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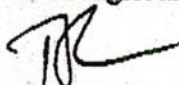
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MEMORANDUM

TO: Ken Cohen
Assistant General Counsel for Research and Operations
U.S. Department of Agriculture

FROM: Terry Russell 
General Counsel
Corporation for National Service

RE: Our interpretation of the National and Community Service Act of 1990, as amended, with respect to education award only national service programs operated by federal agencies.

DATE: March 12, 1996

CORPORATION
FOR NATIONAL
★ SERVICE

You have asked the Corporation for National Service to interpret the provisions of the National and Community Service Act of 1990, as amended (NCSA), relating to education award only national service programs operated by federal agencies.

In our discussions several years back, I indicated our view that the NCSA confers upon federal agencies authority to operate national service programs pursuant to an agreement with the Corporation for National Service, based on the following statutory provision:

The Corporation may enter into a contract or cooperative agreement with another Federal agency to support a national service program carried out by the agency. The support provided by the Corporation pursuant to the contract or cooperative agreement may include the transfer to the Federal agency of funds available to the Corporation under this division.

42 U.S.C. § 12571(b)(1). Subsequently, for the past two years, the U.S. Department of Agriculture has, pursuant to an inter-agency agreement, operated a national service program supported, in part, by program funds transferred by the Corporation.

We are now entering a period during which a possible course under consideration is an inter-agency agreement between the Corporation and USDA

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under which education awards only are made available to USDA without the provision of any program funds. Such an arrangement is clearly contemplated by the provision of the NCSA cited above, which specifically recognizes that agreements may or may not include the transfer of funds to federal agencies.

It is our view that the National and Community Service Act reflects Congressional intent to provide authority to federal agencies to operate national service programs -- regardless of whether operational funds are transferred from the Corporation to the federal agencies. The fact that the Corporation has now determined not to make direct grants to support the operation of national service programs carried out by federal agencies in no way affects the statutory authority of such agencies to carry out such programs pursuant to an agreement with the Corporation.

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(File) CWS Applications

MEMORANDUM



March 14, 1995

AmeriCorps National Service

CORPORATION
FOR NATIONAL
SERVICE

TO: State Executive Directors

FROM: Diana Rodriguez Algra

RE: Education Awards Only for Youth Corps Programs

The purpose of this memo is to further develop the Education Awards Only grant option for youth corps programs. The application instructions pertaining to Education Awards Only state the following:

The Corporation can provide national service education awards only to organizations that can support program and participant costs through other sources; that meet the AmeriCorps program requirements; and that are judged to be high quality according to the selection criteria. Because the Corporation has more funds available for education awards than for program costs, applicants who have adequate resources for program costs are strongly urged to request education awards only. Education Awards Only applications submitted for competitive funding will not be counted against a state's maximum number of allowable Competitive program applications.

For existing youth corps programs that have adequate resources to cover all program costs except for health care and child care because such programs have not previously provided health care and child care benefits, the Corporation will consider supporting such costs and will still view such applications as falling within the general frame of Education Awards Only.

As stated in the federal regulations, one of the program types eligible for AmeriCorps funding is youth development programs. Such programs are defined as the following:

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) to be programs that:

1) undertakes meaningful service projects with visible public benefits, including natural resource, urban renovation, or human service projects;

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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.

Programs that qualify as youth corps programs may apply for an Education Awards Only grant and may still be eligible to receive support for health care and child care costs. Such applications will not be counted against a state's maximum number of allowable Competitive program applications.

If you have further questions, please contact your program officer. Thank you.