agency two Assistant Directors, each of whom shall be appointed by the Director, and who shall report directly to the Associate Director for Domestic and Anti-Poverty Operations. One such Assistant Director shall be primarily responsible for VISTA and other antipoverty programs under title I of this Act, and one such Assistant Director shall be primarily responsible for the Older American Volunteer Programs under title II of this Act. There shall also be in such agency three individuals who shall report directly to the Assistant Director who is primarily re-

DIRECTOR
Deputy
Assoc Director

Program Operations

* This Agency shall also promote the coordination of volunteer efforts among federal, state, and local agencies & organizations, exchange technical assistance information among them, and provide technical assistance information to other nations concerning domestic volunteer programs within their countries.

"ARRANGEMENTS WITH PRIVATE, PROFIT-MAKING ORGANIZATIONS

amends?
"Section 228. The Director and grantees funded under this title may enter into arrangements with profit-making organizations so as to offer the services of Senior Companions, Foster Grandparents, and Retired Senior Volunteers to those profit-making organizations, including their employees and relatives, provided that all costs of the services, including administrative expenses, are paid for by the profit-making organization and that there is no impact on the Volunteer Action Agency funded project to provide services to the community under the grant."

SEC. 213. DEMONSTRATION PROGRAMS.

The following is inserted at the end of title II:

"PART E -- DEMONSTRATION PROGRAMS

"Section 231. The Director is authorized to make grants or contracts to public and nonprofit organizations, including the organizations funded under parts A, B, and C of title II, for the purpose of demonstrating innovative activities involving older Americans as volunteers. The Director may support both non-stipended and stipended volunteers under this part. Funding may be provided for activities such as: linking youth groups and older American organizations in volunteer activities; involving older volunteers in programs and activities different from those currently supported in the community; and testing whether older American volunteer programs may contribute to new objectives or certain national priorities.

"Section 232. The Director may not reduce the activities, projects, or volunteers funded under the other parts of this title in order to support projects under this part."

"ARRANGEMENTS WITH PRIVATE, PROFIT-MAKING ORGANIZATIONS

"Section 228. The Director and grantees funded under this title may enter into arrangements with profit-making organizations so as to offer the services of Senior Companions, Foster Grandparents, and Retired Senior Volunteers to those profit-making organizations, including their employees and relatives, provided that all costs of the services, including administrative expenses, are paid for by the profit-making organization and that there is no impact on the Volunteer Action Agency funded project to provide services to the community under the grant."

SEC. 213. DEMONSTRATION PROGRAMS.

The following is inserted at the end of title II:

"PART E -- DEMONSTRATION PROGRAMS

"Section 231. The Director is authorized to make grants or contracts to public and nonprofit organizations, including the organizations funded under parts A, B, and C of title II, for the purpose of demonstrating innovative activities involving older Americans as volunteers. The Director may support both non-stipended and stipended volunteers under this part. Funding may be provided for activities such as: linking youth groups and older American organizations in volunteer activities; involving older volunteers in programs and activities different from those currently supported in the community; and testing whether older American volunteer programs may contribute to new objectives or certain national priorities.

"Section 232. The Director may not reduce the activities, projects, or volunteers funded under the other parts of this title in order to support projects under this part."

sponsible for the Older American Volunteer Programs under title II of this Act. Each of such individuals shall be primarily responsible for part A, B, or C of such title.

(42 U.S.C. 5041)

AUTHORITY OF THE DIRECTOR

SEC. 402. In addition to the authority conferred upon him by other sections of this Act, the Director is authorized to—

(1) appoint in accordance with the Civil Service laws such personnel as may be necessary to enable the ACTION Agency to carry out its functions, and, except as otherwise provided herein, fix the compensation of such personnel in accordance with chapter 51 of title 5, United States Code except that the number of schedule C employees, individuals employed on a temporary basis at GS-8 or higher, experts, and consultants shall at no time exceed 8.5 per centum of the total number of individuals employed by the ACTION Agency;

(2)(A) employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, except that no individual may be employed under the authority of this subsection for more than one hundred days in any fiscal year; (B) compensate individuals so employed at rates not in excess of the daily equivalent of the rate payable to a GS-18 employee under section 5332 of such title, including travel-time; (C) allow such individuals, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of such title for persons in the Government service employed intermittently, while so employed; and (D) annually renew contracts for such employment under this clause;

(3) with the approval of the President, arrange with and reimburse the heads of other Federal agencies for the performance of any of the provisions of this Act and, as necessary or appropriate, delegate any of his functions under this Act and authorize the redelegation thereof subject to provisions to assure the maximum possible liaison between the ACTION Agency and such other agencies at all operating levels, which shall include the furnishing of complete operational information by such other agencies to the ACTION Agency and the furnishing of such information by the ACTION Agency to such other agencies;

(4) with their consent, utilize the services and facilities of Federal agencies without reimbursement, and, with the consent of any State or a political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivisions without reimbursement;

(5) accept in the name of the ACTION Agency, and employ or dispose of in furtherance of the purposes of this Act, or of any title thereof, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise;

(6) accept voluntary and uncompensated services;

(7) allocate and expend, or transfer to other Federal agencies for expenditure, funds made available under this Act as the Director deems necessary to carry out the provisions hereof, including expenditure for construction, repairs, and capital improvements;

(8) disseminate, without regard to the provisions of section 3204 of title 39, United States Code, data and information, in such form as he shall deem appropriate to public agencies, private organizations, and the general public;

(9) adopt an official seal, which shall be judicially noticed;

(10) collect or compromise all obligations to or held by him and all legal or equitable rights accruing to him in connection with the payment of obligations in accordance with Federal Claims Collection Act of 1966 (31 U.S.C. 951-53);

(11) expend funds made available for purposes of this Act as follows: (A) for printing and binding, in accordance with applicable law and regulations; and (B) without regard to any other law or regulation, for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by him; but the Director shall not utilize the authority contained in this subclause (B)—

(i) except when necessary to obtain an item, service, or facility, which is required in the proper administration of this Act, and which otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form, or under the conditions in which, it is needed, and

(ii) prior to having given written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) of his intention to exercise such authority, the item, service, or facility with respect to which such authority is proposed to be exercised, and the reasons and justifications for the exercise of such authority.

(12) notwithstanding any other provision of law, make grants to or contracts with Federal or other public departments or agencies and private nonprofit organizations for the assignment or referral of volunteers under this Act (except as provided in section 108) which may provide that the agency or organization shall pay all or a part of the costs of the program:

(13) establish such policies, standards, criteria, and procedures, prescribe such rules and regulations, enter into such contracts and agreements with public agencies and private organization and persons, and make such payments (in lump sum or installments, and in advance or by way of reimbursement, and in the case of grants otherwise authorized under this Act, with necessary adjustments on account of overpayments and underpayments) as are necessary or appropriate to carry out the provisions of this Act; and

~~15~~ (14) generally perform such functions and take such steps, consistent with the purposes and provisions of this Act, as he

over for new
(14)

"(14) enter into arrangements with private, profit-making organizations under terms and conditions determined by the Director when such agreements will further the purposes of the Act; and ".

deems necessary or appropriate to carry out the provisions of this Act.

(42 U.S.C. 5042)

POLITICAL ACTIVITIES

SEC. 403. (a) No part of any funds appropriated to carry out this Act, or any program administered by the ACTION Agency, shall be used to finance, directly or indirectly, and activity designed to influence the outcome of any election to Federal office, or the outcome of any election to any State or local public office, or any voter registration activity, or to pay the salary of any officer or employee of the ACTION Agency, who, in an official capacity as such an officer or employee, engages in any such activity. As used in this section, the term "election" has the same meaning (when referring to an election for Federal office) given such term by section 301(1) of the Federal Election Campaign Act of 1971 (Public Law 92-225), and the term "Federal office" has the same meaning given such term by section 301(3) of such Act.

(b)(1) Programs assisted under this Act shall not be carried on in a manner involving the use of funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such programs with (A) any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office, (B) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or (C) any voter registration activity.

(2) No funds appropriated to carry out this Act shall be used by any program assisted under this Act in any activity for the purpose of influencing the passage or defeat of legislation or proposals by initiative petition, except—

(A) in any case in which a legislative body, a committee of a legislative body, or a member of a legislative body requests any volunteer in, or employee of, such a program to draft, review, or testify regarding measures or to make representations to such legislative body, committee, or member; or

(B) in connection with an authorization or appropriations measure directly affecting the operation of the program.

(c) The Director, after consultation with the Office of Personnel Management, shall issue rules and regulations to provide for the enforcement of this section, which shall include provisions for summary suspension of assistance for no more than thirty days until notice and an opportunity to be heard can be provided or other action necessary to permit enforcement on an emergency basis.

(42 U.S.C. 5043)

SPECIAL LIMITATIONS

SEC. 404. (a) The Director shall prescribe regulations and shall carry out the provisions of this Act so as to assure that the service of volunteers assigned, referred, or serving pursuant to grants, contracts, or agreements made under this Act is limited to activities which would not otherwise be performed by employed workers and

which will not supplant the hiring of or result in the displacement of employed workers, or impair existing contracts for service.

(b) All support, including transportation provided to volunteers under this Act, shall be furnished at the lowest possible costs consistent with the effective operation of volunteer programs.

(c) No agency or organization to which volunteers are assigned hereunder, or which operates or supervises any voluntary program hereunder, shall request or receive any compensation for services of volunteers supervised by such agency or organization.

*from such volunteers
or beneficiaries*

(d) No funds authorized to be appropriated herein shall be directly or indirectly utilized to finance labor or anti-labor organization or related activity.

(e) Persons serving as volunteers under this Act shall provide such information concerning their qualifications, including their ability to perform their assigned tasks, and their integrity, as the Director shall prescribe and shall be subject to such procedures for selection and approval as the Director determines are necessary to carry out the purposes of this Act. The Director may establish such special procedures for the recruitment, selection, training, and assignment of low-income residents of the area to be served by a program under this Act who wish to become volunteers as the Director determines will further the purposes of this Act.

(f) Notwithstanding any other provision of law, the Director shall assign or delegate any substantial responsibility for carrying out programs under this Act only to persons appointed or employed pursuant to clauses (1) and (2) of section 402, and persons assigned or delegated such substantial responsibilities on the effective date of this Act and who are receiving compensation in accordance with provisions of law other than the applicable provisions of title 5, United States Code, on such date shall, by operation of law on such date, be assigned a grade level pursuant to such latter provisions so as to fix the compensation of such persons under such authority at no less than their compensation rate on the day preceding such date.

(g)(1) Notwithstanding any other provision of law except as may be provided expressly in limitation of this subsection, payments to volunteers under this Act shall not in any way reduce or eliminate the level of or eligibility for assistance or services any such volunteers may be receiving under any governmental program, except that this paragraph shall not apply in the case of such payments when the Director determines that the value of all such payments, adjusted to reflect the number of hours such volunteers are serving, is equivalent to or greater than the minimum wage then in effect under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) or the minimum wage, under the laws of the State where such volunteers are serving, whichever is the greater.

apply to all?

(2) Notwithstanding any other provision of law, a person enrolled for full-time service as a volunteer under title I of this Act who was otherwise entitled to receive assistance or services under any governmental program prior to such volunteer's enrollment shall not be denied such assistance or services because of such volunteer's failure or refusal to register for, seek, or accept employment or training during the period of such service.

(42 U.S.C. 5044)

[Sec. 405 Repealed]¹

LABOR STANDARDS

SEC. 406. All laborers and mechanics employed by contractors or subcontractors in the construction, alteration or repair, including painting and decorating of projects, buildings and works which are federally assisted under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Number 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and in section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, ch. 492, as amended; 40 U.S.C. 276c).

(42 U.S.C. 5046)

SEC. 407. REPORTS.

Not later than 60 days after the beginning of each fiscal year, the Director shall prepare and submit to the appropriate committees of Congress a report that shall include—

(1) the annual recruitment plan developed under section 103(c)(4);

(2) a description of the activities carried out under section 103(b) during the preceding fiscal year, including a specification of the total number of—

(A) individuals who applied for service as a volunteer under this part;

(B) applicants approved for such service;

(C) approved applicants provided an assignment as a volunteer under section 103(b), and

(D) volunteers assigned to projects and programs that were outside the original home communities of such volunteers;

(3) a description of efforts undertaken by the Director during the preceding fiscal year to involve individuals, who have formerly served as volunteers under this part, in the activities authorized under section 103(c);

(4) a description of the number of individuals referred to in paragraph (3) that were involved in the activities referred to in paragraph (3) and the manner of involvement of such individuals; and

(5) a specification of the number and location of employees of the ACTION Agency designated by the Director to assist in carrying out the duties described in subsections (b) and (c) of section 103 during the preceding fiscal year.

(42 U.S.C. 5047)

JOINT FUNDING

SEC. 408. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one

¹ Section 405 was repealed by section 20 of Public Law 98-288, effective January 1, 1986.

Federal agency to an agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided, and, notwithstanding any other provision of law, in such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each agency. When the principal agency involved is the ACTION Agency, it may waive any grant or contract requirement (as defined by such regulations) under or pursuant to any law other than this Act, which requirement is inconsistent with the similar requirements under or pursuant to this Act.

(42 U.S.C. 5048)

PROHIBITION OF FEDERAL CONTROL

SEC. 409. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any education institution or school system.

(42 U.S.C. 5049)

COORDINATION WITH OTHER PROGRAMS

SEC. 410. The Director shall take necessary steps to coordinate volunteer programs authorized under this Act with one another, with community action programs, and with other related Federal, State, and local programs. The Director shall also consult with the heads of other Federal, State, and local agencies responsible for programs related to the purposes of this Act with a view to encouraging greater use of volunteer services in those programs and establishing in connection with them systematic procedures for the recruitment, referral, or necessary preservice orientation or training of volunteers serving pursuant to this Act. The Director, in consultation with the Director of the Office of Personnel Management and the Secretaries of Labor, Commerce, and the Treasury and officials of other appropriate departments and agencies, shall take all appropriate steps to encourage State and local governments, charitable and service organizations, and private employers (1) to take into account experience in volunteer work in the consideration of applicants for employment; and (2) to make provisions for the listing and description of volunteer work on all employment application forms.

(42 U.S.C. 5050)

PROHIBITION

SEC. 411. In order to assure that existing Federal agencies are used to the fullest extent possible in carrying out the purposes of this Act, no funds appropriated to carry out this Act shall be used to establish any new department or office when the intended function is being performed by an existing department or office.

(42 U.S.C. 5051)

NOTICE AND HEARING PROCEDURES FOR SUSPENSION AND
TERMINATION OF FINANCIAL ASSISTANCE

SEC. 412. (a) The Director is authorized, in accordance with the provisions of this section, to suspend further payments or to terminate payments under any contract or grant providing assistance under this Act, whenever the Director determines there is a material failure to comply with the applicable terms and conditions of any such grant or contract. The Director shall prescribe procedures to insure that—

(1) assistance under this Act shall not be suspended for failure to comply with applicable terms and conditions, except in emergency situations for thirty days;

(2) an application for refunding under this Act may not be denied unless the recipient has been given (A) notice at least 75 days before the denial of such application of the possibility of such denial and the grounds for any such denial, and (B) opportunity to show cause why such action should not be taken;

(3) in any case where an application for refunding is denied for failure to comply with the terms and conditions of the grant or contract award, the recipient shall be afforded an opportunity for an informal hearing before an impartial hearing officer, who has been agreed to by the recipient and the Agency; and

(4) assistance under this Act shall not be terminated for failure to comply with applicable terms and conditions unless the recipient has been afforded reasonable notice and opportunity for a full and fair hearing.

(b) In order to assure equal access to all recipients, such hearings or other meetings as may be necessary to fulfill the requirements of this section shall be held at locations convenient to the recipient agency.

(42 U.S.C. 5052)

[Sec. 413, Repealed.]¹

DISTRIBUTION OF BENEFITS BETWEEN RURAL AND URBAN AREAS

SEC. 414. The Director shall adopt appropriate administrative measures to assure that the benefits of and services under this Act will be distributed equitably between residents of rural and urban areas.

(42 U.S.C. 5054)

APPLICATION OF FEDERAL LAW

SEC. 415. (a) Except as provided in subsections (b), (c), (d), and (e) of this section, volunteers under this Act shall not be deemed Federal employees and shall not be subject to the provisions of laws relating to Federal officers and employees and Federal employment.

(b) Individuals enrolled as volunteers for periods of full-time service, or, as the Director deems appropriate in accordance with regulations, for periods of part-time service of not less than 20

¹ Section 413 was repealed by section 5(a) of P.L. 94-293.

hours per week for not less than 26 consecutive weeks, under title I of this Act: shall, with respect to such service or training, (1) for the purposes of subchapter III of chapter 73 of title 5, United States Code, be deemed persons employed in the executive branch of the Federal Government, (2) for the purposes of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.), be deemed employees of the United States, and any service performed by an individual as a volunteer (including training) shall be deemed to be performed in the employ of the United States, (3) for the purposes of the Federal Tort Claims provisions of title 28, United States Code, be deemed employees of the United States, (4) for the purposes of subchapter 1 of chapter 81 of title 5, United States Code (relative to compensation to Federal employees for work injuries), shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply except as follows: (A) in computing compensation benefits for disability or death, the annual rate of pay of a volunteer enrolled for a period of full-time service under such title I shall be deemed to be that received under the entrance salary for a grade GS-5 employee, and the annual rate of pay of a volunteer enrolled for a period or part-time service under such title I shall be deemed to be such entry salary or an appropriate portion thereof as determined by the Director, and subsections (a) and (b) of section 8113 of title 5, United States Code, shall apply, and (B) compensation for disability shall not begin to accrue until the day following the date on which the injured volunteer is terminated, and (5) be deemed employees of the United States for the purposes of section 5584 of title 5, United States Code (and stipends and allowances paid under this Act shall be considered as pay for such purposes).

(c) Any period of service of a volunteer enrolled in a program for a period of service of at least one year under part A of title I of this Act, and any period of full-time service of a volunteer enrolled in a program for a period of service of at least one year under part B or C of title I of this Act, shall be credited in connection with subsequent employment in the same manner as a like period of civilian employment by the United States Government—

(1) for the purposes of any Act establishing a retirement system for civilian employees of any United States Government agency; and

(2) except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the laws administered by the Office of Personnel Management, the Foreign Service Act of 1980, and every other Act establishing or governing terms and conditions of service of civilian employees of the United States Government: *Provided*, That service of a volunteer shall not be credited toward completion of any probationary or trial period or completion of any service requirement for career appointment.

(d) Volunteers serving in programs for periods of service of at least one year under part A of title I of this Act, and volunteers

serving for such periods under title VIII of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2991-2994d), including those whose service was completed under such Act, who the Director determines, in accordance with regulations the Director shall prescribe, have successfully completed their periods of service, shall be eligible for appointment in the competitive service in the same manner as Peace Corps volunteers as prescribed in Executive Order Number 11103 (April 10, 1963).

(e) Notwithstanding any other provision of law, all references in any other law to persons serving as volunteers under title VIII of the Economic Opportunity Act of 1964, as amended, shall be deemed to be references to persons serving as full-time volunteers in a program of at least one year's duration under part A, B, or C of title I of this Act.

(f)(1) The remedy—

(A) against the United States provided by sections 1346(b) and 2672 of title 28, United States Code, or

(B) through proceedings for compensation or other benefits from the United States as provided by any other law, where the availability of such benefits precludes a remedy under section 1346(b) or 2672 of such title 28,

for damages for personal injury, including death, allegedly arising from malpractice or negligence of a physician, dentist, podiatrist, optometrist, nurse, physician assistant, expanded-function dental auxiliary, pharmacist, or paramedical (for example, medical and dental technicians, nursing assistants, and therapists) or other supporting personnel in furnishing medical care or treatment while in the exercise of such person's duties as a volunteer enrolled under title I of this Act shall be exclusive of any other civil action or proceeding by reason of the same subject matter against such person (or such person's estate) whose action or omission gave rise to such claim.

(2) The Attorney General of the United States shall defend any civil action or proceeding brought in any court against any person referred to in paragraph (1) of this subsection (or such person's estate) for any such damage or injury. Any such person against whom such civil action or proceeding is brought shall deliver, within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon such person or an attested true copy thereof to such person's immediate supervisor or to whomever is designated by the Director to receive such papers, and such person shall promptly furnish copies of the pleading and process therein to the United States attorney for the district embracing the place wherein the proceeding is brought and to the Attorney General.

(3) Upon a certification by the Attorney General that the defendant was acting in the scope of such person's volunteer assignment at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending and the proceeding deemed a tort action brought against the United States under the provisions of title 28, United States Code, and all references

thereto. After removal the United States shall have available all defenses to which it would have been entitled if the action had originally been commenced against the United States. Should a district court of the United States determine on a hearing on a motion to remand held before a trial on the merits that the volunteer whose act or omission gave rise to the suit was not acting within the scope of such person's volunteer assignment, the case shall be remanded to the State court.

(4) The Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677 of title 28, United States Code, and with the same effect.

(42 U.S.C. 5055)

EVALUATION

SEC. 416. (a) The Director shall measure and evaluate the impact of all programs authorized by this Act (including the VISTA Literacy Corps which shall be evaluated as a separate program at least once every 3 years), their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services. Each program shall be evaluated at least once every three years. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated. Such evaluation shall also measure and evaluate compliance with the equitable distribution requirement of section 414 of this Act.

(b) The Director shall develop and publish general standards for evaluation of program and project effectiveness in achieving the objectives of this Act. Reports submitted pursuant to section 407 shall describe the actions taken as a result of evaluations carried out under this section.

(c) In carrying out evaluations under this title, the Director shall whenever possible, arrange to obtain the opinions of program and project participants about the strengths and weaknesses of such programs and projects.

(d) The Director shall publish summaries of the results of evaluations of program and project impact and effectiveness no later than sixty days after the completion thereof.

(e) The Director shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

(f) Not later than December 31, 1988, the Director shall—

(1) evaluate the impact of ACTION Agency programs carried out under title II that relate to services that assist families caring for frail and disabled adult family members and shall include in such evaluation information on—

(A) the range and extent of service needs of, and the services provided to, family caregivers assisted by volunteers;

(B) the characteristics of volunteers and the skills, training, and supervision necessary to provide various types of volunteer assistance to family caregivers;

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periodically

for new (b), (c), (d), (e), (f)

"(b) In carrying out evaluations of ACTION's programs, the Director shall create appropriate management information systems that will summarize volunteer activities and accomplishments across the programs supported under this legislation. The Director shall report this information on a periodic basis."

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**PHOTOCOPY
PRESERVATION**

- (C) administrative costs, including recruitment, training, and supervision costs, associated with volunteer assistance to family caregivers; and
- (D) such other issues as may be relevant to provide services to assist family caregivers;
- (2) evaluate the impact that volunteers who participate in programs under parts B and C of title II without receiving a stipend have on such programs and shall include in such evaluation—
- (A) information on administrative costs associated with such volunteers;
- (B) a comparison of the quality of services provided by such volunteers and the quality of services provided by volunteers who receive a stipend under such parts, including the rate of absenteeism and turnover; and
- (C) a review of the effect that participation by volunteers who do not receive such stipend have on the administration of such programs; and
- (3) submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report summarizing in detail the results of the evaluations made under paragraphs (1) and (2).
- (g) The Director is authorized to use such sums as are required, but not to exceed 1 per centum of the funds appropriated under this Act, to conduct program and project evaluations (directly, or by grants or contracts) as required by this Act. In the case of allotments from such an appropriation, the amount available for such allotments (and the amount deemed appropriate therefor) shall be reduced accordingly.

(42 U.S.C. 5056)

NONDISCRIMINATION

SEC. 417. (a) The Director shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect to such program specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any such program because of race, creed, belief, color, national origin, sex, age, handicap, or political affiliation. For purposes of this subsection, and for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (Public Law 94-135, title III; 42 U.S.C. 6101 et seq.), any program, project or activity to which volunteers are assigned under this Act shall be deemed to be receiving Federal financial assistance.

(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this Act. The Director shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1). Section 603 of such Act shall apply with re-

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"Section 417. No person in the United States shall on the ground of race, color, national origin, religion, sex, age, or handicap, be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this Act. The assignment of volunteers to a program, project or activity is deemed to be receiving Federal financial assistance. The Director shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect to such program specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any such program because of race, color, national origin, religion, sex, age, or handicap. The Director shall enforce the provisions of this section in accordance with section 602 of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d-1). This shall not be construed as affecting any other legal remedy that a person may have if the person is excluded from or is the subject of the discriminatory treatment from a program or activity receiving assistance under the Act."

PHOTOCOPY PRESERVATION

"Section 417. No person in the United States shall on the ground of race, color, national origin, religion, sex, age, or handicap, be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this Act. The assignment of volunteers to a program, project or activity is deemed to be receiving Federal financial assistance. The Director shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect to such program specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any such program because of race, color, national origin, religion, sex, age, or handicap. The Director shall enforce the provisions of this section in accordance with section 602 of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d-1). This shall not be construed as affecting any other legal remedy that a person may have if the person is excluded from or is the subject of the discriminatory treatment from a program or activity receiving assistance under the Act."

spect to any action taken by the Director to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any program or activity receiving assistance under this Act.

(c)(1) The Director shall apply the nondiscrimination policies and authorities set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16), in title V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.), and in the Age Discrimination Act of 1975 (Public Law 94-135, title III; 42 U.S.C. 6101 et seq.) to applicants for enrollment for service as volunteers, and to volunteers serving, under this Act. Any remedies available to individuals under such laws, other than the right of appeal to the Civil Service Commission authorized by section 717 of the Civil Rights Act of 1964, and transferred to the Equal Employment Opportunity Commission by Reorganization Plan Number 1 of 1978, shall be available to such applicants or volunteers.

(2) No later than 90 days after the date of the enactment of the Domestic Volunteer Service Act Amendments of 1979, the Director, after consultation with the Equal Employment Opportunity Commission with regard to the application of the policies set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) and with the Interagency Coordinating Council, established by section 507 of the Rehabilitation Act of 1973 (29 U.S.C. 797), and the Interagency Committee on Handicapped Employees, established by section 501(a) of the Rehabilitation Act of 1973 (29 U.S.C. 791(a)), with regard to the application of the policies set forth in title V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.), and, not later than 90 days after the Secretary of Health and Human Services publishes final general regulations to carry out the Age Discrimination Act of 1975 (Public Law 94-135, title III; 42 U.S.C. 6101 et seq.), and after consultation with the Secretary with regard to the application of the policies set forth in such Act, shall prescribe regulations establishing the procedures for the application of such policies and the provision of such remedies so as to promote the enrollment and service of persons as volunteers without regard to the discriminatory factors described in such laws.

(42 U.S.C. 5057)

ELIGIBILITY FOR OTHER BENEFITS

SEC. 418. Notwithstanding any other provision of law, no payment for supportive services or reimbursement of out-of-pocket expenses made to persons serving pursuant to title II of this Act shall be subject to any tax or charge or be treated as wages or compensation for the purposes of unemployment, temporary disability, retirement, public assistance, workers' compensation or similar benefit payments, or minimum wage laws. This section shall become effective with respect to all payments made after the effective date of this Act.

(42 U.S.C. 5058)

LEGAL EXPENSES

SEC. 419. Notwithstanding any other provision of law and pursuant to regulations which the Director shall prescribe, counsel may be employed and counsel fees, court costs, bail, and other expenses incidental to the defense of volunteers may be paid in judicial or administrative proceedings to which full-time volunteers (or part-time volunteers when such proceeding arises directly out of the performance of activities pursuant to this Act), serving under this Act have been made parties.

(42 U.S.C. 5059)

REQUIREMENTS FOR PRESCRIBING REGULATIONS

SEC. 420. (a) For purposes of this section—

(1) the term "regulation" means any rule, regulation, guideline, interpretation, order, or requirement of general applicability prescribed by the Director pursuant to this Act; and

(2) the term "Committees" means the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

(b) Regulations prescribed by the Director or by any other officer of the ACTION Agency, in connection with, or affecting, the administration of any program carried out under this Act shall contain, immediately following each substantive provision of such regulations, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based.

(c)(1) No proposed regulation prescribed pursuant to this Act for the administration of any program carried out under this Act may take effect until 30 calendar days after it is published in the Federal Register.

(2) During the 30-day period before the date upon which such regulation is to be effective, the Director shall, in accordance with the provisions of section 553 of title 5, United States Code, offer any interested party an opportunity to make comment upon, and take exception to, such regulations and shall reconsider any such regulation upon which comment is made or to which exception is taken.

(d) Concurrently with the publication in the Federal Register of any final regulation, a copy of such final regulation shall be transmitted to the Speaker of the House of Representatives and the President of the Senate. No such final regulation may take effect until 45 calendar days after such transmission.

(e) Not later than 60 days after the date of the enactment of any Act affecting the administration of any program carried out under this Act, the Director shall submit to the Committees a schedule in accordance with which the Director has planned to prescribe final regulations implementing such Act or part of such Act. Such schedule shall provide that all such final regulations shall be prescribed not later than 180 days after the submission of such schedule. Except as is provided in the following sentence, all such final regulations shall be prescribed in accordance with such schedule. If the Director determines that, due to circumstances unforeseen at the time of the submission of any such schedule, the schedule submitted pursuant to this subsection cannot be met, the Direc-

tor shall submit a notice of such determination, including a statement of the reasons therefor, to the Committees and shall submit a new schedule which shall then be considered, for the purposes of this subsection, as the schedule originally submitted in connection with the enactment of the Act involved.

(42 U.S.C. 5060)

DEFINITIONS

SEC. 421. For the purposes of this Act—

Volunteer Action Agency

(1) the term "Director" means the Director of the ACTION Agency;

(2) the terms "United States" and "States" mean the several States, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, the American Samoa and, for the purposes of title II of this Act, the Trust Territory of the Pacific Islands;

(3) the term "nonprofit" as applied to any agency, institution, or organization means an agency, institution, or organization which is, or is owned and operated by, one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

(4) the term "poor" or "low-income" persons, individuals, or volunteers means such individuals whose incomes fall at or below the poverty line as set forth in section 625 of the Economic Opportunity Act of 1964, as amended by Public Law 92-424 (42 U.S.C. 2971d): *Provided*, That in determining who is "poor" or "low-income", the Director shall take into consideration existing poverty guidelines as appropriate to local situations;

(5) the terms "public agencies or organizations" and "Federal, State, or local agencies" shall include any Indian tribe, band, nation, or other organized group or community (including any Alaskan native village or regional village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act) which is recognized by the United States or the State in which it resides as eligible for special programs and services provided to Indians because of their status as Indians;

(6) the term "poverty line for a single individual" means such poverty line as established by the Director of the Office of Management and Budget in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)); and

(7) the term "boarder baby" means an infant described in section 103 of the Abandoned Infants Assistance Act of 1988 (Public Law 100-505; 42 U.S.C. 670 note).

(42 U.S.C. 5061)

AUDIT

SEC. 422. (a) Each recipient of Federal grants, subgrants, contracts, subcontracts, or loans entered into under this Act other than by formal advertising, and which are otherwise authorized by this Act, shall keep such records as the Director shall prescribe, in-

December 4, 1992 (1:20 p.m.)

and the Inspector General of the Volunteer Action Agency

cluding records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Director, and the Comptroller General of the United States, or any of their duly authorized representatives, shall, until the expiration of three years after completion of the project or undertaking referred to in subsection (a) of this section, have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients which in the opinion of the Director, or the Comptroller General may be related or pertinent to the grants, contracts, subcontracts, subgrants, or loans referred to in subsection (a).

(42 U.S.C. 5062)

REDUCTION OF PAPERWORK

SEC. 423. In order to reduce unnecessary, duplicative, or disruptive demands for information, the Director, in consultation with other appropriate agencies and organizations, shall continually review and evaluate all requests for information made under this Act and take such action as may be necessary to reduce the paper work required under this Act. The Director shall request only such information as the Director deems essential to carry out the purposes and provisions of this Act.

(42 U.S.C. 5063)

REVIEW OF PROJECT RENEWALS

SEC. 424. If the executive authority of any State or local government submits to the director, not later than 30 days before the expiration of any contract or grant to carry out any project under this Act, a statement which objects to the renewal of such contract or grant, then the Director shall (1) review such statement and take it into account in determining whether to renew such contract or grant; and (2) submit to such executive authority a written statement of reasons regarding the Director's determination with respect to such renewal and specifically with respect to any objection so submitted.

(42 U.S.C. 5064)

TITLE V—AUTHORIZATION OF APPROPRIATIONS

NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS AUTHORIZATION

SEC. 501. (a)(1) There is authorized to be appropriated to carry out part A of title I (except section 109) \$25,000,000 for fiscal year 1987, \$26,000,000 for fiscal year 1988, \$27,040,000 for fiscal year 1989, \$30,600,000 for fiscal year 1990, \$39,900,000 for fiscal year 1991, \$47,800,000 for fiscal year 1992, and \$56,000,000 for fiscal year 1993.

(2) There is authorized to be appropriated to carry out section 109(c) and to expand the number of VISTA Literacy Corps volunteers in literacy programs and projects under part A of title I of

*the Inspector General
of the Volunteer
Action Agency
↓
(insert in both
places)*

inserts →

"LIABILITY"

"Section 425. (a) Any part-time or full-time volunteer not covered under section 415(b) of this Act, or individual serving as a member of a Board of Directors or Advisory Council of a nonprofit organization receiving support under this Act, shall be immune from civil liability in any legal cause of action on the basis of any act or omission of such volunteer or individual resulting in damage or injury if (1) the volunteer or individual was acting in good faith and within the scope of his/her official functions and duties; and (2) the damage or injury was not caused by willful or wanton misconduct by such volunteer or individual.

"(b) In any suit against a nonprofit organization receiving Federal assistance under this Act, based upon the negligent act or omission of a volunteer or individual as described in subsection (b) (including the limitations set forth in subsection (a)(1) and (a)(2) of this section) proof of such act or omission shall be sufficient to establish the responsibility of the organization, therefore, under the doctrine of respondeat superior, notwithstanding the immunity granted to the volunteer or individual with respect to any act or omission within the meaning of this section.

"(c) Notwithstanding subsection (b) of this section, a plaintiff may sue and recover civil damages from a volunteer or individual as described in subsection (a) of this section, based upon a negligent act or omission involving the operation of a motor vehicle under the circumstances described in subsection (b) of this section provided that the amount recovered from such volunteer or individual shall not exceed the limits of applicable insurance coverage, maintained by or on behalf of such volunteer or individual with respect to the negligent operation of a motor vehicle in such circumstances."

"LIABILITY"

"Section 425. (a) Any part-time or full-time volunteer not covered under section 415(b) of this Act, or individual serving as a member of a Board of Directors or Advisory Council of a nonprofit organization receiving support under this Act, shall be immune from civil liability in any legal cause of action on the basis of any act or omission of such volunteer or individual resulting in damage or injury if (1) the volunteer or individual was acting in good faith and within the scope of his/her official functions and duties; and (2) the damage or injury was not caused by willful or wanton misconduct by such volunteer or individual.

"(b) In any suit against a nonprofit organization receiving Federal assistance under this Act, based upon the negligent act or omission of a volunteer or individual as described in subsection (b) (including the limitations set forth in subsection (a)(1) and (a)(2) of this section) proof of such act or omission shall be sufficient to establish the responsibility of the organization, therefore, under the doctrine of respondeat superior, notwithstanding the immunity granted to the volunteer or individual with respect to any act or omission within the meaning of this section.

"(c) Notwithstanding subsection (b) of this section, a plaintiff may sue and recover civil damages from a volunteer or individual as described in subsection (a) of this section, based upon a negligent act or omission involving the operation of a motor vehicle under the circumstances described in subsection (b) of this section provided that the amount recovered from such volunteer or individual shall not exceed the limits of applicable insurance coverage, maintained by or on behalf of such volunteer or individual with respect to the negligent operation of a motor vehicle in such circumstances."

"COPYRIGHT PROTECTION"

"Section 426. (a) The following are hereby declared the property of the United States:

- (1) The name "Retired and Senior Volunteer Program" and the logo and acronym, RSVP, associated therewith;
- (2) The name "Foster Grandparent Program" and the logo and acronym, FGP, associated therewith;
- (3) The name "Senior Companion Program" and the logo and acronym, SCP, associated therewith;
- (4) The name "Volunteers in Service to America", "VISTA", and the logo associated therewith; and
- (5) The name "National Senior Volunteer Corps".

"(b) For purposes of this Section:

- (1) The term "Director" means the Director of the Volunteer Action Agency.
- (2) The term "the Act" means the Domestic Volunteer Service Act of 1973, as amended.
- (3) The terms "Volunteers in Service to America" and "VISTA" mean the name of the program established by title I, part A of the Act.
- (4) The term "Retired and Senior Volunteer Program" means the name of the program established by title II, part A of the Act.
- (5) The term "Foster Grandparent Program" means the name of the program established by title II, part B of the Act.
- (6) The term "Senior Companion Program" means the name of the program established by title II, part C of the Act.
- (7) The term "National Senior Volunteer Corps" means the programs established by parts A, B, C, and E of title II of the Act.

"(c) The Director shall deposit into a special account, to be available to foster and expand volunteerism consistent with the Act, all fees collected under regulations prescribed by him/her relating to use or reproduction of the property designated in subsection (a) of this Section by entities other than the Volunteer Action Agency.

"(d) Whoever, except as permitted by the laws of the United States and regulations issued by the Director, uses the names "Volunteer Action Agency," "National Senior Volunteer Corps"; "Retired and Senior Volunteer Program" or its acronym, "RSVP"; "Foster Grandparent Program" or its acronym, "FGP"; "Senior Companion Program" or its acronym, "SCP"; or "Volunteers in Service to America" or its acronym, "VISTA", as part of the business or firm name of a person, corporation, partnership, association or other business entity; or

"Whoever falsely advertises or represents, or publishes or displays any sign, symbol or advertisement reasonably calculated to convey the impression that the entity is affiliated with, funded by, or operating under the authority of the Volunteer Action Agency or any of its locally funded programs;

"May be enjoined at the suit of the United States Attorney, upon complaint by the Director.

"This section shall not make unlawful the use of any name or title which was lawful on the date of enactment of this section."

SEC. 313. CENTER FOR RESEARCH AND TRAINING.

The Act is amended by inserting the following new section at the end of title IV, following Section 426:

"CENTER FOR RESEARCH AND TRAINING"

The Director may establish directly or by grant or contract
"Section 427. ~~There is hereby established within the~~
~~Volunteer Action Agency~~ a Center for Research and Training on
Volunteerism. ~~This Center shall~~ carry out research on the impact
of volunteerism on individuals, organizations, and communities.
~~The Center shall~~ provide training to help improve volunteer
programs across the country. ~~The Center may make grants, or~~
~~enter into contracts, with organizations in order to carry out~~
~~its responsibilities.~~" *and such other as the Director*

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this Act \$2,000,000 for fiscal year 1987, \$3,000,000 for fiscal year 1988, \$5,000,000 for fiscal year 1989, \$6,050,000 for fiscal year 1990, \$7,500,000 for fiscal year 1991, \$9,000,000 for fiscal year 1992, and \$10,500,000 for fiscal year 1993.

(3) There is authorized to be appropriated to carry out section 109(d) and to expand the number of VISTA Literacy Corps volunteers in literacy programs and projects under part A of title I of this Act \$1,000,000 for each of the fiscal years 1987 through 1993.

(b) There is authorized to be appropriated to carry out part B of title I of this Act \$1,800,000 for each of the fiscal years 1987, 1988, and 1989, \$1,900,000 for fiscal year 1990, \$2,000,000 for fiscal year 1991, \$2,100,000 for fiscal year 1992, and \$2,200,000 for fiscal year 1993.

(c)(1) There is authorized to be appropriated to carry out part C of title I of this Act (other than section 124(b)) \$1,984,000 for each of the fiscal years 1987, 1988, and 1989, \$1,100,000 for fiscal year 1990, \$1,150,000 for fiscal year 1991, \$1,200,000 for fiscal year 1992, and \$1,275,000 for fiscal year 1993. In addition to the amounts authorized to be appropriated by the preceding sentence, there is authorized to be appropriated the aggregate sum of \$5,500,000 for fiscal years 1987 and 1988 to be made available for drug abuse prevention. In addition to the amounts authorized to be appropriated by the preceding sentences, there are authorized to be appropriated for support of drug abuse prevention \$4,000,000 in the fiscal year 1989, \$5,000,000 for each of the fiscal years 1990 and 1991, \$5,250,000 for fiscal year 1992, and \$5,500,000 for fiscal year 1993. With respect to amounts appropriated for any fiscal year pursuant to the authorization contained in the preceding sentence, the Director—

(A) shall use not less than 15 percent and not more than 25 percent of such amounts for purposes of carrying out section 124(b); and

(B) shall ensure that not more than \$500,000 is used for program support.

(2) Except as provided in paragraph (3) and in addition to the amounts authorized to be appropriated pursuant to paragraph (1) there is authorized to be appropriated \$2,500,000 for the fiscal year 1992 and such sums as may be necessary for 1993 for Literacy Challenge Grants under section 125.

(3) No funds shall be appropriated pursuant to paragraph (2) in any fiscal year unless—

(A) the funds available in such fiscal year for the VISTA Program under part A of title I are sufficient to provide the years of volunteer service specified for such fiscal year under section 501(d)(1) for the VISTA Program; and

(B) the funds available in such fiscal year for the VISTA Literacy Corps under part A of title I are sufficient to provide at least the same years of volunteer service as were provided in the fiscal year preceding such fiscal year.

(d)(1) Of the amounts appropriated under this section for parts A, B, and C of title I (other than section 124(b)) and for sections 109(c) and 109(d), there shall first be available for part A of title I (other than section 109), an amount not less than the amount necessary to provide—

TITLE IV -- AUTHORIZATION OF APPROPRIATIONS AND CONFORMING AMENDMENTS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS FOR TITLE I.

Section 501 (42 U.S.C. § 5081) is amended by striking the entire section as currently enacted and inserting in its place the following:

"NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS"

"Section 501. (a)(1) There is authorized to be appropriated to carry out part A of title I such sums as necessary for fiscal years 1994, 1995, 1996, 1997, and 1998.

"(2) There is authorized to be appropriated to carry out section 104(e) of part A of title I such sums as necessary for fiscal years 1994, 1995, 1996, 1997, and 1998.

"(3) There is authorized to be appropriated to carry out section 109 of part A of title I such sums as necessary for fiscal years 1994, 1995, 1996, 1997, and 1998.

"(4) There is authorized to be appropriated to carry out part B of title I such sums as necessary for fiscal years 1994, 1995, 1996, 1997, and 1998.

"(5) There is authorized to be appropriated to carry out part C of title I such sums as necessary for fiscal years 1994, 1995, 1996, 1997, and 1998.

"(6) There is authorized to be appropriated to carry out section 125 of the Act such sums as necessary for fiscal years 1994, 1995, 1996, 1997, and 1998.

"(b). The minimum level of allowances for subsistence required under section 105(b)(2) (42 U.S.C. § 4955(b)(2)), to be provided to each volunteer under this part may not be reduced or limited in order to provide for an increase in the number of volunteer service years under part A of title I.

"(c). No part of the funds authorized for part A may be used to provide volunteers or assistance to any program or project authorized under part B or C of title I, or under title II, unless the program or project meets the antipoverty criteria of part A of title I.

"(d). Funds appropriated for part A of title I shall remain available for obligation for a two-year period."

"(e). Of the amounts appropriated under this section for parts A, B, and C of title I, including section 125, there shall first be available for part A of title I an amount not less than the amount necessary to provide 5,500 volunteer service years in fiscal year 1994, and 7,500 volunteer service years in each of fiscal years 1995, 1996, 1997, and 1998. If funds are insufficient to meet this requirement, the Director shall submit a plan to the relevant authorizing and appropriations Committees of the Congress that will detail what is necessary to fully meet this requirement."

- (A) 2,400 years of volunteer service in fiscal year 1987;
 - (B) 2,500 years of volunteer service in fiscal year 1988;
 - (C) 2,600 years of volunteer service in fiscal year 1989;
 - (D) 2,800 years of volunteer service in fiscal year 1990;
 - (E) 3,000 years of volunteer service in fiscal year 1991;
 - (F) 3,200 years of volunteer service in fiscal year 1992; and
 - (G) 3,400 years of volunteer service in fiscal year 1993.
- (2) For purposes of paragraph (1), the term "volunteer service" shall include training and other support required under this Act for purposes of part A of title I.
- (3) The requirement of paragraph (1)(A) shall not apply unless there is appropriated for title I for fiscal year 1984 an amount in addition to amounts available under Public Law 98-151.
- (4)(A) In applying criteria with respect to meeting the number of years of volunteer service under paragraph (1) for a fiscal year, the Director may not exclude the costs of complying with section 105(b)(2) for each volunteer under this part.
- (B) The minimum level of allowances for subsistence required under section 105(b)(2) to be provided to each volunteer under this part may not be reduced or limited in order to provide for the increase in the number of years of volunteer service specified in paragraph (1) for each of the fiscal years 1990 through 1993.
- (C) If the Director determines that funds appropriated to carry out part A of title I are insufficient to provide for the years of volunteer service as required in paragraph (1), the Director shall, within a reasonable period of time in advance of the date on which such additional funds must be reallocated to satisfy the requirements of such subsection, notify the relevant authorizing and appropriating Committees of Congress. Funds shall be reallocated to part A of title I from amounts appropriated for part C of such title prior to the reallocation of funds appropriated for other parts.
- (e) No part of the funds authorized under subsection (a) may be used to provide volunteers or assistance to any program or project authorized under part B or C of title I, or under title II, unless the program or project meets the antipoverty criteria of part A of title I.

(42 U.S.C. 5081)

OLDER AMERICANS VOLUNTEER PROGRAMS

SEC. 502. (a) There is authorized to be appropriated not less than the amount appropriated in the previous fiscal year and not more than \$34,610,000 for fiscal year 1989, \$39,900,000 for fiscal year 1990, \$43,900,000 for fiscal year 1991, \$48,300,000 for fiscal year 1992, and \$53,100,000 for fiscal year 1993, for the purpose of carrying out programs under part A of title II of this Act.

(b) There is authorized to be appropriated not less than the amount appropriated in the previous fiscal year and not more than \$64,900,000 for fiscal year 1989, \$70,800,000 for fiscal year 1990, \$80,900,000 for fiscal year 1991, \$91,700,000 for fiscal year 1992, and \$98,200,000 for fiscal year 1993, for the purpose of carrying out programs under part B of title II of this Act.

(c) There is authorized to be appropriated not less than the amount appropriated in the previous fiscal year and not more than

SEC. 402. AUTHORIZATION OF APPROPRIATIONS FOR TITLE II.

Section 502 (42 U.S.C. § 5082) is amended by striking the entire section as currently enacted and inserting in its place the following:

"NATIONAL SENIOR VOLUNTEER CORPS"

"Section 502. (a) There is authorized to be appropriated for the purpose of carrying out part A of title II of this Act such sums as necessary for fiscal years 1994, 1995, 1996, 1997, and 1998.

"(b) There is authorized to be appropriated for the purpose of carrying out part B of title II of this Act such sums as necessary for fiscal years 1994, 1995, 1996, 1997, and 1998.

"(c) There is authorized to be appropriated for the purpose of carrying out part C of title II of this Act such sums as necessary for fiscal years 1994, 1995, 1996, 1997, and 1998.

"(d) There is authorized to be appropriated for the purpose of carrying out part E of title II of this Act such sums as necessary for fiscal years 1994, 1995, 1996, 1997, and 1998."

SEC. 402. AUTHORIZATION OF APPROPRIATIONS FOR TITLE II.

Section 502 (42 U.S.C. § 5082) is amended by striking the entire section as currently enacted and inserting in its place the following:

"NATIONAL SENIOR VOLUNTEER CORPS"

"Section 502. (a) There is authorized to be appropriated for the purpose of carrying out part A of title II of this Act such sums as necessary for fiscal years 1994, 1995, 1996, 1997, and 1998.

"(b) There is authorized to be appropriated for the purpose of carrying out part B of title II of this Act such sums as necessary for fiscal years 1994, 1995, 1996, 1997, and 1998.

"(c) There is authorized to be appropriated for the purpose of carrying out part C of title II of this Act such sums as necessary for fiscal years 1994, 1995, 1996, 1997, and 1998.

"(d) There is authorized to be appropriated for the purpose of carrying out part E of title II of this Act such sums as necessary for fiscal years 1994, 1995, 1996, 1997, and 1998."

**PHOTOCOPY
PRESERVATION**

Sec. 502 DOMESTIC VOLUNTEER SERVICE ACT OF 1973

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~~\$32,170,000 for fiscal year 1989, \$36,600,000 for fiscal year 1990, \$39,000,000 for fiscal year 1991, \$44,700,000 for fiscal year 1992, and \$48,700,000 for fiscal year 1993, for the purpose of carrying out part C of title II of this Act.~~

~~(42 U.S.C. 5082)~~

~~[Sec. 503. Repealed. P.L. 95-510, sec. 102(b) October 24, 1978, 92 Stat. 1781.]~~

ADMINISTRATION AND COORDINATION

~~SEC. 504. (a) There is authorized to be appropriated for the administration of this Act, as authorized in title IV of this Act, \$25,312,000 for each of the fiscal years 1987, 1988, and 1989. In addition to the amounts authorized to be appropriated for the administration of this Act by the preceding sentence, there is authorized to be appropriated the aggregate sum of \$500,000 for fiscal years 1987 and 1988 to be available for support of drug abuse prevention.~~

~~(b) For each of the fiscal years 1990 through 1993, there is authorized to be appropriated for the administration of this Act, as authorized in title IV, 20 percent of the total amount appropriated under sections 501 and 502.~~

~~(42 U.S.C. 5084)~~

AVAILABILITY OF APPROPRIATIONS

SEC. 505. Notwithstanding any other provision of law, unless enacted in express and specific limitation of the provisions of this section, funds appropriated for any fiscal year to carry out any program under this Act or any predecessor authority shall remain available, in accordance with the provisions of this Act, for obligation and expenditure until expended.

(42 U.S.C. 5085)

TITLE VI—AMENDMENTS TO OTHER LAWS AND REPEALERS

SUPERSEDEENCE OF REORGANIZATION PLAN NUMBER 1 OF JULY 1, 1971

SEC. 601. (a) Sections 1, 2(a), 3, and 4 of the Reorganization Plan Number 1 of 1971 (July 1, 1971) are hereby superseded.

(b) The personnel, property, records, and unexpected balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Director of the ACTION Agency by sections 2(a) and 4 of such reorganization plan are hereby transferred to the ACTION Agency established by section 401. All grants, contracts, and other agreements awarded or entered into under the authority of such reorganization plan will be recognized under comparable provisions of this Act so that there is no disruption of ongoing activities for which there is continuing authority.

(c) All official actions taken by the Director of the ACTION Agency, the designee of the Director, or any other person under the authority of such reorganization plan which are in force on the effective date of this Act and for which there is continuing authority under the provisions of this Act, and the length of the period of

NUM 504
→

SEC. 403. AUTHORIZATION OF APPROPRIATIONS FOR TITLE IV.

Section 504 (42 U.S.C. § 5084) is amended by striking the entire section as currently enacted and inserting in its place the following:

"(a) For each of fiscal years 1994 through 1997, there is authorized to be appropriated for the administration of this Act, as authorized in Title IV of this Act, 20 percent of the total amount appropriated under sections 501, 502, and title VII of the Act.

"(b) For each of fiscal years 1994 through 1998, the Director is authorized to spend not less than one-half of one percent, nor more than one percent, from the sums appropriated under sections 501, 502, and title VII of the Act for the purposes prescribed in sections 416 and 427 of the Act."

SEC. 403. AUTHORIZATION OF APPROPRIATIONS FOR TITLE IV.

(Section 504 (42 U.S.C. § 5084) is amended by striking the entire section as currently enacted and inserting in its place the following:)

"(a) For each of fiscal years 1994 through 1997, there is authorized to be appropriated for the administration of this Act, as authorized in Title IV of this Act, 20 percent of the total amount appropriated under sections 501, 502, and title VII of the Act.

"(b) For each of fiscal years 1994 through 1998, the Director is authorized to spend not less than one-half of one percent, nor more than one percent, from the sums appropriated under sections 501, 502, and title VII of the Act for the purposes prescribed in sections 416 and 427 of the Act."

service of volunteers serving or under going training under title VIII of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2991-2994d) on the effective date of this Act, shall continue in full force and effect until modified, superseded, or revoked by the Director.

(d) All references to ACTION, or the Director of ACTION in any statute, reorganization plan, Executive order, regulation, or other official document or proceeding shall, on and after the effective date of this Act, be deemed to refer to the ACTION Agency established by section 401 and the Director thereof.

(e) No suit, action or other proceeding, and no cause of action, by or against the agency known as ACTION created by such reorganization plan, or any action by any officer thereof acting in an official capacity, shall abate by reason of enactment of this Act.

(f) Persons appointed by the President, by and with the advice and consent of the Senate, to positions requiring such advice and consent under such reorganization plan may continue to serve in the same capacity in the ACTION Agency without the necessity of an additional appointment by the President or further such advice and consent by the Senate.

→ CREDITABLE SERVICE FOR CIVIL SERVICE RETIREMENT

SEC. 602. Section 8332(b)(7) of title 5, United States Code (relating to creditable service to civil service retirement), is amended by inserting a comma and "or a period of service of a full-time volunteer enrolled in a program of at least one year's duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973 (—U.S.C.—)" after "Economic Opportunity Act of 1964".

REPEAL OF TITLE VIII OF THE ECONOMIC OPPORTUNITY ACT

SEC. 603. Title VIII of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2991-2994d), is hereby repealed.

REPEAL OF TITLE VI OF THE OLDER AMERICANS ACT

SEC. 604. (a) Title VI of the Older Americans Act of 1965, as amended (42 U.S.C. 3044-3044e), is hereby repealed.

(b) Section 908 of the Older Americans Comprehensive Services Amendments Act of 1973 (Public Law 93-29) is amended by striking out "1973," and "1974," and inserting in lieu thereof "1974," and "1975," respectively.

TITLE VII—YOUTHBUILD PROJECTS

SEC. 701. STATEMENT OF PURPOSE.

It is the purpose of this title—

(1) to provide economically disadvantaged young adults with opportunities for meaningful service to their communities in helping to meet the housing needs of homeless individuals and low-income families; and

(g) All references to ACTION, whether in law or regulation, shall hereby be deemed to refer to the Volunteer Action Agency.

(2) to enable economically disadvantaged young adults to obtain the education and employment skills necessary to achieve economic self-sufficiency.

(42 U.S.C. 5091)

SEC. 702. AUTHORIZATION OF PROGRAM

(a) **FINANCIAL ASSISTANCE.**—The Director of the ACTION Agency, in consultation with the Secretary of Labor, may provide grants to pay the Federal share of the cost of carrying out Youthbuild projects in accordance with this title.

(b) **FEDERAL SHARE.**—The Federal share under subsection (a) for each fiscal year shall not exceed 90 percent.

(42 U.S.C. 5091a)

SEC. 703. SERVICE IN CONSTRUCTION AND REHABILITATION PROJECTS.

(a) **CONSTRUCTION AND REHABILITATION PROJECTS.**—Eligible participants serving in Youthbuild projects receiving assistance under this title shall be employed in the construction, rehabilitation, or improvement of real property to be used for purposes of providing—

(1) residential rental housing that is occupied primarily by, or available for occupancy primarily by, homeless individuals and low-income families;

(2) transitional housing for homeless individuals;

(3) facilities for the provision of health, education, and other social services to low-income families, including—

(A) senior citizen centers;

(B) youth recreation centers;

(C) Head Start or child or adult day care centers; and

(D) community health centers.

(b) **REQUIREMENTS FOR COMMUNITY FACILITIES.**—No assistance may be provided under this title to support the construction, rehabilitation, or improvement of real property to be used to provide facilities described in subsection (a) unless the property—

(1) is used principally by or for the benefit of low-income families;

(2) is owned and occupied solely by public or private non-profit entities; and

(3) is located in census tracts, or identifiable neighborhoods within census tracts, in which the median family income is not more than 80 percent of the median family income of the area in which the facility is located, as such median family income and area are determined for the purposes of assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(c) **RESTRICTION OF USE.**—Participants under this title may not be employed in the construction, operation, or maintenance of any facility used for sectarian instruction or religious worship.

(42 U.S.C. 5091b)

SEC. 704. EDUCATION AND JOB TRAINING SERVICES.

(a) **IN GENERAL.**—Assistance provided under this title shall be used by each Youthbuild project to provide to participants the following:

(1) **SERVICE OPPORTUNITIES.**—Service opportunities in the construction or rehabilitation projects described in section 703, which shall be integrated with appropriate skills training and coordinated with, to the extent feasible, preapprenticeship and apprenticeship programs.

(2) **EDUCATIONAL SERVICES.**—Services and activities designed to meet the educational needs of participants, including—

- (A) basic skills instruction and remedial education;
- (B) bilingual education for individuals with limited English proficiency; and
- (C) secondary education services and activities designed to lead to the attainment of a high school diploma or its equivalent.

(3) **PERSONAL AND PEER SUPPORTS.**—Counseling services and other activities designed to—

- (A) ensure that participants overcome personal problems that would interfere with their successful participation; and
- (B) develop a strong, mutually supportive peer context in which values, goals, cultural heritage, and life skills can be explored and strengthened.

(4) **LEADERSHIP DEVELOPMENT.**—Opportunities to develop the decisionmaking, speaking, negotiating, and other leadership skills of participants, such as the establishment and operation of a youth council with meaningful decisionmaking authority over aspects of the project.

(5) **PREPARATION FOR AND PLACEMENT IN UNSUBSIDIZED EMPLOYMENT.**—Activities designed to maximize the value of participants as future employees and to prepare participants for seeking, obtaining, and retaining unsubsidized employment.

(6) **NECESSARY SUPPORT SERVICES.**—To provide support services and need-based stipends necessary to enable individuals to participate in the program and, for a period not to exceed 6 months after completion of training, to assist participants through support services in retaining employment.

(b) **CONDITIONS.**—The provision of service opportunities to participants in Youthbuild projects shall be made conditional upon attendance and participation by such individuals in the educational services and activities described in subsection (a). The duration of participation for each individual in educational services and activities shall be at least equal to the total number of hours for which a participant serves and is paid wages by a Youthbuild project.

(42 U.S.C. 5091c)

SEC. 705. USES OF FUNDS.

(a) **FUNDS.**—Funds provided under this title may be used only for activities that are in addition to activities that would otherwise be available in the absence of such funds.

(b) ASSISTANCE CRITERIA.—Assistance provided to each Youthbuild project under this title shall be used only for—

(1) education and job training services and activities described in paragraphs (2), (3), (4), (5), and (6) of section 704(a);

(2) wages and benefits paid to participants in accordance with sections 704(a) and 706; and

(3) administrative expenses incurred by the project in an amount not to exceed 10 percent of the amount of assistance provided to the project under this title unless such project receives a waiver, on the basis of substantial need, granted by the Director to use an amount not to exceed 15 percent of the amount of such assistance provided under this title for such purposes.

(42 U.S.C. 5091d)

SEC. 706. ELIGIBLE PARTICIPANTS.

(a) IN GENERAL.—Except as provided in subsection (b), an individual shall be eligible to participate in a Youthbuild project receiving assistance under this title if such individual is—

(1) 16 to 24 years of age, inclusive;

(2) economically disadvantaged; and

(3) an individual who has dropped out of high school whose reading and mathematics skills are at or below the 8th grade level.

(b) EXCEPTIONS.—Not more than 25 percent of the participants in a Youthbuild project receiving assistance under this title may be individuals who do not meet the requirements of subsection (a).

(c) PARTICIPATION LIMITATION.—Any eligible individual selected for full-time participation in a Youthbuild project may participate full-time for a period of not less than 6 months and not more than 18 months.

(42 U.S.C. 5091e)

SEC. 707. LIVING ALLOWANCES.

(a) AMOUNT OF ALLOWANCE.—

(1) IN GENERAL.—Each participant in a full-time Youthbuild program that receives assistance under this title shall receive a living allowance of not more than an amount equal to 100 percent of the poverty line for a family of two (as defined in section 673(2) of the Community Service Block Grant Act (42 U.S.C. 9902(2))).

(2) NON-FEDERAL SOURCES.—Notwithstanding paragraph (1), a program agency may provide participants with additional amounts that are made available from non-Federal sources.

(3) REDUCTION IN EXISTING PROGRAM BENEFITS.—Nothing in this section shall be construed to require a program in existence on the date of enactment of this title to decrease any stipends, salaries, or living allowances provided to participants under such program so long as the amount of any such stipend, salaries, or living allowances that is in excess of the levels provided for in this section are paid from non-Federal sources.

(b) NONDISCRIMINATION.—

(1) **IN GENERAL.**—Except as provided in paragraph (2), an individual with responsibility for the operation of a Youthbuild project shall not discriminate on the basis of religion against a participant or a member of the project staff who is paid with funds under this title.

(2) **EXCEPTION.**—Paragraph (1) shall not apply to the employment, with funds provided under this title, of any member of the staff of a Youthbuild project who was employed with the organization operating the project on the date the grant funded under this title was awarded.

(42 U.S.C. 5091f)

SEC. 708. CONTRACTS.

Each Youthbuild project shall carry out the services and activities under this title directly or through arrangements or under contracts with administrative entities designated under section 103(b)(1)(B) of the Job Training Partnership Act (29 U.S.C. 1501(b)(1)(B)), with State and local educational agencies, institutions of higher education, State and local housing development agencies, and with other public agencies and private organizations.

(42 U.S.C. 5091g)

SEC. 709. PERFORMANCE STANDARDS.

(a) **IN GENERAL.**—The Director, in consultation with the Secretary of Labor, shall prescribe standards for evaluating the performance of Youthbuild projects receiving assistance under this title, including the following factors:

- (1) Placement in unsubsidized employment.
- (2) Retention in unsubsidized employment.
- (3) An increase in earnings.
- (4) Improvement of reading and other basic skills.
- (5) Attainment of a high school diploma or its equivalent.
- (6) Completion of projects providing a benefit to the community.

(b) **VARIATIONS.**—The Director shall prescribe variations to the standards determined under subsection (a) by taking into account the economic conditions of the areas in which Youthbuild projects are located and appropriate special characteristics, such as the extent of English language proficiency and offender status of Youthbuild participants.

(42 U.S.C. 5091h)

SEC. 710. APPLICATIONS.

(a) **SUBMISSION.**—To apply for a grant under this title, an eligible entity shall submit an application to the Director in accordance with procedures established by the Director.

(b) **CRITERIA.**—Each such application shall—

- (1) describe the educational services, job training, supportive services, service opportunities, and other services and activities that will be provided to participants;
- (2) describe the proposed construction of rehabilitation activities to be undertaken and the anticipated schedule for carrying out such activities;

(3) describe the manner in which eligible youths will be recruited and selected, including a description of arrangements which will be made with community-based organizations, State and local educational agencies, public assistance agencies, the courts of jurisdiction for status and youth offenders, homeless shelters and other agencies that serve homeless youth, foster care agencies, and other appropriate public and private agencies;

(4) describe the special outreach efforts that will be undertaken to recruit eligible young women (including young women with dependent children);

(5) describe how the proposed project will be coordinated with other Federal, State, and local activities, including vocational, adult and bilingual education programs, job training supported by funds available under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) and the Family Support Act of 1988, housing and economic development, and programs that receive assistance under section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306);

(6) provide assurances that there will be a sufficient number of supervisory personnel on the project and that the supervisory personnel are trained in the skills needed to carry out the project;

(7) describe activities that will be undertaken to develop the leadership skills of participants;

(8) set forth a detailed budget and describe the system of fiscal controls and auditing and accountability procedures that will be used to ensure fiscal soundness; and

(9) set forth assurances, arrangements, and conditions the Director determines are necessary to carry out this title.

(42 U.S.C. 5091i)

SEC. 711. SELECTION OF PROJECTS.

In approving applications for assistance under this title, the Director shall give priority to applicants that demonstrate the following:

(1) **POTENTIAL FOR SUCCESS.**—The greatest likelihood of success, as indicated by such factors as the past experience of an applicant with housing rehabilitation or construction, youth and youth education and employment training programs, management capacity, fiscal reliability, and community support.

(2) **NEED.**—Have the greatest need for assistance, as determined by factors such as—

(A) the degree of economic distress of the community from which participants would be recruited, including—

(i) the extent of poverty;

(ii) the extent of youth unemployment; and

(iii) the number of individuals who have dropped out of high school; and

(B) the degree of economic distress of the locality in which the housing would be rehabilitated or constructed, including—

(i) objective measures of the incidence of homelessness;

- (ii) the relation between the supply of affordable housing for low-income families and the number of such families in the locality;
- (iii) the extent of housing overcrowding; and
- (iv) the extent of poverty.

(42 U.S.C. 5091j)

SEC. 712. MANAGEMENT AND TECHNICAL ASSISTANCE.

(a) **GENERAL ADMINISTRATION.**—The program established under this title shall be administered by an individual with significant experience in the administration of youth service programs that explicitly attempt to enhance the basic academic and vocational skills of participants in such programs. The Director is authorized to delegate any of the functions of the Director under this title as may be appropriate to the Secretary of Labor and provide for the performance of any of the provisions of this title on a cost-reimbursable basis by the Secretary of Labor.

(b) **DIRECTOR ASSISTANCE.**—The Director may enter into contracts with a qualified public or private nonprofit agency to provide assistance to the Director in the management, supervision, and coordination of Youthbuild projects receiving assistance under this title.

(c) **SPONSOR ASSISTANCE.**—The Director shall enter into contracts with a qualified public or private nonprofit agency to provide appropriate training, information, and technical assistance to sponsors of projects assisted under this title.

(d) **APPLICATION PREPARATION.**—Technical assistance may also be provided in the development of project proposals and the preparation of applications for assistance under this title to eligible entities which intend or desire to submit such applications. Community-based organizations shall be given first priority in the provision of such assistance.

(e) **RESERVATION OF FUNDS.**—The Director shall reserve 5 percent of the amounts available in each fiscal year under section 715 to carry out subsections (c) and (d).

(42 U.S.C. 5091k)

SEC. 713. DEFINITIONS.

For purposes of this title:

(1) **COMMUNITY-BASED ORGANIZATIONS.**—The term “community-based organizations” has the meaning given such term in section 4(8) of the Job Training Partnership Act (29 U.S.C. 1503(8)).

(2) **DIRECTOR.**—The term “Director” means the Director of the ACTION agency.

(3) **DROPPED OUT OF HIGH SCHOOL.**—The term “individual who has dropped out of high school” means an individual who is neither attending any school nor subject to a compulsory attendance law and who has not received a secondary school diploma or a certificate of equivalency for such diploma, but does not include any individual who has attended secondary school at any time during the preceding 6 months.

(4) **ECONOMICALLY DISADVANTAGED.**—The term “economically disadvantaged” has the meaning given such term in sec-

tion 4(8) of the Job Training Partnership Act (29 U.S.C. 1503(8)).

(5) **ELIGIBLE ENTITY.**—The term “eligible entity” means a public or private nonprofit agency, such as—

- (A) community-based organizations;
- (B) administrative entities designated under section 103(b)(1)(B) of the Job Training Partnership Act (29 U.S.C. 1501(b)(1)(B));
- (C) community action agencies;
- (D) State and local housing development agencies;
- (E) State and local youth service and conservation corps; and

(F) any other entity that is eligible to provide education and employment training under other Federal employment training programs.

(6) **HOMELESS INDIVIDUAL.**—The term “homeless individual” has the meaning given such term in section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302).

(7) **HOUSING DEVELOPMENT AGENCY.**—The term “housing development agency” means any agency of a State or local government, or any private nonprofit organization that is engaged in providing housing for the homeless or low-income families.

(8) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(9) **LIMITED ENGLISH PROFICIENCY.**—The term “limited English proficiency” has the meaning given such term in section 7003 of the Bilingual Education Act (20 U.S.C. 3223).

(10) **LOW-INCOME FAMILY.**—The term “low-income family” has the meaning given the term “lower income families” in section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)).

(11) **OFFENDER.**—The term “offender” means any adult or juvenile with a record of arrest or conviction for a criminal offense.

(12) **QUALIFIED NONPROFIT AGENCY.**—The term “qualified public or private nonprofit agency” means any nonprofit agency that has significant prior experience in the operation of projects similar to the Youthbuild program authorized under this title and that has the capacity to provide effective technical assistance under this title.

(13) **RESIDENTIAL RENTAL PURPOSES.**—The term “residential rental purposes” includes a cooperative or mutual housing facility that has a resale structure that enables the cooperative to maintain affordability for low-income individuals and families.

(14) **SERVICE OPPORTUNITY.**—The term “service opportunity” means the opportunity to perform work in return for wages and benefits in the construction or rehabilitation of real property in accordance with this title.

(15) **STATE.**—The term “State” means any of the several States, the District of Columbia, the Commonwealth of Puerto

Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, or any other territory or possession of the United States.

(16) TRANSITIONAL HOUSING.—The term "transitional housing" means a project that has as its purpose facilitating the movement of homeless individuals and families to independent living within a reasonable amount of time. Transitional housing includes housing primarily designed to serve deinstitutionalized homeless individuals and other homeless individuals with mental or physical disabilities and homeless families with children.

(17) YOUTHBUILD PROJECT.—The term "Youthbuild project" means any project that receives assistance under this title and provides disadvantaged youth with opportunities for service, education, and training in the construction or rehabilitation of housing for homeless and other low-income individuals.

(42 U.S.C. 50911)

SEC. 715.¹ REGULATIONS.

The Director shall issue any regulations necessary to carry out this title.

(42 U.S.C. 5091m)

SEC. 716.¹ AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title ~~\$1,000,000~~ for fiscal year 1991, ~~\$2,000,000~~ for fiscal year 1992, and ~~\$5,000,000~~ for fiscal year 1993.

(42 U.S.C. 5091n)

Approved October 1, 1973.

There is authorized to be appropriated for the purpose of carrying out title VII such sums as necessary for fiscal years 1994, 1995, 1996, 1997, and 1998.

Section 406. Effective Date

This bill is effective October 1, 1993 or upon the date of enactment, whichever is later.

¹Error in amendment made by section 211 of Public Law 101-610. Sections 715 and 716 should be redesignated as sections 714 and 715, respectively.

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WASHINGTON

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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 8332(j) of
10 title 5, United States Code, is amended—

11 (A) in paragraph (1), by inserting “as a
12 (i) 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 in the last sentence —

17 (ii) by inserting “or under the Domestic
→ (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, ~~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

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

*Volunteer Service Act of 1973” after “Economic
Opportunity Act of 1964,”; and
(II) by inserting “or ACTION” after
“Director of the Office of Economic
Opportunity”; and*

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

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

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

8 "(1)(1) Each employee or Member who has performed
9 service as a volunteer or volunteer leader under part A
10 of title VIII of the Economic Opportunity Act of 1964, ~~or~~
11 as a full-time volunteer enrolled in a program of at least
12 1 year's duration under part A, B, or C of title I of the
13 Domestic Volunteer Service Act of 1973, ^{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 22

2504(c)
or 2505(1)
of title 22

201

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 (e).

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

19 “(3) The Director ~~of ACTION~~ *and the Peace Corps* 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~~ 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:

203

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 ^f at
5 least 1 year's duration under part A, B, or C of title I
6 of the Domestic Volunteer Service Act of 1973, ^{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 1973, ^{or Section 2504(c) or} for each period of service
19 as such a volunteer or volunteer leader.

Volunteer or
leader under
the Peace Corps
Act [Chapter
34 of title 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

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

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

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

20 (c) APPLICABILITY AND OTHER PROVISIONS.—

21 (1) APPLICABILITY.—

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

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DISCUSSION DRAFT

S.L.C.

205

Domestic Volunteer Service Act of 1973 ^{or the Peace Corps Act} ^[chapter 34 of title 22]

viduals who are entitled to an annuity on the

basis of a separation from service occurring ~~be-~~

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

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

~~commencing~~ ~~from service occurring~~ before the date of enact-

ment of this Act, ^{credit for service under such sub-} ~~any increase in such individ-~~

chapter III shall be subject to paragraphs (2) through (6), ~~individual's annuity on the basis of a deposit made~~

and section 8332(j)(1) of title 5 shall not apply to such ~~pursuant to section 8334(1) or section 8442(f)~~

individual. ^{Any annuity increase resulting from} ~~of title 5, United States Code, as amended by~~

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

annuity payments payable for calendar months

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

Act.

(B)(i) The amendments made by subsection (b) ^{shall apply with respect to credit for service as a} ~~In the case of any individual who is~~

~~entitled to an annuity under subchapter III of~~

~~volunteer or volunteer leader under the Economic Opportunity Act~~

~~chapter 83 of title 5, United States Code, credit~~

~~of 1964, the Domestic Volunteer Service Act of 1973, or the Peace Corps~~

~~for service under such subchapter III shall be~~

~~subject to paragraphs (2) through (6). annuity on the basis of~~

~~a separation from service occurring before, on, or after the effective~~

~~date of this~~ ^{Act.}

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

Subject to paragraph (3), in any case in which an

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

tled to old age or survivor's insurance benefits under

section 202 of the Social Security Act (or would be

(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

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—

*and 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~~ *[section 409 of title 42]* 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~~ *and the Peace Corps Act [chapter 34 of title 22]* 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~~ *[section 430 of title 42]*
22 other applicable maximum annual amount re-
23 ferred to in section 215(e)(1) of such Act for
24 each year); and *[Section 415(e)(1) of title 42]*

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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(e)(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)} ~~service of a~~
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.

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[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 83 of title 5, United States Code, for
12 calendar months beginning after the date of enact-
13 ment of this Act.

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

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

**Section-By-Section Analysis
of the Proposed Domestic Volunteer Service Act
Amendments of 1993**

Sec. 1. The title of the legislation.

Sec. 2. References that proposed amendments, unless otherwise specified, are to the Domestic Volunteer Service Act.

Title I -- VISTA and Other Anti-Poverty Programs

Sec. 101. Provides an addition to the statement of purpose of the VISTA Program to include strengthening local agencies and organizations to address the needs of low-income communities and individuals.

This addition clarifies that a purpose of the VISTA program is to strengthen local institutions and organizations to eliminate and alleviate poverty and poverty-related problems in the United States.

Sec. 102. Provides for a series of amendments affecting the selection and assignment of VISTA Volunteers.

(a) Would clarify that volunteers may participate in programs similar to the legislation cited under subsection 103(a)(6), and reflect that addressing illiteracy is a specific priority for VISTA Volunteers.

This addition is necessary to provide for the broadest interpretation of the allowable activities that are designed to address poverty and poverty-related needs. This addition is also necessary to reflect the ongoing and planned activities of VISTA Volunteers in the area of combatting illiteracy, within both the overall VISTA program and the VISTA Literacy Corps.

(b) Repeals provisions mandating particular organizational structures, information systems, staffing levels, and hiring requirements related to the recruitment and placement of VISTA Volunteers. Also deletes certain requirements concerning the content of an application to become a VISTA Volunteer. ✓

These provisions are deleted because they are unnecessary and restrict the flexibility of the Director to administer the recruitment and placement of VISTA Volunteers in the most efficient and economical manner possible.

(c) Revises authority for a sponsoring organization to recruit a volunteer to clarify that it is subject to the Director's approval and that the Director is not required to give priority for placement in that organization. Also, repeals a provision that allows a project to replace an applicant who is recruited locally but becomes available for service prior to commencement.

This language conforms the legislation to the practice of having sponsoring organizations recruit volunteers subject to the approval of the Director. The sponsoring agency also must approve any volunteer assigned or recruited, and hence there is no reason for the Director to be required to give priority to a locally recruited volunteer.

A particular requirement related to the replacement of an applicant who becomes unavailable to serve is not necessary. When feasible, other recruits are assigned to projects when another applicant cannot become a volunteer.

(d) Renumbers sections to conform with above amendments.

This language is necessary to conform the numbering sequence in the law with the amendments specified in (a) and (b) above.

(e) Makes a series of changes to the existing requirements concerning public awareness and recruitment, the composition of the volunteer force, and spending requirements related to promotion and recruitment. ✓

These changes will: (1) replace certain mandated activities with the requirement that the Director conduct a vigorous recruitment program, with the specific activities under that program to be determined at the discretion of the Director; (2) require the Director to take steps to enable returned Peace Corps Volunteers to serve under VISTA; (3) eliminate the statutory requirement for the production of an annual recruitment plan with the recognition that this activity may continue at the discretion of the Director, and eliminate the mandate that 20 percent of the volunteer work force must be 55 years of age and older and another 20 percent must be between 18 and 27 years of age or older; and (4) revise the requirement that a minimum of 1.5% of available monies must be spent for recruitment and promotion to such sums as necessary.

These changes are necessary to provide the Director with the discretion, and additional resources, necessary to conduct a vigorous recruitment and placement program that will meet the volunteer strength goal. Enabling returned Peace Corps

Volunteers to serve as VISTA Volunteer will further the goals of both programs. Further, legislative mandates concerning age ranges of percentages of volunteers are unnecessarily restrictive.

Sec. 103. Clarifies the terms and periods of service for VISTA Volunteers and authorizes the creation of a VISTA Summer Associates Program. ✓

(a) Clarifies statutory language concerning the terms and periods of service. VISTA volunteers may be enrolled initially for a minimum of one year, and a maximum of two years, of service. Exceptions to the minimum requirement are critical needs set by the Director and summer programs. Reenrollment terms are set by the Director, but no volunteer may serve for more than five years under the program.

This provision provides clarifying language only. The single change from existing law, except for the authorization of a summer program, is to eliminate the requirement that reenrollments not exceed two years.

(b) Enables individuals to volunteer under VISTA for the summer only, with the goals and requirements of this summer program being consistent with the overall VISTA program. The Act provides the Director with the authority to specify the terms and conditions with respect to this program.

A VISTA Summer Associates program will offer additional opportunities for Americans to participate in volunteer service without the full-year commitment required under VISTA.

Sec. 104. Provides for several amendments affecting the subsistence and stipend rates for VISTA Volunteers.

(a) Raises the ceiling for stipends for VISTA Volunteers from a maximum of \$95 per month to a minimum of \$125 per month, effective October 1, 1994, assuming the availability of funds, and sets the minimum for VISTA Volunteer Leaders to \$200 per month effective October 1, 1994. ✓

The current requirement to provide a maximum stipend of \$95 per month for volunteers requires updating, particularly in light of the rates provided under other Federal and State programs. The minimum level of \$125 per month will provide an individual with a sufficient amount (\$1,500 per year) for necessary adjustment following volunteer service. This provision also permits extra payments for a minor category of individuals known as VISTA Volunteer Leaders, reflecting their additional responsibilities and expertise.

(b) Deletes the requirement related to certain consultation with regional and state offices and the requirement related to the establishment of a method for setting subsistence rates and the submission of a report on such rates.

The consultation requirement was a one-time event related to the establishment of subsistence rates based on cost of living; the requirement has been met. The establishment of a method for setting rates and a related reporting requirement are deleted because they also represent a one-time event related to taking into account cost-of-living differences in the setting of subsistence rates for VISTA Volunteers. This requirement was met by the Agency. The requirement to continue to differentiate subsistence rates for Volunteers on the basis of cost-of-living will continue to be a part of the Act.

Sec. 105. Repeals the requirement that funds made available under VISTA Literacy Corps shall be used to supplement and not supplant the level of services provided under part A in fiscal year 1986 to address the problem of illiteracy. ✓

By repealing this requirement, the Agency will not have to maintain a certain level of literacy activities outside the VISTA Literacy Corps. Such a requirement is unnecessarily restrictive on VISTA program operations. Local communities should have greater flexibility in determining the assignments available for VISTA Volunteers.

Sec. 106. Restates the requirements related to the consideration of applications under the VISTA program to clarify existing statutory requirements.

This revision is necessary to clarify that assistance will not be determined on the basis of whether a project previously received assistance under the VISTA program. This clarification simplifies the current language, which sets detailed requirements that are unnecessary. The Director should use merit and the goals of the program in approving applications for assistance.

Sec. 107. Revises the minimum period of service under the University Year for ACTION program from an academic year to an academic semester or its equivalent. ✓

This revision will enable individuals to participate in the program for an academic semester or its equivalent, whereby the former requirement was to serve for a minimum of one year. This will provide greater flexibility for individuals to participate in the program.

Sec. 108. Authorizes the Director to conduct or make grants or contracts, or both, for special volunteer and demonstration programs that will fulfill the purpose of the Agency. Specifies that grants shall be made on the basis of merit. Deletes current provisions restricting the flexibility of the Director under part C of title I. Permits supporting both stipended and non-stipended volunteer programs under part C. ✓

This provision clarifies the authority to establish and operate special volunteer and demonstration programs and technical assistance activities under part C of title I. Section 122 currently contains a number of outdated provisions that do not reflect the demonstration component of this part. Further, this amendment deletes a number of provisions in Section 122 which restrict the flexibility of the Agency and are unnecessary, including a limit of \$250,000 on individual grants or contracts and a prohibition against providing funding for state offices of volunteerism. The current limit of \$50,000 on noncompetitive grants or contracts is increased to \$100,000.

Sec. 109. Clarifies authority for the Director to provide technical and financial assistance. ✓

This language simplifies the current statute, incorporates certain technical assistance authorities that exist in other sections of the bill, and deletes specific references to areas that should receive technical assistance.

Sec. 110. Deletes a separate authority for drug abuse education and prevention activities as currently authorized under part C of title I of the Domestic Volunteer Service Act. ✓

Drug abuse education and prevention activities may be conducted under the broader special emphasis authorities provided under sections 122 and 123. It is unnecessary to establish separate, specific authority for drug abuse activities under this part.

Title II -- National Senior Volunteer Corps

Sec. 201. Revises all references to Older American Volunteer Programs to refer to National Senior Volunteer Corps. ✓

This new title better reflects the identity, nature, and purposes of the federally supported volunteer programs under title II of the legislation. Volunteers and sponsors will retain identities with the existing, separate program structures -- Retired and Senior Volunteer Program, Foster Grandparent Program, and Senior Companion Program -- which in combination will constitute the National Senior Volunteer Corps. This will help provide additional recognition for older volunteers participating in these programs.

Sec. 202. Revises the name of the Retired Senior Volunteer Program to Retired and Senior Volunteer Program. ✓

This change reflects the interests of a number of older Americans who wish to volunteer but may still be working on either a part-time or full-time basis. The change in name reflects the fact that the program is not limited to "retired" seniors but encompasses all seniors with an interest in participating in the program.

Sec. 203. Revises the minimum age for participation in the Retired and Senior Volunteer Program from 60 to 55 and recognizes the participation of older working persons, in addition to retired individuals, in the program. Also deletes a requirement to give State agencies established under the Older Americans Act of 1965 the opportunity to comment on any award within the state. ✓

This change reflects the interests of individuals age 55-60 in participating in the program along with other individuals age 60 and above. Many organizations and associations for older Americans have an eligibility requirement of age 55. This change will provide greater flexibility for local projects in encouraging participation in the program. This amendment also recognizes that many older Americans work on a full-time or part-time basis but wish to participate as volunteers with their peers who are retired.

This section will also delete a requirement to have the state agencies established under the Older Americans Act review any award made within a state that is not made to that agency. This requirement is obsolete.

Sec. 204. Modifies the statutory description of types of activities of Foster Grandparents to better reflect the current scope and breadth of the program. Further, clarifies that Foster Grandparents may provide person-to-person services to multiple children, depending upon local needs and requirements. ✓

This change recognizes that Foster Grandparents serve today in a variety of settings in addition to facilities providing institutionalized care for disabled children, including schools, day care centers, and Head Start projects. In these and other settings, a Foster Grandparent may be involved in providing unique, person-to-person services to one or more children with special or exceptional needs.

Sec. 205. Requires that the hourly stipend for low-income volunteers under the Foster Grandparent and Senior Companion Programs be adjusted once over the next several years, rounded to the nearest five cents. Further requires that the stipend be a minimum of \$2.45 per hour; this is the current rate under the program. ✓

This provision will assure that the stipend provided to low-income volunteers to enable them to participate in the program will be adjusted on the basis of inflation. In the past, such adjustments have occurred sporadically, thereby eroding the value of the stipend provided. Setting a minimum rate of \$2.45 per hour conforms the program to existing levels of remuneration.

Sec. 206. Revises the section allowing non-low income persons to participate under parts B and C of title II. Detailed statutory requirements governing such participation are unnecessary. Local projects retain the flexibility to determine whether such volunteers will be used. ✓

This provision simply deletes unnecessary language governing the participation of non-low income persons under parts B and C of title II. Since participation is determined at the local level, detailed requirements that must be met in order for participation to occur are not necessary.

Sec. 207. Repeals a limitation on participation in the Foster Grandparent and Senior Companions to those no longer in the work force, thereby enabling these volunteers to work on a part-time basis. Also repeals a requirement that grants under the Foster Grandparent Program be made to a community action agency, and if not made to that agency, that certain requirements be met. Further, repeals a requirement that provides certain State agencies with the opportunity to review and comment on recommendations for awards within the state. ✓

Foster Grandparents and Senior Companions should be able to work part-time as long as the income eligibility requirements are maintained. Further, the community action agency provision is outdated and no longer applicable. To the extent that community action agencies wish to participate in the program, they are afforded the same opportunity to do so as other local organizations. Further, the mission of community action agencies was changed under the Community Services Block Grant Act and they no longer receive direct, earmarked support from the Federal government.

The state agency requirement is also obsolete and unnecessary. State agencies are eligible to participate as grantees under the program where appropriate. Such decisions are made on the basis of merit.

Sec. 208. Deletes a provision requiring the evaluation of the impact of projects assisted under the Senior Companion Program.

This provision is outdated and duplicative; Section 416 of the Act sets forth the evaluation requirements for all programs under the Domestic Volunteer Service Act.

Sec. 209. Inserts a section encouraging the Director of ACTION to enter into certain arrangements with other Federal agencies that will promote both the mission of ACTION and the mission and programs of those agencies.

While permissible under current law, this addition sets a legislative expectation that must be met by the Director of ACTION and other federal agencies. There are numerous opportunities to further the goals of both ACTION and other Federal agencies through the use of Older American volunteers.

Sec. 210. Eliminates a requirement that not less than one-third of the new funds made available for Older American Volunteer Programs be earmarked for programs of national significance, provides discretion for the Director to determine which programs will be supported in a particular year, expands the categories of activities that may be funded, and replaces the limitation on authorization with the authority to award such sums as necessary.

*specific
evaluation
+ reports
requirements*

✓

This provision is necessary because the current earmarking requirements have created operational problems within the Older American Volunteer Programs. The current Subsection 225(a)(1), when read in conjunction with subsection 225(c)(2), requires the Agency to earmark one-third of any new monies for each of the Older American Volunteer Programs in a given year for programs of national significance. This has meant that, for some fiscal years, minor sums must be set aside for a separate grant competition, where ACTION's more than 1,100 projects may compete for only a few grants. Projects have identified this as an administrative hardship, and the earmarking of funds should be able to occur as part of the budget and appropriations process in a more rational manner.

Further, there is no provision whereby the Director may identify one or more areas requiring special attention in a particular year. As currently written, projects may support any particular area. This change will enable particular national priorities to be addressed while simultaneously addressing local concerns.

This provision will also create additional emphasis areas that may be funded under this subsection, including the environment, organizational outreach, ethnic outreach, criminal justice activities and apprenticeship programs for youth.

This provision will also replace dollar limitations on the amounts that may be earmarked under this section with authority to earmark such sums as necessary.

Sec. 211. Repeals reporting and certain other requirements with respect to inflationary considerations.

The provisions being repealed are unnecessary. In making awards under the program, the Director is required by the statute to consider the impact of inflation on the projects' abilities to carry out statutory purposes. There is no need for a separate report on these considerations, particularly when the annual appropriations process sets funding limits on the amounts that can be awarded to projects under the various programs.

Sec. 212. Provides authority, under certain specified conditions, for the Director of ACTION, and projects funded under title II of the Domestic Volunteer Service Act, to enter into arrangements with private, profit-making organizations to offer services of Older American volunteers to those organizations, their employees, and families.

This provision will help support potential demonstration activities involving private organizations which recognize under employee benefit programs the cost-effective services provided by older volunteers in areas such as child support for children with exceptional needs and elder care. Under this authority, a private organization may "contract with" a local older American project or the Director of ACTION to provide these services if there are no costs to the taxpayer and if the effort does not harm the project's ability to carry out its public responsibilities to the community.

Sec. 213. Provides for a new demonstration authority to fund projects involving Older American volunteers. ✓

This new authority will fund activities not currently supported under the other parts of title II. To be supported, projects must demonstrate innovative activities that either may be replicated elsewhere or have nationwide implications for the involvement of older Americans in addressing community needs. Further, the Director may not reduce the activities under the other parts of title II in order to fund this part.

Title III -- Administration

Sec. 301. Sets the name of the organization as the Volunteer Action Agency. Further, clarifies the responsibility of the organization and replaces an outdated title with a more appropriate designation.

This provision is necessary to provide greater identity for the Agency with the public and others served by the organization. The title, ACTION, does not indicate the responsibilities and activities of the organization. Further, the phrase, Volunteer Action Agency, in addition to promoting greater identity, has the advantage of reflecting the mission and responsibilities of the organization. Further, this section emphasizes the coordination and technical assistance responsibilities of the organization. Finally, the title of a position, the Associate Director for Domestic and Anti-Poverty Operations requires changing because it dates to the agency's formation when it included Peace Corps.

Sec. 302. Provides authority to the Agency to solicit gifts and services. Further, provides authority to enter into agreements with profit making organizations to help further the purposes of the Act.

The current statute provides the Agency with the authority to accept gifts and services. This provision provides the Agency with the ability to seek gifts and services from public and private agencies and individuals to support the activities authorized under the Domestic Volunteer Service Act. Currently, Agency officials may accept such gifts and services, but are not specifically authorized to actively solicit them. As a result, opportunities to further the mission of the Agency and its activities are lost.

Further, this section provides the Director with the explicit authority to enter into agreements with profit-making organizations under terms and conditions to be set by the Director. Such agreements will help further the broad purposes of the Act.

Sec. 303. Clarifies that only compensation from volunteers and beneficiaries is prohibited under the Act.

This section clarifies that the intention of the Act is to prohibit any coercion of volunteers or beneficiaries into making contributions to programs funded under the Act and eliminates any interpretation as affecting program funding relationships among sponsors, projects, and volunteers stations. This clarification is necessary because currently the Act may be interpreted to prohibit stations from collecting monies from sites to which volunteers are assigned.

Sec. 304. Repeals a requirement that the Director submit an annual report to the Congress on the recruitment plan and activities conducted for the VISTA program.

This provision is deleted because the report is unnecessary; the important information required in the report is provided to the Congress, through both authorizing and appropriations committees, upon request.

Sec. 305. Revises the basis of computation for disability benefits for volunteers under the VISTA program from the entrance salary of a grade GS-7 employee to the entrance salary of a grade GS-5 employees. ✓

This provision is necessary because the current computation procedure results in a situation where a Volunteer receives substantially more benefits upon becoming disabled than he or she receives as a Volunteer. This both serves as a powerful disincentive to rehabilitate and increases costs. This new procedure will set a compensation rate that is fair and equitable, is comparable to that offered in other federal programs, and will encourage the return of recipients to gainful employment.

Sec. 306. Amends title 5, United States Code, in several respects to provide that retirement credit under the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS) for time served as a full-time volunteer under title I of the Domestic Volunteer Service Act will be available for all former Volunteers who become federal employees subsequent to their Volunteer service, upon payment of a deposit based on their postservice stipends. This amendment would provide equality of treatment for former VISTA Volunteers with the military, and would restore to former Volunteers the incentive to make public service a career by giving them retirement credit for their Volunteer service that was originally provided. ✓

At present, federal employees who are also former Volunteers may count their VISTA service as a period of employment for purposes of computing their pensions under CSRS only if they are not eligible for an old age pension under the Social Security Act. If they are eligible for benefits under Social Security, their period of Volunteer service is deducted from the period of employment on which their federal pension is computed.

Currently serving Volunteers cannot obtain credit under FERS for periods served as a VISTA Volunteer. Volunteer service that took place before January 1, 1989, is creditable for FERS pension purposes, upon payment of a deposit, but service on or after January 1, 1989, is not because of a prohibition on permitting deposits to be made for retirement credits, except by members of the Armed Forces after that date.

Volunteer service is creditable for pension purposes under federal pension plans other than CSRS and FERS.

The proposed amendment would permit former Volunteers to receive credit for their Volunteer service for retirement under CSRS upon making a deposit of 7% of their postservice stipend, with interest in appropriate cases. A reduction in annuity payments would be made in all cases to reflect the amount of the Social Security pension to which the individual is entitled that is attributable to the individual's contributions to the Social Security trust fund during service as a VISTA Volunteer.

The amendment would also entitle former Volunteers to receive credit for their service for FERS purposes by making a deposit of 3% of their readjustment allowances, plus interest in appropriate cases, for service that took place on or after January 1, 1989.

The amendments would apply to individuals whose entitlement to an annuity began before, as well as after, passage of the amendments. Increases in pensions resulting from the making of a deposit by individuals already retired would not be retroactive, but would apply only to annuity payments made after passage of the amendments.

Appropriate administrative provisions, including provision for notice to eligible annuitants of the availability of an option to make a deposit and secure credit for service are also provided.

Sec. 307. Revises the requirement for program evaluations from at least once every three years to periodically. Also deletes the requirements for a separate evaluation of the Literacy Corps program, the publication of standards for evaluations, consultation with participants, the publication of summaries, certain data protection, certain specific evaluations of title II programs, and a separate authorization for evaluations. Also requires that a management information system be established to report on volunteer activities supported by the Agency.

This change would provide the flexibility to conduct a program evaluation periodically, consistent with program needs. Further, this section would delete a number of statutory requirements that have either been replaced by ongoing administrative practices or represent sound evaluation procedures that do not need to be reflected in the statute. The authorization for evaluations is reflected separately under title V of the Act. Finally, a management information system will facilitate ongoing assessments of projects' activities, as well as providing summary information concerning the accomplishments of programs supported under the statute.

Sec. 308. Provides that no one in the United States will be deprived of taking part in or receiving the benefits of Federal financial assisted programs and activities (the assignment of volunteers constitutes Federal assistance), because of race, color, national origin, religion, sex, age, or handicap; and that the Director is precluded from providing financial assistance to any program under the Domestic Volunteer Service Act unless the agreement to provide financial assistance specifically prohibits persons responsible for the operation of the program from discriminating for the above referenced reasons. The Director must enforce the above provisions in accordance with 42 U.S.C. § 2000d-1, but this does not preclude affected individuals from seeking personal relief in other forums.

This revision will consolidate subsections (a) and (b) of the existing section 417 for clarification and expansion of discriminatory basis, and will eliminate subsection (c) because the intended deterrent to discrimination is the authority to withdraw Federal assistance, not to have concurrent or collateral authority with other jurisdictions (state and Federal EEO) to grant individual relief. In addition to this having a negative impact on agency resources, it would be redundant if the program or activity agreed to corrective action, and unenforceable if we terminated as provided in the body of the proposed Section 417.

Sec. 309. Eliminates a series of requirements related to prescribing regulations under the Act. ✓

These requirements are no longer necessary as a series of governmentwide requirements exist with respect to the publication of regulations. The "safeguards" reflected in the Domestic Volunteer Service Act have been replaced by certain governmentwide rules concerning the publication of regulations; these rules provide full protection to the public and to the Congress concerning the publication of any regulations under the Domestic Volunteer Service Act.

Sec. 310. Clarifies the Domestic Volunteer Service Act to indicate that recipients of ACTION grants must make records available to the Inspector General of ACTION.

This authority of the Inspector General already exists, but the change will help specify the requirements placed upon grantees and contractors related to audits.

Sec. 311. Limits the liability of volunteers, advisory council members, and other personnel supported under this legislation.

This provision is necessary given that the willingness of volunteers and others to offer their services has been increasingly deterred by a perception that they put personal assets at risk in the event of tort actions seeking damages arising from their activities as volunteers under this Act. Further, the contributions of programs, activities and services to communities is diminished, and worthwhile programs, activities and services are deterred by such fears. There should be an effective balance in the public interest between the right of a person to seek redress for injury and the right of an individual to freely give his time and energy without compensation as a volunteer in service to his community without fear of personal liability for acts undertaken in good faith absent willful or wanton conduct on the part of the volunteer.

Full-time volunteers under title I are covered under section 415(b) of the existing statute by Federal Tort Claims provisions.

Sec. 312. Provides copyright protection for the major programs operated by the Agency. ✓

This Section is necessary because, on occasion, other organizations have used the names of ACTION programs and volunteers in a manner that is inappropriate for Federal volunteer programs. The intent is to use this protection only against organizations attempting to use the name and related symbols of Federal volunteer programs administered by the Agency in an inappropriate manner.

Sec. 313. Establishes a Center for Research and Training on Volunteerism within ACTION. ✓

This Center is necessary because of the need for a focal point within the Nation to conduct research on the impact of volunteer programs. The Center will disseminate information concerning such research to all interested parties. Further, the Center will conduct training to help improve the quality of volunteer programs across the country. In conducting this training, the Center will not duplicate the activities or efforts of any existing organization or institution.

Title IV -- Authorization of Appropriations and Conforming Amendments

Sec. 401. Provides separate authorization for various parts and sections under title I of the legislation for fiscal years 1994, 1995, 1996, 1997, and 1998. Also stipulates that the legislatively mandated minimum subsistence allowance for VISTA Volunteers may not be reduced in order to increase the number of volunteer service years under the program. Specifies that any volunteers under part A of title I, also working on activities authorized under parts B and/or C of title I, must meet the antipoverty criteria specified under part A. Finally, specifies that amounts appropriated for part A must provide for a minimum number of volunteer service years in each fiscal year.

As prepared, this Section is necessary to provide authority for appropriations to carry out parts A, B, and C of title I. There is no need for specific amounts to be authorized, as the size of the program will be determined through annual appropriations.

Further, the minimum level of volunteer service years reflects the high priority of the VISTA, particularly as related to carrying out the President's National Service program.

Sec. 402. Provides authorization for volunteer programs under title II of the legislation for fiscal years 1994, 1995, 1996, 1997, and 1998.

Sec. 403. Provides authorization for program administration under title IV of the legislation for fiscal years 1994, 1995, 1996, 1997, and 1998. Provides separate authorization for evaluation and the Center for Research and Training.

This Section is necessary to provide authority for appropriations to carry out title IV of the Act.

Under current law, there is separate authority to spend up to one percent of program funds for evaluation. This would be replaced by a requirement to spend not less than one-half of one percent, nor more than one percent, of program funds for both evaluation and the Center for Research and Training. Further, there can be no increase in funding for these activities unless the programs funded under the Act receive at least an amount equal to the amount provided in the prior year.

Sec. 404. Sets all legal and other references to the Volunteer Action Agency.

This provision implements an earlier provision (see Section 25) officially naming the agency the "Volunteer Action Agency."

Sec. 405. Extends authority for Youthbuild through fiscal years 1994 through 1998.

This provision is necessary to provide appropriations to carry out title VII of the Act.

Sec. 406. The effective date of the legislation.

National Association of Retired Senior Volunteer Program (RSVP) Directors
National Association of Foster Grandparent Program (FGP) Directors
National Association of Senior Companion Program (SCP) Directors

1. A one-time stipend increase for Foster Grandparent and Senior Companion volunteers, with coverage of non-ACTION funded volunteers;
2. An increase in the current \$250,000 Public Relations floor;
3. Strengthening of sec. 223 (Minority Group Participation) to authorize development of materials targeted to individuals whose primary language is not English;
4. Expanded eligibility for PNS Grant awards to all projects, notwithstanding ACTION's resource allocation formula, including non-ACTION projects;
5. Expand PNS categories to include such areas as the environment, ethnic outreach, criminal justice activities, homelessness, and apprenticeship programs involving older volunteers with young people;
6. Strengthen section 226 (Cost of Living Adjustments) to ensure that when new funds are available, prior to funding new projects, cost of living adjustments must first be allocated to existing projects;
7. Addition of a new provision to ensure the copyright of the Foster Grandparent, Senior Companion, and Retired Senior Volunteer Program name.
8. Addition of a new provision to allow project grants to cover the costs of liability insurance.
9. Addition of a new provision to institutionalize a working relationship between ACTION and the National Directors Associations (similar to relationship between Administration on Aging and National Associations of State Units on Aging and Area Agencies on Aging.)
10. Addition of a new provision to support Foster Grandparent Program tie-in with Head Start. *also RSVP*
11. Addition of a new provision to support Older American Volunteer Programs tie-in with Medicaid Community-based care Waiver program.
12. Rename and restructure ACTION so that it becomes the focal point for federally-supported volunteer initiatives, including new national service initiatives.
13. Addition of a new provision to encourage co-volunteering between existing ACTION-supported programs, such as VISTA and the Older American Volunteer Programs.
14. Addition of a new provision to facilitate a research component with the Domestic Volunteer Service Act.
15. Addition of a new provision to provide authority to ACTION to hold national training conferences on volunteerism.
16. Addition of a new provision flexibility so that individuals may participate in OAVP programs even if they are still in the regular work force (ex. part-time workers).
17. Change reference "Older American Volunteer Programs" to "National Senior Volunteer Corps."

Dan - CHA
Braden - restriction on
solo registration activity
allow to have on their
premises
2 yr grant cycle for VISTA

80% retention rate yr 1
2nd yr 30%
3rd yr 15%
4th yr 4%