



August 2, 2021

Corporation for National and Community Service/AmeriCorps
250 E Street, SW
Washington, DC 20525

To Whom It May Concern:

This letter is in response to the request for comment for **Federal Register Document Number: 2021-14735** related to **Notice Inviting Public Input on Executive Order 13985**.

America's Service Commissions (ASC) is a nonprofit, nonpartisan association representing the 52 Governor designated state service commissions, which administer more than 75% of AmeriCorps State and National funding and lead service initiatives in their respective states and territories. In addition to the 52 state service commissions, ASC membership includes 618 AmeriCorps programs representing AmeriCorps National, AmeriCorps State, AmeriCorps VISTA, and AmeriCorps NCCC host sites and sponsors.

In February 2021, ASC provided the AmeriCorps agency a detailed set of recommendations on how to make national service more accessible to communities and individuals. This public comment organizes the recommendations within 2 of the 4 areas the agency seeks comment. As ASC and its network do not have direct experience with procurement/contracting or direct knowledge of divisions addressing civil rights, those areas are not addressed.

Due to the 5,000 character limit of this comment opportunity, ASC submitted a significantly shortened version of this document highlighting the solution to each barrier and linked to our website to review the more comprehensive document.

The barriers provided in this document address:

- barriers to service encountered by individuals who want to serve
- barriers to national service resources encountered by community organizations
- barriers to making national service resources equitably accessible that are encountered by state service commissions acting on behalf of their citizens

Over time, the agency has requested that ASC present any identified issue with a practical solution. As such, each item is framed as a solution to the barrier, with more details provided for context.

Potential barriers that underserved communities and individuals may face to enrollment in and access to benefits and services in AmeriCorps programs.

1. Increase the cost per MSY maximum, which is currently set lower than what is provided in statute. This directly relates to the financial burden on individuals to serve. The single most common issue related to advancing equity and diversity in AmeriCorps relates to the low living allowance. While ASN sets a minimum and maximum living allowance, most programs do not have the financial cash match resources to provide a living allowance that is significantly higher than the minimum allowance amount. Additional federal resources to



support a higher than minimum allowance amount are not accessible because of a cost per MSY set only slightly higher than the minimum allowance amount. For example, with a minimum living allowance of \$15,100 and a cost per MSY of \$16,300, this allows an organization no more than \$1,200 per individual to support a member's FICA and Health Care as well as any other costs associated with administering the program (staff time, training, criminal history checks, evaluation, etc.). For organizations hoping to operate an AmeriCorps program in an under resourced community, the access to sufficient funds to operate a program may prevent those organizations from having access to the AmeriCorps program. Additionally, programs may choose to enroll members that are less than full-time to avoid paying the costs of health care and a minimum allowance, which could significantly impact the member's ability to choose to serve in the AmeriCorps program.

- a. In the short-term, per statute the federal agency should be raising the cost per MSY to align with annual cost of living adjustments. While we understand how this may impact the quantity of AmeriCorps members available due to funding limitations, we urge the agency to prioritize equity and quality so we can then prioritize quantity, as new federal resources are secured. [See statutory language here](#) which would have the cost/MSY as high as \$22,000. This is an issue of dignity and equity. For members living without family to provide financial assistance, many AmeriCorps members have quit the program because they are unable to meet their and their family's basic needs on the poverty-wage stipend. Increasing the maximum cost per MSY restores dignity and levels the playing field for thousands of Americans that want to serve.
- b. In the long-term, the agency should advocate to significantly increase the cost per MSY allowed in statute to ensure it covers the ability for programs to provide a "livable" living allowance or advocate to remove the cost per MSY threshold entirely to provide programs the flexibility to design their program based on the specific needs (i.e., cost of living) in their communities.
- c. The agency should clarify and/or change past guidance to allow additional benefits, such as housing benefits, to NOT count towards the total for the maximum living allowance. This will enable programs that are able to provide additional benefits the ability to do so while also increasing the living allowance that members receive. The past guidance stating that housing was to be counted as part of the total living allowance was rescinded in FAQs, but there has been no clarity on this since rescinded.
- d. Make sure that cost per MSY increases are funded for continuation programs (both competitive and formula funded), and that the allowable increases take into account other increased costs beyond just required living allowance increases (NSCHC, health insurance, etc.). There has been a long practice that competitive programs are 'locked in' to the cost per MSY that they were awarded in year one of their project period. As living allowance is required to increase in years two or three, competitive programs are held to only receiving equal funding from year one. This forces programs to have to take on additional costs in order to meet those higher rates. Our recommendation would be to allow an increase during continuation years for competitive programs at least by an amount that would cover the increase in required minimum living allowance.
- e. Remove the portfolio cost per MSY maximum average requirement for commission AmeriCorps grants as this is not in statute or regulations and arbitrarily hinders commissions' ability to provide flexibility to programs that may need higher cost per MSYs due to the geography or populations served. The low cost per MSY and the portfolio average Cost per MSY were created during a time when some members of Congress questioned the ROI of AmeriCorps. The program now enjoys robust bipartisan support, and we have ample research supporting the efficiency of AmeriCorps State and National programs. Imposing a commission cost per MSY on top of individual program cost per MSY's is overly burdensome and prevents commissions from fully supporting all programs at the maximum possible cost per MSY



for them individually since the commission cap is lower (\$16,300) than the allowable maximum for an individual program (\$20,000).

2. Hold members harmless due to enrollment errors or other administrative errors. The agency has financially punitive consequences for administrative missteps over which the person serving had no influence or control. The agency should always hold members harmless for issues outside their control. In 2020, Volunteer Iowa conducted a survey of its members which found how non-white and non-U.S. citizens are disproportionately impacted by enrollment issues, which can **lead to member start delays and in some instances, otherwise eligible hours being disallowed and education awards not being awarded (in part or full)**. These challenges largely relate to citizenship verification delays and issues related to how the agency has misconstrued enrollment in the eGrants system, per its own guidance, for statutory eligibility for serving in the program.

- a. In July 2018, ASN instituted new enrollment guidance and related changes to eGrants (changes that should have gone through rulemaking due to the significance of the change, but did not). This guidance changed 25 years of precedent in providing programs up to **30 days to enroll a member in the member management portal**. This change essentially forced “enrollment” in the eGrants system to become an “eligibility” issue. According to regulations and statute, enrollment in the system is not an eligibility criterion, even though now it is being treated as such. In addition, ASN reversed course on its previous longstanding practice of “holding members harmless” by disallowing otherwise eligible service hours and/or preventing members from accessing their full education awards due to delays in enrollment. In addition, this change has resulted in unequal treatment of some AmeriCorps applicants/members due to delays in the citizenship verification process since this change in guidance. **We urge the agency to always hold eligible members harmless by avoiding disallowing hours and education awards.**
- b. In April 2021, ASN issued new guidance that made important changes that improves this process. However, there is still a risk of members being harmed in not uncommon instances when programs may miss an enrollment. If an AmeriCorps member has served and is otherwise eligible per statute and regulations, they should be protected from harm due to a program’s error. Citizenship verification delays should NOT keep members from starting service with their cohort. In addition, the agency’s administrative review process should be revised to provide a **process to allow commissions, whether directly or through their portfolio manager, to correct start dates for eligible members in a swift and timely manner**. Read more on these requests in letters sent to the agency in [November 2019](#) and [June 2020](#).
- c. In addition, AmeriCorps should **provide clear, plain language guidance and instructions on citizenship documentation and allow for reasonable exceptions/alternatives** to providing the documentation. It is not uncommon for prospective members that are older in age to decline to participate because of the documentation requirements.
- d. Allow new grants to be “open” prior to award for programs to begin the time-consuming processes of enrollment, citizenship verification, etc. sooner.

3. Improve clarity throughout the AmeriCorps website on AmeriCorps benefits.

- a. The webpage detailing the living allowance and value of the education award is confusing and amounts to sharing incorrect information to the field because few people understand the distinction between



timing of fiscal year appropriations and timing of award of the prime grants. Our recommendation is to clarify the living allowance and education award amounts based on program year (which is a term that the majority of programs and members would be familiar with).

4. It is currently difficult to understand what federal benefits are impacted by serving in AmeriCorps. The agency previously had a document with some of this information, but it is currently not available. The agency should work with other federal agencies and commissions to ensure adequate guidance is provided on AmeriCorps grantmaking and member benefits such as:

- a. Ensure SNAP benefits are not impacted by an AmeriCorps member's living allowance.
- b. Ensure disregarding stipends as income when considering eligibility in other federal programs (i.e., Medicaid, disability, etc.).
- c. Provide guidance about how AmeriCorps benefits impact TANF in each state.

5. Improve the childcare assistance for AmeriCorps:

- a. Make it easier for childcare providers to become certified to be an eligible AmeriCorps childcare provider so more providers are available to members that serve.
- b. In some states, a family member who lives with a member cannot be reimbursed as the childcare provider (while a non-household family member can). This practice favors Western culture and disadvantages other families such as those from immigrant and refugee communities whose households are more likely to include extended family members. Other benefit programs such as Medicaid allow household members to be paid as caregivers.

6. Ensure all AmeriCorps programs have similar eligibility and benefits:

- a. In lieu of an education award, **provide AmeriCorps State and National and NCCC members with the option for an end of service cash stipend.** This is an existing option for AmeriCorps VISTA and provides an incentive to serve for those that may not need the education award.
- b. Advocate to provide AmeriCorps State and National and NCCC members with federal non-competitive eligibility as provided to VISTA.
- c. **Advocate to allow DACA recipients and other non-citizens with legal status (i.e., Marshallese) to serve as AmeriCorps members.** Language in the President's CBJ is a step in the right direction. Currently, DACA recipients are able to serve as AmeriCorps VISTA members, because VISTA offers an end of service cash stipend alternative to the education award. As an interim step prior to legislation allowing this, the agency could allow programs to provide AmeriCorps State and National members with a cash stipend alternative to the education award, which would allow them to serve.
- d. Provide AmeriCorps State/National members with access to the healthcare benefits offered to VISTA and NCCC members. AmeriCorps State and National programs must make healthcare available to full-time AmeriCorps members. The cost of this is \$4,800 (\$400/month for 12 months). The current cost per MSY does not allow for federal funds to cover even one third of these costs. In addition to the financial burden, there is a significant administrative burden of having to develop a healthcare plan for each member that is separate from what the organization is providing its employees. In some instances, programs may be avoiding offering full-time slots, because they do not have the financial cash resources to provide this healthcare benefit.

7. Some statutory benefits create barriers to service or access to benefits:



- a. **Advocate for removal of the federal tax on the living allowance and Segal AmeriCorps education award** to remove the significant tax burden placed on national service participants during and after AmeriCorps service.
- b. **Advocate to allow education awards to be transferred to anyone designated** and do not count the gift of an education award towards the individual's limit on earning two full awards. This discourages a service legacy in a family if a child who receives two full education awards cannot then go on to earn their own awards. Currently, AmeriCorps alumni that are 55 and older [can transfer their education award](#) to a child or grandchild. We believe this should be expanded to allow alums of any age to transfer their education award to anyone they designate. This would require legislative action.

8. Make necessary changes to standardized forms to be more inclusive, as detailed in a [letter sent in 2020 to the federal agency](#) and [another letter in 2021](#) regarding ongoing **problematic language with the AmeriCorps enrollment and exit forms**. This directly impacts the ability of programs to recruit from diverse populations.

- a. The agency should have a process to allow members to be recognized by their name (not their dead name) in the myAmeriCorps portal.

9. Provide a waiver on the four-term limit for AmeriCorps participants ([see letter from January 2020 requesting this](#)). Authorize state service commissions to provide a waiver on the rule that limits AmeriCorps service to four terms based on compelling and/or reasonable circumstances. This is an ongoing issue that is exacerbated by the COVID-19 pandemic, with an increased desire for people to serve, but an inability to do so because of term limits. The four-term limit does not distinguish between the types of terms so a member serving short 100 hour or 300 hour terms will face the same ban on future service as someone who serves four full-time terms creating an inequity and punishing those that serve in shorter term limits without knowing the long-term consequences.

10. Invest in marketing and recruitment. A significant barrier to individuals remains awareness. Potential members do not know that AmeriCorps exists. There is no obvious investment in recruitment or effort to organize recruitment efforts, especially for diverse audiences. AmeriCorps is a human capital program with no HR department. The agency should:

- a. Invest in marketing and advertising and improve related coordination across streams of service
- b. Provide multilingual support to applicants (all materials should be available in both Spanish and English at a minimum)
- c. Provide training or fund training to AmeriCorps partners/grantees (commissions, directs, and subs) in AmeriCorps recruitment practices

Whether new policies, regulations, or guidance documents may be necessary to advance equity in Agency actions and programs.

1. Seek input from stakeholders and state service commissions per statute. As part of its annual appropriations process, Congress has directed the federal agency to not make changes without public notice and comment rulemaking stating: ***“CNCS shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking.”*** Unfortunately, for the past



several years, spanning the current and past two administrations, the federal agency has ignored this requirement in several instances and continues to make significant changes to program requirements without the opportunity for public comment, while at the same time using the public comment process for changes far less significant. Related to this, AmeriCorps often misconstrues policy (something that has gone through public comment and rulemaking) with [guidance](#), which is non-binding and does not have the force and effect of laws, even though the agency may treat it in such a way. **The agency should make clear what criteria it is using to determine what is considered “significant changes” so all agency departments understand when public notice and comment rulemaking is required.** Failure to engage stakeholders in policy and guidance changes results in issues such as the problematic enrollment guidance issued in 2018 negatively impacting non-white and non-citizen applicants.

2. Ensure commissions have maximum flexibility to expend their grant funds to support local communities. The AmeriCorps agency has at times made it challenging for commissions to fully utilize their funds which is problematic for commissions and the federal agency. ASN and the Office of Grant Administrations (OGA) have made improvements related to this at times in the past year and it is important these improvements continue including, but not limited to, the **ability to use a placeholder and a planning grant prime for formula funds.** Areas of continued challenge and opportunity:

- a. Provide **instructions to commissions and AmeriCorps agency staff on using the placeholder and planning grant prime.** Commissions should be provided flexibility in spending the funds under the planning grant prime with the ability to move funds between non-expiring formula primes. The agency should also make sure new planning grants can be added to formula primes at any time and allow for planning grants to operate with a full 12-month budget period under a prime no-cost extension.
- b. Provide instructions to commissions and agency staff **on requesting no-cost slots.** Any opportunity for the agency to provide clarification on processes, the order in which requests should be received (ex., email first or eGrants first), is very helpful and helps to reduce significant back-and-forth between commissions and regional offices which can cause costly time delays for programs and member start dates.
- c. Provide **instructions to agency staff and commissions on starting a new project outside of the normal formula deadline** in eGrants and shorten the time to do this. Prior to the transition to regional offices, creating a new project in eGrants would typically take less than a week. Since the transition to regional offices, it can take 6-8 weeks for the agency to create a new project in eGrants for a commission. This has resulted in delays in granting formula funds and negatively impacts the ability to respond to emerging needs, like the COVID-19 pandemic.
- d. The agency should make a **commitment to not capping unexpended funds that can be carried over from year-to-year within a three-year grant.** As formula grants it is concerning the agency has at times limited the ability for commissions to carryover funds that Congress intended to be allocated to specific state and territories (CSG, CIF, VGF, AmeriCorps State, etc.). Additionally, plain language instructions for reporting on unexpended funds should be provided to all commissions. Oftentimes delays in grant awards are a result of incorrect unexpended funding amounts. Unexpended fund forms should clearly request information on funds that are going to be used as part of a current or next year project period or that are going to be returned to the agency and unused by the commission.
- e. **Reinstate the ability for commissions to participate in “buyback” or an alternative to expend funds** for those that want to use formula funds to purchase education awards to support members and a program in the next grant year **or** allow for an extension of a prime into a fourth year if funds are



available to support a program **without the limitation of the 12-month enrollment limit applying from the previous grant year.**

- f. Allow for **formula funds to be used for formula evaluations or data analysis** either through award to subgrantees or contractors by the commission without counting towards the cost/MSY requirement. Also allow program evaluation costs to not be considered in the program cost/MSY.

3. Continue to expand access to fixed amount grants. Less resourced and smaller organizations would benefit from the reduced burden provided by fixed amount grants. We recommend allowing all applicants, including first-time competitive grants to be able to apply for a fixed amount grant. We appreciate the agency has made important steps to open up fixed grants in recent years by increasing the cost per MSY and providing additional flexibilities to commissions. USAID uses fixed grants with its grantees overseas because they recognize it reduces risk for the agency and organizations – AmeriCorps should emulate this approach.

- a. Ensure full-cost fixed amount grants have access to increased cost per MSY as the minimum living allowance increases.
- b. Amend the formula for full-cost fixed amount grantees to provide the ability to draw down a small percentage of the cost/MSY per member to recognize the “start up” costs required for the program regardless of hours served.
- c. Advocate for a statutory increase to the professional corps and EAP cost per MSY recognizing the increase in cost of living over time.
- d. The recent ASN ARP competitive guidance negatively impacts full cost fixed amount grants by not providing them access to critical funds to sustain their operations as intended by ARPA legislation. This creates an environment where ASN is creating disparities between grant types. ASN should amend its competitive ARPA guidance to allow full cost fixed amount grants access to the same opportunity for ARP funding as cost reimbursement grants.

4. Remove grant manual holds that have lasted more than 90 days (*statute only allows for suspension of payments for no more than 90 days*) and eliminate the practice of arbitrarily placing commissions on manual hold for corrective action. This practice does nothing to improve compliance, nor does it provide the necessary training and support the commissions who are experiencing challenges may require. This practice actively harms and hinders the commission in its ability to make necessary improvements. If the agency chooses to continue a practice of using the manual hold process, offer transparency to situations which may warrant a manual hold and follow uniform guidance when placing and removing the holds.

5. Improve training and guidance to the field by providing timely and regular training on topics related to managing an AmeriCorps grant with a focus on the basics for new program grantees. In addition, work with **Tribal AmeriCorps** grantees to identify and support their unique and specific needs related to AmeriCorps program management. Areas where training is especially needed:

- a. Living allowance – since the agency website has been redesigned there are no longer any documents that address how ASN programs should handle living allowances. The field had been referencing a handout from the 2012 FGMI but that is no longer on the new website. For both new and experienced commission staff, there are a lot of questions around living allowance that are currently not addressed in writing anywhere to our knowledge. This creates some potential discrepancies between potentially “outdated” practices and what new people may do without any written guidance communicating otherwise.
- b. Understanding and calculating indirect costs. Each grant year there are numerous questions.



- c. In-kind match documentation. This has been a new and concerning OIG audit finding in recent reports. We hope there is not a new expectation around in-kind documentation – if so, it has not been communicated to the field. It would be helpful to receive updated training on this to remind the field of the nuances around in-kind match documentation and monitoring for in-kind documentation.
- d. Amendments in eGrants. With the transition to regional offices, commissions have experienced delays and hiccups when creating amendments in eGrants. The commission network could greatly benefit from a training where AmeriCorps could walk commission staff through the steps in eGrants for how an amendment should be created, when they are required (i.e., 10% on the prime), and how long it should take between a request and approval (assuming that everything was submitted correctly). The network had been used to amendments taking 2-3 days from request to approval and now that they are frequently taking weeks. It would be helpful to know: 1) if this timeframe is something that should be expected moving forward; and, 2) is there a specific way that an amendment can be requested to make its processing more prompt.
- e. Fixed Grants Guidance – In the summer 2020, it was announced on an ASN call that OGA would be issuing a memo on how full-cost fixed amount grants can draw down funds. To our knowledge this memo/updated guidance has not been released and the 2018 guidance remains, even though it includes problematic formulas that do not comply with statute. A training addressing how full-cost fixed can use their own calculation (which was our understanding of what was announced last summer) to help clear up confusion around this would be helpful.
- f. Completing FFRs and other important forms/process (i.e., SAM.gov, etc.). Completing FFRs can be intimidating if you have not done it before. Providing a training on how to complete the FFR and when/what to do if you have to amend an FFR would be helpful.
- g. Provide transparency in AmeriCorps audit procedures and guidance regarding how programs can ensure that they have a successful audit. When the agency identifies common audit findings, it would be valuable to have those findings communicated to the field and training provided to ensure that everyone can learn and improve.
- h. Provide clarity on the definition of “direct benefit to a for profit entity”. ASC recommends flexibility to allow activities if the service provides a long-term public good that either outweighs any short-term gain for a for profit and/or that the activities support a business that otherwise would not have the means to perform the service.

6. Advocate to revise the match requirements to align with the original congressional intent of the statute and other federal programs to keep the federal share closer to 75% and the match requirement no more than 25% (regardless of number of years funded) for all ASN grants.

- a. Add a match waiver option back into the AmeriCorps NOFO (post-COVID recovery) and ensure readability and [plain language guidelines](#) are met. Per statute, there should be a transparent process for programs to request a match waiver or reduced match; such a waiver is allowed for in regulations but has not been included in the AmeriCorps State NOFO for the last 10 years. This could increase accessibility to organizations from under-resourced areas. While we recognize that the NOFO has included information on requesting “Alternative Match”, eligibility for this option is very limited.
- b. Work to secure updated federal match waiver letters from other federal agencies to reinforce to organizations receiving federal funds that such funds can be used as match for AmeriCorps.

7. Broaden the criteria for demonstrating evidence of program effectiveness. The current evaluation and evidence definitions and related requirements limit how smaller programs can advance through the evidence



tiers (e.g., you cannot be at the “Strong” evidence tier unless you have a multi-site RCT, so a state-based program without multiple sites could never reach “Strong” unless they found a program elsewhere who wanted to replicate their unique program design and then do a RCT of the two sites).

- a. **Change the threshold for an independent evaluation in regulations to at least \$2.5 million from \$500,000 to better align resources available for quasi-experimental design evaluations within AmeriCorps budgets.** This would require a rulemaking change to regulations. Adjust the regulations on program evaluation to broaden the criteria for demonstrating impact of program effectiveness and re-prioritize member development as a program impact. Increasing the threshold to \$2.5 million will better align with available resources, address limitations of the cost/MSY not covering evaluation costs, and ensure communities can access competitive national service funds regardless of external resources for evaluation.
- b. Adjust the definition of an independent evaluation to be more inclusive of other rigorous evaluation methods that are meaningful and more appropriate for AmeriCorps and national service. The federal agency can amend its evaluation FAQs guidance now to more appropriately define independent evaluation per regulations. [Read more on this here.](#)

8. Remove the 20% aggregate training cap set in regulations (§ 2520.50). The cap is problematic for workforce development efforts and additional hours would allow AmeriCorps to align more directly with other federal workforce efforts. There are existing safeguards through the application process to ensure member activities are appropriate and would not include excessive training hours. Every program and member have different training needs and the 20% aggregate cap does not accommodate for these nuances.

9. Update the AmeriCorps Grant Terms and Conditions to ensure they are in alignment with Uniform Grant Guidance and the federal grant system including [plain language guidelines](#) and [readability](#).

- a. Update the language related to notifying the Office of Inspector General to align with other OIG federal agencies. The language on reporting to the OIG when a grantee “first suspects” fraud, waste, and abuse should be removed. It is vague and unreasonable. By simply removing “first suspects”, the grantee will be still required to report when/if they have “potential knowledge” of fraud, waste, and abuse. While we support a strong OIG, we believe it is important that their work is focused on complaints and instances of known fraud, waste, and abuse rather than merely suspected issues. In order to build a culture of trust, we must move away from a culture of fear and punitive action for minor compliance issues. When every minor or suspected issue is brought before the OIG, it strains their limited resources which could instead be focused on audit and investigation of actual instances of fraud, waste, and abuse. By clearing minor or suspected items from their workload, it would allow the OIG and the federal agency to focus on prevention (training and technical assistance) and detection (risk assessment, monitoring).

10. Work with the field to develop a solution to eGrants while providing training and support on the current system. Throughout the last two presidential administrations, the federal agency has spent tens of millions of dollars on attempts to replace the current eGrants system. These attempts have failed, in large part due to the agency not engaging the field and appropriate internal staff on understanding the needs of such technology. The agency must prioritize upgrading its member management and grant management technology. However, this prioritization must not diminish the need for ensuring the current system is operational and that agency staff and the field have proper training and technical support on its use until a new system is available. At the present moment, there are several outstanding issues with eGrants that are in some instances harming members by not allowing them to access their education award or delaying the start of programs that would be



critical to the response to COVID-19 or other pressing community needs. We encourage the agency to empower its staff with the training and access necessary to provide support to the field. Not only will this benefit current grantees, but it would also help ensure technology is less of a barrier for new grant applicants and member/volunteer applicants.

11. Engage the field in reshaping and improving NSCHC requirements and compliance. In addition to reviewing [ASC's public comment](#), we invite review of our [feedback on the NSCHC Enforcement Guide](#), a guidance document that has significant financial and time burden on the field.

- a. NSCHC disallowances and related fines have had a significant negative impact on the national service field, driving out several programs due to the financial impact and keeping others from joining due to fear of a human error resulting in significant cost disallowances. We know NSCHC requirements have discouraged and driven highly capable organizations away from AmeriCorps, because they do not want to deal with the heavy administrative burden and often cite how much more challenging AmeriCorps is to manage compared to the amount of funding received and compared to other federal grants they administer. We believe safety should be a priority for AmeriCorps, but financially penalizing organizations for making mistakes (not fraud, waste or abuse), when they complied with statutory requirements, is not how to ensure the safety of both the populations served and AmeriCorps members. **Instead of safety, the federal agency has prioritized compliance to the detriment of everyone.**
- b. The federal agency should take the following steps/changes:
 - a. Immediately clarify that fixed amount grants with NSCHC non-compliance will not have disallowances (unless members are found to be ineligible).
 - b. Replace disallowances for minor/limited noncompliance for cost-reimbursement grants with corrective action. For example, if NSCHC is late by 2 days and for those 2 days the member was in training with no unaccompanied contact with vulnerable populations, disallowances should not occur. Disallowances should be reserved for significant and ongoing compliance failures and/or when ineligible members are found to have served. If this does not change at the federal level, the agency should clarify that commissions are not required to follow the agency provided Enforcement Guide guidance when addressing NSCHC non-compliance.
 - c. Noncompliant NSCHCs should not result in disallowances for PIIA/IPERIA (improper payment) findings unless members are found to have been ineligible to serve. Improper payment monitoring by the agency is a self-imposed matter that will continue until the agency changes its internal decision to have NSCHC noncompliance considered an improper payment, something that is not required of the agency by any external entity.
 - d. The federal agency should re-focus its time on reducing risk by providing adequate training and support to the field on applicant screening, policy/procedure development, and training on issues such as sexual harassment, how to protect vulnerable populations, etc. to help prevent safety issues. When a program has to be familiar with hundreds of pages of guidance in order to properly run an AmeriCorps criminal history check, the focus is clearly on process and procedure of running a check and leaves little to no time or focus for a program to address actual issues of safety amongst the member corps or the vulnerable populations they serve. There is no required training by staff or members on how to identify or address unsafe situations with minors, how to report or address issues of sexual abuse or assault, rather the required training, claiming to keep these populations safe is strictly limited to the convoluted procedure of running a check. According to the



Department of Justice and RAINN, every 68 seconds an American is sexually assaulted. And every 9 minutes that victim is a child. Only 310 out of every 1,000 sexual assaults are reported to police. That means more than 2 out of 3 go unreported. And out of every 1,000 sexual assaults, only 25 perpetrators will be incarcerated. To focus so heavily on a system of background checks will only capture a very few who might pose a risk to members and vulnerable populations. We strongly believe that to truly prevent risk and keep our AmeriCorps members and beneficiaries safe, we must begin to focus on training and support rather than the process of completing a background check.

12. Re-invest in traditional volunteerism and meet the agency's mission of community service to complement national service including but not limited to:

- a. Follow statute by appropriately investing in the Volunteering and Civic Life in America survey and related analysis per our [public comment](#) and [letter to OMB](#).
- b. Update agency branding and messaging to be more inclusive of traditional volunteering, service-learning, days of service, and the Volunteer Generation Fund (VGF). Communicate the role and value of all forms of service and use inclusive language.
- c. Work with VGF grantees to improve VGF grant administration including reducing performance measure burden. For example, the VGF NOFA requires use of agency National Performance Measures and includes this as part of the point scoring criteria, even though this is not the case for AmeriCorps or other agency grant applicants. The national performance measures do not reflect the scope of impact of VGF, which is to build volunteer infrastructure. VGF applicants should be able to create applicant determined measures and performance measures should not be included in the scoring of the application.
- d. Allow VGF grantees to conduct pre/post retrospective surveys, as opposed to requiring pre-test be done pre-activity. The current requirement on pre/post assessment is unrealistic and retrospective pre/post assessments are considered credible and valid by performance measure and evaluation standards.
- e. Clarify in guidance that VGF funds can be used in partnership with other agency grant resources, such as VISTA or AmeriCorps Seniors, to maximize community impact and support the development of innovative strategies (there has been inconsistent guidance depending on the program officer or SPM).

13. Support commissions in serving as VISTA Intermediaries and as a [National Service Hub](#), along with appropriate resources. Currently, at least eight commissions are serving as successful VISTA intermediaries, with more commissions starting VISTA projects in 2021. Commissions with an intermediary VISTA project improve access to VISTA for smaller organizations that do not have the ability to host their own full project. The National Service Hub model is win-win for the agency, focusing the role of the federal agency on customer service, grantmaking, monitoring, and compliance for VISTA and Senior Corps while empowering commissions to support VISTA program development and training, activities that will complement their existing program development and training for AmeriCorps State programs.

14. Create a data sharing agreement with ASC and/or individual state service commissions for AmeriCorps alumni data and education award usage by state/programs. This would improve state level engagement of alumni and related talent pipeline initiatives. In the short-term, commissions should not have to fill out the same data request form as external researchers do just to request data on their own alumni.



15. Engage the field in revisiting AmeriCorps branding. The commission network [expressed significant concerns](#) with the brand, logo, and messaging launch in September 2020. There are concerns about the logo itself, especially from alumni, that the new logo looks outdated, corporate, and does not reflect the legacy or values of national service. In addition, some of the messaging has been viewed as elitist and nationalistic – leading to several commissions and programs saying they will not use it for fear that it will alienate certain people, making recruitment even more challenging. Finally, the transition of the AmeriCorps agency from CNCS is confusing, bulky and should be reevaluated as well. While this will take time, the agency has the opportunity to pause the branding implementation which is not yet fully complete and work with the field to **create a more inclusive and welcoming brand** for all.

16. Re-invest in disability inclusion. In the past, the federal agency made disability inclusion a priority and that has not been the case for many years. As of now, there is no **guidance on how the field can access existing reasonable accommodations funding**. In the short-term, we ask the agency to release updated guidance on the current process. In the long term, we encourage the agency to identify resources (Congress has provided the authority to use up to 2% of program funding, with a maximum of \$20 million for disability outreach and placement; the agency can also utilize unexpended funds) for programs to support inclusion efforts, such as helping to offset the costs of reasonable accommodations, to ensure national service is able to provide the appropriate service experience for all that want to participate.

17. Create a culture that welcomes feedback without retaliation and avoid financial punishments for administrative errors or noncompliance. At the forefront of assessing potential barriers, it is important to acknowledge the inherent tension between making national service resources more accessible and the agency's current everyday practices, which are often overly compliance-oriented, frequently punish people/programs for administrative mistakes, and fail to provide adequate training/support necessary to attract diverse organizations and members to this work. Having a punitive approach has created less trust, does not lead to more compliance, and directly keeps diverse-led and less resourced organizations from participating in national service. The agency should remove barriers to applying and managing its grants and ensure that applicants and members serving are not harmed by the agency's own guidance and policies. The agency should **create a culture that provides psychological safety for AmeriCorps agency staff and grantees. Enabling people to speak up when they see something is wrong or a mistake is made without fear of retaliation or punishment will increase trust, improve compliance over time, and reduce risk for the field.**

18. Provide clarity on roles and responsibilities at the agency. At times, it appears that internal agency staff are uncertain about whose role and responsibility it is to complete various tasks resulting in significantly delayed responses which negatively impact members and grantees. There should be clear responsibilities outlined for the various roles in the regional offices and those at headquarters. Based on commission interactions with regional offices, additional training on basic functions in eGrants, various program regulations, and understanding when to contact the Trust, National Service Hotline, ASN or OGA would be valuable for regional office staff. We understand these challenges are not unique to commissions, but also extend to national directs, Tribal grantees, and AmeriCorps Seniors programs as well. It is not uncommon for a commission or program to call the Helpdesk, be referred to their SPM who tells them to call the Helpdesk. We understand change is hard and takes time, but some regional offices have been in place for almost two years and these challenges continue. The lack of clarity and support to the field results in existing grantees and long-standing national service staff being able to navigate the complexities of national service grant management on their own and leaves new or potential grantees behind. The lack of support and frustrating position that regional staff are



in takes a toll and the high rate of regional staff turnover causing a reset in knowledge with commissions not being able to build relationships with regional office staff, or the staff having long term knowledge or awareness of ongoing issues. **Further, we hope the federal agency will consider extending the field the same grace they expect from us when mistakes or delays take place.**

Conclusion

In conclusion, a key part in removing barriers and advancing equity should be developing a culture of trust, mutual respect, continuous improvement, transparency, and communication with the national service and volunteer engagement field. We are grateful to our colleagues at the federal agency for their dedicated public service and we are ready to work collaboratively to ensure all communities can access national service resources and all individuals can serve. We hope we can build on our existing partnership to continue to improve national service to expand on its legacy of success.

We are all learning, and we hope the federal agency will make it a priority to model this learning – recognize where mistakes have been made or guidance is simply outdated and adjust policies and practices moving forward. By implementing the recommended solutions to barriers outlined in this document, the federal agency will make strides in making its grantmaking more equitable and improve the recruitment and retention of a diverse cadre of AmeriCorps members that are reflective of the communities in which they serve.

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