



December 5, 2023

Elizabeth Appel
Associate General Counsel
Corporation for National and Community Service (AmeriCorps)
250 E Street SW
Washington, DC 20525

Dear Ms. Appel:

Campus Compact respectfully submits the following comments in response to [Regulation Identifier Number \(RIN\) 3045-AA84: “AmeriCorps State and National Updates”](#) (published in the Federal Register 88 FR 69604).

Campus Compact is a national coalition of colleges and universities committed to the public purposes of higher education – improving communities and educating students for civic and social responsibility. We are the largest and oldest higher education association dedicated to higher education civic and community engagement, and our coalition represents the full spectrum of higher education - two-year, four-year, public, and private institutions – who collectively educate more than 5 million students. Campus Compact takes a comprehensive approach to supporting member institutions—helping them build the knowledge, skills, and capacity needed to enable a just, equitable, and sustainable future. As part of our capacity building work, we partner with AmeriCorps to offer multiple programs that mobilize higher education to impact their communities through national service.

We believe the 30-year-old AmeriCorps State and National (ASN) program needs to be modernized and that regulatory changes should make the program more equitable for all participants and those seeking grants. Below are the outcomes that Campus Compact is seeking that we believe will both improve the benefits and value proposition for participants and ensure that all organizations can access and maximize government resources efficiently and responsibly.

In general, we are concerned that the proposed AmeriCorps State and National Updates offer superficial changes and lean heavily on the use of waivers, failing to address longstanding deficiencies in the existing regulations. The agency is proposing to add additional layers of administrative burden, while the proposed rule does little to ensure that all AmeriCorps grantees have more time and resources to devote to delivering on outcomes. In summary, we believe the proposed rule offers limited relief, adds to the complexity of an already bureaucratic framework, and creates more administrative burden and risk. Below are our specific recommendations to improve the proposed rule.

A. Changing CNCS to AmeriCorps

The AmeriCorps agency went through a rebranding effort in 2020. While the agency's external facing materials may use the name "AmeriCorps", we strongly recommend maintaining the agency's legal name, "the Corporation for National and Community Service" or "the Corporation" for short throughout the relevant regulations. Maintaining the legal name throughout regulations is critical for continuity with statute, the annual appropriations process, and the agency's relationship with Congress. Using a different name in regulations may create unnecessary confusion. Additionally, using "AmeriCorps" throughout regulations creates confusion with the agency's various programs. By maintaining "the Corporation" or "the Corporation for National and Community Service" throughout regulations, it ensures the reader understands the reference is to the federal agency and not one of the applicable programs. The AmeriCorps agency has pending rulemaking regarding Statement of Organization. The agency should not change the name through regulations while a related pending rule has yet to be finalized.

B. Waiver of the Current 20 Percent Limit on Education and Training Activities—§2520.50

Campus Compact is recommending the **elimination of the 20 percent aggregate training cap or "80/20" rule" to ensure all members – regardless of the type of program or length of service term – have the opportunity to complete sufficient hours to both prepare for service and enrich their personal and professional development.** Such a change should be available to all grantees, so that they can offer members more for their service experience, remain equally competitive in the labor market, and respond to workforce development priorities.

The AmeriCorps agency has made member development and career pathways a FY22-26 strategic goal and a competitive criterion in its FY24 grantmaking, but the 20 percent cap competes with the agency's focus on enhancing the experience for AmeriCorps participants.

The training cap is not in the best interest of members and their long-term education and career goals. As an organization committed to higher education, Campus Compact understands how powerful service can be in a student's educational journey. Recognized as a high-impact practice in higher education, students who have a meaningful service experience have seen positive impacts on their retention, completion rates, academic performance, and relationships with peers and faculty. AmeriCorps can and should seek to integrate their work into both two- and four-year student experiences through part-time AmeriCorps positions. The 20 percent cap directly hinders higher education's integration of AmeriCorps service into the academic mission and curriculum. This missed opportunity also adversely affects our most marginalized students – low-income, community college, and working students – who are less likely to serve due to financial barriers. Campus Compact's College Renaissance Corps program integrates AmeriCorps service with industry-focused workplace learning and exploration as a critical way to prepare student AmeriCorps members to be ambassadors in their local communities and support enrollment in post-secondary credentialing/degree programs. Our program model is positioned to allow members to not work additional jobs and focus on their academics and their related service. Greater flexibility will help AmeriCorps members to integrate their service into their coursework, gain credit for meaningful experiences, and complete their degree requirements.

The outdated cap on training hours was established in the early days of AmeriCorps, when the program was an experiment and administrators felt there was a need to distinguish AmeriCorps from other existing education and vocational training programs, like Job Corps. The cap was designed to ensure that the bulk of members' time would be spent on service and not filled with unnecessary training activities. But in execution,

the 20 percent limit is an administrative burden that poses a needless management challenge and an audit risk. Requirements have been in place for nearly 15 years to ensure that federal resources are used to meet service goals. The Edward M. Kennedy Serve America Act of 2009 created new compliance requirements for grantees to establish and meet performance measures and outcomes and conduct independent evaluations. As a result, AmeriCorps is currently using the grant application review process, grantee performance measures, and service member descriptions to assess program design, quality, and effectiveness – all better measures than an arbitrary 20 percent cap on training and education hours.

The proposed rule perpetuates this unnecessary and outdated regulation, conceding a partial waiver and assessment process for select grantees only. While we appreciate the intention of this rule, as proposed it causes more problems than it solves. By offering a limited exemption, the agency is creating unnecessary red tape for the eligible programs and could put the ineligible program models at a competitive disadvantage. Everyone will be better served by the removal of the 20 percent limit on education and training activities.

If the agency keeps its proposed criteria and up to 50% waiver, we recommend addressing the following:

- Add the word “or” throughout the list of criteria to ensure as outlined in the written Federal Register description, programs must only meet one of the criteria, not all the criteria.
- Proving someone is “economically disadvantaged”, as required by the fourth criteria option is problematic, hard to document, and overly burdensome. The “degree” of someone’s economic disadvantage can change quickly and most AmeriCorps members would technically meet this definition in CFR given the modest living stipend whether at the minimum or maximum. Unless the intent is to ensure all programs can meet one of the criteria, as most programs’ members could be considered “economically disadvantaged” during their term of service and receiving soft skill development, then these criteria should be changed or removed. Alternatively, the agency could tie this to the intent of the program in their application or relevant performance measure(s).

We hope the agency will use this opportunity to remove an unnecessary burden of tracking the distinction between training/education and service hours, as the purpose of AmeriCorps is for both member and community impact. The cap is unnecessary as programs and commissions can ensure member terms of service are appropriately addressing community needs while ensuring members receive adequate training and support appropriate for relevant career pathways.

C. Revising Match Requirements— §2521.60

Campus Compact encourages the agency to eliminate the progressive match scale, and return to the original congressional intent, and vision, of the National and Community Service Trust Act of 1993 that established that the federal share of an AmeriCorps State and National grant should not exceed 75 percent—regardless of the number of years that a grantee has been funded.

This proposed rule perpetuates an extremely detrimental regulation that was established by the Bush Administration in 2005 for the stated purpose of steadily decreasing government investment in the program, mandating that grantees assume more of the program costs by reducing their federal cost per AmeriCorps participant and decreasing reliance on AmeriCorps funds over time. The 16-year-old progressive match scale (that ranges from 24% to 50% of total expenses) runs counter to Biden Administration priorities. It is excessively burdensome, does not support outcomes in communities, and will remain a deterrent for any prospective grantee.

The proposed rule only changes the frequency that the scale increases – from every 1 year to every 3-years in a grant period and reaching 50% match in year 16, rather than year 10. This change provides minor, temporary relief for new grantees, and fails to recognize the challenges and risks that the current scale presents to all grantees, new and old.

Match funding is subject to all the same Uniform Guidance regulations as federal funding, a point of continual confusion and audit risk for all grantees. Errors in match reporting represent one of the most common audit findings and sources of Inspector General investigations according to AmeriCorps agency staff (ASN Symposium, “Do’s and Don’ts of Program Expenses”, November 2023). Such errors are costly and can result in repayment of funds and subsequent program destabilization. The match scale increases fundraising burden and it amplifies audit risk for dollars that programs raise independently. Simply revising the graduated AmeriCorps State and National match scale so the increases are more incremental, does nothing to reduce the burden on grantees of raising, tracking, and reporting match.

The public-private partnership is the hallmark of the AmeriCorps program and should remain so. Grantees are raising considerable funds to run programs, often exceeding the match requirement. If we return to the original statutory requirement that limits the federal share to 75%, programs will continue to raise outside funds to support their high-quality programs and they will document 25% of those non-AmeriCorps matching funds, demonstrating good stewardship of federal funds (e.g., robust internal controls, policies and procedures, and self-monitoring practices). However, continuing to require grantees to do the same accounting for another 25% of the non-AmeriCorps funds simply creates a burden without adding value. The end result is unnecessary red tape that wastes taxpayer resources without improving program outcomes.

The Biden Administration has prioritized raising the member living allowance and the maximum cost per Member Service Year (MSY) – investments that are critical to recruiting and retaining a geographically and demographically diverse corps and adequately supporting programs on the front lines of our country’s most pressing needs. President Biden has urged Congress to make further investments in AmeriCorps, with the goal of increasing the living allowance to \$15/hour by 2025. However, the Bush-era cost-share matching structure also works against the Biden Administration’s accomplishments in this area.

As the agency adjusts the cost per MSY annually to keep pace with inflation and meet the Biden Administration goals, the amount of match funding that programs must raise from non-AmeriCorps sources increases proportionately. Grantees are expected to raise more funds year after year. Some grantees will simply be unable to accept the annual cost per MSY and maximize available AmeriCorps dollars to cover allowable program expenses. This means their organizations are shut off from critically needed federal resources that – ironically -- are designed to help grantees meet rising program costs (such as the living allowance and benefits). Others may have to return unexpended funds when fundraising aspirations detailed in a grant application – written six or more months before the start of their program year – are not realized. This is not only a challenge for new and small programs lacking local philanthropic resources but also a challenge for long-term grantees. It takes years to cultivate a donor base, and donor retention does not typically occur in perpetuity. Private and public donation levels may not increase with inflation, and new donor sources require greater investment.

D. Criteria for Waiving Match Requirements—§2521.70

In general, Campus Compact supports aligning the AmeriCorps State and National's match waiver criteria with AmeriCorps Seniors' match waiver criteria, but a centralized waiver process and streamlined requirements are not a solution to the problematic progressive match scale.

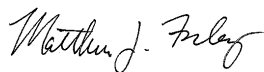
Additionally, a waiver process creates uncertainty for applicants, who will not know if their waiver will be approved, how to plan a budget, or how much their match percentage will be reduced. If the intention is for waiver requests to occur post-award, then applicants are being put in a position to implement a system workaround or misrepresent their capacity to meet match requirements during the application process. Waiver criteria may be subject to audit review that disallows the approval basis and again, requires supporting documentation subject to disallowance. Further, a waiver-based system of addressing match relief depends on the favor of the current Administration and approval rates could be much more limited under different leadership.

E. Limit on Number of Terms an Individual May Serve in AmeriCorps State and National—§2522.235

Campus Compact supports removing the four-term limit, an artificial barrier on an individual's ability to serve. But the proposed rule should clarify that members may elect to serve additional terms in AmeriCorps State and National, VISTA and NCCC, after they have earned the aggregate of two full-time education awards. Members currently have the option of serving additional terms without accruing an education award and this option should remain available to members. Returning members can leverage their prior experience to assume leadership roles and they can help programs maintain continuity in service sites. Additionally, consecutive terms of service can translate into important professional development for returning AmeriCorps members. Based on our experience, this flexibility is unlikely to be “overused” or limit opportunities for other Americans to serve. As a VISTA and ASN grantee, Campus Compact fully supports allowing as many options for members to further develop their lifelong commitment to service by experiencing different AmeriCorps service streams and applying their education awards to advance their careers.

We appreciate the opportunity to provide input on the proposed changes. We strongly urge the agency to keep working on the rule to make the AmeriCorps State and National program equitable for all participants and sustainable for current and prospective grantees.

Sincerely,



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