

The Edward M. Kennedy Serve America Act
Answers to Frequently-Asked Questions

EFFECTIVE DATE

Q. How does the effective date work?

The Serve America Act has an effective date of October 1, 2009. Many of the Act's provisions take effect on that date. For example, the CEO's authority to conduct outreach or the Board of Directors' increased oversight role. However, provisions that are funding-dependent or that affect the terms and conditions of grants, such as the amount or uses of the education award or the allocation of Learn & Serve or AmeriCorps funding or selection criteria for new programs, will take effect with 2010 funding. And that may depend on whether there is a 2010 budget in place on October 1 (as opposed to a continuing resolution) and the timing of grant awards.

Q. I'm currently serving as a full-time AmeriCorps member. Will my education award amount be increased?

No. The Act increases the amount of the education award to the maximum Pell grant level beginning with AmeriCorps positions funded with fiscal year 2010 appropriations, so there is no change for AmeriCorps members currently serving.

Q. So delaying our program's start date is not a good strategy for increasing education award amounts for our members?

Correct. If the position is funded with fiscal year 2009 (or prior year) funds, regardless of program start date, the education award amount is \$4,725.

Q. I am currently serving in AmeriCorps and am 55+. Will I be able to transfer my Education Award to my child or grandchild?

Like the increase in the amount of the education award, transferability is available beginning with positions funded with fiscal year 2010 appropriations.

Q. Will VISTAs age 55+ be allowed to transfer their Education Awards to children or grandchildren?

No. The Act only permits a person age 55 or older who earned an Education Award in an AmeriCorps State or National program or as a Silver Scholar to transfer the Education Award to a child, foster child, or grandchild.

Q. When will the Senior Corps hourly stipend increase from \$2.65 to \$3.00?

The increase could take effect for positions supported with 2010 funding, but only if the appropriations are sufficient to maintain prior year program levels. So the stipend increase depends on the amount available for the FGP and SCP programs.

Q. When will the Corporation start making fixed amount grants?

The Act phases in fixed amount grants, beginning with programs that enroll only full-time members. We anticipate beginning to make fixed amount grants for the 2010 program year, but will develop the details for such grants through rulemaking.

FUNDING LEVELS

If the Serve America Act authorizes a program at a specific funding level, does that mean we should expect the appropriations to follow suit?

Not necessarily. Appropriations follow a separate legislative process, including different Congressional committees. The funding levels stated in the Act – an authorizing bill -- are not binding on the appropriators.

If the Serve America Act authorizes a specific program, does that mean the Corporation has to implement that program in 2010?

Not necessarily. Implementation will depend on the precise statutory language as well as the outcome of the appropriations process. Keep in mind that the Administration's 2010 Budget for the Corporation was proposed in February – two months before enactment of the Serve America Act.

Will the Corporation set aside a specific amount of money for each new Service Corps within AmeriCorps?

The Serve America Act directs the Corporation to identify at least two service corps for funding each year. As in previous years, the Corporation will announce priorities and preferences in the Notice of Funding Opportunity for 2010 funding planned for release in September.

OTHER

Do the new Fellowships, Silver Scholarships, and Summer of Service positions, all count towards the annual number of AmeriCorps positions?

Yes – any position that provides an education award is an approved national service position and counts towards the overall goal.

Q. How does the Act's criminal history check compare with existing Corporation regulations?

The Serve America Act makes one set of changes effective October 1, 2009 and another set of changes effective April 21, 2011. The 2009 change expands the number of individuals who must be checked without changing the type of checks required. The 2011 change requires an FBI check of any individual with recurring access to vulnerable populations.

Q. Does the Act address taxability of the education award?

No, because the Act went through the Congress on a fast track, for jurisdictional reasons, it did not include tax provisions.

Q. I've heard that the bill makes service mandatory. True?

No. The House-passed bill included a Congressional Commission on Civic Service, outside the executive branch, to study issues, including "whether a workable, fair, and reasonable mandatory service requirement for all young people could be developed". The Serve America Act does not include such a Commission and does not make service mandatory.

Q: How long will a designated individual have to use a transferred education award? What if the designated individual is too young to attend college by the time the award expires?

The Act provides that the expiration of an education award that has been transferred to a child or grandchild is "a 10-year period that begins on the date the individual who transferred the educational award to the designated individual completed the term of service." (Sec. 146(d)(3), as amended by Sec. 1402 of the Serve America Act).

The Corporation is authorized to offer extensions on the time period available for use of the award if the individual "was unavoidably prevented from using the national service educational award during the original 7-year period, or 10-year period, as appropriate..." (Sec. 146(d)(2), as amended by Sec. 1402 of the Serve America Act), and may consider offering extensions to designated individuals who were too young to use the award prior to its expiration date. This question will be addressed during implementation