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THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973

AS OF OCTOBER 1, 1993

DOMESTIC VOLUNTEER SERVICE ACT OF 1973

TITLE I--NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

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VOLUNTEERISM POLICY

42 U.S.C. § 4950

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.

(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.

TITLE I -- NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

Part A - VOLUNTEERS IN SERVICE TO AMERICA

STATEMENT OF PURPOSE

42 U.S.C. § 4951

Sec. 101. This part provide 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 objectives of this part are to generate the commitment of private sector resources, to encourage volunteer service at the local level, and to strengthen local agencies and organizations to carry out the purpose of this part.

AUTHORITY TO OPERATE VISTA PROGRAM

42 U.S.C § 4952

Sec. 102. This part shall be administered by one of the Assistant Directors appointed pursuant to section 194(d)(1)(A) of the National and Community Service Act of 1990. Such 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.

SELECTION AND ASSIGNMENT OF VOLUNTEERS

42 U.S.C. § 4953

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) of this section 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;

(3) in addressing the problems of the homeless, the jobless, the hungry, 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;

(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 [42 U.S.C. § 9901 et seq.], titles VIII and X of the Economic Opportunity Act of 1964

[42 U.S.C. § 2991 et seq., § 2996 et seq.], the Headstart Act [42 U.S.C. § 9831 et seq.], the Community Economic Development Act of 1981 or other similar Acts [42 U.S.C. § 9801 et seq.] in furtherance of the purpose of this title; and

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

(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 (or any successor entity of such agency) a volunteer placement office which shall be responsible for all functions related to the recruitment and placement of volunteers under this part. Such functions and activities shall be carried out in coordination or in conjunction with recruitment and placement activities carried out under the National and Community Service Trust Act of 1993. Upon the transfer of the functions of the ACTION Agency to the Corporation for National and Community Service, the office established under this subparagraph shall be merged with the recruitment office of such Corporation. At no time after such transfer of functions shall more than one office responsible primarily for recruitment exist within the Corporation.

(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 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 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.

(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) 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 may be submitted by any interested individual to, and shall be accepted by, any office of the ACTION Agency.

(6)(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).

(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.

(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.

(c)(1) The Director, in conjunction with the personnel described in subsection (b)(2)(C) shall engage in public awareness and recruitment activities. Such activities may 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) publicizing national service educational awards available under the National and Community Service Trust Act of 1993;

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

(H) maintaining and publicizing a national toll-free telephone number through which individuals may obtain information 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.

(4) 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) [42 U.S.C. § 5081(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 [29 U.S.C. § 1501 et seq.]

(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 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 (d) of this section, 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.

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

TERMS AND PERIODS OF SERVICE

42 U.S.C. § 4954

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)(1) Volunteers serving under this part may be enrolled initially for periods of service of not less than 1 year, nor more than 2 years, except as provided in paragraph (2) or subsection (e).

(2) Volunteers serving under this part may be enrolled for periods of service of less than 1 year if the Director determines, on an individual basis, that a period of service of less than 1 year is necessary to meet a critical scarce skill need.

(3) 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 5 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, 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 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.

(e)(1) Notwithstanding any other provision of this part, the Director may enroll full-time VISTA summer associates in a program for the summer months only, under such terms and conditions as the Director shall determine to be appropriate. Such individuals shall be assigned to projects that meet the criteria set forth in section 103(a).

(2) In preparing reports relating to programs under this Act, the Director shall report on participants, costs, and accomplishments under the summer program separately.

(3) The limitation on funds appropriated for grants and contracts, as contained in section 108, shall not apply to the summer program.

SUPPORT SERVICE

42 U.S.C. § 4955

Sec. 105. (a)(1)(A) 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.

(B) Such stipend shall not exceed $95 per month in fiscal year 1994, but shall be set at a minimum of $100 per month, and a maximum of $125 per month assuming the availability of funds to accomplish such maximum, during the service of the volunteer after October 1, 1994. The Director may provide a stipend of a maximum of $200 per month in the case of persons who have served as volunteers under this part for at least 1 year and who, in accordance with standards established in such regulations as the Director shall prescribe, have been designated volunteer leaders on the basis of experience and special skills and a demonstrated leadership among volunteers.

(C) The Director shall not provide a stipend under this subsection to an individual who elects to receive a national service educational award under subtitle D of title I of the National and Community Service Act of 1990.

(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, pre-service 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 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 lines (as defined in section 9902(2) of title 42, United States Code) 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) 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. The Director shall review such adjustments on an annual basis to ensure that the adjustments are current.

(C)(1) The Director shall--

(A) make child care available for children of each volunteer enrolled under this part who need such child care in order to participate as volunteers; or

(B) provide a child care allowance to each such volunteer who needs such assistance in order to participate as volunteers.

(2) the Corporation shall establish guidelines regarding the circumstances under which child care shall be made available under this subsection and the value of any child care allowance to be provided.

PARTICIPATION OF BENEFICIARIES

42 U.S.C. § 4956

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.

PARTICIPATION OF YOUNGER AND OLDER PERSONS

42 U.S.C. § 4957

Sec. 107. In carrying out this part and part C, the Director shall take necessary steps, including the development of special projects, where appropriate, to encourage the fullest participation of individuals 18 through 27 years of age, and individuals 55 years of age and older, in the various programs and activities authorized under such parts.

LIMITATION

42 U.S.C. § 4958

Sec. 108.(a) Of funds appropriated for the purpose of this part under section 501, 42 U.S.C. § 5081, 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). [42 U.S.C. § 5042(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--

(l) 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 grant or contract will focus, and any such grant or contract shall specifically so identify such problems.

VISTA LITERACY CORPS

42 U.S.C. § 4959

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 basic education programs;

educational institutions; libraries; antipoverty 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 [42 U.S.C. § 5054].

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

(g) 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 paragraph (2) 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.

APPLICATIONS FOR ASSISTANCE

42 U.S.C. § 4960

Sec. 110. In reviewing an application for assistance under this part, the Director shall not deny such assistance 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 received under this part prior to the date of submission of the application. 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 projects in existence on such date as well as potential new projects.

PART B - UNIVERSITY YEAR FOR VISTA
STATEMENT OF PURPOSE

42 U.S.C. § 4971

Sec. 111. (a) The purpose of this part is to assist students, through service-learning programs 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 VISTA (UYV) program of full-time volunteer service by students enrolled in institutions of higher education. The purpose of the UYV 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.

AUTHORITY TO OPERATE UNIVERSITY YEAR FOR VISTA PROGRAM

42 U.S.C. § 4972

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), [42 U.S.C. §§ 4953(f), 4954(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).

SPECIAL CONDITIONS

42 U.S.C. § 4973

Sec. 113.(a) Volunteers serving under this part shall be enrolled for periods of service as provided for in subsection (b) of section 104 [42 U.S.C. § 4954(b)], except that volunteers serving in the University Year for VISTA program may be enrolled for periods of service of not less than the duration of an academic semester or its equivalent, but volunteers enrolled for less than 12 months shall not receive stipends under section 105(a)(1), [42 U.S.C. § 4955(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. Volunteers may receive a living allowance and such other support or allowances as the Director determines to be appropriate.

(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 UYV 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 [42 U.S.C. § 4972] 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.

PART C - SPECIAL VOLUNTEER PROGRAMS
STATEMENT OF PURPOSE

42 U.S.C. § 4991

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.

AUTHORITY TO ESTABLISH AND OPERATE SPECIAL VOLUNTEER AND DEMONSTRATION PROGRAMS

42 U.S.C. § 4992

Sec. 122. (a) IN GENERAL.--The Director is authorized to conduct special volunteer programs, or award grants to or enter into contracts with public or nonprofit organizations to carry out such programs. Such programs shall encourage wider volunteer participation on a full-time, part-time, or short-term basis to further the purpose of this part, and identify particular segments of the poverty community that could benefit from volunteer and other antipoverty efforts.

(b) ASSIGNMENT AND SUPPORT OF VOLUNTEERS.--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 to be appropriate, but shall not exceed the level of support provided under section 105. Projects using volunteers who do not receive stipends may also be supported under this section.

(c) CRITERIA AND PRIORITIES.--In carrying out this section 123, the Director shall establish criteria and priorities for awarding grants and entering into contracts under this part in each fiscal year. No grant or contract exceeding $100,000 shall be made under this part unless the recipient of the grant or contractor has been selected by a competitive process that 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.

TECHNICAL AND FINANCIAL ASSISTANCE

42 U.S.C. § 4993

Sec. 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 that utilize or desire to utilize volunteers in carrying out the purpose of this part.

LITERACY CHALLENGE GRANTS

42 U.S.C. § 4995

Sec. 124.(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 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 nonprofit 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.

TITLE II - NATIONAL SENIOR VOLUNTEER CORPS

STATEMENT OF PURPOSE

42 U.S.C. § 5000

Sec. 200. It is the purpose of --

(1) this title to provide for National Senior Volunteer Corps, 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 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.

PART A - RETIRED AND SENIOR VOLUNTEER PROGRAM

GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS

42 U.S.C. § 5001

Sec. 201.(a) In order to help retired individuals and older individuals 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 55 years of age or older will be enrolled and individuals 60 years of age or older will be given priority for enrollment 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 of 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 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, and 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.

PART B - FOSTER GRANDPARENT PROGRAM

GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS

42 U.S.C. § 5011

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. Such services may include services by individuals serving as foster grandparents to children who are individuals with disabilities, who have chronic health conditions, who are receiving care in hospitals, who are residing in homes for dependent and neglected children, or who are receiving services provided by day care centers, schools, early intervention programs under part H of the Individuals with Disabilities Education Act (20 U.S.C. 1471 et seq.), Head Start agencies under the Head Start Act, or any of a variety of other programs establishments, and institutions providing services for children with special or exceptional needs. Individual foster grandparents may provide person-to-person services to one or more children, depending on the needs of the project and local site. 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. § 3044b(a)) 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 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 section shall not be less than $2.45 per hour on and after October 1, 1993, and shall be adjusted once prior to December 31, 1997, to account for inflation, as determined by the Director and rounded to the nearest five cents, 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. In establishing the amount of, and the effective date for, such adjustment, the Director, in consultation with the State Commissions on National and Community Service (as established under section 178 of the National and Community Service Act of 1990) and the heads of the State offices established under section 195 of such Act, shall consider the effect such adjustment will have on the ability of non-Federally funded volunteer programs similar to the programs under this title to maintain their current level of volunteer hours.

(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 9902(2) of this title [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.

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

(f)(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.

(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) of this section 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) of this section.

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

(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) The Director may not take into consideration, 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) of this section. 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) of this section, in the discretion of the recipient of a grant or contract under such subsection.

PART C - SENIOR COMPANION PROGRAM

GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS

42 U.S.C. § 5013

Sec. 213. (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 in the same manner as provided in section 211(a) [42 U.S.C. § 5011(a)]) designed for the purpose of providing opportunities for low-income 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 nutrition 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, [42 U.S.C. § 5011(d), (e) and (f)] 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 for senior companion projects to assist homebound 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.

PART D - GENERAL PROVISIONS

PROMOTION OF NATIONAL SENIOR VOLUNTEER CORPS

42 U.S.C. § 5021

Sec. 221.(a)(1) 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.

(2) To the maximum extent practicable, the Director shall enter into agreements with--

(A) the Department of Health and Human Services to--

(i) involve retired and senior volunteers, and foster grandparents, in Head Start Programs.

(ii) involve retired and senior volunteers, and senior companions, in providing services authorized by title III of the Older Americans Act of 1965; and

(iii) promote the recognition of such volunteers who are qualified to provide in-home services for reimbursement under title XVIII of the Social Security Act for providing such services:

(B) the Department of Education to promote intergenerational tutoring and mentoring for at-risk children; and

(C) the Environmental Protection Agency to support conservation efforts.

(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 of this title 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 of this title, 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.

(3) From funds appropriated under section 502 of this Act [42 U.S.C. § 5082] the Director shall expend not less than $375,000 in each fiscal year to carry out paragraph (2).

PAYMENTS

42 U.S.C. § 5022

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

42 U.S.C. § 5023

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 NATIONAL SENIOR VOLUNTEER CORPS

42 U.S.C. § 5024

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 such contributions are expended if expenditures from locally generated contributions are not inconsistent with the provisions of this Act.

PROGRAMS OF NATIONAL SIGNIFICANCE

42 U.S.C. § 5025

Sec. 225.(a)(1) With not less than one-third of the funds made available under subsection (d) of this section in each fiscal year, the Director shall make grants under the programs authorized in parts A, B, and C of this title 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 of this title, to support programs that address the national problems specified in subsection (b) of this section;

(B) under the program authorized in part B of this title, to support programs that address the national problems specified in subsection (b) of this section, other than paragraphs (10), (12), (15), and (16) of such subsection; and

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

(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 of this title, under which the program support by such grant is to be carried out.

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

(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 illiteracy 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 problems, 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 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.

(12) Programs that address environmental needs.

(13) Programs that reach out to organizations (such as labor unions and profitmaking organizations) not previously involved in addressing national problems of local concern.

(14) Programs that provide for outreach to increase participation of members of ethnic groups who have limited English proficiency.

(15) Programs that support criminal justice activities and juvenile justice activities.

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

(17) Programs that support the community integration of individuals with disabilities.

(18) Programs that provide health, education, and welfare services that augment the activities of State and local agencies, to be carried out in a fiscal year

for which the aggregate amount of funds available to such agencies is not less than the annual average aggregate amount of funds available to such agencies for the period of 3 fiscal years preceding such fiscal year.

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

(2) Funds made available under subsection (d) of this section shall be used to supplement and not supplant the number of volunteers engaged in activities under parts A, B, and C of this title (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), from the amounts appropriated under subsection (a), (b), (c), or (d) of section 502, for each fiscal year there shall be available to the Director such sums as may be necessary to make grants under subsection (a).

(A) $6,000,000 from funds appropriated under section 502(a) [42 U.S.C. § 5082 (a)];

(B) $9,000,000 from funds appropriated under section 502(b) [42 U.S.C. § 5082(b)] and

(C) $9,000,000 from funds appropriated under section 502 (c) [42 U.S.C. § 5082(c)].

(2) No funds shall be available to the Director to make grants under subsection (a) of this section for a fiscal year unless the amounts appropriated under subsections (a), (b), and

(c) of section 502 [42 U.S.C. § 5082] and available for such fiscal year to carry out parts A, B, and C of this title (without regard to this section) are sufficient to maintain the number of projects and volunteers funded under parts A, B, and C, of this title respectively, in the preceding fiscal year.

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

ADJUSTMENTS TO FEDERAL FINANCIAL ASSISTANCE

42 U.S.C. § 5026

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) The Director shall submit, once every 2 years 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) of this section.

MULTIYEAR GRANTS OR CONTRACTS

42 U.S.C. § 5041 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 of this title 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 of this title 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 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) of this section, 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 [42 U.S.C. § 5026]; and

(3) the renewal of funding on the expiration of the term of such contract or grant.

PART E - DEMONSTRATION PROGRAMS

AUTHORITY OF DIRECTOR

42 U.S.C. §

Sec.231.(a) IN GENERAL.--The Director is authorized to make grants to or enter into contracts with public or nonprofit organizations, including organizations funded under part A, B, or C, for the purposes of demonstrating innovative activities involving older Americans as volunteers. The Director may support under this part both volunteers receiving stipends and volunteers not receiving stipends.

(b) ACTIVITIES.--An organization that receives a grant or enters into a contract under subsection (a) may use funds made available through the grant or contract for activities such as--

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

(2) involving older volunteers in programs and activities different from programs and activities supported in the community; and

(3) testing whether older American volunteer

programs may contribute to new objectives or certain national priorities.

PROHIBITION

42 U.S.C. §

Sec. 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.

TITLE IV -- ADMINISTRATION AND COORDINATION

ESTABLISHMENT OF AGENCY

42 U.S.C. § 5041

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 also promote the coordination of volunteer efforts among Federal, State, and local agencies and organizations, exchange technical assistance information among such agencies and organizations. 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 anti-poverty programs under title I of this Act, and one such Assistant Director shall be primarily responsible for the National Senior Volunteer

Corps 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 responsible for the National Senior Volunteer Corps under title II of this Act. Each of such individuals shall be primarily responsible for part A, B, or C of such title.

AUTHORITY OF THE DIRECTOR

42 U.S.C. § 5042

Sec. 402. In addition to the authority conferred upon the Director 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 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 the functions of the Director 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 subdivision without reimbursement;

(5) solicit and 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) solicit and 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, data and information, in such form as the Director 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 the Director and all legal or equitable rights accruing to the Director in connection with the payment of obligations in accordance with sections 3711 and 3716-3718 of Title 31, United States Code.

(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 the Director 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 the intention of the Director 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), [42 U.S.C § 4958]), which may provide that the agency or organization shall pay all or 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 organizations 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

(14) generally perform such functions and take such steps, consistent with the purposes and provisions of this Act, as the Director deems necessary or appropriate to carry out the provisions of this Act.

POLITICAL ACTIVITIES

42 U.S.C. § 5043

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, any 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" (when referring to an election for Federal office) has the same meaning 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 terms 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 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; except that programs assisted under this Act may make voter registration applications and nonpartisan voter registration information available to the public on the premises of such programs.

(2) In carrying out any voter registration activity permitted under paragraph (1), an individual who is affiliated with, or employed to carry out, a program assisted under this Act shall not--

(A) indicate a preference with respect to any candidate, political party, or election issue; or

(B) seek to influence the political or party affiliation, or voting decision, of any individual.

(c) 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--

(1) 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

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

(d) 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.

SPECIAL LIMITATIONS

42 U.S.C. § 5044

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 volunteer program hereunder, shall request or receive any compensation from such volunteers or from beneficiaries for services of volunteers supervised by such agency or organization.

(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)(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.

(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.

LABOR STANDARDS

42 U.S.C. § 5046

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).

JOINT FUNDING

42 U.S.C. § 5048

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 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.

PROHIBITION OF FEDERAL CONTROL

42 U.S.C. § 5049

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.

COORDINATION WITH OTHER PROGRAMS

42 U.S.C. § 5050

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 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.

PROHIBITION

42 U.S.C. § 5051

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.

NOTICE AND HEARING PROCEDURES FOR SUSPENSION AND TERMINATION OF FINANCIAL ASSISTANCE

42 U.S.C. § 5052

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 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.

DISTRIBUTION OF BENEFITS BETWEEN RURAL AND URBAN AREAS

42 U.S.C. § 5054

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.

APPLICATION OF FEDERAL LAW

42 U.S.C. § 5055

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 law 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 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 I 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 an employee at grade GS-5 of the General Schedule under section 5332 of title 5, United States Code, and the annual rate of pay of a volunteer enrolled for a period of 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 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, [22 U.S.C. § 3901 et seq.], 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.

EVALUATION

42 U.S.C. § 5056 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 mechanism 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 [42 U.S.C. § 5054].

(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 [42 U.S.C. § 5047] 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;

(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.

NONDISCRIMINATION PROVISIONS

42 U.S.C. § 5057

Sec. 417.(a) IN GENERAL.--

(1) BASIS.--An individual with responsibility for the operation of a program that receives assistance under this ACT shall not discriminate against a participant in, or member of the staff of, such program on the basis of race, color, national origin, sex, age, or political affiliation of such participant or member, or on the basis of disability, if the participant or member is a qualified individual with a disability.

(2) DEFINITION.--As used in paragraph (1), the term 'qualified individual with a disability' has the meaning given the term in section 101(8) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(8)).

(b) FEDERAL FINANCIAL ASSISTANCE.--Any assistance provided under this Act shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

(c) RELIGIOUS DISCRIMINATION.--

(1) IN GENERAL.--Except as provided in paragraph (2), an individual with responsibility for the operation of a program that receives assistance under this Act shall not discriminate on the basis of religion against a participant in such program or a member of the staff of such program who is paid with funds received under this Act.

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

(d) RULES AND REGULATIONS.--The Director shall promulgate rules and regulations to provide for the enforcement of this section that shall include provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until notice and an opportunity to be heard can be provided.

ELIGIBILITY FOR OTHER BENEFITS

42 U.S.C. § 5058

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.

LEGAL EXPENSES

42 U.S.C. § 5059

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.

DEFINITIONS

42 U.S.C. § 5061

Sec. 421. For the purposes of this Act--

(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, and 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 9902(2) of Title 42, United States Code,

(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);

(8) the term "Corporation" means the Corporation for National and Community Service established under section 191 of the National and Community Service Act of 1990;

(9) the term "foster grandparent" means a volunteer in the Foster Grandparent Program;

(10) the term "Foster Grandparent Program" means the program established under part B of title II;

(11) except as provided in section 417, the term "individual with a disability" has the meaning given the term in section 7(8)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)(B));

(12) the term "Inspector General" means the Inspector General of ACTION;

(13) the term "national senior volunteer" means a volunteer in the National Senior Volunteer Corps;

(14) the term "National Senior Volunteer Corps" means the programs established under parts A, B, C, and E of title II;

(15) the term "Retired and Senior Volunteer Program" means the program established under part A of title II;

(16) the term "retired or senior volunteer" means a volunteer in the Retired and Senior Volunteer Program;

(17) the term "senior companion" means a volunteer in the Senior Companion Program.

(18) the term "Senior Companion Program" means the program established under part C of title II;

(19) the terms "VISTA" and "Volunteers in Service to America" mean the program established under part A of title I; and

(20) the term "VISTA volunteer" means a volunteer in VISTA.

AUDIT

42 U.S.C. § 5062

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 or the Inspector General shall prescribe, including 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, the Inspector General, 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, the Inspector General, or the Comptroller General may be related or pertinent to the grants, contracts, subcontracts, subgrants, or loans referred to in subsection (a).

REDUCTION OF PAPERWORK

42 U.S.C. § 5063

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 paperwork 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.

REVIEW OF PROJECT RENEWALS

42 U.S.C. § 5064

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.

PROTECTION AGAINST IMPROPER USE

42 U.S.C. §

Sec.425. Whoever falsely--

(1) advertises or represents; or

(2) publishes or displays any sign, symbol, or advertisement, reasonably calculated to convey the impression, that an entity is affiliated with, funded by, or operating under the authority of ACTION, VISTA, or any of the programs of the National Senior Volunteer Corps may be enjoined under an under an action filed by the Attorney General, on a complaint by the Director.

TITLE V - AUTHORIZATION OF APPROPRIATION

NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

42 U.S.C. § 5081

Sec.501. (a) AUTHORIZATIONS.--

(1) VOLUNTEERS IN SERVICE TO AMERICA.--There are authorized to be appropriated to carry out parts A and B of title I, excluding section 109, $56,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

(2) LITERACY ACTIVITIES.--There are authorized to be appropriated to carry out section 109, $5,600,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

(3) SPECIAL VOLUNTEER PROGRAMS.--There are authorized to be appropriated to carry out part C of title I, excluding section 125, such sums as may be

necessary for each of the fiscal years 1994 through 1996.

(4) LITERACY CHALLENGE GRANTS.--There are authorized to be appropriated to carry out section 125, such sums as may be necessary for each of the fiscal years 1994 through 1996.

(5) SPECIFICATION OF BUDGET FUNCTION.--The authorizations of appropriations contained in this subsection shall be considered to be a component of budget function 500 as used by the Office of Management and Budget to cover education, training, employment, and social services, and, as such, shall be considered to be related to the programs of the Departments of Labor, Health and Human Services, and Education for budgetary purposes.

(b) SUBSISTENCE.--The minimum level of an allowance for subsistence required under section 105(b)(2), to be provided to each volunteer under title I, 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) LIMITATION.--No part of the funds appropriated to carry out part A of title I 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) AVAILABILITY.--Amounts appropriated for part A of title I shall remain available for obligation until the end of the fiscal year following the fiscal year for which the amounts were appropriated.

(e) VOLUNTEER SERVICE REQUIREMENT.--

(1) VOLUNTEER SERVICE YEARS.--Of the amounts appropriated under this section for parts A, B, and C of title I, including section 124, there shall first be available for part A of title I, including sections

104(e) and 109, an amount not less than the amount necessary to provide 3,700 volunteer service years in fiscal year 1994, 4,000 volunteer service years in fiscal year 1995, and 4,500 volunteer service years in fiscal year 1996.

(2) PLAN.--If the Director determines that funds appropriated to carry out part A, B, or C of title I are insufficient to provide for the years of volunteer service required by paragraph (1), the Director shall submit a plan to the relevant authorizing and appropriations committees of Congress that will detail what is necessary to fully meet this requirement.

NATIONAL SENIOR VOLUNTEER CORPS

42 U.S.C. § 5082

Sec. 502. (a) RETIRED AND SENIOR VOLUNTEER PROGRAM.--There are authorized to be appropriated to carry out part A of title II, $45,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

(b) FOSTER GRANDPARENT PROGRAM.--There are authorized to be appropriated to carry out part B of title II, $85,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

(c) SENIOR COMPANION PROGRAM.--There are authorized to be appropriated to carry out part C of title II, $40,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

(d) DEMONSTRATION PROGRAMS.--There are authorized to be appropriated to carry out part E of title II, such sums as may be necessary for each of the fiscal years 1994 through 1996.

ADMINISTRATION AND COORDINATION

42 U.S.C. § 5084

Sec. 504. (a) IN GENERAL.--For each of the fiscal years 1994 through 1996, there are authorized to be appropriated for the administration of this Act as provided for in title IV, 18 percent of the total amount appropriated under sections 501 and 502 with respect to such year.

(b) EVALUATION.--For each of the fiscal years 1994 through 1996, the Director is authorized to expend not less than 2 1/2 percent, and not more than 5 percent, of the amount appropriated under subsection (a), for the purposes prescribed in section 416.

AVAILABILITY OF APPROPRIATIONS

42 U.S.C. § 5085

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.

TITLE VI--AMENDMENTS TO OTHER LAWS AND REPEALERS

SUPERSEDENCE OF REORGANIZATION PLAN NUMBER 1 OF JULY 1, 1971

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

(b) The personnel, property, records, and unexpended 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 service of volunteers serving or undergoing 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 (42 U.S.C. 4951, et seq.) 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.

October 18, 1995

Desk file
Issues: learn + serve seniors etc.
Pre mtg w/ Coalition etc. on process

MEMORANDUM

TO: Harris Wofford
Shirley Sagawa, Rick Allen, Gene Sofer, Terry Russell, Debbie Jospin

FROM: Melinda Hudson MBH

RE: Reauthorization Outreach

As a complement to Shirley's reauthorization review of the legislation, Public Liaison is organizing outreach to national, community, and volunteer service organizations throughout the fall. There are several potential objectives to the exercise: to seek areas of consensus in the national service field to inform and guide our thinking; to hear new delivery ideas from our now seasoned partners; to reach out to those potential partners who perceive barriers in our current systems and policies; to develop an early warning system on issues that may be presented to authorizing committee staff; and to begin to build a broad, theoretical coalition for our winter/spring negotiations.

The process will be to invite a series of leaders and operators in the field to informal discussions (some guided questions, some open though time) with a representative sample of Corporation staff --- Program, Legal, Congressional, Public Liaison, etc. These staff level/Washington type discussions will proceed in tandem with more senior discussions between Harris and the leaders of these groups and fields.

Because this process is exclusive, Shirley has suggested that we also launch an open call for feedback through the Federal Register. This would also generate more candidates for in-depth discussion. Terry Russell is handling.

Before we get rolling on this, I'd like your feedback on the participants, topics, and process.

Participants

Representative sample from a "relationship" standpoint ... from funder to partner to oughta be a partner:

- grantees to explore our relationship as a funder;
- non grantees but partners in service at the local level (i.e. the Girl Scouts)
- national nonprofit/volunteer networks that are not either of the above but have parallel interests (Lions, Kiwanis, Rotarians)

Cross section of types of organizations:

volunteer/membership organizations -- i.e. Salvation Army, Lions, etc.
youth corps -- NASCC, YVCA, YSA
religious organizations -- Catholic Volunteer Network, Jesuits
education institutions -- SEA's, Campus Compact
public safety arms - police and sheriff, fire marshalls
local and state governments
veterans
thought leaders, fathers and mothers of service (meet with Harris)
commissions and state offices

Use my list + Strategic plan

Topics:

Ask a handful of common questions, then allow time for more open discussion. The tone is informal, forward-looking and productive. These meetings are part of a continuous process of improvement. The objective is to seek ideas and expertise on how to deliver national service. The final question will always be "who else should be consulted?"

1. The philosophy/theory/objectives --- national service as a part of the "river". what are the key elements and benefits? what core aspects should tie a national service network together (living allowances, ed. benefits, training, etc.) what is the relative value of these aspects?

2. The current AmeriCorps model --- is it working, getting things done? what has been the best benefit? the biggest hurdle? what substantive changes would you highlight for review? what political/public relations changes would you point out? what is the relationship to and impact upon volunteers?

3. The price of AmeriCorps -- is this program too expensive? which categories of costs should be reconfigured --- living allowance, benefit package, ed. award, program operating costs, and state/fed administrative infrastructure? what level of private sector funding is desirable/achievable and on what time frame?

4. The process/customer service feedback --- how is it working with us? what are the benefits of association with a national network? what is the most nonproductive part of your life with us?

5. The balance of power --- our objective has been to combine the best of a national network with locally-driven programs. how are we doing on this? are we balancing quality control with local control?

6. Anything else?

Reporting mechanism

Capture the feedback according to the 6 topics above. Write up after each session, but consolidate into themes from the field.

Feedback, please on the following:

1. your designee on implementation --- program, legal, congressional, etc.
2. advice on including Learn and Serve in the process --- this is obviously AmeriCorps-driven, but should it be?
3. your thoughts on the topics --- do we have the right ones? at the right level of specificity?
4. edits and additions on the following, starter list for the process. Specifically, who /how/when on commissions and state offices?

Grantees (at the national level) with a year under their belts:

no- don't have anyone fly in - use regional mtgs

Youth Volunteer Corps of America
United Way of America
YSA
Habitat
YMCA
National Center for Family Literacy
Summerbridge
Aspira
City Year
Tribe, ie Kickapoo
National AIDS Fund
NYU
National Council of the Churches of Christ

National nonprofits with local partnerships:

These are grantees too?

Scouts - Girl and Boy
Youth Volunteer Corps of America
Boys and Girls Clubs
Big Brothers/Big Sisters
YMCA
National 4H Council
Future Farmers of America
Catholic Volunteer Network
Veterans - a separate process ??

Networks of community-based volunteer organizations with whom we should/would like to work:

- Kiwanis
- Lions Clubs, Intl.
- Rotary, Intl.
- Association of Junior Leagues, Intl.
- Knights of Columbus
- B'nai Brith
- National Council of Jewish Women
- Goodwill
- Salvation Army
- American Library Association

desk file

MEMORANDUM for

Eli Segal
Harris Wofford
Rick Allen
Larry Wilson
Gary Kowalczyk

Debbie Jospin
Terry Russell
Gene Sofer
Melinda Hudson

A — please collect comments

From: Shirley Sagawa

cc: Mal Coles

Re: Reauthorization Outreach

September 8, 1995

Mal Coles suggested that we put out a broad call for input into our reauthorization so that no one feels they did not have the opportunity to contribute. Since the Board hearings will be focused on our strategic planning statements and the small meetings Melinda is organizing will intentionally be exclusive, a broad call makes sense to me. The announcement could perhaps be a federal register notice. This will give us the advantage of knowing which constituencies are taking certain positions and allow us to expand our knowledge base in preparation for reauthorization. We could develop a short list of questions to solicit input or leave it wide open. What do you think?

Shirley I like the idea -- but believe we should think long + hard about what the questions are. If too broad, we encourage fringe groups..... I think concept is excellent -- partnerships, bottom up, etc.

Eli

desk file

MEMORANDUM for

Eli Segal
Harris Wofford
Rick Allen
Larry Wilson
Gary Kowalczyk

Debbie Jospin
Terry Russell
Gene Sofer
Melinda Hudson

From: Shirley Sagawa

cc: Mal Coles

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Shirley,
Good idea!
I don't think we could get too much input. You have my vote.
Larry

Shirley

November 8, 1995

Reauth file

CORPORATION
FOR NATIONAL
SERVICE

To: Shirley Sagawa, Gary Kowalczyk, Terry Russell, Tracy Gray, Mal Coles, Jim Scheibel, Rick Allen, Gene Sofer, Tom Flemming, Diana Algra, Susan Stroud

From: Dana Rodgers

Subject: Reauthorization Discussion: Division G

The attached issues have been modified based on information from General Counsel. Please note that Issue 1 of the original document has been deleted. In the current document Issue 4 has been added to address an omission in the current Act. Please destroy the previously issued "Division G" Discussion document.

Attachment

cc: Harris Wofford

1201 New York Avenue, NW
Washington, DC 20525
Telephone 202-606-5000

ISSUE NO. 1 -- CORPORATION BOARD OF DIRECTORS

ISSUE No. 1: Should any adjustments be made in composition, structure or authorities and duties of the Board of Directors, as currently defined in *42 USC, 12651a* and *b*.

BACKGROUND:

The law currently requires a 15 person Board of Directors, appointed by the President and confirmed by the Senate. There are a number of criteria for Board members spelled out in the legislation. All except one are prefaced with "to the maximum extent practicable, the President shall appoint". The exception is a requirement that one member must be between the ages of 16 and 25 and have participated in a service learning program. While such a person appears to be a desirable candidate for Board membership, the justification for singling this one type of person out for mandatory placement is unclear.

The Board has less than one year of experience as a fully functioning body. To date, nothing has occurred which would indicate any serious flaws in the legislation which might impact on the effectiveness of the Board or of the Corporation.

DISCUSSION:

To date, there does not appear to be any compelling reasons for making any substantive changes in the legislative language relating to the Board. Board Member Christopher Gallagher, who chairs the Board's Committee on Management, Budget, and Governance, has been asked to comment. He has not yet responded.

The requirement that a young person with service learning background must be a Board member could be modified in two ways: first, by removing the mandatory language and including this criterion with others which are qualified with "to the extent practicable," and, second, by expanding the criterion to include members or staff of service programs (which would include persons of all ages). However, the current requirement was apparently included by a Senator with a specific interest in service learning.

One of the duties of the Board is listed as recommending changes in the Corporation's programs based on studies, to be submitted to Congress by September 30, 1995 (*42 USC 12651b(g)(10)*). That one-time requirement can be deleted from the new authorization.

RECOMMENDATION:

No substantive changes, but delete the September 30 report requirement and move the reference to a "service learning" Board member from the "there shall be" category to "to the maximum extent practicable." Broaden the definition to include those who have participated in service programs (which would include, but be broader than, service learning).

ISSUE NO. 2 -- CORPORATION CHIEF EXECUTIVE OFFICER

ISSUE No. 2: Should the legislative definition of the duties and responsibilities of the Chief Executive Officer be simplified, deleting material detailing how such activities as strategic planning, relations with the Board, reports and evaluation activities are to be handled?

BACKGROUND:

The Chief Executive Officer's function and responsibilities are described in *42 USC 1251c-d*.

The legislation goes into considerable detail to prescribe how the CEO is to handle a number of activities, especially in strategic planning, submission of reports and evaluations and coordination with the Board. A number of special studies are also enumerated, which were to be submitted to the Board by last June 30, 1995 (*42 USC 12651d(b)(10)*).

It should be possible to provide a sufficient legal statement of duties for the CEO without listing, in micromanaging detail, how the CEO's relationship to the Board is to be handled. One approach would be to state that the CEO shall submit to the Board such reports as may be required, and to state that the CEO shall submit to the Board for approval certain actions (such as those described in (*42 USC 12651d(b)(2)*).

Consolidation of the duties into relatively general and concise legislative language might raise concerns from those who are either concerned that certain functions are carried out in specific ways, or from Members of the Board who might worry that without specific and detailed guidance, the CEO might not take some actions to the Board for approval. However, the latter concern can be dealt with by enumerating, in the Board portion of the *Act*, those actions which require approval by, or consultation with, the Board. Strategic planning is a normal function of almost all complex organizations and should not require a detailed description in the *Act*.

The "June 30 studies" certainly may impact on development of the reauthorization package. However, for purposes of this discussion, there are two related issues. First, the current status of the studies and when and how they will be submitted to Congress. Second, since they are one-time requirements, it makes sense to delete them from the new legislation.

RECOMMENDATIONS:

Delete all material relating to the June 30 reports, since they are one-time requirements.

Drastically simplify *42 USC 12651d(b)*, by just requiring the CEO to submit to and gain the approval of, the Board for such actions as may be required in *42 USC 12651b(g)*. List those items in summary format.

ISSUE NO. 3 -- OFFICERS

ISSUE No. 3A: Should there continue to be two Presidential appointee Managing Directors?

BACKGROUND:

This matter is addressed in *42 USC 12651e(a)*.

Current legislation authorizes two Managing Directors, who are Presidential appointees. The "duties" statement says the CEO shall determine what programs these persons will administer and what Divisions they will head. (Program presumably means major activity, rather than being limited to a service program such as Senior Corps or AmeriCorps.)

The legislation was written before the Corporation began operations and before there was any experience to suggest how CNS might best be organized and administered. However, the very brief statements in the *Act* provide considerable latitude in determining how the two Managing Director appointments are used.

DISCUSSION:

This part of the law, at least, provides the Corporation with maximum flexibility. The issue is whether two Presidential appointee "Managing Directors" is the optimum number.

A minor issue is the inclusion of the term "Managing Director" which is never used in actual Corporation operations. Perhaps a more appropriate title could be chosen.

Internal organization of the Corporation is most appropriately left to the CEO to determine. Requesting a change in numbers or names of these two Presidential appointee level Managing Directors might open the door to other proposals. There is no evidence the management of the Corporation has been unduly handicapped by the current limitation on Presidential appointees.

RECOMMENDATION:

No changes.

ISSUE 3b: Should the requirements for an Assistant Director for VISTA and Assistant Directors for each of the National Senior Volunteer Corps be eliminated?

BACKGROUND:

42 USC 12631e(d) requires that one of the Presidential appointee Managing Directors shall, in turn, appoint 4 Assistant Directors; one for VISTA and the three others for the three Senior Corps programs. Those Assistant Directors are to report directly to a Managing Director.

This has never been fully implemented.

These positions, along with the State Program Directors, are the only non-Presidential positions mentioned in *Division G*. A Director of A*NCCC is referred to throughout the part of the law covering that program.

The rationale for citing these positions goes back to ACTION and to concerns by the Congress and by constituency groups supportive of VISTA and Senior Corps that the programs receive sufficient support and visibility.

DISCUSSION:

Generally speaking, it does not make sense to attempt to legislatively determine the internal organization of the Corporation. Management should have the flexibility to organize in such a way as to efficiently carry out the mission, which may evolve over time. Retaining these statutory titles might make internal reorganization more difficult.

While the requirement, there be a separate "assistant director" for each of the three Senior Corps programs, was inserted at the request of the Project Directors Associations, those groups are reported to be very satisfied with the "program councils" which have been established by Senior Corps. They would probably not be upset by deletion of the three assistant directors requirement.

Deleting the VISTA "assistant director" requirement would open the door to Congressional attention to the role of VISTA within AmeriCorps, and whether the program was being submerged with the loss of its own individual identity.

The requirement for a VISTA "assistant director" can (and is) easily handled by having the executive whose responsibilities include A*VISTA be given the title of VISTA Assistant Director as well as their other title.

RECOMMENDATION:

Delete the requirement for assistant directors for the three Senior Corps programs. Take no action on the VISTA Assistant Director, since it does not seriously impact on Corporation management and to propose deletion would potentially open distracting discussions on AmeriCorps and its several components.

ISSUE NO. 4 -- PERSONAL SERVICES CONTRACTS

ISSUE No. 4: Should authority for the Corporation to enter into personal services contracts be added to the legislation?

BACKGROUND:

42 USC 12651g(b) Contracts lists a number of contractual arrangements which the Corporation may enter into subject to the Federal Property and Administrative Services Act. These do not include personal services contracts.

Personal services contracts are permitted under the most recent appropriation act. However, the authority will only last as long as the FY95 HUD/VA appropriation is valid for the Corporation.

DISCUSSION:

This is an omission in the authorizing legislation which needs to be corrected. Otherwise, the Corporation may lose its ability to enter into personal services contracts.

RECOMMENDATION:

Amend *42 USC 12651g(b)* to add personal services contracts to the list of authorized contractual agreements.

ISSUE NO. 5 -- CORPORATION STATE OFFICES

ISSUE No. 5: Should the Corporation continue to maintain a field structure of State Program Offices and, if so, should any modifications be made in current responsibilities?

BACKGROUND:

There are currently 48 Corporation State Program Offices, headed by State Program Directors. These offices typically have 2-5 employees. They are responsible for delivery and oversight of A*VISTA and the three National Senior Service Corps Programs. Additionally, the State Director serves as the Corporation representative to the State Commission and is an ex-officio member of the Commission.

While the State Program Offices are the point of delivery for programs authorized under the DVSP, other Corporation service programs are delivered through the State Commissions (AmeriCorps*State), by State Education Departments (some of Learn and Service America) and by Headquarters staff (AmeriCorps*National, AmeriCorps*NCCC and some of Learn and Service.)

The State Directors and their offices are addressed in at least three places in the current law. *42 USC 12651f(c)* establishes a Corporation representative to each state commission. *42 USC 12651h* requires a Corporation state office in each state and prescribes certain duties. *42 USC 12651d(b) (Duties of the CEO)* lists, among other reports and studies, a report that would look into "the potential for cost savings and coordination of support and oversight services from combining functions performed by (former) ACTION state offices and State Commissions."

This was a major issue in the drafting of the current Act. While the language in *42 USC 12651f(c))* is somewhat convoluted, the effect has been that the Corporation has designated the field-based Corporation State Program Directors as the CNS Reps serving as ex-officio members of the State Commissions.

There is now almost two years of working experience with the Corporation State Reps system. Results have been mixed, but on balance generally positive.

DISCUSSION:

There are several related issues:

1. Whether it is necessary to include in the law detailed guidance on one part of the Corporation's organizational structure. Independent of any decisions about that structure, this appears to be micromanagement through legislation.

2. The role of the State Program Director as Corporation representative to the state commission.

3. The Corporation's delivery systems and whether the current "dual delivery system" should be continued and, if so, should the current mix of program delivery responsibilities be modified or continued?

Legislative guidance as to how the Corporation organizes its delivery systems and what duties should be assigned to various staff (such as State Program Directors) appears to be micromanaging of internal operations, which parallels similar detailed involvement in the duties of the CEO and elsewhere. However, given the attention paid this issue when the law was initially debated, Congress may be reluctant to leave the issue to the sole discretion of the Corporation.

The issue of two (actually, more than two) entities in the field which administer the delivery of Corporation conducted and assisted service programs can be addressed in three ways:

(1) Identify the State Commissions as the single point of delivery for all Corporation programs (including A*VISTA, the three NSSC programs, the two Learn and Serve America Programs and perhaps A*NCCC and some or all of AmeriCorps*National.) This would rationalize the delivery system (in the economic sense of the word). It might work out to be a "service block grant" and thus would be consistent with the "Contract with America" approach to social program delivery. Certainly the Corporation would lose some ability to influence or control the content and priorities of the programs. It is not clear whether there would be any actual dollar savings to the Corporation, but certainly there would be some transfer of administrative costs to the program accounts in the Corporation's budget. About 150 Corporation field employees would lose their jobs, although there might be some offsetting increase in headquarters staff. The State Commissions are grantees, not part of the Corporation, and delivering all programs through them would remove any direct contact between the community based programs and CNS. At the same time, the State Commissions are considered "partners" and reflect and implement a strong involvement of state governors in the implementation of AmeriCorps*State.

(2) Identify the Corporation State Program Offices as the primary point of delivery for all Corporation programs. This would not necessarily impact on the current role of the State Commission, but would result in the decentralization from headquarters to the field of A*State and L&S. Headquarters program offices would then focus on policy, strategic planning and resource allocation, support and demonstration initiatives. This could be accomplished in a phased basis, with some expert HQ program staff moving to field Cluster Offices or key State Program Offices to assure program expertise is not diminished. Such a move would probably require the Corporation to deal with the current dual grants management systems, although this probably needs to be resolved anyway. It would result in some transfer of staff (or at least FTE positions) from HQ to the field and would change the nature of the job in both places. It would also change the reporting relationships for the State Commissions and would require reexamination of the Corporation State Rep role for the State Directors if they are also directly responsible for oversight of Commission grants.

(3) The third approach is to retain the current mix of delivery systems, with perhaps some adjustments. This is the least disruptive to staff, grantees, processes, etc. It also does not address the issues of "duplication" or decentralization. It would not advance the creation of an integrated organization, although the continuing old v. new tensions and disconnects may reflect the awkward organization of the Headquarters program department, which does not currently reflect the "three product lines" articulated by the former CEO.

RECOMMENDATION:

Delete *42 USC 12651f(c) and 12651h*. The issue of Corporation representatives to State Commissions should be addressed in *42 USC 12638, State Commissions*.

While not covered by the *Act*, the Corporation should continue to support both State Commissions and State Program Offices. However, besides their current responsibilities for A*VISTA and the Senior Corps, Corporation state offices should assume additional responsibilities for Corporation programs authorized under the NCSTA, as should field Service Centers. The Corporation should fully commit itself to a decentralized program management system, with headquarters national program offices focusing on program policy and planning, guidance and support of field staff whose primary responsibilities would be program delivery and management. This approach would most fully utilize the skills and experience of State Program Office staff in the development and oversight of service programs. It would also retain and expand their capacity to develop cost-sharing partnerships and the state and local level and would continue to give the Corporation an on-the-scene presence when dealing with state and local governments, community groups and programs.

CORPORATION for NATIONAL SERVICE
Section-by-Section Reauthorization Review
Division G - ORGANIZATION

SECTION	SUMMARY ANALYSIS/RECOMMENDATION
12651. Corporation for National and Community Service	
* Transfer of functions from Commission	* These are not issues. They are not statutory requirements. These comments are set forth in the legislative history.
* Transfer of functions from ACTION	
* Business Plan	
* EO 12819 - Presidential Youth Award	Authorized in Division H. See the DVSP Issue Paper on National Day of Service.
12651a. Board of Directors	No substantive changes identified. Modify requirement that a Board member have a service learning background from "shall" to "maximum extent practicable" and broaden to reflect a general background in service programs.
12651b. Authorities and Duties of the Board	No substantive changes identified. List reports required from the CEO here, and not under CEO. Delete one-time reports (see CEO also) and simplify language.
12651c. Chief Executive Officer	Delete dated references to one time 6-30-95 reports. Simplify statement of duties related to submissions to the Board by just citing "such reports as may be required under 192a.
12651e. Officers of the Corporation	No change in number of Managing Directors. Delete requirements for an Assistant Director for each Senior Corps Program, but retain VISTA Assistant Director at this time.
12651f. Employees, Consultants and other Personnel	Delete material which describes the role of the State Directors, including their assignment as Corporation Reps to the State Commissions, as a micromanaging detail. However, retain and strengthen role of Corp. State Offices, including relationship to State Commissions.
12651g. Administration	Add Personal Service Contract authority.

12651h. Corporation State Offices	Delete material in the law but retain and strengthen role of State Program Offices with added responsibilities for all Corporation programs.