

CRS Report for Congress

Reauthorization in the 110th Congress of the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973

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Reauthorization in the 110th Congress of the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973

Summary

The major federally funded community service and volunteer programs in this country are authorized under two statutes: the National and Community Service Act of 1990 (NCSA) and the Domestic Volunteer Service Act of 1973 (DVSA). In general, the programs authorized by these statutes are administered by the Corporation for National and Community Service, an independent federal agency.

The NCSA is designed to address unmet human, educational, environmental, and public safety needs and to renew an ethic of civic responsibility by encouraging citizens to participate in national service programs. The NCSA authorizes four community service programs: School-Based and Community-Based Service-Learning Programs, also known as Learn and Serve America; National Service Trust Programs, also known as AmeriCorps State and National Grants; the National Civilian Community Corps (NCCC); and the Points of Light Foundation. The NCSA also authorizes the National Service Trust, which funds educational awards for community service participants.

A central purpose of the DVSA, which authorizes the Volunteers in Service to America (VISTA) program and the National Senior Volunteer Corps, is to foster and expand voluntary service in communities while helping the vulnerable, the disadvantaged, the elderly, and the poor. The National Senior Volunteer Corps includes three main programs: the Foster Grandparents Program, the Senior Companion Program, and the Retired and Senior Volunteer Program (RSVP).

Authorization of appropriations for the NCSA and DVSA programs expired at the end of FY1996. These programs continue to be funded, however, through annual appropriations bills.

On June 27, 2007, the House Committee on Education and Labor approved H.R. 2857, the Generations Invigorating, Volunteering and Education (GIVE) Act, by a vote of 44-0. This act would amend NCSA and DVSA and extend the authorizations of appropriation for NCSA and DVSA programs through FY2012. This report provides selected highlights of H.R. 2857 and will be updated after major legislative developments.

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Background

The major federally funded community service and volunteer programs are authorized under two statutes: the National and Community Service Act of 1990 (NCSA) and the Domestic Volunteer Service Act of 1973 (DVSA). In general, these programs are administered by the Corporation for National and Community Service (hereafter referred to as the Corporation), an independent federal agency. On June 27, 2007, the House Committee on Education and Labor voted 44-0 to approve H.R. 2857, Generations Invigorating, Volunteering and Education (GIVE) Act, which would amend and extend both acts.

The NCSA is designed to address unmet human, educational, environmental, and public safety needs and to renew an ethic of civic responsibility by encouraging citizens to participate in national service programs. The NCSA authorizes four community service programs: School-Based and Community-Based Service-Learning Programs, also known as Learn and Serve America; National Service Trust Programs also known as AmeriCorps State and National Grants; the National Civilian Community Corps (NCCC); and the Points of Light Foundation. The NCSA also authorizes the National Service Trust, which funds educational awards for community service participants.

A central purpose of the DVSA, which authorizes the Volunteers in Service to America (VISTA) program and the National Senior Volunteer Corps, is to foster and expand voluntary service in communities while helping the vulnerable, the disadvantaged, the elderly, and the poor. The National Senior Volunteer Corps includes three main programs: the Foster Grandparents Program, the Senior Companion Program, and the Retired and Senior Volunteer Program (RSVP).

Both NCSA and DVSA were last amended in 1993 by the National and Community Service Trust Act of 1993 (P.L. 103-82). This act created (1) the Corporation to administer NCSA and DVSA programs, (2) a new national service program referred to as AmeriCorps, (3) a National Service Trust to fund educational awards to persons participating in AmeriCorps and other select community service programs, and (4) state commissions on national and community service to receive funding under NCSA. Authorization of appropriations for the NCSA and DVSA programs expired at the end of FY1996. These programs continue to be funded, however, through annual appropriations measures. H.R. 2857 would extend the

authorization of appropriations for all NCSA and DVSA programs through FY2012. The focus of this report is on selected amendments H.R. 2857 would make to these two statutes.¹

For more information on current NCSA and DVSA programs and their funding, see CRS Report RL33931, *The Corporation for National and Community Service: Overview of Programs and FY2008 Funding* by Ann Lordeman and Abigail B. Rudman.

National and Community Service Act of 1990

School-Based and Community-Based Service-Learning Programs (Title I-B). Programs authorized under Title I-B are generally referred to as Learn and Serve programs. These programs are intended to benefit both communities and students. Under current law, there are three Learn and Serve programs: school-based programs for students, community-based service programs for school-age youth, and higher education innovative programs for community service.

School-Based Programs for Students. These programs help schools create service-learning initiatives that involve elementary and secondary school students in community service that is integrated with their academic curricula. Under current law, school-based programs receive 63.75% of the Learn and Serve appropriation. Not more than 3% of this amount is reserved for grants to Indian tribes and U.S. territories. Of the remainder, 75% is allocated by formula to state educational agencies (SEAs), and 25% is awarded competitively to SEAs, tribes, U.S. territories, and other entities.

Under H.R. 2857, 63.75% of the Learn and Serve appropriation could be used for school-based programs. Not less than 2% or more than 3% would be reserved for grants to Indian tribes and U.S. territories. All of the remainder would be allocated by formula to state educational agencies (SEAs); the competitive awards would be eliminated.

Civic Engagement and Summer of Service. H.R. 2857 would include programs to encourage civic engagement in service learning as a new activity under the school-based programs. The Corporation would be required to reserve up to 3% of the Learn and Serve appropriation for competitive grants for these civic engagement programs.² In addition, H.R. 2857 would authorize a summer of service program under which participating students, entering grades 6 through 12 at the end of the summer, who complete one hundred hours of service in an approved position would be eligible for

¹ The source for this report is the amendment in the nature of a substitute to H.R. 2857 offered by Representative McCarthy of New York and other amendments as posted at [<http://edlabor.house.gov/markups/fc20070627.shtml>].

² Since the 3% for civic engagement programs is reserved from the total Learn and Serve appropriation, it is possible that the percentage allocations for each of the Learn and Serve programs might be slightly less than is cited in this report. H.R. 2857 does not clearly specify whether or not the allocations for the programs are allocations of the remaining 97% of the total appropriation.

an educational award of not more than \$500 from funds deposited in the National Service Trust. (For a discussion of the Trust, see below.) The Corporation's Chief Executive Officer could increase the award to not more than \$1,000 in the case of a participant who is "economically disadvantaged." A participant could earn a maximum of two summer of service educational awards. Awards could be used to pay for educational expenses at an institution of higher education, to repay qualified student loans, and to pay for college preparatory program expenses.

Community-Based Service Programs for School-Age Youth. These programs help community groups create service-learning initiatives that involve elementary and secondary school students in community service. Funds are distributed through competitive grants given by the Corporation to national non-profit organizations and state commissions. Funds are then awarded in local competitions. Under current law, these programs receive 11.25% of the Learn and Serve appropriation.

H.R. 2857 would restructure these programs as "Innovative Demonstrations Service-Learning Programs and Research." They would also receive 11.25% of the Learn and Serve appropriation.³ Entities, such as a state education agency, a state commission on national and community service, a Territory, an Indian tribe, an institution of higher education, and a public or private nonprofit organization, could apply to the Corporation for three year grants with a possible one year extension. Allowable activities would include integrating service-learning programs into science, technology, engineering, and mathematics (STEM) curricula; involving students in service-learning programs focused on energy conservation, emergency and disaster preparedness; improving access to computers and other emerging technologies; mentoring; and conducting research and evaluations on service-learning.

Higher Education Innovative Programs for Community Service. These programs help institutions of higher education and nonprofit organizations to create service-learning initiatives that involve postsecondary school students in community service which complements their academic studies. Under current law and H.R. 2857, these programs would receive 25% of the Learn and Serve appropriation.⁴

H.R. 2857 would add the requirement that grantee institutions meet the Higher Education Act minimum requirement regarding the participation of federal work-study students in community service activities.⁵ H.R. 2857 also directs the Corporation, to the extent practicable, to give special consideration to applications submitted by predominantly Black institutions, Historically Black Colleges and Universities, Hispanic-serving institutions, and Tribal Colleges and Universities.

³ See footnote 2.

⁴ See footnote 2.

⁵ This requirement under section 443(b)(2)(B) of the Higher Education Act of 1965 requires institutions of higher education to spend a minimum of 7% of their federal work study allocation to compensate students employed in community service jobs and to operate at least one tutoring or family literacy project in service to the community, unless they receive a waiver.

Authorization of Learn and Serve Appropriations. H.R. 2857 would authorize \$65 million for Learn and Serve programs for FY2008, of which \$10 million would be for summer of service grants and \$10 million would be deposited in the National Service Trust for the summer of service educational awards. Such sums as may be necessary would be authorized for each of fiscal years 2009 through 2012. The FY2007 appropriation was \$37.1 million and the FY2008 budget request is \$32.1 million.

National Service Trust Program (AmeriCorps) (Title I-C). This program is generally referred to as the AmeriCorps State and National Grants Program or simply as AmeriCorps. Participants in AmeriCorps provide services that address unmet needs for the direct benefit of communities through local service programs operated by a wide range of organizations. In general, participants receive a living allowance and an educational award. Educational awards can be used to pay for educational expenses at an institution of higher education or to repay qualified student loans.

Allocations. AmeriCorps consists of state formula grants, state competitive grants, national competitive grants to non-profit organizations, and set-asides for Indian tribes and U.S. territories. Current law specifies how the Corporation allocates funds. Since FY1997, however, the appropriations bills have “capped” the amount that can be allocated for national competitive grants. The actual distribution of funds allocated by the Corporation for FY2007 is 33% for state formula grants, 43% for state competitive grants, 22% for national competitive grants, 1% for Indian tribes, and 1% for U.S. territories.

Under H.R. 2857, 37.5% of the funds allocated by the Corporation would be for state formula grants, 37.5% for state competitive grants, 23% for national competitive grants to non-profit organization, 1% for Indian tribes, and 1% for U.S. territories. H.R. 2857 would also establish a minimum state formula grant of \$600,000.

Education Award Only Program. H.R. 2857 would also include, as part of AmeriCorps, the education award only program in which the Corporation pays only for the education award and a fixed amount, and relatively small, amount for operational support. From FY1997 to FY2003, this program operated under Subtitle I-H, Investment for Quality and Innovations, which contains the authority for demonstration projects.⁶ Since FY2004, annual appropriations bills have included funding for the program in the appropriation for AmeriCorps. Currently, a program can receive up to \$600 per member service year (MSY) for operational support.⁷ Under H.R. 2857, a program could receive up to \$600 per participant and programs

⁶ Subtitle I-H, Investment for Quality and Innovations, is a category of funding authorized by the National and Community Service Act of 1990 to support special initiatives and demonstration projects.

⁷ A Member Service Year is defined as 1,700 hours of service.

that support at least 50% disadvantaged youth could receive up to \$800 per participant.⁸

Authorization of AmeriCorps Appropriations. H.R. 2857 would authorize a total of \$485 million for FY2008 for Title I-C (AmeriCorps), Title I-D (National Service Trust), and Subtitle I-H (Investment for Quality and Innovations). Such sums as may be necessary would be authorized for each of the years FY2009 through FY2012. Of the amount appropriated for FY2008, not more than \$324 million could be used for AmeriCorps. For FY2009 and FY2010, not more than \$357 million and \$387 million, respectively, could be used. For FY2011 and 2012, such sums as may be necessary could be provided. The FY2007 appropriation for AmeriCorps was approximately \$265 million and the FY2008 budget request is approximately \$255 million.

National Service Trust (Title I-D). The National Service Trust is a special account in the U.S. Treasury which provides educational awards to participants in AmeriCorps, the National Civilian Community Corps, and Volunteers in Service to America (VISTA). The National Service Trust also pays interest on qualified student loans of participants who have obtained forbearance (i.e., postponement) in the repayment of their loans while participating in these programs. H.R. 2857 would also permit the Corporation to use trust funds to pay for the summer of service educational awards. (See Learn and Serve, above).

Under current law, the amount of an educational award for full-time service is \$4,725. (Pro-rated awards are also made for other terms of service, such as half-time.) H.R. 2857 would increase the award for full-time service by \$100 each year beginning in FY2008 until FY2012 when the award would reach \$5,225. Also, current law specifies that an individual can receive a maximum of two educational awards, regardless of whether those awards were for full-time, part-time, or a combination of different terms of service. Under H.R. 2857, an individual could receive up to an amount equal to the aggregate value of two national educational awards for full time service. The summer of service educational awards would not be included in this limit. (For information on the authorization of appropriations, see AmeriCorps Authorization of Appropriations, above.)

National Civilian Community Corps (NCCC) (Title I-E). NCCC is both a 10-month and a summer residential program for young adults ages 18-24 administered by the Corporation. NCCC participants address critical needs in education, public safety, the environment, and disaster relief. Participants serve various communities at one of three campuses, and receive a living allowance and an educational award. H.R. 2857 would focus NCCC activities on energy conservation, environmental stewardship, and urban and rural development, as well

⁸ H.R. 2857 adds the term “disadvantaged youth” and defines it to include youth who are economically disadvantaged and one or more of the following: out-of-school, in or aging out of foster care, have limited English proficiency, homeless or have run away from home, at-risk to leave school without a diploma, former juvenile offenders or at risk of delinquency.

as disaster relief, and would permit NCCC to operate non-residential programs. H.R. 2857 would also require that 50% of the participants be disadvantaged youth.

Authorization of NCCC Appropriations. H.R. 2857 would authorize \$25 million for FY2008 and such sums as may be necessary for each of the years FY2009 through FY2012. The FY2007 appropriation was \$26.7 million and the FY2008 budget request is \$11.6 million.

Points of Light Foundation. The Points of Light Foundation, authorized under Title III of NCSA, is a nonprofit charitable organization that functions as an independent and autonomous entity. The foundation promotes community service through a partnership with the Volunteer Center National Network. H.R. 2857 would eliminate the authorization of federal funds for the Points of Light Foundation. The FY2007 appropriation was \$9.9 million. The FY2008 budget request is \$8.9 million.

Domestic Volunteer Service Act of 1973

Volunteers in Service to America (VISTA) (Title I-A). VISTA volunteers work to alleviate poverty in communities by serving full time, with no outside commitments for at least one year. To the maximum extent possible, they live among and at the economic level of the people they serve. Participants receive a living allowance, and either a cash stipend or an educational award. Under current law, the Corporation sets the monthly stipend at a minimum of \$100 a month and a maximum of \$125. Currently, participants choosing the stipend receive \$120 per month paid as a \$1,200 “lump sum” at the end of a service year. H.R. 2857 would establish a minimum monthly stipend of \$125 and a maximum monthly stipend of \$175. H.R. 2857 would also require the Corporation to give a priority in selecting VISTA participants to individuals who are disadvantaged youth, low-income, and retired adults of any profession, but with an emphasis on professions whose services are most needed in a community, such as health care, teaching, counseling, and engineering.

Authorization of VISTA Appropriations. H.R. 2857 would authorize \$100 million for FY2008 and such sums as may be necessary for each of the years FY2009 through FY2012. The FY2007 appropriation was \$95.5 million and the FY2008 budget request is \$89.7 million.

National Senior Volunteer Corps (Title II). The National Senior Volunteer Corps⁹ (Senior Corps) consists primarily of the Retired and Senior Volunteer Program (RSVP), the Foster Grandparent Program, and the Senior Companion Program. Under current law, participants in RSVP must be 55 years of age or older and participants in the foster grandparent and senior companion programs must be 60 years of age or older. Under H.R. 2857, individuals age 55 and older could participate in any of the three programs.

Income Eligibility and Stipends. Under current law, individuals whose income is 125% of the poverty level or less can receive a stipend in the foster

⁹ H.R. 2857 would change the name of the Corps to the “National Senior Service Corps.”

grandparent and senior companion programs. Current law sets the stipend at \$2.45 an hour and provides that the Corporation adjust it once prior to December 31, 1997, to account for inflation. The stipend is currently set at \$2.65 an hour. Under H.R. 2857, income eligibility would be raised to 200% of the poverty level, and the stipend would be set at \$2.65 an hour with one adjustment made by the Corporation prior to December 31, 2012, to account for inflation. In addition, the Corporation could provide stipends to 15% of volunteers whose income was greater than 200% of poverty and who were serving in a Foster Grandparent or Senior Companion Program if a grant recipient was unable to effectively recruit and place low-income volunteers in the number of placements approved for the project.

Competitive Re-Evaluation. Under current law, an application for refunding a Senior Corps project may not be denied unless the Corporation gives the grant recipient a notice of the possibility of the denial and the grounds for the denial at least 75 days prior to denying funding. The grant recipient must also be given an opportunity to show cause why the application should not be denied. H.R. 2857 would require that RSVP grants be competitively re-evaluated after FY2009. The process for the competitive re-evaluation must ensure that (1) the resulting grants support no less than the volunteer service year of the previous grant cycle in a given service area, (2) the resulting grants maintain a similar program distribution, and (3) every effort is made to minimize the disruption of volunteers. In addition, the competitive re-evaluation would “include some form of priority consideration for existing grantees in good standing.”

Authorization Appropriations for the Senior Corps Programs. H.R. 2857 would authorize RSVP at \$67.5 million for RSVP for FY2008. The FY2007 appropriation was \$59.7 million, and the FY2008 request is \$65.6 million. The bill would authorize \$115 million for the Foster Grandparent Program for FY2008. The FY2007 appropriation was \$110.9 million, and the FY2008 budget request is \$97.6 million. The bill would authorize \$52 million for the senior companion program for FY2008. The FY2007 appropriation was nearly \$47 million, and the FY2008 request is \$41.3 million. For all three programs, such sums as may be necessary would be authorized for each of the years FY2009 through FY2012.

Additional Provisions

Some additional provisions are provided by H.R. 2857 in the amendments to NCSA, but apply to both NCSA and DVSA programs. The provisions include the following.

Sense of Congress. H.R. 2857 expresses the sense of Congress that the number of participants in AmeriCorps, Volunteers in Service to America (VISTA) and NCCC grow to reach 100,000 participants by FY2012. For FY2007, the estimated number of participants is 75,000.

Accountability. H.R. 2857 would require that the Corporation establish, in consultation with grantees receiving assistance under NCSA and DVSA, performance measures for each grantee. H.R. 2857 would also require grantees to submit to the Corporation corrective plans if they fail to meet the established levels of performance, and would allow the Corporation to reduce or terminate the grant of

an underperforming grantee. The Corporation would be permitted to reserve 1% of the total funds appropriated in a fiscal year for NCSA and DVSA to support program accountability activities.

Outreach and Recruitment. H.R. 2857 would establish within the Corporation an Office of Outreach and Recruitment. The duties of this office would include increasing the public awareness of the range of service opportunities for citizens of all ages; identifying and implementing methods of recruitment to increase the diversity of participants and program sponsors in NCSA and DVSA programs; and identifying and implementing recruitment strategies and training programs for bilingual volunteers in the National Senior Service Corps.

Training and Technical Assistance. H.R. 2857 creates a new Subtitle J of Title I, which consolidates the training and technical assistance provisions which are currently contained throughout current law. Under the new Subtitle J, the Corporation would be required to provide technical assistance to NCSA and DVSA programs. Priority would be given to programs where services are needed most, that focus on service opportunities for underserved rural and urban areas, or that seek to develop a service component that combines students, out-of-school youth, and older adults as participants to provide community services. H.R. 2857 would require the Corporation to reserve for training and technical assistance up to 2.5% of the total funds appropriated for NCSA Titles I-B (Learn and Serve), I-C (AmeriCorps), Subtitle I-H (Investment for Quality and Innovation), and DVSA Titles I (VISTA) and II (National Senior Service Corps). Based on the FY2007 request and the FY2008 budget request, between approximately \$18 million and \$19 million could be available.