

D. Robinson-EPW

103D CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { 103-219

NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

AUGUST 5, 1993.—Ordered to be printed

Mr. FORD of Michigan, from the committee of conference, submitted the following

CONFERENCE REPORT.

[To accompany H.R. 2010]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National and Community Service Trust Act of 1993".

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purpose.

TITLE I—PROGRAMS AND RELATED PROVISIONS

Subtitle A—Programs

- Sec. 101. Federal investment in support of national service.
- Sec. 102. National Service Trust and provision of national service educational awards.
- Sec. 103. School-based and community-based service-learning programs.
- Sec. 104. Quality and innovation activities.
- Sec. 105. Public Lands Corps.

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Sec. 106. Urban Youth Corps.

Subtitle B—Related Provisions

- Sec. 111. Definitions.
- Sec. 112. Authority to make State grants.
- Sec. 113. Family and medical leave.
- Sec. 114. Reports.
- Sec. 115. Nondiscrimination.
- Sec. 116. Notice, hearing, and grievance procedures.
- Sec. 117. Nondisplacement.
- Sec. 118. Evaluation.
- Sec. 119. Engagement of participants.
- Sec. 120. Contingent extension.
- Sec. 121. Audits.
- Sec. 122. Repeals.
- Sec. 123. Effective date.

TITLE II—ORGANIZATION

- Sec. 201. State Commissions on National and Community Service.
- Sec. 202. Interim authorities of the Corporation for National and Community Service and ACTION Agency.
- Sec. 203. Final authorities of the Corporation for National and Community Service.
- Sec. 204. Business plan.
- Sec. 205. Actions under the national service laws to be subject to the availability of appropriations.

TITLE III—REAUTHORIZATION

Subtitle A—National and Community Service Act of 1990

- Sec. 301. Authorization of appropriations.

Subtitle B—Domestic Volunteer Service Act of 1973

- Sec. 311. Short title; references.

CHAPTER 1—VISTA AND OTHER ANTI-POVERTY PROGRAMS

- Sec. 321. Purpose of the VISTA program.
- Sec. 322. Assistant director for VISTA program.
- Sec. 323. Selection and assignment of VISTA volunteers.
- Sec. 324. Terms and periods of service.
- Sec. 325. Support for VISTA volunteers.
- Sec. 326. Participation of younger and older persons.
- Sec. 327. Literacy activities.
- Sec. 328. Applications for assistance.
- Sec. 329. Repeal of authority for student community service programs.
- Sec. 330. University Year for VISTA.
- Sec. 331. Authority to establish and operate special volunteer and demonstration programs.
- Sec. 332. Technical and financial assistance.
- Sec. 333. Elimination of separate authority for drug abuse programs.

CHAPTER 2—NATIONAL SENIOR VOLUNTEER CORPS

- Sec. 341. National Senior Volunteer Corps.
- Sec. 342. The Retired and Senior Volunteer Program.
- Sec. 343. Operation of the Retired and Senior Volunteer Program.
- Sec. 344. Services under the Foster Grandparent Program.
- Sec. 345. Stipends for low-income volunteers.
- Sec. 346. Conditions of grants and contracts.
- Sec. 347. Evaluation of the Senior Companion Program.
- Sec. 348. Agreements with other Federal agencies.
- Sec. 349. Programs of national significance.
- Sec. 350. Adjustments to Federal financial assistance.
- Sec. 351. Demonstration programs.

CHAPTER 3—ADMINISTRATION

- Sec. 361. Purpose of agency.
- Sec. 362. Authority of the Director.

- Sec. 363. Political activities.
- Sec. 364. Compensation for report.
- Sec. 365. Repeal of report.
- Sec. 366. Application of Fe.
- Sec. 367. Nondiscrimination.
- Sec. 368. Elimination of se.
- Sec. 369. Clarification of re.
- Sec. 370. Copy right protect
- Sec. 371. Depress requirem

CHAPTER 4—AUTHORIZ

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- Sec. 383. Authorization of
- Sec. 384. Conforming amer
- Sec. 385. Repeal of authori

- Sec. 391. Technical and co
- Sec. 392. Effective date.

TITLE IV—TECH

- Sec. 401. Definitions.
- Sec. 402. References to the
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- Sec. 404. Definition of Dire
- Sec. 405. References to AC
- Sec. 406. Effective date.

TITLE V

- Sec. 501. Compliance with
- Sec. 502. Sense of Congres
- Sec. 503. Prohibition of co
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SEC. 2. FINDINGS AND (a) IN GENERAL.—Service Act of 1990 (

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- Sec. 363. Political activities.
- Sec. 364. Compensation for volunteers.
- Sec. 365. Repeal of report.
- Sec. 366. Application of Federal law.
- Sec. 367. Nondiscrimination provisions.
- Sec. 368. Elimination of separate requirements for setting regulations.
- Sec. 369. Clarification of role of Inspector General.
- Sec. 370. Copyright protection.
- Sec. 371. Deposit requirement credit for service as a volunteer.

CHAPTER 4—AUTHORIZATION OF APPROPRIATIONS AND OTHER AMENDMENTS

- Sec. 381. Authorization of appropriations for title I.
- Sec. 382. Authorization of appropriations for title II.
- Sec. 383. Authorization of appropriations for title IV.
- Sec. 384. Conforming amendments; compensation for VISTA FECA claimants.
- Sec. 385. Repeal of authority.

CHAPTER 5—GENERAL PROVISIONS

- Sec. 391. Technical and conforming amendments.
- Sec. 392. Effective date.

TITLE IV—TECHNICAL AND CONFORMING AMENDMENTS

- Sec. 401. Definitions.
- Sec. 402. References to the Commission on National and Community Service.
- Sec. 403. References to Directors of the Commission on National and Community Service.
- Sec. 404. Definition of Director.
- Sec. 405. References to ACTION and the ACTION Agency.
- Sec. 406. Effective date.

TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 501. Compliance with Buy American Act.
- Sec. 502. Sense of Congress; requirement regarding notice.
- Sec. 503. Prohibition of contracts with persons falsely labeling products as made in America.

SEC. 2. FINDINGS AND PURPOSE.

(a) IN GENERAL.—Section 2 of the National and Community Service Act of 1990 (42 U.S.C. 12501) is amended to read as follows:

“SEC. 2. FINDINGS AND PURPOSE.

“(a) FINDINGS.—The Congress finds the following:

“(1) Throughout the United States, there are pressing unmet human, educational, environmental, and public safety needs.

“(2) Americans desire to affirm common responsibilities and shared values, and join together in positive experiences, that transcend race, religion, gender, age, disability, region, income, and education.

“(3) The rising costs of postsecondary education are putting higher education out of reach for an increasing number of citizens.

“(4) Americans of all ages can improve their communities and become better citizens through service to the United States.

“(5) Nonprofit organizations, local governments, States, and the Federal Government are already supporting a wide variety of national service programs that deliver needed services in a cost-effective manner.

“(6) Residents of low-income communities, especially youth and young adults, can be empowered through their service, and can help provide future community leadership.

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- "(b) PURPOSE.**—It is the purpose of this Act to—
- "(1) meet the unmet human, educational, environmental, and public safety needs of the United States, without displacing existing workers;
 - "(2) renew the ethic of civic responsibility and the spirit of community throughout the United States;
 - "(3) expand educational opportunity by rewarding individuals who participate in national service with an increased ability to pursue higher education or job training;
 - "(4) encourage citizens of the United States, regardless of age, income, or disability, to engage in full-time or part-time national service;
 - "(5) reinvent government to eliminate duplication, support locally established initiatives, require measurable goals for performance, and offer flexibility in meeting those goals;
 - "(6) expand and strengthen existing service programs with demonstrated experience in providing structured service opportunities with visible benefits to the participants and community;
 - "(7) build on the existing organizational service infrastructure of Federal, State, and local programs and agencies to expand full-time and part-time service opportunities for all citizens; and
 - "(8) provide tangible benefits to the communities in which national service is performed."

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 2 and inserting the following new item:
 "Sec. 2. Findings and purpose."

TITLE I—PROGRAMS AND RELATED PROVISIONS

Subtitle A—Programs

SEC. 101. FEDERAL INVESTMENT IN SUPPORT OF NATIONAL SERVICE.

(a) TRANSFER OF EXISTING SUBTITLE.—Title I of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended—

- (1) by redesignating subtitle C (42 U.S.C. 12541 et seq.) as subtitle I;
- (2) by inserting subtitle I (as redesignated by paragraph (1) of this subsection) after subtitle H; and
- (3) by redesignating sections 120 through 136 as sections 199 through 1990, respectively.

(b) ASSISTANCE PROGRAM AUTHORIZED.—Title I of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended by inserting after subtitle B the following new subtitle:



"Subtitle C

"PART I—INVESTMENT

"SEC. 101. AUTHORITY TO INVEST IN NATIONAL SERVICE

(a) PROVISION OF APPROPRIATIONS FOR THIS COMMUNITY SERVICE PROGRAMS FOR STATES, INDIAN TRIBES, PUBLIC INSTITUTIONS OF HIGHER EDUCATION, AND OTHER BENEFICIARIES OF THE GRANTS—

"(1) to carry out programs, including section 122(a); and

"(2) to make grants described in section 122(b).

"(b) AGREEMENTS WITH

"(1) AGREEMENTS WITH FEDERAL AGENCIES.—A Federal agency to which the transfer of the Federal agency to which the transfer to the Federal agency under this section is made—

"(2) MATCHING ASSISTANCE.—A Federal agency receiving assistance to satisfy the matching requirement of section (e). However, in section 173 shall service programs supported by the State Com-

"(3) CONSULTATION.—A Federal agency receiving assistance will be conducted unless the projects do not displace national service program.

"(4) SUPPORT FOR A FEDERAL AGENCY TO ENTER INTO A CONTRACT THAT IS CARRYING OUT A PROJECT THAT IS IN EXISTENCE IN THE NATIONAL SERVICE PROGRAM.

"(c) PROVISION OF ASSISTANCE TO THE CORPORATION SHALL—

"(1) approve the awards described in

"(2) approve the awards described in

"(3) approve the awards described in

"(4) approve the awards described in

"SEC. 129. TYPES OF NATIONAL SERVICE PROGRAMS ELIGIBLE FOR PROGRAM ASSISTANCE.

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

"(1) A community corps program that meets unmet human, educational, environmental, or public safety needs and promotes greater community unity through the use of organized teams of participants of varied social and economic backgrounds, skill levels, physical and developmental capabilities, ages, ethnic backgrounds, or genders.

"(2) A full-time, year-round youth corps program or full-time summer youth corps program, such as a conservation corps or youth service corps (including youth corps programs under subtitle I, the Public Lands Corps established under the Public Lands Corps Act of 1993, the Urban Youth Corps established under section 106 of the National and Community Service Trust Act of 1993, and other conservation corps or youth service corps that performs service on Federal or other public lands or on Indian lands or Hawaiian home lands), that—

"(A) undertakes meaningful service projects with visible public benefits, including natural resource, urban renovation, or human services projects;

"(B) includes as participants youths and young adults between the ages of 16 and 25, inclusive, including out-of-school youths and other disadvantaged youths (such as youths with limited basic skills, youths in foster care who are becoming too old for foster care, youths of limited-English proficiency, homeless youths, and youths who are individuals with disabilities) who are between those ages; and

"(C) provides those participants who are youths and young adults with—

"(i) crew-based, highly structured, and adult-supervised work experience, life skills, education, career guidance and counseling, employment training, and support services; and

"(ii) the opportunity to develop citizenship values and skills through service to their community and the United States.

"(3) A program that provides specialized training to individuals in service-learning and places the individuals after such training in positions, including positions as service-learning coordinators, to facilitate service-learning in programs eligible for funding under part I of subtitle B.

"(4) A service program that is targeted at specific unmet human, educational, environmental, or public safety needs and that—

"(A) recruits individuals with special skills or provides specialized preservice training to enable participants to be



placed individually or in teams in positions in which the participants can meet such unmet needs; and

"(B) if consistent with the purposes of the program, brings participants together for additional training and other activities designed to foster civic responsibility, increase the skills of participants, and improve the quality of the service provided.

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

"(6) A campus-based program that is designed to provide substantial service in a community during the school term and during summer or other vacation periods through the use of—

"(A) students who are attending an institution of higher education, including students participating in a work-study program assisted under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.);

"(B) teams composed of such students; or

"(C) teams composed of a combination of such students and community residents.

"(7) A preprofessional training program in which students enrolled in an institution of higher education—

"(A) receive training in specified fields, which may include classes containing service-learning;

"(B) perform service related to such training outside the classroom during the school term and during summer or other vacation periods; and

"(C) agree to provide service upon graduation to meet unmet human, educational, environmental, or public safety needs related to such training.

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

"(A) as teachers, nurses and other health care providers, police officers, early childhood development staff, engineers, or other professionals providing service to meet educational, human, environmental, or public safety needs in communities with an inadequate number of such professionals;

"(B) that may include a salary in excess of the maximum living allowance authorized in subsection (a)(3) of section 140, as provided in subsection (c) of such section; and

"(C) that are sponsored by public or private nonprofit employers who agree to pay 100 percent of the salaries and benefits (other than any national service educational award under subtitle D) of the participants.

"(9) A program in which economically disadvantaged individuals who are between the ages of 16 and 24 years of age, inclusive, are provided with opportunities to perform service that, while enabling such individuals to obtain the education and employment skills necessary to achieve economic self-sufficiency, will help their communities meet—

"(A) the housing needs of low-income families and the homeless; and

"(B) the areas.

"(10) A national organization that recruits, organizes, and assists the service projects of its members in out-of-school youth service projects.

"(11) An individual who is a member of a national organization and who is a youth service project leader or other person in a position to provide leadership in such projects.

"(12) A nonprofit organization that has a broad range of activities and is organized by a board of directors, and is organized into teams of individuals in an area that meet the needs of the community, including projects in such areas.

"(A) means a person who is at least 18 years of age and who is a member of a national organization and who is a youth service project leader or other person in a position to provide leadership in such projects.

"(B) means a person who is a member of a national organization and who is a youth service project leader or other person in a position to provide leadership in such projects.

"(13) A community organization that is organized to address the needs of rural areas and to combat poverty and job training.

"(14) A project that is organized to address the needs of rural areas and to combat poverty and job training.

"(A) means a person who is a member of a national organization and who is a youth service project leader or other person in a position to provide leadership in such projects.

"(B) means a person who is a member of a national organization and who is a youth service project leader or other person in a position to provide leadership in such projects.

"(C) means a person who is a member of a national organization and who is a youth service project leader or other person in a position to provide leadership in such projects.

"(D) means a person who is a member of a national organization and who is a youth service project leader or other person in a position to provide leadership in such projects.

"(15) Such unmet human needs as the Commission shall determine.

"(b) QUALIFICATIONS.

"(1) ESTABLISHMENT.—The Commission shall establish a national youth service project program in a particular national organization that is approved by the Commission.



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"(B) the need for community facilities in low-income areas.

"(10) A national service entrepreneur program that identifies, recruits, and trains gifted young adults of all backgrounds and assists them in designing solutions to community problems.

"(11) An intergenerational program that combines students, out-of-school youths, and older adults as participants to provide needed community services, including an intergenerational component for other national service programs described in this subsection.

"(12) A program that is administered by a combination of nonprofit organizations located in a low-income area, provides a broad range of services to residents of such area, is governed by a board composed in significant part of low-income individuals, and is intended to provide opportunities for individuals or teams of individuals to engage in community projects in such area that meet unaddressed community and individual needs, including projects that would—

"(A) meet the needs of low-income children and youth aged 18 and younger, such as providing after-school 'safe-places', including schools, with opportunities for learning and recreation; or

"(B) be directed to other important unaddressed needs in such area.

"(13) A community service program designed to meet the needs of rural communities, using teams or individual placements to address the development needs of rural communities and to combat rural poverty, including health care, education, and job training.

"(14) A program that seeks to eliminate hunger in communities and rural areas through service in projects—

"(A) involving food banks, food pantries, and nonprofit organizations that provide food during emergencies;

"(B) involving the gleaning of prepared and unprepared food that would otherwise be discarded as unusable so that the usable portion of such food may be donated to food banks, food pantries, and other nonprofit organizations;

"(C) seeking to address the long-term causes of hunger through education and the delivery of appropriate services; or

"(D) providing training in basic health, nutrition, and life skills necessary to alleviate hunger in communities and rural areas.

"(15) Such other national service programs addressing unmet human, educational, environmental, or public safety needs as the Corporation may designate.

"(b) QUALIFICATION CRITERIA TO DETERMINE ELIGIBILITY.—

"(1) ESTABLISHMENT BY CORPORATION.—The Corporation shall establish qualification criteria for different types of national service programs for the purpose of determining whether a particular national service program should be considered to be a national service program eligible to receive assistance or approved national service positions under this subtitle.



"(2) CONSULTATION.—In establishing qualification criteria under paragraph (1), the Corporation shall consult with organizations and individuals with extensive experience in developing and administering effective national service programs or regarding the delivery of human, educational, environmental, or public safety services to communities or persons.

"(3) APPLICATION TO SUBGRANTS.—The qualification criteria established by the Corporation under paragraph (1) shall also be used by each recipient of assistance under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.

"(4) ENCOURAGEMENT OF INTERGENERATIONAL COMPONENTS OF PROGRAMS.—The Corporation shall encourage national service programs eligible to receive assistance or approved national service positions under this subtitle to establish, if consistent with the purposes of the program, an intergenerational component of the program that combines students, out-of-school youths, and older adults as participants to provide services to address unmet human, educational, environmental, or public safety needs.

"(c) NATIONAL SERVICE PRIORITIES.—

"(1) ESTABLISHMENT.—

"(A) BY CORPORATION.—In order to concentrate national efforts on meeting certain unmet human, educational, environmental, or public safety needs and to achieve the other purposes of this Act, the Corporation shall establish, and after reviewing the strategic plan approved under section 192A(g)(1), periodically alter priorities as appropriate regarding the types of national service programs to be assisted under subsection (b) or (d) of section 129 and the purposes for which such assistance may be used.

"(B) BY STATES.—Consistent with paragraph (4), States shall establish, and through the national service plan process described in section 178(e)(1), periodically alter priorities as appropriate regarding the national service programs to be assisted under section 129(a)(1). The State priorities shall be subject to Corporation review as part of the application process under section 130.

"(2) NOTICE TO APPLICANTS.—The Corporation shall provide advance notice to potential applicants of any national service priorities to be in effect under this subsection for a fiscal year. The notice shall specifically include—

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

"(B) a description of the national service programs that are designated by the Corporation under section 133(d)(2) as eligible for priority consideration in the next competitive distribution of assistance under section 121(a).

"(3) REGULATIONS.—The Corporation shall by regulation establish procedures to ensure the equitable treatment of national service programs that—

"(A) receive funding under this subtitle for multiple years; and

"(B) work such nation
 "(4) APPLICANT PRIORITIES.—The Corporation shall also be used by each recipient of assistance under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.
 "SEC. 123. TYPES OF NATIONAL SERVICE POSITIONS.
 "PROVAL
 "The Corporation shall establish, if consistent with the purposes of the program, an intergenerational component of the program that combines students, out-of-school youths, and older adults as participants to provide services to address unmet human, educational, environmental, or public safety needs.
 "(1) A position described in subsection (a) or (b) of section 121(a), but has not been established under title I of U.S.C. 4951 et seq.
 "(2) A position described in section 129(a)(1) of this title.
 "(3) A position described in section 129(b)(1) of this title.
 "(4) A position described in section 129(d)(1) of this title.
 "(5) A position described in section 129(e)(1) of this title.
 "(6) A position described in section 129(f)(1) of this title.
 "(7) Such other positions as the Corporation considers to be in the national interest.
 "SEC. 124. TYPES OF NATIONAL SERVICE PROGRAMS.
 "(a) PLANNING.—The Corporation shall provide advance notice to potential applicants of any national service priorities to be in effect under this subsection for a fiscal year. The notice shall specifically include—
 "(b) OPERATION.—The Corporation shall provide advance notice to potential applicants of any national service priorities to be in effect under this subsection for a fiscal year. The notice shall specifically include—
 "(c) REPLICATION.—The Corporation shall provide advance notice to potential applicants of any national service priorities to be in effect under this subsection for a fiscal year. The notice shall specifically include—