

TO: Program Leadership
FROM: Danielle Melfi, Chief Program Officer
DATE: June 2, 2023
RE: End of Public Health Emergency and Program Flexibilities

BACKGROUND

The COVID-19 public health emergency and national emergency were declared in January 2020 and March 2020, respectively. The CARES Act, signed into law March 27, 2020, provided a variety of flexibilities for AmeriCorps programs for the public health emergency. In addition, the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973 allow for programmatic flexibilities in national emergencies. The declaration of the national emergency and public health emergency expired on May 11, 2023. In preparation for this expiration, AmeriCorps reviewed existing flexibilities and considered continuation, when possible, by current law.

OPERATIONAL IMPACT: BUDGET, LEGAL AUTHORITY

The CARES Act authorized AmeriCorps to institute COVID-based program flexibilities. The National and Community Service Act of 1990, and the Domestic Volunteer Service Act of 1973 allow for programmatic flexibilities in national emergencies. In addition to review by Office of General Counsel, AmeriCorps Program Directors provided input for decision making on all flexibilities AmeriCorps has been utilizing that are listed below.

There is no budgetary impact related to the decisions below.

FINAL DECISION

The following flexibilities extended under the CARES Act will continue:

1. AmeriCorps NCCC Service Term Extension;
 - A. Under Section 3514 (d) AmeriCorps NCCC extended the term of service for NCCC members.
 - B. This flexibility will continue to be in effect until May 10, 2024; one year after the end of the declaration of the public health emergency.
2. AmeriCorps NCCC waiver to upper age limit for members;
 1. Under Section 3514 (d) AmeriCorps NCCC increased the upper age limit for AmeriCorps NCCC members from 24 to 26.
 - A. Under Section 3514 (d) AmeriCorps NCCC increased the upper age limit for Summer Service members from 18 to 26 years old.

These flexibilities will continue to be in effect as long as CARES Act conditions apply. AmeriCorps NCCC will monitor conditions and regularly examine the use of the CARES Act authority as COVID-19 conditions change.



The following flexibilities from the CARES Act expired as of May 10, 2023:

1. Education Award Flexibilities;
 - A. Under Section 3514 (a) AmeriCorps members serving in positions eligible for an education award who exited early for COVID-related reasons could, in some circumstances, receive a full education award.
 - B. This affects members in AmeriCorps State and National, AmeriCorps VISTA, and AmeriCorps NCCC.

This flexibility expires effective the date of this memo.

1. AmeriCorps State and National fixed price grants;
 - A. Under Section 3514 (c) recipients of AmeriCorps State and National fixed grants awards were permitted to maintain a pro-rata amount of grant funds, at the discretion of AmeriCorps, for participants who exited, were suspended, or are serving in a limited capacity due to COVID-19, to enable the grant recipients to maintain operations and to accept participants.

This flexibility will expire as of the date of this memo.

The following requirement will remain in effect:

1. Vaccination Requirement for members in the NCCC program;
 - A. As of the date of this memo AmeriCorps members in the NCCC program are required to receive the COVID-19 vaccination as a condition of service. As COVID-19 conditions change, AmeriCorps NCCC may reexamine this requirement.

The following flexibilities allowed under NSCA/DVSA Authorities will expire as of the date of this memo:

1. Alternative Service Methods;
 - A. Under legal authorities provided in the NSCA and/or DVSA, certain AmeriCorps members in State and National and VISTA, and AmeriCorps Seniors volunteers were able to serve remotely full time.

Programs have developed new policies and practices related to this flexibility, which differ by program and include allowable exceptions. Please refer to individual program policies for guidance on teleservice moving forward.

- i. [AmeriCorps State and National Policy](#)
 - ii. [AmeriCorps VISTA Policy \(English\)](#)
 - iii. AmeriCorps Seniors Guidance
 - a. [RSVP Section \(Section 7.2.3\)](#)
 - b. [Foster Grandparents \(Section 7.2.2\)](#)
 - c. [Senior Companions \(Section 7.2.2\)](#)
2. Evacuated Peace Corps volunteers and members who early terminated from a previous AmeriCorps term (NCCC, AmeriCorps State and National, VISTA) eligible to serve as VISTA Leaders.
 - A. Under authority in [45 CFR § 2556.7](#), the AmeriCorps CEO temporarily waived, through the pendency of the COVID-19 national emergency, the length of prior service requirement as it relates to VISTA Leader eligibility as set forth at [45 CFR § 2556.605](#) AmeriCorps State and National, AmeriCorps VISTA, and AmeriCorps NCCC



members who have already completed more than 50% of their service term prior to being exited early from service due to COVID-19 are deemed to have satisfied the length of prior service requirement and are eligible to apply to serve as VISTA Leaders. Peace Corps Volunteers who have completed more than 50% of their service terms (i.e., more than one year of their two-year term of service), and who have been forced to evacuate from their posts and exit service early due to COVID-19, are deemed to have satisfied the length of prior service requirement and are eligible to apply to serve as VISTA Leaders.

This temporary waiver to VISTA Leader eligibility requirements is valid only during the COVID-19 national emergency. Individuals who, for whatever reason, have not served at least one full term of service, in any of the three AmeriCorps programs or in the Peace Corps, will not be eligible to apply to serve as VISTA Leaders.

The following flexibilities will expire as of the date of this memo.

1. AmeriCorps VISTA End of Service Benefit Changes;
As a temporary COVID-19 related exception to policy, members were allowed to change their End-of-Service Award from the Education Award to the Cash Stipend up until one week prior to their end of service.
2. AmeriCorps VISTA Non-Competitive Eligibility for COVID-19 exits
As a temporary policy exception, if an AmeriCorps member demonstrated the ability to satisfactorily complete the full term of service, and early terminates due to COVID-19, then they received non-competitive eligibility status, regardless of how long the member served.