

107TH CONGRESS
2D SESSION

S. 2392

To amend the National and Community Service Act of 1990 to establish a Community Corps, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 29, 2002

Mr. EDWARDS (for himself, Mr. SMITH of Oregon, and Mrs. CLINTON) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the National and Community Service Act of 1990 to establish a Community Corps, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “School Service Act of
5 2002”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

8 (1) to mobilize the patriotism and energy of
9 youth in the United States in order to meet the

1 unmet human, educational, environmental, and pub-
2 lic safety needs of United States society;

3 (2) to foster an ethic of service and citizenship
4 in young people that will last throughout their lives;

5 (3) to support a limited number of States, In-
6 dian tribes, and local educational agencies whose
7 schools require that every student, prior to sec-
8 ondary school graduation, engage in substantial
9 service to their community and country;

10 (4) to ensure that entities receiving that sup-
11 port establish high-quality service-learning programs
12 that offer students opportunities for meaningful
13 service and for reflection on such service;

14 (5) to guarantee substantial flexibility to enti-
15 ties receiving that support in order to design pro-
16 grams that meet local needs;

17 (6) to support nonprofit and nongovernmental
18 organizations that engage youth in effective and in-
19 novative service programs; and

20 (7) to conduct rigorous evaluations of service
21 programs to determine their costs and benefits and
22 to ensure high quality.

1 **TITLE I—COMMUNITY CORPS**

2 **SEC. 101. SERVICE PROGRAMS.**

3 Part I of subtitle B of title I of the National and
4 Community Service Act of 1990 (42 U.S.C. 12521 et seq.)
5 is amended—

6 (1) by redesignating subpart C as subpart D;

7 (2) by redesignating section 118 as section
8 118N; and

9 (3) by inserting after subpart B the following:

10 **“Subpart C—Community Corps**

11 **“SEC. 118. GRANTS.**

12 “(a) IN GENERAL.—The Corporation, after consulta-
13 tion with the Secretary of Education, may make grants
14 under subsection (b) on a competitive basis to qualified
15 entities to pay for the Federal share of the cost of plan-
16 ning or operating Community Corps programs.

17 “(b) PLANNING AND OPERATIONAL GRANTS.—

18 “(1) PLANNING GRANTS.—The Corporation
19 may make a planning grant to a qualified entity to
20 provide assistance for the planning of a Community
21 Corps program that meets the requirements of this
22 subpart.

23 “(2) OPERATIONAL GRANTS.—The Corporation
24 may make an operational grant to a qualified entity
25 to provide assistance for the operation of a Commu-

1 nity Corps program that meets the requirements of
2 this subpart.

3 “(3) TOTAL PERIOD.—The period of a grant
4 made under paragraph (1) shall be not more than
5 1 year. The total period of a grant made under
6 paragraph (2), or grants made under paragraphs (1)
7 and (2), to a qualified entity shall be not less than
8 3 years, except as provided in section 118F(b).

9 “(c) DIRECT OR INDIRECT EXPENDITURES.—To
10 carry out programs under this subpart, a qualified entity
11 that receives a grant under subsection (b) may—

12 “(1) expend the funds made available through
13 the grant; or

14 “(2) use the funds to make subgrants to—

15 “(A) in the case of a qualified entity that
16 is a State or Indian tribe, local educational
17 agencies;

18 “(B) public elementary schools or sec-
19 ondary schools;

20 “(C) institutions of higher education;

21 “(D) public or private nonprofit organiza-
22 tions;

23 “(E) private elementary schools or sec-
24 ondary schools, if the qualified entity has made

1 a certification regarding such schools under sec-
2 tion 118B(b)(2); and

3 “(F) qualified partnerships, as defined by
4 the Corporation.

5 “(d) DISCRETION WITH RESPECT TO PROGRAM
6 TYPE.—A qualified entity that uses funds to make a
7 subgrant under subsection (c)(2) may determine, or may
8 permit the subgrant recipient to determine, the type of
9 program (as described in section 118A(a)(2)) to be
10 planned or operated with the subgrant.

11 **“SEC. 118A. USE OF FUNDS.**

12 “(a) PROGRAMS.—

13 “(1) IN GENERAL.—An entity that receives a
14 grant or subgrant under section 118 shall use the
15 funds made available through the grant or subgrant
16 for a program for school-age youth that—

17 “(A) engages the youth in meaningful serv-
18 ice that meets unmet human, educational, envi-
19 ronmental, or public safety needs;

20 “(B) provides substantial structured op-
21 portunities for the youth to reflect on their
22 service activities, enhancing their sense of civic
23 responsibility;

24 “(C) as appropriate—

1 “(i) is integrated into and enhances
2 the academic curriculum of the school or
3 the educational components of an after-
4 school or summer program in which the
5 youth are enrolled; and

6 “(ii) involves participants in the plan-
7 ning, selection, and development of service
8 projects, or otherwise fosters leadership
9 skills; and

10 “(D) achieves such other goals as the Cor-
11 poration may specify or approve.

12 “(2) TYPES OF PROGRAMS.—Programs carried
13 out through grants or subgrants made under section
14 118 may be—

15 “(A) school-based service-learning pro-
16 grams that integrate service-learning into 1 or
17 more mandatory courses in an academic cur-
18 riculum;

19 “(B) school-based service-learning pro-
20 grams that—

21 “(i) require secondary school students
22 to perform community service after school,
23 on weekends, or during summer vacations;
24 and

1 “(ii) utilize appropriately trained
2 adults—

3 “(I) to work with community
4 members and organizations to identify
5 opportunities to fulfill the requirement
6 described in clause (i);

7 “(II) to disseminate to secondary
8 school students information about
9 such opportunities; and

10 “(III) to ensure that such stu-
11 dents have substantial structured op-
12 portunities for reflection on their serv-
13 ice activities;

14 “(C) community-based service-learning
15 programs operated by community-based agen-
16 cies or by nonprofit organizations, in partner-
17 ship with State educational agencies, local edu-
18 cational agencies, elementary schools, or sec-
19 ondary schools, that engage school-age youth to
20 perform community service—

21 “(i) after school; or

22 “(ii) during summer vacations;

23 “(D) programs that combine course-based
24 service-learning with individualized service; and

1 “(E) such other programs as the Corpora-
2 tion may designate, consistent with the objec-
3 tives of the Community Corps.

4 “(b) PERMISSIBLE ACTIVITIES.—An entity that re-
5 ceives a grant or subgrant under section 118 for a Com-
6 munity Corps program may use the funds made available
7 through the grant or subgrant to pay for the Federal
8 share of—

9 “(1) the cost of providing training for teachers,
10 supervisors, personnel from community-based agen-
11 cies, and trainers, who are necessary for the oper-
12 ation of the program;

13 “(2) the cost of developing service-learning cur-
14 ricula to be integrated into the program;

15 “(3) the cost of providing effective outreach and
16 dissemination of information to ensure the broadest
17 possible involvement in the Community Corps pro-
18 gram of community-based agencies with dem-
19 onstrated effectiveness in working with school-age
20 youth;

21 “(4) the cost of recruiting, training, super-
22 vising, placing, and providing salaries and benefits
23 to adults necessary for the operation of the program,
24 including paying for such cost for individuals who—

1 “(A) are participants in a program under
2 subtitle C or receive a national service edu-
3 cational award under subtitle D; and

4 “(B)(i) serve as service-learning coordina-
5 tors as specified in section 111(b);

6 “(ii) perform the responsibilities described
7 in subsection (a)(2)(B)(ii);

8 “(iii) coordinate or supervise the activities
9 of school-age youth in a program described in
10 subsection (a)(2)(C); or

11 “(iv) serve in other appropriate roles, as
12 determined by the Corporation; and

13 “(5) other reasonable costs related to the super-
14 vision of participants, program administration, de-
15 velopment and acquisition of program materials,
16 transportation, insurance, verification of youth par-
17 ticipation, and meeting other program needs.

18 **“SEC. 118B. APPLICATIONS.**

19 “(a) IN GENERAL.—To be eligible to receive a grant
20 under section 118, a qualified entity shall prepare, submit
21 to the Corporation, and obtain approval of, an application
22 at such time and in such manner as the Chief Executive
23 Officer may reasonably require.

1 “(b) CONTENTS.—An application that is submitted
2 under subsection (a) with respect to a program described
3 in section 118A—

4 “(1) shall include—

5 “(A) a certification that, not more than 24
6 months after the qualified entity receives the
7 grant under section 118—

8 “(i) all public school students at the
9 schools where the program is proposed to
10 be carried out shall be required, as a con-
11 dition of secondary school graduation, to
12 complete a substantial community service
13 experience; and

14 “(ii) the qualified entity shall provide
15 opportunities, through high-quality service
16 programs, as defined in section
17 118C(a)(2), for all such students to meet
18 the requirement of clause (i);

19 “(B)(i) a 5-year strategic plan, which shall
20 contain—

21 “(I) information demonstrating how
22 the results specified in the certification de-
23 scribed in subparagraph (A) will be
24 achieved; and

1 “(II) such additional information as
2 the Chief Executive Officer may reasonably
3 require; and

4 “(ii) information demonstrating that the
5 program will be carried out in a manner con-
6 sistent with the approved strategic plan;

7 “(C) a description of the outcome meas-
8 ures developed for the program as described in
9 section 118F(a)(3)(C) and specific, quantifiable
10 goals addressing each outcome measure;

11 “(D) certifications that—

12 “(i) the applicant will keep such
13 records and provide such information to
14 the Corporation with respect to the pro-
15 grams as may be required for fiscal audits
16 and program evaluation;

17 “(ii) the applicant will comply with
18 the nonduplication and nondisplacement
19 requirements of section 177 and the griev-
20 ance procedure requirements of section
21 176(f); and

22 “(iii) the applicant has consulted with
23 the State Commission for the State in
24 which the applicant is located about the
25 application; and

1 “(E) such additional information as the
2 Chief Executive Officer may reasonably require;
3 and

4 “(2) may include—

5 “(A) a certification that, not more than 24
6 months after the qualified entity receives the
7 grant under section 118—

8 “(i) all private school students at the
9 schools where the program is proposed to
10 be carried out shall be required, as a con-
11 dition of secondary school graduation, to
12 complete a substantial community service
13 experience; and

14 “(ii) the qualified entity shall ensure
15 opportunities on an equitable basis,
16 through high-quality service programs, as
17 defined in section 118C(a)(2), for all such
18 students to meet the requirement of clause
19 (i); and

20 “(B) in the 5-year strategic plan required
21 under paragraph (1)(B)(i), information dem-
22 onstrating how the results specified in the cer-
23 tification described in subparagraph (A) will be
24 achieved.

1 **“SEC. 118C. CONSIDERATION OF APPLICATIONS.**

2 “(a) HIGH-QUALITY SERVICE PROGRAMS.—

3 “(1) IN GENERAL.—In awarding grants under
4 section 118, the Corporation shall give priority to a
5 qualified entity that demonstrates that the entity
6 will engage school-age youth in high-quality service
7 programs.

8 “(2) DEFINITION.—In this subsection, the term
9 ‘high-quality service program’ means a program
10 that—

11 “(A) effectively meets unmet human, edu-
12 cational, environmental, or public safety needs;

13 “(B) effectively fosters—

14 “(i) an ethic of civic responsibility;

15 and

16 “(ii) personal character development;

17 “(C) as appropriate for the type of pro-
18 gram and participants—

19 “(i) improves performance in core
20 academic subjects; and

21 “(ii) fosters leadership skills;

22 “(D) in the case of a school-based pro-
23 gram, is operated, to the extent appropriate, by
24 a partnership that includes an entity that—

1 “(i) is a community-based agency,
2 nonprofit organization, or institution of
3 higher education; and

4 “(ii) has expertise in the provision of
5 services to meet unmet needs, youth devel-
6 opment, service-learning, or another rel-
7 evant field; and

8 “(E) effectively achieves such other goals
9 as the Corporation may specify.

10 “(b) GEOGRAPHIC DIVERSITY OF RECIPIENTS.—

11 Subject to subsection (a), the Corporation shall ensure
12 that qualified entities receiving grants under section
13 118—

14 “(1) are geographically diverse; and

15 “(2) fully and adequately represent urban and
16 rural areas.

17 “(c) LOW-INCOME FAMILIES.—Subject to subsection
18 (a), in awarding grants under section 118, the Corpora-
19 tion shall give priority to a qualified entity that proposes—

20 “(1) to serve a jurisdiction having a high num-
21 ber or high percentage of low-income families; and

22 “(2) to focus the funds made available through
23 such a grant on those parts of the jurisdiction hav-
24 ing a high number or high percentage of low-income
25 families.

1 “(d) OTHER CRITERIA.—In awarding grants under
2 section 118, the Corporation may establish such other pri-
3 orities as the Corporation determines to be appropriate,
4 consistent with the objectives of the Community Corps.

5 **“SEC. 118D. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.**

6 “(a) SHARE.—

7 “(1) IN GENERAL.—The Federal share attrib-
8 utable to this subpart of the cost of carrying out a
9 program for which a grant or subgrant is made
10 under this subpart may not exceed—

11 “(A) 75 percent of the total cost of the
12 program for the first, second, and third years
13 for which the program receives assistance under
14 this subpart;

15 “(B) 65 percent of the total cost of the
16 program for the fourth year for which the pro-
17 gram receives assistance under this subpart;
18 and

19 “(C) 50 percent of the total cost of the
20 program for the fifth year, and for any subse-
21 quent year, for which the program receives as-
22 sistance under this subpart.

23 “(2) CALCULATION.—In providing for the re-
24 maining share of the cost of carrying out such a pro-

1 gram, each recipient of assistance under this
2 subpart—

3 “(A) shall provide for such share through
4 a payment in cash or in kind, fairly evaluated,
5 including facilities, equipment, or services; and

6 “(B) may provide for such share through
7 State sources, local sources, private sources, or
8 Federal sources (other than funds made avail-
9 able under the national service laws).

10 “(b) WAIVER.—The Chief Executive Officer may
11 waive the requirements of subsection (a) in whole or in
12 part with respect to any such program in any fiscal year
13 if the Corporation determines that such a waiver would
14 be equitable due to a lack of available financial resources
15 at the local level.

16 **“SEC. 118E. LIMITATIONS ON USES OF FUNDS.**

17 “(a) ADMINISTRATIVE COSTS.—

18 “(1) LIMITATION.—Not more than 5 percent of
19 the amount of assistance provided to a qualified en-
20 tity that is the original recipient of a grant under
21 section 118 for a fiscal year may be used to pay for
22 administrative costs incurred by—

23 “(A) the original recipient; or

1 “(B) the entity carrying out the commu-
 2 nity service programs supported with the assist-
 3 ance.

4 “(2) RULES ON USE.—The Chief Executive Of-
 5 ficer may by rule prescribe the manner and extent
 6 to which—

7 “(A) such assistance may be used to cover
 8 administrative costs; and

9 “(B) that portion of the assistance avail-
 10 able to cover administrative costs should be dis-
 11 tributed between—

12 “(i) the original recipient; and

13 “(ii) the entity carrying out the com-
 14 munity service programs supported with
 15 the assistance.

16 “(b) LOCAL USES OF FUNDS.—Funds made avail-
 17 able under this subpart may not be used to pay any sti-
 18 pend, allowance, or other financial support to any student
 19 who is a participant under this subtitle, except reimburse-
 20 ment for transportation, meals, and other reasonable out-
 21 of-pocket expenses directly related to participation in a
 22 program assisted under this subpart.

23 **“SEC. 118F. ACCOUNTABILITY.**

24 “(a) EVALUATION.—

1 “(1) IN GENERAL.—The Corporation shall
2 make a grant or enter into a contract with an eligi-
3 ble entity to conduct an annual evaluation of the ef-
4 fectiveness of each program that receives assistance
5 under section 118. The first such evaluation shall
6 occur during the second year for which the program
7 receives a grant under section 118(b)(2).

8 “(2) ELIGIBLE ENTITY.—To be eligible to re-
9 ceive a grant or contract under paragraph (1), an
10 entity shall not be—

11 “(A) the Corporation;

12 “(B) a State educational agency;

13 “(C) a local educational agency;

14 “(D) an entity that receives a grant or
15 subgrant under section 118; or

16 “(E) a division of an entity described in
17 subparagraph (A), (B), (C), or (D).

18 “(3) CONTENTS.—In conducting the evaluation
19 with respect to a program, the eligible entity shall—

20 “(A) conduct a cost-benefit analysis of the
21 program;

22 “(B) determine the performance of the
23 program in—

1 “(i) meeting unmet human, edu-
 2 cational, environmental, or public safety
 3 needs; and

4 “(ii) contributing, in both the short
 5 term and the long term, to youth—

6 “(I) civic engagement;

7 “(II) character development;

8 “(III) personal responsibility;

9 “(IV) academic motivation; and

10 “(V) academic achievement; and

11 “(C) determine the performance of the
 12 program on outcome measures developed by the
 13 entity carrying out the program.

14 “(b) FAILURE TO MEET QUANTIFIABLE GOALS.—

15 “(1) PROBATION.—A program that receives as-
 16 sistance under section 118 that—

17 “(A) fails to perform satisfactorily in meet-
 18 ing the goals described in subsection (a)(3)(B),
 19 as determined by the Corporation; or

20 “(B) fails to meet substantially the goals
 21 described in section 118B(b)(1)(C), as deter-
 22 mined by the Corporation,

23 during the second year for which the program re-
 24 ceives a grant under section 118(b)(2) or a subse-

1 quent fiscal year, shall be placed on probation for
2 the following fiscal year.

3 “(2) ASSISTANCE FOR GRANT RECIPIENTS ON
4 PROBATION.—The Corporation shall, on request by
5 a recipient of a grant for a program on probation
6 under paragraph (1), provide technical assistance to
7 such grant recipient for the purpose of remedying a
8 failure described in subparagraph (A) or (B) of
9 paragraph (1).

10 “(3) FAILURE TO MEET GOALS AFTER PROBA-
11 TION.—The Chief Executive Officer will withdraw
12 funding from a grant recipient for a program that
13 receives assistance under section 118 and that expe-
14 riences a failure described in subparagraph (A) or
15 (B) of paragraph (1) during a year in which the pro-
16 gram is on probation under paragraph (1).

17 “(c) FIRST EVALUATION.—Notwithstanding section
18 179, with respect to a program receiving assistance under
19 this subpart, the Corporation shall first evaluate the pro-
20 gram under section 179(a) during the second year for
21 which the program receives a grant under section
22 118(b)(2).

1 **“SEC. 118G. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out
3 this subpart such sums as may be necessary for each of
4 fiscal years 2003 through 2007.

5 **“SEC. 118H. DEFINITION.**

6 “In this subpart, the term ‘qualified entity’ means—

7 “(1) a State, acting through the State edu-
8 cational agency;

9 “(2) an Indian tribe;

10 “(3) a local educational agency; or

11 “(4) a nonprofit organization, meeting such re-
12 quirements as the Corporation may specify, acting in
13 partnership with 1 or more States, Indian tribes, or
14 local educational agencies.”.

15 **TITLE II—AMENDMENTS TO**
16 **EXISTING PROGRAMS**

17 **SEC. 201. SCHOOL-BASED PROGRAMS.**

18 Section 111(a) of the National and Community Serv-
19 ice Act of 1990 (42 U.S.C. 12521(a)) is amended—

20 (1) in paragraph (3), by striking “; and” at the
21 end;

22 (2) in paragraph (4), by striking the period and
23 inserting “; and”; and

24 (3) by adding at the end the following:

25 “(5) planning, implementing, operating, or ex-
26 panding school-based programs that utilize appro-

1 priately trained adults (who may be participants in
2 a program under subtitle C or receive a national
3 service educational award under subtitle D) in sec-
4 ondary schools—

5 “(A) to work with community members
6 and organizations to identify service opportuni-
7 ties for secondary school students;

8 “(B) to disseminate to such students infor-
9 mation about such opportunities; and

10 “(C) to ensure that such students have
11 substantial structured opportunities for reflec-
12 tion on their service activities.”.

13 **SEC. 202. COMMUNITY-BASED AFTER-SCHOOL OR SUMMER**
14 **SERVICE PROGRAMS.**

15 (a) IN GENERAL.—Section 117A(b) of the National
16 and Community Service Act of 1990 (42 U.S.C. 12542(b))
17 is amended—

18 (1) in paragraph (1)—

19 (A) in subparagraph (A), by striking “;
20 or” and inserting a semicolon;

21 (B) by redesignating subparagraph (B) as
22 subparagraph (C);

23 (C) by inserting after subparagraph (A)
24 the following:

1 “(B) to make a grant to a qualified organi-
2 zation to implement, operate, expand, or rep-
3 licate a community-based service program
4 that—

5 “(i) engages school-age youth, after
6 school or during summer vacations, in
7 meaningful service that meets unmet
8 human, educational, environmental, or
9 public safety needs; and

10 “(ii) provides substantial structured
11 opportunities for the youth to reflect on
12 their service activities, enhancing their
13 sense of civic responsibility; or”; and

14 (D) in subparagraph (C) (as redesignated
15 by subparagraph (B)), by striking “such an or-
16 ganization” and inserting “an organization de-
17 scribed in subparagraph (A) or (B)”; and

18 (2) in paragraph (2), by striking “paragraph
19 (1)(A)” and inserting “subparagraph (A) or (B) of
20 paragraph (1)”.

21 (b) CONFORMING AMENDMENT.—Section 117(1) of
22 the National and Community Service Act of 1990 (42
23 U.S.C. 12541(1)) is amended by striking “section
24 117A(b)(1)(A)” and inserting “subparagraph (A) or (B)
25 of section 117A(b)(1)”.

1 **SEC. 203. NATIONAL SERVICE PROGRAMS.**

2 (a) TYPES OF PROGRAMS.—Section 122(a) of the
3 National and Community Service Act of 1990 (42 U.S.C.
4 12572(a)) is amended—

5 (1) by redesignating paragraph (15) as para-
6 graph (16); and

7 (2) by inserting after paragraph (14) the fol-
8 lowing:

9 “(15) A program that provides specialized
10 training to individuals and places the individuals
11 after such training in positions as coordinators, su-
12 pervisors, or leaders of programs funded under sub-
13 part C of part I of subtitle B.”.

14 (b) TYPES OF POSITIONS.—Section 123(4) of the
15 National and Community Service Act of 1990 (42 U.S.C.
16 12573(4)) is amended by inserting “or a position de-
17 scribed in section 122(a)(15)” before the period.

18 **SEC. 204. CONFORMING AMENDMENTS.**

19 The table of contents for the National and Commu-
20 nity Service Act of 1990 is amended by striking the items
21 relating to subpart C of part I of subtitle B of title I and
22 inserting the following:

“SUBPART C—COMMUNITY CORPS

“Sec. 118. Grants.

“Sec. 118A. Use of funds.

“Sec. 118B. Applications.

“Sec. 118C. Consideration of applications.

“Sec. 118D. Federal, State, and local contributions.

“Sec. 118E. Limitations on uses of funds.

“Sec. 118F. Accountability.

“Sec. 118G. Authorization of appropriations.

“Sec. 118H. Definition.

“SUBPART D—CLEARINGHOUSE

“Sec. 118N. Service-learning clearinghouse.”.

