Public Law 98-288
98th Congress

An Act

To extend and improve the Domestic Volunteer Service Act of 1973, and for other purposes.

May 21, 1984
[S. 1129]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Domestic Volunteer Service Act Amendments of 1984".

Domestic Volunteer Service Act Amendments of 1984.
42 USC 4951 note.

VOLUNTEERS IN SERVICE TO AMERICA; STATEMENT OF PURPOSE

SEC. 2. Section 101 of the Domestic Volunteer Service Act of 1973 (hereafter in this Act referred to as the "Act") is amended— 42 USC 4951.

(1) in the second sentence—

(A) by inserting "and alleviate" after "eliminate";

(B) by striking out "human, social, and environmental" after "poverty-related";

(C) by inserting ", all geographical areas," after "all walks of life"; and

(D) by inserting "low-income individuals," before "elderly"; and

(2) by adding at the end thereof the following new sentence: "In addition the objective of this part is to generate the commitment of private sector resources and to encourage volunteer service at the local level to carry out the purposes set forth in this section.".

RECRUITMENT

SEC. 3. Section 102 of the Act is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsections: 42 USC 4952.

"(b) If any 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 may replace such applicant with another qualified applicant approved by the Director.

"(c) The Director shall ensure that not less than 20 per centum of all volunteers under this part are fifty-five years of age or older.".

ASSIGNMENT OF VOLUNTEERS

SEC. 4. (a) Section 103(a) of the Act is amended— 42 USC 4953.

(1) in the matter preceding clause (1)—

(A) by inserting "in the local communities in which the volunteers were recruited" after "States"; and

(B) by inserting ", including work" after "programs"; and

(2) by striking out in paragraph (2) ", under the supervision of nonprofit institutions or facilities, and" and inserting in lieu thereof a semicolon;

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(3) by striking out in clause (3) "the Economic Opportunity Act of 1964, as amended (42 U.S.C. chapter 34)" and inserting in lieu thereof "the Community Service Block Grant Act, titles VIII and X of the Economic Opportunity Act of 1964, the Headstart Act, or the Community Economic Development Act of 1981,"; and

42 USC 9901 note.
42 USC 2991, 2996.
42 USC 9801 note.
42 USC 9801 note.

(4) by redesignating clause (3) as clause (5) and by inserting immediately after clause (2) the following new clauses:

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

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

42 USC 4953.

(b) Section 103(b) of the Act is amended by striking out all that follows the first sentence and inserting in lieu thereof "The Director shall make efforts to assign volunteers to serve in their home communities or in nearby communities and shall make national efforts to attract other volunteers to serve in the VISTA program.".

(c)(1) Section 103 of the Act is further amended—

(A) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (b) the following new subsections:

Employment and unemployment.

"(c) 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 USC 1501 note.

"(d) 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.".

42 USC 5042.

(2) Section 402 of the Act is amended by—

(A) striking out all of clause (13); and

(B) redesignating clauses (14) and (15) as clauses (13) and (14), respectively.

42 USC 4953.

(d) The first sentence of section 103(f) (as redesignated by subsection (c) of this section) is amended by striking out "duties or work in a program or project in any State unless such program or project" and inserting in lieu thereof "work in a program or project in any community unless the application for such program or project contains evidence of local support and".

TERMS AND PERIODS OF SERVICE

42 USC 4954.

SEC. 5. Section 104(a) is amended—

(1) by striking out "human, social, and environmental" in the first sentence; and

(2) by striking out "this" the first place it appears in the second sentence and inserting in lieu thereof "the requirement for full-time commitment".

SUPPORT SERVICES

SEC. 6. Section 105(b) of the Act is amended by inserting "pre-service training and where appropriate in-service training," after "supervision,". 42 USC 4955.

PARTICIPATION OF BENEFICIARIES

SEC. 7. Section 106 of the Act is amended by striking out "take all necessary steps to establish, in regulations he shall prescribe" and insert in lieu thereof "establish in regulations". 42 USC 4956.

REPEAL OF LIMITATIONS

SEC. 8. Section 108 of the Act is amended— 42 USC 4958.

(1) by striking out in the first sentence of subsection (a) "1977" and inserting in lieu thereof "1984";

(2) by striking out all of the second sentence of subsection (a); and

(3) in subsection (b)(2) by striking out "human, social, or environmental".

SERVICE LEARNING PROGRAMS; STATEMENT OF PURPOSE

SEC. 9. Section 111 of the Act is amended— Students. 42 USC 4971.

(1) by inserting immediately before the first sentence of such section the following new sentence: "The purpose of this part is to assist students, through service-learning 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."; and

(2) by striking out "encourage other students" in the third sentence and all that follows through the end of such subsection and inserting in lieu thereof "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 programs and otherwise.".

SPECIAL SERVICE LEARNING PROGRAMS

SEC. 10. Section 114(a) of the Act is amended to read as follows: Grants. Students. 42 USC 4974.

"SEC. 114. (a) The Director is authorized to make grants and contracts for technical assistance, training, and projects which encourage and enable students in secondary, secondary vocational, and postsecondary schools to participate in service-learning programs on an in-school or out-of-school basis in assignments of a character and on such terms and conditions as are described in subsections (a) and (e) of section 103. Any project assisted under this part shall meet the anti-poverty criteria of section 111 and contain an educational and service component.". 42 USC 4953. 42 USC 4971.

SPECIAL VOLUNTEER PROGRAMS; STATEMENT OF PURPOSE

SEC. 11. Section 121 of the Act is amended— 42 USC 4991.

(1) by striking out "human, social, and environmental"; and

(2) by adding at the end thereof the following new sentence: "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 PROGRAMS

Grants. Contracts with U.S. 42 USC 4992.

SEC. 12. Section 122 of the Act is amended by inserting at the end thereof the following new subsection (d):

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

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

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

TECHNICAL AND FINANCIAL ASSISTANCE

42 USC 4993.

SEC. 13. Section 123 of the Act is amended by striking out "or (2)" and inserting in lieu thereof "(2) technical assistance and training programs, including the creation or expansion of private capabilities where possible and the development of voluntary organizations, with particular emphasis on low-income, minority, and community-based groups, or (3)".

GENERAL AMENDMENTS REGARDING PROGRAMS

SEC. 14. (a) Section 201(a) of the Act (42 U.S.C. 5001(a)) is amended by striking out "he" each place it appears and inserting in lieu thereof "the Director".

(b) Section 201(b) of the Act (42 U.S.C. 5001(b)) is amended by striking out "30 per centum" and all that follows through "years", and inserting in lieu thereof "and 30 per centum in any subsequent such years".

Foster grandparent.

(c) Section 211 of the Act (42 U.S.C. 5011) is amended—

(1) in subsection (a) by striking out "he" each place it appears and inserting in lieu thereof "the Director";

(2) in subsection (b)(2) by adding at the end thereof "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) in subsection (d)—

(A) by striking out "he" each place it appears and inserting in lieu thereof "the Director"; and

(B) by striking out "$2" each place its appears and inserting in lieu thereof "$2.20"; and

(4) by amending subsection (e) to read as follows:

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

Disadvantaged persons.

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

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

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

SENIOR COMPANION PROJECTS TO ASSIST HOMEBOUND ELDERLY

SEC. 15. Section 213 of the Act is amended by adding at the end thereof the following new subsection:

42 USC 5013.

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

Grants. Contracts with U.S.

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

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

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

Report.

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

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

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

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

"(E) the effectiveness of using senior companion volunteer leaders and of involving senior companion volunteers based on the training of the volunteer leaders and volunteers.".

OLDER AMERICAN VOLUNTEER PROGRAMS; LOCALLY GENERATED CONTRIBUTIONS

SEC. 16. (a) Part C of title II of the Act is amended by adding at the end thereof the following new section:

"USE OF LOCALLY GENERATED CONTRIBUTIONS IN OLDER AMERICAN VOLUNTEER PROGRAMS

42 USC 5024.

"SEC. 224. Whenever locally generated contributions made to volunteer programs 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.".

(b) The table of contents of part C of title II of the Act is amended by inserting after item "Sec. 223." the following new item:

"Sec. 224. Use of locally generated contributions in older American volunteer programs.".

ESTABLISHMENT OF AGENCIES

42 USC 5041.

SEC. 17. Section 401 of the Act is amended—

(1) by inserting before the period at the end of the first sentence the following: "in order to provide a focal point for volunteerism at the national, State, and local level"; and

(2) by striking out all of such section after the fourth sentence and inserting in lieu thereof the following: "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 5 of the Executive Schedule under section 5316 of title 5, United States Code. Such Associate Director shall be designated 'Associate Director for Domestic and Anti-Poverty Operations' and shall carry out operational responsibility for all programs authorized under this Act. There shall also be in such agency two Assistant Directors, each of whom shall be appointed by the Director, and who shall report directly to the Associate Director for Domestic and Anti-Poverty Operations. One such Assistant Director shall be primarily responsible for VISTA and other antipoverty programs under title I of this Act, and one such Assistant Director shall be primarily responsible for the Older American Volunteer Programs under title II of this Act.".

42 USC 4951.

42 USC 5001.

AUTHORITY OF THE DIRECTOR

42 USC 5042.

SEC. 18. (a) Section 402(1) of the Act is amended by inserting immediately before the semicolon at the end thereof the following: "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".

Effective date. 42 USC 5042 note.

(b) The amendment made by subsection (a) shall take effect one year after the date of the enactment of this Act.

SPECIAL LIMITATIONS

SEC. 19. Section 404(f) of the Act is amended— 42 USC 5044.

(1) by striking out "and except as provided in the second sentence of this subsection" in the first sentence; and

(2) by striking out the second sentence.

REPEAL OF THE NATIONAL VOLUNTEER SERVICE ADVISORY COUNCIL

SEC. 20. (a) Effective January 1, 1986, section 405 of the Act is repealed. 42 USC 5045.

(b) Effective January 1, 1986, the item relating to section 405 in the table of contents is repealed.

REPORTS

SEC. 21. Section 407 of the Act is amended by inserting at the end thereof the following new sentence: "Such report shall reflect the findings and actions taken as a result of any evaluation conducted pursuant to section 416.". 42 USC 5047. 42 USC 5056.

CHANGES IN NOTICE AND HEARING PROCEDURES

SEC. 22. Section 412 of the Act is amended— 42 USC 5052.

(1) by inserting "(a)" after "412.";

(2) by striking out in paragraph (1) ", nor shall an" and all that follows to the end of such paragraph and inserting in lieu thereof a semicolon;

(3) by redesignating paragraph (2) as paragraph (4);

(4) by inserting after paragraph (1) the following new paragraphs:

"(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"; and

(5) inserting at the end thereof the following new subsection:

"(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.".

EVALUATION

SEC. 23. Section 416(a) of the Act is amended— 42 USC 5056.

(1) by striking out "periodically" and inserting in lieu thereof "biennially"; and

(2) in the second sentence by striking out "or project evaluated." and inserting in lieu thereof "or any project of such program being evaluated. Such evaluation shall also measure and evaluate compliance with the equitable distribution requirement of section 414 of this Act.". 42 USC 5054.

ELIGIBILITY FOR OTHER PROJECTS

42 USC 5058.

SEC. 24. Section 418 of the Act is amended by inserting "workers' compensation," after "public assistance,".

LEGAL EXPENSES

42 USC 5059.

SEC. 25. Section 419 of the Act is amended by striking out "or section 8(b)(1) of the Small Business Act, as amended (15 U.S.C. 637(b)(1))".

REQUIREMENTS FOR PRESCRIBING REGULATIONS

42 USC 5060.

SEC. 26. Section 420 of the Act is amended—

(1) by striking out in subsection (c)(1) "Except as provided in paragraph (2)(B) of this subsection, no" and inserting in lieu thereof "No";

(2) in subsection (c)(2)(A) by striking out "(A)" after "(2)";

(3) by striking out paragraph (B) of subsection (c)(2); and

(4) in subsection (d)—

(A) by striking out in the second sentence "Except as is provided in the following sentence, no" and inserting in lieu thereof "No"; and

(B) by striking out the third sentence.

NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS AUTHORIZATION

42 USC 5081.

SEC. 27. (a) Section 501 of the Act is amended to read as follows:

"NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS AUTHORIZATION

42 USC 4951.

"SEC. 501. (a) There is authorized to be appropriated to carry out part A of title I of this Act $17,000,000 for fiscal year 1984, $20,000,000 for fiscal year 1985, and $25,000,000 for fiscal year 1986.

42 USC 4971.

"(b) There is authorized to be appropriated to carry out part B of title I of this Act $1,800,000 for the fiscal year 1984 and for each of the fiscal years 1985 and 1986.

42 USC 4991.

"(c) There is authorized to be appropriated to carry out part C of title I of this Act $1,984,000 for the fiscal year 1984 and for each of the fiscal years 1985 and 1986.

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

"(A) 2,000 years of volunteer service in fiscal year 1984;

"(B) 2,200 years of volunteer service in fiscal year 1985; and

"(C) 2,400 years of volunteer service in fiscal year 1986.

"(2) For purposes of paragraph (1), the term 'volunteer service' shall include training and other support required under this Act for purposes of part A of title I.

42 USC 4951.

"(3) The requirement of paragraph (1)(A) shall not apply unless there is appropriated for title I for fiscal year 1984 an amount in addition to amounts available under Public Law 98-151.

97 Stat. 964.

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

42 USC 4971, 4991, 5001.

42 USC 4951.

(b) The item related to section 501 in the table of contents of the Act is amended by inserting "authorization" after "programs".

AMENDMENTS AUTHORIZING APPROPRIATIONS

SEC. 28. (a) Section 502(a) of the Act (42 U.S.C. 5082(a)) is amended—

(1) by striking out "$28,691,000 for fiscal year 1982 and"; and

(2) by inserting "$29,700,000 for fiscal year 1984, $30,400,000 for fiscal year 1985, and $31,100,000 for fiscal year 1986" after "1983,".

(b) Section 502(b) of the Act (42 U.S.C. 5082(b)) is amended—

(1) by striking out "$49,670,000 for fiscal year 1982 and"; and

(2) by inserting "$54,300,000 for fiscal year 1984, $56,700,000 for fiscal year 1985, and $58,700,000 for fiscal year 1986" after "1983,".

(c) Section 502(c) of the Act (42 U.S.C. 5082(c)) is amended—

(1) by striking out "$16,610,000 for fiscal year 1982 and"; and

(2) by inserting "$27,800,000 for fiscal year 1984, $28,200,000 for fiscal year 1985, and $28,600,000 for fiscal year 1986" after "1983,".

ADMINISTRATION AND COORDINATION

SEC. 29. Section 504 of the Act is amended to read as follows: 42 USC 5084.

"ADMINISTRATION AND COORDINATION

"SEC. 504. There is authorized to be appropriated for the administration of this Act, as authorized in title IV of this Act, $25,800,000 for fiscal year 1984, $27,000,000 for fiscal year 1985, and $28,000,000 for fiscal year 1986.". 42 USC 5041.

TECHNICAL AMENDMENTS

SEC. 30. (a) Section 417(c)(1) of the Act is amended by striking out "and the Peace Corps Act (22 U.S.C. 2501 et seq.)". 42 USC 5057.

(b)(1) Section 112 of the Act is amended by striking out "103(d)" and inserting in lieu thereof "103(f)". 42 USC 4972.

(2) Section 122(c)(2)(B) of the Act is amended by striking out "103(d)" and inserting in lieu thereof "103(f)". 42 USC 4992.

AMENDMENTS TO OTHER LAWS

SEC. 31. (a) Section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) is amended—

(1) by striking out "established by the Director of the Office of Management and Budget" and inserting in lieu thereof "defined by the Office of Management and Budget based on Bureau of the Census data"; and

(2) by inserting "For All Urban Consumers" after "Consumer Price Index".

(b) Section 683(c)(1) of the Community Services Block Grant Act (42 U.S.C. 9912(c)(1)) is amended by striking out "section 624" and inserting in lieu thereof "section 624 or 625".

Approved May 21, 1984.

LEGISLATIVE HISTORY—S. 1129 (H.R. 2655):

HOUSE REPORTS: No. 98-161 accompanying H.R. 2655 (Comm. on Education and Labor) and No. 98-679 (Comm. of Conference).
SENATE REPORT No. 98-182 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD:
Vol. 129 (1983): Sept. 14, considered and passed Senate.
Oct. 17, 28, H.R. 2655 considered and passed House; S. 1129, amended, passed in lieu.
Vol. 130 (1984): Apr. 11, Senate agreed to conference report.
May 8, House agreed to conference report.