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Chapter Eight

Personnel and Administrative Issues

General

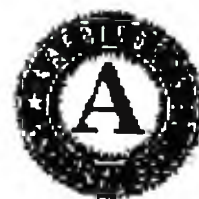
AmeriCorps Members are not Federal employees: however, for the purpose of administration, USDA/AmeriCorps members will often follow many of the same processes used for regular employees.

Benefits to AmeriCorps Members

- living allowance during service;
- child care allowance (if eligible);
- basic health insurance (if eligible);
- educational award worth \$4,725. This can be used for college, job training, or repayment of qualified student loans;
- for full-time member excused absence (40 hours) and Federal holidays; and
- for part-time members excused absence (20 hours) and four Federal holidays.

AmeriCorps Members are NOT Federal employees. Their service in AmeriCorps does not count toward retirement nor does it give them any special status if once they leave the program they apply for a job as a Federal employee.

AMERICORPS NATIONAL & STATE



July 26, 1995

GRANTS POLICY GUIDANCE #2

TO: State Commission Directors
National Direct Contacts

FROM: Michael Keneflick
Director of Grants and Contracts

Diana Rodriguez Algra
Director of AmeriCorps State and National

RE: AmeriCorps Members With Incomplete Service Hours
by the End of Their Term

Background

Full-time AmeriCorps Members (ACMs) are required to serve at least 1,700 hours of service during a period of not less than 9 months and not more than 1 year unless there's a break in their service for compelling personal circumstances.

As AmeriCorps programs (hereafter referred to as grantees) approach the end of their first year it appears that some ACMs may not be able to complete their 1700 hours of service for several reasons, including limits in program design, extended ACM absences and circumstances beyond the control of grantees.

Program design issues can include such issues as a grantee's failure to build adequate time for sick leave, time-off or other exigencies in the program, inadequate opportunities to make-up missed service or a failure to consider project-related external variables that potentially could affect performance of service. For example, not factoring in delays due to the

weather for outdoor construction projects could be considered a program design flaw.

Examples of circumstances beyond the control of grantees which could affect service performance include natural disasters such as floods and fires or human-instigated catastrophes.

Current Requirements on Hours & Successful Completion of Program

To receive their full educational awards, ACMs must perform at least 1,700 hours of service as required by CNS and successfully complete the program requirements as defined by the program. For example, if successful completion of a program requires 1,800 service hours, ACMs in that particular program are not eligible for an education award simply upon completion of 1,700 hours. They must complete all of the service hours and performance requirements of the program to collect their post-service benefit.

Since this is the first program year, grantees should offer ACMs some flexibility on completion of program requirements above and beyond the 1,700 hours if that was not conveyed explicitly in writing to the members at the beginning of the program year, or if experience shows that the additional requirements were unrealistic.

Policy — Full- Time ACMs

Current Policy — Release from Term of Service for Compelling Personal Circumstances

Consistent with the attached Diana Algra / Gary Kowalczyk memo issued in Update #1 dated January 1995, grantees may allow full-time ACMs who have not completed their service hour requirements to receive pro-rated education awards if the reasons for the shortfall are compelling personal circumstances as determined by the grantee. Programmatic situations that are out of the control of the ACM may also be determined to be compelling personal circumstances. Please note that CNS Trust Fund Regulations state that, at a minimum, **ACMs must have completed at least 15 percent (255 hours for full-time members and 135 hours for part-time members)** of the statutorily required service hours to receive a pro-rated education award under any circumstances.

Grantees may allow ACMs who are unable to complete their term of service within one year due to temporary suspension of service for compelling personal circumstances to continue with the program the following year, assuming the program is renewed and has the necessary resources to support the additional ACMs. An ACM may also complete the

term of service at another site if both sites approve. If by the end of the year ACMs have been paid all of their allocated living allowance because they continued receiving payments during the temporary suspension, they may not receive additional living allowance as they complete their term of service. Grantees may, however, use local matching funds for this purpose. If ACMs did not receive a living allowance during their temporary suspension, they should be paid the remainder of their living allowance as they complete their terms of service.

New Policy -- Release from Completing Hours at End of Term

The Corporation hereby authorizes grantees to provide pro-rated educational awards to full-time ACMs who are close to (within 5 percent or 85 hours) completion of 1,700 hours but are unable to do so because they are facing the one year limit and/ or the reason for this small short-fall in their hours is determined by the grantee to be compelling. Any short-fall should be made up by the ACM on the honor system through future volunteer work.

Grantees may determine that full-time ACMs who fall more than 5 percent short of 1,700 hours for other than compelling personal circumstances, but who otherwise successfully complete their terms (and who have completed at least 900 hours of service) are eligible to receive a part-time educational award. Grantees have the authority to approve a fixed part-time educational award of \$2,362.50 in such instances.

Grantees may determine that ACMs who do not complete 1,700 hours because of chronic truancy, tardiness, performance problems or other non-compelling personal circumstances are not eligible for any portion of an educational award.

Award Policy -- Criminal Charge

ACMs who are officially charged with a violent felony, or with sale or distribution of a controlled substance during a term of service will have their service suspended without a living allowance and without receiving credit for hours missed. They may resume AmeriCorps service if they are found not guilty or if the charge is dismissed. If ACMs who have been cleared of such charges are unable to complete their terms of service within one year, they may accept a pro-rated education award as long as they have completed at least 15 percent (255 hours full-time/ 135 hours part-time) of their service.

ACMs may elect to continue with their service beyond the first year assuming the program is renewed and the grantee has the necessary resources to absorb any additional costs. Once again, the term of service may be completed at another site, if both sites approve. ACMs who are convicted of a

criminal charge as described above must be terminated for cause from the program, and they are not eligible for any portion of an educational award.

Policy — Part-time ACMs

The CNS statute allows part-time ACMs up to two years (or three years if they were enrolled in an institution of higher education during any part of their term of service) to complete their 900 hours of service. Accordingly, grantees have more flexibility in addressing the problem with part-time, one-year programs whose members are unable to perform 900 hours and successfully complete the program in the allotted period.

Proposed Award Policy — Compelling Personal Circumstances

Grantees may offer two options to part-time ACMs in one-year programs who are short of the required 900 hours because of compelling personal circumstances. The following options apply only to ACMs who have completed at least 15 percent of their service hours.

Option 1: Grantees may allow ACMs unable to complete all of the required hours to receive a pro-rated award at the end of the year; or

Option 2: Grantees may allow ACMs to continue to serve past the first year if the program will continue for a second year and adequate resources will be available to absorb any related additional costs.

PLEASE NOTE THAT THE ABOVE POLICIES ARE HEREBY INCORPORATED INTO THE TERMS AND CONDITIONS OF YOUR GRANT AWARD. PLEASE MAKE A COPY OF THIS POLICY AND RETAIN IT WITH YOUR GRANT AWARD RECORDS.

/Enclosure

MEMORANDUM

TO: Commission and Project Directors

FROM: Diana Algra, Director
AmeriCorps*USA

Gary Kowalczyk
Acting Chief Financial Officer

SUBJECT: Compelling Personal Circumstances for AmeriCorps
Members

Several of you have requested additional guidance for determining the circumstances under which an AmeriCorps Member may be released from service and still receive a portion of an education award.

Our regulations state that, in order for this to occur, there must be compelling personal reasons.

An individual who is released from a term of service for compelling personal circumstances, in accordance with §2522.230(a) of this chapter, is eligible to receive a prorated education or Stafford loan forgiveness award . . .

(45 CFR Part 2526.30)

The Corporation for National Service allows each project director to decide on a case-by-case basis whether the situation warrants a Member receiving a partial award. The Corporation feels very strongly, however, that the situation must be beyond his or her control.

The following are examples of reasons which could justify the early release of a Member and entitle the person to a portion of an award.

- Sickness or critical illness of the Member

- Death or critical illness of a member of the Member's
immediate family (spouse, parent, sibling, child, or
guardian)

- Termination of a project site if reassignment to another project is not possible.

If a Member leaves AmeriCorps service for any of the reasons noted above, and has served at least 15% of his/her service (or 255 hours for full-time service), the Member would be eligible for a portion of the education award corresponding to the period served.

Generally, the following situations would not justify the Member receiving an award: terminating to go back to school; terminating to get a job; terminating because the Member finds that he or she doesn't enjoy the work; terminating because of size of the living allowance; or terminating to move to another part of the country. While these reasons for leaving may seem justifiable to the AmeriCorps Member, the service activity and the community will suffer. Part of national service is based on a commitment to completing the job. If the Member resigns for any of these reasons or other reasons that are within his or her control, the individual should receive no portion of the AmeriCorps education award.

Project directors are to make these determinations and indicate the reason for early termination on the End of Term of Service forms. The decisions should be based on the criteria contained above.

Finally, since we have already begun receiving forms for Members who have ended their service early, it is important that we have a list of all of the personnel who have the authority to certify the circumstances of a Member's departure. This is particularly important if the Member has terminated for compelling reasons and is entitled to a partial award. We cannot make an award to any individual unless we have on file the name of the official who has certified their termination on the End of Term of Service Form.

If you wish to deligate this authority--which you may if you have numerous Members or local project sites--you must send a letter naming those individuals to the National Service Trust, Corporation for National Service, 1201 New York Avenue, NW, Washington, D.C. 20525.

We would like to thank you for the outstanding effort you have shown in processing AmeriCorps Members and gearing up for their work. If you have any questions relating to the education award, please call (202) 606-5000, extension 347.

AMERICORPS OPERATIONS MANUAL



UNITED
STATES
DEPARTMENT
OF AGRICULTURE

JUNE 1995

Acknowledgment Page

AmeriCorps Team USDA would like to acknowledge and to thank those people who provided assistance in developing this manual during the past year. Assistance was provided by many different sources throughout the Department of Agriculture. A note of thanks must be extended to the people in personnel and finance who helped to develop and design the needed procedures for this program to go forward. Our sincere appreciation goes to Ron DeMunbrun, USDA Office of National Service, for his untiring efforts to find those elusive answers. Also, a very special thanks must go to the USDA Operations Manual Team, consisting of Dave White, Bill Snyder, Dee DiFiore of NRCS and Don Hanson of the Forest Service. It was through their determination and dedication that this manual was developed and completed.



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Chapter One

Program Overview

Purpose

The purpose of the AmeriCorps Program is to "get things done" using the concept of national service as the vehicle. It offers opportunities to all Americans to serve their country and earn education awards in return. It is a grassroots effort to solve the problems facing communities across the Nation. The AmeriCorps Program is administered by the Corporation for National and Community Service (CNCS).

AmeriCorps Ethic

The AmeriCorps Ethic is:

- **getting things done.** Our primary goal is to improve communities by meeting their education, public safety, human, and environmental needs.
- **strengthening communities.** AmeriCorps brings together individuals from different backgrounds and institutions, with different missions and cultures, in the common effort to improve our communities.
- **encouraging responsibility.** AmeriCorps encourages members to explore and exercise their responsibilities toward their communities, themselves, and their families during their service experience and throughout their lives.
- **expanding opportunity.** AmeriCorps Members receive awards to further their education or pay back their student loans, as well as invaluable service experience, specialized training, and life skills.

Program Identity

AmeriCorps has a dual identity. As a community-based program, AmeriCorps meets local needs using local strategies. As a national program, AmeriCorps has national visibility and results.

Benefits of Community Identity

- Strengthen communities
- Resolve problems within the community

Benefits of National Identity

- Increased visibility. The CNCS will do a public relations campaign at the start of the AmeriCorps project year, including extensive media outreach; television, radio, and print public service announcements; and the participation of Administration officials and celebrities in a number of local events. This campaign will continue throughout the year, incorporating a one-half hour documentary on national service and additional activities to lend visibility.
- Enhanced Member experience. The feeling of being a part of a team begins at the program level; it is magnified by being part of a larger force. Membership in AmeriCorps provides context to the service experience.
- Sustainable funding. By showing Congress that AmeriCorps is cost-effective, programs have the opportunity to enjoy a long-term base of funding that is relatively flexible.
- Access to new ideas and program resources.

AmeriCorps Logo

An AmeriCorps/USDA logo is available on camera-ready slicks.

Logo may be added to:

- uniforms,
- stationery items,
- signs identifying the AmeriCorps program,
- recruitment brochures,
- member curriculum and orientation materials,
- banners for AmeriCorps events,
- press releases for AmeriCorps events, and
- publications created by AmeriCorps Members.

Members may also use the logo on business cards, although Federal funds may not be used to print such cards.

Other uses must be approved by the CNCS. Logo may not be used, without written permission, on the following:

- materials that will be sold,
- clothing intended to be worn primarily by individuals who are not members or alumni/ae,
- alter the AmeriCorps logo or use it as a part of any other logo or design, or
- allow a donor to use the AmeriCorps name or logo in promotional materials.



Signs

The Corporation will provide AmeriCorps signs to USDA. Whenever possible, please use the signs to designate AmeriCorps project sites as this will let communities know when Members are working in their local area.

USDA will also provide sites with permanent metal signs to be posted at physical worksites so that our AmeriCorps Members and staff can take lasting credit for the work they performed throughout America--just as alumni of the original CCC can now view plaques at the sites they constructed throughout the country. The signs should be posted at sites where members have performed service: building, repairing and/or renovating physical sites -- such as homes trailheads, timber bridges, kiosks, soup kitchens, community gardens, public parks, environmental education centers, campgrounds, etc.

Standard Paragraph

Include the following two paragraphs in all promotional materials for USDA AmeriCorps programs:

AmeriCorps is President Clinton's national service program, passed with bipartisan support from Congress, that engages 20,000 Americans of diverse backgrounds in performing service that meets critical community needs in return for an educational award, which may be used to pay for college, job training, or graduate school, or to pay back student loans. The majority of AmeriCorps Members are working in partnerships with states, local governments, and non-profit organizations.

The U.S. Department of Agriculture is running three types of AmeriCorps teams in 38 states, composed of approximately 1,200 members: an Anti-Hunger Team, a Public Lands and Environment Team, and a Rural Development Team. Many of the AmeriCorps projects are sponsored by community-based organizations and all projects designed to get things done, while boosting community, opportunity, and responsibility.

AmeriCorps/USDA Mission Statement

The mission of the USDA AmeriCorps program is to engage a diverse group of Americans in working partnerships with communities to provide real and measurable service to meet environmental and human needs, while earning education benefits and building an ethic of service, responsibility, and citizenship.

AmeriCorps/USDA Vision Statement

The vision of the AmeriCorps/USDA program is to have created a model Federal national service program that has, at the end of the first five years of operation:

- improved the quality of life significantly in communities across the country,
- developed a clear national identity respected for its focus on successful results,
- accomplished a measurable series of concrete goals in meeting environmental and human needs, and
- created new ways to reinvent government to make it more accountable and responsive to the citizens who fund it.

The vision is to institutionalize an innovative, respected, and sustainable program within the Department and implement a long-term plan for expansion and replication that eventually makes quality service opportunities available to all Americans.

Program Benefits

The AmeriCorps Program is designed as a holistic program, in that everyone involved with the program will benefit. Its goal is to "get things done." It is a program for all Americans and provides a strategy for solving the most critical problems facing the nation today.

Those involved in the program benefit in the following ways:

- Communities gain the opportunity to resolve problems within the community.
- Sponsors gain the opportunity to accomplish tasks which would not otherwise be accomplished. Provides a new strategy to "get things done."
- Members gain "real-life" experience, a broad array of training, the opportunity to serve their community and their country, and an educational award.

In the course of solving community problems, the program will strengthen communities and members. It will build an ethic of national service and encourage people to invest in their community.



The Philosophy of AmeriCorps

AmeriCorps is based on a key principle of American society that is as old as the republic itself: the idea that, not only does the democracy have the duty to protect and nourish the well-being of its citizens, but that citizens have an equal duty to protect and nourish the well-being of the democracy.

Thomas Jefferson put it this way:

"A debt of service is due from every man to his country proportioned to the bounties which nature and fortune measured to him."

This spirit of mutual civic obligation distinguished the United States from all other nations of the world. Eventually expanding these rights and obligations to all Americans, the United States earned its status as the leader of the Free World. Unfortunately, many Americans now believe the country has drifted from these roots of shared community.

AmeriCorps rebuilds this sense of community that made America great. By bringing together Americans of all races, classes, genders, religions, and physical abilities to work side-by-side, AmeriCorps will strengthen the cords that bind us together as a people. The "sweat equity" created by AmeriCorps can play an important role in healing the nation's wounds and bridging our divisions. AmeriCorps will fundamentally change the country because it creates a new civic compact in which any citizen can be tied to the nation by the simple virtue of making a difference in the lives of others.

AmeriCorps promotes personal responsibility. AmeriCorps gives all Americans a new way of giving something back to the country. It reminds us that, along with rights we enjoy as citizens, we all have certain obligations to protecting those rights and aiding our own communities. Furthermore, AmeriCorps gives young people a tangible way to take charge of their own lives.

AmeriCorps expands educational and economic opportunity. Members in the program will receive a living stipend and will also receive an educational award worth \$4,725 for each year of service successfully performed. AmeriCorps is one of the major Administration initiatives aimed at making post-secondary education once again affordable for most Americans.

AmeriCorps unites the interests of the middle class and the poor. There is NO economic needs test to participate in this program--the only requirement to participate is a desire to serve the country. This program will greatly boost students from the previously forgotten middle class, who now are told their families "make too much money" to qualify for existing Federal aid programs. Yet the program will also help poor families for whom current aid programs are insufficient.

How AmeriCorps Works

Most AmeriCorps projects will begin in the fall, placing 20,000 members in projects throughout the country. While the 20,000 number may seem modest, it is larger than the highest-ever yearly number of people in the Peace Corps. It is anticipated that the number of members will grow yearly.

While USDA manages the largest single Federal agency component of AmeriCorps, Federal agencies in general run only a small portion of AmeriCorps, comprising only about one-eighth of the overall program. Most AmeriCorps projects are funded and overseen by state commissions appointed by each state's governor. Other AmeriCorps projects are funded and managed by national non-profit organizations.

Service will be focused on meeting unmet human, environmental, public safety, and educational needs. The slogan of CNCS is "Getting Things Done" and AmeriCorps will continually focus on accomplishing useful and measurable work of high quality. AmeriCorps is **not** a jobs program, it is a service program.

Individuals may apply for the program either through CNCS or through the individual projects at each location. Both CNCS and USDA will have their own toll-free 800 lines for recruitment.

AmeriCorps will recruit a socio-economically diverse group of Americans. AmeriCorps will bring together Americans of all races, classes, genders, and physical abilities. Members must be age 17 or older, but there is no upper age limit for participation; while we expect that some senior citizens and middle age citizens will participate in the program, it is likely that most members will be 18-26. Members can be high school graduates, vocational school students, college students, college graduates, or professional school graduates. Members can also be high school dropouts if they agree to work towards their GED while in the program.

Members will earn a living allowance and will earn an educational benefit in exchange for a year of service successfully performed. The allowance is provided because members still have to pay for food, transportation, and housing for the year in which they provide full-time service. The educational benefit can be used to pay for college, graduate school, or vocational school in advance, or to repay qualified student loans. It can also be used to pay for job training apprenticeship programs approved by the Department of Labor or Education.



USDA AmeriCorps Program

USDA will run three AmeriCorps teams:

- Public Lands and Environment Team
- Rural Development Team
- Anti-Hunger Team

Both the Anti-Hunger Team and the Public Lands and Environment Team will share the same corps-type model of service, engaging a mix of people to perform service in work crews--usually ten members each--at pilot locations. The work crews may include:

- people who may or may not have completed high school,
- college students, and
- college graduates.

In the Rural Development Team, members will engage in both rural economic planning and rural environment projects, but the program design is very different than the other two USDA programs. The team will establish regional locations of at least five professional and paraprofessional members who assist rural communities in identifying needs and resources necessary for economic, human, and environmental well-being. The members would have highly varied education and training and would be matched up with communities or regions having unmet needs that can be filled by someone with that specific background.

Cluster Requirement: All groups of five are required to meet at least once a month. In order to accommodate this requirement, all members in a cluster must work on a daily basis in duty stations within a fifty mile radius or 100 mile drive -- whichever is shorter.

Chapter Two

Legal Authorities and Restrictions

Legislative Authorities

The National and Community Service Trust Act of 1993, which was signed into law by President Clinton on September 12, 1993 and became Public Law 103-82, provides legislative authority for the AmeriCorps National Service Program.

This law authorizes Federal Departments to apply for and receive financial assistance to implement national service programs. If a Department receives any funds via this law (as USDA does), the full authority contained in PL 103-82 is conveyed to that Department. Thus, the program and the Members in the USDA program are governed by rules and regulations of AmeriCorps.

Kenneth E. Cohen, USDA Assistant General Counsel for Research and Operations, wrote the following in a memo of March 11, 1994 regarding authorities conveyed to USDA through the Corporation for National and Community Service (CNCS):

"USDA may receive assistance from the Corporation (CNCS) (sec 121(b)(1), 107 Stat. 788). The Act confers upon USDA the authority, if it receives assistance under section 121, to conduct national service programs or to enter into contracts or cooperative agreements. While USDA is not fettered in the type of entity that may receive assistance from USDA, existing national service programs should under section 121(b)(4) be considered. Receiving assistance under section 121 confers considerable authority on USDA under the Act that we would not otherwise enjoy generally. No minimum amount of assistance from the Corporation is required to trigger section 121."



Federal Register (Rules and Regulations)

The Corporation for National and Community Service (CNCS) published Final rule of 45 CFR Parts 2510, 2513, et al. on March 23, 1994 in the Federal Register.

The portion of this instrument which is applicable to agreements with Federal agencies for the provision of AmeriCorps program assistance is Part 2523--Agreements with Other Federal Agencies for the Provision of AmeriCorps Program Assistance, beginning on page 13804, and also Parts 2521 and 2522.

A reference copy of this instrument is found at Appendix A.

Grant Provisions

The CNCS has published an instrument called "AmeriCorps USA--Direct Grant Provisions."

This is a valuable and comprehensive documentation of AmeriCorps program policy and guidelines which should be studied at every AmeriCorps level of responsibility.

A reference copy of this instrument is found at Appendix B.

Delegation of Authority

If the CNCS approves and provides any funds for a project, the authority conveyed by PL 103-82 is delegated to the sponsoring organization.

Third Party--Subgrantee

If an AmeriCorps grantee (USDA) enters into a third party arrangement, the authority conveyed by PL 103-82 is delegated to the subgrantee. Third party agreements should be accomplished by Cooperative Agreements.

Support Services

Activities that do not provide a direct benefit to the community, such as clerical work or research, may be performed if they are in support of a direct service. However, such activities may not be the primary activity of a national service program.

Under no circumstances should an individual AmeriCorps Member spend the bulk of the service year providing administrative or clerical support for other AmeriCorps Members; members may not serve as "administrative coordinators" for projects.

Non-Duplication and Non-Displacement.

AmeriCorps Members may not duplicate work already performed by government agencies nor may they displace existing employees. Section 2540.100 of the regulations of the CNCS (in the Appendix) specify these prohibitions. Please read this section carefully.

AmeriCorps Members may not be used to perform service or duties performed by employees who have left the agency for any reason whatsoever, including downsizing, and may not even be used to perform duties when an employee is on leave, a position is left vacant, or is filled by a specific seasonal employee. This also includes positions vacant due to employees who have taken a buyout. Project sponsors should consult with local unions prior to placing AmeriCorps members to ensure there are no conflicts.

AmeriCorps Members "may not be used to duplicate an activity that is already available in the locality in the program." In other words, if an office is already performing a certain function, AmeriCorps members cannot spend the majority of their time performing more of that function. Thus, AmeriCorps Members may not spend most of their year simply relieving a backlog of normal USDA work. On the other hand, the service performed in each USDA AmeriCorps project must carry out both the general mission of the Department and the specific mission of the USDA agency funding that project. Consequently, our projects face a paradox: they must be similar to USDA work, but not identical to routine USDA work.

The best way to deal with this paradox is to ensure that all our AmeriCorps Members are engaged in creative new projects which our Department would not normally be able to support, but nevertheless directly meets critical community needs.

Member Lobbying

AmeriCorps Members are free to contact Members of Congress and other elected officials to express their support of --or opposition to -- AmeriCorps. The contact must be undertaken at his/her own initiative as a concerned private citizen and on his/her own time (not at the request of the AmeriCorps program or during AmeriCorps service hours). The AmeriCorps Member should be clear that s/he is speaking as a private citizen, but may reference the fact s/he is part of AmeriCorps.

Moreover --- as long as members are not specifically "lobbying" by asking others to specifically support or oppose AmeriCorps --- Members should feel free to explain the AmeriCorps philosophy and the details of their own projects to anyone-- including the media, elected officials, family members, project sponsors, friends, and community residents.

Member and Staff Fundraising

In general, neither members nor staff should spend significant amounts of their time raising funds.

AmeriCorps Members cannot spend the bulk of their year raising funds for their projects, although a minimal part of their service activities may include writing grant proposals to obtain funds for local community development projects. Members should also be briefed on ethics guidelines followed by USDA employees and should not attempt to solicit funds from any "prohibited sources", i.e. entities which are in any way regulated by USDA or may be benefited or harmed by any USDA activities.

USDA staff should also be careful not to solicit funds or any in-kind contributions of tools, equipment, office space, etc., from any "prohibited sources". Any contributions or loan of tools etc. must conform to the provisions of the Agriculture Property Management Regulation, Amendment H-4, Subpart 104-43.80, 12/19/86 and 7 CFR 0.735-12. Employees should err on the side of caution and consult with their agency ethics officials before taking any action to solicit contributions or in-kind donations. Neither AmeriCorps nor USDA can afford even the appearance of conflict of interest, even if an action was taken to advance a generally lofty goal such as obtaining equipment or supplies for a member. In addition, all USDA employees should be aware that Federal law generally restricts significant fundraising activities performed by Federal employees.

The best way to raise funds is for partner organizations to play that role on their own with little or no coordination with AmeriCorps Members or staff. RC&D Councils, Conservation Districts, non-profit organizations, the National Forest Foundation, Friends of the National Arboretum, etc. can all independently raise and accept money and in-kind donations for our projects.

Prohibited Activities

Prohibited activities may not be performed by members in the course of their duties, at the request of program staff, or in a manner that would associate the activities with the national service program or the Corporation. These activities include:

1. any effort to influence legislation,
2. organizing protests, petitions, boycotts, or strikes,
3. assisting, promoting, or deterring union organizing,
4. impairing existing contracts for activities, or other activities designed to influence the outcome of an election to any public office,
5. engaging in religious instruction, conducting worship services, providing instruction as part of a program that includes mandatory religious education or worship constructing or operating facilities devoted to religious instruction or worship, maintaining facilities primarily or inherently devoted to religious instruction or worship, or engaging in any form of religious proselytization,
6. providing a direct benefit to:
 - a. a business organized for profit,
 - b. a labor union,
 - c. a partisan political organization,
 - d. a nonprofit organization that fails to comply with the restriction contained in part 501(c) of the Internal Revenue Code of 1986, and
 - e. an organization engaged in the religious activities described above, unless Corporation assistance is not used to support those religious activities, and
7. Serving for the majority of the year in activities:
 - a. providing office support for other members,
 - b. engaging in public affairs or media outreach activities,
 - c. fundraising,
 - d. Performing routine office work.

Restrictions on Economic Planning Work

Given that many USDA Rural Development Team Members are working on projects to promote economic development, these members must be especially careful not to violate the prohibition on service providing a "Direct benefit to a business organized for profit." Members who interact with for-profit entities should ensure that their work follows the following four principles:

- 1) The service must be focused on providing a general benefit to surrounding community, not a direct benefit to an individual business.
- 2) Any benefit to an individual for-profit entity must be "incidental" and minimal compared to the direct benefit provided to the community.
- 3) All services provided by AmeriCorps Members must be advertised publicly through the media and other information sources and must be made available equally and impartially to all parties in that area.
- 4) Under no conditions should a member work full-time on a project that would benefit solely one for-profit entity.

Chapter Three

Project Design and Development

General

The first step to creating an AmeriCorps proposal lies in project design and development. Once this is done, a formal application can be submitted through USDA to the Corporation.

The AmeriCorps Program is designed to start at the local level, have a direct benefit on the community it serves, and focus on "unmet human, environmental, educational, or public safety needs." The program's goal is to "get things done" and offers communities a new strategy for solving old problems.

In order to capitalize on the opportunities presented by this program, strong community projects must be designed and fully developed. Partnerships need to be formed and broad-based community involvement has to be built.

The National and Community Service Trust Act of 1993 authorizes Federal agencies to enter into cooperative agreements with youth service corps to carry out national service projects. Consideration should be given to utilizing existing youth corps resources when developing a project proposal.

Identify Needs

During project design and development, agency representatives interested in AmeriCorps may assist communities in identifying their needs. Forming strong partnerships with local organizations, private landowners, farmers, and non-profit groups are key to identifying local needs.

This locally-based approach is designed to insure that all those involved are stakeholders and bring resources to the project. Resources can be cash, in-kind services, or any assets that contribute to the project. Everyone has something to offer.

After extensive communication with area businesses, organizations, and residents, various strategies should be developed to successfully meet area goals. These strategies should be carefully reviewed, discussed, and analyzed and should lead to long-term, sustainable solutions to community problems.

Based on goals, needs, and strategies, project(s) should now be developed.



Residential/Non-residential Projects

Public Lands and Environment Corps:

Both residential and non-residential projects will be in operation. Members in non-residential projects live at home and commute daily to their duty station. Residential projects provide lodging, meals, and other support services for members. The pay of members in residential projects will have "commissary" deductions for the food and lodging which is provided. However, a waiver is required from the CNCS for this deduction. Project managers who have a need for this deduction, should make a request in writing to Agency National Headquarters who in turn will forward the request to the Department.

Rural Development Corps:

All Rural Development Team Members will be located in and around communities with which they will be working. Each member will have a duty station, but will not necessarily report there each day. Rural Development Team Members often work independently, interacting directly with representatives from the communities they serve.

The smallest acceptable team size in an area is five. These five members must meet at least once a month. In order to accommodate this requirement, all members in a cluster must work on a daily basis in duty stations within a fifty mile radius or 100 mile drive -- whichever is shorter.

Project Design and Development

A few of the factors to be considered in project design and development are:

- potential partners,
- availability of funds,
- contributions available from the community, and
- the scope of the project.

Projects should be well defined and include a mission statement, goals, and objectives. These items help to clarify projects and highlight intended accomplishments.

When writing up the project, a few specific factors to be considered are:

- benefit-cost ratio,
- comparison of alternatives,
- consideration of available agency and community resources,
- potential sponsors, and
- objectives and scope of work for the project(s).

It is during this stage that the AmeriCorps program should be considered. Careful consideration should be given as to how this program can help you reach project goals. The resources available through AmeriCorps must be evaluated as to whether or not this program is the best strategy to use to accomplish project goals. It will not be the best strategy for all projects but for many it offers tremendous resources.

Chapter Four

Cooperative Agreements

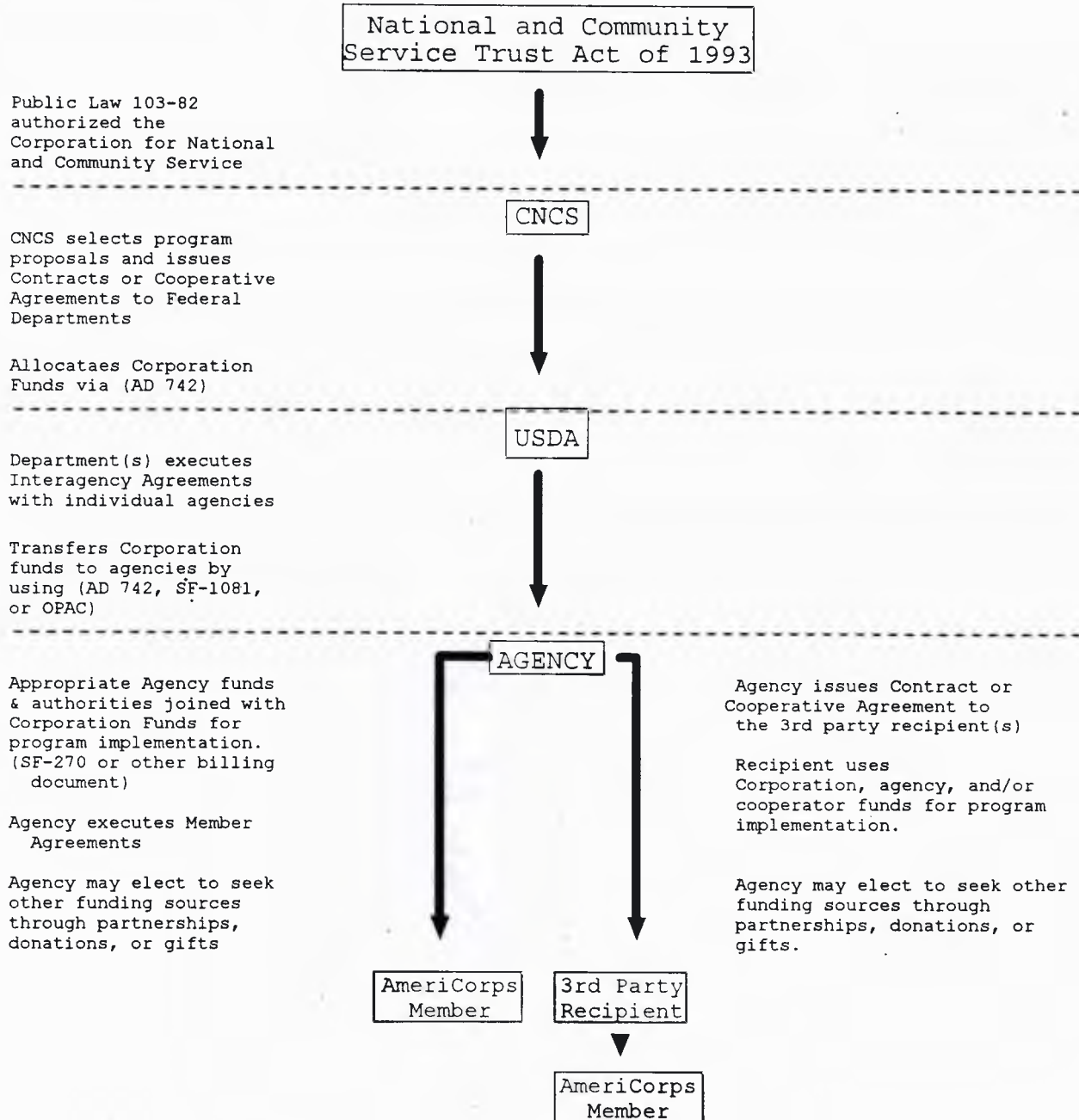
The Act

This chapter describes the activities and instruments used to flow down authorities and funds from the National and Community Service Trust Act of 1993, Public Law 103-82 (the Act) through agency implementation. The Act provides for the Corporation for National and Community Service (CNCS) to issue contracts or cooperative agreements to Federal agencies to carry out national service projects. The CNCS uses a competitive process to determine who will receive Corporation funding. There are separate competitions for Federal agencies, States, and non-Federal organizations.

All of the Federal agency applications (sometimes referred to as proposals) are consolidated by each Department and forwarded to CNCS. Federal agency applications must provide complete details regarding their proposed projects, including all project activities, locations, contractors and/or recipients (also referred to as third parties or grantees), and budget breakdowns. If program management activities, competition for those contractors or recipients should have taken place prior to submission of the applications to the Department.

CNCS evaluates the applications against their national service program evaluation criteria, negotiating if necessary, and selects the highest rated Departmental applications for award. Contracts and agreements are then awarded that flow-down from the CNCS to the Departments to the Federal agencies, and in some instances on to contractors or recipients. This process is shown in the flow-chart on the following page and explained in detail throughout the chapter.

Flow of Contracts or Agreements





Corporation for National and Community Service

Once Departmental applications are selected, CNCS will issue a Corporate contract or Cooperative Agreement (CA) to the United States Department of Agriculture (USDA). The Corporate contract or CA will consist of three pieces: an award letter including CNCS requirements, CNCS grant provisions for Federal agencies, and the application submitted by the department. These instruments validate CNCS approval of the projects identified in the USDA application and obligate Corporation funding to be made available to USDA. Since the USDA will not be performing on-the-ground operation of the national service programs, the CNCS funding now contained in a USDA account must be transferred to the respective agencies charged with operating the programs. This is accomplished by the issuance of interagency agreements (IA's) from the USDA to participating agencies.

U.S. Department of Agriculture

In order to effect the transfer of funds from the USDA to the agencies, IA's must be issued. These instruments are bilaterally signed and may be written in a narrative format solely or an AD-672, Reimbursement or Advance of Funds Agreement. Either format should include a detailed explanation of the project, the USDA application approved by CNCS, any other conditions imposed by the USDA or agency. The agency fiscal personnel bill the USDA for the approved funding as shown in the IA, using an AD-1081 or AD-742. This billing effects the transfer of funds into an agency account. It is significant to note that any program performance to be paid using CNCS funds should not begin until the date the last signature is obtained on the interagency agreement and transfer of funding is made.

AGENCIES

The USDA consolidated application to the CNCS will include agency applications (proposals) providing for the AmeriCorps program management and projects to be accomplished with either (1) agency personnel alone or (2) both agency personnel and contractors and/or recipients (also referred to as third party recipients).

AGENCY PERSONNEL

If the USDA application to CNCS proposed all of the AmeriCorps program management and projects to be accomplished using agency personnel alone, there may be no other (sub) contracts or (sub) cooperative agreements needed.

THIRD PARTY INVOLVEMENT

If the USDA application to CNCS proposed the involvement of contractors or third parties (also referred as recipients or grantees) in AmeriCorps program management activities, agencies will need to issue contracts or CA's to the third parties as described below.

1. **AGENCY CONTRACTS.** Under the AmeriCorps Program, agencies, through their respective departments, may receive a Corporate contract issued by CNCS. For agencies that wish to contract their program to a third party, they will need to solicit and award contracts. These contract packages should cite the Corporate contract number and include any pertinent CNCS or USDA requirements. Negotiated contracts normally require a competitive process which takes approximately 120 days for solicitation and award. The (sub) contracts will consist of an award letter with appropriate references to the Corporate contract and other CNCS, USDA, and agency specific requirements, a Standard Form (SF) 33 Or 26, Sections B through J, and incorporation of the contractors technical and cost proposal.

2. **AGENCY COOPERATIVE AGREEMENTS.** Under the AmeriCorps Program, agencies through their respective departments will receive a Corporate CA issued by CNCS. In order for the agencies to have third parties participate in agency AmeriCorps program management activities, agencies will need to solicit and award (sub) cooperative agreements, effectively making the organizations (sub) recipients. It should be noted that the title "sub-cooperative agreement" will probably not be on the document. At the CNCS or USDA level, it will probably be referred to in discussions as a (sub)cooperative agreement. At the agency level, it may be referred to simply as a cooperative agreement. However, the (sub) cooperative agreement package should cite the Corporate cooperative number and include any pertinent CNCS, USDA, or agency specific requirements.

7 CFR 3015.158 requires competition for cooperative agreements if the estimated value exceeds \$75,000. However, if agencies wish to transfer management of their AmeriCorps activities to other recipients (also referred to as third parties or recipients) after Fiscal Year 1995, the USDA requires agencies to obtain recipient participation competitively, selecting the organizations proposing the best technical approach and highest contributions. This can be a good mechanism to increase the amount of non-Federal contributions to the program and alleviate the need for excessive Federal personnel in the effort. In most instances, the time frames for solicitation and award are much quicker than for contracts. Refer to Appendix C for a sample Forest Service financial assistance announcement for use in the competitive process.

The CNCS requires that Federal agency applications provide complete details regarding their proposed projects, including all project activities, locations, contractors and/or recipients (also referred to as third parties or recipients), and budget breakdowns. In order to accommodate this requirement, recipient competition and selections must be completed prior to submission of the agency application to the USDA. The competitive process will need to get under way early each Fiscal Year (FY), such as competition sought in November of FY 95 for projects proposed in FY 96. The solicitation notice should clearly identify that the award of CA's is contingent upon approval and receipt of CNCS funds and subject to the availability of agency funds made available from Congress. This makes it clear to competing organizations that the agency selection is tentative and contingent upon approval by the USDA and CNCS. If competitors are notified of their tentative selection as potential awardees, the letter should be worded carefully. It should clearly state that the selection is tentative and that no performance should start until the agency has executed a CA. Once tentative selections have been made and any areas in question are negotiated to the parties mutual satisfaction, the application can be included in support of the agency application to the USDA for approval and submission to the CNCS.

Once the CNCS has issued a CA to the USDA/agency, agency CA's may be issued to the selected recipients. Agency CA's consist of an award letter, the third party application (which should include an SF 424, an SF 424A, a complete cost break-down which explains and supports the figures shown in the SF 424A, a narrative statement of the project explaining the third parties technical approach for accomplishing and operating the program, and required assurances and certifications (such as Anti-lobbying, Drug-Free Workplace, etc.)). The award letter should include reference to the Corporate CA and the Office of Management and Budget Circular requirements as implemented by the USDA, agency specific requirements (such as types and frequency of reports, advance vs reimbursable funding and frequency of billing allowed, program income, equipment requirements, etc.), appropriation or management codes needed by the recipient for billing purposes, etc. Agency grant officers can provide detailed information and guidance on agency processes for competition and award of the agency CA's.

3. PERFORMANCE. The award of an agency contract or CA validates agency approval of the project performance and obligates the agency funding (either received from the CNCS through the USDA IA or from agency appropriations) to be made available for contractors or third parties to take over management of agency AmeriCorps program activities. After receipt of the award document, contractor or third party personnel may bill the agency, requesting either advance or reimbursable payments depending on what type of funding was approved, up to the maximum amount as shown in the award document. Contractors may use their own billing format. Recipients use an SF 270. These billings effect payment and the transfer of funds from agency accounts to contractor or third party accounts. Normally billings are allowed to occur on a monthly or quarterly basis. It is significant to note that any program performance by contractors or recipients to be paid using agency or CNCS funds should not begin until the date the contract or CA is signed.

Agency personnel and contractors or recipients may anticipate or have negotiated and planned for further transactions which contribute to or support the contracts or CA's. This may lead to the processing and award of other agreements or the acceptance of gifts or donations, as discussed below.

OTHER AGREEMENTS OR DONATIONS

The USDA's consolidated application to the CNCS may include agency applications (proposals) providing for the AmeriCorps program management and projects to be accomplished with either (1) agency personnel alone or (2) both agency personnel and contractors and/or third parties. If agencies proposed to use both agency personnel and third parties, both parties are providing a contribution to the total value of the project. Agency funding is clearly considered an agency contribution to the project. When applicable directly to the agency, IA's with other Federal agencies, agreements separate and apart from an agency CA (such as challenge cost-share or collection agreements), noncash contributions, or cash contributions, the acceptance of donations, or in-kind contributions are also legitimate to include as part of the agency contribution to the project. When applicable directly to a (sub) recipient, donations, noncash contributions, and in-kind contributions may be included as part of their contribution to a CA.



Other agreements or donations made directly to agencies or third parties must always be separated and accounted for respectively; at no time can the agreements be viewed as being intermixed. This is required so that each party's matching contributions are legal, clear, and verifiable upon audit.

Each agency under the USDA has their own enabling statutes which may or may not allow for the award of agreements, acceptance of donations, or use of agency funds for AmeriCorps activities. For example, the USDA Forest Service has statutory authority to enter into challenge cost-share, participating, collection agreements, and several others. However, for the purposes of AmeriCorps activities, the USDA Forest Service may only use cooperative agreements and accept gifts or contributions, as appropriate. When other agreements or donations are to be included as part of an agencies' contribution, the proper instruments must be awarded in accord with agency procedures prior to any performance being started or funds being spent. Close attention should be given to ensure the activities defined under agency statutes and appropriations received by Congress are appropriate for use in AmeriCorps activities. Agency contracting or grant officers can provide detailed information and guidance on agency specific processes for entering into other agreements or accepting gifts donations.

Funding Requirements

If an organization receives a grant from USDA to support the AmeriCorps Members and if the organization actually payrolls the AmeriCorps Members, than that organization is required to provide a match for 15% of the Member's living allowance with non-Federal funds. If however, the sponsoring organization receives only the time of the Members and not significant funds from USDA, and if USDA is actually payrolling the Member, then the organization has no matching requirement.



Chapter Five

Process for Grant Application

The Process

The National Corporation establishes the criteria and content requirements for AmeriCorps applications.

The following information is based on the 1994 process and provides insight into what kinds of information the corporation seeks. Because the format is subject to revision --- and because each USDA agency has a different internal project application and selection process --- USDA employees who plan to develop an AmeriCorps project should first check with their National Headquarters.

Corporation Funding

Each year Congress may allocate funds for the Corporation. These funds will then be given out on a competitive basis. Entities may apply for these funds through the following channels:

1. **State Competition** - the Act directs States to establish State Commissions (Appendix D). Non-profit organizations and State agencies may submit applications to their State Commission. The State Commissions will then select projects for submission to the Corporation. This is a competitive process within the State and then at the national level.
2. **Direct Competition** - national non-profit organizations may submit applications for assistance directly to the National Corporation.
3. **Federal Competition** - Federal agencies may compete for funds. Applications may be submitted only from the Cabinet level. Within USDA, the Office of National Service coordinates agency applications.
4. **Special Set-Asides** - one percent of funds allocated for assistance is set-aside for applications from Indian Tribes. One percent is also to be set-aside for applications from certain territories and possessions.

Note: Rules for non-profit organizations applying for funds vary from those for Federal agencies. Non-profit groups should check with either their State Commissions or the National Corporation. Entities may only apply through one source for a project.



Grant Application Submission

Field personnel who wish to participate in the AmeriCorps Program should follow their chain of authority with the goal of submitting their project to their agency Headquarters in Washington, D.C. Local non-profit organizations who wish to participate in the AmeriCorps Program as partners with Federal agencies should join at the local level to develop projects.

When to Submit Grant Applications

The National Corporation establishes the deadline for submission of applications. Agency field offices will be notified of the deadline when the Corporation establishes it. However, applications can be submitted early to agency headquarters to allow for reviews and changes to improve and strengthen projects.

Number of Requests

There is no limit to the number of project proposals that may be submitted for consideration. The number of proposals approved is dependent upon funds available, and we will not be able to approve all proposals. Proposals must compete in some manner for whatever funds are available. Therefore, it is important that any proposal submitted is well developed, in the correct format, and meets all criteria. Due to the time and energy needed to develop a competitive proposal, it may be best to focus on only one or two project proposals. If someone has several projects they want to propose, consideration might be given to whether the projects are similar enough to be rolled into one umbrella proposal.

Types of Program Assistance

Program assistance falls into two categories: planning or operational.

- **Planning grants** - proposals for planning a national service program may be submitted. If the community has a project they would like to implement but have not completed the planning process, a request for a planning grant may be submitted. Planning grants are for a period of six months to one year only and are not renewable.
- **Operational grants** - operational proposals are for those projects that have completed the planning stage and are ready to begin implementation. Operational grants can include a planning period of not more than six months to complete the final stages of program development before implementation. These grants are renewable. Renewal funding is subject to periodic assessment of program quality, successful performance against stated objectives, and availability of funds.

The Corporation may award operating grants for the purpose of replicating successful program models at other sites. A replicable program model must:

- have a track record of success,
- have identifiable core elements that account for its effectiveness,
- have local support,
- be adaptable to local circumstances, and
- not duplicate a program already in the geographic area.

Type of Projects

Any type of project may be submitted as long as it:

- falls within the agency statutory authority,
- meets priorities established by the agency, USDA, or the National Corporation, and
- meets all project criteria.

Project Criteria

Projects will be evaluated on the following criteria:

Criteria	% of rating
Quality (70%)	
Impact	40%
Program Infrastructure & Capacity	30%
Sustainability	15%
Innovation and Replicability	15%

The following information explains and breakdowns this criteria.

QUALITY (70%)

Impact (40%)

- **Direct and Demonstrable Benefit** - any proposal submitted for approval as an AmeriCorps Program shall provide a direct and demonstrable benefit that is valued by the community. Service activities must result in a specific identifiable service or improvement that otherwise would not be provided with existing funds or volunteers, and that does not duplicate the routine functions of workers or displace paid employees.
- **Strengthening Communities** - programs must strengthen communities, bringing together both institutions and individuals to cooperate in creating lasting and constructive change.
- **Partnerships** - programs must perform projects that are designed, implemented, and evaluated with extensive and broad-based local input, including consultation with representatives from the community served, members (or potential members) in the program, community-based agencies with a demonstrated record of experience in providing services, foundations, businesses, and local labor organizations representing employees of service sponsors if these entities exist in the area to be served.

Partnerships will assist in strengthening communities by offering programs the opportunity to collaborate with various sectors of the community that can provide technical expertise in substantive areas.

- **Diversity** - programs can build strong communities by involving diverse members and staff in activities that encourage mutual understanding and cooperation. Programs must seek actively to include members and staff from the communities in which projects are conducted, as well as individuals of different races and ethnicity's, education levels, socioeconomic backgrounds, both men and women, and individuals with disabilities.
- **Member Development** - the program must be able to instill the ethic and skills needed for productive and active citizenship by engaging members in worthwhile service, education, and leadership development activities; provide members with the training, skills, and knowledge necessary to perform the tasks required in their respective projects, and if appropriate, specific training in a particular field; assist members to earn the equivalent of a high school diploma, if necessary; and provide support to members in their transition to other educational career opportunities.

Quality is also indicated by the extent to which

- the program will provide productive and meaningful education experiences that incorporate service-learning methods;
- the program will meet community needs and involve individuals from diverse backgrounds (including economically disadvantaged youth) who will serve together to solve community problems;
- the principal leaders of the program will be well qualified for their responsibilities;
- the program has sound plans and processes for training, technical assistance, supervision, quality control, evaluation, administration, and other key activities; and
- the program will advance knowledge about how to do effective and innovative community service.

Quality (70%)

Program Infrastructure and Capacity (30%)

The Program's infrastructure and capacity will be evaluated as evidenced by:

- a clear mission statement, objectives, and indicators of success;
- a staff with a strong track record in operating programs similar to that being proposed;
- the organization's past achievements;
- its ability to provide appropriate staff and member orientation, training, and supervision; and
- a plan for continually improving the program based on self-assessment and monitoring of community and member self-satisfaction with work performed.

Sustainability (15%)

The Corporation will measure sustainability by the program's ability to:

- be cost-effective in achieving the identified objectives;
- exceed the match requirements with non-Federal funds or for Federal agencies to provide a substantial match to Corporation funds;
- obtain additional funding sources to sustain the program beyond the period of Corporation support; and
- provide evidence of an existing relationship between the organization(s) and community.

Sustainability is also indicated by the extent to which:

- the program will foster collaborative efforts among local educational agencies, local government agencies, community based agencies, business, and State agencies;
- the program will enjoy strong, broad-based community support; and
- there is evidence that financial resources will be available to continue the program after the expiration of the grant.

Innovation and Replicability (15%)

The Corporation will measure innovation by the program's ability to develop creative or distinctive approaches to meeting program objectives. Replicability will be evaluated on the program elements that are adaptable to other programs, locations, or approaches to service such as a rural community, small city, or part of a larger city.

Priority Proposals

The Corporation also gives priority to proposals that:

- involve members in the design and operation of the program;
- reflect the greatest need for assistance, such as programs targeting low-income areas;
- develop civic responsibility and leadership skills and qualities in members;
- demonstrate the ability to achieve the goals of this part on the basis of the proposal's quality, innovation, replicability, and sustainability; or
- address any other priority established by the Corporation for a particular period.

Application Format

Each new proposal must submit the following information on a disk and in hard copy:

1. Title Page -

- a) Title of Project
- b) Name of Organization
- c) Team Type (PL&E or RDT or Combined)
- d) State of duty station of AmeriCorps Members
- e) County of duty station of AmeriCorps Members
- f) Names of counties served by Members (up to 15 counties)
- g) Congressional District of duty station of Members
- h) Name of site supervisor (at local or county level)
- i) Address, phone number, and fax number of site supervisor
- j) Name of State Project Director
- k) Address, phone number & fax number of State Project Director
- l) Number of Members in Environmental Teams
- m) Number of Members in Rural Development Teams

2. Summary Page - a one page overview containing the following components:

- a) Specific needs to be met
- b) Site design
- c) Number of participants
- d) Description of administering organization
- e) Identification of primary partners

3. Mission and objectives

- a) What is your mission?
- b) What are your annual objectives? (list at least three)

4. **Narrative** (not to exceed 7 pages) In approximately seven pages organized and labeled in the stipulated categories, provide the following information with as much specificity as possible.

(a) **Needs to be met** and appropriateness for national service. Identify the nature of the specific need(s) to be met by the proposed national service program, including how and why these needs are appropriately or uniquely addressed by a national service program. Give a detailed description of the environmental problems to be solved. How do these needs relate to the national priorities? If they do not relate to the national priority areas, please explain why they were selected. Explain the direct benefit of the project to the community. You must be able to demonstrate a direct, quantifiable, measurable benefit to the community. If you cannot measure the benefit, you may need to rethink your project.

Process. What was the process by which the needs were identified? Who was involved identifying the needs and to what extent were residents, of the community in which the service will be provided, involved in any needs assessment activities. Explain in detail the role of each partner in assessment and start-up phase and how each partner will participate during the year.

(b) **Design.** Describe the concept and design for the program, including the nature of specific service activities to be performed by participants and how these activities address the identified needs and meet the program objectives. Describe how the project will be evaluated and monitored during the year. Explain how your success will be measured at the end of the year.



Concept. What is the basic concept for the design of the program? How will the program be structured? Where will it be located? Describe any institutional or programmatic collaborations or partnerships that will be involved in operating the program, including the extent to which the program builds on existing service programs.

Service Activities. What activities will participants engage in, and how will these projects or activities result in direct and demonstrable service that addresses the identified needs. Describe a typical week in the life of program participants, giving concrete examples of the types of activities or duties participants will perform.

Relation to Need. How do the service activities respond to the identified needs?

Participant Training and Support. How will participants be trained, supported, or otherwise prepared for their assignments or placements? Describe the key elements of the participant training, in-service education, or service-learning curriculum employed to improve participants' skills, prepare them for placement, and foster positive civic values.

Participant Placement and Supervision. How will participants be placed (in teams, small groups, or individuals) and matched with assignments. Rural Development Team Members may be placed individually; however, they must be within a 50 mile radius or a one hour drive. Furthermore, a cluster site must be established and teams members must meet once a month at this site. This monthly meeting can be used in several ways, i.e., training, or team projects. In the case of PL&E teams, they must be kept in teams and must always have adequate supervision. Rural Development Team Members can be included in your design to use as crew leaders who will be able to assist with supervision. How will service sponsors or host-sites be oriented and prepared for placement of Members? This is an important issue, so be sure to cover it sufficiently.

5. Objectives:

Each Rural Development Team Member performing an individual task must have an individual community service objective. Each Anti-Hunger and Environmental Team site must have at least five objectives. Each objective must be in the proper format, all questions answered and be measurable.

COMMUNITY SERVICE OBJECTIVES		
Objective 1		
Grantee Name:	Site: _____	
SITE SUPERVISOR:	PHONE:	COUNTY:
COMPONENTS OF OBJECTIVE STATEMENT:		
1. What work will be done? What service activities will your members engage in?		
2. What is the hoped for result of the work/activities described above?		
3. How will you measure the quality of your product or impact of your service?		
4. By what standard will you gauge success?		
5. How many Individuals will receive the benefit of the work your members perform?		

Below are some examples of unacceptable Community Service objectives:

Member training.
Fundraising.
Public relations work.

We fully realize that the community service objectives are most difficult to craft for Rural Development Team projects. These objectives must clarify precisely how community members will directly benefit from the service of AmeriCorps Members -- **not** how many meetings will be held, how many research reports will be written, how many plans will be formulated, how much data will be collected, or how many people will learn about USDA programs.

Community service objectives should stay away from vague buzzwords such as "facilitating partnerships", "broadening public understanding", etc. Rather, the objectives should focus on how many trees will be planted, how many people will receive better housing, how much the recycling rate will be increased, how many new small-scale farms will be created, how many more people will receive running water, how many students will receive educational presentations, how many new businesses and jobs will be created, how water quality will be improved, how many new tourists will be brought to an area, etc.

The objectives must clarify how each AmeriCorps Member has a distinct service project with distinct goals that are different from the existing work of the sponsoring USDA agency, RC&D Council, county agency, or community group. Too many draft objectives gave the false impression that AmeriCorps Members will simply be supplementing the workforces of our agencies or partner organizations.

Each objective must realistically relate the service to be performed to the final goal. For instance, an objective cannot simply state that a Member will create a tourism plan for the area, and that such a plan will create 1,000 new jobs. The objective needs to explain precisely how the member will not just plan, but actually help implement, concrete activities that directly create 1,000 jobs.



Each objective must define an impartial way of assessing the quality of the service to be performed. It is unacceptable to use vague language indicating that, somehow, everyone will be satisfied. Rather, if the objective relates to education, the objective should predict specific percentile increases in test scores on that topic. If the objective relates to recycling, the objective should predict the actual decrease in the number of tons of waste weighed-in annually at the county landfill.

Lastly, each objective must state exactly how many community residents will receive the direct benefits from the service performed by our AmeriCorps Members. It is unacceptable to simply make the claim that an AmeriCorps project will somehow benefit everyone in a town or a county, and then list under the number of people served the total population of the town or county. Rather, this number should reflect a carefully thought out prediction of how many people will be concretely aided by the direct service of AmeriCorps.



Applications for Renewal

Sponsors that have an approved project and wish to renew must submit the following:

1. A letter of intent to renew.
2. Quarterly Report (most recent).
3. Title Page:
 - a) Title of Project
 - b) Name of Organization
 - c) Team Type (PL&E or RDT or Combined)
 - d) State of duty station of AmeriCorps Members
 - e) County of duty station of AmeriCorps Members
 - f) Names of counties served by Members (up to 15 counties)
 - g) Congressional District of duty station of Members
 - h) Name of site supervisor (at local or county level)
 - i) Address, phone number, and fax number of site supervisor
 - j) Name of State Project Director
 - k) Address, phone number & fax number of State Project Director
 - l) Number of Members in Environmental Teams
 - m) Number of Members in Rural Development Teams
4. Summary Page (one page overview):
 - a) Exactly what specific accomplishments were achieved in the first half year of the project in meeting the community service objectives and boosting the personal development of the members.
 - b) The key elements of the program design for next year. Specifically describe each new service project to be performed by the Members. Describe any major changes in management structure or partner organizations.

5. Objectives:

Each Rural Development Team Project must have at least one objective. Each Environmental Team Project must have at least three objectives. Objectives must be in the proper format, answer all five questions and be measurable.

Objectives are one of the most critical parts of your application. If they are not specific, if they are not measurable, or if they do not show a direct benefit to the community, they will not be accepted.

COMMUNITY SERVICE OBJECTIVES		
Objective 1		
Grantee Name:	Site: _____	
SITE SUPERVISOR:	PHONE:	COUNTY:
COMPONENTS OF OBJECTIVE STATEMENT:		
1. What work will be done? What service activities will your members engage in?		
2. What is the hoped for result of the work/activities described above?		
3. How will you measure the quality of your product or impact of your service?		
4. By what standard will you gauge success?		
5. How many Individuals will receive the benefit of the work your members perform?		

Below are some examples of unacceptable Community Service objectives:

Member training, Fundraising, or Public relations activities

Renewals are not automatic.

Serious consideration will be given to:

1. Accomplishments during the project's first year,
2. Challenges met and overcome during the first year, and
3. Clear objectives for the second year.

Chapter Six

Roles & Responsibilities

Corporation for National and Community Service (CNCS)

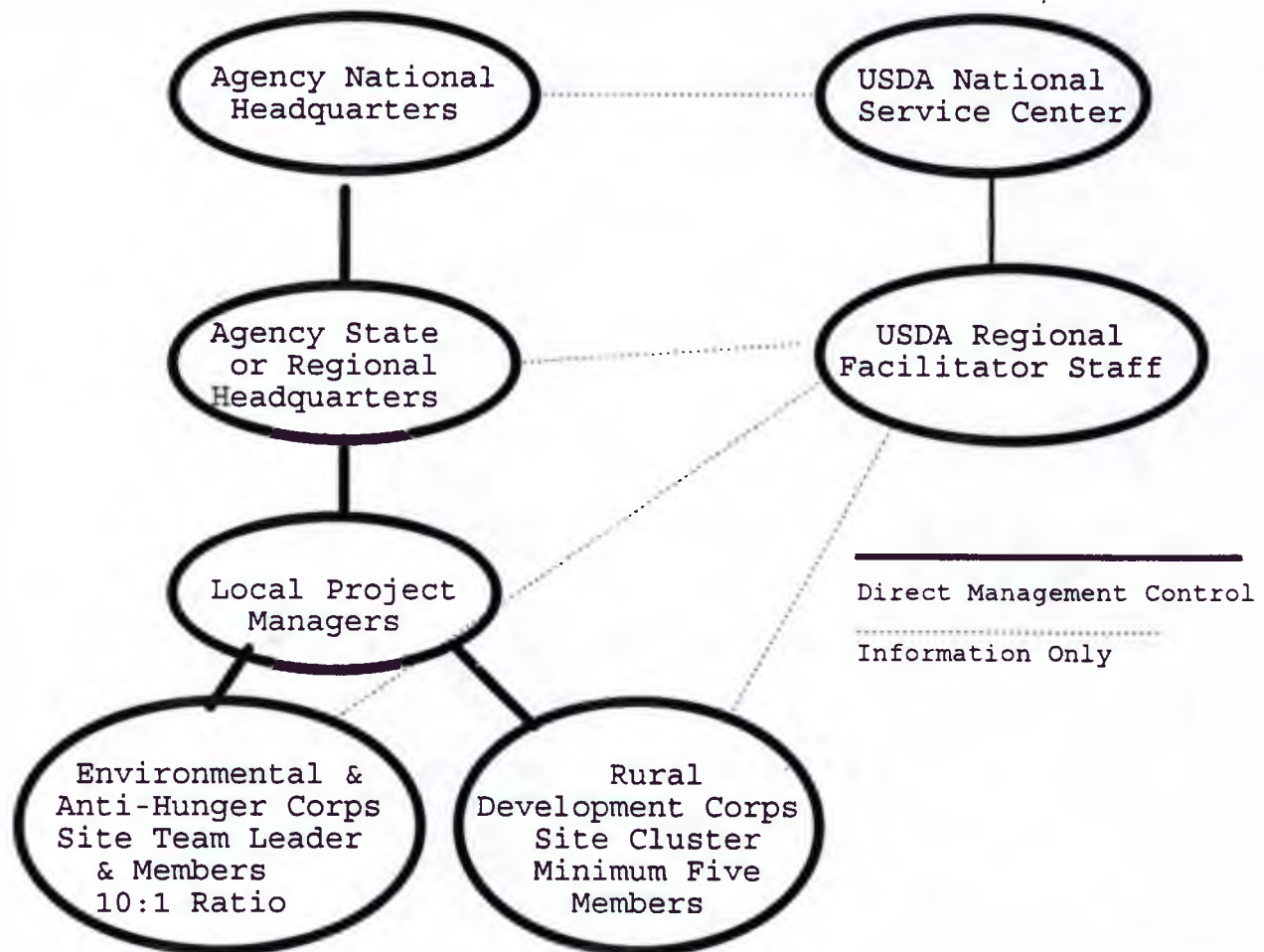
The CNCS is responsible for:

- issuing rules and regulations for the National Service program;
- review and selection of project applications;
- processing of education awards;
- providing program technical expertise; and
- monitoring and evaluating projects.

State Commission for National and Community Service

The State Commissions are responsible for State National Service Programs. They are available for technical assistance. They may set up training for Members or they may help to sponsor training for Members. They have no statutory authority regarding USDA projects. However, Project Directors are required to consult and highly encouraged to cooperate with the State Commissions. It can prove to be beneficial to USDA project managers and our AmeriCorps Members.

Team USDA AmeriCorps — Management Structure
Public Lands and Environment corps
Rural Development Corps
Anti-Hunger Corps





Office of the Secretary of Agriculture
(Director of National Service - USDA)

USDA shall have responsibility for:

- submission of consolidated agency applications to the CNCS;
- working with USDA agencies to develop applications;
- working with agencies to establish USDA AmeriCorps policy and to provide related guidance;
- serving as liaison with the CNCS;
- developing recruitment and training material;
- serving as the Congressional liaison;
- monitoring USDA projects through the national agency offices;
- coordinating public communications;
- coordinating intergovernmental relations;
- coordinating between USDA agencies; and
- ensuring one Departmental identity for the program.



Agency National Headquarters

National headquarters is responsible for:

- working with the Department to develop policy and guidelines;
- working with States/regions on potential USDA AmeriCorps project development;
- disseminating policy and guidelines to the field;
- monitoring and evaluating projects;
- allocating funds;
- developing operational manuals and training information;
- liaison with the Department and the CNCS; and
- line management for the AmeriCorps Program.

Agency State and Regional Offices

The Regional Foresters, Regional Conservationists, Area Directors, and State Conservationists are responsible for:

- overall program management and implementation at the State or Regional level;
- project review and submission to national agencies;
- providing administrative support and any necessary training; and
- line management for the AmeriCorps Program.

Agency Project Director

Project Directors are responsible for:

- serving as liaison between national headquarters and the local level;
- ensuring project managers are in compliance with AmeriCorps rules and regulations;
- ensuring that members' needs are being met; and
- line management for the AmeriCorps Program.

Agency Project Managers (local level)

The local office is responsible for:

- specific project development, planning, design, submission to state level;
- building partnerships with local organizations; and
- following of applicable laws, policies, regulations, and guidelines, day-to-day project management and supervision.



Regional Facilitators

While the role of Regional Facilitators may change greatly next year, their current duties are:

- planning and managing regional training and orientation programs;
- planning and developing regional communications activities;
- helping to ensure USDA/AmeriCorps members establish a national identity;
- providing coordination with Anti-Hunger and Public Lands and Environment Corps where appropriate;
- providing leaderships in developing Internet capabilities;
- participating in identifying and recommending methods and criteria to improve USDA/AmeriCorps procedures;
- participating in planning for future USDA/AmeriCorps activities and projects, and
- consulting with state and/or regional offices and facilitating cluster meetings.



Responsibilities of all USDA AmeriCorps Staff

All USDA employees in appropriate circumstances shall be guided by the following:

- have selected all AmeriCorps Members in an impartial and non-discriminatory manner that bolsters AmeriCorps vision of diversity;
- provide AmeriCorps Members with approved handbooks, documents, and forms needed to follow the provisions of AmeriCorps and the National and Community Service Trust Act of 1993;
- provide AmeriCorps Members with the orientation, training, technical assistance, and supervision necessary to complete their service activities;
- provide all AmeriCorps Members with ongoing education and instruction needed not only to perform their specific service projects, but to grow and develop as citizens, community problem-solvers, and developing professionals;
- design and coordinate service projects so that the members will continuously have productive and useful service projects in environmental or human needs;
- structure work schedules to ensure that AmeriCorps Members will be reasonably able to perform 1,700 hours of service within a year;
- treat all members with respect and provide them with a reasonable amount of guidance, support, discipline, and counseling required to perform AmeriCorps service;
- work with members to develop mechanisms through which they can have significant input and impact upon service assignments, rules of conduct, and all other aspects of the AmeriCorps; and
- provide other additional support and services to ensure the success of all programs.



Crew Leaders

Crew leaders are responsible for:

- daily supervision and work schedules

Members

Members are responsible for:

- completion of assigned work plan and tasks;
- coordinating with designated community leaders; and
- attending training and AmeriCorps meetings as scheduled.

Member Rules of Conduct

The member agrees to act in conformance with, and abide by, all current and future rules and procedures established by USDA. Members must not misuse government property and must conform to the specific limitations of use of such property while on official Federal government business.

(a) The member is expected to, at all times while acting in an official capacity as an AmeriCorps Member:

- (1) demonstrate mutual respect toward others;
- (2) follow directions;
- (3) direct concerns, problems, and suggestions to the appropriate program official; and
- (4) not engage in any activity involving proselytizing or assisting religious organizations, attempting to influence legislation or an election or aid a partisan political organization, helping or hindering union activity, or aiding a business organized for profit.



(b) At no time may the member:

(1) engage in personal use of government vehicles, property, tools, equipment, or telephones;

(2) possess or use any and all forms of addictive or hallucinatory drugs, including, but not limited to amphetamines, barbiturates, cocaine, marijuana, etc.;

(3) consume or be under the influence of intoxicating beverages on or in government-owned or leased property/vehicles: or transportation of such beverages in government vehicles;

(4) use abusive, vulgar, and discriminatory language, including verbal/sexual harassment toward fellow members, staff, supervisors, or other official contacts;

(5) destroy government or personal property of others;

(6) fail to comply with a supervisor's instructions, unless these instructions are clearly illegal or unsafe;

(7) transport family members, pets, or any unauthorized personnel in government vehicles;

(8) engage in any activity that is illegal under local, State, or Federal law;

(9) engage in activities that pose a significant safety risk to others.

(c) The member understands that the following acts will also constitute a violation of the Program's rule of conduct:

- (1) unauthorized tardiness;
- (2) unauthorized absences;
- (3) repeated use of inappropriate language (i.e. profanity) at job site;
- (4) failure to wear appropriate clothing to service assignments;
- (5) stealing or lying;
- (6) engaging in activity that may physically or emotionally damage other members of the program or members of the community; or
- (7) failure to notify the Program of any criminal arrest or conviction that occurs during the term of service.



Third Party Sponsors

Third party sponsors are responsible for

- Compliance with all laws and restraints as outlined in the legislation and rules and regulations published by the CNCS. They are to receive a copy of this manual - the USDA AmeriCorps Operations Manual - to use as a reference.
- Complying with the non-displacement clause of the law. This means that employees cannot be displaced due to the use of AmeriCorps Members.
- Appropriate supervision of AmeriCorps Members when a Federal supervisor is not on site. Members are required by law to serve 1700 hours of direct community service and supervisors are accepting legal responsibilities for this certification. Officials who are responsible for certification of time and attendance should be cognizant of the legal responsibilities of this task. It is not to be taken lightly by any supervisor.
- Ensuring that members are engaged in appropriate service activities as approved in the community service objectives agreed upon prior to the start of the program. Federal program managers should ensure that partners are aware of and knowledgeable of approved objectives.
- Any project unique training requirements that would not have been provided by any other entity, i.e. Federal agency, CNCS, State Commission.
- In cases where the third-party is a non-Federal entity and is responsible for directly supervising the members, the third party is responsible for providing workers' compensation and liability insurance coverage for the AmeriCorps Members.

Chapter Seven

Recruitment/Selection

Start-Up

Recruitment can begin once the Agency has been notified of selection for an AmeriCorps/USDA Project by CNCS and the USDA Director of National Service. No members should be formally selected or renewed until the sites receive this formal notification. At Appendix G is a checklist for project directors and managers that may be helpful in getting started. The CNCS will launch a media campaign to advertise the recruitment phase. The Office of National Service will assist with recruitment by sending Public Service Announcements to the media and providing recruitment material to all project sites.

Project managers need to send out press releases for local press (example at Appendix E).

Each site needs to develop a recruitment plan (example at Appendix F). This plan should detail exactly how managers plan to obtain a high quality and diverse group of applications. The plan needs to specify how managers will go beyond usual contacts, i.e., friends, family, and associates of USDA employees. Submit recruitment plans to the USDA Director of National Service.



The plan should reflect a detailed timetable for each task, such as:

- how and where recruitment brochures and posters will be distributed;
- civic groups or summer youth programs to which presentations will be made;
- specify the meetings which will be held with guidance counselors, principals, clergymen, college department chairs, college and vocational school financial aid officers, college student activities coordinators, school community service coordinators, and other community leaders;
- specify community events where exhibits will be held; and
- state how and when finalists will personally be interviewed.

Eligibility

Anyone over 17 years of age (or 16 in a Youth Corps program), is a U.S. citizen or a lawful permanent resident alien, has a high school diploma, a GED or agrees in writing to get one, and has a sincere desire to perform national service, is eligible to be a member in this program.

Relocation Costs

USDA will not pay any costs due to relocation. For example, if a Member living in New York applies for a position in California and is accepted, that individual is responsible for his/her relocation costs.

Former AmeriCorps Members

If a project sponsor wishes to recruit a current or past AmeriCorps Member, they should have that member submit a new application. Members are not automatically enrolled for another term. They must apply and compete for each term they wish to serve. Project managers must make the determination of whether or not to renew a member in the Americorps Program.

Recruitment Pools

The CNCS will maintain a database of potential applicants which may be used as a source for recruitment. Program managers can tap this source in one of two ways:

1. contact NHQ with zip codes for potential geographic recruitment areas. NHQ will obtain the list of applicants and forward to you.
2. contact CNCS directly by calling Bruce Cohen at (202) 606-5000, extension 249.

Each project should try to select approximately 20 percent of the members from the Corporation's recruitment pool. The pool will include names from your area.

The USDA Office of National Service will also operate an 800 line to obtain names of interested applicants. USDA will provide these names to local project managers.



Diversity

The goal at each site should be to receive four applications from a socioeconomic mix of people for every member eventually accepted. In other words, if you have a 20 person project, you should attempt to obtain at least 80 applications. You should make it clear to all applicants that there will be a tough competition to get accepted to the program. Yet you should make sure that applicants know they will not be judged so much on their past education or accomplishments as they will on their sincere desire to work hard at performing community service.

While USDA projects will absolutely not have recruitment quotas, each program should have the basic look and feel of the people who live in that region. For instance, a program in Vermont should have a diverse mix of Anglo-Americans and Americans of French descent. A program in the District of Columbia or Chicago or Los Angeles should have a diverse mix of African-Americans, Caucasians, Latinos, and Asians. A program in South Dakota should have a diverse mix of Caucasians and Native Americans.

All projects should seek people with a diverse mix of educational levels, ranging from high school dropouts to technical school and college graduates. All projects should recruit people with a diverse level of family income. (There is no income eligibility for this program.) Projects should have a mix of males, females, and members with disabilities.

While it may be difficult to achieve the recruitment goals outlined above, diversity is fundamental to our program. Your recruitment plan should specify the exact ways you will take steps to obtain diverse applicants.

Nondiscrimination

You may not discriminate against any participant, program staff, or service recipient on the basis of race, color, national origin, religion, sex, age, political affiliation, or disability. Under Federal law, you are required to conduct a self-evaluation regarding accessibility for individuals with disabilities and discrimination on the basis of sex. You must also comply with applicable state nondiscrimination laws.

We urge you to reach out to participants who can contribute a diverse set of perceptions, skills, and life experiences to your program team. In all cases, your selection process must be based on the qualifications of your applicants - whether they can perform the essential project activities - with or without reasonable accommodation of their mental or physical disabilities. If you have applicants who are qualified, but have disabilities, you have an obligation by law and under the grant to provide reasonable accommodation to enable them to participate. You do not have to enroll someone who is unqualified or who poses a direct threat to the health or safety to others (that cannot be eliminated through reasonable accommodation). Nor do you have to make accommodations which are unduly burdensome or will fundamentally alter your program design.

Member Selection

The project director, in consultation with agency line officers, is responsible for selecting members.



Members with Criminal or Juvenile Records

Applicants with criminal records have not been restricted from participation in the program. A determination must be made on a case-by-case basis.

However, if your program provides service in particularly sensitive areas, such as working with young children, you should consider whether the participation of individuals with certain criminal backgrounds would have a significant negative impact on the physical or psychological health of other members or individuals served. Similarly, you should carefully consider the impact of participation by an individual convicted of a violent felony or an offense related to the project activities (for example, someone with a burglary record where the program repairs the homes of elderly residents). The same recommendations apply for someone adjudicated as a juvenile offender.

You should be aware that some states have laws related to placing individuals with criminal records in activities involving children. You also should be aware that programs could be held liable for any negative consequences resulting from inadequate screening of members in particularly sensitive areas.

Chapter One

Program Overview

Purpose

The purpose of the AmeriCorps Program is to "get things done" using the concept of national service as the vehicle. It offers opportunities to all Americans to serve their country and earn education awards in return. It is a grassroots effort to solve the problems facing communities across the Nation. The AmeriCorps Program is administered by the Corporation for National and Community Service (CNCS).

AmeriCorps Ethic

The AmeriCorps Ethic is:

- **getting things done.** Our primary goal is to improve communities by meeting their education, public safety, human, and environmental needs.
- **strengthening communities.** AmeriCorps brings together individuals from different backgrounds and institutions, with different missions and cultures, in the common effort to improve our communities.
- **encouraging responsibility.** AmeriCorps encourages members to explore and exercise their responsibilities toward their communities, themselves, and their families during their service experience and throughout their lives.
- **expanding opportunity.** AmeriCorps Members receive awards to further their education or pay back their student loans, as well as invaluable service experience, specialized training, and life skills.

Program Identity

AmeriCorps has a dual identity. As a community-based program, AmeriCorps meets local needs using local strategies. As a national program, AmeriCorps has national visibility and results.

Benefits of Community Identity

- Strengthen communities
- Resolve problems within the community

Benefits of National Identity

- Increased visibility. The CNCS will do a public relations campaign at the start of the AmeriCorps project year, including extensive media outreach; television, radio, and print public service announcements; and the participation of Administration officials and celebrities in a number of local events. This campaign will continue throughout the year, incorporating a one-half hour documentary on national service and additional activities to lend visibility.
- Enhanced Member experience. The feeling of being a part of a team begins at the program level; it is magnified by being part of a larger force. Membership in AmeriCorps provides context to the service experience.
- Sustainable funding. By showing Congress that AmeriCorps is cost-effective, programs have the opportunity to enjoy a long-term base of funding that is relatively flexible.
- Access to new ideas and program resources.

AmeriCorps Pledge

*I will get things done for America -- to make
our people safer, smarter, and healthier.*

*I will bring Americans together to strengthen
our community.*

Faced with apathy, I will take action.

*Faced with conflict, I will seek common
ground.*

Faced with adversity, I will preserve.

*I will carry this commitment with me this
year and beyond.*

*I am an AmeriCorps Member, and I will get
things done.*

AmeriCorps Logo

An AmeriCorps/USDA logo is available on camera-ready slicks.

Logo may be added to:

- uniforms,
- stationery items,
- signs identifying the AmeriCorps program,
- recruitment brochures,
- member curriculum and orientation materials,
- banners for AmeriCorps events,
- press releases for AmeriCorps events, and
- publications created by AmeriCorps Members.

Members may also use the logo on business cards, although Federal funds may not be used to print such cards.

Other uses must be approved by the CNCS. Logo may not be used, without written permission, on the following:

- materials that will be sold,
- clothing intended to be worn primarily by individuals who are not members or alumni/ae,
- alter the AmeriCorps logo or use it as a part of any other logo or design, or
- allow a donor to use the AmeriCorps name or logo in promotional materials.

Signs

The Corporation will provide AmeriCorps signs to USDA. Whenever possible, please use the signs to designate AmeriCorps project sites as this will let communities know when Members are working in their local area.

USDA will also provide sites with permanent metal signs to be posted at physical worksites so that our AmeriCorps Members and staff can take lasting credit for the work they performed throughout America--just as alumni of the original CCC can now view plaques at the sites they constructed throughout the country. The signs should be posted at sites where members have performed service: building, repairing and/or renovating physical sites -- such as homes trailheads, timber bridges, kiosks, soup kitchens, community gardens, public parks, environmental education centers, campgrounds, etc.

AmeriCorps/USDA Mission Statement

The mission of the USDA AmeriCorps program is to engage a diverse group of Americans in working partnerships with communities to provide real and measurable service to meet environmental and human needs, while earning education benefits and building an ethic of service, responsibility, and citizenship.

AmeriCorps/USDA Vision Statement

The vision of the AmeriCorps/USDA program is to have created a model Federal national service program that has, at the end of the first five years of operation:

- improved the quality of life significantly in communities across the country,
- developed a clear national identity respected for its focus on successful results,
- accomplished a measurable series of concrete goals in meeting environmental and human needs, and
- created new ways to reinvent government to make it more accountable and responsive to the citizens who fund it.

The vision is to institutionalize an innovative, respected, and sustainable program within the Department and implement a long-term plan for expansion and replication that eventually makes quality service opportunities available to all Americans.

Standard Paragraph

Include the following two paragraphs in all promotional materials for USDA AmeriCorps programs:

AmeriCorps is President Clinton's national service program, passed with bipartisan support from Congress, that engages 20,000 Americans of diverse backgrounds in performing service that meets critical community needs in return for an educational award, which may be used to pay for college, job training, or graduate school, or to pay back student loans. The majority of AmeriCorps Members are working in partnerships with states, local governments, and non-profit organizations.

The U.S. Department of Agriculture is running three types of AmeriCorps teams in 38 states, composed of approximately 1,200 members: an Anti-Hunger Team, a Public Lands and Environment Team, and a Rural Development Team. Many of the AmeriCorps projects are sponsored by community-based organizations and all projects designed to get things done, while boosting community, opportunity, and responsibility.

Program Benefits

The AmeriCorps Program is designed as a holistic program, in that everyone involved with the program will benefit. Its goal is to "get things done." It is a program for all Americans and provides a strategy for solving the most critical problems facing the nation today.

Those involved in the program benefit in the following ways:

- Communities gain the opportunity to resolve problems within the community.
- Sponsors gain the opportunity to accomplish tasks which would not otherwise be accomplished. Provides a new strategy to "get things done."
- Members gain "real-life" experience, a broad array of training, the opportunity to serve their community and their country, and an educational award.

In the course of solving community problems, the program will strengthen communities and members. It will build an ethic of national service and encourage people to invest in their community.

The Philosophy of AmeriCorps

AmeriCorps is based on a key principle of American society that is as old as the republic itself: the idea that, not only does the democracy have the duty to protect and nourish the well-being of its citizens, but that citizens have an equal duty to protect and nourish the well-being of the democracy.

Thomas Jefferson put it this way:

"A debt of service is due from every man to his country proportioned to the bounties which nature and fortune measured to him."

This spirit of mutual civic obligation distinguished the United States from all other nations of the world. Eventually expanding these rights and obligations to all Americans, the United States earned its status as the leader of the Free World. Unfortunately, many Americans now believe the country has drifted from these roots of shared community.

AmeriCorps rebuilds this sense of community that made America great. By bringing together Americans of all races, classes, genders, religions, and physical abilities to work side-by-side, AmeriCorps will strengthen the cords that bind us together as a people. The "sweat equity" created by AmeriCorps can play an important role in healing the nation's wounds and bridging our divisions. AmeriCorps will fundamentally change the country because it creates a new civic compact in which any citizen can be tied to the nation by the simple virtue of making a difference in the lives of others.

AmeriCorps promotes personal responsibility. AmeriCorps gives all Americans a new way of giving something back to the country. It reminds us that, along with rights we enjoy as citizens, we all have certain obligations to protecting those rights and aiding our own communities. Furthermore, AmeriCorps gives young people a tangible way to take charge of their own lives.

AmeriCorps expands educational and economic opportunity. Members in the program will receive a living stipend and will also receive an educational award worth \$4,725 for each year of service successfully performed. AmeriCorps is one of the major Administration initiatives aimed at making post-secondary education once again affordable for most Americans.

AmeriCorps unites the interests of the middle class and the poor. There is NO economic needs test to participate in this program-- the only requirement to participate is a desire to serve the country. This program will greatly boost students from the previously forgotten middle class, who now are told their families "make too much money" to qualify for existing Federal aid programs. Yet the program will also help poor families for whom current aid programs are insufficient.

How AmeriCorps Works

Most AmeriCorps projects will begin in the fall, placing 20,000 members in projects throughout the country. While the 20,000 number may seem modest, it is larger than the highest-ever yearly number of people in the Peace Corps. It is anticipated that the number of members will grow yearly.

While USDA manages the largest single Federal agency component of AmeriCorps, Federal agencies in general run only a small portion of AmeriCorps, comprising only about one-eighth of the overall program. Most AmeriCorps projects are funded and overseen by state commissions appointed by each state's governor. Other AmeriCorps projects are funded and managed by national non-profit organizations.

Service will be focused on meeting unmet human, environmental, public safety, and educational needs. The slogan of CNCS is "Getting Things Done" and AmeriCorps will continually focus on accomplishing useful and measurable work of high quality. AmeriCorps is **not** a jobs program, it is a service program.

Individuals may apply for the program either through CNCS or through the individual projects at each location. Both CNCS and USDA will have their own toll-free 800 lines for recruitment.

AmeriCorps will recruit a socio-economically diverse group of Americans. AmeriCorps will bring together Americans of all races, classes, genders, and physical abilities. Members must be age 17 or older, but there is no upper age limit for participation; while we expect that some senior citizens and middle age citizens will participate in the program, it is likely that most members will be 18-26. Members can be high school graduates, vocational school students, college students, college graduates, or professional school graduates. Members can also be high school dropouts if they agree to work towards their GED while in the program.

Members will earn a living allowance and will earn an educational benefit in exchange for a year of service successfully performed. The allowance is provided because members still have to pay for food, transportation, and housing for the year in which they provide full-time service. The educational benefit can be used to pay for college, graduate school, or vocational school in advance, or to repay qualified student loans. It can also be used to pay for job training apprenticeship programs approved by the Department of Labor or Education.

USDA AmeriCorps Program

USDA will run three AmeriCorps teams:

- Public Lands and Environment Team
- Rural Development Team
- Anti-Hunger Team

Both the Anti-Hunger Team and the Public Lands and Environment Team will share the same corps-type model of service, engaging a mix of people to perform service in work crews--usually ten members each--at pilot locations. The work crews may include:

- people who may or may not have completed high school,
- college students, and
- college graduates.

In the Rural Development Team, members will engage in both rural economic planning and rural environment projects, but the program design is very different than the other two USDA programs. The team will establish regional locations of at least five professional and paraprofessional members who assist rural communities in identifying needs and resources necessary for economic, human, and environmental well-being. The members would have highly varied education and training and would be matched up with communities or regions having unmet needs that can be filled by someone with that specific background.

Cluster Requirement: All groups of five are required to meet at least once a month. In order to accommodate this requirement, all members in a cluster must work on a daily basis in duty stations within a fifty mile radius or 100 mile drive -- whichever is shorter.



Chapter Eight

Personnel and Administrative Issues

General

AmeriCorps Members are not Federal employees: however, for the purpose of administration, USDA/AmeriCorps members will often follow many of the same processes used for regular employees.

Participant Application

USDA will use the Team USDA AmeriCorps Application Form AD 1099 (4/95) (copy at Appendix H).

Benefits to AmeriCorps Members

- living allowance during service;
- child care allowance (if eligible);
- basic health insurance (if eligible);
- educational award worth \$4,725. This can be used for college, job training, or repayment of qualified student loans;
- for full-time member excused absence (40 hours) and Federal holidays; and
- for part-time members excused absence (20 hours) and four Federal holidays.

AmeriCorps Members are NOT Federal employees. Their service in AmeriCorps does not count toward retirement nor does it give them any special status if once they leave the program they apply for a job as a Federal employee.

Living Allowance

Living allowance disbursement will be determined based upon 1,812 hours for full-time Members. For part-time members it will be based on 952 hours. Members are not subject to the Fair Labor Standards Act and will not receive premium or overtime pay.

Living allowance rates for USDA/AmeriCorps Full-time members for FY 96 are:

	Allowance	Hourly	Pay period
Environmental Team	\$7,945	4.39 x 80 =	\$351.20
Anti-Hunger Team	\$7,945	4.39 x 80 =	\$351.20
Rural Development Team	\$12,000	6.62 x 80 =	\$529.60

Living allowance rates for USDA/AmeriCorps part-time members for FY 96 are:

	Allowance	Hourly	Pay period
Environmental Team	\$4,206	4.41 x 80 =	\$362.80
Anti-Hunger Team	\$4,206	4.41 x 80 =	\$362.80
Rural Development Team	\$6,352	6.67 x 80 =	\$533.60

Members participating in a residential program may be subject to a commissary deduction.



Effect of Living Allowance on Other Programs

The question has arisen as to how the AmeriCorps living allowance is treated for purposes of determining an AmeriCorps Member's eligibility for benefits under the Social Security Act, including AFDC, Medicare, Medicaid, and SSI benefits. The National and Community Service Act of 1990, as amended, deals with this issue in a rather indirect fashion:

Treatment of benefits. Section 142(b) of the Job Training Partnership Act [29 U.S.C.A. §1552(b)] shall apply to the projects conducted under this subchapter as such projects were conducted under the Job Training Partnership Act [29 U.S.C.A. § 1501 et seq.]

42 U.S.C. § 12637(d). Section 142(b) of the Job Training Partnership Act provides as follows:

Allowances, earnings and payments to individuals participating in programs under this chapter shall not be considered as income for the purposes of determining eligibility for the amount of income transfer and in-kind aid furnished under any Federal or federally assisted program based on need, other than as provided under the Social Security Act [42 U.S.C.A. 301 et seq.]

29 U.S.C. § 1552. The Department of Health and Human services has ruled that AmeriCorps benefits will be taken into account in determining eligibility for programs under the Social Security Act, including SSI, Medicaid, Medicare, and AFDC. However, AmeriCorps benefits may not be taken into account in determining eligibility for and the amounts of other needs-based Federal Programs, including Food Stamps, Public Housing, Federal Student Aid, and others.

Food Stamp Eligibility

Below is a boilerplate paragraph that may be useful to you and/or your State/regional/local contacts in informing AmeriCorps Members about their possible eligibility to receive food stamp benefits.

AmeriCorps Members who wish to apply for food stamps must:

- 1) TELL the eligibility worker that they are AmeriCorps Members, and
- 2) take the necessary information to the office with them (see sample paragraph below).

It is critical that they report the income, even though the worker will turn right around and exclude it; otherwise, it could be construed as a "misrepresentation of circumstances" or "food stamp fraud".

This applies to any of the other means-tested programs (i.e., programs that have an income eligibility requirement) administered by FNS -- WIC, Child and Adult Care Feeding, School Lunch/Breakfast, and the Summer Food Service Program, to name a few. Thus the sample paragraph on the following page can generally be interpreted to refer to those other programs as well as to the Food Stamp Program that it specifically mentions.

Sample Paragraph

The Food Stamp Program helps low-income people buy the food they need for good health. Eligibility is on a household basis, that is, people who live together and purchase food and prepare meals together are included in one household. When a household applies for food stamps at the local food stamp office, an application must be filled out that reports all income the household receives. Most income is counted in determining the household's eligibility and the amount of benefits the household will receive, but some types of income are not counted. For example, stipends and educational income received under an AmeriCorps program are not counted. To get this exclusion, you will be asked to show proof that the money comes from an AmeriCorps program. This proof may be a document provided by the AmeriCorps program that shows what type of payment it is or, if you do not have such proof, you may have the food stamp office call the (local) AmeriCorps office for you.

Living Allowance Waivers

The Department of Health and Human Services has ruled that the living allowance will be taken into consideration in determining eligibility for and the amount of assistance from programs under the Social Security Act, including SSI, Medicaid, Medicare, and AFDC. A significant number of AmeriCorps Members are recipients of SSI or AFDC who fear losing that assistance because of the living allowance. For those members, the Corporation will waive the living allowance requirement, with the following caveats. First, the member must understand that each State has different regulations applying HHS rules, and that even if the member waives his or her right to receive the living allowance, the State may still consider the amount of the living allowance that the member is eligible to receive. Second, the member may revoke the waiver at any time during the course of the program. Finally, if the member revokes the waiver, he or she may only begin receiving the living allowance from the date on which the waiver was revoked; the member may not receive any portion of the living allowance that accrued during the waiver period. Appendix I is a waiver form for the member to sign if they decide to waive the living allowance.

Work Study

Effect of living allowance on a member's work study and other student assistance - work-study is a Federal needs-based program administered through post-secondary institutions to provide students with part-time employment during school attendance. A member's living allowance will not affect work-study eligibility or eligibility for any other Federal student aid. The CNCS has asked financial aid officers not to take the living allowance into account in determining other financial aid. However, there is no guarantee that the living allowance will be disregarded in determining eligibility for State aid or private scholarships.

Child Care

AmeriCorps child care benefits include assistance in:

1. identifying child care; and
2. payment of child care costs based on a regional allowance.

Child care benefits are available for all full-time members who are income eligible and whose children are younger than 13 years of age. These benefits will pay for a variety of types of approved child care including family child care and center-based child care. Considering child care needs, members should plan for transportation time to and from work sites in addition to scheduled work hours. These benefits cover 100 percent of a pre-determined allowance or the actual cost of the care, whichever is less. The allowance is based on the local rates of the Child Care & Development Block Grant, a federally funded, state administered program that differs from state to state and community to community.

(See information at Appendix J)

Summary of Benefits

- timely, direct payment of child care costs to approved child care provider based on the pre-determined allowance;
- consultation with a child development specialist located in the community where child care is needed;
- detailed review of all available child care options in the community where child care is needed;
- consumer information about the quality of child care and how to identify it; and
- materials and resources, including checklists for the visit to child care providers, charts identifying milestones in child development and other helpful materials.

Overview of Responsibilities

Project managers and/or supervisors are responsible for determining a member's eligibility for child care benefits. The process consists of the following steps:

1. Orientation - project managers should provide an orientation regarding child care benefits. Two reasons for this step is to:

- provide the member with the information needed to successfully choose a child care provider. Thoroughly describe and explain the benefits and materials which will be provided by AmeriCorps Care.
- to gather essential information to determine the member's eligibility for child care benefits. Ensure that the AmeriCorps Care application is completed and obtain current income information (obtain pay stubs from the most current four weeks prior to the review).

2. Verification - to review eligibility information by checking all child care applications and review eligibility based on family size, computation of family income, verification of hours in program, and child care payments from other sources.

3. Certification - ensure that the member meets the following criteria:

- The member must reside with and be a parent or guardian of a child or children under the age of 13.
- The total family income must be within the state's eligibility limits for CCDBG for a family of that size.
- The member is not receiving child care assistance from other sources.
- The member needs child care in order to participate in program.

After completion of these three steps, project managers should fax or mail signed application of the eligible member(s) to the AmeriCorps Care.

4. Obligation/Authorization - provide each eligible member with an AmeriCorps Care parent packet. Within this packet is a three-party contact agreement which, when signed by provider, parent, and project manager, authorizes child care services to begin immediately.

5. Compensation - AmeriCorps Care will administer a payment system, forwarding child care payments directly to approved child care providers on a monthly basis. Providers will be required to verify services for the prior month and forward a child care coupon to AmeriCorps Care. AmeriCorps Care will forward payment directly to child care providers within five working days of receiving the completed coupon.

For technical assistance, project managers and supervisors may contact AmeriCorps Care at 1-800-570-4543, 9:00 AM to 5:30 PM, EST, Monday through Friday. This number is **not** for member use.

Members may contact AmeriCorps Care at (202) 393-1135, 8:30 AM to 5:00 PM, EST, Monday through Friday.



Worker's Compensation

For the purposes of the Federal Employees Compensation Act (FECA), if members are managed directly by Federal employees, we are to consider them as being covered. Each agency should process the appropriate Department of Labor forms as it would for a USDA employee.

Members who are in programs sponsored by USDA but are directly supervised (and usually payrolled) by a non-Federal third party must have workers' compensation payments made for them by the third party to the appropriate state.

Liability

For the purposes of the Federal Tort Claims Act (FTCA), if members are directly managed by Federal employees, we are to consider them as being covered where they are acting in the scope of their employment on behalf of USDA in an official capacity. The ultimate determination is within the discretion of the Department of Justice and must be made on a case-by-case basis under the particular facts of each case. All incidents should be handled under normal FTCA procedures.

All non-Federal third parties operating programs in conjunction with USDA who directly supervise the members must provide liability insurance coverage for the members.

Insurance

USDA will provide health insurance for AmeriCorps members. There will be no cost share by the member. Members can enroll at anytime during the program. This insurance is optional to the member, covers only the member, and does not cover any dependents. A policy will be obtained by CNCS and the payment will be made by the National Finance Center. (Appendix K)

There is no life insurance coverage.



Unemployment Benefits

Members are not considered Federal employees for this benefit and are not eligible to receive unemployment benefits.

Garnishment of Wages

Procedures for garnishment of wages is the same as for an employee. The procedure is that a court order is issued and forwarded to the agency office charged with handling such matters. Agency personnel should contact the Research and Operations Division of the Office of the General Counsel (202) 720-2320 when processing garnishment orders for AmeriCorps Members. There is some question as to whether or not an AmeriCorps living allowance is considered "pay" for the purposes of legislation that allows garnishment.

Employee Assistance Program

Members are not considered Federal employees for this benefit and are not eligible to receive assistance. However, assistance program counselors may be asked for advice as to whom the AmeriCorps Member may contact to seek assistance.

Educational Awards

After a member completes his/her term of service, they will be eligible for an educational award that can be used in the following ways:

- to repay qualified existing or future student loans;
- to pay all or part of the cost of attending an institution of higher education (including certain vocational programs); or
- to pay expenses incurred while participating in an approved school-to-work program.

The award can be divided up and used only for authorized educational expenditures. A member could apply a portion to an existing qualified student loan and save the remainder to pay for authorized college costs a few years later. Educational awards will be held in the National Trust for seven years. A member may apply for an extension if during the seven-year period, they perform another term of service in an approved AmeriCorps position, or if they were unavoidable prevented from using the award. Education awards are subject to income taxes in the year they are used.

Members must serve a minimum of 15 percent of their term of service in order to receive a pro-rata share of the educational award.

In general most personal loans taken out by individuals to cover education expenses that are NOT qualified loans can NOT be paid off using the post service education award. The institution which made the loan can tell you if the loan is "qualified".

The post service education award CAN'T be transferred to anyone else. A child can't transfer it to a parent to pay off loans the parent took out to pay the child's educational expenses. A parent can't transfer it to a child or spouse or relative to pay for that person's educational expenses. In general, the education award can't be used to pay off PLUS loans.

The law prevents the USDA/AmeriCorps Program from offering the option of making a cash payment in lieu of the post service education award administered through the National Trust.

In most cases, the post service education award of \$4,725 is taxable in the calendar year in which it is used. The Corporation will deduct no taxes but you will be sent a Form 1099 to be used in preparing your taxes.

In most cases, the post service education award does NOT count as aid received when computing your eligibility for other financial assistance for education. The education award is in addition to any other financial aid you would have been eligible for if you had not served in AmeriCorps.

Prior to using the education award, the member agrees (in the event the member has not yet received a high school diploma or its equivalent, including an alternative diploma or certificate for individuals with learning disabilities) to obtain a high school diploma or its equivalent (unless the member is enrolled in an institution of higher education on an ability to benefit basis or the program has waived the requirement due to the results of the member's education assessment).

The member understands that his/her failure to disclose to the program any history of having been released for cause from another AmeriCorps Program will render the member ineligible to receive the education award.

If the member has received forbearance on a qualified student loan during the term of service, and the member successfully completes the term of service, the National Service Trust will repay any interest that accrued on the loan during the term of service.

Qualified Student Loans

Below is a partial list of qualified student loans under the AmeriCorps Educational Awards and the Loan Forbearance programs. Essentially, all student loans under Title IV of the Higher Education Act of 1965 (except for loans made to parents of students) and Titles VII and VIII of the Public Service Health Act are qualified student loans under the AmeriCorps Education awards and Loan Forbearance programs.

Please note that the list provided below is not exhaustive because the names of the student loans frequently change or the local lenders have given different names to certain loans. If the AmeriCorps Members in your program have student loans that are not listed below, please have them check with their lenders to see if it falls under Title IV of the Higher Education Act of 1965 or Titles VII and VIII of the Public Service Health Act.

Title IV of the Higher Education Act

Federal Family Education Loan Program (FFEL) - these loans are insured by the Department of Education. (Since FFEL loans are privately issued, they may be referred to by another name by the loan holder.)

- Federal Consolidation Loans
- Federal PLUS Loans - excluding those made to parents
- Federal Stafford Loans
- Federally Insured Student Loans - ended in 1984
- Guaranteed Student Loans - former name for Stafford Loans
- Supplemental Loans for Students (SLS)

Federal Direct Student Loan Program (FDSLP) - The Department of Education is the lender.

- Federal Direct PLUS Loans
- Federal Direct Stafford Loans

Federal Perkins Loans - This is a campus based program.

- National Defense Student Loan Program
- National Direct Student Loan Program
- Income Contingent Loan Program

Title VII of the Public Service Health Act

Health Education Assistance Loan Program (HEAL)

Health Professions Student Loan Program (HPSL)

- Primary Care Loans (PCL)
- Loans for Disadvantaged Students (LDS)

Title VIII of the Public Service Health Act

Nursing Student Loan Program (NSL)

Deferment of Student Loans

Individuals serving in an approved position in Americorps, the National Service Program, are entitled to forbearance on qualified student loans during their terms of service. This benefit is intended to enable individuals with outstanding debt to participate in AmeriCorps, the National Service Program established by the National and Community Service Trust Act of 1993 (P.L. 103-82).

This law amended the Higher Education Act to provide that:

"upon written request, a lender shall grant a borrower forbearance on such terms as are otherwise consistent with the regulations of the Secretary [of Education], during periods in which the borrower is serving in a national service position, for which the borrower receives a national service educational award under the National and Community Service Trust Act of 1993."

The Department of Education has further incorporated this statutory mandate into its implementing regulations. The final regulations governing the Federal Family Education Loan Program (34 CFR Part 682) provides for mandatory forbearance for such a borrower "in yearly increments (or a lesser period equal to the actual period during which the borrower is eligible)." In the future, the Department will incorporate further regulatory references to this mandatory forbearance requirement for Perkins' loans.

The Department of Health and Human Services is developing policy guidance to notify schools, lenders, and holders that loans made pursuant to Title VII and VIII of the Public Health Service Act are similarly eligible for forbearance during any periods of service with the national service program.

The CNCS shall pay the interest that has accrued on the qualified student loans of any person in an approved national service position during their term of service, pursuant to Section 148(e) of the National and Community Service Trust Act. Interest will be paid to the lender at the end of the term upon the successful completion of service by the borrower in a national service program. Members who fail to complete the full term will generally be liable for the accrued interest. In some instances, individuals may leave service early for compelling personal circumstances, and the Corporation will also pay accrued interest during the term of service. Otherwise, individuals who leave the program early are responsible for paying the accrued interest.

Qualified student loans for which the Corporation will pay accrued interest costs are:

"any loan made, insured, or guaranteed pursuant to title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), other than a loan to a parent of a student pursuant to section 428B of such Act (20 U.S.C. 1078-2);" and

"any loan made pursuant to title VII or VIII of the Public Health Service Act (42 U.S.C. 292a et seq.)."

In general, the Department of Education loans that are covered include:

- (a) Federal Family Education Loan Program,
 - Federal Consolidation Loans,
 - Federal PLUS Loans (excluding those made to parents)
 - Federal Stafford Loans
 - Federally Insured Student Loans (1984 and prior)
 - Guaranteed Student Loans (former name for Stafford Loans)
 - Supplemental Loans for Students

- (b) Federal Direct Student Loan Program (FDSLPL)
- (c) Federal Perkins Loans
 - National Defense Student Loan Program (NDSL)
 - National Direct Student Loan Program (NDSL)
 - Income Contingent Loan Program

For purposes of the Public Health Service Act, this includes:

- Health Education Assistance Loans (HEAL)
- Health Professions Student Loans (HPSL)
- Loans for Disadvantaged Students (LDS)
- Primary Care Loans (PCL)
- Nursing Student Loans

In order to get forbearance on a student loan, the member must contact their loan holder requesting "forbearance" of their loan payments because they are participating in an AmeriCorps program. Appendix L is a copy of a "Loan Forbearance letter" published by the Corporation. The member may need to take a copy of this letter to his/her loan holder. The loan holder/servicing center will give her/him a form for requesting a forbearance or deferral. (Lending institutions have standard forms they use for borrowers who request forbearance on loans). While the forms differ from lender to lender, there will be a section that the AmeriCorps member will need to complete. Then, they should send the form to the National Service Trust for verification of service. Writing "forbearance" on the envelope will help direct the request to the proper person. The Trust will complete the appropriate section (if applicable), enclose the "Dear Lender" letter in the appendix, and return the form to the loan holder/servicing center or, if requested by the AmeriCorps member, to him/her.

The Trust will only be able to certify eligibility if there is a completed and signed Trust Fund Enrollment Form on file. Therefore, it is important that these forms are filled out and returned as soon as possible after the project begins. Return these forms to your national agency headquarters in Washington, D.C.

Additional Questions and Answers

What can I use my education award for? Awards can be used to repay existing or future qualified educational loans or to pay for the cost of attending a qualified college or graduate school or an approved school/work program, as defined by the Departments of Education and Labor.

What expenses are considered part of the "cost of attending" a qualified school? The Department of Education has defined the term "costs of attendance" to mean tuition, normal fees and required material, equipment, and supplies. In addition, each educational institution establishes allowances for room and board, books, supplies, transportation, and miscellaneous personal expenses, which are also included in the cost of attendance.

What if I don't use my entire education award all at once? You can use up your education award at any rate you choose, as long as you use it within seven years for qualified expenses at qualified schools.

Can an education award be used at more than one school? Yes. The award can be used to help pay one or more loans or the costs of attendance at one or more educational institutions or a combination.

Can an education award be used to study outside the U.S.? Many post-secondary institutions offer educational opportunities abroad. As long as the institution itself is in the U.S. and meets the legal requirements as defined in section 481(a) of the Higher Education Act of 1965, as amended (20 U.S.C. 1088(a)), you may use the education award to study overseas. Foreign schools, however, do not meet the Higher Education Act criteria.

Can I use my past community service to qualify for an award? No. Only service in an approved AmeriCorps program will be credited for purposes of earning an education award.

What happens if I withdraw from the school or fail to complete my period of enrollment for which the award has been used? The school must have a fair and equitable refund policy that complies with the Higher Education Act of 1965, as amended. If there is any refund owed and returned to the Corporation, the amount will be credited to your "account" in the Trust, and can be used by you, within seven years of your completion of service.



Will I have to pay taxes on my education award? According to the IRS, in most cases awards are subject to income taxes in the calendar year in which they are used. The Corporation will deduct no taxes, but it will send you a Form 1099 to be used in preparing your income tax form.

Is my award transferable? For example, if I am unable to use it, can I transfer the award to another individual? No. Only AmeriCorps Members are eligible for education awards. You may not transfer it to a relative or any other individual under any circumstances.

Forms

Appendix M describes the forms from the Corporation and gives detailed information on how to fill them out. It is important to remember that every form should be sent to your agency headquarters as soon as possible after your members have enrolled. Also, be sure to retain a copy of every form sent to your agency headquarters for your files.

Appointment

Upon entrance to the program, the following must be completed by the member:

1. state and Federal income tax forms;
2. health insurance form if a member is eligible;
3. direct deposit forms;
4. National Service Trust Form (Appendix N);
5. Member Enrollment Form (Appendix O) - members must sign and date this form. In the first section, For local Program Staff Use, this information will be provided to you by your agency's project director. Complete the requested program information and the member's date of enrollment. Note that the sub grantee ID number is your grant number. You must indicate the recruitment type on each form. Mail this form and the National Trust Form to agency National Headquarters;

NOTE: There is a misleading question on the member enrollment form. Question #4, "Are you a(n) ..." has as a possible response "alien with a work permit/authorization to work." This has led some to believe that aliens with a work permit/authorization to work are eligible to be AmeriCorps Members. They are NOT eligible. Anyone checking this block is INELIGIBLE to be in Americorps.

6. Form I-9, Employment Eligibility Verification; and
7. SF-1152, Designation of Benefit for Unpaid Compensation.

The supervisor is to complete:

1. Form SF-52, Request for Personnel Action;
2. Position Description (example at Appendix P)
3. Supplemental 52; and
4. AD 322. *332 - Position Description cover sheet*

Forward completed forms to the personnel office where they will electronically enter the information in the NFC personnel and payroll master file.

For each member, NFC will produce these output documents:

- Form SF-50, Personnel Action;
- Form AD-334, Statement of Earnings and Leave; and
- Form W-2, Earnings Statement.

The supervisor and the member should:

1. review the Member Agreement (Appendix Q) and member must sign;
2. review the safety release form and member must sign (Appendix V);
3. review any performance standards and performance appraisal (example at appendix R).
4. if appropriate, provide member with the child care packet and review with the member. Supervisor must determine if the member is eligible, complete the eligibility form, and both member and supervisor must sign; and
5. present member with USDA/AmeriCorps ID card.

Member Agreements

Members shall sign an agreement which explains agency expectations and member's rights and responsibilities, including:

- beginning and ending dates of the member's term of service;
- minimum number of hours needed to obtain a post-service education benefit;
- identification of member's supervisor;
- project assignment and service activities;
- activity performance standards;
- living allowance amount and payment method;
- a description of the other member entitled benefits;
- a description of any deductions for room and board;
- acceptable conduct;
- prohibited activities;
- requirements under the Drug Free Workplace Act;
- termination and suspension rules (including the specific circumstances under which a member can be released for cause);
- grievance procedures; and
- other items as appropriate.

The Department will develop two different Member Agreements for use in the USDA/AmeriCorps program;

1. Member Agreement for members of the Anti-hunger and the Public Lands and Environment Team.
2. Member Agreement for members of the Rural Development Team.

In addition, if a member has not completed high school, they must agree in writing to obtain a high school diploma or GED certificate before using the education benefit.

USDA will maintain the confidentiality of information according to the Privacy Act. Prior written consent by members must be obtained before using their names, photographs, and other identifying information for publicity or promotional purposes. If members are under 18 years of age, parental or legal guardian written consent must be obtained. The easiest way to handle this is to include a standard informed consent form as a part of the Member Agreement signed at enrollment (this information has been incorporated into the member acknowledgment form found at Appendix V). You may release aggregate and other non-identifying information about members, and you must release member information to your granting agency, the Corporation, and authorized program evaluators. NFC security for members will be the same as that of regular USDA employees.



Time and Attendance

NFC will process payroll for the USDA/AmeriCorps Members.

Full-time members will be granted 8 hours of excused absence each month for the first five months of their Term of Service for a total of 40 hours of excused absence. Advanced personal days can be granted at the discretion of the supervisor. Nine Federal holidays will also be granted to full-time members (limited to eight hours per holiday).

The following PC TARE and other T&A entry system entries will be required:

- initial entry (in master record);
- special accounting codes (defined by each agency);
- time and attendance submission to NFC each pay period; and
- termination entry.

The following transactions will be used:

- 01 - hours worked (80 hours maximum per pay period);
- 21 - hours worked in excess of 40 hours in a week (these hours will be paid at the base rate, not the overtime rate-NFC will convert); members are not eligible for overtime pay. They must be listed as EXEMPT from FLSA.
- 66 - Federal holidays and excused absence (manually track hours of excused absence to ensure the hours do not exceed 40);
- 67 - hours of paid absence due to an injury suffered on the job, beginning the day after the day of injury. Forty-five calendar days is the maximum number of days allowed. Non-work days count toward the 45-day limit if evidence of inability to perform regular duties exist on those non-work days; and
- 71 - LWOP (this is to be used for absences for military duty and any non-pay status - explain in the remarks section of the T&A).

T&A's must always account for 80 hours. If less than 80 hours were worked during a pay period, use entry 71 - LWOP for hours not worked.

Military Leave

Members who are also members in military reserve units will be allowed to complete their two weeks of required military reserve duty. They will not receive any compensation for this period of time and will not be credited time towards the 1700 hour community service requirement. They will be carried as LWOP on the Time and Attendance Report. They will have to make up this loss of time in order to complete the 1700 hours. In the event they cannot make up this time, they may, at the discretion of the Department, be granted an early release for "compelling personal reasons" and be awarded a pro-rated share of the education award. This exemption to allow a "leave of absence" does NOT apply to training or duty beyond the annually required two weeks. Leaving an AmeriCorps Program to perform such additional duty or receive additional training may result in the member losing their education award.

Jury Duty

Jury duty is part of a member's "civic duty". As such, time spent on jury duty (or just going to find out if you will be called) does count as hours of service performed toward meeting the 1700 hour minimum. In addition, the member should be paid their normal daily salary minus any amount they receive from the jurisdiction in which they are performing or answering a call for jury duty.

Personal Emergencies

Members should use excused absence hours for personal emergencies. Supervisors can approve LWOP for extended absences. Upon return, the AmeriCorps Member and the supervisor are to develop any necessary make-up schedules.

Work Schedules

Local agency supervisors are responsible for developing work schedules. USDA recommends a 40-hour work week (including training). Local supervisors have the authority to adjust schedules to meet project needs and/or to assist members make up lost time. Supervisors are cautioned about scheduling time to insure that a member serves a minimum of nine months, does not exceed a maximum of 1,812 hours, and does not exceed a maximum of twelve months. In some instances this may be difficult but there is no flexibility in these three requirements. Supervisors will also have to keep a careful record of hours of excused absence used by each member.

ID Cards

AmeriCorps Members will be issued Form AD 1096 (USDA) (8/94), the USDA/AmeriCorps identification card. Forms will be sent to each agency for issuance to members.

Attire/Uniforms

It is expected that all AmeriCorps Members will be proud of their service and will reflect that pride by wearing the AmeriCorps uniform. Upon entering AmeriCorps, members will receive a T-shirt, sweatshirt, hat, and pin. This complete uniform must be worn at official AmeriCorps events. In addition, the Department's policy is that, at minimum, Rural Development Team Members will wear the pin at all times and Anti-Hunger Teams and Public Lands and Environment Team Members will wear either a T-shirt, sweatshirt, hat, or a pin while on duty. However, USDA realizes that work projects and work conditions will vary considerably around the country. While members must wear the other items whenever appropriate, the local project manager may decide to vary the attire based on weather, safety, and work conditions.

The Department intends to purchase a minimum set of uniforms for the FY 1996 USDA AmeriCorps Program. Agencies that wish to purchase additional items should remind their procurement offices that CFR 48 Federal Acquisition Regulation, Chapter one, Subpart 8.6, designates the Department of Justice's UNICOR, Federal Prison Industries, Inc. as a mandatory source for uniforms. There is no bid or competitive process required to use UNICOR. The point of contact is Ms. Wanda Moody, UNICOR at the Federal Correctional Institution, Jesup, GA 31545. Whatever uniforms or patches are procured they should clearly identify the members as belonging to a USDA AmeriCorps Program. The Department will provide the logo and all agencies are reminded to follow the Corporation's rules governing the use of the AmeriCorps logo.

Drivers License

AmeriCorps Members who possess a valid State driver's license may, if required, drive a government vehicle. The exception to this is members less than 18 years of age may **not** operate a Government vehicle.

Members over 18 years of age and have the proper state driver's license are covered under the Tort Claims Act and are authorized to drive a government vehicle or their own vehicle in the performance of their duties.

Travel Expenses

Temporary duty travel expenses may be authorized (type C only) and reimbursed according to Federal Travel Regulations. Reimbursement will be paid by the host agency. No relocation expenses will be authorized or paid.

Transfers

A transfer is defined as an AmeriCorps Member who retains the service hours s/he has earned and applies them toward the completion of her/his education award by either: 1) moving to a different geographic site within the same AmeriCorps*USA program or: 2) moving to a completely different AmeriCorps*USA program. In both cases, all parties involved are fully cognizant of the transfer situation and schedule before it occurs. While the transfer may occur to meet compelling personal circumstances, the transfer should also meet programmatic needs. Please keep in mind that a member technically has no right of transfer within a program as an individual. Thus, a transfer should not occur solely because a member would like a change of geographic environment.

1) Within the same AmeriCorps*USA program.

While the transfer may occur to meet compelling personal circumstances, the transfer should also be based upon legitimate programmatic reasons such as community need, service activities, or organizational capacity. For example, a National Direct program with subgrantee sites in Nashville and Indianapolis may find that in Nashville there is a greater need than in Indianapolis for more members than expected. Thus, based upon community need and the capacity of the Nashville site, members can be transferred. In all cases, the members cannot be forced to transfer.



In all cases of a transfer within a program, the appropriate funds and education award allocation may be transferred to the new host site in order to cover the related participant support costs. Generally, the education award allocation and funds for the members' living allowance are administered by the relevant host site.

When such a transfer occurs, the original Site Director must complete a Change of Status/Term Form and send the original to their agency headquarters and a copy to the new site placement Director and the member. It is not necessary to complete another Trust Enrollment Form.

2) Between Different AmeriCorps*USA Programs.

The transfer of a member and her/his relevant service hours from one AmeriCorps program to another must be done within certain parameters. Foremost, the "Transfer Member" must be leaving Program A for a compelling personal reason as determined by Program A. The "Transfer Member" must apply to and be accepted by Program B. In order to offer enrollment to the "Transfer Member", Program B must have an available slot in the incoming member class.

In such a transfer situation, no funds are transferred from Program A to Program B. Rather, the appropriate funds are either used by Program A to fill the vacant slot or returned to the Corporation. In all cases the Program A Site director must complete a Change of Status/Term Form and send the original to the CNCS and a copy to the Program B Site Director and the member. It is not necessary to complete another Trust Enrollment Form.



Terms of Service

USDA will operate the AmeriCorps Program primarily as a full-time member program. However, part-time members are authorized upon approval from the Department. Full-time members must serve a minimum of 1700 actual working hours which provides direct community service (excluding excused absences and Federal holidays) during a period of not less than nine months and not more than one year. A member may spend up to 20 percent of his/her time on training.

Unless there is a compelling reason, members who fail to complete the minimum amount of hours will forfeit the educational grant.

The Term of Service for USDA/AmeriCorps full-time members will be scheduled for 1,812 hours. The difference between 1,812 and 1,700 hours will allow payment for excused absences (40 hours) and Federal holiday (72 hours).

Part-Time Members

A project may elect to have part-time AmeriCorps Members. However, they must get approval from their Agencies and it must be an integral part of their program. Agencies must contact the Department, who will in turn seek approval from the CNCS.

Members may be part-time under the following conditions:

- An individual performing part-time national service in an approved national service position shall agree to participate in the program sponsoring the position for not less than 900 hour during a period of -
 - 1 - not more than 2 years; or
 - 2.- not more than 3 years if the individual is enrolled in an institute of higher education while performing all or a portion of the service.

The Term of Service for part-time members would only be 952 hours. This is 900 hours of service plus four holidays (32 hours) and two and a half days (20 hours) of personal leave. Part-time members are not eligible for AmeriCorps health care or child care benefits. They will receive all the other benefits that full-time members are entitled to receive. They must also receive the same degree of training that full-time members receive.

*add accrual rate
4 hrs per month, 1st 5 months*

Instructions for Payment of Part-Time Members

1. Using a Nature of Action code of 515 (conversion) enter a grade of 00 and a step of 00 for the member.
2. Give the hourly pay rate.
3. If this is a person being converted from full-time to part-time, do a SF 52, use the 999 block to explain what you are doing and change from Grade 00 step 01 or 02 to step 00 and list the new hourly pay rate.

Note: Hourly rate for part-time members must be computed by multiplying the annual living allowance for full-time members by 52.94% to get the part-time living allowance, then dividing the part-time living allowance by 952 hours.

For FY 96 - $\$7,945 \times 52.94\% = \$4,206/952 = \$4.41$ per hour.



Non-Completion of Service Hours

There are at least two different non-completion situations.

1) Program non-completion

If a full-time AmeriCorps Member is enrolled in a program and is released for cause or leaves the program for a personal reason that is not compelling as determined by the program, the member cannot receive any portion of her/his education award.

Completion of the required number of service hours is not the only criteria that must be met before a member is eligible for an education award. The member must also satisfactorily complete assignments, tasks, or projects and meet any other performance criteria that has been clearly communicated at the beginning of the term of service and are contained in the Member Agreement form. Thus, if a member has completed 1700 service hours but, for non-compelling reasons, does not complete the service program, this member is not eligible to receive any portion of the allotted education award.

In both situations, the Program Director must fill out both a Change of Status/Term form and an End of Term of Service Form indicating Early Terminated for Cause. The member must fill out an Exit Form. Again, remember to make a copy for your records and forward the original to agency headquarters. If the member signed the form, provide them a copy.

2) Service hours non-completion

At the end of a program, if a full-time AmeriCorps Member falls short of completing the required 1700 service hours for a compelling personal reason but has completed at least 255 hours, s/he is eligible to receive a pro-rated education award. For example, an AmeriCorps Program became operational in September 1994. An AmeriCorps Member joined the program in its January 1995 class, fully intending to participate in a 12 month program. However, the program's funding is not renewed and the program is forced to close its doors in September 1995. The member has completed only 1400 service hours and is unable to fulfill the remaining 300 service hours. In such a case the AmeriCorps Member would be able to receive 1400/1700th of their education award because the termination of the program was beyond the member's control and is considered by the program to be a compelling personal reason. The Program Director must fill out both a Change of Status/Term form and an End of Term of Service Form indicating: "Compelling Personal Circumstances." The member must fill out an Exit Form.

However, if the program is refunded, the member should be allowed to finish the remaining three months of the program and complete the remaining 300 service hours.

If however, a member completes the program but fails to earn 1700 hours by the end of the program because s/he had too many unexplained absences, then if the program certified successful completion, the member may get a part-time education award for at least 900 hours of service.



Multiple Terms of Service

A term of service may be a full year program or a summer program. Individuals may participate in more than one term of service. However, the maximum number of educational grants an individual may receive is limited to two.

To be eligible for another term of service, an individual must receive a satisfactory performance review(s) for any previous term(s) of service. Mere eligibility for an additional term of service does not guarantee selection or placement. Members should also be aware that budget constraints may lead to situations where the living allowance they receive in the second term of service is lower than the first term of service.

Supervisors must make recommendations for continued or additional service. Members' eligibility for second or additional terms of service must be based on at least a mid-term and end-of-term evaluation of members' performance that focused on factors such as:

- whether the member has completed the required number of hours;
- whether the member has satisfactorily completed assignments, tasks, and/or projects; and
- whether the member has met any other performance criteria that were clearly communicated both orally and in writing at the beginning of the term of service.

Filling Vacancies

The CNCS desires to create cohesive "classes" of members who start programs in September, January, or June and who complete the program as a class from nine to twelve months later. This however is the ideal and not always the reality. The inability to fill vacancies during the course of the year can have a negative impact on projects. Therefore, vacancies may be filled at any time during the year. However, when possible the CNCS would like to stay with the class concept. Programs are encouraged to fill empty slots at the start of the next term of service. This will ensure the same comprehensive training and orientation to replacement Members as was provided to members of the first class.

Provided their job performance is deemed satisfactory, AmeriCorps Members who enroll at the start of a second or third class would continue with the program in the following program year in order to accrue the 1700 hours of necessary service for a full-time education award. With the approval of the Corporation, a program may also convert the full-time slot to a part-time slot and ensure that the replacement AmeriCorps Member serves at least 900 hours. Should the program not be renewed, the CNCS would try to place the Member in another AmeriCorps program; failing that, the affected member would be eligible for a pro-rated education award if they have completed at least 15% of the necessary hours. AmeriCorps Members enroll with the expectation that they will complete their term of service; they may not be offered a pro-rated education award at the time they begin their term of service.

End of Term of Service

When a member leaves National Service, two forms must be completed for the Corporation:

National Service Trust End of Term of Service Form
(Appendix S)

AmeriCorps Member Exit Form (Appendix T)

These forms should be mailed immediately to your agency national headquarters. You should retain a copy for your records and you should give the member a copy of at least the National Service Trust End of Term of Service Form.

Also, an SF 52 for resignation should be submitted to personnel. Member must sign the back of the SF 52. It is not necessary to give a reason for the resignation.

If a member is entitled to an educational award, the CNCS will send a letter to the member informing them of the amount of the award. This letter may be presented to a loan holder or a school. The loan holder or the school will contact the CNCS for payment. Payments will be made directly to them, not to the member. When payments are made, the CNCS will notify the member of the amounts and the balance in the account. Letters should be received within 20 days of completing a term of service. The letter will automatically be sent to the permanent address furnished by the member, so it is important that the members keep the National Trust Fund informed of any address changes.



Instructions for Continuation of AmeriCorps Members Past the 1812 Hour Limit

1. AmeriCorps Members must work a minimum of 1700 hours to earn the full post service award. The only maximum is that their service period cannot exceed 12 months.
2. It is possible that a program has money to continue paying an AmeriCorps Member beyond the standard 1812 hour limit of the USDA AmeriCorps programs. If an agency wants to continue a program and the work is AmeriCorps work, the members may be retained beyond the 1812 limit provided they receive the same pay and benefits that they received during the 1812 hours.
3. To be able to pay them using NFC, the current "Not to Exceed" date given for the member must be changed so that they can be paid beyond that date.
4. If the member is to be doing work that is not AmeriCorps related, you must be aware of two conditions:
 - a. The member can't be paid less than minimum wage and is now subject to the same rules and provisions as others who would be doing the same work under whatever program the agency chooses to pay them.
 - b. The member may be prohibited from re-entering the AmeriCorps program next year, because they will be considered a recent Federal Employee. We cannot enroll into the AmeriCorps Program personnel who have been Federal Employees in the last six months prior to entering AmeriCorps.
5. If a member works beyond the 1812 hours, they do not get any additional post service education award.



Authorization to sign End of Term of Service Forms

Supervisors, project managers, or project directors may sign this form. The names of personnel who will be signing these forms must be submitted to your agency national headquarters. Keep in mind that the person signing this form is certifying the number of hours served and whether the member is being released for cause or for compelling personal circumstances. Agencies should have accurate lists of certifying officials. Educational awards can only be made to individuals who have a form on file signed by an individual on records as authorized to sign.

Member Release

Members may be released for:

1. for compelling personal circumstances; or
2. for cause, as defined by the Corporation and by the program's member agreement.

Written documentation is required whenever a member is released. Supervisors have the primary responsibility for determining when to release a member. Members released due to compelling circumstances may receive a pro-rated educational award while members released for cause shall not.

Compelling Circumstances

The project manager/supervisor is in the best position to determine whether a member's personal circumstances are sufficiently compelling to justify release on this basis. If the project manager determines that there is justification for release, Agency National Headquarters must be notified. The Agency, in consultation with the Department, has the approving authority for release. If release is approved for compelling personal circumstances, we may elect either to authorize a pro-rated education award or to temporarily suspend service for up to two years. In order to be eligible for a pro-rated education award, a member must have served a minimum of 15 percent of his or her term of service. If the member is released on the grounds that an accommodation of a disability would impose an undue burden, we must document our determination and notify the CNCS. Such circumstances are to be considered "compelling" for purposes of this clause.

Some examples of reasons which could justify the early release of a member and entitle the person to a portion of an award:

- Sickness or critical illness of the member
- Death or critical illness of a member of the member's immediate family (spouse, parent, sibling, child, or guardian).
- Termination of a project site if reassignment to another project is not possible.



Release for Cause

Members may be released for cause according to the conditions of the Corporation and the members contract.

Members shall be released for cause if they are convicted of a felony. If members are charged with a violent felony or the sale or distribution of a controlled substance, they must be suspended from service without a living allowance and without receiving credit for hours missed. Additional provisions for releasing members for cause shall be added to the member agreement.

Any member that drops out of a program without obtaining a release for compelling personal circumstances is considered to be released for cause. A member released for cause may not receive any portion of an education award. A member wrongly released or suspended for cause will receive credit for any service missed and reimbursement for missed living allowances as specified in 45 CFR, 25232.230

All adverse action cases shall be thoroughly documented. The supervisor must write a complete, detailed statement of the incident(s). Include documentation of interviews with the member and written statements from individuals involved in the situation. Also state when the member was informed and understood the level of performance and/or conduct expected, and to whom (if any) the member was referred for assistance.

Records of proposals for release must be sent immediately to the Regional or State office. The release process shall be completed no earlier than 15 days from receipt of the proposed action unless the member's presence constitutes an emergency or a threat to other individuals. The member must be provided with a written notice stating the grounds for release and appeal procedures, including time limitations for filing an appeal; and the member must be provided ample opportunity to respond either orally or in writing to the charges.

The following are examples which would **NOT** justify the member receiving an award:

- Terminating to go back to school.
- Terminating to get a job.
- Terminating because member does not enjoy the work.
- Terminating because of the size of living allowance.
- Terminating to move.

Both the CNCS and the Department feel strongly about enforcing this regulation for termination. If a Project Director has any questions regarding Termination for Compelling Personal Circumstances, consult with your Agency contact in Washington, D.C.

Notice to Corporation and National Service Trust

The Department must notify the Corporation and National Service Trust immediately whenever it suspends or terminates a member, whether for compelling circumstances or for cause.

Reinstatement Rights

AmeriCorps members who, through no fault of their own, lose substantial service time, with the approval of their supervisor, may be allowed to return to projects if they can reasonably and safely complete their term of service.



Resumption of Service

Any member whose service was suspended because of being charged with a violent felony or sale or distribution of a controlled substance may resume service if he or she is found not guilty or if such a charge is dismissed. Any member whose service was suspended because of being convicted of a first offense of possession of a controlled substance may resume service by demonstrating that he or she has enrolled in an approved drug rehabilitation program. A member convicted of a second or third offense of possession of a controlled substance may resume service by demonstrating successful completion of a rehabilitation program. In addition, any individual released for cause who wishes to reapply to the program from which he or she was released or to any other AmeriCorps program is required to disclose the release to that program. Failure to disclose to an AmeriCorps program any history of having been released for cause from another AmeriCorps program will render an individual ineligible to receive the AmeriCorps educational award, whether or not that individual successfully completes the term of service.

Returning Members

A returning member is defined as a member who leaves a program for a compelling personal reason but intends on completing the term of service in the future with the same or a different AmeriCorps*USA Program. Upon leaving Program X, the director must complete the Change of Status/Term Form and indicate that the member is "Suspended with intent to transfer." The Director then sends the completed form to their agency headquarters. The member must keep a copy of the Change of Status/Term Form and the National Service Trust will hold the service hours in a pending status.

When the member applies and is accepted into Program Y within the two-year period of suspension, s/he presents the Program Y Director with the copy of the Change of Status/Term Form in order to reinstate the member and allow service hours to transfer. It is not necessary for the Program Y Director to complete another Trust Enrollment Form.

If the member does not join another program within the two year period, s/he will automatically become eligible for a pro-rated education award two years from the transfer date provided that s/he had completed at least 15% of the necessary hours. If the member will not be able to return, s/he should notify the CNCS or the Director of her/his original program sometime within the two-year period.

Discipline Policy

USDA has assumed a sponsorship role for AmeriCorps Members. Part of the responsibility that goes with this sponsorship role is to provide mentoring and assistance to our members. Supervisors are encouraged to reach out to members who are having problems. Many of our AmeriCorps Members will be young people with few problem solving skills. It is our job to provide new skills that will reduce their problems to manageable levels. Many times problems that manifest at the work place can be resolved when someone takes an interest and offers to help. Often just listening can help. Supervisors are encouraged to go the extra mile with members before resorting to any type of formal discipline. However, when all efforts fail to resolve problems which affect the work place, supervisors should follow the discipline path outlined following this paragraph.



Steps to Follow for Discipline of AmeriCorps Members

Members shall be informed in writing of alleged improper conduct or work deficiencies within seven days of occurrence of the incident. Four types of adverse actions may be used to correct performance or conduct problems.

1. **Verbal Reprimand** - use the verbal reprimand to correct minor infractions. This is an informal method with explicit dialogue between the member and the supervisor. The supervisor must ensure that the member knows the level of performance or conduct expected, and that the member understands the nature of the specific deficiency in his/her conduct or performance. The supervisor shall document the specific dialogue of verbal reprimands.
2. **Written reprimand** - action taken to correct a single serious offense or a long series of lesser offenses. It will be used as a means of informing a member of unacceptable performance or behavior. This will inform the member that failure to show improvement within a reasonable period of time may be cause for release.
3. **Suspension** - members may be suspended for one or more days for serious infractions. Written documentation is required. The member will have to make up any lost time.
4. **Release** - supervisors may release, for cause, any member whose conduct and/or performance is unsatisfactory. This action will be taken if a member persistently refuses to accept corrective action and/or to conform to reasonable standards of performance or conduct.



Appeal Procedures

Within 15 days of receipt of the decision to release, the member may appeal the adverse action taken by the supervisor, to the following appropriate levels:

1. Project Director or appropriate line officer;
2. State or Regional line officer, if not resolved at the Project Director level; and
3. Agency Head, Washington office, if not resolved at the State or Regional level.

Refer the member to a 74 counselor and/or to the nearest personnel office for assistance in filing an appeal.

A member who is wrongly released or suspended for cause will receive credit for any service missed and back-pay for missed living allowances. The legislation further describes the conditions under which members whose service has been suspended may be reinstated, the impact of release for cause, and the grievance procedure available to members. (See 45 CFR, Chapter XXV, Section 2522.230)

Grievance Procedures

Americorps Members have the right to file grievances.

The deadline for filing a grievance, except for a grievance that alleges fraud or criminal activity, is one year after the date of the alleged occurrence of the event that is the subject of the grievance.

The deadline for the hearing and decision are as follows:

- **Hearing** - a hearing on any grievance shall be conducted not later than 30 days after the filing of the grievance.
- **Decision** - a decision on any such grievance shall be made not later than 60 days after the filing of such grievance.



Arbitration:

- In general -

Jointly selected arbitrator - in the event of a decision on a grievance that is adverse to the party who filed such grievance, or 60 days after the filing of such grievance if no decision has been reached, such party shall be permitted to submit such grievance to binding arbitration before a qualified arbitrator who is jointly selected and independent of the interested parties.

Appointed arbitrator - if the parties cannot agree on an arbitrator, the Chief Executive Officer shall appoint an arbitrator from a list of qualified arbitrators within 15 days after receiving a request for such appointment from one of the parties to the grievance.

- **Deadline for proceeding** - an arbitration proceeding shall be held not later than 45 days after the request for such arbitration proceeding or, if the arbitrator is appointed by the Chief Executive, not later than 30 days after the appointment of such arbitrator.
- **Deadline for decision** - a decision concerning a grievance shall be made not later than 30 days after the date such arbitration proceeding begins.
- **Cost** - in general the cost of an arbitration proceeding shall be divided evenly between the parties to the arbitration. An exception to this is if as part of the decision, costs are placed on one party.



Chapter Nine

Training and Development

General

Training and education is a vital element of the National Service Program. It will be an on-going process during the entire program. Approximately 20 percent of a member's time should be spent in some type of training or educational activity. It does not have to be typical classroom training but should include significant "experiential education." You can be creative in devising methods, instructors, and sites for this training.

Projects will have to track service hours and will have to certify that not more than 20 percent of the 1700 hours were spent on training and education. The CNCS will monitor and periodically audit programs to ensure that activities are categorized correctly and that the hours are in fact served.

Training and Education versus Direct Service

A common question that has been asked is, "What should be considered training and education versus what should be considered direct service?" The following paragraphs will attempt to answer this question.

1. The CNCS does not differentiate between education and training; they both count toward the 20 percent limit. Therefore, the most direct way of keeping track of education and training hours is by backing into it; any eligible activity that is not direct service must be education or training.
2. Certain types of training and education are easily categorized as such for the Corporation's purposes. If members spend a half-day each week away from the service site, learning computer skills that relate indirectly to their service experience, but which may help them in the future, that is clearly education. If a corps that will be working in public safety goes on a week-long retreat on alternative conflict resolution and mediation, that is clearly training.
3. Other activities are not quite so straight forward. Consider, for example, a program that takes its members on a mountain retreat for four days. The first three days are spent in the classroom and in the field learning environmental techniques, and on the fourth day the members perform a project cleaning up a portion of a polluted river. In this case, the first three days would count as training and education, whereas the last day would count as direct service.

4. Training and education activities should be counted as such if they are planned and structured. To the extent that learning opportunities occur incidentally to direct service, or that training occurs "on the job," those activities should not count toward the 20 percent limit.

Member Orientation/Training

Members should be provided with an orientation briefing and guidelines at the beginning of the project. This should include (but is not limited to) the following:

1. Welcome and introduction of appropriate personnel.
2. A reinforcement of the "ethic of service." Use this opportunity to discuss the meaning of citizenship and to encourage eligible members to register to vote.
3. An overview of the project(s), introduction to the community and natural resources, cross-cultural sensitivity, and other project specific training.
4. Give specific information about your program rules. You must cover member rights and responsibilities, including the program's code of conduct and safety protocol, prohibited activities, requirements under the Drug Free Workplace Act, sexual harassment, and other nondiscrimination issues, suspension and release from service, and grievance procedures. This is also the time to provide information about AmeriCorps benefits, payroll information, time and attendance, travel, expense reimbursement and similar operation policies.
5. Other training that should be considered in this phase is safety training, CPR, First Aid, conflict resolution, etc.

You are required to provide members with the training, skills, and knowledge they need to perform well in their assigned service project. For members who have not completed high school, you must provide support services to help them get a high school diploma or GED certificate. Local area schools will be able to assist you with this program. You may also want to provide college readiness programs for members going on to higher education. Both high school/GED programs and college readiness programs can be effectively integrated with service learning curricula. You should use service experiences to help members improve their skills, internalize project goals, and increase their insight.

A training plan shall be developed for each member based on their individual training needs. This would include their GED or college readiness training. Also, training directly related to the job they will be expected to perform on the project. For example, if the person is working on recycling wood waste at landfills, that person should attend workshops or training in this subject or be trained by an agency specialist on this subject.

Tailgate sessions are ideal to review information, such as:

- orientation to the project site and its relationship to local residents and AmeriCorps objectives;
- work progress;
- job hazard analysis;
- on-the-job (OJT) training;
- benefits of the service/work to individual member and to the public; and
- discussion, questions and answers.

Project supervision should lead the members into an understanding of how the project benefits can contribute to their present and future success. On-the-job training should be emphasized as a means of developing member knowledge and skills which should enhance present performance and future employability.

Informal work-learning relationships between the members and project staff should be encouraged.

Project Manager Training

Project manager training will be held prior to start date after approval notification. States/Regions will be notified of time and location for this training. Special training on personnel management, administration, safety, special needs awareness, conflict resolution, team building, etc. will be included.



OJT Checklist

Project work managers should stress to members the importance of the following:

- ☐ Be punctual - report to work on time.
- ☐ Be presentable - report to the job with proper work attire.
- ☐ Be safe - keep yourself and others safe on the job.
- ☐ Be organized - keep your work tools or equipment in good order.
- ☐ Be attentive - listen to directions carefully, and do not be afraid to ask questions if something does not seem clear.
- ☐ Be patient - understand the supervisor's need to be concerned with all members, not just one.
- ☐ Be a team player - work with others to accomplish a job objective.
- ☐ Use initiative - when you see a job that needs doing, do it without having to wait for direction from your supervisor.
- ☐ Be thorough - doing your share of the job even though others may not be doing theirs. Learn to work as an individual and a team member.
- ☐ Be helpful - promote comradeship within the group, such as helping others do their job when they feel bad, do not know how to do the job, or when they need help.
- ☐ Keep the supervisor informed of potential problem areas which could affect getting the job done properly at some point.
- ☐ See a project through to an identified completion point.
- ☐ Set an achievable individual work standard (pace as well as quality criteria) agreeable to you and your supervisor mutually.
- ☐ Find out from a supervisor what can be done to improve work performance and then do it.
- ☐ Be proud of the work accomplished.

Member Development - Anti-Hunger and Public Lands and Environment Team

Since both the Anti-Hunger Team and the Public Lands and Environment Team will be corps with similar mixes of members, they will both have the same three member development objectives, which are:

1. To enable members to develop motivation, educational skills, vocational goals, and financial resources so that, out of the members who started the program with no desire to continue their education, at least 50 percent will change their mind and decide to further their education. This change will be determined by member interviews before the start of the service year and at the end of the service year.
2. To spur 65 percent of the members who entered the program without a high school degree to earn GED's within a year.
3. To educate members about hunger, nutrition, and poverty issues - or about public lands and the environment issues - so that at least 25 percent of the members express a desire at the end of the service year to enter careers in the field in which they provided service, and at least 50 percent express their desire to volunteer for service in that field in the future. This will be determined by member interviews at the end of the service year.

Member Development - Rural Development Team

The following are the top three member development objectives of the Rural Development Team, which will be measured through member interviews conducted before the start of and after the completion of the first year of service.

1. To increase by 20 percent the number of members expressing a desire to obtain a job in rural development or rural environmental protection in the region in which they served or a region with similar characteristics.
2. To increase by 25 percent the number of members who plan to obtain further graduate school or professional school training in their discipline of service.
3. To obtain a written commitment from 65 percent of the members who graduate from the program to volunteer to mentor members in the following year's program or to engage in another specific volunteer activity related to rural development or environmental protection.

On-Going Training

Each state will need to determine what type of training will be most appropriate for their members during the year. For those members that do not have a high school diploma, they will need GED training. Teams may need team building and problem solving training. Career Counseling should be available for members. Mentoring should be considered for each person. There is a wide range of training that can be provided to members. States or regions should be creative and try to meet their needs and the needs of the members.

Member Journals

Members should be encouraged to keep a journal of their year of national service. Journal writing gives a person the opportunity to record events to be perused at a later time; it provides a time for reflection, and a chance to analyze feelings and emotions brought about by events of the day. Sharing journal entries with other members in the team helps create understanding and cements a team into a cohesive unit. Project managers should ensure that members have the time and opportunity to share their entries. There will also be times when members may be willing to share their entries to a larger audience. These entries can be a powerful tool to enlighten the public about our program. The benefits to journal writing are numerous, and members should be urged to take time to do this type of writing.

"AmeriCorps Spirit"

As you know, one of your most important tasks in helping run AmeriCorps is to build a special spirit for AmeriCorps that:

- Imbues all our AmeriCorps members with a special ethic of service and citizenship.
- Creates a unique public identity for the program that is different from either a jobs program or a volunteer program.
- Assures that members understand that they are all part of a larger program with other projects both within and outside of USDA.
- Guarantees that all members understand not only the responsibilities, duties, and requirements which they must meet, but also the rights and benefits to which they are legally entitled.
- Provides members with enough understanding of the program that they can effectively communicate that understanding to the media, policy makers, and the general public.
- Fosters an "Esprit de corps" that motivates all our Members to give a 100% effort every day.
- Ensures that all members work on a regular basis side-by-side with other members of different education levels, races, genders, economic backgrounds, etc.
- Allows the members to have structured time for critical reflection and discussion to enable them to put their service activities in perspective.

Some Things You Can Do To Build the "AmeriCorps Spirit"

1. Set-up meetings in which all Members in each Anti-Hunger Team, Public Lands and Environment Team, and Rural Development cluster physically get together for training, project planning, critical reflection, and joint projects. Each cluster should alternate among the members leadership responsibilities for the meetings or work projects, and in making presentations about their service projects. Another tool for your use is the teleconference. When it is not possible to physically get together, teleconferences can be very helpful.
2. Establish a schedule in which your Members meet with USDA AmeriCorps Members in other projects, clusters, or issue areas. Members in all our projects have a deep desire to meet their peers and learn about our other projects, no matter the sponsoring USDA agency. If these members cannot physically meet, they should talk on telephone conference calls.
3. Arrange for your members to meet with members of other, non-USDA AmeriCorps projects. Remember that USDA's 1200 members comprise only 6% of the 20,000 members in the overall AmeriCorps program. It is likely that there are non-USDA AmeriCorps Members serving in or nearby your project. Our members very much want to learn about such programs. If these members cannot physically meet, they should talk on telephone conference calls.

4. Organize "*signature service projects*" for members. Members from your project can work alongside members from other USDA AmeriCorps projects, local FFA chapters, local 4-H groups, other local youth groups. Your members can also implement projects on certain weekend days to coordinate community volunteer days in which ordinary local citizens are mobilized for certain large projects -- typically requiring strenuous physical labor -- help the members bond. The idea is to challenge teams to complete tasks that individuals can't. Such projects could be particularly helpful for Rural Development Team Members, many of whom will not often perform physical labor or work alongside each other. Such projects can also generate enormous public support.

Some suggestions:

- Tree planting in urban and rural areas
- Stream or park clean-ups
- Painting or repairing
- Community nutrition/anti-hunger festivals
- Renovating, repairing, or painting low-income houses
- Children immunization events
- Distributing flyers on USDA hunger programs
- Serving holiday meals to homeless citizens
- Making local facilities handicapped accessible
- Renovating or repairing Forest Service visitor centers

While Forest Service Public lands sites may not be able to hold such signature projects off forest land, they certainly can organize community volunteers working on special projects on forest land.

5. Arrange recreational activities for members for their personal time or as part of their 20% of time in training. Recreational activities, either within a project or cluster or with other projects or clusters, is a great way to build team work, without the pressure and anxiety that often accompanies more formal "team building" exercises. Members could hike, visit an amusement park, go rafting, play Frisbee football, hold a scavenger hunt, etc. You should strongly consider opportunities to camp out on a National Forest.

6. Organize training programs and other events on a regional basis. The USDA Rural Development team, in particular, was designed to operate on a regional basis in order to be able to tackle problems that are common throughout each region. All Rural Development Team members in a region should meet together physically at least four times a year. All Rural Development Team Members in a region should also talk to each other on conference calls at least once every other month.

7. Working with other regional facilitators and with my office, organize issue-based conference calls for members. Most of our service projects in one region have a similar counterpart in at least one other region. All members working on rural fire protection throughout the country should talk to each other. Likewise for those working on housing, water quality, economic planning, recycling, tourism development, flood relief, etc. I would also like to speak by conference call periodically with all members in various clusters, states and/or regions.

8. Arrange for outsiders to speak and/or meet with members. Some suggestions: experts on issues, former Peace Corps or Vista volunteers, executive directors from State Commissions on National Service, State staff of the Corporation for National and Community Service, elected officials, staff from other AmeriCorps projects, etc.

9. Set aside a public space at each worksite to display information. Create a bulletin board or kiosk on which to place positive newsclips, thank you letters, photos of service projects, information about other AmeriCorps projects, etc.

10. Create "United Way" type thermometers and place them in either a public place or at your office to track progress of your service projects. Let all the members graphically see evidence of how they are "getting things done."

11. Set-aside time for members to keep a journal of their experiences. Journal writing is a great way to both document our program and allow members to critically reflect on their service.

12. Match all our members up with USDA employees, who are not directly involved in managing AmeriCorps, to serve as one-on-one mentors. This mentoring opportunity should be open to all local USDA employees, not just those from sponsoring agencies.

13. Ensure that all members receive copies of the weekly AmeriCorps/USDA newsletter. This newsletter report will be made available each Friday to members and staff via an USDA computer bulletin board, Internet, and in paper copies.

14. Facilitate a process through which members can help design their own service projects, community service and member development objectives, quarterly reports, and year-end reports. Be careful not to use such member involvement as an excuse for our Department to neglect our legal management and oversight role. However, a strong collaboration between the members and our agencies in every aspect of the program management and development will only enhance the quality of our projects.

Chapter Ten

National Public Affairs Policy

Purpose

The purpose of the National Media Policy is to ensure that a uniform message, consistent with the AmeriCorps/USDA mission and vision statements, is conveyed to the media nationwide about all AmeriCorps/USDA projects. All projects must continually communicate the message that AmeriCorps is working to "get things done" while building community, opportunity, and responsibility. The media policy is a reflection of a Departmental public affairs program to educate the public through the dissemination of accurate and timely information about all AmeriCorps/USDA projects. The strategy targets daily and weekly newspapers, and television and radio stations in the communities near the AmeriCorps/USDA sites.

Guidelines

1) Any press release, fact sheet, brochure, or flyer describing AmeriCorps projects or the service of AmeriCorps Members must include the following two standardized paragraphs. These paragraphs must be included not only in USDA materials, but in any materials related to USDA AmeriCorps projects produced by RC&D Councils, youth service corps, community colleges, local governments, conservation districts, or other partnering organizations.

AmeriCorps is President Clinton's national service program, passed with bi-partisan support from Congress, that engages 20,000 Americans of diverse backgrounds in performing service that meets critical community needs in return for an educational award, which may be used to pay for college, job training, or graduate school, or to pay back student loans. The majority of AmeriCorps Members are working in partnerships with states, local governments, and non-profit organizations.

The U.S. Department of Agriculture is running three types of AmeriCorps teams in 38 states, composed of approximately 1,200 members: an Anti-Hunger Team, a Public Lands and Environment Team, and a Rural Development Team. Many of the AmeriCorps projects are sponsored by community-based organizations and all projects designed to get things done, while boosting community, opportunity, and responsibility.

2) AmeriCorps Project Managers and agency public affairs staff are encouraged to solicit local press coverage of their projects -- through interviews, media events, letters to the editor, prepared feature stories, radio actualities, video press releases, etc. However, at all times, AmeriCorps staff and members should emphasize the following:

a. How the projects are "getting things done" achieving concrete results that directly meet community needs.

b. The educational opportunities provided by the voucher;

c. The principles of civic responsibility and community

d. That 1,200 USDA AmeriCorps Members are only a small portion of the 20,000 members of the overall AmeriCorps Program, that most projects are not funded directly by Federal agencies, and that two-thirds of AmeriCorps projects are funded by state commissions appointed by each state's governor.

3) It must be made clear in all communications that AmeriCorps is neither a jobs program nor a pure volunteerism program, but rather a unique new community service initiative. Use the term "select" rather than "hire" and "community service" rather than "job". Use the term "AmeriCorps Member" rather than "employee." Never use the word "volunteer" to describe AmeriCorps Members; the word "volunteer" should only be used to connote uncompensated community residents who volunteer their time to serve part-time in service projects alongside AmeriCorps Members. Also, be careful never to give the false impression that USDA AmeriCorps Members are Federal employees or are performing functions that would normally be performed by Federal employees.

4) Project managers are personally responsible for ensuring that any USDA employee or AmeriCorps Member who communicates with the media is fully conversant with the vision, philosophy, and program design of AmeriCorps.

5) If any national reporters (NBC, CBS, ABC, CNN, or major American Dailies, such as the New York Times, the Washington Post, the Washington Times, the Atlanta Journal/Constitution, the Miami Herald, the Chicago Tribune, the Los Angeles Times, the Kansas City Star, USA Today, etc.) contact a site, the local project manager or public affairs staff should call USDA Director of National Service, Joel Berg, at (202) 720-6350 or USDA/AmeriCorps Coordinator of Communications, Katherine Gibney at (202) 720-4369, before they talk to them or return the call.

6) If a project manager or public affairs staff person feels like an interview did not go well - or suspect that a reporter is working on a story that will have a negative angle-- they should notify the Director or the Coordinator of Communications immediately (listed above); if possible, this notification should occur before the reporter is past deadline.

7) Project managers and agency public affairs staff must make sure that the release of any material to the media by one agency AmeriCorps project is fully coordinated with all the USDA agencies in the state involved in AmeriCorps. In particular, all activities related to recruitment, the National Day of Service, and other coordinated efforts should be combined in one press release that includes all the USDA agencies in the state.

8) New project sites or the recruitment of new members should not be announced to the media before such actions are officially approved by your agency Washington office, the USDA Director of National Service, and the Corporation for National and Community Service.

9) Project managers and agency public affairs staff should collect all media coverage and send immediately to the USDA AmeriCorps office. Please pay particular attention to not only obtaining newspaper clips, but also getting videos of all television coverage and cassettes of all radio coverage. All newspaper clips should be faxed immediately to (202) 720-4614. All hard copies of newsclips, videotapes, and audio cassettes should be mailed to: Katherine Gibney, AG Box 1310, 14th and Independence, SW, Washington, DC 20250-1310.

10) Project managers may be asked to coordinate their site's participation in media activities regarding national events such as the yearly launch of the program, national AmeriCorps satellite video conferences, Earth Day, the National Day of Service, World Food Day, and yearly graduation ceremonies.



UNITED
STATES
DEPARTMENT
OF AGRICULTURE



Chapter Eleven

Project Planning, Implementation, and Evaluation

Site Operating Forms

Once you have been notified of approval, you will be sent Operating Site Forms to complete for each site that AmeriCorps Members will be using as work locations. Complete these forms and return them to agency national headquarters in Washington, D.C. (Appendix U)

The Connection of Objectives to Plans of Work to Quarterly Reports

The service being performed at each site should be able to be tracked from the community service objectives to the plan of work to the quarterly reports. In other words, the objectives should specify exactly what service will be performed, the workplan should specify exactly how that service will be performed, and the quarterly reports should specify exactly how much of that service was actually performed each quarter.

The flow between each site's three document types should be seamless, and easy to follow for even a layperson reading them.

If either the workplan or the achievements reported each quarter do not track directly back to the original community service objectives, then the documents needs to be revised in order to do so.



Writing Community Service Objectives

The single greatest requirement for each USDA AmeriCorps site is to have concrete, measurable, community service objectives.

Each Anti-Hunger and Environmental Team site must have at least five objectives, and each Rural Development Team Member performing an individual task must have an individual community service objective.

Please refer to Chapter 5, "Process for Grant Application", subsection on new applications, for more details on the objectives that should be in each original application.

Objectives are statements of what your program believes will be the result of a year of effort, a statement about what will change. Objectives should be measurable and address what work will get done. Objectives must be specific enough to allow determination of what changes will occur as a result of the efforts, and to whom the benefits will accrue.

A good objective describes the recipient and the desired change. The evaluation portion of a program objective describes the means of determining whether the change occurred, what constitutes "success" or the "impact" resulting from the attainment of the objective, and how this impact will be measured.

Avoid measuring activities that are not at the core of your program's objectives. It may be "nice to know" how many people actually read your brochures on affordable housing, but it is much more important how many people attained affordable housing as a result of your program's efforts.

The objectives set out for your program are of great importance. They provide the direction for your program. They provide a yardstick to measure the progress toward the goals you have articulated. And, well written objectives tell you if you have been successful in reaching your goals.

Be sure that the objectives set out are "outcome" objectives and not "process" objectives. Process objectives say how work will get done-not what work will get done. Holding weekly staff meetings' is a process objective. Producing 15 units of affordable housing in year one is an outcome objective.

So, each objective described in a plan of work should include the following components:

- the work to be done (a product or service to be provided),
- a result of the work,
- a means of measuring the quality or success of the work,
- a standard of quality or success the program hopes to meet, and
- the number of service recipients.

Objectives should be written with great care because they will be the standard by which the success of a program will be measured. Objectives too ambitious or unrealistic can result in a negative evaluation by the Corporation. Spend time thinking through your objectives to be sure they will be achievable, given the skills of the members, the situation in which they will be working, and the time allotted to accomplish the tasks.

Similarly, be sure that your program's objectives are directly tied to measurement of the activity's effectiveness. Counseling small business owners may lead to a more vital business climate. But, it is not demonstrable that the 10 percent increase in local retail sales is directly attributable to your program's efforts. This sales increase could result from any number of other factors. A more reliable measurement would be the sales of those businesses whose owners you counseled, compared with their sales over comparable periods.

It would also be useful to know the "relative" impact of your objectives. Collecting 8000 pounds of recyclable materials is a laudable goal. But what are the estimated total amount of recyclable materials available in the community? Does 8000 pounds represent a meaningful amount? It may not if measured against the total amount of all recyclable material available. It may be quite meaningful if it is 8000 pounds of hazardous materials.

Simply stated, each objective should address all five components listed on the previous page. An example of a community service objective which covers all five components would be:

One hundred county farmers and 50 non-farm land owners will attend a four week training session to be taught how to assess their farmsteads for potential water pollution hazards using the Farmstead Assessment System (FAS). A pre- and post-test of the training will be administered to ensure that all attendees have increased their knowledge of the subject by at least 85 percent; meaning they have gained sufficient knowledge to use the FAS system effectively.

1. The work to be done .

To train rural landowners how to assess their farmsteads groundwater for pollution by using the Farmstead Assessment System (FAS).

2. The result of the work.

Farmers and rural landowners will be trained.

3. Means of measuring the quality of the product or impact of the service.

Pre- and post-tests will be administered to all attendees.

4. Standard of quality or Impact that the program hopes to meet.

All attendees will have increased their knowledge of FAS by at least 85 percent.

5. Number of service recipients.

One hundred and fifty rural dwellers.

Identifying and listing the five components is easier in community service objectives than in community building objectives because they tend to be product oriented. A community building objective related to the community service objective written above could be 'to increase awareness of water quality issues among rural residents'.

All community service objectives should be as concrete and as measurable as possible. Your answers should **not** focus on "process" activities such as meetings held, surveys or inventories completed, citizens informed of programs, but rather should focus on direct benefits to the community, such as: number of trees planted, number of jobs or new businesses created, number of school children educated, number of homes built or repaired, number of (or acres of) conservation practices actually implemented, miles of trail built, percentage improvement in water quality, increase in recycling rate, etc.

In drafting your project objectives, you must use the format on the next page. For multiple objectives, make as many copies of the forms as necessary.

COMMUNITY SERVICE OBJECTIVES
Objective 1

Grantee Name: _____ Site: _____

SITE SUPERVISOR: _____ PHONE: _____ COUNTY: _____

COMPONENTS OF OBJECTIVE STATEMENT:

1. What work will be done? What service activities will your members engage in?

2. What is the hoped for result of the work/activities described above?

3. How will you measure the quality of your product or impact of your service?

4. By what standard will you gauge success?

5. How many Individuals will receive the benefit of the work your members perform?

Plan of Work (POW)

Once the community service objectives have been completed, a plan of work (POW) should be developed for each site. Each POW will consist of the following:

1. Overall plan for the year.
2. Weekly work plans.
3. Action plan.
4. Resource plan.

Each AmeriCorps Site, whether for a Team or RDT member, is required to submit a POW to the USDA National Service Office. These plans will form the basis for quarterly progress reports during the year, as well as the end of year accomplishment report which will be submitted to the Corporation.

Yearly POW

Each plan will indicate the following:

- Total number of hours planned for the year.
- Total number of projects. It is vital that a sufficient number of quality projects be selected to last through the year.
- Number of hours per project.
- Type of 'priority program area' designation.
- Number of AmeriCorps Members working at site.
- Number of Agency/community members working at site.
- Number of volunteers.
- List of specific tasks, staff days required to complete each task, projected completion date, and task supervisor.

Action Plan

The action plan will include:

- The objective statement.
- Specific statements describing how the objective will be accomplished.
- Who is responsible.
- Time line for accomplishment of objective.
- Specific tasks to be accomplished each week.

Action plans are essentially a timetable of activities listed by the day, week, month, or quarter (whichever is most appropriate for your program) in which they are to take place. If your site program has several involved objectives, it will be more effective to write an implementation plan for each objective-listing chronologically the action steps to be undertaken until the objective is accomplished. For site programs having one or two straight forward community service objectives, a single implementation plan is preferable.

Weekly POW

Some items to be included in the weekly POW are:

- tasks to be accomplished for the week;
- transportation for crew and equipment;
- arrangements for any needed tools and supplies to be on site;
- personnel needs, for example -PL&E: lunches, water, protective clothing, first aid kits, toilet supplies, etc.
- RDT: reference materials, access to computers,
- transportation needs.
- communications equipment for business and emergency;
- program identity signs for work sites;
- training needs; and

Resource Plan

List all of the resources needed for completion of the objectives.

- Human;
- technological;
- administrative;
- printed material;, and
- any other resources required.

The list should indicate who will be expected to supply the resources, when they are needed and when they will be delivered. The resources plan requires a high degree of specificity, both for the resources required and when they will be needed. This ensures program continuity and will allow your agency, and other Departmental units, time for preparation.

The POW should be approved by each agency's national headquarters and by the community to ensure understanding of expectations.

POW's, when approved, shall be the principal guiding plan for on-site service/work to be accomplished by member/crews. In addition to its value as a planning document, the POW should also facilitate keeping account of member hours, training, costs, and other data needed for accomplishment reporting.

Project supervisors are responsible for development of the POW. However, when possible the members should be encouraged to participate in the development of the POW. This participation creates "buy-in" by everyone and helps to create team spirit. Members and supervisors should also join in feed-back sessions about project activity--with on-going and open dialogue in monitoring and evaluating the project. Both supervisor and members are accountable--perhaps for different things and in different ways--and open discussion of accountability for these roles should be rewarding for individuals and the team collectively. Effective two-way communications is essential in "getting things done" well.

The AmeriCorps Members should know that this work is meaningful and how it fits with the basic objectives of public service through the AmeriCorps Program. Some basic principles how the members can be involved:

- ☐ See a project through to an identified completion point.
- ☐ Set an achievable individual work standard (pace as well as quality criteria) agreeable to you and your supervisor mutually.
- ☐ Find out from a supervisor what can be done to improve work. All community service objectives should be as concrete and as performance and then do it.
- ☐ Be proud of the work accomplished.

During the process of drafting the POW, project managers and members should carefully consider the total hours the members will be in the program - 1,812 hours. Within this time frame the member will have to:

- be trained in the service activities they will be expected to perform,
- undertake a program of personal development,
- perform needed service activities for the community, and
- contribute to the overall building of their host community.

The process of writing a plan will bring all of these elements into focus and result in an effective and meaningful experience for the member and the community.

The narrative that follows provides a discussion of each of the planning elements, along with examples. At the end of the discussion, a format for drafting your site plan is provided. You will notice that the form requires certain codes be included. Because the AmeriCorps siting process is not yet complete, site codes are not listed. When complete, the codes will be sent to you under separate cover

Example 1

This objective will require six months for completion, and a plan has been written on a quarter.

Objective One: 100 county farmers and 50 nonfarm land owners will attend a four week training session to be taught how to assess their farmsteads for potential water pollution hazards using the Farmstead Assessment System (FAS). A pre- and post-test of the training will be administered to ensure that all attendees have increased their knowledge of the subject by at least 85 percent; meaning they have gained sufficient knowledge to use the FAS system effectively.

Action Plan-October-December

- A. Contact university specialists, state and federal agencies, and news media to promote upcoming educational programs. Will also be requesting mailing lists and other ways of obtaining potential client lists.
- B. Prepare and send news articles on FAS, conservation farming, water testing, and other aspects of program to all media in the area.
- C. Update and prepare mailing lists and maps of potential target farmers.
- D. Prepare list of local groups and neighborhoods to be contacted.

Action Plan-January-March:

- A. Identify 20 key contacts and leaders in all groups and neighborhoods.
- B. Contact all 20 or more key contacts in neighborhoods and voluntary organizations.
- C. Prepare and send two news articles on FAS and conservation farming.
- D. Hold several neighborhood meetings with small groups on FAS
- E. Finalize attendee list and send out confirmation letters.
- F. Complete four week training of farmers and rural residents.
- G. Pre- and post-test results analyzed.

Example 2

Objective-construct 18 miles of hiking and horseback trails by ten person crew learning work ethics, teamsmanship, safe working practice, job skills, environmental education, and job quality standards.

Action Plan-prior to start up

- A. Mark trail location on ground.
- B. Develop design plans identifying signing, bridges, water bars, universal access, safety, and other trail structure needs. Utilize agency design specifications and standards as required.
- C. Secure appropriate design plan approvals.
- D. Develop project work plans and secure approval.
- E. Develop Hazard Analysis for project.
- F. News release to media about project plan and AmeriCorps participants doing the project.

Action Plan-at start up time-week

- A. orientation to project.
- B. safety training
- C. logistics
- D. work standards and expectations
- E. job training and work activities.

Action Plan-at start up time-weekly

Accomplishment review and evaluation by AmeriCorps members and technical experts.

Action Plan-at start up time-week 28

Complete project, final evaluation.

Action Plan-follow-up

Survey public use activity level and appreciation.
Celebrate accomplishments



Resources

Example Resources

Team training by National Office NRCS water quality specialists in first month of service

Fact sheets and news releases developed by National Office Specialists on safe water quality practices.

One hundred Farmstead Assessment System packages by February 1.

The development of a slide show on tillage methods by State Specialists by February 1.

Delivery of 200 well testing kits and instructions by February .

Bulletins on water quality, tillage, and pesticide management developed by AmeriCorps member.

Obtain NRCS, CFSA, and DNR data on local watershed status in January.

PLAN OF WORK FORMAT

Year: _____

Name: _____

Agency Name: _____

CODE

State/Region: _____

Operating Unit: _____

Mission Statement:

Situation Statement:

Objectives and Evaluation Plan:

Action Plan:

Resources:

Plan for Diversity:

Quarterly Reports

The single most important component of this report is indicating the quantifiable, measurable progress your project has made towards meeting each of your already agreed-upon community service objectives.

The Corporation for National and Community Service (CNCS) continues to refine each quarter's site reporting format, thus the manual cannot be precise in the format requested for each quarter. However, the following is what we believe will be requested. Following the narrative is a layout of the report in an easy to use form.

- 1) Operating Site Name, location, Operating Site ID #, Number of Quarter.
- 2) Name, title, address, and phone number, fax number, and e-mail address (if available) of person completing report.
- 3) Number of Members Serving and Number of Hours Served --- Each third quarter site report must state the number of full-time Members allotted to the site, the number of full-time Members enrolled on the last day of the third quarter, the number of full-time Members who served the entire third quarter, the total of service hours performed in the second quarter by full-time Members, and the total of service hours performed to date (since the launch of the program) by full-time Members. If your site has part-time Members, all five of the above questions should be answered separately for your part-time Members. Please answer all the above questions about number of Members and hours served on each individual site report, but also please aggregate for your state this information for all the Members sponsored by your agency in the state. Hours in training should be included in these hours and are treated no different than hours in direct service.
- 4) Number of Non-AmeriCorps Volunteers and Number of Volunteer Hours --- Each third quarter site report must specify how many non-AmeriCorps unpaid volunteers were recruited in the quarter to serve alongside your AmeriCorps Members, as well as the total number of hours these volunteers served in the quarter. This information is absolutely critical, because it allows us to refute the false charge that AmeriCorps' existence decreases the number of people who volunteer in communities. All our experience proves that AmeriCorps in fact boosts community volunteerism --- that is why our reports need to document that.

5) **Significant changes this quarter:** Explain either staff changes or program changes in this section.

6) **Member Assessment ---** This is to assess the diversity of your teams.

7) **Budget Information.** See pages 165-166.

8) **Comparison of Community Service Objectives Planned With Community Service Objectives Achieved ---** Each quarter site report must re-state its complete set of existing community service objectives, before explaining precisely what progress has been made towards achieving those objectives. Answers should be as concrete and measurable as possible. Answers should **not** focus on "process" activities such as meetings held, surveys or inventories completed, citizens informed of programs, but rather should focus on direct benefits to the community, such as: number of trees planted, number of jobs or new businesses created, number of school children educated, number of homes built or repaired, number of (or acres of) conservation practices actually implemented, miles of trail built, percentage improvement in water quality, increase in recycling rate, etc.

9) **Primary accomplishments in meeting Member development objectives.**

Please specify any progress you have made in boosting the personal development of the Members, i.e., types of training, team building activities, etc.

10) **Primary accomplishments in meeting community building objectives.**

Please amplify how the service your project has performed has begun meeting your community service objectives. Please also specify, using either empirical data or anecdotal stories, other important service you have performed that "get things done" in your community. Please specify any progress you have made in helping local communities build their long-term infrastructures.



11) Other Accomplishments This Quarter "Getting Things Done"

12) Unique Successes or "Great Stories"

13) Primary Challenges Encountered This Quarter

14) Training Needs

15) NATIONAL IDENTITY ACTIVITIES THIS QUARTER

Please report on activities this quarter that fostered the national identity of AmeriCorps. Examples could include signage or publicity materials projects with other AmeriCorps programs, training members in their national skills areas (communication, conflict resolution, or CPR/first aid, participating in citizenship education, graduation or swearing in ceremonies, use of national recruitment, use of AmeriCorps members handbook.

16) MEDIA COVERAGE

Please provide all newspaper or magazine clippings, videotapes of TV news reports, and cassettes of radio news reports.

17) OTHER CREATIVE DOCUMENTATION

We strongly urge you to find other ways to creatively demonstrate the progress of your projects, such as:

- "before and after" photographs and videotapes
- excerpts from journal entries written by Members
- letters of support from satisfied individuals or groups

NOTE: In an effort to make the quarterly reports easier to do you will find on pages 159-172 a format for the quarterly report that you may copy and complete if you desire. Please keep in mind however that this format is subject to change by the CNCS.

Quarterly Report Schedule

Quarterly reports are due --- in both paper and electronic (diskette or e-mail) versions --- from your agency national office to the USDA Director of National Service ten days after the close of each quarter. Each operating site will submit a report to the state or regional office of the agency, which will in turn aggregate the data before forwarding to that agency's national office.

Based on the requirement for the state and regional level; project managers at the local level need to submit their reports in sufficient time to allow state/regions to meet their requirements and submit by the deadline.

If a project starts prior to the start of the Fiscal Year, that time should be included in the first quarter report. Reports should be submitted in both hard copy and in electronic format and in the format shown in the following pages.



Responsibility for Preparing Quarterly Reports

Quarterly reports are a critical part of your reporting requirements. They will serve as the basis to determine your eligibility for project renewal. Also, based on information from the quarterly reports, a consolidated report is prepared and shared with Members of Congress. Consequently, project managers should pay close attention to the accuracy of these reports. Hours reported on time spent doing direct community service need to be as accurate as possible. These hours will be tracked by agency headquarters, the Department, and the CNCS.

Every management level shares a responsibility in the quarterly reporting. Quarterly Reports should pass through the following levels:

1. Project/local level: The report starts at this level. Every operating site is required to submit a quarterly report to their state or regional headquarters.
2. State/Regional level: After receiving reports from all of their operating sites, the Project Director should prepare a consolidated report as a representation of accomplishments in the state or region as a whole. Forward the State/regional report, along with copies of all operating site quarterly reports, to agency national headquarters in Washington, DC. (A copy of a quarterly report for every operating site must be filed with the CNCS.)
3. Agency level: After receiving reports from all states and/or regions, national staff must prepare a consolidated report for the Department.
4. Department level: After receiving reports from all USDA agencies must prepare a report and forward copies of all quarterly reports to the CNCS.



AMERICORPS

QUARTER REPORT

SITE INFORMATION

Operating Site name: _____

State: _____

Site ID # _____

Your Name: _____

Your Position: _____

Telephone number: _____

Fax number: . _____

e-mail address
(if available) _____

Date report completed _____

Reporting Period: _____

Program Start-up date: _____

MEMBER INFORMATION

FULL-TIME MEMBER INFORMATION

Number of Members authorized for your site:

Environmental Corps Members: _____

Rural Development Corps Members: _____

Number of Members enrolled at end of quarter: _____

Environmental Corps Members: _____

Rural Development Corps Members: _____

Number of Members at beginning of quarter: _____

Environmental Corps Members: _____

Rural Development Corps Members: _____

Total Hours of Direct Service for previous Quarter: _____

Environmental Corps Members: _____

Rural Development Corps Members: _____

Total Hours of Direct Service for this Quarter: _____

Environmental Corps Members: _____

Rural Development Corps Members: _____

Total Hours of Direct Service to Date: _____

Environmental Corps Members: _____

Rural Development Corps Members: _____

PART-TIME MEMBER INFORMATION

Number of Members authorized: _____
 Environmental Corps Members: _____
 Rural Development Corps Members: _____

Number of Members enrolled at end of quarter: _____
 Environmental Corps Members: _____
 Rural Development Corps Members: _____

Number of Members at beginning of quarter: _____
 Environmental Corps Members: _____
 Rural Development Corps Members: _____

Total Hours of Direct Service for previous Quarter: _____
 Environmental Corps Members: _____
 Rural Development Corps Members: _____

Total Hours of Direct Service for this Quarter: _____
 Environmental Corps Members: _____
 Rural Development Corps Members: _____

Total Hours of Direct Service to date: _____
 Environmental Corps Members: _____
 Rural Development Corps Members: _____

VOLUNTEER ASSESSMENT

Non-AmeriCorps Member Volunteers

Total Number of non-AmeriCorps Volunteers:
involved in AmeriCorps service activities in
this quarter

Total hours of AmeriCorps service activities:
completed by non-AmeriCorps Member volunteers
in this quarter.

SIGNIFICANT CHANGES THIS QUARTER

1. Staff changes made this quarter:

2. Program structural changes made this quarter:

Number of Members who have left National Service
this quarter.

Total-to-date

Number of Members who have gained employment thru their
AmeriCorps Service



MEMBER ASSESSMENT
as of end of this quarter

TOTAL AUTHORIZED POSITIONS: _____ **TOTAL EMPLOYED:** _____

TOTAL ENVIRONMENTAL CORPS POSITIONS FILLED _____
TOTAL RURAL DEVELOPMENT CORPS POSITIONS FILLED _____

DEMOGRAPHICS OF AMERICORPS MEMBERS

Box 1 - GENDER	
Number of Males	_____
Number of Females	_____
TOTAL	_____

Box 2 - RACE	
Number of Caucasians	_____
Number of African Americans	_____
Number of Native Americans	_____
Number of Hispanics	_____
Number of Asian Americans/Pacific Islander	_____
Other	_____
TOTAL	_____

Box 3 - EDUCATION	
Number w/out High School Diploma or GED	_____
Number with High School or GED	_____
Number with some college	_____
Number with college degree	_____
Number with Graduate degree	_____
Number w/Professional or Trade School	_____
TOTAL	_____

NOTE: Totals in boxes 1-3 should be the same number and should be the same as TOTAL EMPLOYED.

BOX 4 - OTHER	
Number receiving Health Insurance from NRCS	_____
Number receiving Child Care through AmeriCorps	_____
Number of children	_____
Number w/Disabilities	_____



BUDGET INFORMATION

Federal dollars spent on AmeriCorps (Local Level Only)	
Project Manager completes this section	
Per cent of your time spent on AmeriCorps	_____
Approximate dollar amount	_____
Cost for any other Federal employee spending time on AmeriCorps	_____
Travel costs for Members & Managers	_____
Training costs	_____
Supplies	_____
Uniform costs	_____
Program Costs	_____
(Please explain what these costs were.)	

Partner dollars spent on AmeriCorps	
Supplies	_____
Travel	_____
Training	_____
Program Costs	_____
Other	_____

PROJECT DIRECTOR COSTS (One per State - Above site level costs only)
Do **NOT** include any costs already captured by the Project Manager.

Federal dollars spent on AmeriCorps

Per cent of your time spent on AmeriCorps _____
Approximate dollar amount _____

Cost for any other Federal employee spending _____
time on AmeriCorps _____

Travel costs for Members & Managers _____

Training costs _____

Supplies _____

Uniform costs _____

Program Costs _____
(Please explain what these costs were.)

Non-Federal Funds Spent _____
(Explain)

Objectives Section

Objective: (state objective)

Progress towards meeting this community service objectives

(complete this sheet for each objective)

PRIMARY ACCOMPLISHMENTS

1. **Member Development:** Progress made in boosting the personal development of members.

2. **Community Building:** Progress made in meeting your community service objectives.



3. Other Accomplishments:

4. Unique Successes or ``Great Stories``:

PRIMARY CHALLENGES

Report on problems resolved and unresolved, obstacles to achieving program objectives, significant sources of delay, program elements not meeting expectations, events or incidents that caused concern. Use the format below for explaining problems and solutions.

NATURE OF PROBLEM

Please state the problem clearly and concisely. Be candid.

HAS THE PROBLEM BEEN RESOLVED?

IF NO, WHAT STEPS HAVE BEEN TAKEN TO RESOLVE THE PROBLEM?

WHAT DO YOU SEE AS THE SOLUTION OR RESOURCES NEEDED TO RESOLVE THIS PROBLEM?

Specify what steps you, your Members, USDA, and/or the Corporation for National Service can take to rectify the problems or at least ensure they do not recur in the future



TRAINING ASSESSMENT

PRIMARY TRAINING AND TECHNICAL ASSISTANCE NEEDS

Please specify precisely what kind of staff or Member training or other technical assistance can be provided by USDA, the Corporation for National and Community Service, or other sources to improve your project.



MEDIA ASSESSMENT

1. NATIONAL IDENTITY ACTIVITIES THIS QUARTER

2. MEDIA COVERAGE

3. OTHER CREATIVE DOCUMENTATION

Chapter Twelve

Health, Safety, And Accident Control

Purpose

This chapter provides guidance on the Health, Safety and Accident Control Program. This program is directed toward reducing errors and risks, and protecting the physical and mental health of members and staff while participating in all project activities. The CNCS requires that projects institute safeguards as necessary and appropriate to ensure the safety of participants.

Basic Direction

Each residential and nonresidential project must have a complete safety and health plan. This plan shall be integrated with and comply with the overall health, safety, and accident control policies of the administering agency. Policies now in effect in each employing agency are adequate for the development of each plan. The AmeriCorps/USDA project/program shall use existing USDA and agency forms for injury, illness, and accident reporting. Work supervisors will need to maintain close and continuous supervision of work crews.

Minimum Requirements

Rescue and emergency medical aid plans shall be set up for each project to cover injuries or illness occurring at camp or on the job. The plan must detail each step to be taken from onset of the injury or illness to professional treatment.

Specific safety and health plans and/or a job hazard analysis covering all areas of members activity including trips, recreation, and work are required. No member may be ordered or allowed to perform work of a hazardous nature without authorization and certification.

Public safety programs and other programs posing a significant risk to members must adhere to applicable provisions to the safety protocol issued by the CNCS.

Project managers must have prior written approval from CNCS for members to participate in forest fire related activities and other natural/man-caused disasters (floods, earthquakes, etc). Members shall meet the same physical fitness and training requirements as organized agency crews. Agencies must ensure that qualified overhead personnel are assigned to manage crews in all incidents.

Environmental Team project managers may wish to develop some type of physical fitness program. Most youth corps do have a program of this type.



Safety Awareness Training-training should provide clear guidelines for member safety as well as specific procedures to help ensure safety. Training should occur in preservice settings as well as during service. The training should includes sessions on

- avoiding dangerous situations,
- procedures for obtaining immediate assistance in the event of an emergency, including explicit guidelines for reacting to dangerous or threatening situations,
- becoming familiar with the community,
- interaction with supervisors and other AmeriCorps members, and
- prevention of occupational hazards.

Safety Precautions-projects must take all appropriate precautions to help ensure the safety of members. Recommended precautionary measures include

- assignment during daylight hours and enhanced security for carefully planned activities during evening hours;
- service activities which are appropriate for the members' age and abilities;
- safe passage, safe areas, and escorts, if necessary, to and from the service site;
- assignment of members in pairs or groups;
- coordination of safety plan with local law enforcement agency and possible increase in police surveillance in service sites;

- provision of communications equipment, if available; issuance of distinctive clothing; and
- close monitoring of member activities by immediate supervisors and project coordinator.

Caution must be exercised in permitting members under 18 years of age to work on projects which consist of work described as hazardous by Federal laws and regulations. Certain tasks will require a clearance before these youths can be authorized to undertake them. Hazardous work is defined in the child labor bulletins. Examples are:

1. Members under 18 may not operate power-driven circular saws, bandsaws, or chain saws.
2. Members under 18 may not operate Government vehicles.

Members should have a tetanus booster shot or a current shot record. Any serious scratch or puncture wound requires immediate treatment by a physician, regardless of recency of tetanus inoculation.

Each project must develop a system to facilitate locating any member whenever necessary. Residential projects carry a 24-hour-per-day responsibility for safety, health, and well-being of the member. This responsibility requires some form of staff coverage which must be exercised on an assigned basis.

During the beginning weeks of the project, members and "when needed staff" will receive training in:

- defensive driving,
- vehicle handling,
- tool use,
- fire suppression,
- CPR,
- first aid, and
- sanitary food handling.

Swimming tests should also be given to members as appropriate. There will be additional tool training at the beginning of each work project. "Tail-gate safety sessions" should be used to re-emphasize the safe use of tools and increase awareness of other potential hazards.

Member Acknowledgment Form

At Appendix V is a form which should be used by projects and completed by all members. It serves as an acknowledgment by each AmeriCorps member (in the case of members under 18 years of age, by their parents or guardians) that the USDA AmeriCorps Program projects - despite appropriate training-policy guidelines and other reasonable precautions, may involve some safety risk.

Reporting An Emergency

In cases of accident or injury:

1. Take whatever steps necessary to ensure the safety and health of the member(s) (apply first aid, CPR, take member to the hospital/doctor).

2. In the case of severe or serious injury, notify agency headquarters **NOW**.

3. Complete paperwork. Complete form CA-1 and any other paperwork necessary in the circumstances.

3. If not previously notified, notify agency national headquarters and send copy of paperwork.

Chapter Thirteen

Project Close Out

General

At the close of each project, project managers and directors will be required to perform certain close out tasks. It is the responsibility to ensure that these tasks are completed in timely manner.

Project Close Out

The following items must be accomplished.

1. Member must complete a Member Exit Form.
2. Project Managers must complete an "End-of-Term-of-Service form".
3. Project managers must complete the Annual Accomplishment Survey-to be provided.
4. Three months prior to end of project, notify agency headquarters of the members currently receiving child care benefits.
5. USDA Office of National Service will notify the Corporation three months prior to end of term of service for member's receiving child care benefits.

Site Graduation

Since each USDA project progresses at a different pace, the Department will **not** set a standard graduation date for the program. It is up to the judgment of the project manager to set a date for a ceremony when all or most of the site's members have completed their 1,812 hours of service. However, whenever possible, all USDA agency projects in the same geographical area should have the same graduation ceremony. Each site will receive --- through the state or regional facilitator -- permanent signs with an AmeriCorps logo and the Heading, "A project of AmeriCorps, United States Department of Agriculture." These signs are to be posted at physical worksites so that or AmeriCorps Members and staff can take lasting credit for the wonderful work they have performed throughout America -- just as alumni of the original CCC can now view plaques at the sites they constructed throughout the country. The installation of these signs should be incorporated into site graduation ceremonies, particularly if the project has built, repaired, or renovated physical sites -- such as homes, trailheads, timber bridges, kiosks, soup kitchens, community gardens, public parks, environmental education centers, campgrounds, etc. Sites may choose to sponsor a caravan or parade in the area in which the members ride or walk from physical site to physical site, installing the permanent signs at each sites. Project managers should invite media, elected officials, and other permanent community leaders.

Glossary Of Terms

AmeriCorps Program

A coordinated group of activities linked by common elements such as recruitment, selection and training of participants and staff, regular a-group activities and assignment of projects organized for/he purpose of achieving the mission and goals of national service.

Anti-Hunger Team

Run in conjunction with anti-hunger organizations and/or youth service corps. Members in this category are required to work with other team members (a minimum of five). There is no age restriction; educational background is varied (from those without a high school diploma to those with a Ph.D.) and teams are required to be diverse in their makeup (age, race, educational background, and gender).

Cluster Requirement

Rural Development Team Members are required to meet at least once a month in order to increase their awareness of the larger concept of AmeriCorps and National Service. This time also gives them the opportunity to share concerns and ideas. They may also come together to participate in group projects.

CNCS

The Corporation for National and Community Service is the new Federal cooperation that funds and oversees the AmeriCorps Program, as well as other domestic service and volunteer programs.

GED

General Equivalency/Diploma. A degree obtained by examination which may substitute for a high school diploma. An individual must agree to obtain a GED or high school diploma before using the AmeriCorps education award.

Member

The official word to describe a participant in AmeriCorps who is earning a living allowance and serving hours towards an educational award

National Headquarters (NHQ)

Refers to Agency Headquarters in Washington, DC.



National Identity

The sense of purpose and membership in a common program that all AmeriCorps Members share. National identity can be strengthened by everything from buttons and T-shirts to reflection activities, common national service projects, and civic education.

National Service Trust Fund

Also "Trust Fund " or "Trust." A trust fund in the United States Treasury Department established by the National and Community Service Trust Act of 1993 to finance AmeriCorps education awards.

NFC

The National Finance Center is the USDA office that processes payroll and reimbursement checks for both AmeriCorps Members and USDA employees.

Nondisplacement

AmeriCorps members cannot perform any services that would result in a paid employee losing a job.

Operating Site

An operating site is the lowest possible unit at which AmeriCorps Members report to work each day. Thus, each Environmental Team location at which the Members meet daily would be an operating site. For Rural Development Teams, if the Members in a cluster report to the same office at the county level, then that office is the operating site. If, however, five Members in a cluster each report daily to different offices, then each of those offices must be listed individually as operating sites.

Program

Applies to the entire USDA AmeriCorps Program.

Project

Applies to individual site locations.

Project Director

Refers to individual located at State level tasked with responsibility for the AmeriCorps Program.

Project Manager

Refers to individual located at local level tasked with responsibility for the AmeriCorps Project.

Public Lands and Environmental Corps Members

Members in this category are required to work with other team members (a minimum of five). There is no age restriction; educational background is varied (from those without a high school diploma to those with a Ph.D.) and teams are required to be diverse in their makeup (age, race, educational background, and gender).

Rural Development Team

The Rural Development Team is a component of the USDA program that requires at least a Bachelor Degree for most Members, pays a higher living allowance than the Public Lands and Environmental Corps or the Anti-Hunger Corps, and allows the members to service daily in individual placements rather than work in crews.

Rural Development Team Member

A member who is entitled to a higher wage based on educational background or on personal expertise and knowledge gained through experience. In general, a minimum of two years of college is required for a position on a Rural Development Team. This requirement can be waived if the applicant possesses a significant degree of expertise which he/she has gained through employment experience. These individuals have the ability to work independently. Rural Development Teams are expected to be diverse in their makeup.

State Commission

A 15-25 member, independent, bipartisan commission appointed by a governor to implement service programs in the State. Each State Commission receives funding from the Corporation and is overseen by an executive director. The State Commission's duties include developing a State plan, submitting the State application to the Corporation, and overseeing funded AmeriCorps programs.

USDA AmeriCorps Program

Refers to the AmeriCorps Program sponsored and run by the U.S. Department of Agriculture.

Volunteer

The word "volunteer" should only be used to connote uncompensated community residents who volunteer their time to serve part-time in service projects alongside AmeriCorps Members. Never use the word "volunteer" to describe actual AmeriCorps Members.

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Appendix

Federal Register

Wednesday
March 23, 1994

Part II

Corporation for National and Community Service

45 CFR Parts 2510, 2513, et al.
Corporation Grant Programs and Support
and Investment Activities; Final Rule

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

45 CFR Parts 2510, 2513, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2530, 2531, 2532, 2533, and 2540

Corporation Grant Programs and Support and Investment Activities

AGENCY: Corporation for National and Community Service.

ACTION: Final rule.

SUMMARY: The Corporation for National and Community Service (the Corporation) is issuing this final rule concerning the Corporation's grantmaking programs and various support and investment activities as authorized by the National and Community Service Act of 1990, as amended by the National and Community Service Trust Act of 1993 (the Act). The activities and grants described in this rule are designed to help address the Nations education, public safety, human, and environmental needs through national and community service. This rule describes the different types of national and community service programs the Corporation may support, the funding available for those programs, the processes by which grants will be awarded, the training and technical support services available for program development and applications, and the Corporation's plans to invest in service infrastructure.

EFFECTIVE DATE: March 23, 1994.

FOR FURTHER INFORMATION CONTACT: Terry Russell, (202) 606-4949 (Voice) or (202) 606-5256 (TDD), between the hours of 9 a.m. and 6 p.m. Eastern Standard Time. For individuals with disabilities, information will be made available in alternative formats upon request.

SUPPLEMENTARY INFORMATION:**Background Information***The Corporation's Mission*

The Corporation's mission is to engage Americans of all ages and backgrounds in community-based National service. This service will address the Nations education, public safety, human, and environmental needs to achieve direct and demonstrable results. In doing so, the Corporation will foster civic responsibility, strengthen the ties that bind us together as a people, and provide educational opportunity for those who make a substantial commitment to service.

The Purpose of This Rule

The purpose of this rule is to establish policies and procedures for the activities that the Corporation will undertake to achieve the goals described above. This rule should serve as a guide to explain the eligibility requirements, application processes, selection criteria, program requirements, and other relevant information for individuals, programs, public and private nonprofits, institutions of higher education, States, Indian tribes, and other entities wishing to participate.

Impact of Programs

All programs under the National and Community Service Act have in common the goal of achieving three types of impact: "getting things done" through direct and demonstrable service, strengthening communities, and developing the leadership and other skills of participants. All programs, whether they involve elementary school children or senior citizens, are equally able to achieve the goal of strengthening communities "by involving people of different backgrounds together in a common effort, by promoting civic responsibility so that every member of a community feels responsibility for its stewardship, and by breaking down barriers of mistrust and misunderstanding. The other two impacts are weighted differently for different program types based on the age and experience of the participants.

At the one extreme, the service-learning programs for school-age youth may indeed help to solve the pressing problems of communities, but their primary impact will be, and should be, on the lives of the participants. They should improve their educational motivation and achievement, citizenship skills, teamwork, and problem solving abilities. At the other extreme, for a professional corps of adults who are highly educated and highly skilled, the primary impact must be on getting things done in communities. Given the higher costs of these programs and the advanced education level of the participants, it is imperative that the work they do be highly valued by communities and the Nation. Programs like youth corps, which lie somewhere in the middle in terms of age and education level of participants, should achieve a balance of impacts by getting things done and meeting the educational or training needs of participants. By keeping this calculus in mind, potential applicants can gauge the appropriate amount of program resources that should be dedicated to participant education, life

skills training, and other types of participant support.

Proposed Regulations

On January 7, 1994, the Corporation for National and Community Service published in the Federal Register (59 FR 1194) a proposed rule implementing the National and Community Service Act of 1990, as amended. In response to the proposed rule, the Corporation received over 280 comments from, among others, States, Indian tribes, schools, institutions of higher education, community-based organizations, public and private nonprofit organizations, volunteer organizations, and individuals.

Summary and Analysis of Public Comment

Many comments suggested changes to Corporation policies that were discussed in the preamble to the Notice of Proposed Rulemaking but that were not addressed by the rule itself. Although the Corporation is not required to discuss these comments here, they have been considered carefully and some changes have been made. The most salient of these issues, along with updates to other non-regulatory Corporation policies, are discussed separately in the section on Preamble Issues.

The Regulations Issues section summarizes substantive comments received on the regulatory provisions of the Corporation's proposed rule. Each issue that was raised in the comments is identified and discussed, and, where appropriate, any changes to the regulations are noted with regulatory citations.

Finally, the Corporation received a significant number of comments that suggested changes to regulatory provisions that reflect statutory requirements. None of these is discussed here. Also not discussed are any technical, non-policy changes that were made either in response to comments or as a result of internal review.

I. Preamble Issues: Comments on and Updates to Non-Regulatory Corporation Policies*(A) Comments on Non-Regulatory Corporation Policies***Application Deadlines and Availability**

A number of commenters requested that the Corporation move back the deadlines for its various applications. The Corporation has done so. The new deadlines for the announced competitions are as follows (please note that the applications must be received

by the Corporation by 6 p.m. Eastern time of the announced due dates):

Program	Application due dates
Summer of Safety	March 14, March 21
Learn & Serve K-12, School-based.	April 22
Learn & Serve, Higher Education.	April 25
AmeriCorps National Direct.	April 29
Innovative and Demonstration.	May 16
Learn and Serve K-12, Community-based.	May 27
AmeriCorps State	June 22

Applications may be obtained by writing the Corporation at 1100 Vermont Avenue, NW., Washington, DC 20525, by sending a facsimile request to (202) 606-4871; or by calling (202) 606-4949. Applications are also available on Internet. To retrieve applications via Internet, please send a blank electronic message to: cnscs@ace.esusda.gov. There should be no text in the body of the message. An automatic response will be sent back with information on how to retrieve the applications through electronic mail, gopher and anonymous file transfer protocol (ftp).

Since most local AmeriCorps applicants (other than professional corps) will be applying through their respective States, they should contact their State Commissions to obtain applications.

National Priorities

The statute and regulations give the Corporation the authority to establish priorities governing the competitive distribution of funds—both directly and through the States. The Corporation received a number of comments suggesting changes to and clarifications of both the applicability and content of the national priorities. (Programs included in the State formula application are not governed by these priorities but rather by priorities established by the State consistent with part 2513 of this rule.) The national priorities, which have been slightly revised, are as follows:

Education. School Readiness: Furthering early childhood development; and

School Success: Improving the educational achievement of school-age youth and adults who lack basic academic skills.

Public safety. Crime Prevention:

Reducing the incidence of violence; and

Crime Control: Improving criminal justice services, law enforcement, and victim services.

Human needs. Health: Providing independent living assistance and home- and community-based health care; and

Home: Rebuilding neighborhoods and helping people who are homeless or hungry

Environment. Neighborhood Environment: Reducing community environmental hazards; and

Natural Environment: Conserving, restoring, and sustaining natural habitats.

Two changes were made to the priorities. Within the education priority, the former priority, "School success: improving the educational achievement of school-age children," was changed to "School success: improving the educational achievement of school-age youth and adults who lack basic academic skills." Within the human needs priority, "Home: Rebuilding neighborhoods and helping people who are homeless," was changed to "Home: Rebuilding neighborhoods and helping people who are homeless or hungry." This amendment was made to clarify that, as commenters suggested, programs designed to provide basic academic skills to adults and hunger programs are included.

There were many suggestions for further changes to the priorities, including the following: within Education, add priorities for English as a Second Language, school-to-work transition, and programs targeting out-of-school youth; within Public Safety, add programs that include as participants former gang members and other troubled youth, as well as fire-safety programs; within Environment, there were suggestions for specific language changes. Similarly, there were suggestions for additional priority categories. One commenter suggested adding programs that target individuals with disabilities, and another suggested making economic development a national priority.

After careful consideration, the Corporation did not make additional changes to the national priorities. Most suggested changes would have narrowed the priorities by delineating subcategories of programs that already fit under the priorities as drafted. For example, programs that include gang members as participants might apply under the education priority as programs that prepare youth for school success, under the public safety priority as programs that reduce violence, or, depending on the activities of the participants, under the human needs or environmental priorities. Indeed, quality programs often involve an holistic approach to meeting local needs

and thus often address more than one national priority. The priorities are designed to allow programs maximum flexibility to respond to unique local needs but, concomitantly, to focus the investment of limited Corporation funds to achieve demonstrable impact. To further narrow the priorities would undermine these objectives. Programs should be aware that the priorities are intended to provide parameters within which to focus their efforts; more specific activities within these parameters are allowable.

Several commenters expressed concern about whether every participant or every project in a given program had to address one or more of the priority areas in order for the program as a whole to qualify. Every project and every participant in a program do not have to be working in a priority area in order for the program to be considered to meet a national priority; rather, the program as a whole must substantially address one or more priority areas. The Corporation intentionally has not attempted to quantify the definition of "substantially address." Instead, the Corporation will make this judgment on a case-by-case basis to allow for flexibility.

AmeriCorps State Applications

The Corporation has changed the State AmeriCorps application process. The Corporation's previous plan considered the formula and competitive components of a State's application to be discrete. Programs had to be placed in one component or the other, and States did not have the flexibility to rearrange the components of their applications once submitted.

There were a number of reasons behind this policy. First, it is the Corporation's policy to distribute competitive funds only to States that receive their formula allocations; this suggests evaluating the formula component of the applications prior to the competitive component. Second, programs should know up front which component of the State application they are in to be able to estimate accurately their chances of receiving funding. Third, because State priorities may differ from national priorities, some programs may not be eligible for both formula and competitive funding. Fourth, it gives autonomy to the States, allowing them to decide where to place programs. Finally, from a logistical standpoint, the review process is kept relatively simple by keeping the two components of the State application separate; therefore, the Corporation would be able to finish the reviews quickly and meet its goal of distributing

funds to programs in the field on a timely basis.

The major drawback of this policy is that it unnecessarily would require States to make difficult decisions that, ultimately, may not lead to the best programs being funded. Specifically, a State would have to decide—for every program for which it wants to seek funding—whether that program should go into the formula or competitive component of its application. A State would have to decide whether to take a risk and put its best programs into the competitive pool, or to play it safe and place those programs in the formula portion of its application. If the State gambled, put its best programs in the competition, and those programs did not receive funding, then the best programs in that State would go unfunded. That is not a desirable outcome either for the States or for the Corporation.

For the above reasons, the Corporation has revised the application process so that States will have the opportunity to replace programs included in the formula portion of their application with programs that were unsuccessful in obtaining competitive funding. The application and simultaneous review processes will be as follows: (a) States will submit applications consisting of the State Plan, formula programs, and, at the State's discretion, competitive programs and a request for program development assistance;

(b) If the State Plan is approved, and if a State's formula programs meet a minimum quality threshold, that State's competitive programs will be entered into the State competition;¹

(c) Through a peer and staff review process, the competitive programs will be selected;

(d) States will be notified of which programs were selected in the competition and given an opportunity to revise their formula applications to include programs that were not selected in the competition. (The Corporation will be neutral here—neither encouraging nor discouraging States to put rejected competitive programs into the revised formula list. This is the States' choice completely, although at the request of the States the Corporation may provide review forms, etc. which

may aid States in assessing the quality of those programs); and

(e) The formula portions of the State applications will receive final approval from the Corporation.

It is the Corporation's view that this revision to the State application process will leave most decisions in the hands of the States, allow for the best programs to be funded, and still get programs up and running quickly.

Eligibility of U.S. Territories for State Competitive Funds

At the request of one commenter, the regulations (§ 2521.30) have been amended to clarify that U.S. Territories are eligible to apply for State Competitive funds and educational awards if they receive their formula allotments. Each eligible Territory may include up to three programs in its application for State competitive funds.

Timeline

One commenter objected to the timelines established for the completion of the State Plan and State applications. In particular, the commenter stated that the tight timelines would make it difficult to coordinate State grant applications with the State Plan. Several commenters noted that the timing of notification of funding will make it difficult to hire staff, which usually happens in the spring.

The Corporation agrees that the timeline is very tight and regrets any inconveniences it will cause. In future years, programs will have significantly longer to prepare applications. However, in fiscal year 1994, the current timeline is necessary in order for Corporation-funded programs to be up and running by the Fall.

Starting Dates and Attrition Policies

One commenter suggested that all participants should not be required to start at the same time and that vacancies be filled on a rolling basis. Another commenter suggested the option of a mid-year starting date to fill vacant positions.

The regulations allow for policies to change over time if experience demands a revision. The current policy allows programs to begin terms of service in June, September or January. All participants in a program need not start simultaneously—thus one class could serve September-September, another January-January, thereby allowing the option of a mid-year starting date to fill vacancies. In addition, if a program can demonstrate a compelling reason for alternative starting dates, including the need for rolling admissions, the

Corporation may waive this requirement.

Allocation of Educational Awards Within Programs

One commenter expressed concern that not treating all participants the same in terms of educational awards might be a disadvantage in the selection process. The commenter suggested that it should not be a selection criterion.

Because of the limited amount of funding available for program assistance, the Corporation anticipates that in some cases programs (especially existing programs) may not apply for or receive adequate support for all participants enrolled in the program, and the potential thus may arise for some participants (who are serving in approved AmeriCorps positions) to receive AmeriCorps educational awards while other similar participants do not. The Corporation is therefore requiring every applicant to describe the rationale for its distribution of educational awards to program participants in those cases where distinctions among participants are necessary. In general, this distribution should treat equally all participants doing the same or essentially similar work. This reflects a matter of principle as well as a pragmatic concern for the equal treatment of participants within a single program.

The Corporation recognizes that equal treatment may not be feasible or desirable in some instances. For example, an intergenerational program or a program with a specialized component or division assigned special projects may make distinctions among participants that justify the provision of educational awards to some but not to others. An example of the latter of these is a corps where team leaders receive AmeriCorps education awards whereas regular corps participants do not. Similarly, a program may choose to offer alternative post-service benefits to participants in lieu of the AmeriCorps educational awards provided by the Corporation. AmeriCorps programs are strongly encouraged to offer alternative post-service benefits from non-Corporation funds to participants who will not receive AmeriCorps educational awards. The Corporation will evaluate on a case-by-case basis the rationales of programs that do not plan to provide all participants with educational awards. However, the Corporation will not approve rationales based solely on a determination of economic need of participants.

The existence of a reasonable method of allocating educational awards will still be a selection criterion; however, in

¹ Those States that do not submit programs for competitive funding as well as those States that notify the Corporation in advance that they will not want to revise their formula application regardless of whether any or all programs they have submitted for competitive funding receive funding, will have the formula components of their applications processed before other States.

cases where programs have legitimate reasons for not offering educational awards to all participants, those programs will not be disadvantaged in any way in the selection process.

AmeriCorps Priorities for Existing Grantees and for Programs Targeting Participants with College Experience

Some commenters suggested that programs involving college-educated participants should not be given priority for funding in the national direct competition.

Although current grantees of the Commission on National and Community Service—which have a high percentage of participants without college experience—are not guaranteed funding, they receive a priority for funding. The special consideration for programs involving individuals with college experience was provided in order to achieve the overall goal of diversity across programs based on many factors. An alternative would be to drop both the priority for existing grantees and the special consideration for programs involving individuals with college experience. However, given the need to include a base of experienced programs and the advisability of completing the third year of programs that received three-year grants from the Commission, the applications retain the first alternative.

Potential applicants should be aware that special consideration is not the same as an absolute preference. Nor does it mean that every participant must be college-educated in order for a program to receive special consideration, or that no programs involving youth who have not attended college will be funded in the national direct competition. Rather, the purpose of the special consideration is to ensure that participants with and without college experience are both represented in National service.

Small State Priority in the AmeriCorps State Competition

Several commenters requested that the regulations be revised to increase from 20 to 50 both the recommended minimum number of participants in a program and the priority for small states in the State competition.

After careful consideration, the Corporation has not changed these policies. Because there are many high-quality programs with between 20 and 50 participants, and because the Corporation does not want to send the message that these programs should consider expanding to 50 participants, the recommended minimum size of a program has not been raised to 50.

Similarly, the Corporation chose not to raise the small State priority to 50 participants because it would have resulted in approximately half the States receiving the priority. States with widely disparate populations thus would be treated equally. This is not only unfair to the larger of these States but undermines Congress' intent of distributing these AmeriCorps funds in proportion to population.

Relocation Expenses

In the preamble to the January 7 notice of proposed rulemaking, the Corporation stated that it would pay for the relocation expenses of participants who are recruited by the Corporation or the State Commissions and need to move in order to participate. One commenter argued that this is a poor use of scarce resources.

The Corporation has revised this policy such that the Corporation will only pay reasonable relocation expenses in instances where participants would not be able to participate without this support.

(B) New and Updated AmeriCorps Tables

Maximum Number of Programs in the AmeriCorps Competitive State Applications

One commenter suggested that the Corporation revisit whether any restrictions should be placed on how many AmeriCorps programs may be submitted in a State competitive application. The Corporation has limited the number of programs a State may include in its application for competitive funding to three plus an additional program for each full percentage point of the total State population (rounded to the nearest full percentage point) that State contains.

The Corporation is not changing this policy for a number of reasons. First, from a purely pragmatic standpoint, some sort of limitation must be placed on the overall number of applications. If the Corporation is inundated with applications it will be difficult to ensure that each application is properly reviewed. Second, the Corporation wants to encourage States to submit only their very best programs. Finally, it is likely that with the restriction now in place only about one in five programs submitted will actually be funded. It would be unfair to programs to allow a significantly larger number of submissions.

The table providing the number of programs that may be included in the competitive component of each State application has been updated as follows to incorporate the latest population

estimates (July 1, 1993) from the Bureau of the Census.

MAXIMUM NUMBER OF PROGRAMS THAT MAY BE INCLUDED IN STATES APPLICATIONS FOR COMPETITIVE FUNDING

State	Maximum number of programs
Alabama	5
Alaska	3
Arkansas	4
Arizona	5
California	15
Colorado	4
Connecticut	4
Delaware	3
D.C.	3
Florida	8
Georgia	6
Hawaii	3
Idaho	3
Illinois	7
Indiana	5
Iowa	4
Kansas	4
Kentucky	4
Louisiana	5
Maine	3
Maryland	5
Massachusetts	5
Michigan	7
Minnesota	5
Mississippi	4
Missouri	5
Montana	3
Nebraska	4
Nevada	3
New Hampshire	3
New Jersey	6
New Mexico	4
New York	10
North Carolina	6
North Dakota	3
Ohio	7
Oklahoma	4
Oregon	4
Pennsylvania	8
Puerto Rico	4
Rhode Island	3
South Carolina	4
South Dakota	3
Tennessee	5
Texas	10
Utah	4
Vermont	3
Virginia	5
Washington	5
West Virginia	4
Wisconsin	5
Wyoming	3
Totals	256

Formula Allocation of AmeriCorps Program Funds and Educational Awards to States

The following table has been updated based on the latest estimates (July 1, 1993) from the Bureau of the Census:

FORMULA ALLOCATION OF PROGRAM FUNDS AND AMERICORPS EDUCATIONAL AWARDS TO STATES

State	Program funds	Educational awards
Alabama	\$830,163	60
Alaska	118,765	9
Arkansas	480,610	35
Arizona	780,397	57
California	6,188,252	448
Colorado	707,036	51
Connecticut	649,736	47
Delaware	138,790	10
D.C.	114,601	8
Florida	2,712,156	197
Georgia	1,371,444	99
Hawaii	232,374	17
Idaho	217,900	16
Illinois	2,319,182	168
Indiana	1,132,725	82
Iowa	557,936	40
Kansas	501,825	36
Kentucky	751,251	54
Louisiana	851,576	62
Maine	245,658	18
Maryland	984,418	71
Massachusetts	1,192,008	86
Michigan	1,879,217	136
Minnesota	895,592	65
Mississippi	524,032	38
Missouri	1,037,753	75
Montana	166,350	12
Nebraska	318,622	23
Nevada	275,399	20
New Hampshire	223,055	16
New Jersey	1,562,181	113
New Mexico	320,407	23
New York	3,607,947	261
North Carolina	1,376,996	100
North Dakota	125,902	9
Ohio	2,199,029	159
Oklahoma	640,615	46
Oregon	601,159	44
Pennsylvania	2,388,775	173
Puerto Rico	698,320	51
Rhode Island	198,272	14
South Carolina	722,303	52
South Dakota	141,764	10
Tennessee	1,010,986	73
Texas	3,575,033	259
Utah	368,785	27
Vermont	114,204	8
Virginia	1,286,980	93
Washington	1,041,917	76
West Virginia	360,854	26
Wisconsin	998,892	72
Wyoming	93,188	7
Totals	51,833,333	3,756

Formula Allocation of AmeriCorps Program Funds and Educational Awards to Territories

In fiscal year 1994, the Corporation has set aside \$1,550,000 and up to 112 educational awards to be distributed to U.S. Territories on a formula basis. The

amount of a Territory's program funds allocation is determined by multiplying the total amount of money available by the ratio of that Territory's population to the population of all the Territories. (Population figures are taken from the 1990 Census, the most recent official

figures available.) The maximum number of educational awards for which a Territory may apply is determined by dividing that Territory's formula funds allocation by the expected average Federal share of program costs per participant (\$13,800).

FORMULA ALLOCATION OF AMERICORPS PROGRAM FUNDS AND EDUCATIONAL AWARDS TO TERRITORIES

Territory	Program funds	Educational awards
American Samoa	\$213,104	15
Commonwealth of the Northern Mariana Islands	197,485	14
Guam	606,685	44
Palau	68,898	5
Virgin Islands	463,855	34

Competitive Distribution of AmeriCorps Program Funds and Educational Awards to Indian Tribes

The Corporation has set aside \$1,550,000 and up to 112 educational awards for competitive distribution to Indian tribes.

II. Regulations Issues

General Comments

(1) *Multiple applications.* Several commenters asked for clarification of the multiple applications rule.

This rule states that the Corporation will reject any application for a project if an application requesting funding for that project is already pending before the Corporation. In other words, a program can only submit one application at a time for Corporation funds (either directly or indirectly) for a given project.

Confusion sometimes arises over the difference between a program and a project. For the Corporation's purposes, a program recruits and selects participants, trains them, and places them in projects; a project is a specific set of related activities carried out by a program. A program may conduct or undertake more than one project and receive Corporation funding from different pools for those projects. A program is allowed, for example, to propose one project in a national direct application and another project in a State formula application. However, an applicant may not propose the same project for funding in more than one application at the same time. Thus if a program submits an application for a project in the national direct competition, that project may not also be included in a State application. (Once an applicant is notified that a proposal has been rejected, however, the applicant is free, if time permits, to resubmit the proposal in a different Corporation grant competition.)

Change: §§ 2516.730, 2517.730, 2519.730 and 2522.320 have been revised.

(2) *Reinventing government.* One commenter urged the Corporation to include regulatory provisions that would encourage States to minimize

administrative burdens on grantees by streamlining reimbursement and contracting procedures, as well as by providing cash advances to grantees when possible.

The Corporation will issue separate administrative regulations that will require States and other grantmaking entities receiving grants from the Corporation to provide cash advances and prompt expense reimbursements to subgrantees. Contracting procedures for supplies and services are governed primarily by State regulations and OMB Circulars 102 and 110.

Part 2510—Overall Purposes and Definitions

Definition of administrative costs (§ 2510.20). A number of commenters requested clarification of and suggested changes for the definition of administrative costs. One commenter stated that insurance costs should not count as administrative costs in certain instances; another argued that costs such as rent, utilities, travel, supplies, etc. should be allocated through an approved joint cost allocation plan; another stated that indirect costs that directly support programs should not be treated as administrative costs.

The Corporation agrees that the definition of administrative costs was not sufficiently clear and it has been rewritten in response to these comments.

Change: § 2510.20 has been revised.

Part 2513—State Plan

(1) *Coordination.* Some commenters recommended including a requirement that States include in their State Plans a description of how their activities will be coordinated with those of the State agency responsible for administering the Community Service Block Grant Act and with other State agencies.

The Corporation encourages each State to develop a truly comprehensive and coordinated national and community service effort. However, the Corporation declines to require such coordination.

(2) *Consideration of State Plan.* One commenter requested that the Corporation state in the regulations

what weight the State Plan will have in the evaluation of State applications.

The Corporation agrees that this is an important piece of information for States as they put together applications. The applications will indicate the extent to which the State Plan will be considered. However, because the Corporation wishes to maintain flexibility on this issue, it has not been incorporated into the regulations.

(3) *Consolidation.* One commenter suggested consolidating the SEA and State Commission plans into one.

Again, the Corporation encourages coordination of efforts, and a consolidated plan perhaps would be a good means for a State to accomplish this. However, due to the separation between State Education Departments and other agencies in many States, this will not be established as a requirement.

Parts 2515–2517—K-12 Learn and Serve Programs

(1) *Training investment.* Several commenters recommended that the Corporation require 5–10% of a program's Learn and Serve grant to be spent on training.

The Corporation agrees that adequate training—for both staff and participants—is a critical component of any high-quality program. In general, States and Indian tribes that receive K-12 school-based grants must spend a total of between 10% and 15% of those funds on training and capacity building. Moreover, in order to receive a grant, a program will have to demonstrate the existence of an appropriate training program. Because the training and capacity-building needs of the various other entities eligible to apply for school and community-based Learn and Serve America grants vary widely, the Corporation is not setting regulatory guidelines on what percentage of those grants must be spent on training and capacity building. However, the Corporation reserves the right to set such guidelines in the applications.

(2) *Partnerships.* Several commenters suggested that the definition of "partnership" be revised to require that the written agreement specify the partnership's goals and activities, as

well as the responsibilities of each partner.

The Corporation has made this change.

Change: § 2510.20 has been revised.

(3) *Coordination.* Some commenters suggested that the meaning of coordination should be clarified so that nonprofits and grant-making entities are required to communicate with State Commissions, but not to receive their approval to go ahead with the program.

Coordination is not a program requirement for K-12 programs. Rather, programs must describe in their applications the extent to which they have coordinated with State Commissions. The regulations have been revised to indicate that while coordination should include meeting and consulting with State Commissions, it does not imply that those State Commissions have the power to approve or disapprove a program.

Change: §§ 2516.410(a)(1) and 2517.400(a)(3) have been revised.

(4) *Preselection of community-based programs.* One commenter objected to the regulatory requirements for preselection of programs (§ 2517.400). Some commenters noted that the competitive process is likely to be circumvented if the Corporation requires preselection because of the tightness of the timeline.

The regulations have been revised to not require preselection. Under the final regulations, State Commissions and grantmaking entities applying for Learn and Serve America community-based service-learning grants are not required to preselect their proposed subgrantees. However, State Commissions and grantmaking entities are expected to describe in detail the types of models that would be funded through grants to local partnerships.

Change: § 2517.400 has been revised.

(5) *Components of School-based application.* Several commenters recommended that the regulations be revised to more specifically identify the application requirements and selection criteria. For example, one commenter suggested that the application described in § 2516.400(a) include descriptions of the following items: The relationship between the program goals and strategic plans of the State Plan and SEA Plan; the relationship of the SEA Plan and the strategic goals of the SEA's systemic education reform efforts; the relationship of the SEA Plan and the program development plan of the State Commission's K-12 Community-based program; and the relationship of the SEA plan and specific systemic reform and school improvement efforts in the State or among targeted LEAs. The same

commenter suggested that under § 2516.410(c) applicants be required to ensure that a mechanism is provided by which school and community needs will guide the integration of service-learning into existing curriculum in order to meet those needs. Another commenter recommended a number of additions to § 2516.500.

Many of these recommendations are in fact incorporated into the applications; however, in order to maintain flexibility in the application and selection process, the Corporation has elected not to include them in the regulations.

(6) *Educational award eligibility.* One commenter recommended including a provision for the K-12 Learn and Serve programs analogous to the higher education provision in § 2519.310 which states that, in general, participants are not eligible to receive educational awards.

This recommendation has been adopted.

Change: a § 2516.320 has been added to the regulations.

(7) *Monitoring and evaluation.* Several commenters suggested additions to and requested clarification of the monitoring and evaluation §§ 2516.800-850.

In response, the Corporation has made three changes: First, because monitoring activities go beyond those included in the proposed sections on "monitoring and evaluation," the word monitoring has been removed from Subparts E and H. The Corporation now refers to monitoring functions that fall within the purview of evaluation as internal evaluation. Second, the Corporation has added the requirement for programs, States and grantmaking entities to cooperate fully with all Corporation evaluation activities. Third, the Corporation has added the requirement for the Corporation to "study the extent to which national service models enable participants to afford post-secondary education with fewer student loans" when evaluating the overall success of AmeriCorps.

Change: §§ 2516.800-850 have been revised.

Part 2519—Higher Education Learn and Serve Programs

(1) *Application review.* One commenter suggested that the review process in § 2519.500 be more specific and include peer review, rankings and reviewer comments, and that there be a written protocol for the CEO to cover situations where a highly ranked application is not funded.

These are good ideas, and many of them may in fact be included in the

review process. Specifically, in fiscal year 1994 programs will definitely be subject to peer review. However, since the Corporation may want to improve the review process from year to year, these provisions are not incorporated into the regulations.

(2) *Where can higher education programs operate?* One commenter expressed concern that the neighboring communities language in 2519.100 would not allow a program to operate across State lines.

The Corporation's intent was that higher education programs should address needs in the communities where the programs operate, regardless of where the institution of higher education is located. The regulations have been revised to make this clear.

Change: § 2519.100 has been revised.

Parts 2520-2524—AmeriCorps

(1) *Living Allowance Match.* Under the proposed regulations, programs receiving educational awards only grants were exempt from the living allowance requirement. One commenter suggested that they should not be, arguing that it would make it more difficult for low-income individuals to participate.

The Corporation has revised its regulations to not allow this exemption.

Change: § 2522.240 has been revised.

Another commenter requested that grantees be able to provide their 15% match for living allowances on an in-kind basis.

In general, the Corporation wants to ensure that every AmeriCorps participant receives a living allowance sufficient to meet reasonable expenses while participating. By definition, a living allowance match must be in cash. However, in certain instances where a program has received a waiver from providing the minimum living allowance, the Corporation will consider on a case-by-case basis waiving or reducing the matching requirement. For example, a program that houses its participants may not count that housing as an in-kind match, but it may be eligible to apply to have the 15% matching requirement waived or reduced.

Change: A section (5)(iii), allowing for waivers of the 15% matching requirement, has been added to § 2522.240(b).

(2) *Preselection of programs.* Commenters objected to the requirement that applicants for AmeriCorps preselect and specifically identify in their applications the subgrantees they will fund. Some commenters argued that because of the tightness of the timeline,

the competitive process is likely to be circumvented if preselection is required.

Although the Corporation appreciates the difficulties preselection raises in light of the timeline, for both legal and policy reasons this requirement has not been changed. The statute requires a State applicant to describe the "jobs or positions into which participants will be placed" (section 130(c)(1)). It is the Corporation's view that such a description would be inadequate without a corresponding description of the programs in which those jobs or positions would be located. Moreover, section 130(b)(2) of the statute requires "description of the process and criteria by which the programs were selected." From a policy standpoint, preselection is required in order to ensure that the Corporation funds only high-quality programs.

(3) *Diversity.* Several commenters recommended modifications to the participant diversity provisions contained in § 2522.100. One commenter stated that programs that are unable to achieve racial and gender diversity should not receive Federal funds. Conversely, other commenters expressed concern that the racial diversity requirement may exclude eligibility minority agencies that would have predominantly minority participants. A number of commenters suggested that the Corporation require diversity of program staff and include that as an evaluation criterion. One commenter suggested that the Corporation encourage programs to engage in joint activities with organizations involving participants of different backgrounds to enhance community-building.

The Corporation declines to make the achievement of diversity a requirement or to establish regulatory exceptions to the mandate that every program seek diversity. The Corporation, in establishing the requirement that every program actively seek to be diverse in a number of important areas, attempted to strike a balance between competing concerns. On the one hand, diverse programs will help strengthen communities. On the other hand, there are some very good programs that, for legitimate substantive reasons, will not be able to achieve diversity in one or more ways. The requirement, as written, will lead to diverse programs except in cases where diversity does not make sense or is not attainable (e.g., a professional corps program requiring specific skills or education should not be required to include as participants individuals who do not have such skills or education).

The Corporation agrees with the suggestion that programs also should seek actively to establish a diverse staff. In many cases where a program's staff is very small, it may not always be possible to have a staff that is diverse in all ways. Within these constraints, however, programs should seek to establish a staff that is as diverse as possible.

Finally, the Corporation agrees that—especially for programs that lack diversity in one or more ways—it is a good idea for programs to engage in joint activities with organizations involving participants of different backgrounds to help build communities; programs are encouraged to do so where possible.

Change: § 2522.100(f) has been modified to include staff diversity.

(4) *50% rule.* One commenter recommended that the Corporation drop the waiver provision from the requirement that at least 50% of funds going to each State go to high-need areas. (§ 2521.30(b)(3)(iii))

In principle, the Corporation believes strongly that each State should in fact do everything possible to comply with the 50% requirement. Thus in order to attain a waiver from this provision, a State will have to demonstrate in an extremely compelling manner not only that there are not enough viable high-quality programs operating in areas of need within the State to meet the 50% requirement, but that it has made a good-faith effort to locate such programs. Finally, no waivers will be granted to individual States if it would necessitate not complying with the 50% rule in the aggregate.

The Corporation is statutorily required to ensure that a minimum of 50% of the total funds going to States go to high-need areas. And although the Corporation is committed to meeting this requirement in the aggregate, it may not always be possible to meet the requirement on a State-by-State basis. For example, the Corporation's review process may result in the selection in a given State of a high-quality program that does not operate in an area of need. If there were not other high-quality programs within that State that did operate in high-need areas, without the waiver provision the Corporation would be unable to fund the high-quality program. For this reason, the waiver provision has been retained.

(5) *Participant eligibility.* (2522.200(b)) One commenter stated that the regulations state that a participant must have a high-school diploma to participate, whereas in fact a diploma is only required to receive the educational award.

This section has not been changed. The regulations state that in order to participate an individual must either have a high school diploma or its equivalent, commit to obtaining one, or be deemed unable to obtain one.

(6) *National Leadership Pool and Recruitment.* (2522.210(b)(1)(c)) The Corporation received a number of comments on the national leadership pool and recruitment requirements. One commenter suggested that the regulations allow anyone recruited to the national leadership pool to be placed back into his or her original program. The same commenter argued that programs should not be required to accept national leadership pool participants; instead, the Corporation should operate a pilot leadership program. Other commenters suggested that the § 2522.100 requirement that AmeriCorps programs agree to select a certain percentage of participants from the national and state recruiting pools be eliminated.

In order to maintain regulatory flexibility, these requirements have not been amended. To the extent that these comments are incorporated into Corporation policy it will not be done in regulations but rather in application materials and other guidelines. However, two items should be noted: (a) Although programs must agree to accept a certain percentage of nationally recruited participants, the Corporation may not require every program to do so, and will likely consider exceptions on a case-by-case basis; and (b) programs will not be required to accept leadership pool participants.

(7) *Child Care.* (2522.250(a)) One commenter argued that child care benefits should go to prospective participants who have undependable child care as well as to participants who don't have child care at all.

This regulation has not been changed, as written, it closely tracks the statute. Programs will provide child care assistance to participants who need it in order to participate; they will determine on a case-by-case basis whether individuals are eligible. A prospective participant with extremely undependable child care could certainly argue that he or she would not be able to participate without child care benefits.

(8) *Health Care.* (2522.250(b)) One commenter stated that the regulations should clarify that AmeriCorps participants should not be asked to pay premiums or deductibles, that the health care plan should include preventive and pregnancy care, as well as eye and dental care and workers compensation, and that there should be

a 1-2 month delay in eligibility, since attrition is highest during this period.

The Corporation will issue written guidelines setting forth the required specifications of the AmeriCorps health care package. These comments will be taken into consideration in the development of policies at that time. In addition, the health care section of the regulations has been rewritten to provide greater clarity.

Change: § 2522.250 has been revised.

(9) *State Priorities.* (2522.410(b)(1)(i)) One commenter argued that States should be encouraged to adopt priorities that fit within the national priorities. The commenter felt that this would facilitate a comprehensive, focused national service effort.

The Corporation agrees that requiring States to adopt national priorities might create a more focused national effort, but this change was not made because the Corporation strongly believes that it was Congress' intent to maintain a large degree of State autonomy with formula funds. States are in the best position to judge which needs are most pressing within a State and thus what the State priorities should be.

(10) *Program types.* One commenter recommended for inclusion in the regulations additional provisions relating to the needs of inner cities. Specifically, the commenter recommended adding an example to § 2522.110(b)(1) of a community service program in a high unemployment, high need urban area. The commenter also suggested that the provision describing a program for economically disadvantaged individuals (§ 2522.110(b)(3)) be expanded to add a requirement that it meet the employment needs of low income people and the business development needs of inner city neighborhoods.

These changes have not been made. The program types included in the regulations are all taken directly from the statute. More importantly, as discussed in the January 7 preamble, a program does not necessarily have to be listed as a program type in § 2522.110 in order to receive a grant. The Corporation has designated any program that meets the minimum program requirements listed in § 2522.100 as eligible to apply for a grant.

(11) *Higher education cap.* Several commenters argued that the regulations should restrict to 10% the percentage of a State's educational award formula allotment that institutions of higher education may receive.

The Corporation declines to regulate on this issue. Which programs are proposed for funding in the State formula allotment, and how any

available educational awards are distributed among them, is up to the States.

(12) *Ineligible service activities.* (§ 2520.30) A number of commenters suggested that the Corporation revise the treatment of provisions prohibiting lobbying by participants in the course of their service. A number of commenters argued that the list of prohibited activities was too large and went beyond the statute. Some commenters stated that the proposed regulations would have an overly restrictive impact on programs and participants.

The Corporation believes the service activity restrictions will not have a negative impact on programs or participants and that the list will keep programs focused on service that has direct and demonstrable results. However, the Corporation does not intend to limit the right of individuals to engage in any of the prohibited activities voluntarily and on their own time. Accordingly, the regulations have been amended.

Change: § 2520.30 has been revised.

(13) *Selection criteria.* One commenter suggested rewriting the AmeriCorps selection criteria so that replicability and sustainability are more closely linked with innovation, rather than listing innovation, replicability and sustainability as separate criteria. Another commenter suggested adding a selection criterion which would consider the extent to which programs promote diversity, community-building and citizenship.

The regulatory selection criteria have been drafted broadly to allow for flexibility from year to year and therefore are not being changed. The fiscal year 1994 selection criteria contained in the applications will stress the extent to which programs are likely to achieve the three desired impacts: "getting things done," improving the lives of participants, and strengthening the ties that bind communities together.

(14) *Federal agency eligibility.* One commenter requested clarification in § 2523.20 on whether "cabinet-level department" would include an executive agency.

Executive agencies are eligible. The regulations have been revised, replacing "cabinet-level department" with "Executive Branch Agency or Department."

Change: § 2523.20 has been amended.

(15) *Approved partnerships.* One commenter asked for clarification of the term "approved partnership or consortium" as used in § 2523.60. Specifically, the commenter asked for an explanation of how a partnership or consortium is approved.

Partnerships will be approved by the Corporation as part of the application process.

Change: § 2523.60 has been amended.

(16) *Program requirements addition.* (§ 2522.100) One commenter suggested that the Corporation add a requirement that AmeriCorps programs provide career counseling to participants.

The Corporation did not add this as a program requirement because programs are already required under § 2522.100(k)(1) to provide support services to participants who are making the transition to careers.

(17) *National nonprofit eligibility.* One commenter requested clarification of the eligibility of national nonprofit organizations to apply for funding through subgrants, as well as directly from the Corporation.

Because national nonprofits are by definition nonprofit organizations, they are eligible to apply as subgrantees to States, Federal agencies, and other grantmaking organizations. In addition, in fiscal year 1994 they are eligible to apply for national direct funding.

(18) *Operating grant definition.* One commenter noted that the description of operating grants in § 2521.20 of the regulations refers only to new or expanded programs. The commenter suggested adding on-going support for existing high-quality programs.

The Corporation agrees that the statute authorizes on-going support to operate programs.

Change: § 2521.20 has been revised.

(19) *National direct coordination.* Several commenters were concerned that the requirement that programs coordinate with the State commissions places too much power in the State Commissions. One commenter suggested that the regulations be revised to require national program applicants to meet and consult with State Commissions and to encourage, but not require, coordination of their efforts.

The Corporation did not intend the coordination requirement to require State Commission approval. The regulations have been revised to clarify the extent of coordination that is required.

Change: § 2522.100 has been revised.

(20) *Dissemination of information.* (§ 2522.210) The regulations list a number of entities through which the Corporation will disseminate information regarding available AmeriCorps positions. Several commenters suggested adding community-based organizations to this list.

This change has been made.

Change: § 2522.210 has been revised.

(21) *Training investment.* One commenter suggested that the Corporation require the grantees to spend between 5 and 10% of any grant on staff and participant training activities.

The Corporation agrees that adequate training—for both staff and participants—is a critical component of any high-quality program. In order to receive a grant, a program will have to demonstrate the existence of an appropriate training program. But because the training and capacity-building needs of the various other entities eligible to apply for AmeriCorps grants vary widely, the Corporation is not setting regulatory guidelines on what percentage of those grants must be spent on training and capacity building. However, the Corporation reserves the right to set such guidelines in the applications.

(22) *Disaster Grants.* § 2524.50. One commenter suggested that we require disaster relief grants to go through the State Commissions. The commenter argued that this would better ensure the coordination of activities.

The Corporation wishes to maintain flexibility on this issue and thus is not changing the regulations. For a given disaster, disaster grants may in fact flow through a State Commission. However, there also may be instances during a disaster when the Corporation would wish to distribute disaster funds directly to programs.

(23) *Replication grants.* One commenter wondered why the term "replication" does not occur in the regulations although it occurred in the preamble.

Replication grants are allowable and they have been added to the regulations.

Change: § 2521.20 has been amended.

(24) *Matching requirements.* One commenter requested clarification as to whether the general 25% match was inclusive or exclusive of the 15% living allowance and health care match.

The corporation agrees that the matching guidelines require further clarification, and the regulations have been amended to provide clarification. For the purposes of calculating matching requirements, there are two broad budget categories: participant support costs and other costs.

Participant support costs are comprised of living allowances, health care benefits, and child care costs, each of which has a different matching requirement as specified below:

Health Care: Corporation funds may be used to pay for no more than 85% of total health care costs.

Child Care: Corporation funds may be used to pay for 100% of child care costs.

Living Allowances: Corporation and other Federal funds may be used to pay for no more than 85% of living allowance costs.

"Other Costs" are comprised of all costs attributable to the program exclusive of the participant support costs detailed above. Corporation funds may be used to pay for no more than 75% of the total of these other costs. In order to avoid confusion, readers should note that the requirement that Corporation funds not exceed 75% of the total other costs of a program is not synonymous with a 25% matching requirement on a grant. The 75% restriction applies to the total other costs of a program (including non-Corporation funds). Thus, if a program's total other costs were \$100,000, then the Corporation would provide a grant of no more than \$75,000 for those costs, and the program would have to provide for the remaining \$25,000.

Changes: § 2521.30 has been revised.

(25) *Ineligibility.* One commenter suggested that the Corporation further clarify that a person who committed a crime prior to a term of service is not automatically ineligible for service.

Individuals with criminal records are not, in fact, automatically ineligible to participate in programs. Programs are responsible for determining who shall participate. In selecting participants, programs providing service in particularly sensitive areas, such as working with young children, should consider whether the participation of individuals with certain criminal backgrounds would have a significant negative impact on the physical or psychological health of either other participants or individuals served.

(26) *Federal Agency matching requirements.* One commenter requested clarification of how Federal agencies are treated in terms of the matching requirements. The regulations have been revised to clarify that Federal agencies do not have to meet matching requirements if they operate programs directly, but that if they subgrant, the subgrantees do have to meet the matching requirements.

Change: § 2523.90 has been revised.

(27) *Education and Training.* One commenter asked how much of a term of service could be spent on education and training.

The proposed rule did not address this issue. Therefore, the terms of service section of the regulations has been revised to indicate that the Corporation may set a minimum or maximum number of hours in a given term of service that may be spent on training, education, or similar approved activities. Thus, the Corporation

reserves the right to establish such guidelines in the application materials.

Parts 2530–2533—Investment for Quality and Innovation

Clearinghouse eligibility. One commenter suggested that the regulations go too far in § 2532.20(n) by requiring that to be eligible to apply as a clearinghouse, an organization must have extensive experience in training, technical assistance, service and/or volunteer development, management, and evaluation. The commenter argued that the law only lists these as activities a clearinghouse could do, not as requirements for eligibility.

The regulations have been amended to conform to the statute.

Change: § 2532.20(n) has been revised.

Part 2540—Administrative Provisions

(1) *Nondisplacement* (§ 2540.100(f)(4)(i)). One commenter suggested that we include examples of what constitutes displacement as described in this section. Several commenters urged that the proposed restriction not be interpreted too strictly. One commenter pointed out that it seems to contradict § 2522.110(3), which states that professional corps programs that recruit and place qualified participants in positions as teachers and nurses qualify as AmeriCorps programs. The commenter suggested that the regulations be revised to clarify that those programs qualify because the participants don't replace qualified and certified people.

The Corporation declines to put examples or further clarifications of this issue in the regulations. However, it will disseminate information clarifying these issues to all grantees.

(2) *Supplantation rule.* One commenter raised several concerns regarding the supplantation requirement in the AmeriCorps regulations. The commenter pointed out that the preamble specifically included private sector funds in the requirement and that the proposed regulations were unclear. The commenter suggested not extending the rule to the private sector. Not allowing the supplantation of private funds could create a disincentive for programs to raise private funds because, if they lose those funds in a subsequent year, they may not be able to maintain the same level of non-federal funds and would thus be ineligible for AmeriCorps assistance. The commenter was also concerned that a program could have difficulty meeting the requirement for maintaining aggregate non-federal funding if the size of the program is reduced. The commenter recommended

that the regulations be revised to add a sentence stating that the supplantation rule is satisfied if funding from private sources continues to exceed the matching requirements. The commenter also recommended that the required non-federal expenditures be measured per capita instead of on a lump-sum basis.

The statutory supplantation provision states that the level of State and local public funding for a given program cannot drop below the level of the previous year. The regulations stated this incorrectly and have been revised to indicate that the restriction applies only to public State and local funds. The Corporation does not have the regulatory authority to measure the level of State and local support on a per participant basis.

Change: \$ 2540.100 has been revised.

Part 2550—State Commission Regulations

One commenter suggested that the State Commission regulations published in the November 17, 1993 Federal Register as an interim final rule be amended to add individuals with expertise in the field of mental retardation/cognitive disabilities to the list of possible members of the State Commissions.

This addition will be incorporated into the final State Commission regulations when they are published.

Miscellaneous Requirements

Interested parties should be advised that because the assistance provided under the authority of this rule constitutes Federal financial assistance for the purposes of title VI of the Civil Rights Act of 1964 (which bars discrimination based on race, color, or national origin), title IX of the Education Amendments of 1972 (which bars discrimination on the basis of gender), the Rehabilitation Act of 1973 (which bars discrimination on the basis of disability), and the Age Discrimination Act of 1975 (which bars discrimination on the basis of age), grantees will be required to comply with the aforementioned provisions of Federal law.

Grant recipients will be expected to expend Corporation grants in a judicious and reasonable manner, consistent with pertinent provisions of Federal law and regulations. Grantees must keep records according to Corporation guidelines, including records that fully disclose the amount and disposition of the proceeds of a Corporation grant. The Inspector General of the Corporation (or other authorized official) shall have access,

for the purpose of audit and examination, to the books and records of grantees that may be related or pertinent to the Corporation grant.

Grantees should further be advised that Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, and Administrative Requirements for Grants and Cooperative Agreements to other than State and Local Governments, as well as regulations for the Privacy Act, Freedom of Information Act, Sunshine Act, Government-wide Debarment and Suspension, and Government-wide Requirements for Drug-Free Workplace will also be published.

As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant impact on small business entities.

As required by the Paperwork Reduction Act of 1980, the Corporation will submit the information collection requirements contained in this rule to the Office of Management and Budget for its review (44 U.S.C. 3504(h)). The information collection requirements are needed in order to provide assistance to parties affected by these regulations, in accordance with statutory mandates.

(Catalog of Federal Domestic Assistance Numbers: 94.003 for State Commissions, Alternative Administrative Entities, and Transitional Entities; 94.004 for K-12 Service-Learning Programs; 94.005 for Higher Education Service-Learning Programs; 94.006 for AmeriCorps Programs; 94.007 for Investment for Quality and Innovation Programs.)

List of Subjects

45 CFR Part 2510

Grant programs-social programs, Volunteers.

45 CFR Part 2513

Grant programs-social programs, Reporting and recordkeeping requirements, Volunteers.

45 CFR Part 2515

Grant programs-social programs, Nonprofit organizations, Volunteers.

45 CFR Part 2516

Elementary and secondary education, Grant programs-social programs, Indians, Nonprofit organizations, Reporting and recordkeeping requirements, Volunteers.

45 CFR Part 2517

Community development, Grant programs-social programs, Nonprofit organizations, Reporting and recordkeeping requirements, Volunteers.

45 CFR Part 2518

Grant programs-social programs, Nonprofit organizations, Reporting and recordkeeping requirements, Volunteers.

45 CFR Part 2519

Colleges and universities, Grant programs-social programs, Nonprofit organizations, Reporting and recordkeeping requirements, Volunteers.

45 CFR Part 2520

AmeriCorps, Grant programs-social programs, Volunteers.

45 CFR Part 2521

AmeriCorps, Grant programs-social programs, Volunteers.

45 CFR Part 2522

AmeriCorps, Grant programs-social programs, Reporting and recordkeeping requirements, Volunteers.

45 CFR Part 2523

AmeriCorps, Grant programs-social programs, Volunteers.

45 CFR Part 2524

AmeriCorps, Grant programs-social programs, Technical assistance, Volunteers.

45 CFR Part 2530

Grant programs-social programs, Volunteers.

45 CFR Part 2531

Grant programs-social programs, Volunteers.

45 CFR Part 2532

Grant programs-social programs, Volunteers, Technical assistance.

45 CFR Part 2533

Decorations, medals, awards, Scholarships and fellowships, Volunteers.

45 CFR Part 2540

Administrative practice and procedure, Grant programs-social programs, Reporting and recordkeeping requirements, Volunteers.

Dated: March 16, 1994.

Catherine Milton,

Vice President and Director of National and Community Service Programs.

Accordingly, the Corporation amends title 45, chapter XXV of the Code of Federal Regulations by adding parts 2510, 2513, 2515 through 2524, 2530 through 2533, and 2540 to read as follows:

PART 2510—OVERALL PURPOSES AND DEFINITIONS**Sec.**

2510.10 What are the purposes of the programs and activities of the Corporation for National and Community Service?

2510.20 Definitions.

Authority: 42 U.S.C. 12501 *et seq.*

§ 2510.10 What are the purposes of the programs and activities of the Corporation for National and Community Service?

The National and Community Service Trust Act of 1993 established the Corporation for National and Community Service (the Corporation). The Corporation's mission is to engage Americans of all ages and backgrounds in community-based service. This service will address the Nation's educational, public safety, human, and environmental needs to achieve direct and demonstrable results. In doing so, the Corporation will foster civic responsibility, strengthen the ties that bind us together as a people, and provide educational opportunity for those who make a substantial commitment to service. The Corporation will undertake activities and provide assistance to States and other eligible entities to support national and community service programs and to achieve other purposes consistent with its mission.

§ 2510.20 Definitions.

The following definitions apply to terms used in 45 CFR parts 2510 through 2550:

Act. The term *Act* means the National and Community Service Act of 1990, as amended (42 U.S.C. 12501 *et seq.*).

Administrative costs. The term *administrative costs* means expenses associated with the overall administration of a Corporation funded program. These costs relate to the support of a program's general operations and not to expenses identified with a specific program or project.

(1) Administrative costs include, but are not limited to, the following: (i) Indirect costs (i.e., costs identified with two or more cost objectives but not identified with a particular cost objective) as described in Office of Management and Budget Circulars A-21 (Cost Principles for Educational Institutions), A-87 (Cost Principles for State and local Governments), and A-122 (Cost Principles for Nonprofit Organizations) that provide guidance on indirect costs to Federal agencies. Copies of Office of Management and Budget Circulars are available from the Executive Office of the President

Publications, 725 17th Street, NW., room 2200, New Executive Office Building, Washington, DC 20503.

(ii) Costs for financial, accounting, auditing, internal evaluations (except as in paragraph (2)(iii) of this definition), and contracting functions.

(iii) Costs for insurance that protects the entity that operates the program.

(iv) The portion of the salaries and benefits of the director and any other program administrative staff equal to the portion of time that is not spent in support of specific project objectives. Specific project objectives means recruiting, training, placing, or supervising participants.

(2) Administrative costs do not include allowable costs directly related to program or project operations. These program costs include the following: (i) Costs for participants, including living allowances, insurance payments, and expense for training and travel.

(ii) Costs for staff who recruit, train, place, or supervise participants, including costs for staff salaries, benefits, training, and travel, if the purpose is for a specific program or project objective.

(iii) Costs for independent evaluations and internal evaluations—the latter to the extent that the evaluations cover only the funded program or project and are specifically related to creative methods of quality improvement. (Overall organizational management improvement costs are administrative costs.) (See § 2516.810 and § 2522.510 for definition of independent and internal evaluations.)

(3) Particular costs, such as those associated with staff who perform both administrative and program functions, may be prorated between administrative and program costs if included in the budget and approved by the Corporation grants officer.

Adult Volunteer. (1) The term *adult volunteer* means an individual, such as an older adult, an individual with disability, a parent, or an employee of a business of public or private nonprofit organization, who—

(i) Works without financial remuneration in an educational institution to assist students of out-of-school youth; and

(2) Is beyond the age of compulsory school attendance in the State in which the educational institution is located.

AmeriCorps. The term *AmeriCorps* means the combination of all AmeriCorps programs and participants.

AmeriCorps educational award. The term *AmeriCorps educational award* means a national service educational award described in section 147 of the Act.

AmeriCorps participant. The term *AmeriCorps participant* means any individual who is serving in—

(1) An AmeriCorps program; or
(2) An approved AmeriCorps position;

or
(3) Both.

AmeriCorps program. The term *AmeriCorps program* means—

(1) Any program that receives approved AmeriCorps positions; or
(2) Any program that receives Corporation funds under section 121 of the Act; or
(3) Both.

Approved AmeriCorps position. The term *approved AmeriCorps position* means an AmeriCorps position for which the Corporation has approved the provision of an AmeriCorps educational award as one of the benefits to be provided for successful service in the position.

Carry out. The term *carry out*, when used in connection with an AmeriCorps program described in section 122 of the Act, means the planning, establishment, operation, expansion, or replication of the program.

Chief Executive Officer. The term *Chief Executive Officer*, except when used to refer to the chief executive officer of a State, means the Chief Executive Officer of the Corporation appointed under section 193 of the Act.

Community-based agency. The term *community-based agency* means a private nonprofit organization (including a church or other religious entity) that—

(1) Is representative of a community or a significant segment of a community; and

(2) Is engaged in meeting educational, public safety, human, or environmental community needs.

Corporation. The term *Corporation* means the Corporation for National and Community Service established under section 191 of the Act.

Economically disadvantaged. The term *economically disadvantaged*, with respect to an individual, has the same meaning as such term as defined in the Job Training Partnership Act (29 U.S.C. 1503(8)).

Elementary school. The term *elementary school* has the same meaning given the term in section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8)).

Empowerment zone. The term *empowerment zone* means an area designated as an empowerment zone by the Secretary of the Department of Housing and Urban Development or the Secretary of the Department of Agriculture.

Grantmaking entity. (1) For school-based programs, the term *grantmaking entity* means a public or private nonprofit organization experienced in service-learning that—

(i) Submits an application to make grants for school-based service-learning programs in two or more States; and

(ii) Was in existence at least one year before the date on which the organization submitted the application.

(2) For community-based programs, the term *grantmaking entity* means a qualified organization that—

(i) Submits an application to make grants to qualified organizations to implement, operate, expand, or replicate community-based service programs that provide for educational, public safety, human, or environmental service by school-age youth in two or more States; and

(ii) Was in existence at least one year before the date on which the organization submitted the application.

Higher Education partnerships. The term *higher education partnership* means one or more public or private nonprofit organizations, or public agencies, including States, and one or more institutions of higher education that have entered into a written agreement specifying the responsibilities of each partner.

Indian. The term *Indian* means a person who is a member of an Indian tribe, or is a "Native", as defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

Indian lands. The term *Indian lands* means any real property owned by an Indian tribe, any real property held in trust by the United States for an Indian or Indian tribe, and any real property held by an Indian or Indian tribe that is subject to restrictions on alienation imposed by the United States.

Indian tribe. The term *Indian tribe* means—

(1) An Indian tribe, band, nation, or other organized group or community that is recognized as eligible for the special programs and services provided by the United States under Federal law to Indians because of their status as Indians, including—

(i) Any Native village, as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)), whether organized traditionally or pursuant to the Act of June 18, 1934 (commonly known as the "Indian Reorganization Act", 25 U.S.C. 461 *et seq.*); and

(ii) Any Regional Corporation or Village Corporation, as defined in subsection (g) or (j), respectively, of section 3 of the Alaska Native Claims

Settlement Act (43 U.S.C. 1602 (g) or (j)); and

(2) Any tribal organization controlled, sanctioned, or chartered by an entity described in paragraph (1) of this definition.

Individual with a disability. Except as provided in section 175(a) of the Act, the term *individual with a disability* has the meaning given the term in section 7(8)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)(B)), which includes individuals with cognitive and other mental impairments, as well as individuals with physical impairments, who meet the criteria in that definition.

Infrastructure-building activities. The term *infrastructure-building activities* refers to activities that increase the capacity of organizations, programs and individuals to provide high quality services to communities.

Institution of higher education. The term *institution of higher education* has the same meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

Local educational agency (LEA). The term *local educational agency* has the same meaning given the term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)).

Local partnership. The term *local partnership* means a partnership, as defined in § 2510.20 of this chapter, that meets the eligibility requirements to apply for subgrants under § 2516.110 or § 2517.110 of this chapter.

National nonprofit. The term *national nonprofit* means any nonprofit organization whose mission, membership, activities, or constituencies are national in scope.

National service laws. The term *national service laws* means the Act and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 *et seq.*).

Objective. The term *objective* means a desired accomplishment of a program.

Out-of-school youth. The term *out-of-school youth* means an individual who—

(1) Has not attained the age of 27;

(2) Has not completed college or its equivalent; and

(3) Is not enrolled in an elementary or secondary school or institution of higher education.

Participant. (1) The term *participant* means an individual enrolled in a program that receives assistance under the Act.

(2) A participant may not be considered to be an employee of the program in which the participant is enrolled.

Partnership. The term *partnership* means two or more entities that have

entered into a written agreement specifying the partnership's goals and activities as well as the responsibilities, goals, and activities of each partner.

Partnership program. The term *partnership program* means a program through which an adult volunteer, a public or private nonprofit organization, an institution of higher education, or a business assists a local educational agency.

Program. The term *program*, unless the context otherwise requires, and except when used as part of the term *academic program*, means a program described in section 111(a) (other than a program referred to in paragraph (3)(B) of that section), 117A(a), 119(b)(1), or 122(a) of the Act, or in paragraph (1) or (2) of section 152(b) of the Act, or an activity that could be funded under sections 198, 198C, or 198D of the Act.

Program sponsor. The term *program sponsor* means an entity responsible for recruiting, selecting, and training participants, providing them benefits and support services, engaging them in regular group activities, and placing them in projects.

Project. The term *project* means an activity, or a set of activities, carried out through a program that receives assistance under the Act, that results in a specific identifiable service or improvement that otherwise would not be done with existing funds, and that does not duplicate the routine services or functions of the employer to whom participants are assigned.

Project sponsor. The term *project sponsor* means an organization, or other entity, that has been selected to provide a placement for a participant.

Qualified individual with a disability. The term *qualified individual with a disability* has the meaning given the term in section 101(8) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(8)).

Qualified organization. The term *qualified organization* means a public or private nonprofit organization, other than a grantmaking entity, that—

(1) Has experience in working with school-age youth; and

(2) Was in existence at least one year before the date on which the organization submitted an application for a service-learning program.

School-age youth. The term *school-age youth* means—

(1) Individuals between the ages of 5 and 17, inclusive; and

(2) Children with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(a)(1)), who receive services under part B of that Act.

Secondary school. The term *secondary school* has the same meaning given the term in section 1471(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(21)).

Service-learning. The term *service-learning* means a method under which students or participants learn and develop through active participation in thoughtfully organized service that—

- (1) Is conducted in and meets the needs of a community;
- (2) Is coordinated with an elementary school, secondary school, institution of higher education, or community service program, and with the community;
- (3) Helps foster civic responsibility;
- (4) Is integrated into and enhances the academic curriculum of the students or the educational components of the community service program in which the participants are enrolled; and
- (5) Includes structured time for the students and participants to reflect on the service experience.

Service-learning coordinator. The term *service-learning coordinator* means an individual trained in service-learning who identifies community partners for LEAs; assists in designing and implementing local partnerships service-learning programs; provides technical assistance and information to, and facilitates the training of, teachers; and provides other services for an LEA.

State. The term *State* means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. The term also includes Palau, until the Compact of Free Association is ratified.

State Commission. The term *State Commission* means a State Commission on National and Community Service maintained by a State pursuant to section 178 of the Act. Except when used in section 178, the term includes an alternative administrative entity for a State approved by the Corporation under that section to act in lieu of a State Commission.

State educational agency (SEA). The term *State educational agency* has the same meaning given that term in section 1471(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(23)).

Student. The term *student* means an individual who is enrolled in an elementary or secondary school or institution of higher education on a full-time or part-time basis.

Subdivision of a State. The term *subdivision of a State* means an governmental unit within a State other

than a unit with Statewide responsibilities.

U.S. Territory. The term *U.S. Territory* means the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau, until the Compact of Free Association with Palau is ratified.

PART 2513—STATE PLAN: PURPOSE, APPLICATION REQUIREMENTS AND SELECTION CRITERIA

Sec.

2513.10 Who must submit a State Plan?

2513.20 What are the purposes of a State Plan?

2513.30 What information must a State Plan contain?

2513.40 How will the State Plans be evaluated?

Authority: 42 U.S.C. 12501 et seq.

§ 2513.10 Who must submit a State Plan?

The fifty States, the District of Columbia, and Puerto Rico, through a Corporation-approved State Commission, Alternative Administrative Entity, or Transitional Entity must submit a comprehensive national and community service plan ("State Plan") in order to apply to the Corporation for support under parts 2515 through 2524 of this chapter.

§ 2513.20 What are the purposes of a State Plan?

The purposes of the State Plan are: (a) To set forth the States plan for promoting national and community service and strengthening its service infrastructure, including how Corporation-funded programs fit into the plan;

(b) To establish specific priorities and goals that advance the State's plan for strengthening its service program infrastructure and to specify strategies for achieving the stated goals;

(c) To inform the Corporation of the relevant historical background of the State's infrastructure for supporting national and community service and other volunteer opportunities, as well as the current status of such infrastructure;

(d) To assist the Corporation in making decisions on applications to receive formula and competitive funding under § 2521.30 of this chapter and to assist the Corporation in assessing a State's application for renewal funding for State administrative funds as provided in part 2550 of this chapter; and

(e) To serve as a working document that forms the basis of on-going dialogue between the State and the Corporation and which is subject to modifications as circumstances require.

§ 2513.30 What information must a State Plan contain?

The State Plan must include the following information: (a) An overview of a State's experience in coordinating and supporting the network of service programs within the State that address educational, public safety, human, and environmental needs, including, where appropriate, a description of specific service programs. This overview should encompass programs that have operated independently of and/or without financial support from the State;

(b) A description of the State's priorities and vision for strengthening the service program infrastructure, including how programs proposed for Corporation funding fit into this vision. The plan should also describe how State priorities relate to any national priorities established by the Corporation;

(c) A description of the goals established to advance the State's plan, including the strategies for achieving such goals. With respect to technical assistance activities (if any) and programs proposed to be funded by the Corporation, the plan should describe how such activities and programs will be coordinated with other service programs within the State. The plan should also describe the manner and extent to which the proposed programs will build on existing programs, including Corporation programs such as both the K-12 and Higher Education components of the Learn and Serve America program, and programs funded under the Domestic Volunteer Service Act and other programs;

(d) A description of the extent to which the State entity has coordinated its efforts with the State educational agency (SEA) in the SEA's application for school-based service learning funds;

(e) A description of how the State reached out to a broad cross-section of individuals and organizations to obtain their participation in the development of the State plan, including a discussion of the types of organizations and individuals who were actually involved in the process and the manner and extent of their involvement; and

(f) Such other information as the Corporation may reasonably require.

§ 2513.40 How will the State Plans be evaluated?

State plans will be evaluated on the basis of the following criteria:

(a) The quality of the plan as evidenced by: (1) The development and quality of realistic goals and objectives for moving service ahead in the State;

(2) The extent to which proposed strategies can reasonably be expected to accomplish stated goals;

(3) The extent of input in the development of the State plan from a broad cross-section of individuals and organizations including community-based agencies; organizations with a demonstrated record of providing educational, public safety, human, or environmental services; residents of the State, including youth and other prospective participants, State Education Agencies; traditional service organizations; and labor unions;

(b) The sustainability of the national service efforts outlined in the plan, as evidenced by the extent to which they are supported by: (1) The State, through financial, in-kind, and bi-partisan political support, including the existence of supportive legislation; and

(2) Other support, including the financial, in-kind, and other support of the private sector, foundations, and other entities and individuals; and

(c) Such other criteria as the Corporation deems necessary.

PART 2515—SERVICE-LEARNING PROGRAM PURPOSES

Sec.

2515.10 What are the service-learning programs of the Corporation for National and Community Service?

Authority: 42 U.S.C. 12501 *et seq.*

§ 2515.10 What are the service-learning programs of the Corporation for National and Community Service?

(a) There are three service-learning programs: (1) School-based programs, described in part 2516 of this chapter.

(2) Community-based programs, described in part 2517 of this chapter.

(3) Higher education programs, described in part 2519 of this chapter.

(b) Each program gives participants the opportunity to learn and develop their own capabilities through service-learning, while addressing needs in the community.

PART 2516—SCHOOL-BASED SERVICE-LEARNING PROGRAMS

Subpart A—Eligibility to Apply

Sec.

2516.100 Who may apply for a direct grant from the Corporation?

2516.110 Who may apply for a subgrant from a Corporation grantee?

Subpart B—Use of Grant Funds

2516.200 How may grant funds be used?

Subpart C—Eligibility to Participate

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2516.310 May private school students participate?

2516.320 Is a participant eligible to receive an AmeriCorps educational award?

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2516.400 What must a State or Indian tribe include in an application for a grant?

2516.410 What must a grantmaking entity, local partnership, or LEA include in an application for a grant?

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Subpart E—Application Review

2516.500 How does the Corporation review the merits of an application?

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2516.520 How does a State, Indian tribe, or grantmaking entity review the merits of an application?

Subpart F—Distribution of Funds

2516.600 How are funds for school-based service-learning programs distributed?

Subpart G—Funding Requirements

2516.700 Are matching funds required?

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2516.730 May an applicant submit more than one application to the Corporation for the same project at the same time?

Subpart H—Evaluation Requirements

2516.800 What are the purposes of an evaluation?

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2516.820 What types of internal evaluation activities are required of programs?

2516.830 What types of activities are required of Corporation grantees to evaluate the effectiveness of their subgrantees?

2516.840 By what standards will the Corporation evaluate individual Learn and Serve America programs?

2516.850 What will the Corporation do to evaluate the overall success of the service-learning program?

2516.860 Will information on individual participants be kept confidential?

Authority: 42 U.S.C. 12501 *et seq.*

Subpart A—Eligibility to Apply

§ 2516.100 Who may apply for a direct grant from the Corporation?

(a) The following entities may apply for a direct grant from the Corporation:

(1) A State, through a State educational agency (SEA) as defined in § 2510.20 of this chapter. For the purpose of part, "State" means one of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and,

except for the purpose of § 2516.600 (b), U.S. Territories.

(2) An Indian tribe.

(3) A grantmaking entity as defined in § 2515.20 of this chapter.

(4) For activities in a nonparticipating State, a local educational agency (LEA) as defined in § 2510.20 of this chapter or a local partnership as described in § 2516.110.

(b) The types of grants for which each entity is eligible are described in § 2516.200.

§ 2516.110 Who may apply for a subgrant from a Corporation grantee?

Entities that may apply for a subgrant from a State, Indian tribe, or grantmaking entity are:

(a) An LEA, for a grant from a State for planning school-based service-learning programs.

(b) A local partnership, for a grant from a State or a grantmaking entity to implement, operate, or expand a school-based service learning program.

(1) The local partnership must include an LEA and one or more community partners. The local partnership may include a private for-profit business or private elementary or secondary school.

(2) The community partners must include a public or private nonprofit organization that has demonstrated expertise in the provision of services to meet educational, public safety, human, or environmental needs; was in existence at least one year before the date on which the organization submitted an application under this part; and will make projects available for participants, who must be students.

(c) A local partnership, for a grant from a State or a grantmaking entity to implement, operate, or expand an adult volunteer program. The local partnership must include an LEA and one or more public or private nonprofit organizations, other educational agencies, or private for-profit businesses that coordinate and operate projects for participants who must be students.

(d) A qualified organization, as defined in § 2515.20 of this chapter, for a grant from a State or Indian tribe for planning or building the capacity of the State or Indian tribe.

Subpart B—Use of Grant Funds

§ 2516.200 How may grant funds be used?

Funds under a school based service learning grant may be used for the purposes described in this section.

(a) *Planning and capacity-building for States and Indian tribes.* (1) A State or Indian tribe may use funds to pay for planning and building its capacity to

implement school-based service-learning programs. These entities may use funds either directly or through subgrants or contracts with qualified organizations.

(2) Authorized activities include the following: (i) Providing training for teachers, supervisors, personnel from community-based agencies (particularly with regard to the utilization of participants) and trainers, conducted by qualified individuals or organizations experienced in service-learning.

(ii) Developing service-learning curricula to be integrated into academic programs, including the age-appropriate learning components for students to analyze and apply their service experiences.

(iii) Forming local partnerships described in § 2516.110 to develop school-based service-learning programs in accordance with this part.

(iv) Devising appropriate methods for research and evaluation of the educational value of service-learning and the effect of service-learning activities on communities.

(v) Establishing effective outreach and dissemination of information to ensure the broadest possible involvement of community-based agencies with demonstrated effectiveness in working with school-age youth in their communities.

(b) *Implementing, operating, and expanding school-based programs.* (1) A State, Indian Tribe, or grantmaking entity may use funds to make subgrants to local partnerships described in § 2516.110 (b) to implement, operate, or expand school-based service-learning programs.

(2) If a State does not submit an application that meets the requirements for an allotment grant under § 2516.400, the Corporation may use the allotment to fund applications from those local partnerships for programs in that State.

(3) Authorized activities include paying the costs of the recruitment, training, supervision, placement, salaries and benefits of service learning coordinators.

(4) A grantmaking entity may also use funds to provide technical assistance and training to appropriate persons relating to its subgrants.

(c) *Planning programs.* (1) A State may use funds to make subgrants to LEAs for planning school-based service-learning programs.

(2) If a State does not submit an application that meets the requirements for an allotment grant under § 2516.400, the Corporation may use the allotment to fund applications from LEAs for planning programs in that State.

(3) Authorized activities include paying the costs of—

(i) The salaries and benefits of service-learning coordinators as defined in § 2510.20 of this chapter; and

(ii) The recruitment, training, supervision, and placement of service-learning coordinators who may be participants in an AmeriCorps program described in parts 2520 through 2524 of this chapter or who receive AmeriCorps educational awards.

(d) *Adult volunteer programs.* (1) A State, Indian tribe, or grantmaking entity may use funds to make subgrants to local partnerships described in § 2516.110 (c) to implement, operate, or expand school-based programs involving adult volunteers to utilize service-learning to improve the education of students.

(2) If a State does not submit an application that meets the requirements for an allotment grant under § 2516.400, the Corporation may use the allotment to fund applications from those local partnerships for adult volunteer programs in that State.

(e) *Planning by Indian tribes and U.S. Territories.* If the Corporation makes a grant to an Indian tribe or a U.S. Territory to plan school-based service-learning programs, the grantee may use the funds for that purpose.

Subpart C—Eligibility to Participate

§ 2516.300 Who may participate in a school-based service-learning program?

Students who are enrolled in elementary or secondary schools on a full-time or part-time basis may participate in school-based programs.

§ 2516.310 May private school students participate?

(a) Yes. To the extent consistent with the number of students in the State or Indian tribe or in the school district of the LEA involved who are enrolled in private nonprofit elementary or secondary schools, the State, Indian tribe, or LEA must (after consultation with appropriate private school representatives) make provision—

(1) For the inclusion of services and arrangements for the benefit of those students so as to allow for the equitable participation of the students in the programs under this part; and

(2) For the training of the teachers of those students so as to allow for the equitable participation of those teachers in the programs under this part.

(b) (1) If a State, Indian tribe, or LEA is prohibited by law from providing for the participation of students or teachers from private nonprofit schools as required by paragraph (a) of this section,

or if the Corporation determines that a State, Indian tribe, or LEA substantially fails or is unwilling to provide for their participation on an equitable basis, the Corporation will waive those requirements and arrange for the provision of services to the students and teachers.

(2) Waivers will be subject to the Corporation procedures that are consistent with the consultation, withholding, notice, and judicial review requirements of section 1017(b) (3) and (4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2727 (b)).

§ 2516.320 Is a participant eligible to receive an AmeriCorps educational award?

No. However, service-learning coordinators who are approved AmeriCorps positions are eligible for AmeriCorps educational awards.

Subpart D—Application Contents

§ 2516.400 What must a State or Indian tribe include in an application for a grant?

In order to apply for a grant from the Corporation under this part, a State (SEA) or Indian tribe must submit the following: (a) A three-year strategic plan for promoting service-learning through programs under this part, or a revision of a previously approved three-year strategic plan. The application of a SEA must include a description of how the SEA will coordinate its service-learning plan with the State Plan under part 2513 of this chapter and with other federally-assisted activities.

(b) A proposal containing the specific program, budget, and other information specified by the Corporation in the grant application package.

(c) Assurances that the applicant will—

(1) Keep such records and provide such information to the Corporation with respect to the programs as may be required for fiscal audits and program evaluation; and

(2) Comply with the nonduplication, nondisplacement, and grievance procedure requirements of part 2540 of this chapter.

§ 2516.410 What must a grantmaking entity, local partnership, or LEA include in an application for a grant?

In order to apply to the Corporation for a grant, a grantmaking entity, local partnership, or LEA must submit the following: (a) A detailed description of the proposed program goals and activities. The application of a grantmaking entity must include—

(1) A description of how the applicant will coordinate its activities with the State Plan under part 2513 of this

chapter, including a description of plans to meet and consult with the State Commission, if possible, and to provide a copy of the program application to the State Commission and with other federally-assisted activities; and

(2) A description of how the program will be carried out in more than one State.

(b) The specific program, budget, and other information specified by the Corporation in the grant application package.

(c) Assurances that the applicant will—

(1) Keep such records and provide such information to the Corporation with respect to the program as may be required for fiscal audits and program evaluation;

(2) Prior to the placement of a participant, consult with the appropriate local labor organization, if any, representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by the program, to prevent the displacement and protect the rights of those employees;

(3) Develop an age-appropriate learning component for participants in the program that includes a chance for participants to analyze and apply their service experiences; and

(4) Comply with the nonduplication, nondisplacement, and grievance procedure requirements of part 2540 of this chapter.

(d) For a local partnership, an assurance that the LEA will serve as the fiscal agent.

§ 2516.420 What must an LEA, local partnership, or qualified organization include in an application for a subgrant?

In order to apply for a subgrant from an SEA, Indian tribe, or grantmaking entity under this part, an applicant must include the information required by the Corporation grantee.

Subpart E—Application Review

§ 2516.500 How does the Corporation review the merits of an application?

(a) In reviewing the merits of an application submitted to the Corporation under this part, the Corporation evaluates the quality, innovation, replicability, and sustainability of the proposal on the basis of the following criteria: (1) Quality, as indicated by the extent to which—

(i) The program will provide productive meaningful, educational experiences that incorporate service-learning methods;

(ii) The program will meet community needs and involve individuals from

diverse backgrounds (including economically disadvantaged youth) who will serve together to explore the root causes of community problems;

(iii) The principal leaders of the program will be well qualified for their responsibilities;

(iv) The program has sound plans and processes for training, technical assistance, supervision, quality control, evaluation, administration, and other key activities; and

(v) The program will advance knowledge about how to do effective and innovative community service and service-learning and enhance the broader elementary and secondary education field.

(2) Replicability, as indicated by the extent to which the program will assist others in learning from experience and replicating the approach of the program.

(3) Sustainability, as indicated by the extent to which—

(i) An SEA, Indian tribe or grantmaking entity applicant demonstrates the ability and willingness to coordinate its activities with the State Plan under part 2513 of this chapter and with other federally assisted activities;

(ii) The program will foster collaborative efforts among local educational agencies, local government agencies, community based agencies, businesses, and State agencies;

(iii) The program will enjoy strong, broad-based community support; and

(iv) There is evidence that financial resources will be available to continue the program after the expiration of the grant.

(b) The Corporation also gives priority to proposals that—

(1) Involve participants in the design and operation of the program;

(2) Reflect the greatest need for assistance, such as programs targeting low-income areas;

(3) Involve students from public and private schools serving together;

(4) Involve students of different ages, races, genders, ethnicities, abilities and disabilities, or economic backgrounds, serving together;

(5) Are integrated into the academic program of the participants;

(6) Best represent the potential of service-learning as a vehicle for education reform and school-to-work transition;

(7) Develop civic responsibility and leadership skills and qualities in participants;

(8) Demonstrate the ability to achieve the goals of this part on the basis of the proposal's quality, innovation, replicability, and sustainability; or

(9) Address any other priority established by the Corporation for a particular period.

(c) In reviewing applications submitted by Indian tribes and U.S. Territories, the Corporation—

(1) May decide to approve only planning of school-based service-learning programs; and

(2) Will set the amounts of grants in accordance with the respective needs of applicants.

§ 2516.510 What happens if the Corporation rejects a State's application for an allotment grant?

If the Corporation rejects a State's application for an allotment grant under § 2516.600(b)(2), the Corporation will—

(a) Promptly notify the State of the reasons for the rejection;

(b) Provide the State with a reasonable opportunity to revise and resubmit the application;

(c) Provide technical assistance, if necessary; and

(d) Promptly reconsider the resubmitted application and make a decision.

§ 2516.520 How does a State, Indian tribe, or grantmaking entity review the merits of an application?

In reviewing the merits of an application for a subgrant under this part, a Corporation grantee must use the criteria and priorities in § 2516.500.

Subpart F—Distribution of Funds

§ 2516.600 How are funds for school-based service-learning programs distributed?

(a) Of the amounts appropriated to carry out this part for any fiscal year, the Corporation will reserve not more than three percent for grants to Indian tribes and U.S. Territories to be allotted in accordance with their respective needs.

(b) The Corporation will use the remainder of the funds appropriated as follows: (1) Competitive Grants. From 25 percent of the remainder, the Corporation may make grants on a competitive basis to States, Indian tribes, or grantmaking entities.

(2) Allotments to States.

(i) From 37.5 percent of the remainder, the Corporation will allot to each State an amount that bears the same ratio to 37.5 percent of the remainder as the number of school-age youth in the State bears to the total number of school-age youth of all States

(ii) From 37.5 percent of the remainder, the Corporation will allot to each State an amount that bears the same ratio to 37.5 percent of the remainder as the allocation to the State for the previous fiscal year under Chapter 1 of Title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711 *et seq.*) bears to the allocations to all States.

(iii) Notwithstanding other provisions of paragraph (b)(2) of this section, no State will receive an allotment that is less than the allotment the State received for fiscal year 1993 from the Commission on National and Community Service. If the amount of funds made available in a fiscal year is insufficient to make those allotments, the Corporation will make additional funds available from the 25 percent described in paragraph (b)(1) of this section for that fiscal year to make those allotments.

(3) For the purpose of paragraph (b) of this section, "State" means one of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(c) If a State or Indian tribe does not submit an application that meets the requirements for approval under this part, the Corporation (after making any grants to local partnerships or LEAs for activities in nonparticipating States) may use its allotment for States and Indian tribes with approved applications, as the Corporation determines appropriate.

(d) Notwithstanding other provisions of this section, if less than \$20,000,000 is made available in any fiscal year to carry out this part, the Corporation will make all grants to States and Indian tribes on a competitive basis.

Subpart G—Funding Requirements

§ 2516.700 Are matching funds required?

(a) Yes. The Corporation share of the cost of carrying out a program funded under this part may not exceed—

(1) Ninety percent of the total cost for the first year for which the program receives assistance;

(2) Eighty percent of the total cost for the second year;

(3) Seventy percent of the total cost for the third year; and

(4) Fifty percent of the total cost for the fourth year and any subsequent year.

(b) In providing for the remaining share of the cost of carrying out a program, each recipient of assistance must provide for that share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services, and may provide for that share through State sources, local sources, or Federal sources (other than funds made available under the national service laws).

(c) However, the Corporation may waive the requirements of paragraph (b) of this section in whole or in part with respect to any program in any fiscal year if the Corporation determines that the waiver would be equitable due to a lack

of available financial resources at the local level.

§ 2516.710 Are there limits on the use of funds?

Yes. The following limits apply to funds made available under this part:

(a)(1) The recipient of a direct grant from the Corporation may spend no more than five percent of the grant funds on administrative costs for any fiscal year.

(2) If a Corporation grantee makes a subgrant to an entity to carry out a service-learning program, the Corporation grantee may determine how the allowable administrative costs will be distributed between itself and the subgrantee.

(b)(1) An SEA or Indian tribe must spend between ten and 15 percent of the grant to build capacity through training, technical assistance, curriculum development, and coordination activities.

(2) However, the Corporation may waive this requirement in order to permit an SEA or a tribe to use between ten percent and 20 percent of the grant funds to build capacity. To be eligible to receive the waiver, the SEA or tribe must submit an application to the Corporation.

(c) Funds made available under this part may not be used to pay any stipend, allowance, or other financial support to any participant in a service-learning program under this part except reimbursement for transportation, meals, and other reasonable out-of-pocket expenses directly related to participation in a program assisted under this part.

§ 2516.720 What is the length of each type of grant?

(a) One year is the maximum length of—

(1) A planning grant under § 2516.200 (a), (c) or (e); and

(2) A grant to a local partnership for activities in a nonparticipating State under § 2516.200 (b)(2) and (d)(2).

(b) All other grants are for a period of up to three years, subject to satisfactory performance and annual appropriations.

§ 2516.730 May an applicant submit more than one application to the Corporation for the same project at the same time?

No. The Corporation will reject an application for a project if an application for funding or educational awards for the same project is already pending before the Corporation.

Subpart H—Evaluation Requirements

§ 2516.800 What are the purposes of an evaluation?

Every evaluation effort should serve to improve program quality, examine benefits of service, or fulfill legislative requirements.

§ 2516.810 What types of evaluations are grantees and subgrantees required to perform?

All grantees and subgrantees are required to perform internal evaluations which are ongoing efforts to assess performance and improve quality. Grantees and subgrantees may, but are not required to, arrange for independent evaluations which are assessments of program effectiveness by individuals who are not directly involved in the administration of the program. The cost of independent evaluations is allowable.

§ 2516.820 What types of internal evaluation activities are required of programs?

Programs are required to: (a) Continuously assess management effectiveness, the quality of services provided, and the satisfaction of both participants and service recipients. Internal evaluations should seek frequent feedback and provide for quick correction of weakness. The Corporation encourages programs to use internal evaluation methods, such as community advisory councils, participant advisory councils, peer reviews, quality control inspections, and service recipient and participant surveys.

(b) Track progress toward pre-established objectives. Objectives must be established by programs and approved by the Corporation. Programs must submit to the Corporation (or the Corporation grantee as applicable) periodic performance reports.

(c) Collect and submit to the Corporation (through the Corporation grantee as applicable) the following data: (1) The total number of participants in each program and basic demographic characteristics of the participants including sex, age, economic background, education level, ethnic group, disability classification, and geographic region.

(2) Other information as required by the Corporation.

(d) Cooperate fully with all Corporation evaluation activities.

§ 2516.830 What types of activities are required of Corporation grantees to evaluate the effectiveness of their subgrantees?

A Corporation grantee that makes subgrants must do the following: (a)

Ensure that subgrantees comply with the requirements of § 2516.840.

(b) Track program performance in terms of progress toward pre-established objectives; ensure that corrective action is taken when necessary; and submit to the Corporation periodic performance reports.

(c) Collect from programs and submit to the Corporation the descriptive information required in § 2516.820(c)(1).

(d) Cooperate fully with all Corporation evaluation activities.

§ 2516.840 By what standards will the Corporation evaluate individual Learn and Serve America programs?

The Corporation will evaluate programs based on the following: (a) The extent to which the program meets the objectives established and agreed to by the grantee and the Corporation before the grant award.

(b) The extent to which the program is cost-effective.

(c) Other criteria as determined and published by the Corporation.

§ 2516.850 What will the Corporation do to evaluate the overall success of the service-learning program?

(a) The Corporation will conduct independent evaluations. These evaluations will consider the opinions of participants and members of the communities where services are delivered. If appropriate, these evaluations will compare participants with individuals who have not participated in service-learning programs. These evaluations will—

(1) Study the extent to which service-learning programs as a whole affect the involved communities;

(2) Determine the extent to which service-learning programs as a whole increase academic learning of participants, enhance civic education, and foster continued community involvement; and

(3) Determine the effectiveness of different program models.

(b) The Corporation will also determine by June 30, 1995, whether outcomes of service-learning programs are defined and measured appropriately, and the implications of the results from such a study for authorized funding levels.

§ 2516.860 Will information on individual participants be kept confidential?

(a) Yes. The Corporation will maintain the confidentiality of information regarding individual participants that is acquired for the purpose of the evaluations described in § 2516.840. The Corporation will disclose individual participant information only with the prior written

consent of the participant. However, the Corporation may disclose aggregate participant information.

(b) Grantees and subgrantees under this part must comply with the provisions of paragraph (a) of this section.

PART 2517—COMMUNITY-BASED SERVICE-LEARNING PROGRAMS

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Subpart H—Evaluation Requirements

2517.800 What are the evaluation requirements for community-based programs?

Authority: 42 U.S.C. 12501 *et seq.*

Subpart A—Eligibility to Apply

§ 2517.100 Who may apply for a direct grant from the Corporation?

(a) The following entities may apply for a direct grant from the Corporation:

(1) A State Commission established under part 2550 of this chapter.

(2) A grantmaking entity as defined in § 2510.20 of this chapter.

(3) A qualified organization as defined in § 2515.20 of this chapter.

(b) The types of grants for which each entity is eligible are described in § 2517.200.

§ 2517.110 Who may apply for a subgrant from a Corporation grantee?

Entities that may apply for a subgrant from a State Commission or grantmaking entity are qualified organizations that have entered into a local partnership with one or more—

(a) Local educational agencies (LEAs);

(b) Other qualified organizations; or

(c) Both.

Subpart B—Use of Grant Funds

§ 2517.200 How may grant funds be used?

Funds under a community-based Learn and Serve grant may be used for the purposes described in this section.

(a) A State Commission or grantmaking entity may use funds—

(1) To make subgrants to qualified organizations described in § 2517.110 to implement, operate, expand, or replicate a community-based service program that provides direct and demonstrable educational, public safety, human, or environmental service by participants, who must be school-age youth; and

(2) To provide training and technical assistance to qualified organizations.

(b) (1) A qualified organization may use funds under a direct grant or a subgrant to implement, operate, expand, or replicate a community-based service program.

(2) If a qualified organization receives a direct grant, its program must be carried out at multiple sites or be particularly innovative.

Subpart C—Eligibility to Participate

§ 2517.300 Who may participate in a community-based service-learning program?

School-age youth as defined in § 2510.20 of this chapter may participate in a community-based program.

Subpart D—Application Contents

§ 2517.400 What must a State Commission or grantmaking entity include in an application for a grant?

(a) In order to apply for a grant from the Corporation under this part, a State Commission or a grantmaking entity must submit the following: (1) A three-year plan for promoting service-learning through programs under this part. The plan must describe the types of community-based program models proposed to be carried out during the first year.

(2) A proposal containing the specific program, budget, and other information specified by the Corporation in the grant application package.

(3) A description of how the applicant will coordinate its activities with the State Plan under part 2513 of this

chapter and with other federally-assisted activities, including a description of plans to meet and consult with the State Commission, if possible, and to provide a copy of the program application to the State Commission.

(4) Assurances that the applicant will—

(i) Keep such records and provide such information to the Corporation with respect to the programs as may be required for fiscal audits and program evaluation;

(ii) Comply with the nonduplication, nondisplacement, and grievance procedure requirements of part 2540 of this chapter; and

(iii) Ensure that, prior to placing a participant in a program, the entity carrying out the program will consult with the appropriate local labor organization, if any, representing employees in the area in which the program will be carried out that are engaged in the same or similar work as the work proposed to be carried out by the program, to prevent the displacement of those employees.

(b) In addition, a grantmaking entity must submit information demonstrating that the entity will make grants for a program—

(1) To carry out activities in two or more States, under circumstances in which those activities can be carried out more efficiently through one program than through two or more programs; and

(2) To carry out the same activities, such as training activities or activities related to exchanging information on service experiences, through each of the projects assisted through the program.

§ 2517.410 What must a qualified organization include in an application for a grant or a subgrant?

(a) In order to apply to the Corporation for a direct grant, a qualified organization must submit the following: (1) A plan describing the goals and activities of the proposed program;

(2) A proposal containing the specific program, budget, and other information specified by the Corporation in the grant application package; and

(3) Assurances that the applicant will—

(i) Keep such records and provide such information to the Corporation with respect to the program as may be required for fiscal audits and program evaluation;

(ii) Comply with the nonduplication, nondisplacement, and grievance procedure requirements of part 2540 of this chapter; and

(iii) Prior to placing a participant in the program, consult with the

appropriate local labor organization, if any, representing employees in the area in which the program will be carried out who are engaged in the same or similar work as the work proposed to be carried out by the program, to prevent the displacement of those employees.

(b) In order to apply to a State Commission or a grantmaking entity for a subgrant, a qualified organization must submit the following: (1) A plan describing the goals and activities of the proposed program; and

(2) Such specific program, budget, and other information as the Commission or entity reasonably requires.

Subpart E—Application Review

§ 2517.500 How is an application reviewed?

In reviewing an application for a grant or a subgrant, the Corporation, a State Commission, or a grantmaking entity will apply the following criteria: (a) The quality of the program proposed.

(b) The innovation of, and feasibility of replicating, the program.

(c) The sustainability of the program, based on—

(1) Strong and broad-based community support;

(2) Multiple funding sources or private funding; and

(3) Coordination with the State Plan under part 2513 of this chapter and other federally-assisted activities.

(d) The quality of the leadership of the program, past performance of the program, and the extent to which the program builds on existing programs.

(e) The applicant's efforts—

(1) To recruit participants from among residents of the communities in which projects would be conducted;

(2) To ensure that the projects are open to participants of different ages, races, genders, ethnicities, abilities and disabilities, and economic backgrounds; and

(3) To involve participants and community residents in the design, leadership, and operation of the program.

(f) The extent to which projects would be located in areas that are—

(1) Empowerment zones, redevelopment areas, or other areas with high concentrations of low-income people; or

(2) Environmentally distressed.

Subpart F—Distribution of Funds

§ 2517.600 How are funds for community-based service-learning programs distributed?

All funds are distributed by the Corporation through competitive grants.

Subpart G—Funding Requirements

§ 2517.700 Are matching funds required?

(a) Yes. The Corporation share of the cost of carrying out a program funded under this part may not exceed—

(1) Ninety percent of the total cost for the first year for which the program receives assistance;

(2) Eighty percent of the total cost for the second year;

(3) Seventy percent of the total cost for the third year; and

(4) Fifty percent of the total cost for the fourth year and any subsequent year.

(b) In providing for the remaining share of the cost of carrying out a program, each recipient of assistance must provide for that share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services, and may provide for that share through State sources, local sources, or Federal sources (other than funds made available under the national service laws).

(c) However, the Corporation may waive the requirements of paragraph (b) of this section in whole or in part with respect to any program in any fiscal year if the Corporation determines that the waiver would be equitable due to lack of available financial resources at the local level.

§ 2517.710 Are there limits on the use of funds?

Yes. The following limits apply to funds made available under this part:

(a)(1) The recipient of a direct grant from the Corporation may spend no more than five percent of the grant funds on administrative costs for any fiscal year.

(2) If a Corporation grantee makes a subgrant to an entity to carry out a service-learning program, the Corporation grantee may determine how the allowable administrative costs will be distributed between itself and the subgrantee.

(b) Funds made available under this part may not be used to pay any stipend, allowance, or other financial support to any participant in a service-learning program under this part except reimbursement for transportation, meals, and other reasonable out-of-pocket expenses directly related to participation in a program assisted under this part.

§ 2517.720 What is the length of a grant?

A grant under this part is for a period of up to three years, subject to satisfactory performance and annual appropriations.

§ 2517.730 May an applicant submit more than one application to the Corporation for the same project at the same time?

No. The Corporation will reject an application for a project if an application for funding or educational awards for the same project is already pending before the Corporation.

Subpart H—Evaluation Requirements

§ 2517.800 What are the evaluation requirements for community-based programs?

The evaluation requirements for recipients of grants and subgrants under part 2516 of this chapter, relating to school-based service-learning programs, apply to recipients under this part.

PART 2518—SERVICE-LEARNING CLEARINGHOUSE

5-cc.

2518.100 What is the purpose of a Service-Learning Clearinghouse?

2518.110 What are the functions of a Service-Learning Clearinghouse?

Authority: 42 U.S.C. 12501 *et seq.*

§ 2518.100 What is the purpose of a Service-Learning Clearinghouse?

The Corporation will provide financial assistance, from funds appropriated to carry out the activities listed under parts 2530 through 2533 of this chapter, to public or private nonprofit organizations that have extensive experience with service-learning, including use of adult volunteers to foster service-learning, to establish a clearinghouse, which will carry out activities, either directly or by arrangement with another such organization, with respect to information about service-learning.

§ 2518.110 What are the functions of a Service-Learning Clearinghouse?

An organization that receives assistance from funds appropriated to carry out the activities listed under parts 2530 through 2533 of this chapter may—

(a) Assist entities carrying out State or local service-learning programs with needs assessments and planning;

(b) Conduct research and evaluations concerning service-learning;

(c)(1) Provide leadership development and training to State and local service-learning program administrators, supervisors, project sponsors, and participants; and

(2) Provide training to persons who can provide the leadership development and training described in paragraph (c)(1) of this section;

(d) Facilitate communication among entities carrying out service-learning

programs and participants in such programs;

(e) Provide information, curriculum materials, and technical assistance relating to planning and operation of service-learning programs, to States and local entities eligible to receive financial assistance under this title;

(f) Provide information regarding methods to make service-learning programs accessible to individuals with disabilities;

(g)(1) Gather and disseminate information on successful service-learning programs, components of such successful programs, innovative youth skills curricula related to service-learning, and service-learning projects; and

(2) Coordinate the activities of the Clearinghouse with appropriate entities to avoid duplication of effort;

(h) Make recommendations to State and local entities on quality controls to improve the quality of service-learning programs;

(i) Assist organizations in recruiting, screening, and placing service-learning coordinators; and

(j) Carry out such other activities as the Chief Executive Officer determines to be appropriate.

PART 2519—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

Subpart A—Purpose and Eligibility to Apply

Sec.

2519.100 What is the purpose of the Higher Education programs?

2519.110 Who may apply for a grant?

Subpart B—Use of Grant Funds

2519.200 How may grant funds be used?

Subpart C—Participant Eligibility and Benefits

2519.300 Who may participate in a Higher Education program?

2519.310 Is a participant eligible to receive an AmeriCorps educational award?

2519.320 May a program provide a stipend to a participant?

Subpart D—Application Contents

2519.400 What must an applicant include in an application for a grant?

Subpart E—Application Review

2519.500 How does the Corporation review the merits of an application?

Subpart F—Distribution of Funds

2519.600 How are funds for Higher Education programs distributed?

Subpart G—Funding Requirements

2519.700 Are matching funds required?

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2519.720 What is the length of a grant?

2519.730 May an applicant submit more than one application to the Corporation for the same project at the same time?

Subpart H—Evaluation Requirements

2519.800 What are the evaluation requirements for Higher Education programs?

Authority: 42 U.S.C. 12501 *et seq.*

Subpart A—Purpose and Eligibility to Apply

§ 2519.100 What is the purpose of the Higher Education programs?

The purpose of the higher education innovative programs for community service is to expand participation in community service by supporting high-quality, sustainable community service programs carried out through institutions of higher education, acting as civic institutions helping to meet the educational, public safety, human, and environmental needs of the communities in which the programs operate.

§ 2519.110 Who may apply for a grant?

The following entities may apply for a grant from the Corporation: (a) An institution of higher education.

(b) A consortium of institutions of higher education.

(c) A higher education partnership, as defined in § 2510.20 of this chapter.

Subpart B—Use of Grant Funds

§ 2519.200 How may grant funds be used?

Funds under a higher education program grant may be used for the following activities: (a) Enabling an institution of higher education, a higher education partnership or a consortium to create or expand an organized community service program that—

(1) Engenders a sense of social responsibility and commitment to the community in which the institution is located; and

(2) Provides projects for the participants described in § 2519.300.

(b) Supporting student-initiated and student-designed community service projects.

(c) Strengthening the leadership and instructional capacity of teachers at the elementary, secondary, and postsecondary levels with respect to service-learning by—

(1) Including service-learning as a key component of the preservice teacher education of the institution; and

(2) Encouraging the faculty of the institution to use service-learning methods throughout the curriculum.

(d) Facilitating the integration of community service carried out under the grant into academic curricula, including integration of clinical programs into the curriculum for

students in professional schools, so that students may obtain credit for their community service projects.

(e) Supplementing the funds available to carry out work-study programs under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 *et seq.*) to support service-learning and community service.

(f) Strengthening the service infrastructure within institutions of higher education in the United States that supports service-learning and community service.

(g) Providing for the training of teachers, prospective teachers, related education personnel, and community leaders in the skills necessary to develop, supervise, and organize service-learning.

Subpart C—Participant Eligibility and Benefits

§ 2519.300 Who may participate in a Higher Education program?

Students, faculty, administration and staff of an institution, as well as residents of the community may participate. For the purpose of this part, the term "student" means an individual who is enrolled in an institution of higher education on a full-time or part-time basis.

§ 2519.310 Is a participant eligible to receive an AmeriCorps educational award?

In general, no. However, certain positions in programs funded under this part may qualify as approved AmeriCorps positions. The Corporation will establish eligibility requirements for these positions as a part of the application package.

§ 2519.320 May a program provide a stipend to a participant?

(a) A program may provide a stipend for service activities for a participant who is a student if the provision of stipends is reasonable in the context of a program's design and objectives.

(1) A program may not provide a stipend to a student who is receiving academic credit for service activities unless the service activities require a substantial time commitment beyond that expected for the credit earned.

(2) A participant who is earning money for service activities under the work-study program described in § 2519.200(e) may not receive an additional stipend from funds under this part.

(b) Consistent with the AmeriCorps program requirements in § 2522.100 of this chapter, a program with participants serving in approved full-time AmeriCorps positions must ensure the provision of a living allowance and,

if necessary, health care and child care to those participants. A program may, but is not required to, provide a prorated living allowance to individuals participating in approved AmeriCorps positions on a part-time basis, consistent with the AmeriCorps program requirements in § 2522.240 of this chapter.

Subpart D—Application Contents

§ 2519.400 What must an applicant include in an application for a grant?

In order to apply to the Corporation for a grant, an applicant must submit the following: (a) A plan describing the goals and activities of the proposed program.

(b) The specific program, budget, and other information and assurances specified by the Corporation in the grant application package.

(c) Assurances that the applicant will—

(1) Keep such records and provide such information to the Corporation with respect to the program as may be required for fiscal audits and program evaluation;

(2) Comply with the nonduplication, nondisplacement, and grievance procedure requirements of part 2540 of this chapter;

(3) Prior to the placement of a participant in the program, consult with the appropriate local labor organization, if any, representing employees in the area who are engaged in the same or similar work as the work proposed to be carried out by the program, to prevent the displacement and protect the rights of those employees; and

(4) Comply with any other assurances that the Corporation deems necessary.

Subpart E—Application Review

§ 2519.500 How does the Corporation review an application?

(a) The Corporation will review an application submitted under this part on the basis of the quality, innovation, replicability, and sustainability of the proposed program and such other criteria as the Corporation establishes in an application package.

(b) In addition, in reviewing an application submitted under this part, the Corporation will give a proposed program increased priority for each characteristic described in paragraphs (b) (1) through (7) of this section. Priority programs—

(1) Demonstrate the commitment of the institution of higher education, other than by demonstrating the commitment of its students, to supporting the community service projects carried out under the program;

(2) Specify how the institution will promote faculty, administration, and staff participation in the community service projects;

(3) Specify the manner in which the institution will provide service to the community through organized programs, including, where appropriate, clinical programs for students in professional schools;

(4) Describe any higher education partnership that will participate in the community service projects, such as a higher education partnership comprised of the institution, a student organization, a community-based agency, a local government agency, or a nonprofit entity that serves or involves school-age youth or older adults;

(5) Demonstrate community involvement in the development of the proposal;

(6) Specify that the institution will use funds under this part to strengthen the infrastructure in institutions of higher education; or

(7) With respect to projects involving delivery of service, specify projects that involve leadership development of school-age youth.

(c) In addition, the Corporation may designate additional priorities in an application package that will be used in selecting programs.

Subpart F—Distribution of Funds

§ 2519.600 How are funds for Higher Education programs distributed?

All funds under this part are distributed by the Corporation through grants or by contract.

Subpart G—Funding Requirements

§ 2519.700 Are matching funds required?

(a) Yes. The Corporation share of the cost of carrying out a program funded under this part may not exceed 50 percent.

(b) In providing for the remaining share of the cost of carrying out a program, each recipient of assistance must provide for that share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services, and may provide for that share through State sources, local sources, or Federal sources (other than funds made available under the national service laws).

(c) However, the Corporation may waive the requirements of paragraph (b) of this section in whole or in part with respect to any program in any fiscal year if the Corporation determines that the waiver would be equitable due to lack of available financial resources at the local level.

§ 2519.710 Are there limits on the use of funds?

Yes. The recipient of a grant under this part may spend no more than five percent of the grant funds on administrative costs.

§ 2519.720 What is the length of a grant?

A grant under this part is for a period of up to three years, subject to satisfactory performance and annual appropriations.

§ 2519.730 May an applicant submit more than one application to the Corporation for the same project at the same time?

No. The Corporation will reject an application for a project if an application for funding or educational awards for the same project is already pending before the Corporation.

Subpart H—Evaluation Requirements**§ 2519.800 What are the evaluation requirements for Higher Education programs?**

The monitoring and evaluation requirements for recipients of grants and subgrants under part 2516 of this chapter, relating to school-based service-learning programs, apply to recipients under this part.

PART 2520—GENERAL PROVISIONS: AMERICORPS PROGRAMS

Sec.

2520.10 What is the purpose of the AmeriCorps program described in parts 2520 through 2524 of this chapter?**2520.20 What types of service activities are allowable for programs supported under parts 2520 through 2524 of this chapter?****2520.30 Are there any activities that are prohibited?**

Authority: 42 U.S.C. 12501 *et seq.*

§ 2520.10 What is the purpose of the AmeriCorps program described in parts 2520 through 2524 of this chapter?

The purpose of the AmeriCorps grant program is to provide financial assistance to support AmeriCorps programs that address educational, public safety, human, or environmental needs through national and community service to provide AmeriCorps education awards to participants in such programs.

§ 2520.20 What types of service activities are allowable for programs supported under parts 2520 through 2524 of this chapter?

(a) The service must either provide a direct benefit to the community where it is performed, or involve the supervision of participants or volunteers whose service provides a direct benefit to the community where it is performed. Moreover, the approved AmeriCorps activities must result in a specific

identifiable service or improvement that otherwise would not be provided with existing funds or volunteers and that does not duplicate the routine functions of workers or displace paid employees. Programs must develop service opportunities that are appropriate to the skill levels of participants and that provide a demonstrable, identifiable benefit that is valued by the community.

(b) In certain circumstances, some activities may not provide a direct benefit to the communities in which service is performed. Such activities may include, but are not limited to, clerical work and research. However, a participant may engage in such activities if the performance of the activity is incidental to the participant's provision of service that does provide a direct benefit to the community in which the service is performed.

§ 2520.30 Are there any activities that are prohibited?

Yes. Some activities are prohibited altogether. Although all prohibited activities may be performed voluntarily by participants on their own time, they may not be performed by participants in the course of their duties, at the request of program staff, or in a manner that would associate the activities with the AmeriCorps program or the Corporation. These activities include:

(a) Any effort to influence legislation, as prohibited under section 501(c) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c));

(b) Organizing protests, petitions, boycotts, or strikes;

(c) Assisting, promoting or deterring union organizing;

(d) Impairing existing contracts for services or collective bargaining agreements;

(e) Engaging in partisan political activities, or other activities designed to influence the outcome of an election to any public office;

(f) Engaging in religious instruction, conducting worship services, providing instruction as part of a program that includes mandatory religious instruction or worship, constructing or operating facilities devoted to religious instruction or worship, maintaining facilities primarily or inherently devoted to religious instruction or worship, or engaging in any form of religious proselytization;

(g) Providing a direct benefit to—

(1) A business organized for profit;

(2) A labor union;

(3) A partisan political organization;

(4) A nonprofit organization that fails to comply with the restrictions contained in section 501(c) of the Internal Revenue Code of 1986 except

that nothing in this section shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative; and

(5) An organization engaged in the religious activities described in paragraph (e) of this section, unless Corporation assistance is not used to support those religious activities; and

(h) Such other activities as the Corporation may prohibit.

PART 2521—ELIGIBLE AMERICORPS PROGRAM APPLICANTS AND TYPES OF GRANTS AVAILABLE FOR AWARD

Sec.

2521.10 Who may apply to receive an AmeriCorps grant?**2521.20 What types of AmeriCorps program grants are available for award?****2521.30 How will AmeriCorps program grants be awarded?**

Authority: 42 U.S.C. 12501 *et seq.*

§ 2521.10 Who may apply to receive an AmeriCorps grant?

(a) States (including Territories), subdivisions of States, Indian tribes, public or private nonprofit organizations (including labor organizations), and institutions of higher education are eligible to apply for AmeriCorps grants. However, the fifty States, the District of Columbia and Puerto Rico must first receive Corporation authorization for the use of a State Commission or alternative administrative or transitional entity pursuant to part 2550 of this chapter in order to be eligible for an AmeriCorps grant.

(b) The Corporation may also enter into contracts or cooperative agreements for AmeriCorps assistance with Federal agencies that are Executive Branch agencies or departments, Bureaus, divisions, and local and regional offices of such departments and agencies may only receive assistance pursuant to a contract or agreement with the central department or agency. The requirements relating to Federal agencies are described in part 2523 of this chapter.

§ 2521.20 What types of AmeriCorps program grants are available for award?

The Corporation may make the following types of grants to eligible applicants. The requirements of this section will also apply to any State or other applicant receiving assistance under this part that proposes to conduct a grant program using the assistance to support other national or community service programs.

(a) *Planning grants.*—(1) *Purpose.* The purpose of a planning grant is to assist an applicant in completing the planning necessary to implement a sound concept that has already been developed.

(2) *Eligibility.* (i) States may apply directly to the Corporation for planning grants.

(ii) Subdivisions of States, Indian Tribes, public or private nonprofit organizations (including labor organizations), and institutions of higher education may apply either to a State or directly to the Corporation for planning grants.

(3) *Duration.* A planning grant will be negotiated for a term not to exceed one year.

(b) *Operational grants.*—(1) *Purpose.* The purpose of an operational grant is to fund an organization that is ready to establish, operate, or expand an AmeriCorps program. An operational grant may include AmeriCorps educational awards. An operational grant may also include a short planning period of up to six months, if necessary, to implement a program.

(2) *Eligibility.* (i) States may apply directly to the Corporation for operational grants.

(ii) Subdivisions of States, Indian Tribes, public or private nonprofit organizations (including labor organizations), and institutions of higher education may apply either to a State or directly to the Corporation for operational grants. The Corporation may limit the categories of applicants eligible to apply directly to the Corporation for assistance under this section consistent with its National priorities.

(3) *Duration.* An operational grant will be negotiated for a term not to exceed three years. Within a three-year term, renewal funding will be contingent upon periodic assessment of program quality, progress to date, and availability of Congressional appropriations.

(c) *AmeriCorps Educational Awards Only.*—(1) *Purpose.* The purpose of these awards is to provide AmeriCorps educational awards to programs that are not receiving or applying to the Corporation for program assistance but that meet the criteria for approved AmeriCorps positions, and desire to provide an AmeriCorps educational award to participants serving in approved positions.

(2) *Eligibility.* States, subdivisions of States, Indian Tribes, Federal agencies, public or private nonprofit organizations (including labor organizations), and institutions of higher education may apply directly to the Corporation for AmeriCorps educational awards only.

(d) *Replication Grants.* The Corporation may provide assistance for the replication of an existing national service program to another geographical location.

(e) *Training, technical assistance and other special grants.*—(1) *Purpose.* The purpose of these grants is to ensure broad access to AmeriCorps programs for all Americans, including those with disabilities; support disaster relief efforts; assist efforts to secure private support for programs through challenge grants; and ensure program quality by supporting technical assistance and training programs.

(2) *Eligibility.* Eligibility varies and is detailed under 45 CFR part 2524, "Technical Assistance and Other Special Grants."

(3) *Duration.* Grants will be negotiated for a renewable term of up to three years.

§ 2521.30 How will AmeriCorps program grants be awarded?

In any fiscal year, the Corporation will award AmeriCorps program grants as follows:

(a) *Grants to State Applicants.* (1) For the purposes of this section, the term "State" means the fifty States, Puerto Rico, and the District of Columbia.

(2) One-third of the funds available under this part and a corresponding allotment of AmeriCorps educational awards, as specified by the Corporation, will be distributed according to a population-based formula to the 50 States, Puerto Rico and the District of Columbia if they have applications approved by the Corporation.

(3) At least one-third of funds available under this part and an appropriate number of AmeriCorps awards, as determined by the Corporation, will be awarded to States on a competitive basis. In order to receive these funds, a State must receive funds under paragraphs (a)(2) or (b)(1) of this section in the same fiscal year.

(4) In making subgrants with funds awarded by formula or competition under paragraphs (a) (2) or (3) of this section, a State must: (i) Provide a description of the process used to select programs for funding including a certification that the State or other entity used a competitive process and criteria that were consistent with the selection criteria in § 2522.410 of this chapter. In making such competitive selections, the State must ensure the equitable allocation within the State of assistance and approved AmeriCorps positions provided under this subtitle to the State taking into consideration such factors as the location of the programs applying to the State, population density, and economic distress;

(ii) Provide a written assurance that not less than 60 percent of the assistance provided to the State will be used to make grants in support of

AmeriCorps programs other than AmeriCorps programs carried out by the State or a State agency. The Corporation may permit a State to deviate from this percentage if the State demonstrates that it did not receive a sufficient number of acceptable applications; and

(iii) Ensure that a minimum of 50 percent of funds going to States will be used for programs that operate in the areas of need or on Federal or other public lands, and that place a priority on recruiting participants who are residents in high need areas, or on Federal or other public lands. The Corporation may waive this requirement for an individual State if at least 50 percent of the total amount of assistance to all States will be used for such programs.

(b) *Grants to Applicants other than States.* (1) One percent of available funds will be distributed to the U.S.

Territories¹ that have applications approved by the Corporation according to a population-based formula.²

(2) One percent of available funds will be reserved for distribution to Indian tribes on a competitive basis.

(3) The Corporation will use any funds available under this part remaining after the award of the grants described in paragraphs (a) and (b) (1) and (2) of this section to make direct competitive grants to subdivisions of States, Indian tribes, public or private nonprofit organizations (including labor organizations), institutions of higher education, and Federal agencies. No more than one-third of the these remaining funds may be awarded to Federal agencies.

(c) *Allocation of AmeriCorps educational awards only.* The Corporation will determine on an annual basis the appropriate number of educational awards to make available for eligible applicants who have not applied for program assistance.

(d) *Effect of States' or Territories' failure to apply.* If a State or U.S. Territory does not apply for or fails to give adequate notice of its intent to apply for a formula-based grant as announced by the Corporation and published in applications and the Notice of Funds Availability, the Corporation will use the amount of that State's allotment to make grants to

¹ The United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until such time as the Compact of Free Association with Palau is ratified).

² The amount allotted as a grant to each such territory or possession is equal to the ratio of each such Territory's population to the population of all such territories multiplied by the amount of the one percent set-aside.

eligible entities to carry out AmeriCorps programs in that State or Territory. Any funds remaining from that State's allotment after making such grants will be reallocated to the States, Territories, and Indian tribes with approved AmeriCorps applications at the Corporation's discretion.

(e) *Effect of rejection of State application.* If a State's application for a formula-based grant is ultimately rejected by the Corporation pursuant to § 2522.320 of this chapter, the State's allotment will be available for redistribution by the Corporation to the States, Territories, and Indian Tribes with approved AmeriCorps applications as the Corporation deems appropriate.

(f) The Corporation will make grants for training, technical assistance and other special programs described in part 2524 of this chapter at the Corporation's discretion.

(g) *Matching funds.*—(1) *Requirements.* (i) The matching requirements for participant benefits are specified in § 2522.240(b)(5) of this chapter.

(ii) The Corporation share of other AmeriCorps program costs may not exceed 75 percent, whether the assistance is provided directly or as a subgrant from the original recipient of the assistance.

(iii) These matching requirements apply only to programs receiving assistance under parts 2521 through 2524 of this chapter.

(2) *Calculation.* In providing for the remaining share of other AmeriCorps program costs, the program—

(i) Must provide for its share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

(ii) May provide for its share through State sources, local sources, or other Federal sources (other than funds made available by the Corporation).

(3) *Limitation on cost of health care.* A program may not count more than 85 percent of a cash payment for the cost of providing a health care policy toward its 15 percent remaining share under paragraph (g)(2)(i) of this section.

(4) *Waiver.* The Corporation reserves the right to waive, in whole or in part, the requirements of paragraph (g)(1) of this section if the Corporation determines that a waiver would be equitable due to a lack of available financial resources at the local level.

(h) *Administrative costs.* (1) The recipient of a direct grant or transfer of funds from the Corporation may spend no more than five percent of the grant or transferred funds on administrative costs

(2) Rules on use. States or other grantmaking entities that make subgrants to programs may retain no more than one-half of the five percent maximum administrative costs allowed for each Corporation grant.

PART 2522—AMERICORPS PARTICIPANTS, PROGRAMS, AND APPLICANTS

Subpart A—Minimum Requirements and Program Types

Sec.

2522.100 What are the minimum requirements that every AmeriCorps program, regardless of type, must meet?

2522.110 What types of programs are eligible to compete for AmeriCorps grants?

Subpart B—Participant Eligibility, Requirements, and Benefits

2522.200 What are the eligibility requirements for AmeriCorps participants?

2522.210 How are AmeriCorps participants recruited and selected?

2522.220 What are the required terms of service for AmeriCorps participants, and may they serve for more than one term?

2522.230 Under what circumstances may AmeriCorps participants be released from completing a term of service, and what are the consequences?

2522.240 What financial benefits do AmeriCorps participants serving in approved AmeriCorps positions receive?

2522.250 What other benefits do AmeriCorps participants serving in approved AmeriCorps positions receive?

Subpart C—Application Requirements

2522.300 What are the application requirements for AmeriCorps program grants?

2522.310 What are the application requirements for AmeriCorps educational awards only?

2522.320 May an applicant submit more than one application to the Corporation for the same project at the same time?

Subpart D—Selection of AmeriCorps Programs

2522.400 How will the basic selection criteria be applied?

2522.410 What are the basic selection criteria for AmeriCorps programs?

2522.420 Can a State's application for formula funds be rejected?

Subpart E—Evaluation Requirements

2522.500 What are the purposes of an evaluation?

2522.510 What types of evaluations are States, grant-making entities, and programs required to perform?

2522.520 What types of internal evaluation activities are required of programs?

2522.530 What types of activities are required of States or grantmaking entities to evaluate the effectiveness of their subgrantees?

2522.540 How will the Corporation evaluate individual AmeriCorps programs?

2522.550 What will the Corporation do to evaluate the overall success of the AmeriCorps programs?

2522.560 Will information on individual participants be kept confidential?

Authority: 42 U.S.C. 12501 et seq.

Subpart A—Minimum Requirements and Program Types

§ 2522.100 What are the minimum requirements that every AmeriCorps program, regardless of type, must meet?

Although a wide range of programs may be eligible to apply for and receive support from the Corporation, all AmeriCorps programs must meet certain minimum program requirements. These requirements apply regardless of whether a program is supported directly by the Corporation or through a subgrant. All AmeriCorps programs must: (a) Address educational, public safety, human, or environmental needs, and provide a direct and demonstrable benefit that is valued by the community in which the service is performed;

(b) Perform projects that are designed, implemented, and evaluated with extensive and broad-based local input, including consultation with representatives from the community served, participants (or potential participants) in the program, community-based agencies with a demonstrated record of experience in providing services, and local labor organizations representing employees of project sponsors (if such entities exist in the area to be served by the program);

(c) Obtain, in the case of a program that also proposes to serve as the project sponsor, the written concurrence of any local labor organization representing employees of the project sponsor who are engaged in the same or substantially similar work as that proposed to be carried out by the AmeriCorps participant;

(d) Establish and provide outcome objectives, including a strategy for achieving these objectives, upon which self-assessment and Corporation-assessment of progress can rest. Such assessment will be used to help determine the extent to which the program has had a positive impact: (1) On communities and persons served by the projects performed by the program; (2) On participants who take part in the projects; and

(3) In such other areas as the program or Corporation may specify;

(e) Strengthen communities and encourage mutual respect and cooperation among citizens of different races, ethnicities, socioeconomic

backgrounds, educational levels, both men and women and individuals with disabilities;

(f) Agree to seek actively to include participants and staff from the communities in which projects are conducted, and agree to seek program staff and participants of different races and ethnicities, socioeconomic backgrounds, educational levels, and genders as well as individuals with disabilities unless a program design requires emphasizing the recruitment of staff and participants who share a specific characteristic or background. In no case may a program violate the nondiscrimination, nonduplication and nondisplacement rules governing participant selection described in part 2540 of this chapter. In addition, programs are encouraged to establish, if consistent with the purposes of the program, an intergenerational component that combines students, out-of-school youths, and older adults as participants;

(g)(1) Determine the projects in which participants will serve and establish minimum qualifications that individuals must meet to be eligible to participate in the program; these qualifications may vary based on the specific tasks to be performed by participants. Regardless of the educational level or background of participants sought, programs are encouraged to select individuals who possess leadership potential and a commitment to the goals of the AmeriCorps program. In any case, programs must select participants in a non-partisan, non-political, non-discriminatory manner, ensuring fair access to participation. In addition, programs are required to ensure that they do not displace any existing paid employees as provided in part 2540 of this chapter. To this end, programs may not select any prospective participant who is or was previously employed by a prospective project sponsors within six months of the time of enrollment in the program;

(2) In addition, all programs are required to comply with any pre-service orientation or training period requirements established by the Corporation to assist in the selection of motivated participants. Finally, all programs must agree to select a percentage (to be determined by the Corporation) of the participants for the program from among prospective participants recruited by the Corporation or State Commissions under part 2532 of this chapter. The Corporation may also specify a minimum percentage of participants to be selected from the national leadership

pool established under § 2522.210(c). The Corporation may vary either percentage for different types of AmeriCorps programs;

(h) Provide reasonable accommodation, including auxiliary aids and services (as defined in section 3(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(1)) based on the individualized need of a participant who is a qualified individual with a disability (as defined in section 101(8) of such Act (42 U.S.C. 12111(8))). For the purpose of complying with this provision, AmeriCorps programs may apply for additional financial assistance from the Corporation pursuant to § 2524.40 of this chapter;

(i) Use service experiences to help participants achieve the skills and education needed for productive, active citizenship, including the provision, if appropriate, of structured opportunities for participants to reflect on their service experiences. In addition, all programs must encourage every participant who is eligible to vote to register prior to completing a term of service;

(j) Provide participants in the program with the training, skills, and knowledge necessary to perform the tasks required in their respective projects, including, if appropriate, specific training in a particular field and background information on the community, including why the service projects are needed;

(k) Provide support services—

(1) To participants who are completing a term of service and making the transition to other educational and career opportunities; and

(2) To those participants who are school dropouts in order to assist them in earning the equivalent of a high school diploma;

(l) Ensure that participants serving in approved AmeriCorps positions receive the living allowance and other benefits described in §§ 2522.240 through 2522.250 of this chapter;

(m) Describe the manner in which the AmeriCorps educational awards will be apportioned among individuals serving in the program. If a program proposes to provide such benefits to less than 100 percent of the participants in the program, the program must provide a compelling rationale for determining which participants will receive the benefits and which participants will not. AmeriCorps programs are strongly encouraged to offer alternative post-service benefits to participants who will not receive AmeriCorps educational awards, however AmeriCorps grant funds may not be used to provide such benefits;

(n) Agree to identify the program, through the use of logos, common application materials, and other means (to be specified by the Corporation), as part of a larger national effort and to participate in other activities such as common opening ceremonies (including the administration of a national oath or affirmation), service days, and conferences designed to promote a national identity for all AmeriCorps programs and participants, including those participants not receiving AmeriCorps educational awards. This provision does not preclude an AmeriCorps program from continuing to use its own name as the primary identification, or from using its name, logo, or other identifying materials on uniforms or other items.

(o) Agree to begin terms of service at such times as the Corporation may reasonably require and to comply with any restrictions the Corporation may establish as to when the program may take to fill an approved AmeriCorps position left vacant due to attrition.

(p) Comply with all evaluation procedures specified by the Corporation, as explained in §§ 2522.500 through 2522.560.

(q) In the case of a program receiving funding directly from the Corporation, meet and consult with the State Commission for the State in which the program operates, if possible, and submit a copy of the program application to the State Commission, and

(r) Address any other requirements as specified by the Corporation.

§ 2522.110 What types of programs are eligible to compete for AmeriCorps grants?

Types of programs eligible to compete for AmeriCorps grants include the following: (a) *Specialized skills programs.* (1) A service program that is targeted to address specific educational, public safety, human, or environmental needs and that—

(i) Recruits individuals with special skills or provides specialized pre-service training to enable participants to be placed individually or in teams in positions in which the participants can meet such needs; and

(ii) If consistent with the purposes of the program, brings participants together for additional training and other activities designed to foster civic responsibility, increase the skills of participants, and improve the quality of the service provided.

(2) A preprofessional training program in which students enrolled in an institution of higher education—

(i) Receive training in specified fields, which may include classes containing service-learning;

(ii) Perform service related to such training outside the classroom during the school term and during summer or other vacation periods; and

(iii) Agree to provide service upon graduation to meet educational, public safety, human, or environmental needs related to such training.

(3) A professional corps program that recruits and places qualified participants in positions—

(i) As teachers, nurses and other health care providers, police officers, early childhood development staff, engineers, or other professionals providing service to meet educational, public safety, human, or environmental needs in communities with an inadequate number of such professionals;

(ii) That may include a salary in excess of the maximum living allowance authorized in § 2522.240(b)(2); and

(iii) That are sponsored by public or private nonprofit employers who agree to pay 100 percent of the salaries and benefits (other than any AmeriCorps educational award from the National Service Trust) of the participants.

(b) *Specialized service programs.* (1) A community service program designed to meet the needs of rural communities, using teams or individual placements to address the development needs of rural communities and to combat rural poverty, including health care, education, and job training.

(2) A program that seeks to eliminate hunger in communities and rural areas through service in projects—

(i) Involving food banks, food pantries, and nonprofit organizations that provide food during emergencies;

(ii) Involving the gleaning of prepared and unprepared food that would otherwise be discarded as unusable so that the usable portion of such food may be donated to food banks, food pantries, and other nonprofit organizations;

(iii) Seeking to address the long-term causes of hunger through education and the delivery of appropriate services; or

(iv) Providing training in basic health, nutrition, and life skills necessary to alleviate hunger in communities and rural areas.

(3) A program in which economically disadvantaged individuals who are between the ages of 16 and 24 years of age, inclusive, are provided with opportunities to perform service that, while enabling such individuals to obtain the education and employment skills necessary to achieve economic self-sufficiency, will help their communities meet—

(i) The housing needs of low-income families and the homeless; and

(ii) The need for community facilities in low-income areas.

(c) *Community-development programs.* (1) A community corps program that meets educational, public safety, human, or environmental needs and promotes greater community unity through the use of organized teams of participants of varied social and economic backgrounds, skill levels, physical and developmental capabilities, ages, ethnic backgrounds, or genders.

(2) A program that is administered by a combination of nonprofit organizations located in a low-income area, provides a broad range of services to residents of such an area, is governed by a board composed in significant part of low-income individuals, and is intended to provide opportunities for individuals or teams of individuals to engage in community projects in such an area that meet unaddressed community and individual needs, including projects that would—

(i) Meet the needs of low-income children and youth aged 18 and younger, such as providing after-school 'safe-places', including schools, with opportunities for learning and recreation; or

(ii) Be directed to other important unaddressed needs in such an area.

(d) *Programs that expand service program capacity.* (1) A program that provides specialized training to individuals in service-learning and places the individuals after such training in positions, including positions as service-learning coordinators, to facilitate service-learning in programs eligible for funding under Serve-America.

(2) An AmeriCorps entrepreneur program that identifies, recruits, and trains gifted young adults of all backgrounds and assists them in designing solutions to community problems.

(e) *Campus-based programs.* A campus-based program that is designed to provide substantial service in a community during the school term and during summer or other vacation periods through the use of—

(1) Students who are attending an institution of higher education, including students participating in a work-study program assisted under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.);

(2) Teams composed of such students; or

(3) Teams composed of a combination of such students and community residents.

(f) *Intergenerational programs.* An intergenerational program that combines students, out-of-school youths, and older adults as participants to provide needed community services, including an intergenerational component for other AmeriCorps programs described in this subsection.

(g) *Youth development programs.* A full-time, year-round youth corps program or full-time summer youth corps program, such as a conservation corps or youth service corps (including youth corps programs under subtitle I, the Public Lands Corps established under the Public Lands Corps Act of 1993, the Urban Youth Corps established under section 106 of the National and Community Service Trust Act of 1993, and other conservation corps or youth service corps that perform service on Federal or other public lands or on Indian lands or Hawaiian home lands), that:

(1) Undertakes meaningful service projects with visible public benefits, including natural resource, urban renovation, or human services projects;

(2) Includes as participants youths and young adults between the ages of 16 and 25, inclusive, including out-of-school youths and other disadvantaged youths (such as youths with limited basic skills, youths in foster care who are becoming too old for foster care, youths of limited English proficiency, homeless youths, and youths who are individuals with disabilities) who are between those ages; and

(3) Provides those participants who are youths and young adults with—

(i) Crew-based, highly structured, and adult-supervised work experience, life skills, education, career guidance and counseling, employment training, and support services; and

(ii) The opportunity to develop citizenship values and skills through service to their community and the United States.

(h) *Individualized placement programs.* An individualized placement program that includes regular group activities, such as leadership training and special service projects.

(i) *Other programs.* Such other AmeriCorps programs addressing educational, public safety, human, or environmental needs as the Corporation may designate in the application.

Subpart B—Participant Eligibility, Requirements, and Benefits

§ 2522.200 What are the eligibility requirements for AmeriCorps participants?

(a) An AmeriCorps participant must be 17 years of age or older at the commencement of service (unless the

participant is in a program described in § 2522.110(g), in which case the participant must be between the ages of 16 and 25, inclusive, or in a program described in § 2522.110(b)(3), in which case the participant must be between the ages of 16 and 24).

(b) In general, an AmeriCorps participant must either have a high school diploma or its equivalent (including an alternative diploma or certificate for those individuals with disabilities for whom such an alternative diploma or certificate is appropriate) or agree to obtain a high school diploma or its equivalent prior to using the educational award. However, if the program in which the individual seeks to become a participant conducts an independent evaluation demonstrating that an individual is incapable of obtaining a high school diploma or its equivalent, the Corporation may waive this requirement.

(c) Unless an individual is enrolled in an institution of higher education on an ability to benefit basis and is considered eligible for funds under section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091), that individual may not have dropped out of elementary or secondary school in order to enroll as an AmeriCorps participant.

(d) An AmeriCorps participant must be a citizen or national of the United States or lawful permanent resident alien of the United States.

§ 2522.210 How are AmeriCorps participants recruited and selected?

(a) *Local recruitment and selection.* In general, AmeriCorps participants will be selected locally by an approved AmeriCorps program, and the selection criteria will vary widely among the different programs. Nevertheless, AmeriCorps programs must select their participants in a fair and non-discriminatory manner which complies with part 2540 of this chapter. In selecting participants, programs must also comply with the recruitment and selection requirements specified in this section.

(b)(1) *National and State recruitment and selection.* The Corporation and each State Commission will establish a system to recruit individuals who desire to perform national service and to assist the placement of these individuals in approved AmeriCorps positions, which may include positions available under titles I and II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.). The national and state recruitment and placement system will be designed and operated according to Corporation guidelines.

(2) *Dissemination of information.* The Corporation and State Commissions will disseminate information regarding available approved AmeriCorps positions through cooperation with secondary schools, institutions of higher education, employment service offices, community-based organizations, State vocational rehabilitation agencies within the meaning of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) and other State agencies that primarily serve qualified individuals with disabilities, and other appropriate entities, particularly those organizations that provide outreach to disadvantaged youths and youths who are qualified individuals with disabilities.

(c) *National leadership pool—(1) Selection and training.* From among individuals recruited under paragraph (b) of this section or nominated by service programs, the Corporation may select individuals with significant leadership potential, as determined by the Corporation, to receive special training to enhance their leadership ability. The leadership training will be provided by the Corporation directly or through a grant, contract, or cooperative agreement as the Corporation determines.

(2) *Emphasis on certain individuals.* In selecting individuals to receive leadership training under this provision, the Corporation will make special efforts to select individuals who have served—

- (i) In the Peace Corps;
- (ii) As VISTA volunteers;
- (iii) As participants in AmeriCorps programs receiving assistance under parts 2520 through 2524 of this chapter;
- (iv) As participants in National Service Demonstration programs that received assistance from the Commission on National and Community Service; or
- (v) As members of the Armed Forces of the United States and who were honorably discharged from such service.

(3) *Assignment.* At the request of a program that receives assistance, the Corporation may assign an individual who receives leadership training under paragraph (c)(1) of this section to work with the program in a leadership position and carry out assignments not otherwise performed by regular participants. An individual assigned to a program will be considered to be a participant of the program.

§ 2522.220 What are the required terms of service for AmeriCorps participants, and may they serve for more than one term?

(a) *Term of service.* In order to be eligible for the educational award described in § 2522.240(a), participants

serving in approved AmeriCorps positions must complete a term of service as defined in this section:

(1) *Full-time service.* 1,700 hours of service during a period of not less than nine months and not more than one year.

(2) *Part-time service.* 900 hours of service during a period of not more than two years, or, if the individual is enrolled in an institution of higher education while performing all or a portion of the service, not more than three years.

(3) *Reduced part-time term of service.* The Corporation may reduce the number of hours required to be served in order to receive an educational award for certain part-time participants serving in approved AmeriCorps positions. In such cases, the educational award will be reduced in direct proportion to the reduction in required hours of service. These reductions may be made for summer programs, for categories of participants in certain approved AmeriCorps programs and on a case-by-case, individual basis as determined by the Corporation.

(4) *Summer programs.* A summer program, in which less than 1700 hours of service are performed, are part-time programs.

(b) *Restriction on multiple terms.* An AmeriCorps participant may only receive the benefits described in §§ 2522.240 through 2522.250 for the first two successfully-completed terms of service, regardless of whether those terms were served on a full-, part-, or reduced part-time basis.

(c) *Eligibility for second term.* A participant will only be eligible to serve a second or additional term of service if that individual has received satisfactory performance review(s) for any previous term(s) of service in accordance with the requirements of paragraph (d) of this section. Mere eligibility for a second or further term of service in no way guarantees a participant selection or placement.

(d) *Participant performance review.* For the purposes of determining a participant's eligibility for a second or additional term of service and/or for an AmeriCorps educational award, each AmeriCorps program will evaluate the performance of a participant mid-term and upon completion of a participant's term of service. The end-of-term performance evaluation will assess the following: (1) Whether the participant has completed the required number of hours described in paragraph (a) of this section;

(2) Whether the participant has satisfactorily completed assignments, tasks or projects; and

(3) Whether the participant has met any other performance criteria which had been clearly communicated both orally and in writing at the beginning of the term of service.

(e) *Limitation.* The Corporation may set a minimum or maximum percentage of hours of a full-time, part-time, or reduced term of service described in paragraphs (a)(1), (a)(2), and (a)(3) of this section that a participant may engage in training, education, or other similar approved activities.

(f) *Grievance procedure.* Any AmeriCorps participant wishing to contest a program's ruling of unsatisfactory performance may file a grievance according to the procedures set forth in part 2540 of this chapter. If that grievance procedure or subsequent binding arbitration procedure finds that the participant did in fact satisfactorily complete a term of service, then that individual will be eligible to receive an educational award and/or be eligible to serve a second term of service.

§ 2522.230 Under what circumstances may AmeriCorps participants be released from completing a term of service, and what are the consequences?

In general, AmeriCorps programs have the authority to release participants serving in approved AmeriCorps positions from completing a term of service for two reasons: for compelling personal circumstances as demonstrated by the participant or for cause.

(a) *Release for compelling personal circumstances.* In general, AmeriCorps programs have the authority to define the circumstances by which a participant may be released for compelling personal circumstances. Programs wishing to release participants serving in approved AmeriCorps positions may elect either—

(1) To grant the release and provide a portion of the educational award equal to the portion of the term served; or

(2) To permit the participant to temporarily suspend performance of the term of service for a period of up to two years (and such additional period as the Corporation may allow for extenuating circumstances) and, upon completion of such period, to allow the participant to return to the program with which he or she was serving or to a similar AmeriCorps program with the assistance of the Corporation, in order to complete the remainder of the term of service and obtain the entire AmeriCorps educational award.

(b) *Release for cause.* AmeriCorps programs have the authority to define the circumstances by which a participant may be released for cause, except as specified in paragraph (b)(1) of

this section. AmeriCorps programs must establish a written policy to be signed both by the participant and the program directors that clearly states the circumstances under which participants may be released for cause. Examples of conduct which programs may decide constitutes grounds for release for cause include chronic truancy, consistent failure to follow directions, and failure to adhere to program rules and guidelines. Under no circumstances may a participant's disability constitute grounds for release for cause.

(1) *Circumstances requiring release for cause.* AmeriCorps programs are required to release for cause any participant who is convicted of a felony during a term of service. Any participant who is officially charged with a violent felony (e.g., rape or homicide), or sale or distribution of a controlled substance, or any participant convicted of the possession of a controlled substance, will have his or her service suspended without a living allowance and without receiving credit for hours missed. Any individual whose service was suspended because of being charged with a violent felony or sale or distribution of a controlled substance may resume service if he or she is found not guilty or if such charge is dismissed. Any individual whose service was suspended because of being convicted of a first offense of the possession of a controlled substance may resume service by demonstrating that he or she has enrolled in an approved drug rehabilitation program. A person convicted of a second or third possession of a controlled substance may resume service by demonstrating successful completion of a rehabilitation program. Any person that drops out of an AmeriCorps program without obtaining a release for compelling personal circumstances is considered to have been released for cause.

(2) *Impact of release for cause.* A participant released for cause may not receive any portion of the AmeriCorps educational award. In addition, any individual released for cause who wishes to reapply to the program from which he or she was released or to any other AmeriCorps program is required to disclose the release to that program. Failure to disclose to an AmeriCorps program any history of having been released for cause from another AmeriCorps program will render an individual ineligible to receive the AmeriCorps educational award, notwithstanding whether or not that individual successfully completes the term of service.

(3) *Grievance procedure.* Any AmeriCorps participant wishing to

contest a program decision to release that participant for cause may file a grievance according to the procedures set forth in part 2540 of this chapter. Pending the resolution of such grievance procedure, a program may suspend the service of that participant. If the initial grievance procedure or subsequent binding arbitration proceedings find that there was not cause for release, the AmeriCorps program must reinstate the participant; moreover, the program must credit the participant with any service hours missed and pay the participant the full amount of any living allowance the participant did not receive as a result of such suspension. The Corporation retains the discretion to determine whether Corporation funds may be used to pay the living allowance withheld during a participant's suspension.

§ 2522.240 What financial benefits do AmeriCorps participants serving in approved AmeriCorps positions receive?

(a) *AmeriCorps educational awards.* An individual serving in an approved AmeriCorps position will receive an educational award from the National Service Trust upon successful completion of each of up to two terms of service as defined in § 2522.220.

(b) *Living allowances—(1) Amount.* Subject to the provisions of this part, any individual who participates on a full-time basis in an AmeriCorps program carried out using assistance provided pursuant to § 2521.30 of this chapter, including an AmeriCorps program that receives educational awards only pursuant to § 2521.30(c) of this chapter, will receive a living allowance in an amount equal to or greater than the average annual subsistence allowance provided to VISTA volunteers under § 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955). This requirement will not apply to any program that was in existence prior to September 21, 1993 (the date of the enactment of the National and Community Service Trust Act of 1993).

(2) *Maximum living allowance.* With the exception of a professional corps described in § 2522.110(a)(3), the AmeriCorps living allowances may not exceed 200 percent of the average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955). A professional corps AmeriCorps program may provide a stipend in excess of the maximum, subject to the following conditions: (i) Corporation assistance may not be used to pay for any portion of the allowance; and

(ii) The program must be operated directly by the applicant, selected on a competitive basis by submitting an application directly to the Corporation, and may not be included in a State's application for the AmeriCorps program funds distributed by formula, or competition described in §§ 2521.30 (a)(2) and (a)(3) of this chapter.

(3) *Living allowances for part-time participants.* Programs may, but are not required to, provide living allowances to individuals participating on a part-time basis (or a reduced term of part-time service authorized under § 2522.220(a)(3)). Such living allowances should be prorated to the living allowance authorized in paragraph (b)(1) of this section and will comply with such restrictions therein.

(4) *Waiver or reduction of living allowance.* The Corporation may, at its discretion, waive or reduce the living allowance requirements if a program can demonstrate to the satisfaction of the Corporation that such requirements are inconsistent with the objectives of the program, and that participants will be able to meet the necessary and reasonable costs of living (including food, housing, and transportation) in the area in which the program is located.

(5) *Limitation on Federal share.* The Federal share, including Corporation and other Federal funds, of the total amount provided to an AmeriCorps participant for a living allowance is limited as follows: (i) In no case may the Federal share exceed 85% of the minimum required living allowance enumerated in paragraph (b)(1) of this section.

(ii) For professional corps described in paragraph (b)(2)(i) of this section, Corporation and other Federal funds may be used to pay for no portion of the living allowance.

(iii) If the minimum living allowance requirements has been waived or reduced pursuant to paragraph (b)(4) of this section and the amount of the living allowance provided to a participant has been reduced correspondingly—

(A) In general, the Federal share may not exceed 85% of the reduced living allowance; however,

(B) If a participant is serving in a program that provides room or board, the Corporation will consider on a case-by-case basis allowing the portion of that living allowance that may be paid using Corporation and other Federal funds to be between 85% and 100%.

§ 2522.250 What other benefits do AmeriCorps participants serving in approved AmeriCorps positions receive?

(a) *Child Care.* Grantees must provide child care through an eligible provider

or a child care allowance in an amount determined by the Corporation to those full-time participants who need child care in order to participate.

(1) *Need.* A participant is considered to need child care in order to participate in the program if he or she: (i) Is the parent or legal guardian of, or is acting in loco parentis for, a child under 13 who resides with the participant;

(ii) Has a family income that does not exceed 75 percent of the State's median income for a family of the same size;

(iii) At the time of acceptance into the program, is not currently receiving child care assistance from another source, including a parent or guardian, which would continue to be provided while the participant serves in the program; and

(iv) Certifies that he or she needs child care in order to participate in the program.

(2) *Provider eligibility.* Eligible child care providers are those who are eligible child care providers as defined in the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(5)).

(3) *Child care allowance.* The amount of the child care allowance will be determined by the Corporation based on payment rates for the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(4)(A)).

(4) *Corporation share.* The Corporation will pay 100 percent of the child care allowance, or, if the program provides child care through an eligible provider, the actual cost of the care or the amount of the allowance, whichever is less.

(b) *Health care.* (1) Grantees must provide to all eligible participants who meet the requirements of paragraph (b)(2) of this section health care coverage that—

(i) Provides the minimum benefits determined by the Corporation;

(ii) Provides the alternative minimum benefits determined by the Corporation; or

(iii) Does not provide all of either the minimum or the alternative minimum benefits but that has a fair market value equal to or greater than the fair market value of a policy that provides the minimum benefits.

(2) *Participant eligibility.* A full-time participant is eligible for health care benefits if he or she is not otherwise covered by a health benefits package providing minimum benefits established by the Corporation at the time he or she is accepted into a program. If, as a result of participation, or if, during the term of service, a participant demonstrates loss of coverage through no deliberate act of his or her own, such as parental or spousal job loss or disqualification from

Medicaid, the participant will be eligible for health care benefits.

(3) *Corporation share.* (i) Except as provided in paragraph (b)(3)(ii) of this section, the Corporation will pay up to 85% of the cost of health care coverage that includes the minimum or alternative minimum benefits and is not excessive in cost.

(ii) The Corporation will pay no share of the cost of a policy that does not provide the minimum or alternative minimum benefits described in paragraphs (b)(1)(i) and (b)(1)(ii) of this section.

Subpart C—Application Requirements

§ 2522.300 What are the application requirements for AmeriCorps program grants?

All eligible applicants seeking AmeriCorps program grants must—

(a) Provide a description of the specific program(s) being proposed, including the type of program and of how it meets the minimum program requirements described in § 2522.100; and

(b) Comply with any additional requirements as specified by the Corporation in the application package

§ 2522.310 What are the application requirements for AmeriCorps educational awards only?

(a) Eligible applicants may apply for AmeriCorps educational awards only for one of the following eligible service positions: (1) A position for a participant in an AmeriCorps program that:

(i) Is carried out by an entity eligible to receive support under part 2521 of this chapter;

(ii) Would be eligible to receive assistance under this part, based on criteria established by the Corporation, but has not applied for such assistance;

(2) A position facilitating service-learning in a program described in parts 2515 through 2519 of this chapter;

(3) A position involving service as a crew leader in a youth corps program or a similar position supporting an AmeriCorps program; and

(4) Such other AmeriCorps positions as the Corporation considers to be appropriate.

(b) Because programs applying only for AmeriCorps educational awards must, by definition, meet the same basic requirements as other approved AmeriCorps programs, applicants must comply with the same application requirements specified in § 2522.300.

§ 2522.320 May an applicant submit more than one application to the Corporation for the same project at the same time?

No. The Corporation will reject an application for a project if an application for funding or educational awards for the same project is already pending before the Corporation.

Subpart D—Selection of AmeriCorps Programs

§ 2522.400 How will the basic selection criteria be applied?

From among the eligible programs that meet the minimum program requirements and that have submitted applications to the Corporation, the Corporation must select the best ones to receive funding. Although there is a wide range of factors that must be taken into account during the selection process, there are certain fundamental selection criteria that apply to all programs in each grant competition, regardless of whether they receive funding or educational awards directly or through subgrants. States and other subgranting applicants are required to use these criteria during the competitive selection of subgrantees. The Corporation may adjust the relative weight given to each criterion. (Additional and more specific criteria will be published in the applications).

§ 2522.410 What are the basic selection criteria for AmeriCorps programs?

The Corporation will consider how well the program will be able to achieve the three impacts mentioned in paragraph (a) of this section as demonstrated by the program design, the capacity of the organization to carry it out and other factors relating to need. The Corporation will also consider the extent to which the program promotes the Corporation's goals; and the extent to which the program contributes to the overall diversity of programs desired by the Corporation. These criteria are discussed in this section. Additional detail relating to these criteria may be published in any notice of availability of funding.

(a) *Program impacts.* The Corporation will consider the extent to which the program: (1) Achieves direct and demonstrable results;

(2) Strengthens communities; and

(3) Promotes citizenship and increases educational opportunities for participants.

(b) *Program Criteria.*—(1) *Program design.* The Corporation will consider four factors relating to the program design: (i) The quality of the program proposed to be carried out directly by the applicant or supported by a grant from the applicant;

(ii) The innovative aspects of the AmeriCorps program;

(iii) The feasibility of replicating the program; and

(iv) The sustainability of the program, based on evidence such as the existence of strong and broad-based community support for the program and of multiple funding sources or private funding.

(2) *Organizational capacity.* The Corporation will also consider an organization's capacity to carry out the program based on—

(i) The quality of the leadership of the AmeriCorps program;

(ii) The past performance of the organization or program; and

(iii) The extent to which the program builds on existing programs.

(c) *Need criteria.* In selecting programs, the Corporation will take into consideration the extent to which projects address State-identified issue priorities (if the program will be funded out of formula funds) or national priorities (if the program will be funded out of competitive funds), and whether projects would be conducted in areas of need.

(1) *Issue priorities.* In order to concentrate national efforts on meeting certain educational, public safety, human, or environmental needs, and to achieve the other purposes of this Act, the Corporation will establish, and after review of the strategic plan approved by the Board, periodically alter priorities regarding the AmeriCorps programs that will receive assistance (funding or approved AmeriCorps positions) and the purposes for which such assistance may be used. These priorities will be applied to assistance provided on a competitive basis as described in § 2521.30 of this chapter, and to any assistance provided through a subgrant of such funds.

(i) States must establish, and through the national service plan process described in part 2513 of this chapter, periodically alter priorities regarding the programs that will receive assistance (funding or approved AmeriCorps positions) provided on a formula basis as described in § 2521.30(a)(2) of this chapter. The State priorities will be subject to Corporation review as part of the application process under part 2521 of this chapter.

(ii) The Corporation will provide advance notice to potential applicants of any AmeriCorps priorities to be in effect for a fiscal year. The notice will describe any alternation made in the priorities since the previous notice. If a program receives multi-year funding based on conformance to national or state priorities and such priorities are altered after the first year of funding, the

program will not be adversely affected due to the change in priorities until the term of the grant is ended.

(2) *Areas of need.* Areas of need are: (i) Communities designated by the Federal government or States as empowerment zones or redevelopment areas, targeted for special economic incentives, or otherwise identifiable as having high concentrations of low-income people;

(ii) Areas that are environmentally distressed;

(iii) Areas adversely affected by Federal actions related to the management of Federal lands that result in significant regional job losses and economic dislocation;

(iv) Areas adversely affected by reductions in defense spending or the closure or realignment of military installations; and

(v) Areas that have an unemployment rate greater than the national average unemployment rate for the most recent 12 months for which satisfactory data are available.

(d) *Contribution to overall diversity of programs funded by the Corporation.* The Corporation will select programs that will help to achieve participant, program type, and geographic diversity across programs.

(e) *Additional considerations.* The Corporation may publish in any notice of availability of funding additional factors that it may take into consideration in selecting programs, including any additional priorities applicable to any or all funds.

§ 2522.420 Can a State's application for formula funds be rejected?

Yes. Formula funds are not an entitlement.

(a) *Notification.* If the Corporation rejects an application submitted by a State Commission under part 2550 of this chapter for funds described in § 2521.30 of this chapter, the Corporation will promptly notify the State Commission of the reasons for the rejection of the application.

(b) *Revision.* The Corporation will provide a State Commission notified under paragraph (a) of this section with a reasonable opportunity to revise and resubmit the application. At the request of the State Commission, the Corporation will provide technical assistance to the State Commission as part of the resubmission process. The Corporation will promptly reconsider an application resubmitted under this paragraph.

(c) *Redistribution.* The amount of any State's allotment under § 2521.30(a) of this chapter for a fiscal year that the Corporation determines will not be provided for that fiscal year will be

available for redistribution by the Corporation to the States, Territories and Indian Tribes with approved AmeriCorps applications as the Corporation deems appropriate.

Subpart E—Evaluation Requirements

§ 2522.500 What are the purposes of an evaluation?

Every evaluation effort should serve to improve program quality, examine benefits of service, or fulfill legislative requirements.

§ 2522.510 What types of evaluations are States, grant-making entities, and programs required to perform?

All grantees and subgrantees are required to perform internal evaluations which are ongoing efforts to assess performance and improve quality. Grantees and subgrantees may, but are not required to, arrange for independent evaluation which are assessments of program effectiveness by individuals who are not directly involved in the administration of the program. The cost of independent evaluations is allowable.

§ 2522.520 What types of internal evaluation activities are required of programs?

Programs are required to: (a) Continuously assess management effectiveness, the quality of services provided, and the satisfaction of both participants and persons served. Internal evaluation activities should seek frequent feedback and provide for quick correction of weaknesses. The Corporation encourages programs to use internal evaluation methods such as community advisory councils, participant advisory councils, peer reviews, quality control inspections, and customer and participant surveys; (b) Track progress toward objectives. Objectives will be established by programs and approved by the Corporation. Programs must submit to the Corporation (or State or grantmaking entity as applicable) periodic performance reports and, as part of an annual report, an annual performance report;

(c) Collect and submit to the Corporation (through the State or grantmaking entity as applicable) the following data: (1) Information on participants including the total number of participants in the program, and the number of participants by race, ethnicity, age, gender, economic background, education level, ethnic group, disability classification, geographic region, and marital status;

(2) Information on services conducted in areas classified as empowerment zones (or redevelopment areas), in areas

that are targeted for special economic incentives or otherwise identifiable as having high concentrations of low-income people, in areas that are environmentally distressed, in areas that are adversely affected by Federal actions related to the management of Federal lands, in areas that are adversely affected by reductions in defense spending, or in areas that have an unemployment rate greater than the national average unemployment rate;

(3) Other information as required by the Corporation; and

(d) Cooperate fully with all Corporation evaluation activities.

§ 2522.530 What types of activities are required of States or grantmaking entities to evaluate the effectiveness of their subgrantees?

In cases where a State or grantmaking entity is the direct grantee they will be required to: (a) Ensure that subgrantees comply with the requirements of this subpart;

(b) Track program performance in terms of progress towards pre-established objectives and ensure that corrective action is taken when necessary. Submit periodic performance reports and, as part of an annual report, an annual performance report to the Corporation for each subgrantee;

(c) Collect from programs and submit to the Corporation the descriptive information required in this subpart; and

(d) Cooperate fully with all Corporation evaluation activities.

§ 2522.540 How will the Corporation evaluate individual AmeriCorps programs?

The Corporation will evaluate programs based on the following: (a) The extent to which the program meets the objectives established and agreed to by the grantee and the Corporation before the grant award;

(b) The extent to which the program is cost-effective; and

(c) The effectiveness of the program in meeting the following legislative objectives: (1) Providing direct and demonstrable services and projects that benefit the community by addressing educational, public safety, human, or environmental needs;

(2) Recruiting and enrolling diverse participants consistent with the requirements of part 2540 of this chapter, based on economic background, race, ethnicity, age, gender, marital status, education levels, and disability;

(3) Promoting the educational achievement of each participant based on earning a high school diploma or its equivalent and future enrollment in and

completion of increasingly higher levels of education;

(4) Encouraging each participant to engage in public and community service after completion of the program based on career choices and participation in other service programs;

(5) Promoting an ethic of active and productive citizenship among participants;

(6) Supplying additional volunteer assistance to community agencies without providing more volunteers than can be effectively utilized;

(7) Providing services and activities that could not otherwise be performed by employed workers and that will not supplant the hiring of, or result in the displacement of, employed workers; and

(8) Other criteria determined and published by the Corporation.

§ 2522.550 What will the Corporation do to evaluate the overall success of the AmeriCorps programs?

(a) The Corporation will conduct independent evaluations of programs, including in-depth studies of selected programs. These evaluations will consider the opinions of participants and members of the community where services are delivered. Where appropriate these studies will compare participants with individuals who have not participated in service programs. These evaluations will: (1) Study the extent to which the national service impacts involved communities;

(2) Study the extent to which national service increases positive attitudes among participants regarding the responsibilities of citizens and their role in solving community problems;

(3) Study the extent to which national service enables participants to afford post-secondary education with fewer student loans;

(4) Determine the costs and effectiveness of different program models in meeting program objectives including full- and part-time programs, programs involving different types of national service, programs using different recruitment methods, programs offering alternative non-federally funded vouchers or post-service benefits, and programs utilizing individual placements and teams;

(5) Determine the impact of programs in each State on the ability of VISTA and National Senior Volunteer Corps, each regular and reserve component of the Armed Forces, and the Peace Corps to recruit individuals residing in that State; and

(6) Determine the levels of living allowances paid in all AmeriCorps programs and American Conservation and Youth Corps, individually, by State,

and by region and determine the effects that such living allowances have had on the ability of individuals to participate in such programs.

(b) The Corporation will also determine by June 30, 1995: (1) Whether the State and national priorities designed to meet educational, public safety, human, or environmental needs are being addressed;

(2) Whether the outcomes of both stipended and nonstipended service programs are defined and measured appropriately;

(3) Whether stipended service programs, and service programs providing educational benefits in return for service, should focus on economically disadvantaged individuals or at risk youth, or whether such programs should include a mix of individuals, including individuals from middle and upper income families;

(4) The role and importance of stipends and educational benefits in achieving desired outcomes in the service programs;

(5) The income distribution of AmeriCorps participants, to determine the level of participation of economically disadvantaged individuals. The total income of participants will be determined as of the date the participant was first selected to participate in a program and will include family total income unless the evaluating entity determines that the participant was independent at the time of selection. Definitions for "independent" and "total income" are those used in section 480(a) of the Higher Education Act of 1965;

(6) The amount of assistance provided under the AmeriCorps programs that has been expended for projects conducted in areas classified as empowerment zones (or redevelopment areas), in areas that are targeted for special economic incentives or are otherwise identifiable as having high concentrations of low-income people, in areas that are environmentally distressed or adversely affected by Federal actions related to the management of Federal lands, in areas that are adversely affected by reductions in defense spending, or in areas that have an unemployment rate greater than the national average unemployment rate for the most recent 12 months for which satisfactory data are available; and

(7) The implications of the results of these studies as appropriate for authorized funding levels.

§ 2522.560 Will information on individual participants be kept confidential?

(a) Yes. The Corporation will maintain the confidentiality of

information regarding individual participants that is acquired for the purpose of the evaluations described in § 2522.540. The Corporation will disclose individual participant information only with the prior written consent of the participant. However, the Corporation may disclose aggregate participant information.

(b) Grantees and subgrantees that receive assistance under this chapter must comply with the provisions of paragraph (a) of this section.

PART 2523—AGREEMENTS WITH OTHER FEDERAL AGENCIES FOR THE PROVISION OF AMERICORPS PROGRAM ASSISTANCE

Sec.

2523.10 Are Federal agencies eligible to apply for AmeriCorps program funds?

2523.20 Which Federal agencies may apply for such funds?

2523.30 Must Federal agencies meet the requirements imposed on grantees under parts 2521 and 2522 of this chapter?

2523.40 For what purposes should Federal agencies use AmeriCorps program funds?

2523.50 What types of grants are Federal agencies eligible to receive?

2523.60 May Federal agencies enter into partnerships or participate in consortia?

2523.70 Will the Corporation give special consideration to Federal agency applications that address certain needs?

2523.80 Are there restrictions on the use of Corporation funds?

2523.90 Is there a matching requirement for Federal agencies?

2523.100 Are participants in programs operated by Federal agencies Federal employees?

2523.110 Can Federal agencies submit multiple applications?

2523.120 Must Federal agencies consult with State Commissions?

Authority: 42 U.S.C. 12501 *et seq.*

§ 2523.10 Are Federal agencies eligible to apply for AmeriCorps program funds?

Yes. Federal agencies may apply for and receive AmeriCorps funds under parts 2521 and 2522 of this chapter, and they are eligible to receive up to one-third of the funds available for competitive distribution under § 2521.30(b)(3) of this chapter. The Corporation may enter into a grant, contract or cooperative agreement with another Federal agency to support an AmeriCorps program carried out by the agency. The Corporation may transfer funds available to it to other Federal agencies.

§ 2523.20 Which Federal agencies may apply for such funds?

The Corporation will consider applications only from Executive Branch agencies or departments, Bureaus, divisions, and local and

regional offices of such departments and agencies can only apply through the central department or agency; however, it is possible for the department or agency to submit an application proposing more than one program.

§ 2523.30 Must Federal agencies meet the requirements imposed on grantees under parts 2521 and 2522 of this chapter?

Yes, except as provided in § 2523.90. Federal agency programs must meet the same requirements and serve the same purposes as all other applicants seeking support under part 2522 of this chapter.

§ 2523.40 For what purposes should Federal agencies use AmeriCorps program funds?

AmeriCorps funds should enable Federal agencies to establish programs that leverage agencies' existing resources and grant-making powers toward the goal of integrating service more fully into agencies' programs and activities. Agencies should plan to ultimately support new service initiatives out of their own budgets and appropriations.

§ 2523.50 What types of funds are Federal agencies eligible to receive?

Federal agencies may apply for planning and operating funds subject to the terms established by the Corporation in § 2521.20 of this chapter, except that operating grants will be awarded with the expectation that the Federal agencies will support the proposed programs from their own budgets once the Corporation grant(s) expire.

§ 2523.60 May Federal agencies enter into partnerships or participate in consortia?

Yes. Such partnerships or consortia may consist of other Federal agencies, Indian Tribes, subdivisions of States, community based organizations, institutions of higher education, or other non-profit organizations. Partnerships and consortia must be approved by the Corporation.

§ 2523.70 Will the Corporation give special consideration to Federal agency applications that address certain needs?

Yes. The Corporation will give special consideration to those applications that address the national priorities established by the Corporation. The Corporation may also give special consideration to those applications that demonstrate the agency's intent to leverage its own funds through a Corporation-approved partnership or consortium, by raising other funds from Federal or non-Federal sources, by giving grantees incentives to build service opportunities into their programs, by committing appropriate in-kind resources, or by other means.

§ 2523.80 Are there restrictions on the use of Corporation funds?

Yes. The supplantation and nondisplacement provisions specified in part 2540 of this chapter apply to the Federal AmeriCorps programs supported with such assistance.

§ 2523.90 Is there a matching requirement for Federal agencies?

No. A Federal agency is not required to match funds in programs that receive support under this chapter. However, Federal agency subgrantees are required to match funds in accordance with the requirements of § 2521.30(g) and § 2522.240(b)(5) of this chapter.

§ 2523.100 Are participants in programs operated by Federal agencies Federal employees?

No. Participants in these programs have the same employee status as participants in other approved AmeriCorps programs, and are not considered Federal employees, except for the purposes of the Family and Medical Leave Act as specified in § 2540.220(b) of this chapter.

§ 2523.110 Can Federal agencies submit multiple applications?

No. The Corporation will only consider one application from a Federal agency for each AmeriCorps competition. The application may propose more than one program, however, and the Corporation may choose to fund any or all of those programs.

§ 2523.120 Must Federal agencies consult with State Commissions?

Yes. Federal agencies must provide a description of the manner in which the proposed AmeriCorps program(s) is coordinated with the application of the State in which the projects will be conducted. Agencies must also describe proposed efforts to coordinate AmeriCorps activities with State Commissions and other funded AmeriCorps programs within the State in order to build upon existing programs and not duplicate efforts.

PART 2524—AMERICORPS TECHNICAL ASSISTANCE AND OTHER SPECIAL GRANTS

Sec.

2524.10 For what purposes will technical assistance and training funds be made available?

2524.20 What are the guidelines for program development assistance and training grants?

2524.30 What are the guidelines for challenge grants?

Sec.

2524.40 What are the guidelines for grants to involve persons with disabilities?

2524.50 What are the guidelines for assistance with disaster relief?

Authority: 42 U.S.C. 12501 *et seq.*

§ 2524.10 For what purposes will technical assistance and training funds be made available?

(a) To the extent appropriate and necessary, the Corporation may make technical assistance available to States, Indian tribes, labor organizations, organizations operated by young adults, organizations serving economically disadvantaged individuals, and other entities eligible to apply for assistance under parts 2521 and 2522 of this chapter that desire—

(1) To develop AmeriCorps programs; or

(2) To apply for assistance under parts 2521 and 2522 of this chapter or under a grant program conducted using such assistance.

(b) In addition, the Corporation may provide program development assistance and conduct, directly or by grant or contract, appropriate training programs regarding AmeriCorps in order to—

(1) Improve the ability of AmeriCorps programs assisted under parts 2521 and 2522 of this chapter to meet educational, public safety, human, or environmental needs in communities—

(i) Where services are needed most; and

(ii) Where programs do not exist, or are too limited to meet community needs, as of the date on which the Corporation makes the grant or enters into the contract;

(2) Promote leadership development in such programs;

(3) Improve the instructional and programmatic quality of such programs to build an ethic of civic responsibility;

(4) Develop the management and budgetary skills of program operators;

(5) Provide for or improve the training provided to the participants in such programs;

(6) Encourage AmeriCorps programs to adhere to risk management procedures, including the training of participants in appropriate risk management practices; and

(7) Assist in such other manner as the Corporation may specify.

§ 2524.20 What are the guidelines for program development assistance and training grants?

(a) *Eligibility.* States, Federal agencies, Indian tribes, public or private nonprofit agencies, institutions of higher education, for-profit businesses, and individuals may apply for assistance under this section.

(b) *Duration.* A grant made under this section will be for a term of up to one year and is renewable.

(c) *Application requirements.* Eligible applicants must comply with the requirements specified in the Corporation's application package.

§ 2524.30 What are the guidelines for challenge grants?

(a) *Purpose.* The purpose of these grants is to challenge high quality AmeriCorps programs to diversify their funding base by matching private dollars they have raised with Corporation support. The Corporation will provide not more than \$1 for each \$1 raised in cash by the program from private sources in excess of amounts otherwise required to be provided by the program to satisfy the matching funds requirements specified under § 2521.30(g) of this chapter.

(b) *Eligibility.* Only Corporation grantees that meet all of the following eligibility criteria may apply for challenge grants: (1) They are funded under parts 2520 through 2523 of this chapter.

(2) They are high quality programs with demonstrated experience in establishing and implementing projects that provide benefits to participants and communities.

(3) They have operated with Corporation funds for at least six months.

(4) They have secured the minimum matching funds required by §§ 2521.30(g), 2522.240(b)(5), 2522.250(a)(4), and 2522.250(b)(2) of this chapter.

(c) *Allowable program activities.* Challenge grants are intended to provide special opportunities for national and community service programs to enroll additional participants or undertake other activities specified by the Corporation.

(d) *Application procedures.* Eligible applicants must comply with the requirements specified in the Corporation's application materials.

(e) *Limitation on use of the funds.* Each year the Corporation will establish a maximum award that a program may receive as a challenge grant.

(f) *Allocation of funds.* The Corporation will determine annually how much funding will be allocated to challenge grants from funds appropriated for AmeriCorps programs.

§ 2524.40 What are the guidelines for grants to involve persons with disabilities?

(a) *Purpose.* There are two general purposes for these grants: (1) To assist AmeriCorps grantees in placing applicants who require reasonable

accommodation (as defined in section 101(9) of the Americans With Disabilities Act of 1990, 42 U.S.C. 12111(9)) or auxiliary aids and services (as defined in section 3(1) of such Act, 42 U.S.C. 12102(1)) in an AmeriCorps program; and

(2) To conduct outreach activities to individuals with disabilities to recruit them for participation in AmeriCorps programs.

(b) *Eligibility*—(1) *Placement, accommodation, and auxiliary services.* Eligibility for assistance under this part is limited to AmeriCorps programs that:

(i) Receive competitive funding from the Corporation under § 2521.30(a)(3) or 2521.30(b)(3) of this chapter; and

(ii) Demonstrate that the program has received a substantial number of applications for placement from persons who are individuals with a disability and who require a reasonable accommodation (as defined in section 101(9) of the Americans with Disabilities Act of 1990), or auxiliary aids and services (as defined in section 3(1) of such Act) in order to perform national service; and

(iii) Demonstrate that additional funding would assist the program in placing a substantial number of such individuals with a disability as participants in projects carried out through the program.

(2) *Outreach.* Corporation grantees and any public or private nonprofit organization may apply for funds to conduct outreach to individuals with disabilities to recruit them for participation in AmeriCorps programs. Outreach funds can also be used by any organization to assist AmeriCorps programs in adapting their programs to encourage greater participation by individuals with disabilities.

(c) *Application procedures.* Eligible applicants must comply with the requirements specified in the Corporation's application materials.

§ 2524.50 What are the guidelines for assistance with disaster relief?

(a) *Purpose.* Disaster relief funds are intended to provide emergency assistance not otherwise available to enable national and community service programs to respond quickly and effectively to a Presidentially-declared disaster.

(b) *Eligibility.* Any AmeriCorps program (including youth corps, the National Civilian Community Corps, VISTA, and other programs authorized under the Domestic Volunteer Services Act) or grant making entity (such as a State or Federal agency) that is supported by the Corporation may apply for disaster relief grants.

(c) *Application process.* Eligible applicants must comply with the requirements specified in the Corporation's application materials.

(d) *Waivers.* In appropriate cases, due to the limited nature of disaster activities, the Corporation may waive specific program requirements such as matching requirements and the provision of AmeriCorps educational awards for participants supported with disaster relief funds.

PART 2530—PURPOSES AND AVAILABILITY OF GRANTS FOR INVESTMENT FOR QUALITY AND INNOVATION ACTIVITIES

Sec.

§ 2530.10 What are the purposes of the Investment for Quality and Innovation activities?

2530.20 Funding priorities.

Authority: 42 U.S.C. 12501 et seq.

2530.10 What are the purposes of the Investment for Quality and Innovation activities?

Investment for Quality and Innovation activities are designed to develop service infrastructure and improve the overall quality of national and community service efforts. Specifically, the Corporation will support innovative and model programs that otherwise may not be eligible for funding; and support other activities, such as training and technical assistance, summer programs, leadership training, research, promotion and recruitment, and special fellowships and awards. The Corporation may conduct these activities either directly or through grants to or contracts with qualified organizations.

§ 2530.20 Funding priorities.

The Corporation may choose to set priorities (and to periodically revise such priorities) that limit the types of innovative and model programs and support activities it will undertake or fund in a given fiscal year. In setting these priorities, the Corporation will seek to concentrate funds on those activities that will be most effective and efficient in fulfilling the purposes of this part.

PART 2531—INNOVATIVE AND SPECIAL DEMONSTRATION PROGRAMS

Sec.

2531.10 Military Installation Conversion Demonstration programs.

2531.20 Special Demonstration Project for the Yukon-Kuskokwim Delta of Alaska.

2531.30 Other innovative and model programs.

Authority: 42 U.S.C. 12501 et seq.

§ 2531.10 Military Installation Conversion Demonstration programs.

(a) *Purposes.* The purposes of this section are to: (1) Provide direct and demonstrable service opportunities for economically disadvantaged youth;

(2) Fully utilize military installations affected by closures or realignments;

(3) Encourage communities affected by such closures or realignments to convert the installations to community use; and

(4) Foster a sense of community pride in the youth in the community.

(b) *Definitions.* As used in this section: (1) *Affected military installation.* The term *affected military installation* means a military installation described in section 325(e)(1) of the Job Training Partnership Act (29 U.S.C. 1662d(e)(1)).

(2) *Community.* The term *community* includes a county.

(3) *Convert to community use.* The term *convert to community use*, used with respect to an affected military installation, includes—

(i) Conversion of the installation or a part of the installation to—

(A) A park;

(B) A community center;

(C) A recreational facility; or

(D) A facility for a Head Start program under the Head Start Act (42 U.S.C. 9831 et seq.); and

(ii) Carrying out, at the installation, a construction or economic development project that is of substantial benefit, as determined by the Chief Executive Officer, to—

(A) The community in which the installation is located; or

(B) A community located within 50 miles of the installation or such further distance as the Chief Executive Officer may deem appropriate on a case-by-case basis.

(4) *Demonstration program.* The term *demonstration program* means a program described in paragraph (c) of this section.

(c) *Demonstration programs.* (1) *Grants.*—The Corporation may make grants to communities and community-based agencies to pay for the Federal share of establishing and carrying out military installation conversion demonstration programs, to assist in converting to community use affected military installations located—

(i) Within the community; or

(ii) Within 50 miles of the community.

(2) *Duration.* In carrying out such a demonstration program, the community or community-based agency may carry out—

(i) A program of not less than 6 months in duration; or

(ii) A full-time summer program.

(d) *Use of Funds*—(1) *Stipend*. A community or community-based agency that receives a grant under paragraph (c) of this section to establish and carry out a project through a demonstration program may use the funds made available through such grant to pay for a portion of a stipend for the participants in the project.

(2) *Limitation on amount of stipend*. The amount of the stipend provided to a participant under paragraph (d)(1) of this section that may be paid using assistance provided under this section and using any other Federal funds may not exceed the lesser of—

(i) 85 percent of the total average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955); and

(ii) 85 percent of the stipend established by the demonstration program involved.

(e) *Participants*—(1) *Eligibility*. A person will be eligible to be selected as a participant in a project carried out through a demonstration program if the person is—

(i) Economically disadvantaged and between the ages of 16 and 24, inclusive;

(ii) In the case of a full-time summer program, economically disadvantaged and between the ages of 14 and 24; or

(iii) An eligible youth as described in section 423 of the Job Training Partnership Act (29 U.S.C. 1693).

(2) *Participation*. Persons desiring to participate in such a project must enter into an agreement with the sponsor of the project to participate—

(i) On a full-time or a part-time basis; and

(ii) For the duration referred to in paragraph (f)(2)(iii) of this section.

(f) *Application*—(1) *In general*. To be eligible to receive a grant under paragraph (c) of this section, a community or community-based agency must submit an application to the Chief Executive Officer at such time, in such manner, and containing such information as the Chief Executive Officer may require.

(2) *Contents*. At a minimum, such application must contain—

(i) A description of the demonstration program proposed to be conducted by the applicant;

(ii) A proposal for carrying out the program that describes the manner in which the applicant will—

(A) Provide preservice and inservice training, for supervisors and participants, that will be conducted by qualified individuals or qualified organizations;

(B) Conduct an appropriate evaluation of the program; and

(C) Provide for appropriate community involvement in the program;

(iii) Information indicating the duration of the program; and

(iv) An assurance that the applicant will comply with the nonduplication, nondisplacement and grievance procedure provisions of part 2540 of this chapter.

(g) *Limitation on Grant*. In making a grant under paragraph (c) of this section with respect to a demonstration program to assist in converting an affected military installation, the Corporation will not make a grant for more than 25 percent of the total cost of the conversion.

§ 2531.20 Special Demonstration Project for the Yukon-Kuskokwim Delta of Alaska.

(a) *Special Demonstration Project for the Yukon-Kuskokwim Delta of Alaska*. The President may award grants to, and enter into contracts with, organizations to carry out programs that address significant human needs in the Yukon-Kuskokwim delta region of Alaska.

(b) *Application*—(1) *General requirements*. To be eligible to receive a grant or enter into a contract under paragraph (a) of this section with respect to a program, an organization must submit an application to the President at such time, in such manner, and containing such information as required.

(2) *Contents*. The application submitted by the organization must, at a minimum—

(i) Include information describing the manner in which the program will utilize VISTA volunteers, individuals who have served in the Peace Corps, and other qualified persons, in partnership with the local nonprofit organizations known as the Yukon-Kuskokwim Health Corporation and the Alaska Village Council Presidents;

(ii) Take into consideration—

(A) The primarily noncash economy of the region; and

(B) The needs and desires of residents of the local communities in the region; and

(iii) Include specific strategies, developed in cooperation with the Yupi'k speaking population that resides in such communities, for comprehensive and intensive community development for communities in the Yukon-Kuskokwim delta region.

§ 2531.30 Other innovative and model programs.

(a) The Corporation may support other innovative and model programs

such as the following: (1) Programs, including programs for rural youth, described in parts 2515 through 2524 of this chapter;

(2) Employer-based retiree programs;

(3) Intergenerational programs;

(4) Programs involving individuals with disabilities providing service;

(5) Programs sponsored by Governors; and

(6) Summer programs carried out between May 1 and October 1 (which may also contain a year-round component).

(b) The Corporation will support innovative service-learning programs.

(c) Application procedures, selection criteria, timing, and other requirements will be announced in the Federal Register.

PART 2532—TECHNICAL ASSISTANCE, TRAINING, AND OTHER SERVICE INFRASTRUCTURE-BUILDING ACTIVITIES

Sec.

2532.10 Eligible activities.

Authority: 42 U.S.C. 12501 *et seq*

§ 2532.10 Eligible activities.

The Corporation may support—either directly or through a grant, contract or agreement—any activity designed to meet the purposes described in part 2530 of this chapter. These activities include, but are not limited to, the following: (a) *Community-based agencies*. The Corporation may provide training and technical assistance and other assistance to project sponsors and other community-based agencies that provide volunteer placements in order to improve the ability of such agencies to use participants and other volunteers in a manner that results in high-quality service and a positive service experience for the participants and volunteers.

(b) *Improve ability to apply for assistance*. The Corporation will provide training and technical assistance, where necessary, to individuals, programs, local labor organizations, State educational agencies, State Commissions, local educational agencies, local governments, community-based agencies, and other entities to enable them to apply for funding under one of the national service laws, to conduct high-quality programs, to evaluate such programs, and for other purposes.

(c) *Conferences and materials*. The Corporation may organize and hold conferences, and prepare and publish materials, to disseminate information and promote the sharing of information among programs for the purpose of

improving the quality of programs and projects.

(d) *Peace Corps and VISTA training.* The Corporation may provide training assistance to selected individuals who volunteer to serve in the Peace Corps or a program authorized under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 *et seq.*). The training will be provided as part of the course of study of the individual at an institution of higher education, involve service-learning, and cover appropriate skills that the individual will use in the Peace Corps or VISTA.

(e) *Promotion and recruitment.* The Corporation may conduct a campaign to solicit funds for the National Service Trust and other programs and activities authorized under the national service laws and to promote and recruit participants for programs that receive assistance under the national service laws.

(f) *Training.* The Corporation may support national and regional participant and supervisor training, including leadership training and training in specific types of service and in building the ethic of civic responsibility.

(g) *Research.* The Corporation may support research on national service, including service-learning.

(h) *Intergenerational support.* The Corporation may assist programs in developing a service component that combines students, out-of-school youths, and older adults as participants to provide needed community services.

(i) *Planning coordination.* The Corporation may coordinate community-wide planning among programs and projects.

(j) *Youth leadership.* The Corporation may support activities to enhance the ability of youth and young adults to play leadership roles in national service.

(k) *National program identity.* The Corporation may support the development and dissemination of materials, including training materials, and arrange for uniforms and insignia, designed to promote unity and shared features among programs that receive assistance under the national service laws.

(l) *Service-learning.* The Corporation will support innovative programs and activities that promote service-learning.

(m) *National youth service day.*—(1) *Designation.* April 19, 1994, and April 18, 1995 are each designated as "National Youth Service Day". The President is authorized and directed to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

(2) *Federal activities.* In order to observe National Youth Service Day at the Federal level, the Corporation may organize and carry out appropriate ceremonies and activities.

(3) *Activities.* The Corporation may make grants to public or private nonprofit organizations with demonstrated ability to carry out appropriate activities, in order to support such activities on National Youth Service Day.

(n) *Clearinghouses.*—(1) *Authority.* The Corporation may establish clearinghouses, either directly or through a grant or contract. Any service-learning clearinghouse to be established pursuant to part 2518 of this chapter is eligible to apply for a grant under this section. In addition, public or private nonprofit organizations are eligible to apply for clearinghouse grants.

(2) *Function.* A Clearinghouse may perform the following activities: (i) Assist entities carrying out State or local community service programs with needs assessments and planning;

(ii) Conduct research and evaluations concerning community service;

(iii) Provide leadership development and training to State and local community service program administrators, supervisors, and participants; and provide training to persons who can provide such leadership development and training;

(iv) Facilitate communication among entities carrying out community service programs and participants;

(v) Provide information, curriculum materials, and technical assistance relating to planning and operation of community service programs, to States and local entities eligible to receive funds under this chapter;

(vi) Gather and disseminate information on successful community service programs, components of such successful programs, innovative youth skills curriculum, and community service projects;

(vii) Coordinate the activities of the clearinghouse with appropriate entities to avoid duplication of effort;

(viii) Make recommendations to State and local entities on quality controls to improve the delivery of community service programs and on changes in the programs under this chapter; and

(ix) Carry out such other activities as the Chief Executive Officer determines to be appropriate.

(o) *Assistance for Head Start.* The Corporation may make grants to, and enter into contracts and cooperative agreements with, public or nonprofit private agencies and organizations that receive grants or contracts under the Foster Grandparent Program (part B of

title II of the Domestic Volunteer Service Act of 1973 (29 U.S.C. 5011 *et seq.*)), for projects of the type described in section 211(a) of such Act (29 U.S.C. 5011) operating under memoranda of agreement with the ACTION Agency, for the purpose of increasing the number of low-income individuals who provide services under such program to children who participate in Head Start programs under the Head Start Act (42 U.S.C. 9831 *et seq.*).

(p) *Other assistance.* The Corporation may support other activities that are consistent with the purposes described in part 2530 of this chapter.

PART 2533—SPECIAL ACTIVITIES

Sec.

2533.10 National service fellowships.

2533.20 Presidential awards for service.

Authority: 42 U.S.C. 12501 *et seq.*

§ 2533.10 National service fellowships.

The Corporation may award national service fellowships on a competitive basis. Application procedures, selection criteria, timing and other requirements will be announced in the Federal Register.

§ 2533.20 Presidential awards for service.

The President, acting through the Corporation, may make Presidential awards for service to individuals providing significant service, and to outstanding programs. Information about recipients of such awards will be widely disseminated. The President may provide such awards to any deserving individual or program, regardless of whether the individual is serving in a program authorized by this chapter or whether the program is itself authorized by this chapter. In no instance, however, may the award be a cash award.

PART 2540—GENERAL ADMINISTRATIVE PROVISIONS

Subpart A—Requirements Concerning the Distribution and Use of Corporation Assistance

Sec.

2540.100 What restrictions govern the use of Corporation assistance?

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2540.400 Under what circumstances will the Corporation suspend or terminate a grant or contract?

Authority: 42 U.S.C. 12501 *et seq*

Subpart A—Requirements Concerning the Distribution and Use of Corporation Assistance

§ 2540.100 What restrictions govern the use of Corporation assistance?

(a) *Supplantation.* Corporation assistance may not be used to replace State and local public funds that had been used to support programs of the type eligible to receive Corporation support. For any given program, this condition will be satisfied if the aggregate non-Federal public expenditure for that program in the fiscal year that support is to be provided is not less than the previous fiscal year.

(b) *Religious use.* Corporation assistance may not be used to provide religious instruction, conduct worship services, or engage in any form of proselytization.

(c) *Political activity.* Corporation assistance may not be used by program participants or staff to assist, promote, or deter union organizing; or finance, directly or indirectly, any activity designed to influence the outcome of a Federal, State or local election to public office.

(d) *Contracts or collective bargaining agreements.* Corporation assistance may not be used to impair existing contracts for services or collective bargaining agreements.

(e) *Nonduplication.* Corporation assistance may not be used to duplicate an activity that is already available in the locality of a program. And, unless the requirements of paragraph (f) of this section are met, Corporation assistance will not be provided to a private nonprofit entity to conduct activities that are the same or substantially equivalent to activities provided by a

State or local government agency in which such entity resides.

(f) *Nondisplacement.* (1) An employer may not displace an employee or position, including partial displacement such as reduction in hours, wages, or employment benefits, as a result of the use by such employer of a participant in a program receiving Corporation assistance.

(2) A service opportunity will not be created under this chapter that will infringe in any manner on the promotional opportunity of an employed individual.

(3) A participant in a program receiving Corporation assistance may not perform any services or duties or engage in activities that would otherwise be performed by an employee as part of the assigned duties of such employee.

(4) A participant in any program receiving assistance under this chapter may not perform any services or duties, or engage in activities, that—

(i) Will supplant the hiring of employed workers; or

(ii) Are services, duties, or activities with respect to which an individual has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures.

(5) A participant in any program receiving assistance under this chapter may not perform services or duties that have been performed by or were assigned to any—

(i) Presently employed worker;

(ii) Employee who recently resigned or was discharged;

(iii) Employee who is subject to a reduction in force or who has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures;

(iv) Employee who is on leave (terminal, temporary, vacation, emergency, or sick); or

(v) Employee who is on strike or who is being locked out.

§ 2540.110 Limitation on use of Corporation funds for administrative costs.

Not more than five percent of the amount of assistance provided to the original recipient of any grant or any transfer of assistance from the Corporation in any fiscal year may be used to pay for administrative costs incurred by—

(a) The original recipient of assistance; and

(b) Any subgrantee of that recipient.

Subpart B—Requirements Directly Affecting the Selection and Treatment of Participants

§ 2540.200 Under what circumstances may participants be engaged?

A State may not engage a participant to serve in any program that receives Corporation assistance unless and until amounts have been appropriated under section 501 of the Act (42 U.S.C. 12681) for the provision of AmeriCorps educational awards and for the payment of other necessary expenses and costs associated with such participant.

§ 2540.210 What provisions exist to ensure that Corporation-supported programs do not discriminate in the selection of participants and staff?

(a) An individual with responsibility for the operation of a project that receives Corporation assistance must not discriminate against a participant in, or member of the staff of, such project on the basis of race, color, national origin, sex, age, or political affiliation of such participant or member, or on the basis of disability, if the participant or member is a qualified individual with a disability.

(b) Any Corporation assistance constitutes Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 *et seq.*), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (42 U.S.C. 6101 *et seq.*), and constitutes Federal financial assistance to an education program or activity for purposes of the Education Amendments of 1972 (20 U.S.C. 1681 *et seq.*).

(c) An individual with responsibility for the operation of a project that receives Corporation assistance may not discriminate on the basis of religion against a participant in such project or a member of the staff of such project who is paid with Corporation funds. This provision does not apply to the employment (with Corporation assistance) of any staff member of a Corporation-supported project who was employed with the organization operating the project on the date the Corporation grant was awarded.

§ 2540.220 Under what circumstances and subject to what conditions are participants in Corporation-assisted programs eligible for family and medical leave?

(a) *Participants in State, local, or private nonprofits programs.* A participant in a State, local, or private nonprofit program receiving support from the Corporation is considered an eligible employee of the program's

project sponsor under the Family and Medical Leave Act of 1993 (29 CFR part 925) if—

(1) The participant has served for at least 12 months and 1,250 hours during the year preceding the start of the leave; and

(2) The program's project sponsors engages in commerce or any industry or activity affecting commerce, and employs at least 50 employees for each working day during 20 or more calendar workweeks in the current or preceding calendar year.

(b) *Participants in Federal programs.* Participants in Federal programs operated by the Corporation or by another Federal agency will be considered Federal employees for the purposes of the Family and Medical Leave Act if the participants have completed 12 months of service and the project sponsor is an employing agency as defined in 5 U.S.C. 6381 *et seq.*; such participants therefore will be eligible for the same family and medical leave benefits afforded to such Federal employees.

(c) *General terms and conditions.* Participants that qualify as eligible employees under paragraphs (a) or (b) of this section are entitled to take up to 12 weeks of unpaid leave during a 12 month period for any of the following reasons (in the cases of both paragraphs (c)(1) and (2) of this section the entitlement to leave expires 12 months after the birth or placement of such child): (1) The birth of a child to a participant;

(2) The placement of a child with a participant for adoption or foster care;

(3) The serious illness of a participant's spouse, child or parent;

(4) A participant's serious health condition that makes that participant unable to perform his or her essential service duties (a serious health condition is an illness or condition that requires either inpatient care or continuing treatment by a health care provider).

(d) *Intermittent leave or reduced service.* The program, serving as the project sponsor, may allow a participant to take intermittent leave or reduce his or her service hours due to the birth of or placement of a child for adoption or foster care. The participant may also take leave to care for a seriously ill immediate family member or may take leave due to his or her own serious illness whenever it is medically necessary.

(e) *Alternate placement.* If a participant requests intermittent leave or a reduced service hours due to a serious illness or a family member's sickness, and the need for leave is

foreseeable based on planned medical treatment, the program, or project sponsor may temporarily transfer the participant to an alternative service position if the participant: (1) Is qualified for the position; and

(2) Receives the same benefits such as stipend or living allowance and the position better accommodates the participants recurring periods of leave.

(f) *Certification of cause.* A program, or project sponsor may require that the participant support a leave request with a certification from the health care provider of the participant or the participant's family member. If a program sponsor requests a certification, the participant must provide it in a timely manner.

(g) *Continuance of coverage.* (1) If a State, local or private program provides for health insurance for the full-time participant, the sponsor must continue to provide comparable health coverage at the same level and conditions that coverage would have been provided for the duration of the participant's leave.

(2) If the Federal program provides health insurance coverage for the full-time participant, the sponsor must also continue to provide the same health care coverage for the duration of the participant's leave.

(h) *Failure to return.* If the participant fails to return to the program at the end of leave for any reason other than continuation, recurrence or onset of a serious health condition or other circumstances beyond his or her control, the program may recover the premium that he or she paid during any period of unpaid leave.

(i) *Applicability to term of service.* Any absence, due to family and medical leave, will not be counted towards the participant's term of service.

§ 2540.230 What grievance procedures must recipients of Corporation assistance establish?

State and local applicants that receive assistance from the Corporation must establish and maintain a procedure for the filing and adjudication of grievances from participants, labor organizations, and other interested individuals concerning programs that receive assistance from the Corporation. A grievance procedure may include dispute resolution programs such as mediation, facilitation, assisted negotiation and neutral evaluation. If the grievance alleges fraud or criminal activity, it must immediately be brought to the attention of the Corporation's inspector general.

(a) *Alternative dispute resolution.* (1) The aggrieved party may seek resolution through alternative means of dispute

resolution such as mediation or facilitation. Dispute resolution proceedings must be initiated within 45 calendar days from the date of the alleged occurrence. At the initial session of the dispute resolution proceedings, the party must be advised in writing of his or her right to file a grievance and right to arbitration. If the matter is resolved, and a written agreement is reached, the party will agree to forego filing a grievance in the matter under consideration.

(2) If mediation, facilitation, or other dispute resolution processes are selected, the process must be aided by a neutral party who, with respect to an issue in controversy, functions specifically to aid the parties in resolving the matter through a mutually achieved and acceptable written agreement. The neutral party may not compel a resolution. Proceedings before the neutral party must be informal, and the rules of evidence will not apply. With the exception of a written and agreed upon dispute resolution agreement, the proceeding must be confidential.

(b) *Grievance procedure for unresolved complaints.* If the matter is not resolved within 30 calendar days from the date the informal dispute resolution process began, the neutral party must again inform the aggrieved party of his or her right to file a formal grievance. In the event an aggrieved party files a grievance, the neutral may not participate in the formal complaint process. In addition, no communication or proceedings of the informal dispute resolution process may be referred to or introduced into evidence at the grievance and arbitration hearing. Any decision by the neutral party is advisory and is not binding unless both parties agree.

(c) *Time limitations.* Except for a grievance that alleges fraud or criminal activity, a grievance must be made no later than one year after the date of the alleged occurrence. If a hearing is held on a grievance, it must be conducted no later than 30 calendar days after the filing of such grievance. A decision on any such grievance must be made no later than 60 calendar days after the filing of the grievance.

(d) *Arbitration—(1) Arbitrator—(i) Joint selection by parties.* If there is an adverse decision against the party who filed the grievance, or 60 calendar days after the filing of a grievance no decision has been reached, the filing party may submit the grievance to binding arbitration before a qualified arbitrator who is jointly selected and independent of the interested parties.

(ii) *Appointment by Corporation.* If the parties cannot agree on an arbitrator within 15 calendar days after receiving a request from one of the grievance parties, the Corporations Chief Executive Officer will appoint an arbitrator from a list of qualified arbitrators.

(2) *Time Limits—(i) Proceedings.* An arbitration proceeding must be held no later than 45 calendar days after the request for arbitration, or, if the arbitrator is appointed by the Chief Executive Officer, the proceeding must occur no later than 30 calendar days after the arbitrator's appointment.

(ii) *Decision.* A decision must be made by the arbitrator no later than 30 calendar days after the date the arbitration proceeding begins.

(3) *The cost.* The cost of the arbitration proceeding must be divided evenly between the parties to the arbitration. If, however, a participant, labor organization, or other interested individual prevails under a binding arbitration proceeding, the State or local applicant that is a party to the grievance must pay the total cost of the proceeding and the attorney's fees of the prevailing party.

(e) *Suspension of placement.* If a grievance is filed regarding a proposed placement of a participant in a program that receives assistance under this chapter, such placement must not be made unless the placement is consistent with the resolution of the grievance.

(f) *Remedies.* Remedies for a grievance filed under a procedure established by a recipient of Corporation assistance may include—

(1) Prohibition of a placement of a participant; and

(2) In grievance cases where there is a violation of nonduplication or nondisplacement requirements and the employer of the displaced employee is the recipient of Corporation assistance—

(i) Reinstatement of the employee to the position he or she held prior to the displacement;

(ii) Payment of lost wages and benefits;

(iii) Re-establishment of other relevant terms, conditions and privileges of employment; and

(iv) Any other equitable relief that is necessary to correct any violation of the nonduplication or nondisplacement requirements or to make the displaced employee whole.

(g) *Suspension or termination of assistance.* The Corporation may suspend or terminate payments for assistance under this chapter.

(h) *Effect of noncompliance with arbitration.* A suit to enforce arbitration awards may be brought in any Federal district court having jurisdiction over the parties without regard to the amount in controversy or the parties' citizenship.

Subpart C—Other Requirements for Recipients of Corporation Assistance

§ 2540.300 What must be included in annual State reports to the Corporation?

(a) *In general.* Each State receiving assistance under this title must prepare and submit, to the Corporation, an annual report concerning the use of assistance provided under this chapter and the status of the national and community service programs in the State that receive assistance under this chapter. A State's annual report must include information that demonstrates the State's compliance with the requirements of this chapter.

(b) *Local grantees.* Each State may require local grantees that receive assistance under this chapter to supply such information to the State as is necessary to enable the State to complete the report required under paragraph (a) of this section, including a comparison of actual accomplishments with the goals established for the program, the number of participants in the program, the number of service hours generated, and the existence of any problems, delays or adverse conditions that have affected or will affect the attainment of program goals.

(c) *Availability of report.* Reports submitted under paragraph (a) of this section must be made available to the public on request.

§ 2540.310 Must programs that receive Corporation assistance establish standards of conduct?

Yes. Programs that receive assistance under this title must establish and stringently enforce standards of conduct at the program site to promote proper moral and disciplinary conditions.

§ 2540.320 How are participant benefits treated?

Section 142(b) of the Job Training Partnership Act (29 U.S.C. 1552(b)) shall

apply to the programs conducted under this chapter as if such programs were conducted under the Job Training Partnership Act (29 U.S.C. 1501 *et seq.*).

Subpart D—Suspension and Termination of Corporation Assistance

§ 2540.400 Under what circumstances will the Corporation suspend or terminate a grant or contract?

(a) *Suspension of a grant or contract.*

In emergency situations, the Corporation may suspend a grant or contract for not more than calendar 30 days. Examples of such situations may include, but are not limited to: (1)

Serious risk to persons or property;

(2) Violations of Federal, State or local criminal statutes; and

(3) Material violation(s) of the grant or contract that are sufficiently serious that they outweigh the general policy in favor of advance notice and opportunity to show cause.

(b) *Termination of a grant or contract.* The Corporation may terminate or revoke assistance for failure to comply with applicable terms and conditions of this chapter. However, the Corporation must provide the recipient reasonable notice and opportunity for a full and fair hearing, subject to the following conditions: (1) The Corporation will notify a recipient of assistance by letter or telegram that the Corporation intends to terminate or revoke assistance, either in whole or in part, unless the recipient shows good cause why such assistance should not be terminated or revoked. In this communication, the grounds and the effective date for the proposed termination or revocation will be described. The recipient will be given at least 7 calendar days to submit written material in opposition to the proposed action.

(2) The recipient may request a hearing on a proposed termination or revocation. Providing five days notice to the recipient, the Corporation may authorize the conduct of a hearing or other meetings at a location convenient to the recipient to consider the proposed suspension or termination. A transcript or recording must be made of a hearing conducted under this section and be available for inspection by any individual.

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**AMERICORPS • USA - DIRECT
GRANT PROVISIONS
U.S. Department of Agriculture**

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A. DEFINITIONS

1. Definitions. For purposes of this grant award, the following definitions apply:

a. Act means the National and Community Service Act of 1990, as amended (42 U.S.C. §12501 *et seq.*)

b. Administrative costs are expenses associated with the overall administration of a program. Administrative costs relate to the support of the program's general operations and not to expenses identified with a particular program or project. Certain costs, such as costs of staff who perform both administrative and program functions, may be prorated between administrative costs and costs directly related to the program if included in the budget and approved by the Corporation for National and Community Service. Administrative costs include: (1) indirect costs (e.g., costs identified with the

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program's overall operation as described in applicable provisions of OMB circulars that relate to indirect costs); (2) costs for financial, accounting, auditing, contracting, or legal functions; (3) internal evaluation costs, including overall organizational management improvement costs, except for independent evaluations and internal evaluations of the program or project that are specifically related to creative methods of quality improvement; (4) costs for insurance that protects the entity that operates the program; and (5) that portion of the salaries and benefits of the program's director and other administrative staff not attributable to the time spent in support of a specific program or project. Administrative costs do not include allowable costs directly related to program or project operations, such as: (1) costs for participants, including living allowances, insurance payments made on behalf of participants, training, and travel; (2) costs for staff who recruit, train, place, or supervise participants, including staff salaries, benefits, training, and travel, if the purpose is for a specific program or project objective; (3) costs for independent evaluations and any internal evaluations of the program or project that are specifically related to creative methods of quality improvement.

b. **AmeriCorps*USA or AmeriCorps®** means for purposes of these grant provisions the national service programs funded under 42 U.S.C. §§12571-12595 (Division C programs).

c. **AmeriCorps National Service Network** means the AmeriCorps, the Volunteer in Service to America (VISTA), and National Civilian Community Corps (NCCC) programs, taken together as programs dedicated to national service. VISTA is authorized under the Domestic Volunteer Service Act (42 U.S.C. §4951 *et seq.*). NCCC is authorized under the National and Community Service Act (42 U.S.C. §12611 *et seq.*).

d. **Cognizant agency** means the Federal agency coordinating audit and other fiscal requirements with respect to those organizations having grants from multiple federal agencies.

e. **Corporation** means the Corporation for National and Community Service established under section 191 of the Act (42 U.S.C. § 12651).

f. **Grantee** means the recipient of Federal funds granted by the Corporation through this grant award. The Grantee is legally accountable to the Corporation for the use of the grant funds and is bound by the terms and conditions of the grant award.

g. **OMB** means the U.S. Office of Management and Budget, the Federal agency with authority to issue uniform administrative and audit requirements for the administration of federal grants.

h. **National Service Trust** means the account established in the U.S. Department of the Treasury under section 145 of the Act (42 U.S.C. §12601) for the purpose of holding and making payments of education benefits to AmeriCorps Members.

i. **Participant** means an individual who: (i) is a citizen or national or lawful permanent resident alien of the United States; (ii) is at least 17 years of age at the commencement of service (unless the participant is (a) in a full-time, year-round youth corps program or full-time summer program, in which case he or she must be between the ages of 16 and 25, inclusive, or (b) in a program for economically disadvantaged youth, in which case he or she must be between the ages of 16 and 24, inclusive); (iii) has a high school diploma or an equivalency certificate, or who agrees to obtain a high school diploma or its equivalent before using an education award and has not dropped out of elementary or secondary school in order to enroll as an AmeriCorps*USA participant (unless enrolled in an institution of higher education on an ability to benefit basis and is considered eligible

for funds under section 484 of the Higher Education Act of 1965, 20 U.S.C. §1091), or who has been determined through an independent assessment to be incapable of obtaining a high school diploma or its equivalent (provided that the Corporation has waived the educational attainment requirement for the individual), and (iv) is enrolled in a program for a term of service. (A Member is a participant who is in an approved national service position and eligible to receive either an education benefit from the National Service Trust or another Corporation-approved post-service benefit upon completion of a term of service.)

j. Program means an AmeriCorps*USA national service program described in section 122(a) of the Act (42 U.S.C. §12572(a)), carried out by the Grantee through funds granted by the Corporation and carried out in accordance with federal requirements and the provisions of this grant.

k. Project means an activity or set of activities, carried out through a program that results in a specific identifiable community service or improvement that otherwise would not be made with existing funds, and that does not duplicate the routine services or functions of the employer to whom the participants are assigned.

l. Project sponsor means an organization, or other entity, that has been selected to provide a placement for a participant.

m. Service recipient means a community beneficiary who receives a service or benefit from the program.

n. State Commission means, for purposes of these grant provisions, the Commission on National and Community Service established by a State pursuant to the Act (42 U.S.C. § 12638), including an authorized alternative administrative entity or transitional entity, to administer the State's national service plan and national service grant program and to perform such other duties prescribed by law.

o. Grant means an award of financial assistance, including cooperative agreements, in the form of money or property in lieu of money by the Federal Government to an eligible grantee.

B. AMERICORPS * USA PROGRAM PROVISIONS

2. PURPOSES OF GRANT.

The general purposes of this grant are "getting things done" in communities, strengthening the ties that bind communities together, and developing the citizenship and skills of participants, with an emphasis on getting things done. Activities funded through this grant are intended to help engage Americans of all backgrounds as participants in community-based service that provides a direct and demonstrable benefit that is valued by the community. Service activities must result in a specific identifiable service or improvement that otherwise would not be provided with existing funds or volunteers and that does not duplicate the routine functions of workers or displace paid employees.

3. AMERICORPS NATIONAL IDENTITY.

a. Identification as AmeriCorps program. The Grantee must identify the program as an AmeriCorps program and participants eligible for a Corporation-approved post-service benefit as AmeriCorps "Members".

b. **AmeriCorps name and logo.** The Grantee must use the AmeriCorps name and logo on uniforms, stationery, publications, recruitment brochures, orientation literature, curricula, signs, banners, and press releases in accordance with Corporation guidelines and requirements and a camera-ready logo provided by the Corporation. To establish the relationship between the program and AmeriCorps, the Grantee must use the phrase "The AmeriCorps National Service Network" or "an AmeriCorps® program" and may use the slogan "Getting Things Done"™ on such materials in accordance with Corporation guidelines and requirements. The Grantee may not alter the AmeriCorps logo, and must obtain the written permission of the Corporation before using the logo as a part of any other logo or design, using the AmeriCorps name or logo on materials that will be sold, using the AmeriCorps logo or name on clothing intended to be worn by individuals who are not participants or former participants, or permitting donors to use the AmeriCorps name or logo in promotional materials.

c. **AmeriCorps uniforms.** The Corporation will provide all participants with an initial basic uniform, consisting of a t-shirt, sweatshirt, hat, and pin. The Grantee must direct participants to wear the uniform at officially-designated AmeriCorps events and may allow participants to wear the uniform at other times consistent with Corporation guidelines.

d. **Participation in AmeriCorps events.** The Grantee agrees, within reasonable limits, to participate in, and may be asked to assist in, AmeriCorps events and activities sponsored by the Corporation, such as the national launch of AmeriCorps, conferences, and national service days in accordance with Corporation guidelines.

4. LOCAL AND STATE CONSULTATION.

a. **Community consultation.** The Grantee must design, implement, and evaluate the funded project with extensive and broad-based community involvement, including consultation with representatives from the community served, participants and potential participants, community-based agencies with a demonstrated record in providing services, foundations, and businesses.

b. **Labor union concurrence.** Prior to the placement of participants, the Grantee must consult with any local labor organization representing employees of project sponsors or representing employees in the area to be served by the program who are engaged in the same or similar work as that proposed to be carried out by the program to ensure compliance with the non displacement requirements contained in these grant provisions. In the case of a Grantee that proposes to serve also as the program sponsor, the Grantee must obtain the written concurrence of any local labor organization representing employees of the project sponsor who are engaged in the same or substantially similar work as that proposed to be carried out.

c. **State Commission consultation.** In coordination with the Corporation, the Grantee must consult on a regular basis with the State Commission in each State that the program operates in order to build upon existing programs throughout the State and to not duplicate the efforts of other AmeriCorps programs.

5. PROHIBITED PROGRAM ACTIVITIES. Participants may not engage in the following activities in the course of their project assignment, at the request of program staff, or in any manner that would associate the activities with the AmeriCorps program or the Corporation:

a. Any effort to influence legislation, as prohibited under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. §501(c));

- b. Organizing protests, petitions, boycotts, or strikes;
- c. Assisting, promoting, or deterring union organizing;
- d. Impairing existing contracts for services or collective bargaining agreements;
- e. Engaging in partisan political activities, or other activities designed to influence the outcome of an election to any public office;
- f. Engaging in religious instruction, conducting worship services, providing instruction as part of a program that includes mandatory religious instruction or worship, constructing or operating facilities devoted to religious instruction or worship, maintaining facilities primarily or inherently devoted to religious instruction or worship, or engaging in any form of religious proselytization;
- g. Providing a direct benefit to a business organized for profit; a labor union; a partisan political organization; a nonprofit organization that fails to comply with the restrictions contained in section 501(c) of the Internal Revenue Code of 1986; or an organization engaged in the religious activities described in the preceding sub clause, unless subgrant funds are not used to support the religious activities.
- h. Such other activities as the Corporation agree shall be prohibited, upon notice to the Grantee.

6. ELIGIBILITY, RECRUITMENT, AND SELECTION.

- a. **Eligibility to enroll.** The Grantee may select as participants only those individuals who are eligible to enroll in AmeriCorps. In order to be eligible, an individual must:
 - i. be a U.S. citizen or national or a lawful permanent resident alien;
 - ii. be at least 17 years of age at the commencement of service (unless the individual is in a full-time, year-round or summer youth corps, in which case he or she must be between the ages of 16 and 25, inclusive, or is in a program for economically disadvantaged youth, in which case he or she must be between the ages of 16 and 24, inclusive); and
 - iii. have a high school diploma or an equivalency certificate, or agree to obtain a high school diploma or its equivalent prior to using the education award. An individual who dropped out of elementary or secondary school in order to enroll as an AmeriCorps participant may not be enrolled in the program (unless the individual is enrolled in an institution of higher education on an ability to benefit basis and considered eligible for funds under section 484 of the Higher Education Act of 1965, 20 U.S.C. §1091). The Grantee may seek a waiver from the Corporation to enroll individuals whom the grantee determines based upon an independent assessment to be incapable of obtaining a high school diploma or its equivalent.
- b. **Recruitment.**
 - i. **Community recruitment.** The Grantee must actively seek to recruit program participants from the community in which the project is conducted, as well as participants of diverse races and ethnicities, socioeconomic backgrounds,

education levels, both men and women, and individuals with disabilities, unless and to the extent that the approved program design requires emphasizing the recruitment of staff and participants who share a specific characteristic or background. However, in no case may a Grantee violate the nondiscrimination and nondisplacement rules governing participant selection.

ii. **National and state recruitment.** To supplement local recruitment efforts, the Grantee is strongly encouraged to request referrals of eligible individuals who want to participate in a program through the Corporation's national recruitment database and the various State Commissions' recruitment systems. The Corporation's overall goal is to have 25% of AmeriCorps participants nationwide recruited from the national pool. The Grantee may be asked to consider qualified individuals on the referral list, but will not be required to select anyone. Prospective AmeriCorps participants may access the national recruitment database through the Corporation's toll-free number, 1-800-94-ACORP/1-800-942-2677 (voice), or 1-800-833-3722 (TDD).

c. **Selection.** The Grantee is responsible for establishing minimum qualifications that participants must meet in order to be selected for the program, selecting participants that meet those qualifications, and assigning participants to a project that is appropriate to their skill level. The Grantee must select participants in a fair, non-partisan, non-political, and nondiscriminatory manner, without regard to the participant's need for reasonable accommodation or child care, without displacing paid employees, and in accordance with its approved application. The Grantee is encouraged to select participants who possess leadership potential and a commitment to the goals of AmeriCorps.

d. **Reasonable accommodation.** The Grantee must provide reasonable accommodation to the known mental or physical disabilities of participants and all selections and project assignments must be made without regard to the need to provide reasonable accommodation. The Corporation has funds available under (42 U.S.C. § 12581) to enable individuals with disabilities to participate. Selection and assignment decisions must be made on whether the qualified applicant can perform the essential duties of the position, with or without reasonable accommodation. However, the Grantee is not required to accommodate a participant if that participant poses a direct threat to the health or safety of others that cannot be eliminated by reasonable accommodation. Accommodations which impose an undue financial or administrative burden on the operation of the program or fundamentally alter the nature of the program are not considered reasonable accommodations. If the Grantee determines that an accommodation would impose an undue burden, the Grantee must document its determination and promptly notify the Corporation. The factors to be considered in determining whether an accommodation would impose an undue burden include:

- i. the overall size of the program, with respect to the number of staff and participants, number and type of facilities, and size of budget;
- ii. the nature of the project, including its structure, staffing composition, and activities; and
- iii. the nature and cost of the needed accommodation.

e. **Level of participation.** The Grantee must enroll the minimum number of full-time and part-time participants agreed upon in its approved application. After the first six weeks of the participant start date, the Grantee may not replace participants who have left the program due to attrition. In exceptional circumstances, the Corporation may

grant a waiver if achievement of program goals may be jeopardized by participant attrition.

f. Participants not Grantee's employees. Participants are not considered employees of the program in which they are enrolled, notwithstanding the Grantee's potential liability, with respect to participants, for any taxes imposed under State unemployment insurance and worker's compensation laws. For the limited purposes of the Family and Medical Leave Act of 1993, the participant may be considered an eligible employee of the project sponsor. The Family and Medical Leave Act's requirements as they apply to AmeriCorps programs are contained in 45 C.F.R. §2540.220(b).

g. Parental consent. Written parental or legal guardian consent to enroll is required for individuals under eighteen years of age.

7. TRAINING, SUPERVISION, AND SUPPORT.

a. Planning for the term of service. The Grantee must develop participant position descriptions that provide for direct and meaningful service activities and performance criteria that are appropriate to the skill level of participants. Participant activities may not include clerical work or research unless such activities are incidental to the participant's direct service activities. The Grantee must ensure that each participant has sufficient opportunity to complete the required number of hours to qualify for a post-service education benefit. In planning for the participant's term of service, the Grantee must account for holidays and other time off, and must provide each participant with sufficient opportunity to make up missed hours.

b. Participant contracts. The Grantee must require that participants sign contracts that stipulate terms of service, the specific number of service hours a participant must perform to be eligible for the education award, acceptable conduct, prohibited activities, requirements under the Drug Free Workplace Act (41 U.S.C. §701 *et seq.*), suspension and termination rules, the specific circumstances under which a participant may be released for cause, grievance procedures, and other assurances as required by the Corporation.

c. Training. The Grantee must provide participants, *consistent with the approved budget*, with the training, skills, knowledge and supervision necessary to perform the tasks required in their assigned project positions, including, if appropriate, specific training in a particular field and background information on the community served. The Grantee must conduct an orientation for participants and comply with any pre-service orientation or training required by the Corporation. This orientation should be designed to enhance participant security and sensitivity to the community. Orientation must cover participant rights and responsibilities, including the program's code of conduct, prohibited activities, requirements under the Drug Free Workplace Act (41 U.S.C. §701 *et seq.*), suspension and termination from service, grievance procedures, and sexual harassment and other nondiscrimination issues.

d. Service-learning. The Grantee agrees to use service experiences to help participants achieve the skills and education needed for productive, active citizenship, including the provision, if appropriate, of structured opportunities for participants to reflect on their service experiences.

e. Limit on education and training activities. No more than 20% of a participant's required service hours may be spent in education, training, or similar activities without specific written permission from the Corporation.

f. Supervision. The Grantee must provide participants with adequate supervision by qualified supervisors in accordance with the approved application. The Grantee must establish and enforce a code of conduct for participants.

g. Performance reviews. The Grantee must conduct at least a mid-term and end-of-term evaluation of each participant's performance, focusing on such factors as (1) whether the participant has completed the required number of hours; (2) whether the participant has satisfactorily completed assignments; and (3) whether the participant has met other performance criteria that were clearly communicated at the beginning of the term of service.

h. Support services. The Grantee must provide specific support services to:

i. participants who are school dropouts in order to assist them in earning the equivalent of a high school diploma; and

ii. participants completing a term of service and making the transition to other educational and career opportunities.

i. Registration to vote. The Grantee must encourage, in a non-partisan manner, that each participant who is eligible to vote, does in fact register to vote.

j. Participant injury. The Grantee must immediately report any serious participant injuries to the Corporation.

8. TERM OF SERVICE.

a. Full-time participants. Participants must serve at least 1700 hours during a period of not less than nine months and not more than one year.

b. Part-time participants. Part-time participants must serve at least 900 hours during a period of not more than two years. If the participant is enrolled in an institution of higher education, the participant must serve at least 900 hours during a period of not more than three years.

c. Summer participation. Participants serving in a full-time summer program that does not include a year round component will be considered part-time participants.

d. Start of term. Unless otherwise agreed upon, the Grantee must begin participant terms of service in September, January, or June in accordance with the approved application.

e. Second term. The Grantee is under no obligation to enroll a participant for a second or subsequent term of service. To be eligible to serve a second or subsequent term, an individual must receive satisfactory performance reviews for prior terms of service. An individual may only receive in-service and post-service benefits from Corporation funds for the first two successfully completed terms of service, regardless of whether those terms were served on a full-, part-, or reduced part-time basis.

f. Notice to Corporation and National Service Trust . The Grantee must notify the Corporation and National Service Trust immediately upon enrolling a participant for a term of service. Forms will be provided and mailed directly to grantees

9. RELEASE FROM PARTICIPATION.

The Grantee may release participants for two reasons: (1) for compelling personal circumstances; and (2) for cause in accordance with 45 C.F.R. § 2522.230.

a. Compelling circumstances. The Grantee is responsible for determining whether a participant's personal circumstances are sufficiently compelling to justify release on this basis. If the Grantee releases a participant for compelling personal circumstances, the Grantee may elect either to authorize a pro-rated education award or to temporarily suspend service for up to two years. In order to be eligible for a pro-rated education award, a participant must have served a minimum of 15% of his or her term of service. If the Grantee releases a participant on the grounds that an accommodation of a disability would impose an undue burden, the Grantee must document its determination and notify the Corporation. Such circumstances are to be considered "compelling" for purposes of this subclause.

b. For cause. The Grantee may release a participant for cause according to the conditions of the Corporation and the participant's contract. The Grantee must release a participant for cause if the participant is convicted of a felony during a term of service. If the participant is charged with a violent felony or the sale or distribution of a controlled substance, or convicted of the possession of a controlled substance, the Grantee must suspend the participant without a living allowance and without receiving credit for hours missed. Any participant that drops out of a program without obtaining a release for compelling personal circumstances is considered to have been released for cause. A participant released for cause may not receive any portion of an education award. A participant wrongly released or suspended for cause will receive credit for any service missed and reimbursement for missed living allowances as specified in 45 CFR § 2522.230.

c. Resumption of service. Any participant whose service was suspended because of being charged with a violent felony or sale or distribution of a controlled substance may resume service if he or she is found not guilty or if such charge is dismissed. Any participant whose service was suspended because of being convicted of a first offense of possession of a controlled substance may resume service by demonstrating that he or she has enrolled in an approved drug rehabilitation program. A participant convicted of a second or third offense of possession of a controlled substance may resume services by demonstrating successful completion of a rehabilitation program. In addition, any individual released for cause who wishes to reapply to the program from which he or she was released or to any other AmeriCorps program is required to disclose the release to that program. Failure to disclose to an AmeriCorps program any history of having been released for cause from another AmeriCorps program will render an individual ineligible to receive the AmeriCorps educational award, whether or not that individual successfully completes the term of service.

d. Notice to Corporation and National Service Trust. The Grantee must notify the Corporation and National Service Trust immediately whenever it suspends or terminates a participant, whether for compelling circumstances or for cause.

10. LIVING ALLOWANCES AND OTHER IN-SERVICE BENEFITS. The Grantee must ensure that participants receive the following benefits:

a. Living allowances. Unless otherwise agreed upon, a Grantee must provide a living allowance to full-time participants in accordance with the approved grant application and in an amount specified by the Corporation. If a Grantee's approved application