

Public Law 102-384
102d Congress

An Act

To improve the administrative provisions and make technical corrections in the National and Community Service Act of 1990.

Oct. 5, 1992

[S. 3175]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National and Community Service Technical Amendment Act of 1992".

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

SEC. 3. DEFINITIONS.

Section 101 (42 U.S.C. 12511) is amended—

(1) by striking paragraph (29) and inserting the following new paragraph:

"(29) The term 'summer program' means a full-time or part-time youth corps program authorized under this title that is limited to a period beginning after April 30 and ending before October 1."; and

(2) by striking "stipends" in paragraph (30) and inserting "living allowances".

SEC. 4. AUTHORITY OF COMMISSION.

Paragraphs (1) and (2) of section 112(b), and sections 113(10), 115(c)(2), 116(b), 164(2), 179(d), and 190(c)(8) (42 U.S.C. 12522(b)(1) and (2), 12523(10), 12525(c)(2), 12526(b), 12615(2), 12639(d), and 12651(c)(8)) are amended by striking "Secretary" each place it appears and inserting "Commission".

SEC. 5. GENERAL AUTHORITY.

Section 121 (42 U.S.C. 12541) is amended to read as follows:

"SEC. 121. GENERAL AUTHORITY.

"The Commission may make grants under section 102 to States or local applicants and may transfer funds to the Secretary of Agriculture, to the Secretary of the Interior, or to the Director of ACTION for the creation or expansion of full-time, part-time, year-round, or summer, youth corps programs".

National and
Community
Service
Technical
Amendment Act
of 1992.
42 USC 12501
note.

SEC. 6. AGE.

Section 130(a)(1) (42 U.S.C. 12550(a)(1)) is amended by striking "15" and inserting "14".

SEC. 7. PEACE CORPS.

(a) **ELIGIBILITY AND SELECTION PROCEDURES.**—Section 161(a)(2) (42 U.S.C. 12612(a)(2)) is amended by striking "at least 3 years".

(b) **EDUCATIONAL BENEFITS.**—Section 163(c)(2) (42 U.S.C. 12614(c)(2)) is amended by striking "serve 3 years" and inserting "satisfactorily complete the service of the individual".

SEC. 8. ASSISTANCE FOR HEAD START.

Section 166 (42 U.S.C. 12622) is amended by inserting ", and to projects of the type described in section 211(a) of the Domestic Volunteer Service Act operating under memoranda of agreement with the ACTION Agency," after "Domestic Volunteer Service Act)".

SEC. 9. EVALUATION.

Section 179 (42 U.S.C. 12639) is amended—

(1) in subsection (a)(2) by striking "subsection (h)" and inserting "subsection (j)";

(2) in subsection (f) by inserting "or post-service benefit" after "voucher"; and

(3) in subsection (h)—

(A) in paragraph (1) by striking "subsection (g)" and inserting "this section"; and

(B) by striking paragraph (2) and inserting the following new paragraph:

"(2) **CONFIDENTIALITY.**—

"(A) **IN GENERAL.**—The Commission shall maintain the confidentiality of information acquired under this subsection regarding individual participants.

"(B) **DISCLOSURE.**—

"(i) **CONSENT.**—The content of any information described in subparagraph (A) may be disclosed with the prior written consent of the individual participant with respect to whom the information is maintained.

"(ii) **AGGREGATE INFORMATION.**—The Commission may disclose information about the aggregate characteristics of such participants.

SEC. 10. COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

Section 190 (42 U.S.C. 12651) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(B), by inserting "Director of the Office of National Drug Control Policy," after "Agriculture,"; and

(B) by redesignating paragraphs (5) through (8) as paragraphs (3) through (6), respectively;

(2) in subsection (d) by adding at the end the following new paragraph:

"(3) The Board may—

"(A) appoint the Director without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service; and

"(B) fix the compensation of the Director without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and

General Schedule pay rates, except that the rate of compensation shall not exceed the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.”;

(3) in subsection (e)—

Government
employees.

(A) by striking “TECHNICAL EMPLOYEES.—The Director” and inserting “EMPLOYEES.—

“(1) IN GENERAL.—The Director”;

(B) in paragraph (1) (as designated by subparagraph (A) of this paragraph)—

(i) by striking “10 technical” and inserting “eight”;

(ii) by striking “Committee” and inserting “Commission”; and

(iii) by inserting before the period the following: “, except that the rate of compensation for two of the eight employees shall not exceed the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, and the rate of compensation for the remaining six of the eight employees shall not exceed the maximum annual rate of basic pay payable for GS-15s under the General Schedule under section 5332 of title 5, United States Code”; and

(C) by adding at the end the following new paragraphs:

“(2) ADDITIONAL STAFF.—The Director may, at the discretion of the Board, appoint and compensate such staff as the Director determines to be necessary to carry out the duties of the Commission.

“(3) CONSULTANTS.—Subject to the rules prescribed by the Commission, the Director may procure the temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code.

“(4) DETAILS OF PERSONNEL.—The head of any Federal department or agency may detail on a reimbursable basis, or on a nonreimbursable basis for not to exceed 180 calendar days during any fiscal year, as agreed upon by the Director and the head of the Federal agency, any of the personnel of that department or agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

“(5) DONATIONS.—

“(A) SERVICES.—

“(i) VOLUNTEERS.—Notwithstanding any other provision of Federal law, the Commission may accept the voluntary services of individuals, and provide to such individuals the travel expenses described in subsection (b)(6).

“(ii) LIMITATION.—Such a volunteer shall not be considered to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, except as follows:

“(I) TORT CLAIMS.—For the purposes of the tort claims provisions of chapter 171 of title 28, United States Code, a volunteer under this subtitle shall be considered to be a Federal employee.

“(II) CIVIL EMPLOYEE.—For the purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, volunteers under this subtitle shall be considered to be employees, as defined in section 8101(1)(B) of title 5, United States Code, and the provisions of such subchapter shall apply.

“(B) PROPERTY.—The Commission may accept, use, and dispose of, in furtherance of the purposes of this Act, donations of any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

“(C) RULES.—The Commission shall establish written rules setting forth the criteria to be used in determining whether the acceptance of contributions of money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise (pursuant to subparagraph (B)) would reflect unfavorably upon the ability of the Commission or any employee of the Commission to carry out the responsibilities or official duties of the Commission in a fair and objective manner, or would compromise the integrity of the programs of the Commission or any official involved in such programs.

“(D) DISPOSITION.—Upon completion of the use by the Commission of any affected property, such completion shall be reported to the General Services Administration and such property shall be disposed in accordance with title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

“(6) CONTRACTS.—Subject to the Federal Property and Administrative Services Act of 1949, the Commission may enter into contracts, and cooperative and interagency agreements, with Federal and State agencies, private firms, institutions, and individuals to conduct activities necessary to carry out the duties of the Commission under this Act.”; and

(4) by adding at the end the following new subsections:

“(i) USE OF MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

“(j) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from an officer, department, agency, establishment, or instrumentality of the Federal Government such information and statistics as the Commission may require to carry out the duties of the Commission under this Act. On the request of the Director of the Commission, each such officer, department, agency, establishment, or instrumentality may furnish, to the extent permitted by law, such information and statistics directly to the Commission.

“(k) SOURCES OF SUPPLIES AND SERVICES.—The Commission may use General Services Administration sources of supplies and services.”.

Reports.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—Section 501(a)(1) (42 U.S.C. 12681(a)(1)) is amended to read as follows:

“(1) **TITLE I.**—

“(A) **IN GENERAL.**—There are authorized to be appropriated to carry out subtitles B, C, D, E, and F of title I, \$102,000,000 for fiscal year 1993.

“(B) **SUBTITLE G.**—There are authorized to be appropriated to carry out subtitle G of title I, \$3,000,000 for fiscal year 1993.”.

(b) **EARMARKS.**—Section 501(a)(2) (42 U.S.C. 12681(a)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking “paragraph (1)” and inserting “paragraph (1)(A)”;

(2) by striking subparagraph (A);

(3) by striking “and” at the end of subparagraph (C);

(4) by striking the period at the end of subparagraph (D) and inserting a semicolon;

(5) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively; and

(6) by adding at the end the following new subparagraph:

“(D) any remaining funds may be expended for any activity authorized in title I.”.

Approved October 5, 1992.

LEGISLATIVE HISTORY—S. 3175:

CONGRESSIONAL RECORD, Vol. 138 (1992):

Aug. 12, considered and passed Senate.

Sept. 16, considered and passed House.