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(Original Signature of Member)

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R.**

To establish a National and Community Service Administration to carry out the national and volunteer service programs, to expand participation in such programs, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. LARSON of Connecticut (for himself and Mr. LEWIS) introduced the following bill; which was referred to the Committee on

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**A BILL**

To establish a National and Community Service Administration to carry out the national and volunteer service programs, to expand participation in such programs, 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 “America’s Call To Im-  
5 prove Opportunities Now for National Service Act” or the  
6 “ACTION for National Service Act”.

1 **SEC. 2. TABLE OF CONTENTS; REFERENCES.**

2 (a) TABLE OF CONTENTS.—The table of contents for  
3 this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents; references.
- Sec. 3. Establishment of National and Community Service Administration.
- Sec. 4. Advisory Board.
- Sec. 5. Administrator.
- Sec. 6. National Service Educational Award.
- Sec. 7. Interagency working group.
- Sec. 8. National Service Foundation.
- Sec. 9. Authorization of Appropriations.
- Sec. 10. Exclusion from gross income of Americorps Educational Awards.

4 (b) REFERENCES.—Except as expressly provided,  
5 wherever in this Act there is a reference to a section or  
6 other provision, the reference shall be considered to be a  
7 reference to a section or other provision of the National  
8 and Community Service Act of 1990 (42 U.S.C. 12501  
9 et seq.).

10 **SEC. 3. ESTABLISHMENT OF NATIONAL AND COMMUNITY**  
11 **SERVICE ADMINISTRATION.**

12 (a) ELEVATION OF CORPORATION TO ADMINISTRA-  
13 TION.—Section 191 (42 U.S.C. 12651) is amended—

14 (1) by striking “a Corporation for National and  
15 Community Service” and inserting “the National  
16 and Community Service Administration, an inde-  
17 pendent executive agency”; and

18 (2) by striking “The Corporation shall be a  
19 Government corporation, as defined in section 103”  
20 and inserting “The Administration shall have the

1 same status as an executive department listed in sec-  
2 tion 101”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) NATIONAL AND COMMUNITY SERVICE ACT  
5 OF 1990.—

6 (A) DEFINITION.—Section 101 (42 U.S.C.  
7 12511 is amended by striking paragraph (12)  
8 and inserting the following:

9 “(12) ADMINISTRATION.—The term ‘Adminis-  
10 tration’ means the National and Community Service  
11 Administration established under section 191.”.

12 (B) REFERENCES.—The National and  
13 Community Service Act of 1990 is amended by  
14 striking “Corporation” each place it appears  
15 and inserting “Administration”.

16 (2) DOMESTIC VOLUNTEER SERVICE ACT OF  
17 1973.—

18 (A) DEFINITION.—Section 421 of the Do-  
19 mestic Volunteer Service Act of 1973 is amend-  
20 ed by striking paragraph (7) and inserting the  
21 following:

22 “(7) the term ‘Administration’ means the Na-  
23 tional and Community Service Administration estab-  
24 lished under section 191 of the National and Com-  
25 munity Service Act of 1990;”.

1 (B) REFERENCES.—The Domestic Volun-  
2 teer Service Act of 1973 is amended—

3 (i) in section 2(b), by striking “Cor-  
4 poration for National and Community  
5 Service” and inserting “National and Com-  
6 munity Service Administration”;

7 (ii) by striking “Corporation” each  
8 place it appears and inserting “Adminis-  
9 tration”.

10 **SEC. 4. ADVISORY BOARD.**

11 (a) APPOINTMENT AND TERMS.—Section 192 (42  
12 U.S.C. 12651a) is amended—

13 (1) in subsection (a), by striking paragraph (1)  
14 and inserting the following:

15 “(1) ADVISORY BOARD.—

16 “(A) INITIAL BOARD AND APPOINTMENT  
17 OF REPLACEMENT MEMBERS.—There shall be  
18 in the Administration an Advisory Board ini-  
19 tially composed of the members of the Board of  
20 Directors of the Corporation for National and  
21 Community Service (as in existence the day be-  
22 fore the date of enactment of the ACTION for  
23 National Service Act) and, after the expiration  
24 of such members’ terms and the appointments  
25 set forth in this subparagraph, composed of

1 seven members. Upon the expiration of the  
2 term of the first seven such members whose  
3 term shall expire, a new member of the Advi-  
4 sory Board shall be appointed as follows:

5 “(i) The first three members shall be  
6 appointed by the President, including an  
7 individual between the ages of 18 and 25  
8 who—

9 “(I) has served in a school-based  
10 or community-based service-learning  
11 program; or

12 “(II) is or was a participant or a  
13 supervisor in a program.

14 “(ii) The next member shall be ap-  
15 pointed by the Speaker of the House of  
16 Representatives.

17 “(iii) The next member shall be ap-  
18 pointed by the minority leader of the  
19 House of Representatives.

20 “(iv) The next member shall be ap-  
21 pointed by majority leader of the Senate.

22 “(v) The next member shall be ap-  
23 pointed by the minority leader of the Sen-  
24 ate.

1           “(B) EXPIRATION OF THE TERM OF RE-  
2           MAINING INITIAL MEMBERS.—Upon the expira-  
3           tion of the terms of the remaining members of  
4           the Board of Directors of the Corporation for  
5           National and Community Service (as in effect  
6           the day before the date of enactment of the AC-  
7           TION for National Service Act), no new mem-  
8           bers shall be appointed.”; and

9           (2) by striking subsections (c) and (d) and in-  
10          serting the following:

11          “(c) TERMS.—Members appointed in accordance with  
12          clauses (i) through (vi) of subsection (a)(1)(A) shall serve  
13          for a term of five years.

14          “(d) APPOINTMENT OF NEW MEMBERS AND VACAN-  
15          CIES.—When the term of a member appointed in accord-  
16          ance with clauses (i) through (vi) of subsection (a)(1)(A)  
17          expires, or if a vacancy occurs on the Advisory Board, a  
18          new member shall be appointed by the individual and in  
19          the manner described in such subsection, and, in the case  
20          of a vacancy, shall serve for the remainder of the term  
21          for which the predecessor of such member was appointed.  
22          The vacancy shall not affect the power of the remaining  
23          members to execute the duties of the Board.”.

24          (b) MEETINGS AND DUTIES.—Section 192A (42  
25          U.S.C. 12651b) is amended—

1           (1) in subsection (a), by striking “3 times each  
2           year” and inserting “four times each year, with one  
3           of the four meetings being an annual meeting to re-  
4           view the Administration’s long-term and strategic  
5           goals,”; and

6           (2) by striking subsection (g) and inserting the  
7           following:

8           “(g) ADVISORY DUTIES.—The Board shall have re-  
9           sponsibility for making recommendations to the Adminis-  
10          trator concerning the programs and activities of the Ad-  
11          ministration and the overall policy for the Corporation and  
12          shall—

13           “(1) advise the Administrator with respect to  
14          policies, programs, and procedures for carrying out  
15          the Administrator’s functions, duties, or responsibil-  
16          ities under this Act;

17           “(2) advise the Administrator on establishing  
18          requirements and criteria for qualifying service pro-  
19          grams, and monitor and evaluate the performance of  
20          personnel in carrying out programs and activities ;

21           “(3) review applications of volunteer service  
22          programs for approval under and make rec-  
23          ommendations to the Administrator with respect to  
24          the approval of each program and the amount of fi-

1       nancial assistance (if any) to provide to each pro-  
2       gram;

3             “(4) review and make recommendations to the  
4       Administrator—

5             “(A) with respect to any grants, allot-  
6       ments, contracts, financial assistance, or other  
7       payment of the Administration;

8             “(B) regarding the regulations, standards,  
9       policies, procedures, programs, and initiatives of  
10       the Administration

11            “(5) review, and advise the Administrator re-  
12       garding the actions of the Administrator with re-  
13       spect to the personnel of the Administration, and  
14       with respect to such standards, policies, procedures,  
15       programs, and initiatives as are necessary or appro-  
16       priate to carry out the programs and activities of the  
17       Administration, including those carried out under  
18       the national service laws on the date of enactment  
19       of this Act;

20            “(6) make recommendations relating to a pro-  
21       gram of research for the Administration with respect  
22       to national and community service programs;

23            “(7) ensure effective dissemination of informa-  
24       tion regarding the programs and initiatives of the  
25       Administration;



1           “(8) prepare and make recommendations to the  
2 Administrator for changes in the national service  
3 laws resulting from the studies and demonstrations  
4 conducted by the Administration, which rec-  
5 ommendations shall be submitted to Congress and to  
6 the President not later than January 1 of each year;  
7 and

8           “(9) advise on such other matters as the Ad-  
9 ministrator may request.”.

10 **SEC. 5. ADMINISTRATOR.**

11 (a) APPOINTMENT.—

12           (1) IN GENERAL.—Section 193(a) (42 U.S.C.  
13 12651c) is amended—

14           (A) by striking “an individual who shall  
15 serve as Chief Executive Officer of the Corpora-  
16 tion” and inserting “an Administrator”; and

17           (B) by adding at the end the following:  
18 “who shall hold the same rank and status as  
19 the head of an executive department listed in  
20 section 101 of title 5, United States Code.”.

21           (2) INTERIM ADMINISTRATOR.—Until an Ad-  
22 ministrator is appointed and confirmed in accord-  
23 ance with the amendments made by paragraph (1),  
24 the Chief Executive Officer of the Corporation for  
25 National and Community Service (as in existence the

1 day before the date of enactment of this Act) shall  
2 serve as interim Administrator.

3 (b) CONFORMING AMENDMENTS.—

4 (1) NATIONAL AND COMMUNITY SERVICE ACT  
5 OF 1990.—

6 (A) DEFINITION.—Section 101 (42 U.S.C.  
7 12511) is amended by striking paragraph (9)  
8 and inserting the following:

9 “(9) ADMINISTRATOR.—The term ‘Adminis-  
10 trator’ means the Administrator of the National and  
11 Community Service Administration appointed under  
12 section 193.”.

13 (B) REFERENCES.—The National and  
14 Community Service Act of 1990 is amended by  
15 striking “Chief Executive Officer” each place it  
16 appears, except when such term is used to refer  
17 to the chief executive officer of a State, and in-  
18 serting “Administrator”.

19 (2) DOMESTIC VOLUNTEER SERVICE ACT OF  
20 1973.—Section 421(1) of the Domestic Volunteer  
21 Service Act of 1973 is amended to read as follows:

22 “(1) the term ‘Administrator’ means the Ad-  
23 ministrator of the National and Community Service  
24 Administration appointed under section 193 of the  
25 National and Community Service Act of 1990;”.

1 **SEC. 6. NATIONAL SERVICE EDUCATIONAL AWARD.**

2 Section 147(a) (42 U.S.C. 12603(a)) is amended—

3 (1) by striking “Except as provided” and in-  
4 sserting “(1) Except as provided”;

5 (2) by striking “shall receive a national service  
6 educational award” and all that follows through “ap-  
7 propriations)” and inserting “shall be entitled to a  
8 national service educational award equal to the  
9 amount set forth in paragraph (2)”;

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

11 “(2) **BENEFIT AMOUNT.**—The benefit described  
12 in paragraph (1) payable to an individual described  
13 in such paragraph shall be in an amount—

14 “(A) equal to twice the amount of tuition  
15 of the institution of higher education where the  
16 individual is enrolled or accepted to be enrolled;  
17 and

18 “(B) not to exceed twice the average in-  
19 State tuition at a State institution of higher  
20 education in the State where the individual is  
21 enrolled or accepted to be enrolled.

22 “(3) **APPROPRIATIONS.**—There is hereby appro-  
23 priated to the National Service Foundation estab-  
24 lished under subtitle K, for fiscal year 2017 and  
25 subsequent fiscal years, out of any funds in the

1 Treasury not otherwise appropriated, such sums as  
2 may be necessary to carry out this subsection.”.

3 **SEC. 7. INTERAGENCY WORKING GROUP.**

4 Subtitle G of title I (42 U.S.C. 12651 et seq.) is  
5 amended by adding at the end the following new section:

6 **“SEC. 196D. INTERAGENCY WORKING GROUP.**

7 “The Administrator shall establish an interagency  
8 working group (and consult directly with the heads of Fed-  
9 eral agencies as necessary) to—

10 “(1) evaluate the eligibility for tuition and stu-  
11 dent loan repayment assistance outlined in this sec-  
12 tion for participation in national or volunteer service  
13 programs not administered under this Act;

14 “(2) evaluate the feasibility and advisability of  
15 granting Federal hiring preference under chapter 33  
16 of title 5, United States Code, to an individual who  
17 has completed at least one year of service and are  
18 eligible for the entitlement established under sub-  
19 section (a); and

20 “(3) examine the participation of seniors age 55  
21 and older in national service programs and establish  
22 methods for increasing the participation rate of such  
23 individuals.”.

1 **SEC. 8. NATIONAL SERVICE FOUNDATION.**

2 Title I is further amended by adding at the end the  
3 following new subtitle:

4 **“Subtitle K—National Service**  
5 **Foundation**

6 **“SEC. 199P. NATIONAL SERVICE FOUNDATION.**

7 “(a) ESTABLISHMENT.—In order to encourage pri-  
8 vate gifts of real and personal property or any income  
9 therefrom or other interest therein for the benefit of, or  
10 in connection with, the National and Community Service  
11 Administration, its activities, or its services, and thereby  
12 to further the mission and purpose of the Administration  
13 and to provide greater opportunities for volunteer service,  
14 there is hereby established a charitable and nonprofit cor-  
15 poration to be known as the National Service Foundation  
16 (referred to in this subtitle as the ‘Foundation’) to accept  
17 and administer such gifts.

18 “(b) BOARD OF THE FOUNDATION.—

19 “(1) MEMBERS.—The National Service Foun-  
20 dation shall consist of a Board of the Foundation  
21 having as members the Administrator, ex officio,  
22 and no less than six private citizens of the United  
23 States appointed by the Administrator, who shall  
24 take into consideration appointing—

1           “(A) an individual who is between the ages  
2           of 18 and 25 who has served in a school-based  
3           or community-based service program; and

4           “(B) an individual who has served as a su-  
5           pervisor in the Senior Corps.

6           “(2) TERMS.—The initial terms of members  
7           first appointed shall be staggered to assure con-  
8           tinuity of administration. Members appointed there-  
9           after shall be appointed for a term of six years, un-  
10          less a successor is chosen to fill a vacancy occurring  
11          prior to the expiration of the term for which his  
12          predecessor was chosen, in which event the successor  
13          shall be chosen only for the remainder of that term.

14          “(3) CHAIRMAN.—The Administrator shall be  
15          the Chairman of the Board of the Foundation.

16          “(4) STATUS.—Membership on the Board of  
17          the Foundation shall not be deemed to be an office  
18          within the meaning of the statutes of the United  
19          States.

20          “(5) QUORUM.—A majority of the members of  
21          the Board of the Foundation serving at any one  
22          time shall constitute a quorum for the transaction of  
23          business, and the Foundation shall have an official  
24          seal, which shall be judicially noticed.

1           “(6) MEETINGS.—The Board of the Founda-  
2           tion shall meet at the call of the Chairman and there  
3           shall be at least one meeting each year.

4           “(7) COMPENSATION.—No compensation shall  
5           be paid to the members of the Board of the Founda-  
6           tion for their services as members, but they shall be  
7           reimbursed for actual and necessary traveling and  
8           subsistence expenses incurred by them in the per-  
9           formance of their duties as such members out of Na-  
10          tional Service Foundation funds available to the  
11          Board of the Foundation for such purposes.

12          “(c) AUTHORIZATION TO ACCEPT AND USE GIFTS  
13          AND BEQUESTS.—The Foundation is authorized to ac-  
14          cept, receive, solicit, hold, administer, and use any gifts,  
15          devises, or bequests, either absolutely or in trust of real  
16          or personal property or any income therefrom or other in-  
17          terest therein for the benefit of or in connection with, the  
18          Administration, its activities, or its services. The Founda-  
19          tion may not accept any such gift, devise, or bequest which  
20          entails any expenditure other than from the resources of  
21          the Foundation. An interest in the real property includes,  
22          among other things, easements or other rights for preser-  
23          vation, conservation, protection, or enhancement by and  
24          for the public of natural, scenic, historic, scientific, edu-  
25          cational, inspirational, or recreational resources. A gift,

1 devise, or bequest may be accepted by the Foundation  
2 even though it is encumbered, restricted, or subject to ben-  
3 efcial interests of private persons if any current or future  
4 interest therein is for the benefit of the Administration,  
5 its activities, or its services.

6       “(d) USE OF FUNDS, INVESTMENT.—Except as oth-  
7 erwise required by the instrument of transfer, the Founda-  
8 tion may sell, lease, invest, reinvest, retain, or otherwise  
9 dispose of or deal with any property or income thereof as  
10 the Board of the Foundation may from time to time deter-  
11 mine. The Foundation shall not engage in any business,  
12 nor shall the Foundation make any investment that may  
13 not lawfully be made by a trust company in the District  
14 of Columbia, except that the Foundation may make any  
15 investment authorized by the instrument of transfer, and  
16 may retain any property accepted by the Foundation. The  
17 Foundation may utilize the services and facilities of the  
18 Administration, and such services and facilities may be  
19 made available on request to the extent practicable with-  
20 out reimbursement therefor.

21       “(e) SUCCESSION, POWERS AND LIABILITY.—The  
22 Foundation shall have perpetual succession, with all the  
23 usual powers and obligations of a corporation acting as  
24 a trustee, including the power to sue and to be sued in  
25 its own name, but the members of the Board of the Foun-



1 dation shall not be personally liable, except for malfea-  
2 sance. The Foundation shall have the power to enter into  
3 contracts, to execute instruments, and generally to do any  
4 and all lawful acts necessary or appropriate to its pur-  
5 poses.

6 “(f) BYLAWS.—In carrying out the provisions of this  
7 Act, the Board of the Foundation may adopt bylaws, rules,  
8 and regulations necessary for the administration of its  
9 functions and contract for any necessary services.

10 “(g) TAX EXEMPT STATUS.—The Foundation and  
11 any income or property received or owned by it, and all  
12 transactions relating to such income or property, shall be  
13 exempt from all Federal, State, and local taxation with  
14 respect thereto. The Foundation may, however, in the dis-  
15 cretion of its directors, contribute toward the costs of local  
16 government in amounts not in excess of those which it  
17 would be obligated to pay such government if it were not  
18 exempt from taxation by virtue of the foregoing or by vir-  
19 tue of its being a charitable and nonprofit corporation and  
20 may agree so to contribute with respect to property trans-  
21 ferred to it and the income derived therefrom if such  
22 agreement is a condition of the transfer. Contributions,  
23 gifts, and other transfers made to or for the use of the  
24 Foundation shall be regarded as contributions, gifts, or  
25 transfers to or for the use of the United States.

1       “(h) NON-LIABILITY OF UNITED STATES.—The  
2 United States shall not be liable for any debts, defaults,  
3 acts, or omissions of the Foundation.

4       “(i) REPORTS.—The Foundation shall, as soon as  
5 practicable after the end of each fiscal year, transmit to  
6 Congress an annual report of its proceedings and activi-  
7 ties, including a full and complete statement of its re-  
8 ceipts, expenditures, and investments.

9       “(j) INITIAL FUNDING.—For the purposes of assist-  
10 ing the Foundation in establishing an office and meeting  
11 initial administrative, project, and other startup expenses,  
12 there is authorized to be appropriated \$2,500,000 for fis-  
13 cal year 2017. Such funds shall remain available to the  
14 Foundation until they are expended for authorized pur-  
15 poses.”.

16 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

17       Section 501 of the National and Community Service  
18 Act of 1990 is amended—

19               (1) by redesignating subsection (b) as sub-  
20 section (c); and

21               (2) by adding after subsection (a) the following:

22       “(b) ADDITIONAL AUTHORIZATION OF APPROPRIA-  
23 TIONS.—

24               “(1) AUTHORIZATION.—There is authorized to  
25 be appropriated to the Administration to carry out

1 its programs and functions, including the programs  
2 and activities carried out under this Act and the Do-  
3 mestic Volunteer Service Act of 1973 (42 U.S.C.  
4 4950 et seq.), such additional sums as are necessary  
5 to achieve the goal set forth in paragraph (2).

6 “(2) TEN-YEAR GOAL.—It is the sense of Con-  
7 gress that amounts appropriated under paragraph  
8 (1) should be sufficient to provide or facilitate volun-  
9 teer service opportunities and programs for not  
10 fewer than one million volunteers in full-time na-  
11 tional service per year before the end of the ten-year  
12 period beginning on the date of enactment of this  
13 Act.”.

14 **SEC. 10. EXCLUSION FROM GROSS INCOME OF**  
15 **AMERICORPS EDUCATIONAL AWARDS.**

16 (a) IN GENERAL.—Section 117 of the Internal Rev-  
17 enue Code of 1986 (relating to qualified scholarships) is  
18 amended by adding at the end the following new sub-  
19 section:

20 “(e) AMERICORPS EDUCATIONAL AWARDS.—Gross  
21 income shall not include any national service educational  
22 award described in subtitle D of title I of the National  
23 and Community Service Act of 1990 (42 U.S.C. 12601  
24 et seq.).”.

1           (b) **EFFECTIVE DATE.**—The amendment made by  
2 this section shall apply to taxable years ending after the  
3 date of the enactment of this Act.