

## CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

### CFDA 94.006 AMERICORPS

#### I. PROGRAM OBJECTIVES

The AmeriCorps national service program provides funds to national and locally based organizations to carry out national service programs described in 42 USC 12572(a) and (b).

#### II. PROGRAM PROCEDURES

Of the funds available for AmeriCorps programs, the Corporation for National and Community Service (CNCS) allots 35.3 percent to Commissions on National and Community Service in the various States, 1 percent for Indian tribes, and 1 percent for the U.S. Territories. The State Commissions do not directly operate programs. State Commissions subgrant funds to organizations selected competitively by the State to operate community service programs within their States. After setting aside the aforementioned funds, the remaining funds are distributed competitively through the respective State Commissions or directly by the CNCS to non-profit organizations that will operate in two or more States.

In addition to grants to fund AmeriCorps programs, State Commissions also receive grants from the CNCS to support their administrative operations. These grants are made under a program titled State Commission Support Grants (CFDA 94.003), which is not included in Part 4 of the Supplement.

AmeriCorps grantees recruit and train individuals as AmeriCorps members. Full-time AmeriCorps members receive a living allowance and are eligible for health insurance and childcare benefits (if they are not otherwise covered while participating in the program and, for childcare benefits, meet specific income thresholds). After satisfactorily and successfully completing the required term of service, the AmeriCorps members receive a voucher crediting them with a post-service educational benefit, which may be used to pay off qualified student loans or pay qualified education costs. CNCS records the Federal liability for an AmeriCorps member's education benefit at the time the CNCS awards a grant to an entity. Upon application from the AmeriCorps member and verification from the lender or educational institution, the CNCS' National Service Trust transmits the funds to the lender or institution. AmeriCorps members who successfully complete a term of service are also eligible for the payment of interest that accrues on qualified student loans during a period of national service forbearance.

#### Source of Governing Requirements

The AmeriCorps program is authorized under the National and Community Service Act of 1990 (42 USC 12501 *et seq.*), as amended, and the implementing regulations in 45 CFR parts 2510 through 2524. **Note:** The Serve America Act (Pub. L. No. 111-13, enacted April 21, 2009) made substantial changes to the compliance requirements related to AmeriCorps programs, effective October 1, 2009. This program summary distinguishes, as necessary, between the requirements in effect before the Serve America Act amendments and those in effect after the amendments.

### III. COMPLIANCE REQUIREMENTS

**In developing the audit procedures to test compliance with the requirements for a Federal program, the auditor should first look to Part 2, Matrix of Compliance Requirements, to identify which of the 12 types of compliance requirements described in Part 3 are applicable and then look to Parts 3 and 4 for the details of the requirements.**

#### A. Activities Allowed or Unallowed

1. Funding is provided to carry out a full- or part-time national service programs. Activities allowed include recruiting, training and supervising AmeriCorps members, paying living allowances to AmeriCorps members, paying health insurance premiums and child-care benefits for eligible AmeriCorps members, paying certain employment-related taxes, paying staff and other costs for program management, internal evaluations, and reimbursement of grantee administrative costs (42 USC 12572, 12574, 12581, 12581a, 12583, and 12594; 45 CFR sections 2520 to 2524; 2540 to 2543; and 2545 to 2550).
2. Prior to October 1, 2009, grant funds could not be used to
  - a. provide a direct benefit to any (1) business organization organized for profit; (2) labor union; (3) partisan political organization; or (4) organization engaged in religious activities (unless the assistance is not being used to provide religious instruction, conduct worship services, provide instruction as part of a program that includes mandatory religious instruction or worship, construct, operate, or maintain facilities devoted to religious instruction or worship, or proselytize);
  - b. assist, promote, or deter union organizing, impair existing contracts for services or collective bargaining agreements, or organize or engage in protests, petitions, boycotts, or strikes;
  - c. attempt to influence legislation;
  - d. engage in partisan political activities, or other activities designed to influence the outcome of an election to a State or local public office;
  - e. participate in, or endorse, activities that are likely to include advocacy for or against political parties, platforms, candidates, proposed legislation, or elected officials;
  - f. perform any service or engage in any activity prohibited under the nonduplication, nondisplacement, or nonsupplantation provisions relating to employees and volunteers in 42 U.S.C. 12637 and 45 CFR 2540.100;
  - g. conduct a voter registration drive; or

- h. finance the outcome of an election to Federal, State or local public office (42 USC 12584 and 12634; 45 CFR section 2520.65).
- 3. Effective October 1, 2009, in addition to the restrictions listed above, grant funds may not be used to provide abortion services or referrals for receipt of such services (42 USC 12584, 12584a, and 12634; 45 CFR section 2520.65).

## **E. Eligibility**

### **1. Eligibility for Individuals**

- a. AmeriCorps members must be citizens, nationals, or lawful permanent resident aliens of the United States and must be not less than 17 years old at the time of enrollment into the program. The statute does, however, permit certain types of programs to enroll participants who are out of school youths at least 16 years of age (42 USC 12591; 45 CFR section 2522.200). The regulations (45 CFR sections 2522.200(c), (d), and (e)) describe acceptable documentation for determining status as a citizen, national, or lawful permanent resident alien of the United States.
- b. *National Service Criminal History Checks*
  - (1) ***Individuals who started work or began service before November 23, 2007***
    - (a) A check of the National Sex Offender Public Website (NSOPW) is required for an individual in a covered position. An alternative search procedure for the National Service Criminal History Check requires written approval from CNCS. An individual continuing to serve after January 1, 2013 must have self-certified that he or she has not been convicted of murder, as defined in 18 USC 1111. Individuals in covered positions are AmeriCorps members or staff who (i) receive a CNCS grant-funded living allowance, stipend, or education award, or (ii) have recurring access to children age 17 or younger, persons age 60 and older, or individuals with disabilities.
    - (b) An individual in a covered position is ineligible to serve or work if the individual is registered or required to be registered on a State sex offender registry, refuses to consent to a criminal registry check, or who makes a false statement in connection with a grantee's inquiry concerning the individual's criminal history. Grantees may adopt other disqualifying offenses.

(45 CFR sections 2522.205 through .207; 45 CFR sections 2540.200 through .207; 72 FR 48574, August 24, 2007; 77 FR 60922, October 5, 2012)

(2) ***Individuals who started work or began service between November 23, 2007 and September 30, 2009***

- (a) A compliant National Service Criminal History Check for an individual in a covered position consists of a check of (i) the NSOPW conducted before the individual begins work or starts service, and (ii) either a State criminal registry check(s) (for State of residence and State of service) or a fingerprint-based FBI criminal history check. An alternative search procedure for the National Service Criminal History Check requires written approval from CNCS. Individuals in covered positions are AmeriCorps members or CNCS grant-funded staff who receive a grant-funded living allowance, stipend, education award, or other remuneration who, on a recurring basis, had access to children age 17 or younger, persons age 60 and older, or individuals with disabilities.
- (b) An individual in a covered position is ineligible to serve or work if the individual is registered or required to be registered on a State sex offender registry, refuses to consent to a criminal registry check, or who makes a false statement in connection with a grantee's inquiry concerning the individual's criminal history. Grantees may have adopted other disqualifying offenses.

(45 CFR sections 2522.205 through .207; 45 CFR sections 2540.200 through .207; 72 FR 48574, August 24, 2007).

(3) ***Individuals who started work or began service between October 1, 2009 and April 20, 2011***

- (a) A compliant National Service Criminal History Check consists of a check of (i) the NSOPW conducted before the individual begins work or starts service, and (ii) either a State criminal registry check(s) (for State of residence and State of service) or a fingerprint-based FBI criminal history check. An alternative search procedure for the National Service Criminal History Check requires written approval from CNCS. Individuals in covered positions are AmeriCorps members or CNCS grant-funded staff who receive a grant-funded living allowance, stipend, education award, or salary.

- (b) An individual in a covered position is ineligible to serve or work if the individual (i) is registered or required to be registered on a sex offender registry; (ii) has been convicted of murder, as defined by 18 USC 1111; (iii) refuses to consent to a criminal registry check,; or (iv) who makes a false statement in connection with a grantee's inquiry concerning the individual's criminal history. Grantees may have adopted other disqualifying offenses.

(42 USC 12645g; 45 CFR sections 2522.205 through .207; 45 CFR sections 2540.200 through .207; 74 FR 46495, September 10, 2009)

(4) ***Individuals who started work or began service on or after April 21, 2011 and who vacate their work or service position prior to January 1, 2013***

- (a) A compliant National Service Criminal History Check for an individual in a covered position consists of a check of (i) the NSOPW conducted before the individual begins work or starts service, and (ii) either a State criminal registry check(s) (for State of residence and State of service) or a fingerprint-based FBI criminal history check. An alternative search procedure for the National Service Criminal History Check requires written approval from CNCS. Individuals in covered positions are AmeriCorps members or CNCS grant-funded staff who receive a grant-funded living allowance, stipend, education award, or salary.

For individuals who will be 18 years old or older at any time during their term of service and who serve in a covered position that will involve recurring access to (i) children age 17 years or younger, (ii) individuals age 60 years or older, or (iii) individuals with disabilities, the individual in the covered position must be accompanied by another individual who is authorized to have recurring access to these vulnerable populations or until the State or FBI component has cleared.

- (b) An individual in a covered position is ineligible to serve or work if the individual (i) is registered or required to be registered on a sex offender registry; (ii) has been convicted of murder, as defined by 18 USC 1111; (iii) refuses to consent to a criminal registry check; or (iv) makes a false statement in connection with a grantee's inquiry concerning the individual's criminal history. Grantees may have adopted other disqualifying offenses.

(42 USC 12645g; 45 CFR sections 2522.205 through .207; 45 CFR sections 2540.200 through .207; 74 FR 46495, September 10, 2009; 77 FR 60922, October 5, 2012)

(5) ***Individuals who started work or began service on or after April 21, 2011 and who continue to serve or work after January 1, 2013***

- (a) *Requirements for individuals who do not have recurring access to vulnerable populations:* Unless the grantee has written approval from CNCS for an alternative search procedure, a compliant National Service Criminal History Check for an individual in a covered position consists of (i) a nationwide name-based search of NSOPW conducted before the individual begins work or starts service, and (ii) either (A) a name- or fingerprint-based search of the official State criminal history registry for the State in which the individual in a covered position will be primarily serving or working and for the State in which the individual resides at the time of application; or (B) a fingerprint-based FBI national criminal history background check. An alternative search procedure for the National Service Criminal History Check requires written approval from CNCS.

- (b) *Requirements for individuals who have recurring access to vulnerable populations:* For individuals who will be 18 years old or older at any time during their term of service; and who serve in a covered position that will involve recurring access to children age 17 years or younger, to individuals age 60 years or older, or to individuals with disabilities, a compliant National Service Criminal History Check consists of (i) a nationwide name-based search of the NSOPW conducted before the individual begins work or starts service; (ii) a name- or fingerprint-based search of the official State criminal history registry for the State in which the individual in a covered position will be primarily serving or working and for the State in which the individual

resides at the time of application; and (iii) a fingerprint-based FBI national criminal history background check.

- (c) While the National Service Criminal History Check components above are required for individuals who were hired or began service on or after April 21, 2011 and who will be 18 years old or older at any time during their term of service and who serve in a covered position that will involve recurring access to a vulnerable population, the State or FBI criminal history registry component, whichever was not previously conducted, must be initiated by December 31, 2012.
- (d) Until December 31, 2012, the components required are (i) a nationwide name-based search of the NSOPW conducted before the individual begins work or starts service, and (ii) either (A) a name- or fingerprint-based search of the official State criminal history registry for the State in which the individual in a covered position will be primarily serving or working and for the State in which the individual resides at the time of application; or (B) a fingerprint-based FBI national criminal history background check. This is the case as long as the individual in the covered position is accompanied by another individual who is authorized to have recurring access to these vulnerable populations or until the State or FBI component has cleared.
- (e) After January 1, 2013, the individual in a covered position must be accompanied until the results of either the State checks or the FBI check have cleared.
- (f) An individual in a covered position is ineligible to serve or work if the individual (i) is registered or required to be registered on a sex offender registry; (ii) has been convicted of murder, as defined by 18 USC 1111; (iii) refuses to consent to a criminal registry check; or (iv) makes a false statement in connection with a grantee's inquiry concerning the individual's criminal history. Grantees may have adopted other disqualifying offenses.

For purposes of this paragraph III.E.1.b.(5), individuals in covered positions are AmeriCorps members or CNCS grant-funded staff who receive a grant-funded living allowance, stipend, education award, or salary.

(42 USC 12645g; 45 CFR sections 2540.200 through.207; 77 FR 60922, October 5, 2012)

- c. Living allowances are paid on the basis of an AmeriCorps member's selection and enrollment as a full-time participant in a program. The living allowance that an AmeriCorps member receives is not to be considered or treated as a wage or a salary. The installment payments of living allowances are not dependent upon the actual number of hours spent on service. Most full-time AmeriCorps members are to receive a living allowance during the installment period of at least 100 percent, but not more than 200 percent, of the total average annual subsistence allowance provided to VISTA volunteers. For particular program years, the limits on the living allowances are as follows (42 USC 4955 and 12594; 45 CFR section 2522.240):

<b><u>Program Year</u></b>	<b><u>Minimum Allowance</u></b>	<b><u>Maximum Allowance</u></b>
2010-2011	\$11,800	\$23,600
2011-2012	\$12,100	\$24,200
2012-2013	\$12,100	\$24,200
2013-2014	\$12,100	\$24,200
2014-2015	\$12,100	\$24,200

- d. Current information on the minimum and maximum amounts of AmeriCorps living allowances is available from the Office of Grants Management at CNCS Headquarters at (202) 606-6966.
- e. While most full-time AmeriCorps members cannot receive a living allowance higher than the maximum amount set forth above, the statute permits professional corps members to receive a living allowance in excess of the maximum allowance authorized in the statute. However, in this instance, CNCS funds may not be used to pay for any portion of the living allowance (42 USC 12594(c); 45 CFR section 2522.240).
- f. An AmeriCorps member who is authorized to serve a reduced term of service may be provided a prorated living allowance for that authorized reduced term of service (42 USC 12593 and 12594; 45 CFR sections 2522.220 and 2522.240).
- g. Living allowance requirements do not apply to Education Award Only programs (42 USC 12581a(c)).

**2. Eligibility for Group of Individuals or Area of Service Delivery – Not Applicable**

**3. Eligibility for Subrecipients – Not Applicable**

**G. Matching, Level of Effort, Earmarking**

**1. Matching**

a. The limitations on Federal Government's share are different in type and amount for member support costs and program operating costs as follows:

(1) *Operational Costs* – Except for living allowances, child-care allowances (if applicable), health insurance premiums (if applicable), and certain employment-related taxes, the CNCS share of the cost of activities carried out under the grant cannot exceed percentages specified by CNCS. The program must provide its matching amount in the form of cash, or in kind, fairly evaluated, including facilities, equipment, or services. The program may provide for its operational matching amount through State sources, local sources, or, when authorized, from other Federal sources. CNCS may waive, in whole or in part, the minimum match requirement in any fiscal year if the CNCS determines that such a waiver would be equitable due to a lack of available financial resources at the local level (42 USC 12571(e); 45 CFR sections 2521.35 through .95).

(2) *Member Support Costs* – The Federal share, including CNCS and other Federal funds, of the living allowance provided to an AmeriCorps member may not exceed 85 percent of the minimum required living allowance. The grantee must provide the remaining funding for living allowances from non-Federal cash sources. CNCS will pay up to 85 percent of the cost of health care coverage that includes the minimum benefits specified by the CNCS. CNCS specifies the minimum benefits required as part of its grant provisions (42 USC 12594(a) and (d); 45 CFR sections 2522.240(b)(6) and 2522.250(b)(3)).

b. Unless CNCS grants a waiver, the grantee's required share of program costs, including member support and operating costs, will incrementally increase to a 50 percent overall share by the tenth year and any year thereafter that it receives a grant without a break in funding of 5 years or more (45 CFR sections 2521.60 and 2521.80). The timetable is included in 45 CFR section 2521.60(a). Other requirements that govern matching are included in 45 CFR sections 2521.35, 2521.40, 2521.45, and 2521.50.

- c. Beginning with the CNCS' FY 2008 appropriations, grantees are required to meet an overall minimum share requirement of 24 percent for the first 3 years that they receive AmeriCorps funding. Grantees in their fourth or subsequent years of funding will be required to meet the overall minimum share requirements specified in 45 CFR section 2521.60. CNCS coordinates the implementation of this provision for those grantees that were covered under its minimum share requirements implemented by regulation in 2005 (paragraph III.G.1.b, above). These overall matching requirements override the separate member support and operating expense matching requirements specified in paragraphs III.G.1.a.1 and III.G.1.a.2, above. Grantees may apply for and receive a waiver of the overall matching requirements under 45 CFR section 2521.70 (Pub. L. No. 110-161, Division G, Section 407).
- d. Matching requirements do not apply to fixed-amount grants and Education Award Only program grants (42 USC 12581(l)(4) and 12581a(c)).

**2.1 Level of Effort – Maintenance of Effort – Not Applicable.**

**2.2 Level of Effort – Supplement Not Supplant**

Funds provided by CNCS must be used to supplement the level of State and local public funds expended for services of the type being assisted in the previous fiscal year. This requirement is satisfied if the aggregate expenditure for a particular program for the fiscal year in which services are to be provided will not be less than the aggregate expenditure for the program in the previous fiscal year, excluding the amount of Federal assistance provided and any other amounts used to pay the remainder of the costs of AmeriCorps programs (42 USC 12633).

**3. Earmarking**

No more than five percent of assistance provided by the CNCS can be used for the combined administrative expenses of the grantee and its subgrantees (42 USC 12571(d); 45 CFR sections 2521.30(h) and 2540.110). Limitations on administrative costs do not apply to fixed-amount grants and Education Award Only program grants (42 USC 12581(l)(4) and 12581a(c)).

**L. Reporting**

**1. Financial Reporting**

- a. SF-270, *Request for Advance or Reimbursement* – Not Applicable
- b. SF-271, *Outlay Report and Request for Reimbursement for Construction Programs* – Not Applicable
- c. SF-425, *Federal Financial Report* – Applicable

2. **Performance Reporting** – Not Applicable
3. **Special Reporting**

The following form is submitted electronically to CNCS for each AmeriCorps member and is used by CNCS to support the member's eligibility for a post-service education benefit. A roster of members enrolled/completed during the period should be obtained from CNCS to ensure that the universe of forms submitted, as provided by the entity, is complete. Rosters may be obtained by contacting the CNCS Director of Trust Operations at (202) 606-7546

*National Service Enrollment Form (OMB No. 3045-0006)* – This form is used by the CNCS to enroll participants in the National Service Trust. Enrollment is the process through which a grantee notifies CNCS that it has selected an individual to serve as an AmeriCorps member who may be eligible to receive a post-service education benefit upon successful completion of the individual's term of service.

*Key Line Items* – The following line item contains critical information:

Part 3 – *AmeriCorps member enrollment information.*

## **CORPORATION FOR NATIONAL AND COMMUNITY SERVICE**

### **CFDA 94.011 FOSTER GRANDPARENT PROGRAM CFDA 94.016 SENIOR COMPANION PROGRAM**

#### **I. PROGRAM OBJECTIVES**

Foster Grandparent Program grants are awarded to allow participants to serve as mentors, tutors, and supportive adults to children and youth with special or exceptional needs or circumstances identified as limiting their academic, social, or emotional development. Foster Grandparents serve in community organizations such as schools, Head Start programs, and youth centers.

Senior Companion Program grants are awarded to allow participants to provide assistance and friendship to older persons with special needs who are homebound and usually living alone. By taking care of simple chores, providing transportation to medical appointments, and offering contact to the outside world, Senior Companions often provide the essential services that keep older persons from having to enter nursing homes. They also assume the duties of informal caretakers for short periods of time to give the caretakers a respite from their duties.

#### **II. PROGRAM PROCEDURES**

The Corporation for National and Community Service (CNCS) awards Foster Grandparent Program grants and Senior Companion Program grants only to State and local public agencies, private nonprofit organizations, and Indian tribes that have the capability to administer such grants. These sponsors are legally responsible for all programmatic and fiscal aspects of the project, and may not delegate or contract this responsibility to another entity. Consequently, the program has no subrecipients (42 USC 5011(a) and 5013(a); 45 CFR sections 2551.22 and 2552.22).

In both programs, participants age 55 and older (or 60 and older prior to October 1, 2009) serve from 15 to 40 hours per week and, if they meet income eligibility requirements, receive small non-taxable cash stipends and other direct benefits to help offset the costs of serving. In addition, participants who do not meet the income eligibility requirements may serve as non-stipended Foster Grandparents or Senior Companions. Those participants receive all direct benefits, other than the stipend, to offset the costs of serving (42 USC 5011(a) and (d) and 5013(a) and (b); 45 CFR part 2551, subpart J and 45 CFR part 2552, subpart J).

Prospective sponsors submit applications to CNCS for Foster Grandparent or Senior Companion grants, and CNCS reviews them and makes final funding decisions (45 CFR sections 2551.91 and 2552.91).

#### **Source of Governing Requirements**

These programs are authorized under the Domestic Volunteer Service Act of 1973, Title II (42 USC 5000 *et seq.*) and their implementing regulations found in 45 CFR parts 2551 and 2552.

### III. COMPLIANCE REQUIREMENTS

**In developing the audit procedures to test compliance with the requirements for a Federal program, the auditor should first look to Part 2, Matrix of Compliance Requirements, to identify which of the 12 types of compliance requirements described in Part 3 are applicable and then look to Parts 3 and 4 for the details of the requirements.**

#### A. Activities Allowed or Unallowed

1. Grant funds may be used for stipends for participants who meet income levels set by CNCS (42 USC 5011(a) and (d) and 5013(a) and (b); 45 CFR sections 2551.43 and 2551.44 and 2552.43 and 2552.44).
2. Grant funds can also be used for other direct benefits for stipended Foster Grandparents and Senior Companions, such as transportation costs; physical examinations; accident, liability, and excess automobile insurance covering participants during their volunteer activities; meals; and costs for recognition of participants' volunteer efforts. Grant funds are also available for budgeted amounts of staff, office space, staff travel, and other administrative costs of the organization sponsoring the program (42 USC 5011(a) and (d) and 5013(a) and (b); 45 CFR sections 2551.46 and 2552.46).
3. No Federal or required non-Federal funds can be used to pay any costs, including direct benefits or administrative costs, associated with non-stipended Foster Grandparents and Senior Companions (42 USC 5011(f)(4) and 5013(b); 45 CFR sections 2551.104 and 2552.104).
4. Foster Grandparent and Senior Companions grant funds may not be used to influence the outcome of any election to public office, to facilitate voter registration, or to provide voters or prospective voters with transportation to the polls. Grant funds may not be used by the non-Federal entity in any activity for the purpose of influencing the passage or defeat of legislation or proposals by initiative petition, except (a) when a legislative body or committee requests a program sponsor or participant to draft, review or testify regarding measures or make representations to the legislative body or committee, or (b) in connection with an authorization or appropriations measure directly affecting the operation of the Foster Grandparent Program and/or Senior Companion Program (42 USC 5043(c); 45 CFR sections 2551.121 and 2552.121).
5. No Foster Grandparent or Senior Companion grant funds shall be directly or indirectly used to finance labor union or anti-labor union organization or related activity (42 USC 5044(d); 45 CFR sections 2551.121(d) and 2552.121(d)).

## E. Eligibility

### 1. Eligibility for Individuals

- a. To be eligible to be paid a stipend, Foster Grandparents and Senior Companions must be at least 55 years old (or at least 60 years old prior to October 1, 2009); meet income guidelines; and be physically, mentally, and emotionally capable of serving on a person-to-person basis. Income eligibility is based on the applicant's total annual income (including the total annual income of the applicant's spouse), less allowable medical expenses. Effective October 1, 2009, to be income-eligible, an applicant's income must fall at or below 200 percent of the poverty level as annually established by the Department of Health and Human Services for the State in which he or she resides.

The annual income eligibility levels for all areas are available at Senior Corps website (<http://www.seniorcorps.gov/>) under "Manage Current Grants" and from CNCS State Offices or the National Senior Service Corps at the CNCS headquarters at (202) 606-5000. Stipends for Foster Grandparents and Senior Companions are \$2.65 per hour effective April 1, 2002. This may be increased by CNCS from time to time. Current information on the amount of the hourly stipend is also available from the CNCS State Offices or from the National Senior Service Corps at the CNCS headquarters (42 USC 5011 and 5013; 45 CFR sections 2551.41 through 2551.44 and 2552.41 through 2552.44).

Foster Grandparents and Senior Companion programs may enroll persons who are at least 55 years old (or at least 60 years old prior to October 1, 2009), but who do not meet the income guidelines as non-stipended Foster Grandparents or Senior Companions (45 CFR part 2551, subpart J and 45 CFR part 2552, subpart J).

- b. *National Service Criminal History Checks*

- (1) ***Individuals who started work or began service before November 23, 2007***

- (a) Unless the grantee has written approval from CNCS for an alternative search procedure, a compliant National Service Criminal History Check for an individual in a covered position consists of a check of the National Sex Offender Public Website (NSOPW) conducted and completed before November 23, 2007. An individual continuing to serve after January 1, 2013 must have self-certified that he or she has not been convicted of murder, as defined in 18 USC 1111. Individuals in covered positions are Foster Grandparents, Senior Companions, or CNCS grant-funded

staff who, on a recurring basis, have access to children age 17 or younger, persons age 60 and older, or individuals with disabilities.

- (b) An individual in a covered position is ineligible to serve or work if the individual is registered or required to be registered on a State sex offender registry, refuses to consent to a criminal registry check, or who makes a false statement in connection with a grantee's inquiry concerning the individual's criminal history. Grantees may have adopted other disqualifying offenses.

(45 CFR sections 2551.26 through 2551.32, 2551.42, 2552.26 through 2552.32, and 2552.42; 72 FR 48574, August 24, 2007; 77 FR 60922, October 5 2012)

(2) ***Individuals who started work or began service between November 23, 2007 and September 30, 2009***

- (a) Unless the grantee has written approval from CNCS for an alternative search procedure, a compliant National Service Criminal History Check for an individual in a covered position consists of a check of (i) the NSOPW conducted before the individual begins work or starts service, and (ii) either a State criminal registry check(s) (for State of residence and State of service) or a fingerprint-based FBI criminal history check. Individuals in covered positions are Foster Grandparents, Senior Companions, or CNCS grant-funded staff who, on a recurring basis, had access to children age 17 or younger, persons ages 60 and older, or individuals with disabilities.
- (b) An individual in a covered position is ineligible to serve or work if the individual is registered or required to be registered on a State sex offender registry, refuses to consent to a criminal registry check, or who makes a false statement in connection with a grantee's inquiry concerning the individual's criminal history. Grantees may have adopted other disqualifying offenses.

(45 CFR sections 2551.26 through 2551.32 and 2551.42; 45 CFR sections 2552.26 through 2552.32 and 2552.42; 72 FR 48574, August 24, 2007)

(3) ***Individuals who started work or began service between October 1, 2009 and April 20, 2011***

- (a) Unless the grantee has written approval from CNCS for an alternative search procedure, a compliant National Service Criminal History Check consists of a check of (i) the NSOPW conducted before the individual begins work or starts service, and (ii) either a State criminal registry check(s) (for State of residence and State of service) or a fingerprint-based FBI criminal history check. Individuals in covered positions are Foster Grandparents, Senior Companions, or CNCS grant-funded staff who receive a grant-funded living allowance, stipend, education award, or salary.
- (b) An individual in a covered position is ineligible to serve or work if the individual (i) is registered or required to be registered on a sex offender registry; (ii) has been convicted of murder, as defined by 18 USC 1111; (iii) refuses to consent to a criminal registry check; or (iv) who makes a false statement in connection with a grantee's inquiry concerning the individual's criminal history. Grantees may have adopted other disqualifying offenses.

(42 USC 12645g; 45 CFR sections 2522.205 through .207; 45 CFR sections 2540.200 through .207; 45 CFR section 2551.42; 45 CFR section 2552.42; 74 FR 46495, September 10, 2009)

(4) ***Individuals who started work or began service on or after April 21, 2011 and who vacate their work or service position prior to January 1, 2013***

- (a) Unless the grantee has written approval from CNCS for an alternative search procedure, a compliant National Service Criminal History Check for an individual in a covered position consists of a check of (i) the NSOPW conducted before the individual begins work or starts service, and (ii) either a State criminal registry check(s) (for State of residence and State of service) or a fingerprint-based FBI criminal history check. Individuals in covered positions are Foster Grandparents, Senior Companions, or CNCS grant-funded staff who receive a grant-funded living allowance, stipend, education award, or salary.

For individuals who will be 18 years old or older at any time during their term of service and who serve in a covered position that will involve recurring access to (i) children age 17 years or younger, (ii) individuals age 60 years or older, or (iii) individuals with disabilities, the individual in the covered position must be accompanied by another individual who is authorized to have recurring access to these vulnerable populations or until the State or FBI component has cleared.

- (b) An individual in a covered position is ineligible to serve or work if the individual (i) is registered or required to be registered on a sex offender registry; (ii) has been convicted of murder, as defined by 18 USC 1111; (iii) refuses to consent to a criminal registry check; or (iv) makes a false statement in connection with a grantee's inquiry concerning the individual's criminal history. Grantees may have adopted other disqualifying offenses.

(42 USC 12645g; 45 CFR sections 2522.205 through .207; 45 CFR sections 2540.200 through .207; 45 CFR section 2551.42; 45 CFR section 2552.42; 74 FR 46495, September 10, 2009; 77 FR 60922, October 5, 2012)

(5) ***Individuals who started work or began service on or after April 21, 2011 and who continue to serve or work after January 1, 2013***

- (a) *Requirements for individuals who do not have recurring access to vulnerable populations:* Unless the grantee has written approval from CNCS for an alternative search procedure, a compliant National Service Criminal History Check for an individual in a covered position consists of (i) a nationwide name-based search of NSOPW conducted before the individual begins work or starts service, and (ii) either (A) a name- or fingerprint-based search of the official State criminal history registry for the State in which the individual in a covered position will be primarily serving or working and for the State in which the individual resides at the time of application; or (B) a fingerprint-based FBI national criminal history background check.

- (b) *Requirements for individuals who have recurring access to vulnerable populations:* Unless the grantee has written approval from CNCS for an alternative search procedure, for individuals who will be 18 years old or older at any time during their term of service; and who serve in a covered position that will involve recurring access to children age 17 years or younger, to individuals age 60 years or older, or to individuals with disabilities, a compliant National Service Criminal History Check consists of: (i) a nationwide name-based search of the NSOPW conducted before the individual begins work or starts service; (ii) a name- or fingerprint-based search of the official State criminal history registry for the State in which the individual in a covered position will be primarily serving or working and for the State in which the individual resides at the time of application; and (iii) a fingerprint-based FBI national criminal history background check.
- (c) While the National Service Criminal History Check components above are required for individuals who were hired or began service on or after April 21, 2011 and who will be 18 years old or older at any time during their term of service and who serve in a covered position that will involve recurring access to a vulnerable population, the State or FBI criminal history registry component, whichever was not previously conducted, must be initiated by December 31, 2012.
- (d) Until December 31, 2012, the components required are (i) a nationwide name-based search of the NSOPW conducted before the individual begins work or starts service, and (ii) either (A) a name- or fingerprint-based search of the official State criminal history registry for the State in which the individual in a covered position will be primarily serving or working and for the State in which the individual resides at the time of application; or (B) a fingerprint-based FBI national criminal history background check. This is the case as long as the individual in the covered position is accompanied by another individual who is authorized to have recurring access to these vulnerable populations or until the State or FBI component has cleared.
- (e) On or after January 1, 2013, the individual in a covered position must be accompanied until the results of all Check components have cleared.

- (f) An individual in a covered position is ineligible to serve or work if the individual (i) is registered or required to be registered on a sex offender registry; (ii) has been convicted of murder, as defined by 18 USC 1111; (iii) refuses to consent to a criminal registry check; or (iv) makes a false statement in connection with a grantee's inquiry concerning the individual's criminal history. Grantees may have adopted other disqualifying offenses.

For purposes of this paragraph III.E.1.b(5), individuals in covered positions are Foster Grandparents, Senior Companions, or CNCS grant-funded staff who receive a grant-funded living allowance, stipend, education award, or salary.

(42 USC 12645g; 45 CFR sections 2540.200 through.207; 45 CFR 2551.23; 45 CFR 45 2552.23; 77 FR 60922, October 5, 2012)

2. **Eligibility for Group of Individuals or Area of Service Delivery** – Not Applicable
3. **Eligibility for Subrecipients** – Not Applicable

## **G. Matching, Level of Effort, Earmarking**

### **1. Matching**

The non-Federal entity is required to contribute at least 10 percent of the total cost of a project from non-Federal sources or authorized Federal sources, unless the Notice of Grant Award specifies a lower percentage (42 USC 5011(a) and 5013(a); 45 CFR sections 2551.92(a) and 2552.92(a)).

### **2. Level of Effort** - Not Applicable

### **3. Earmarking**

An amount equal to at least 80 percent of the Federal share of a Foster Grandparent or Senior Companion program grant must be used for stipend and other direct benefits for Foster Grandparents or Senior Companions, unless the Notice of Grant Award specifies a different percentage. Direct benefits for Foster Grandparents and Senior Companions include stipends, insurance, transportation, meals, physical examinations, recognition, and uniforms, if necessary (45 CFR sections 2551.92(e) and 2552.92(e)).

## **L. Reporting**

### **1. Financial Reporting**

- a. *SF-270, Request for Advance or Reimbursement* – Applicable

- b. SF-271, *Outlay Report and Request for Reimbursement for Construction Programs* – Not Applicable
  - c. SF-425, *Federal Financial Report* – Applicable
- 2. **Performance Reporting** – Not Applicable
  - 3. **Special Reporting** – Not Applicable