

# The Edward M. Kennedy Serve America Act

## Provisions Relevant to Institutions of Higher Education

Enacted April 21, 2009

On March 18, 2009, the House of Representatives passed the Generations Invigorating Volunteerism and Education Act (H.R. 1388) (GIVE) by a vote of 321-105. On March 26, 2009, the Senate passed an amended version of H.R. 1388 by a vote of 79-19, renaming the bill “The Edward M. Kennedy Serve America Act.” On March 31, 2009, the House of Representatives passed the Edward M. Kennedy Serve America Act by a vote of 275-149. On April 21, 2009, President Obama signed the bill into law (Public Law 111-13).

The bill reauthorizes the Corporation for National and Community Service and its programs through 2014. The bill includes significant provisions advancing the Administration’s goals for national service, including:

- A dramatic expansion of service opportunities for Americans of all ages, setting a path for increasing the number of AmeriCorps members to 250,000 by 2017.

- A Social Innovation Fund pilot program to provide seed money and scale up innovative and evidence-based programs that leverage private and foundation capital to meet major social challenges.

  - Expanding eligibility for the Senior Companion and Foster Grandparent programs.

  - Simplifying AmeriCorps program management, including through the availability of fixed amount grants.

  - Increasing the Segal AmeriCorps Education Award.

  - Strengthening agency management to support expansion.

H.R. 1388 adds language in the overall purpose statement to recognize social entrepreneurs, increase public and private investment in nonprofits, leverage Federal investments, expand service learning, coordinate citizen service in emergencies or disasters, increase service opportunities for retiring professionals, encourage continued service of national service alums, support colleges that engage students in community service, encourage service by individuals age 55 and older, expand the participation of veterans in national service, and focus national service on education, energy conservation, and improving the health status of and economic opportunity for economically disadvantaged individuals.

H.R. 1388 directs the Corporation to develop a plan to increase AmeriCorps positions – including NCCC, VISTA, and AmeriCorps State and National positions – to 250,000 by fiscal year 2017, beginning with 88,000 positions in 2010, 115,000 in 2011, 140,000 in 2012, 170,000 in 2013, 200,000 in 2014, 210,000 in 2015, 235,000 in 2016, and 250,000 in 2017, while working towards achieving a goal of having at least 50% of the positions be full-time. Implementation of this plan is tied to the availability of appropriations, and takes into account the need to ensure quality of service opportunities.

## **Learn & Serve America Provisions** (amending Subtitle B)

### **School-based**

H.R. 1388 adds a Purpose Statement for school-based funding, tying service-learning to demonstrating impact on community needs while enhancing students' academic and civic learning, and building infrastructure including the training and professional development of teachers, to expand service opportunities.

School-based funding is reduced from 63.75% to 60%, and includes only Formula grants to State Education Agencies or to statewide entities designated by State Education Agencies. If the total Learn & Serve appropriation is at least \$50 million, the minimum allotment to each State is \$75,000. The bill repeals a requirement that school-based funds be distributed only on a competitive basis if the school-based allotment is less than \$20 million.

Sets minimum funding reserved for Indian Tribes and U.S. Territories at 2%, with maximum at 3%.

A current law restriction on the percentage of funds that may be used for training, curriculum development, and other capacity-building is removed. The Corporation share of school-based grants may not exceed 80% of the total cost for the first year of a grant, 65% for the second year, and 50% for each remaining year, with continuation grants capped at a 50% Federal share. Grantees may not use Title I of Elementary and Secondary Education Act or Individuals with Disabilities Education Act funds as match.

The Corporation will give consideration in selecting school-based grantees for innovation, sustainability, capacity building, involvement of disadvantaged youth, and program quality, as well as criteria approved by the Corporation.

### **Higher Education**

Higher Education remains at 25%, with institutions of higher education (individually or as a consortium or in partnership with public or private nonprofit organizations) eligible for funding. ***To be eligible for assistance, an institution of higher education must meet minimum Federal Work Study requirements relating to community service.***

H.R. 1388 adds language to promote service-learning in elementary and secondary schools, to extend service to underserved urban and rural communities, to tie service projects to housing, economic development, infrastructure, health care, job training, education, crime prevention, urban planning, transportation technology, and child welfare.

The Corporation will give special consideration to higher education applications submitted by predominantly Black institutions, HBCUs, institutions serving minority populations (including Hispanic, Native American, Alaskan Native, Asian American, Native Hawaiian, and Native Pacific Islander populations), Tribal colleges, and community colleges serving predominantly minority populations.

Adds authority to designate up to 25 institutions of higher education with exemplary records of student civic engagement and service-learning as "Campuses of Service." A designated Campus of Service will be eligible for grant funds to encourage students to engage in service during school and in their future careers.

### **New Part III – Innovative Service-Learning Programs and Research**

Community-based funding is included the new Part III, at 15%, along with new funding authority, including grants and fixed amount grants, to integrate service-learning into science, technology, engineering, and mathematics (STEM) curricula, energy conservation, emergency and disaster preparedness, reducing the digital divide, high school student mentors of middle school youth, and research and evaluation. Eligible entities include State education agencies, State Commissions, Territories, Indian tribes, institutions of higher education, a public or private nonprofit organization, grant-making entities, public or private elementary or secondary schools, local education agencies, or a consortium of such entities (including a consortium that includes a for-profit organization). Priority will be given to programs that involve students, community stakeholders, and adult volunteers in program design and low-income rural or urban communities.

Part III includes new authority for a summer of service program providing a \$500 summer of service education award (up to \$750 for disadvantaged youth) for rising 6-12 graders who complete 100 hours in an approved position.

Part III includes new authority for a “semester of service” program under which high school students engage in service-learning for at least 70 hours in a semester to engage economically disadvantaged students.

Authorizes within Part III a new “Youth Engagement Zones” grant program, under which the Corporation may make grants to eligible partnerships to carry out school-based or community based service-learning programs with secondary school students and out-of-school youth to address specific community challenges

Authorizes a 10-year longitudinal study on the benefits/ impact of service-learning programs.

### **Subtitle H Innovation**

Authorizes a Social Innovation Funds pilot program, \$1-10M grants to expand effective initiatives and provide seed funding for experimental initiatives and to leverage Federal investments to increase private and philanthropic resources in support of evidence-based programming.

Authorizes a Volunteer Generation Fund to award grants to states and nonprofits to recruit, manage, and support volunteers and strengthen the nation’s volunteer infrastructure. Of the funds allocated, 50% to be provided as formula grants to States, and 50% to be allotted on a competitive basis to State Commissions and nonprofits. 20% match required in first year, increasing to 50% for year 4 and thereafter.

Retains authority for conferences, youth leadership, service-learning, summer programs, Martin Luther King, Jr., Day of Service, Global Youth Service Day, and emergent needs.

Drops several provisions – including authority to use funds for training and technical assistance, outreach, fellowships, intergenerational programming, and planning.

Directs the Corporation to conduct a nationwide Call to Service campaign.

Authorizes the Corporation to organize and carry out ceremonies and activities in conjunction with a September 11<sup>th</sup> Day of Service, with authority to make grants in furtherance of related service, charity, and remembrance opportunities.

Adds authority within subtitle H to provide support – via one-time grants (including fixed amount grants) of up to 4 years -- to innovative and model programs.

Adds authority within subtitle H to disseminate information through clearinghouses on service learning needs assessments, planning, research, evaluation, leadership training, communication, curriculum, accessibility to individuals with disabilities, and best practices.

Authorizes a Silver Scholarship program providing a \$1,000 education award to an individual aged 55 or older who performs at least 350 hours of service.

Authorizes a Serve America Fellowship program to support individuals selected by State Commissions who serve with sponsors registered with the Commission. Fellows will receive a living allowance and, upon, successful completion of a term of service, an education award.

Authorizes a new Encore Fellowship program to allow Corporation-selected individuals aged 55 or older to serve at organizations on a Corporation-maintained list, supported by \$11K grants (under a \$1 for \$1 match) to the organization for Fellow living expenses. 75% non-Federal match required for the first year, 50% non-Federal match required in subsequent years.

Authorizes a Nonprofit Capacity Building Program to make grants of at least \$200,000 to intermediary organizations to support the provision of organizational development assistance – including training on best practices, financial planning, grant writing, and compliance with applicable tax laws – to small and mid-size nonprofit organizations, particularly those facing resource hardship challenges. Federal share not to exceed 50%.

Repeals several authorities (clearinghouse, military installation conversion, and Yukon- Kuskokwim Delta of Alaska demo).

### **Training and Technical Assistance (new Subtitle J)**

Eliminates current law references to funding training and technical assistance in NCSA subtitle C and H, and DVSA, and authorizes a new subtitle J for Training and Technical Assistance for programs under the national service laws.

Priority for training and technical assistance to be given to programs where services are needed most, where programs don't exist or don't meet community needs, in underserved rural or urban communities, and programs developing a service component that combines students, out-of school youth, and older adults as participants.

The Corporation shall reserve up to 2.5% of program funds to fund dissemination of service learning research and best practices, Civic Health Assessment, and for training and technical assistance, with \$1M for the Civic Health Assessment.

### **Administrative Provisions**

Prohibits displacement of volunteers (in addition to current law prohibition of displacement of employees), codifying 2005 AmeriCorps rulemaking.

Adds requirement for national service programs to consult with parents in developing and operating programs that serve children; requires written permission from parents before transporting minor children.

Focuses national evaluation activities on performance measures, with more service delivery evaluation focus on effective use of participants' time and cost-effectiveness. In addition to funds appropriated under evaluation section 179, authorizes Corporation to reserve up to one percent of total program funds to support program accountability activities.

Directs the Corporation to conduct evaluations and submit reports covering progress on achieving 50 percent AmeriCorps member full-time goal, progress in consolidating application and reporting requirements, and veterans' involvement in national service programs.

Directs the Corporation to (1) establish, in consultation with grantees, performance measures for each program, (2) require corrective plans for those not meeting goals, and (3) reduce or terminate assistance if correction is not made. New grantees must receive training and technical assistance relating to performance problems. Annual reports are required, beginning two years after enactment.

Authorizes the Corporation, in collaboration with Commissions and in consultation with grantees, to set sustainability goals relating to grantees' acquiring and leveraging non-Federal funds.

Specifies that, unless otherwise provided, Corporation grants are up to 3 years.

Directs the Corporation to consider the extent to which a grant applicant will increase the involvement of volunteers in meeting community needs, while also considering the applicant's mission.

All Board of Directors terms five years (current law reflects initial staggered terms of varying lengths). Permits Board members to serve for one year beyond expiration of term while awaiting successor.

Provides that Board has overall policy responsibility, retains current law operational authorities, and adds authority to review agency's annual budget submission and to review the CEO performance and recommend to the President whether to retain or remove the CEO.

Increases CEO salary 3 percent to match the Inspector General salary increase in the Inspector General Act amendments of 2008.

Changes the Chief Financial Officer's position from a Presidentially-appointed, Senate-confirmed position to a position appointed by the CEO.

***Permits cost-share agreements under which other Federal agencies support national service programs.***

Directs CEO to collaborate with State Commissions in preparing the agency's strategic plan. Directs CEO to include, as part of the strategic plan submitted to the Board of Directors for approval, a plan for achieving 50 percent full time AmeriCorps members (including S/N, NCCC, and VISTA). CEO to submit annual report to the Board and Congress on actions taken to achieve the 50% full-time goal.

Authorizes CEO to use peer reviewers in evaluating applications for assistance under title I of the NCSA (including L&S, AmeriCorps, and Subtitle H grants).

Authorizes personal services contracts for research, evaluation, and public awareness functions.

Directs CEO to engage in outreach activities to bolster the public awareness of national service opportunities, including engaging AmeriCorps alumni organizations and a reserve corps of former national service participants trained in disaster response.

Authorizes CEO – after consulting with stakeholders - to assign to State Commissions specific programmatic functions to increase efficiency in the operation or oversight of national service programs, with report to Congress within 2 years on consultative process and any actions taken.

Authorizes a study to evaluate feasibility of electronic verification of AmeriCorps member citizenship status, and a pilot program based on the findings.

Directs the Corporation to conduct a study on how national service programs could better serve displaced workers, with a report due to Congress one year after enactment, and a pilot program based on the findings.

Directs the Corporation to study and submit a plan on how best to establish a Volunteer Management Corps under which individuals with experience as managers would participate.

The Corporation to establish requirements for Corporation grantees to promote citizenship and civic engagement, consistent with U.S. Citizenship and Immigration Services citizenship programs, for AmeriCorps members and Summer of Service participants.

***Requires criminal history checks for any individual who receives a Corporation grant-funded living allowance, stipend, education award, or salary. Disqualifies any registered sex offender or individual convicted of murder from receiving an education award. Requires, within 2 years after the bill's enactment, an FBI fingerprint check for those individuals with access to vulnerable populations, except for programs for whom such checks would be prohibitively expensive, programs not authorized to conduct FBI checks, and for individuals whose access to vulnerable populations is episodic or less than 1 day. Directs the Attorney General to conduct a feasibility study on the efficiency and effectiveness of criminal history checks to examine, among other things, the availability, accessibility, and cost of the checks.***

Prohibits use of grant funds for the sole purpose of referring individuals for other Federal assistance.

Authorizes suspension of funding for emergency situations for one or more 30 day periods not to exceed 90 days.

Prohibits the use of funds to endorse, approve, or sanction any elementary or secondary school curriculum, and funding may not be conditioned on a State having its academic standards approved by the Federal government.

Authorizes the Corporation to consolidate or modify application procedures and reporting requirements for national service grant recipients.

Makes explicit that the Corporation may accept donated services from organizations or employed individuals.

Prohibits match requirements for any program in a severely economically distressed community.

Directs the Corporation, in partnership with the National Conference on Citizenship, and with technical advice from the Census Bureau and the Bureau of Labor Statistics, to conduct a Civic Health Assessment, including collecting civic health data (e.g., volunteering, voting, and charitable giving rates), conducting related analyses, and reporting the data and analyses, in order to evaluate and compare the civic health of communities.

For member grievances, specifies that remedies include the applicant's selection or reinstatement and other changes in the terms and conditions of service.

Directs each Federal agency to report to the Corporation on employee volunteer activities at schools, with the Corporation providing a compilation to Congressional committees.

Directs the CEO to appoint a Strategic Advisor for Indian Affairs.

Directs the Government Accountability Office to develop performance measures for each national service program and make an assessment every five years.

#### **Authorization of Appropriations**

***Learn & Serve America: \$97M for FY 2010, including up to \$10M for summer of service grants and up to \$10M for summer of service education awards, up to \$20M for youth engagement zones, \$7M for campuses of service, and such sums as may be necessary FY 2011-2014.***

Subtitles C, D, & H, and audits/evaluations: such sums as may be necessary FY 2010-2014.

Subtitle E AmeriCorps NCCC: such sums as may be necessary for FY 2010 – 2014.

Serve America Fellowships: such sums as may be necessary FY 2010-2014.

Silver Scholars and Encore Fellows: \$12M for 2010 and such sums as may be necessary for FY 2010-2014.

National Service Reserve Corps: such sums as may be necessary for FY 2010 – 2014.

Social Innovation Funds Pilot: \$50M for 2010, \$60M for 2011, \$70M for 2012, \$80M for 2013, \$100M for 2014.

Volunteer Generation Fund: \$50M for 2010, \$60M for 2011, \$70M for 2012, \$80M for 2013, and \$100M for 2014.

DVSA administration: such sums as may be necessary FY 2010 – 2014.

Such sums as necessary for Administration of Corporation for FY 2010-2014, a portion of which is for State Commission administrative grants.

**Effective Date**

October 1, 2009 (except where otherwise specified).

**Programs in Other Agencies: Volunteers for Prosperity and Charitable Tax Deductions**

Establishes within USAID a program to mobilize skilled American professionals to perform international volunteer service. Authorizes \$10 million for 2010, and such sums as may be necessary for 2011-2014.