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April 3, 1995

MEMORANDUM

TO: C. Jeff Appel, Senior Program Evaluator
Carol L.B. Patey, Issue Area Manager
U.S. General Accounting Office

FROM: Joel Berg *JB*
U.S. Department of Agriculture
Director of National Service

SUBJECT: Response to March 15, 1995 Request for Information

During our March 15, 1995 meeting you requested additional information concerning the U.S. Department of Agriculture's National Service Program. Attachment 1 provides information on:

1. The number of members who have left the program;
2. The number of members now in the program;
3. The amount of money and in-kind support given by non-Federal entities to USDA-sponsored projects; and,
4. The number of members receiving health care and child care and a comparison of the actual and estimated health and child care costs.

Attachment 2 is copy of the only set of explanatory notes that were included in the USDA budget. These are from the Forest Service's budget.

Attachment 3 is a copy of the current USDA National Service Operations Manual. A revision is planned but is not complete at this time.

The budget for myself and my staff for fiscal year 1995 is approximately \$217,637.

If you have any further questions concerning this material please contact me at (202) 720-6350.

Attachments

U.S. Department of Agriculture AmeriCorps Program

ITEM	TOTAL
Number of members who have left the program:	130 = 89% Retention Rate
Number of members currently in the program:	1123
Private money given to partners:	\$727,140
Private in-kind support given to partners:	\$602,333
# of members receiving health care:	789
Actual healthcare cost:	\$880,325
Original healthcare budget:	\$1,156,583
# of members receiving child care:	83
Number of children in child care:	100
Actual child care cost:	\$281,680
Original child care budget:	\$284,200

NOTE: "MEMBERS WHO HAVE LEFT" total includes even those members who signed up for one week then decided the program wasn't for them and left.

Excerpt from FY 96 Forest Service Budget Explanatory Notes

AmeriCorps

President Clinton signed into law the National and Community Service Trust Act on September 21, 1993. Promising that national service will "strengthen the cords that bind us together as a people," the President created AmeriCorps, a new program which will allow 20,000 young people to earn education benefits in exchange for grass-roots community service. The centerpiece of the President's initiative is a new program offering opportunities for Americans to serve their country by addressing the nation's critical education, human, public safety, and environmental needs at the community level. Participants will earn education awards in return for their service.

The national service programs are administered by a new Federal entity created by the Act, the Corporation for National and Community Service (CORPS), which combines two existing independent federal agencies, the Commission on National and Community Service and ACTION.

The Secretary of Agriculture is implementing the President's initiative through AmeriCorps/Team USDA, a group of USDA agencies working together to promote three of AmeriCorps central programs, Anti-Hunger, Nutrition and Empowerment, Public Lands and the Environment, and Rural Development.

The Forest Service budget in FY 1996 includes \$10 million for the AmeriCorps program, with an emphasis on projects that would be accomplished under the Public Lands and Environment program. Of the total funding, \$9.5 million is proposed for Public Lands and Environment Corps projects, and \$0.5 million of State & Private Forestry funding will be utilized by the Rural Development Team Corps.

The AmeriCorps program will provide opportunities to Americans ages 17 and older to work in or near rural communities on a variety of activities. Some of their activities will include: assistance to communities interested in implementing urban forestry programs; working with communities to diversify local economies; demonstrating and promoting timber bridge construction technology; maintaining and constructing trails; maintaining and improving fish and wildlife habitat; and providing environmental and ecosystem management education programs to local school systems. AmeriCorps crews will also participate in emergency response and relief activities such as fire fighting, fire rehabilitation, and flood relief.

The AmeriCorps program will help reduce the backlog of maintenance and rehabilitation projects that have accumulated in several resource programs over the past several years. Crew members will receive valuable training and experience while making a significant contribution to local communities and their country.



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

D-10
D9553

April 6, 1994

DECISION MEMORANDUM FOR THE SECRETARY/DEPUTY SECRETARY

THROUGH:

James Michael Kelly
Associate General Counsel

JK Kelly

FROM:

Joel Berg *JB*
Deputy Director, Office of Public Affairs

SUBJECT:

Justification of Non-Competition of Current National Service Projects

ISSUE:

The Corporation for National and Community Service has given tentative approval to our grant request for money to operate our Summer of Safety project with the Chicago High School of Agricultural Sciences. Their grant will make it possible to run the program this summer. It will provide jobs to participants, many of whom will be recent graduates of the high school, service to the community, and up to 50 education awards worth \$1,000 each for participants who successfully serve the entire summer. In order to accept the Corporation's funds for the Chicago project as well as the major yearlong programs we have planned in the areas of rural development, anti-hunger, and the environment, the Department must award the necessary discretionary cooperative agreements non-competitively for this year's round of applications.

BACKGROUND:

In September of 1993, Congress passed the National and Community Service Trust Act, which enables Federal Departments to manage national service programs individually or manage them in partnership with others. The basic mechanism for the Department to enter into "partnerships" with non-profit groups and State and local organizations for the purpose of implementing national service programs is a discretionary cooperative agreement. Under normal circumstances, such agreements should be awarded on a competitive basis. However, the time between publication of the Corporation for National and Community Service's final rules on March 11, 1994 and the application deadlines of March 14 for Summer of Safety programs and April 29, 1994 for AmeriCorps FY 95 yearlong projects, make it impractical to engage in a competitive process.

Departmental regulations allow for the award of agreements non-competitively where such awards are in the best interest of the Government and/or where such competition is impractical. The National and Community Service Trust Act makes it clear that Federal departments are expected to manage national service programs and that such participation is necessary for the Corporation to meet its objectives. The lack of sufficient time to compete awards was a factor

imposed on us externally by the Corporation and not the result of any delay within the Department. Combined, these two factors would seem to form a necessary justification for making non-competitive awards in this first year of the program.

In addition to the above issues, I believe that the other factors listed below further justify a decision to make our initial awards non-competitively:

1. The Department is using the implementation of pilot projects for FY 94 Summer of Safety and FY 95 AmeriCorps programs as the mechanism to develop the necessary regulations, procedures, and processes for ensuring maximum competition in future awards.
2. While it is impractical for the Department to initially make awards competitively, the award process is not devoid of competition. The Corporation's approval of applications is based on their own formal competitive process which conforms to all applicable Federal laws and regulations. For the Department's applications for FY 94 Summer of Safety and FY 95 AmeriCorps programs to be approved, they must first be reviewed and graded by a panel of independent experts and then selected on the basis of objective and subjective rankings.
3. The projects that will be sent to you for your final approval are the result of meetings, briefings, calls and mailings to hundreds of farming, anti-hunger, rural development, environmental, and other constituency groups over the last 11 months. We have endeavored to give the broadest possible exposure to TEAM USDA's national service program.

OPTIONS:

1. Participate in the national service program for the summer of 1994 and the yearlong programs beginning in September of 1994 and running through June of 1995 by relying on the attached justification for non-competition as well as the competition conducted by the Corporation. In addition, use the experience gained in running programs to establish the necessary competitive procedures for all awards in following years beginning with the Summer of Service programs in June of 1995.

PRO: The Summer of Safety program we are proposing to run in partnership with the Chicago High School of Agricultural Sciences will be able to proceed. This program alone will result in the Corporation awarding up to 50, \$1,000 education awards to participants. The yearlong programs we are proposing will result in the award of up to 1,500, \$4,725 education awards from the Corporation's funds. Both the summer and yearlong programs will also result in significant benefit to the public in the areas of rural development, anti-hunger, and the environment.

CON: An organization or member of Congress may protest based on the lack of competition in our selection process. However, it must be pointed out that our regulations do provide for exemptions to competition and OGC has concurred with the attached justification laying out the rationale for non-competition in this instance.

2. Do not participate in the national service program for the summer of 1994 and the yearlong programs beginning in September of 1994 and running through June of 1995 until the necessary competitive procedures can be established.

PRO: No discretionary cooperative agreements would be granted without competition.

CON: The Summer of Safety project involving the Chicago High School of Agricultural Sciences would have to be canceled. We would not be able to run the major yearlong programs we have planned in the areas of rural development, anti-hunger, and the environment you have previously announced. The Department could not participate in any projects until the next Summer of Service period which would be June of 1995.

RECOMMENDATION:

I recommend implementing option one. I request that you endorse the attached justification for non-competition of current national service projects, which will allow us to proceed with any projects the Corporation for National and Community Service approves this year.

As manager of the Department's national service program I want to assure you that I recognize the need for and value of competitive awards. Given the circumstances, every effort is being made to minimize the negative impact of non-competition and to use the existing circumstances to ensure that a sound, long-term process is set in place to foster competition in all future awards. In the interim, the projects that are forwarded to you for final selection as part of the USDA AmeriCorps application were not formulated in a vacuum. They are the result of almost a year's worth of conversations and presentations to the widest variety of constituent groups, non-profit groups, members of the public, and State and local organizations.

As a final note, I would add that the approach recommended here, that is to award non-competitively now while developing proper procedures for competition in all future awards, is an approach that is being adopted by other Federal departments, most notably Health and Human Services.

Agree _____ ✓ _____

Date 4/24/94

Disagree _____

Discuss _____

Reviewed by _____

JUSTIFICATION FOR NON-COMPETITIVE SELECTION OF SITES
AND PARTNERS FOR USDA FY 94 "SUMMER OF SAFETY"
AND
FY 95 AMERICORPS YEARLONG PROJECTS

Pursuant to the regulations contained in 7 CFR 3015.158 (d), the Deputy Director for Public Liaison who serves as the Department of Agriculture's National Service Program manager hereby determines that it is in the best interest of the government and necessary to the accomplishment of the goals of the program to award co-operative agreements for FY 94 Summer of Safety and FY 95 AmeriCorps programs non-competitively. As these agreements are being executed, a concurrent effort will be undertaken to develop the rules, policies, and procedures necessary to ensure that all subsequent awards are made competitively. This determination was made after careful consideration of several factors including:

1. USDA participation in national services programs is needed for the Corporation for National and Community Service and the Government to meet the goals for the nation's national service program;
2. The limited time available to apply to the Corporation for funds makes competition impractical;
3. The national service program is new and pilot projects are needed to maximize the Department's ability to define the proper procedures and rules for implementing the program in the future;
4. Because Federal agency involvement in national services programs is designed to build on existing structures, the Department opted to focus on projects that most closely resembled current service structures in order to provide a foundation for expanding structures and services in the future; and
5. The process of awarding funds for projects is not completely devoid of competition because the Department's application to AmeriCorps is approved by the Corporation on a competitive basis.

The following discussion presents a detailed explanation of each factor considered in making the determination to award cooperative agreements non-competitively.

I. ACCOMPLISHMENT OF PROGRAM GOALS

The National and Community Service Trust Act of 1993, P.L. 103-82, clearly states that one of its main objectives is to, "build on the existing organizational service infrastructure of Federal, State, and local programs and agencies to expand full-time and part-time service opportunities for all citizens..."¹ The important role of Federal agency participation in national service programs is reinforced in the Act's provision to allow the Corporation for National and Community Service to, "...enter into a contract or cooperative agreement with another Federal agency to support a national service program carried out by the agency."² It is clearly the intent of the program to use participation by Federal agencies to accomplish its goals. There are even specific funds set aside solely for the purpose of awarding money to Federal agencies who apply to run programs individually or in partnership with other Federal agencies, non-profit organizations, institutions of higher learning, etc. A failure by Federal departments to participate would adversely affect the Corporation for National and Community Service's (AKA AmeriCorps) ability to achieve its goals.

II. TIME CONSTRAINTS

In order to participate, Federal agencies (Federal departments and independent agencies) must submit applications for funds to the Corporation for National and Community Service by the deadlines established by the Corporation's rules. Because the National and Community Service Trust Act of 1993 was not signed into law until September 21, 1993, there has been little time for the Corporation for National and Community Service (AKA AmeriCorps) to establish the necessary rules to guide Federal departments in their implementation of the program. Prior to enactment of the law, the Department undertook several initiatives to prepare for its implementation. A work group was established in March of 1993 to begin defining how to implement national service within USDA and to structure the "models" that form the guides for such service. Unfortunately, the late signing of the bill left insufficient time for USDA to complete all the steps necessary to engage in full competition for its projects.

AmeriCorps did not publish its notice of availability of funds for Summer of Safety programs until February 3, 1994. The time between this notice and the application deadline of March 14, 1994 was insufficient to allow for a publication by USDA of a request for proposals, review the applications, and submit an application to AmeriCorps. This left two options: one, do not submit a Summer of Safety application; two, identify projects that had previously been discussed within the Department and see if they were candidates for submission to AmeriCorps. In view of the time constraints, it was determined to be in the best interest of the Government and necessary to carry out the objectives of the USDA National Service program to choose the later option. The precise mechanism for choosing projects is described in Paragraph IV.

¹P.L. 103-82, Sec. 2(a)(7)

²P.L. 103-82, Sec. 121(b)(1)

The severe time constraints placed on applicants in the initial year of the program can be seen in table 1. These time constraints are imposed on the Department externally and are not caused by delay within the Department.

Table 1. Time Line for Significant Events in Preparation of CNCS Application for FY 94 Summer of Safety Application Due 3/14/94 and Yearlong FY 95 AmeriCorps Programs due 3/29/94.

EVENT	DATE OCCURRED	DATE SUMMER OF SERVICE APPLICATION DUE	DATE YEAR-LONG AMERICORPS APPLICATION DUE	TIME AVAILABLE FOR USDA TO ESTABLISH AND CONDUCT COMPETITION ¹	REASONABLE PERIOD OF TIME NEEDED TO CONDUCT COMPETITION ²
National and Community Services Trust Act of 1993 signed by President Clinton	9/21/93				
Draft Corporation for National and Community Service (CNCS) regulations published	1/7/94				
Notice of availability of Funds for Summer of Safety programs published	2/3/94				
Comment period on draft regulations ends	2/7/94				
CNCS Regulations approved by OMB	3/11/94	3/14/94		3 DAYS	150 DAYS
CNCS final regulations published	3/18/94		3/29/94	42 DAYS	150 DAYS

¹ Time from the approval of rules to the time an application was due to be delivered to the CNCS.

² Time required to publish a request for proposals, have proposals evaluated by independent review panel, and make award of cooperative agreement, including the time to develop the necessary rules, publishing them, get comments and publish them in final form. The entire process could take 120 to 180 days. 150 days is used here as an average.

III. DEVELOPMENT OF INTERNAL RULES

Because Federal Department involvement in national service programs is new, it is necessary to establish the most effective process for ensuring that all future awards are made with the maximum degree of competition. The Office of Communications is establishing a schedule for the development of the necessary rules and regulations that will allow for full competition of awards beginning with the Corporation for National and Community Service's Summer of Service program in FY 95. The experiences gained in the initial awards will serve as a valuable "testing" ground to final rules and procedures that emphasize the integrity of the Department's program and the maximum benefit to the public.

IV. INTEGRATION OF NATIONAL SERVICE INTO USDA STRUCTURE

In addition to establishing departmental rules and procedures, it is necessary to evaluate how national service programs can be integrated into the Department's organizational structure. It is an obvious goal of the national service program to allow existing Federal organizations to merge, where practicable, their existing program delivery with national service projects. This is a formidable task in a department with 43 agencies and 115,000 plus employees.

Part of the process for developing rules and procedures involves an assessment of how the Department's existing resources can be focused to provide support to national service projects. This assessment involves three steps: 1) identify key agencies; 2) establish national service teams; and, 3) identify pilot projects for FY 94 applications.

1. Identify Key Agencies.

- a. In March of 1993, a national service work group was established in USDA. The group consisted of representatives from all agencies and offices. This group developed a proposed model for deliver of national service programs within USDA. The model consists of three "Teams":

- (1) An Environmental Team
- (2) An Anti-Hunger and Empowerment Team
- (3) A Rural Development Team

- b. In conjunction with the work group, the Office of Communication identified the key agencies that would need to be involved in pilot efforts. Initially, a total of four key agencies or groups of agencies were determined to already have program delivery mechanisms that mirror or closely resemble those necessary for national service projects. The Extension Service (ES), Food and Nutrition Service (FNS), and the Agricultural Research Service (ARS) were determined to be the key groups associated with the Anti-Hunger team. The Forest Service (FS), the Soil Conservation Service (SCS) and ES were determined to be the key group associated with the Environmental Team. The Rural Development Administration (RDA), Farmers Home Administration (FmHA), and Rural Electrification Administration (REA), SCS and FS were determined to be the key groups associated with the Rural Development Team.

Several of these agencies have large existing programs or delivery mechanisms that lend themselves to most effectively defining how national service should be implemented within USDA. The Extension Service supports the world's largest volunteer group, the 4-H Clubs. The Forest Service through its human resources division runs Youth Conservation Corps and National Forest Foundation camps that are similar to the type of project expected to be run under national service. The new Rural Development Team groups those agencies which form the focus of services in rural development which is one of the Corporation's priority areas. Finally, the Soil Conservation Service deals daily with the public in an interactive mode quite similar to that proposed for national service.

2. Establish National Service Teams.

Once the key agencies were identified, teams were established to develop the necessary procedures and propose pilot projects for submission in FY 94 applications. The teams were an expansion of the agencies' representatives on the national service work group. Their purpose is to move from a "work group" structure toward integration of national service within the agencies' established organizational structure.

3. Identify Pilot Projects.

- a. As part of the efforts to establish models for national service within the Department, USDA representatives attended a wide variety of forums, meetings, conventions, and briefings where the public was informed of the proposed national service program and the role that Federal departments might play if the law was enacted. In addition to the meetings, interviews were given to magazines and newsletters that would most likely be read by groups interested in engaging in partnerships with the Department.

While these efforts were not official requests for proposals, they served to alert the public of the national service program. As a result of these efforts a few organizations submitted unsolicited proposals to the Department. Three criteria were used to identify candidate pilot projects. Note that these projects are called "candidate" because their identification by USDA does not guarantee that they will be approved by AmeriCorps. The criteria are:

- (1) Does the project conform to the criteria established by the Corporation for National and Community Service;
 - (2) Does the project maximize the Department's ability to use its resources in unique ways with an emphasis on the greatest number of partnerships between other Federal agencies, public, and non-profit organizations;
 - (3) Does the project maximize the Department's ability to establish sound Department-wide rules, policies, and, procedures for the implementation of national service within its agencies.
- b. Table 2. shows the projects selected for the FY 94 Summer of Safety application submitted by the Department and the reasons for their selection.

Table 2. FY 94 Summer of Safety Pilot Projects

PROJECT	CRITERIA	RATIONALE FOR SELECTION
Chicago High School of Agricultural Sciences	1. Conform to AmeriCorps criteria.	Participants will be doing work in three areas identified as appropriate for Summer of Safety: Youth as a Resource Restoring Safety to Public Spaces Youth Safety Initiatives
	2. Maximize Department's ability to use its resources and partner with other agencies.	Run in conjunction with the Justice Department, this project involves the participation of the Extension Service, Forest Service, Soil Conservation Service, The Chicago Public School District, and The Chicago Housing Authority. This mix of partners was not found in any other potential pilot project.
	3. Maximize Department's ability to establish sound policies and procedures for future awards.	The large number of partners, the relationship between USDA and the Justice Department and several local agencies lends itself to identifying issues and solutions in a wide variety of situations
Arizona Department of Youth Treatment and Rehabilitation	1. Conform to AmeriCorps criteria.	Participants will be doing work in three areas identified as appropriate for Summer of Safety: Youth as a Resource Restoring Safety to Public Spaces Youth Safety Initiatives

PROJECT	CRITERIA	RATIONALE FOR SELECTION
Arizona Department of Youth Treatment and Rehabilitation	2. Maximize Department's ability to use its resources and partner with other agencies.	Participants in this project include the State of Arizona Department of Youth Treatment and Rehabilitation, Arizona State University, the Forest Service and the Maricopa County Court System. It provides an expansion of the existing Youth Conservation Corps concept with the providing of service in an urban setting.
	3. Maximize Department's ability to establish sound policies and procedures for future awards.	The largest existing program in USDA that mirrors the national service concept is the Youth Conservation Corps. This project provides the opportunity to explore ways to expand that concept and integrate it with national service. It also provides an opportunity to work with elements of the local justice system to determine ways to best structure national service programs targeted at crime related issues.

V. EXISTING COMPETITION

There is already an element of competition in the award process. Projects developed by the Department are submitted to the Corporation for National and Community Service. All applications are reviewed by panels of independent experts, graded, and then evaluated by the Corporation's management before they are rejected or approved.



MAR 11 1994

MEMORANDUM FOR JOEL BERG
DEPUTY DIRECTOR
OFFICE OF PUBLIC AFFAIRS

FROM:

Kenneth E. Cohen *Kenneth E. Cohen*
Assistant General Counsel
Research and Operations Division

SUBJECT: National Service Projects

This memorandum summarizes the conclusions of our March 7, 1994, meeting with Terry Russell, Acting General Counsel, Corporation for National and Community Service. The Corporation is charged by Congress with administering the National and Community Trust Act of 1993, Pub. L. No. 103-82, 107 Stat. 785. (References are to Subtitle C, Part I of the National and Community Service Act of 1990, as amended.) Accordingly, courts will be deferential to the Corporation interpretation of the Act.

Based on our discussion with Mr. Russell, we reached the following conclusions:

1. USDA may receive assistance from the Corporation. (section 121(b)(1), 107 Stat. 788).
2. The Act confers upon USDA the authority, if it receives Corporation 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.
3. If USDA receives assistance under section 121, then USDA is authorized and required to pay stipends, health care, and child care. (Sections 140(a), (d), and (e), 107 Stat. 811-813).
4. USDA has no general authority to provide national service educational awards directly and it may not provide funds to the Trust for such purpose.

We also concluded that it is possible for USDA to conduct to some degree national service programs without section 121 assistance, but the extent of such programs would have to be

reviewed case-by-case. Receiving assistance under section 121 confers considerable authority on USDA under the Act that we otherwise would not enjoy generally. No minimum amount of assistance from the Corporation is required to trigger section 121.

Finally, I cautioned that any financing mechanisms used within USDA should assure that agency appropriations are not augmented unlawfully.



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

April 6, 1994

DECISION MEMORANDUM FOR THE SECRETARY/DEPUTY SECRETARY

THROUGH: James Michael Kelly *JKelly*
Associate General Counsel

FROM: Joel Berg *JB*
Deputy Director, Office of Public Affairs

SUBJECT: Justification of Non-Competition of Current National Service Projects

ISSUE:

The Corporation for National and Community Service has given tentative approval to our grant request for money to operate our Summer of Safety project with the Chicago High School of Agricultural Sciences. Their grant will make it possible to run the program this summer. It will provide jobs to participants, many of whom will be recent graduates of the high school, service to the community, and up to 50 education awards worth \$1,000 each for participants who successfully serve the entire summer. In order to accept the Corporation's funds for the Chicago project as well as the major yearlong programs we have planned in the areas of rural development, anti-hunger, and the environment, the Department must award the necessary discretionary cooperative agreements non-competitively for this year's round of applications.

BACKGROUND:

In September of 1993, Congress passed the National and Community Service Trust Act, which enables Federal Departments to manage national service programs individually or manage them in partnership with others. The basic mechanism for the Department to enter into "partnerships" with non-profit groups and State and local organizations for the purpose of implementing national service programs is a discretionary cooperative agreement. Under normal circumstances, such agreements should be awarded on a competitive basis. However, the time between publication of the Corporation for National and Community Service's final rules on March 11, 1994 and the application deadlines of March 14 for Summer of Safety programs and April 29, 1994 for AmeriCorps FY 95 yearlong projects, make it impractical to engage in a competitive process.

Departmental regulations allow for the award of agreements non-competitively where such awards are in the best interest of the Government and/or where such competition is impractical. The National and Community Service Trust Act makes it clear that Federal departments are expected to manage national service programs and that such participation is necessary for the Corporation to meet its objectives. The lack of sufficient time to compete awards was a factor

imposed on us externally by the Corporation and not the result of any delay within the Department. Combined, these two factors would seem to form a necessary justification for making non-competitive awards in this first year of the program.

In addition to the above issues, I believe that the other factors listed below further justify a decision to make our initial awards non-competitively:

1. The Department is using the implementation of pilot projects for FY 94 Summer of Safety and FY 95 AmeriCorps programs as the mechanism to develop the necessary regulations, procedures, and processes for ensuring maximum competition in future awards.
2. While it is impractical for the Department to initially make awards competitively, the award process is not devoid of competition. The Corporation's approval of applications is based on their own formal competitive process which conforms to all applicable Federal laws and regulations. For the Department's applications for FY 94 Summer of Safety and FY 95 AmeriCorps programs to be approved, they must first be reviewed and graded by a panel of independent experts and then selected on the basis of objective and subjective rankings.
3. The projects that will be sent to you for your final approval are the result of meetings, briefings, calls and mailings to hundreds of farming, anti-hunger, rural development, environmental, and other constituency groups over the last 11 months. We have endeavored to give the broadest possible exposure to TEAM USDA's national service program.

OPTIONS:

1. Participate in the national service program for the summer of 1994 and the yearlong programs beginning in September of 1994 and running through June of 1995 by relying on the attached justification for non-competition as well as the competition conducted by the Corporation. In addition, use the experience gained in running programs to establish the necessary competitive procedures for all awards in following years beginning with the Summer of Service programs in June of 1995.

PRO: The Summer of Safety program we are proposing to run in partnership with the Chicago High School of Agricultural Sciences will be able to proceed. This program alone will result in the Corporation awarding up to 50, \$1,000 education awards to participants. The yearlong programs we are proposing will result in the award of up to 1,500, \$4,725 education awards from the Corporation's funds. Both the summer and yearlong programs will also result in significant benefit to the public in the areas of rural development, anti-hunger, and the environment.

CON: An organization or member of Congress may protest based on the lack of competition in our selection process. However, it must be pointed out that our regulations do provide for exemptions to competition and OGC has concurred with the attached justification laying out the rationale for non-competition in this instance.

2. Do not participate in the national service program for the summer of 1994 and the yearlong programs beginning in September of 1994 and running through June of 1995 until the necessary competitive procedures can be established.

PRO: No discretionary cooperative agreements would be granted without competition.

CON: The Summer of Safety project involving the Chicago High School of Agricultural Sciences would have to be canceled. We would not be able to run the major yearlong programs we have planned in the areas of rural development, anti-hunger, and the environment you have previously announced. The Department could not participate in any projects until the next Summer of Service period which would be June of 1995.

RECOMMENDATION:

I recommend implementing option one. I request that you endorse the attached justification for non-competition of current national service projects, which will allow us to proceed with any projects the Corporation for National and Community Service approves this year.

As manager of the Department's national service program I want to assure you that I recognize the need for and value of competitive awards. Given the circumstances, every effort is being made to minimize the negative impact of non-competition and to use the existing circumstances to ensure that a sound, long-term process is set in place to foster competition in all future awards. In the interim, the projects that are forwarded to you for final selection as part of the USDA AmeriCorps application were not formulated in a vacuum. They are the result of almost a year's worth of conversations and presentations to the widest variety of constituent groups, non-profit groups, members of the public, and State and local organizations.

As a final note, I would add that the approach recommended here, that is to award non-competitively now while developing proper procedures for competition in all future awards, is an approach that is being adopted by other Federal departments, most notably Health and Human Services.

Agree

_____ ✓ _____

Date

_____ 4/24/94 _____

Disagree

Discuss

Reviewed by

**JUSTIFICATION FOR NON-COMPETITIVE SELECTION OF SITES
AND PARTNERS FOR USDA FY 94 "SUMMER OF SAFETY"
AND
FY 95 AMERICORPS YEARLONG PROJECTS**

Pursuant to the regulations contained in 7 CFR 3015.158 (d), the Deputy Director for Public Liaison who serves as the Department of Agriculture's National Service Program manager hereby determines that it is in the best interest of the government and necessary to the accomplishment of the goals of the program to award co-operative agreements for FY 94 Summer of Safety and FY 95 AmeriCorps programs non-competitively. As these agreements are being executed, a concurrent effort will be undertaken to develop the rules, policies, and procedures necessary to ensure that all subsequent awards are made competitively. This determination was made after careful consideration of several factors including:

1. USDA participation in national services programs is needed for the Corporation for National and Community Service and the Government to meet the goals for the nation's national service program;
2. The limited time available to apply to the Corporation for funds makes competition impractical;
3. The national service program is new and pilot projects are needed to maximize the Department's ability to define the proper procedures and rules for implementing the program in the future;
4. Because Federal agency involvement in national services programs is designed to build on existing structures, the Department opted to focus on projects that most closely resembled current service structures in order to provide a foundation for expanding structures and services in the future; and
5. The process of awarding funds for projects is not completely devoid of competition because the Department's application to AmeriCorps is approved by the Corporation on a competitive basis.

The following discussion presents a detailed explanation of each factor considered in making the determination to award cooperative agreements non-competitively.

I. ACCOMPLISHMENT OF PROGRAM GOALS

The National and Community Service Trust Act of 1993, P.L. 103-82, clearly states that one of its main objectives is to, "build on the existing organizational service infrastructure of Federal, State, and local programs and agencies to expand full-time and part-time service opportunities for all citizens..."¹ The important role of Federal agency participation in national service programs is reinforced in the Act's provision to allow the Corporation for National and Community Service to, "...enter into a contract or cooperative agreement with another Federal agency to support a national service program carried out by the agency."² It is clearly the intent of the program to use participation by Federal agencies to accomplish its goals. There are even specific funds set aside solely for the purpose of awarding money to Federal agencies who apply to run programs individually or in partnership with other Federal agencies, non-profit organizations, institutions of higher learning, etc. A failure by Federal departments to participate would adversely affect the Corporation for National and Community Service's (AKA AmeriCorps) ability to achieve its goals.

II. TIME CONSTRAINTS

In order to participate, Federal agencies (Federal departments and independent agencies) must submit applications for funds to the Corporation for National and Community Service by the deadlines established by the Corporation's rules. Because the National and Community Service Trust Act of 1993 was not signed into law until September 21, 1993, there has been little time for the Corporation for National and Community Service (AKA AmeriCorps) to establish the necessary rules to guide Federal departments in their implementation of the program. Prior to enactment of the law, the Department undertook several initiatives to prepare for its implementation. A work group was established in March of 1993 to begin defining how to implement national service within USDA and to structure the "models" that form the guides for such service. Unfortunately, the late signing of the bill left insufficient time for USDA to complete all the steps necessary to engage in full competition for its projects.

AmeriCorps did not publish its notice of availability of funds for Summer of Safety programs until February 3, 1994. The time between this notice and the application deadline of March 14, 1994 was insufficient to allow for a publication by USDA of a request for proposals, review the applications, and submit an application to AmeriCorps. This left two options: one, do not submit a Summer of Safety application; two, identify projects that had previously been discussed within the Department and see if they were candidates for submission to AmeriCorps. In view of the time constraints, it was determined to be in the best interest of the Government and necessary to carry out the objectives of the USDA National Service program to choose the later option. The precise mechanism for choosing projects is described in Paragraph IV.

¹P.L. 103-82, Sec. 2(a)(7)

²P.L. 103-82, Sec. 121(b)(1)

The severe time constraints placed on applicants in the initial year of the program can be seen in table 1. These time constraints are imposed on the Department externally and are not caused by delay within the Department.

Table 1. Time Line for Significant Events in Preparation of CNCS Application for FY 94 Summer of Safety Application Due 3/14/94 and Yearlong FY 95 AmeriCorps Programs due 3/29/94.

EVENT	DATE OCCURRED	DATE SUMMER OF SERVICE APPLICATION DUE	DATE YEAR-LONG AMERICORPS APPLICATION DUE	TIME AVAILABLE FOR USDA TO ESTABLISH AND CONDUCT COMPETITION ¹	REASONABLE PERIOD OF TIME NEEDED TO CONDUCT COMPETITION ²
<u>National and Community Services Trust Act of 1993</u> signed by President Clinton	9/21/93				
Draft Corporation for National and Community Service (CNCS) regulations published	1/7/94				
Notice of availability of Funds for Summer of Safety programs published	2/3/94				
Comment period on draft regulations ends	2/7/94				
CNCS Regulations approved by OMB	3/11/94	3/14/94		3 DAYS	150 DAYS
CNCS final regulations published	3/18/94		3/29/94	42 DAYS	150 DAYS

¹ Time from the approval of rules to the time an application was due to be delivered to the CNCS.

² Time required to publish a request for proposals, have proposals evaluated by independent review panel, and make award of cooperative agreement, including the time to develop the necessary rules, publishing them, get comments and publish them in final form. The entire process could take 120 to 180 days. 150 days is used here as an average.

III. DEVELOPMENT OF INTERNAL RULES

Because Federal Department involvement in national service programs is new, it is necessary to establish the most effective process for ensuring that all future awards are made with the maximum degree of competition. The Office of Communications is establishing a schedule for the development of the necessary rules and regulations that will allow for full competition of awards beginning with the Corporation for National and Community Service's Summer of Service program in FY 95. The experiences gained in the initial awards will serve as a valuable "testing" ground to final rules and procedures that emphasize the integrity of the Department's program and the maximum benefit to the public.

IV. INTEGRATION OF NATIONAL SERVICE INTO USDA STRUCTURE

In addition to establishing departmental rules and procedures, it is necessary to evaluate how national service programs can be integrated into the Department's organizational structure. It is an obvious goal of the national service program to allow existing Federal organizations to merge, where practicable, their existing program delivery with national service projects. This is a formidable task in a department with 43 agencies and 115,000 plus employees.

Part of the process for developing rules and procedures involves an assessment of how the Department's existing resources can be focused to provide support to national service projects. This assessment involves three steps: 1) identify key agencies; 2) establish national service teams; and, 3) identify pilot projects for FY 94 applications.

1. Identify Key Agencies.

- a. In March of 1993, a national service work group was established in USDA. The group consisted of representatives from all agencies and offices. This group developed a proposed model for deliver of national service programs within USDA. The model consists of three "Teams":

- (1) An Environmental Team
- (2) An Anti-Hunger and Empowerment Team
- (3) A Rural Development Team

- b. In conjunction with the work group, the Office of Communication identified the key agencies that would need to be involved in pilot efforts. Initially, a total of four key agencies or groups of agencies were determined to already have program delivery mechanisms that mirror or closely resemble those necessary for national service projects. The Extension Service (ES), Food and Nutrition Service (FNS), and the Agricultural Research Service (ARS) were determined to be the key groups associated with the Anti-Hunger team. The Forest Service (FS), the Soil Conservation Service (SCS) and ES were determined to be the key group associated with the Environmental Team. The Rural Development Administration (RDA), Farmers Home Administration (FmHA), and Rural Electrification Administration (REA), SCS and FS were determined to be the key groups associated with the Rural Development Team.

Several of these agencies have large existing programs or delivery mechanisms that lend themselves to most effectively defining how national service should be implemented within USDA. The Extension Service supports the world's largest volunteer group, the 4-H Clubs. The Forest Service through its human resources division runs Youth Conservation Corps and National Forest Foundation camps that are similar to the type of project expected to be run under national service. The new Rural Development Team groups those agencies which form the focus of services in rural development which is one of the Corporation's priority areas. Finally, the Soil Conservation Service deals daily with the public in an interactive mode quite similar to that proposed for national service.

2. Establish National Service Teams.

Once the key agencies were identified, teams were established to develop the necessary procedures and propose pilot projects for submission in FY 94 applications. The teams were an expansion of the agencies' representatives on the national service work group. Their purpose is to move from a "work group" structure toward integration of national service within the agencies' established organizational structure.

3. Identify Pilot Projects.

- a. As part of the efforts to establish models for national service within the Department, USDA representatives attended a wide variety of forums, meetings, conventions, and briefings where the public was informed of the proposed national service program and the role that Federal departments might play if the law was enacted. In addition to the meetings, interviews were given to magazines and newsletters that would most likely be read by groups interested in engaging in partnerships with the Department.

While these efforts were not official requests for proposals, they served to alert the public of the national service program. As a result of these efforts a few organizations submitted unsolicited proposals to the Department. Three criteria were used to identify candidate pilot projects. Note that these projects are called "candidate" because their identification by USDA does not guarantee that they will be approved by AmeriCorps. The criteria are:

- (1) Does the project conform to the criteria established by the Corporation for National and Community Service;
 - (2) Does the project maximize the Department's ability to use its resources in unique ways with an emphasis on the greatest number of partnerships between other Federal agencies, public, and non-profit organizations;
 - (3) Does the project maximize the Department's ability to establish sound Department-wide rules, policies, and, procedures for the implementation of national service within its agencies.
- b. Table 2. shows the projects selected for the FY 94 Summer of Safety application submitted by the Department and the reasons for their selection.

Table 2. FY 94 Summer of Safety Pilot Projects

PROJECT	CRITERIA	RATIONALE FOR SELECTION
Chicago High School of Agricultural Sciences	1. Conform to AmeriCorps criteria.	Participants will be doing work in three areas identified as appropriate for Summer of Safety: Youth as a Resource Restoring Safety to Public Spaces Youth Safety Initiatives
	2. Maximize Department's ability to use its resources and partner with other agencies.	Run in conjunction with the Justice Department, this project involves the participation of the Extension Service, Forest Service, Soil Conservation Service, The Chicago Public School District, and The Chicago Housing Authority. This mix of partners was not found in any other potential pilot project.
	3. Maximize Department's ability to establish sound policies and procedures for future awards.	The large number of partners, the relationship between USDA and the Justice Department and several local agencies lends it self to identifying issues and solutions in a wide variety of situations
Arizona Department of Youth Treatment and Rehabilitation	1. Conform to AmeriCorps criteria.	Participants will be doing work in three areas identified as appropriate for Summer of Safety: Youth as a Resource Restoring Safety to Public Spaces Youth Safety Initiatives

PROJECT	CRITERIA	RATIONALE FOR SELECTION
Arizona Department of Youth Treatment and Rehabilitation	2. Maximize Department's ability to use its resources and partner with other agencies.	Participants in this project include the State of Arizona Department of Youth Treatment and Rehabilitation, Arizona State University, the Forest Service and the Maricopa County Court System. It provides an expansion of the existing Youth Conservation Corps concept with the providing of service in an urban setting.
	3. Maximize Department's ability to establish sound policies and procedures for future awards.	The largest existing program in USDA that mirrors the national service concept is the Youth Conservation Corps. This project provides the opportunity to explore ways to expand that concept and integrate it with national service. It also provides an opportunity to work with elements of the local justice system to determine ways to best structure national service programs targeted at crime related issues.

V. EXISTING COMPETITION

There is already an element of competition in the award process. Projects developed by the Department are submitted to the Corporation for National and Community Service. All applications are reviewed by panels of independent experts, graded, and then evaluated by the Corporation's management before they are rejected or approved.