



# National Service Criminal History Check (NSCHC) Manual

Effective May 1, 2021

(Updated January 26, 2022)

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## Change Log

This table lists all the changes made in the most recent revision of this document. See Previous Change Logs, found on <https://americorps.gov/grantees-sponsors/history-check>, for a full list of changes.

#	Date	Section and Page #	Change
16	5/1/21	Throughout	Links updated to reflect new site: <a href="https://americorps.gov/grantees-sponsors/history-check">https://americorps.gov/grantees-sponsors/history-check</a>
17	5/13/21	Throughout	Previous Change log moved to external document
18	5/13/21	Throughout	Links updated to reflect regulations: <a href="https://ecfr.federalregister.gov/current/title-45/subtitle-B/chapter-XXV/part-2540/subpart-B">https://ecfr.federalregister.gov/current/title-45/subtitle-B/chapter-XXV/part-2540/subpart-B</a>
19	6/29/21	Appendix A: National Fingerprint File States Pre-Approved Waiver	NFF Pre-approved waiver was updated to reflect that Vermont participates in the NFF.
20	8/31/21	Appendix A: National Fingerprint File States Pre-Approved Waiver	NFF Pre-approved waiver was updated to reflect that Connecticut participates in the NFF.
21	10/15/21	Appendix A: National Fingerprint File States Pre-Approved Waiver	NFF Pre-approved waiver was updated to reflect that Michigan participates in the NFF.
22	1/26/22	NSCHC Check Components	Incorporated guidance on unreadable fingerprints and possibility of name-based FBI checks.
23	1/26/22	NSCHC Waiver	Clarified NSCHC waivers, including examples of waiver parameters.
24	1/26/22	Monitoring and Enforcement	Section renamed from Enforcement.  Identification of Noncompliance subsection moved up from Guide to Enforcement Actions and Remedies section and renamed Monitoring for Compliance. Clarified parameters for expansion of scope.
25	1/26/22	Administrative Remedies and Enforcement for Noncompliance	Cost-based disallowance: added reference to Awardee Guide NSCHC Enforcement of Cost-Based Disallowance for further guidance on cost-based disallowance.  Clarified that disallowed costs are based on actual expenditures.  Required Use of AmeriCorps Approved Contract with Truescreen and Fieldprint subsection moved

			up from Other Administrative Remedies table. Clarified vendor requirement in most cases.
26	1/26/22	Guide to Enforcement Actions and Remedies	Clarified expectation of prime grantees to implement cost-based disallowance for NSCHC noncompliance of subrecipients.  Nature of Noncompliance table: reordered enforcement actions to reflect level of escalation. Clarified possibility of rechecks in vendors, as applicable.
27	1/26/22	Appendix A: Use of Truescreen for NSOPW and/or State Checks	Use of Truescreen Pre-approved waiver was updated to include New Hampshire.

## National Service Criminal History Checks (NSCHC)

The NSCHC is a screening procedure established by law to protect the beneficiaries of national service. NSCHCs have three components:

- A nationwide name-based check of the National Sex Offender Public Website (NSOPW). The NSOPW (<https://www.nsopw.gov/>) is a centralized system that identifies people who are registered as sex offenders in states, territories, and with many federally recognized Tribes,
- A name- or fingerprint-based search of the statewide criminal history registry in the candidate's state of residence and in the state where the person will serve or work, and
- A fingerprint-based FBI check

NSCHC requirements are baseline screening procedures. Organizations should institute a holistic framework for safeguarding beneficiaries of service.

Safeguarding beneficiaries involves more than screening for criminal history. It includes taking additional actions to ensure the health and safety of beneficiaries, such as having clear guidelines on interactions between individuals, policies, and procedures on appropriate behavior and how to respond to noncompliance with those policies.

## Grant Recipients or Subrecipients Required to Comply with NSCHC

Organizations that receive one of the following grants, as a recipient or subrecipient, must conduct NSCHCs:

- Operational grants provided by AmeriCorps State and National
- Foster Grandparent Program Grants
- Retired Senior Volunteer Program Grants
- Senior Companion Program Grants
- Senior Demonstration Program Grants that receive funding from AmeriCorps
- Martin Luther King, Jr. Day of Service Grants
- September 11<sup>th</sup> Day of Service Grants
- Social Innovation Fund Grants
- Volunteer Generation Fund Grants
- AmeriCorps VISTA Program Grants
- AmeriCorps VISTA Support Grants

All grant program provisions, laws and regulations, including the requirement to perform the NSCHC, applies to any subrecipients or of grant recipients identified in the aforementioned list. This requirement applies no matter how large or small the dollar amount of the sub-award, or whether the costs are covered by AmeriCorps federal funds or, in the case of cost-reimbursement grants, non-federal matching funds.

## Individuals Required to Comply with NSCHC

The following individuals, who serve or work under a grant subject to NSCHC requirements, must have an NSCHC:

- AmeriCorps members serving in State and National programs
- AmeriCorps Seniors volunteers serving in the Foster Grandparent program who receive a stipend
- AmeriCorps Seniors volunteers serving in the Senior Companion program who receive a stipend
- Individuals in positions in which they will receive a salary, directly or reflected as match, under a cost reimbursement grant

## Individuals Exempt from NSCHC

The following individuals are exempt from NSCHC:

- Individuals who are under the age of 18 on the first day of work or service who serve on an NSCHC required grant.
- Individuals whose activity is entirely included in the grant recipient's indirect cost rate or cost allocation plan.

AmeriCorps Seniors volunteers serving in the RSVP program and AmeriCorps members serving in the VISTA program are not required to comply with NSCHC. AmeriCorps members serving in the VISTA program will undergo a separate criminal history check process managed by the AmeriCorps VISTA program. Grant recipients may choose to conduct criminal history checks on AmeriCorps Seniors volunteers serving in the RSVP program.

**Contractors:** In most cases, contractors are not covered by NSCHC.

AmeriCorps applies the NSCHC requirements based on the legal distinctions between subawards (also known as subgrants) and contracts as defined in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. See [2 C.F.R. § 200.2](#). Organizations may colloquially refer to subawards as contracts.

However, the two are legally distinct and the NSCHC requirements apply to subawards, not contracts. Guidance on how to determine whether you have entered into a subaward or a contract with another entity is available at [2 C.F.R. § 200.331](#), "Subrecipient and contractor determinations."

*Subaward:* The NSCHC requirement does apply to individuals who work or serve under subawards, as defined under [2 C.F.R. § 200.2](#). This is because subrecipients are responsible for adherence to applicable Federal requirements specified in the original federal award, as stated in [2 C.F.R. § 200.331\(a\)\(4\)](#).

*Contractor:* The NSCHC requirement does not apply to individuals who provide services under a contract, as defined under [2 C.F.R. § 200.2](#). If your organization enters into a contract with an entity to provide services, the NSCHC requirements do not apply to the contractor because payments made by your organization to the contractor are not grant-funded living allowances, stipends, or salaries.

If the services for which you contracted involve ongoing contact between contractor personnel and service beneficiaries, then even though the specific requirements of the NSCHC do not apply to those contract personnel, AmeriCorps strongly recommends that your organization use prudent and reasonable screening procedures of contractor personnel to protect service beneficiaries from the risk of harm. You may obtain free and

immediate results of a sex offender search through <https://www.nsopw.gov/>. The costs of additional screening for contractors with ongoing contact with service beneficiaries are allowable grant costs.

Please note that this guidance only clarifies existing rules related to the NSCHC. It does not authorize or change a recipient's ability to subaward or contract. By regulation, AmeriCorps Seniors recipients are prohibited from making subawards or from contracting out project management requirements necessary to accomplish the purposes of the grant, as described in 45 C.F.R. [§ 2551.22](#), [2552.22](#), and [2553.22](#). Social Innovation Fund subrecipients may not make further subawards.

## Individuals Deemed Ineligible Due to NSCHC

Under the regulation and statute, an individual is ineligible to serve or work on an AmeriCorps grant if they:

- refuse to consent to NSCHC;
- make a false statement in connection with NSCHC;
- is registered, or is required to be registered, on a state sex offender registry or the National Sex Offender Registry; or
- has been convicted of murder, as defined in [18 U.S.C. 1111](#).

Grant recipients must maintain adequate documentation that the individual has consented to NSCHC and understands that selection into the program is contingent upon the organizations' review of the individuals NSCHC component results, if any. An organization's policy should describe actions required to inform an individual of their rights related to NSCHC, as well as privacy practices to ensure confidentiality of any information related to NSCHC, consistent with the authorization provided by the applicant.

If the applicant is found to be ineligible because of NSCHC component results, grant recipients must provide a reasonable opportunity for the individual to review and challenge the factual accuracy of the results before action is taken to exclude the individual from the position.

### Suitability

Suitability is determined by the grant recipients and subrecipients, or service sites. An individual may be eligible to work or serve in a position under the NSCHC regulation, but a grant recipient, subrecipient, or service site may determine that an individual is not suitable to work or serve in such a position based on criteria that the grant recipient or subrecipient or service site establishes.

The suitability criteria must be consistent with state and federal Civil Rights and nondiscrimination laws, including [Titles VI and VII of the Civil Rights Act of 1964](#) (and [AmeriCorps' implementing regulations under Title VI](#)). Additional screening criteria should be clearly described and adhered to within grant recipient and subrecipient or service site policy.

**Arrests vs. Convictions:** The requirements do not disqualify applicants on the basis of arrest. In certain states, there are legal constraints on how an arrest record may be considered, and some statewide criminal repositories do not include arrest information in the records they release. Recipients should recognize that they have a dual status under the Civil Rights Act of 1964, depending on the nature of their relationship with a candidate.

Grant recipients, because they get federal financial assistance, must comply with the Civil Rights Act of 1964 and its implementing regulation. These regulations prohibit discrimination, including selection and placement of volunteers and members, on the basis of race, color, and national origin, in AmeriCorps-funded programs and activities. And as employers, recipients must also comply with [VII of the Civil Rights Act of 1964](#), which prohibits discrimination in employment decisions. The Equal Employment Opportunity Commission (EEOC) has issued [guidance](#) explaining when consideration of arrest and conviction records violates Title VII. In addition, grant recipients must comply with the nondiscrimination provisions of the NCSA and the regulations at [45 CFR §2540.210](#).

As the EEOC guidance outlines, recipients should be mindful that arrests alone are mere allegations, and that actual criminal convictions, or actual evidence of conduct underlying an arrest, are the relevant indicators of a person's suitability, or in some cases, eligibility, to serve with, or work for, an AmeriCorps grant recipient. Recipients should make sure that their screening practices are narrowly tailored in a manner that complies with these federal nondiscrimination requirements, in addition to applicable state laws governing the consideration of criminal history records.

**Non-disqualifying Convictions:** If the NSCHC returns results other than those above, the recipient has the discretion – subject to any federal civil rights law and state law requirements – to decide if the results of a criminal history background check disqualify a candidate from service. Recipients should consider the factors set forth in the [EEOC's guidance under Title VII](#), including the nature and gravity of the offense, the time that has passed since the conviction or completion of the sentence, and the nature of the position. Recipients should have written policies on their disqualification criteria and be consistent in how those criteria are applied.

Additionally, organizations must use national service criminal history check results in combination with other information obtained through the grant recipient's selection process to make an informed choice before selecting an individual for work or service. Recipients should maintain documentation of the evidence used in making suitability determinations for individuals with non-disqualifying convictions.



Grant recipients should be aware of federal reentry policy, which aims, among other goals, to reduce post prison barriers to employment. Participation in national service programs funded by AmeriCorps could help people who have been in prison successfully re-enter society. Therefore, we encourage agencies to minimize barriers to service – without putting their program beneficiaries at genuine risk – for former prisoners who are eligible under the law.

## False statements under NSCHC

A false statement in connection with NSCHC is made when an individual intentionally provides false information required to conduct national service criminal history check components found at section [45 CFR §2540.205](#). This would arise when an individual intentionally provides the following to conduct the components of the NSCHC:

- A false name,
- A government-issued identification belonging to another person,
- A false identification, or
- Fingerprints of another individual.

The intentionally false statements, as listed above regarding information required to conduct NSCHC components found at [42 USC 12645g\(b\)](#), render an individual ineligible to serve under [42 USC 12645g\(c\)](#).

As reminder, suitability criteria independent of the NSCHC ineligibility criteria may be established by recipients and subrecipients or service sites, subject to any federal civil rights law and state law requirements.

**Considerations Around Grantee-mandated Disqualification Determinations:** In cases where individuals provide false information requested for a grantee-mandated disqualification determination, grant recipients have discretion in how to deal with the situation, again consistent with federal civil rights law and state law requirements. Grantee-mandated disqualification determinations, and false statements related to such determinations, have no effect on an individual's eligibility under the statute.

## NSCHC Check Components

NSCHC check components include three distinct components:

- a nationwide check of the National Sex Offender Public website through [www.NSOPW.gov](http://www.NSOPW.gov);
- a check of the state criminal history record repository or agency-designated alternative for the individual's state of residence and state of service; and

- a fingerprint-based check<sup>1</sup> of the FBI criminal history record database through the state criminal history record repository or agency-approved vendor.

## State of Residence

NSCHC regulations require organizations to search (by name or fingerprint) the state criminal history record repository.

The state where a candidate “resides” is the location the individual identifies as their place of residence at the moment in time they applied to serve or work.

There is no measure of how long the individual has resided at a location that a program is required to validate to establish the correct state of residence – even a single day as a resident would meet the test for where an individual has made a home.

**College Students:** For the purpose of AmeriCorps requirements, an individual applying to serve or work who is enrolled as a full-time college student is deemed to be residing in the state where they live for the purpose of attending the school without regards to whether or not that home is on- or off-campus, and whether or not that home is in the same state as the college is located.

The state to check does not change because a student is on semester or summer breaks or temporarily residing elsewhere. There is no test needed to measure duration of residence while attending school.

Programs may not opt to use any other basis for identifying the student's state of residence, e.g., such as the student's family home.

**Foreign Residents:** For those living abroad, the individual's last state of residence in the United States, as well as the state where the program operates, must be checked. If the individual never lived in the United States, then only the state where they will be serving is required to be checked. Programs are also strongly encouraged to perform additional checks, including making contact with appropriate sources in other countries, whenever possible.

**Documentation:** While AmeriCorps does not dictate specifics with regard to documentation for establishing state of residence, programs must ensure that the totality of information is accurate and logical. For example, when a government-issued ID address does not match the indicated state of residence address, programs should document the reason for the variance. Programs should have clear, written policies and

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<sup>1</sup> It is possible for FBI checks to be conducted as name-based checks in certain circumstances. See Unreadable Fingerprints for FBI Checks, below.

procedures establishing protocol for discerning state of residence for all covered individuals.

## Unreadable Fingerprints for FBI Checks

The required FBI check is a fingerprint-based check. However, it is possible that an individual's fingerprints may be unreadable and rejected by the check source.

If using the state criminal history repository to conduct the FBI check, grantees should follow the repository's protocols for handling rejected fingerprints. This may consist of conducting a name-based check of FBI records. Grantees must maintain documentation of the attempts to obtain the check, the rejection notifications, any state repository protocol guidance regarding unreadable fingerprints, and, if applicable, documentation that a name-based FBI check was conducted with the individual's other NSCHC files as grant records.

If using Fieldprint to conduct the FBI check, Fieldprint will automatically initiate a name-based check with the FBI after two separate sets of fingerprints are rejected. Grantees should maintain documentation of the rejection notification and name-based search (listed in the case's activity log in Fieldprint) with the individual's other NSCHC files as grant records.

Regardless of the source used, if the unreadable fingerprints necessitate the FBI check be name-based, the Name-based Checks guidance applies as described below.

## Conducting the NSCHC

NSCHCs can be conducted in the following ways:

**NSOPW checks:** Use the agency approved vendor (Truescreen) or go directly to [www.NSOPW.gov](http://www.NSOPW.gov).

**State of Residence and State of Service checks:** Use the agency approved vendor (Truescreen) or go directly to the appropriate state criminal history repository or AmeriCorps approved alternative statewide source.

**FBI checks:** Use the agency approved vendor (Fieldprint) or go directly to the appropriate state criminal history repository or AmeriCorps approved alternative statewide source. Please note: the FBI authorizes Fieldprint to conduct FBI checks only for those who are required to comply with NSCHC.

An organization's written procedures should specify the AmeriCorps approved sources to be used for conducting the required checks and the actions required to conduct the required checks using each approved source, including how to document adherence with NSCHC timing requirements. One way for grant recipients or subrecipients to obtain

and document the required components of the NSCHC is through the use of agency-approved vendors.

For information on how to conduct agency approved vendor checks see the [Using Fieldprint and Truescreen Manual under the How to Conduct NSCHC header](#).

For information on how to conduct NSOPW/state repository checks see the [Using NSOPW and State Repositories Manual under the How to Conduct NSCHC header](#).

## Name-based Checks

AmeriCorps expects that grant recipient staff will undertake reasonable due diligence to determine the current first and last name to conduct name-based checks. It is prudent, but not required, to check any other names that the person has used or is/was known by.

Use of the first name and last name reflected on the following sources is acceptable:

- First and last name reflected on a signed Employee's Withholding Certificate W-4 form
- First and last name reflected on a signed USCIS Employment Eligibility Verification I-9 form
- First and last name reflected on any document on the USCIS Form I-9's List of acceptable documents
- First and last name reflected on benefit or income documentation from SSA, including but not limited to Social Security Benefit statement, SSA-1099, Supplemental Security Income (SSI) documentation, Social Security Disability Insurance (SSDI) documentation

If the individual provides grant recipients with documents that reflect different names, the grant recipient should obtain additional information from the individual to determine the first and last name of the applicant that will obtain the most accurate criminal history records. The process to reconcile documentation reflecting different names to determine the first and last name to be used on a name-based check should be recorded in the grant recipients' policies and procedures and any additional documentation should be maintained as grant records.

## NSCHC Timing

The NSCHC must be conducted, reviewed, and an eligibility determination made by the grant recipient or subrecipient based on the results of the NSCHC no later than the day before a person begins to work or serve on a NSCHC-required grant.

Work or service hours include AmeriCorps funded orientation and training activities.

## Break in Service

If a person serves consecutive terms of service with the same organization and has a break in service longer than 180 calendar days, then an additional NSCHC is required. A break in service means that a person is no longer providing service through or receiving salary from a recipient or subrecipient. Temporary interruption of work or service without termination of employment or expiration of the agreement under which service is being provided is not a break in service.

It is not necessary to redo the NSCHC for individuals who serve consecutive terms of service with the same organization if the break in service or work is less than 180 calendar days and the original NSCHC checks are compliant.

However, if the person turns 18 before the start of the subsequent term of service, NSCHC is required prior to the individual beginning a subsequent term of work or service.

It is a best practice to document any break in service and retain that documentation as a grant record. For example, if an AmeriCorps Seniors volunteer who receives a stipend has run out of leave and is on leave without pay, the grant recipient should maintain documentation to show that the person is on leave status rather than terminated from the program.

## Changing National Service Programs

When someone leaves one national service grant program and begins serving or working in different grant program, the grant program receiving the employee or participant must conduct a new NSCHC, even if there has been no break in service.

However, if an individual moves from one position to another position within the same organization and there has not been a break in service that is longer than 180 calendar days, a recheck is not needed.

## NSCHC Documentation

The grant recipient must maintain adequate documentation of their NSCHC **process and practices** as well as documentation of individual NSCHC grant records.

- Evidence of adopted NSCHC Policies and Procedures
  - Describes how grant recipient will address all NSCHC requirements, including the AmeriCorps approved sources to be used for conducting NSCHC and practices for documenting adherence to NSCHC eligibility determination and timing requirements
  - Describes practices for protecting information related to NSCHC. Grant recipients must take reasonable steps to protect the confidentiality of any

information relating to the criminal history check, consistent with authorization provided by the applicant.

- Describes adopted procedures for informing individuals of their rights related to NSCHC and how NSCHC results will be used by the program
- Where applicable, describes process for monitoring NSCHC of sub-recipients and/or service locations
- Describes how notice is provided to an individual that selection into the program is contingent upon the organization's review of the individual's NSCHC component results, if any; and
- Describes how the program complies with the requirements to provide a reasonable opportunity for the individual to review and challenge the factual accuracy of the result before action is taken to exclude the candidate from the position
- Describes how the program ensures that any applicant seeking to serve or work in a position that requires NSCHC is not charged for the cost of any component of a NSCHC, unless specifically approved by AmeriCorps.
- Evidence of required annual staff training by retaining certificate of completion of the AmeriCorps e-course training
  - Ensure staff retake the course prior to expiration of the certificate. Retain certificates of completion from each year as grant records.

The grant recipient must maintain adequate documentation of their NSCHC process and practices as well as documentation of **individual NSCHC grant records**.

- Evidence that all required components (NSOPW, State(s), and FBI checks) were completed and on file ([45 CFR §2540.206](#))
  - All required components (NSOPW, State(s), and FBI) were conducted on time ([45 CFR §2540.205](#)) and documentation reflects evidence of when checks were reviewed (adjudicated) and considered when making an eligibility determination
- All required components ((NSOPW, State(s), and FBI checks) were conducted through sources authorized by AmeriCorps ([45 CFR §2540.204](#)) and are consistent with the sources described in the grant recipient's adopted NSCHC policies and procedures
- Evidence that NSOPW results include searches from all States, Territories, and Indian Tribes ([45 CFR §2540.204](#))
- Evidence that First and Last Names used on name-based checks reflect the current name of the individual
  - Documents used to determine an individual's first and last name must be consistent with sources described in the grant recipient's adopted NSCHC policies and procedures. [Refer to agency guidance on name-based checks](#).
- Documentation of consent from the candidate to conduct State and FBI checks ([45 CFR §2540.206](#)) and of notice provided to the candidate that selection into the program is contingent upon the organization's review of the individual's NSCHC component results, if any ([45 CFR §2540.206](#));
- Documentation that the candidate is eligible to serve/work if a vendor returns a

“do not recommend” result for the candidate ([45 CFR §2540.206](#))

- NOTE: A vendor's adjudication recommendation not to "recommend" the candidate indicates that the selecting organization needs more information before it can make a final determination as to the fitness of the individual to work or serve. It does not mean that an individual is ineligible for work or service.
- Grant recipients must maintain adequate documentation of the process implemented to make an eligibility determination and may include a contemporaneously dated memo to the file documenting determination of the individual's eligibility.

Please note that many documentation requirements are obtained and maintained by agency approved vendors. More information on agency approved vendor usage can be found in the [Using Fieldprint and Truescreen Manual](#).

## NSCHC Grant Costs

Applicants seeking to serve or work in a position that requires NSCHC may not be charged for the cost of any component of a National Service Criminal History Check.

## NSCHC Waiver

If the grant recipient or subrecipient is unable to abide by the NSCHC rule, the agency can waive requirements for good cause or any other lawful basis. Contact [NSCHCWaiverRequest@cns.gov](mailto:NSCHCWaiverRequest@cns.gov) for a waiver request form and more information.

Note that waivers are granted on an individual or a time-limited basis, and waivers are not retroactive. Grant recipients should evaluate and implement methods for completing all check components prior to the day an individual begins work or service. This includes incorporating check processing times and anticipating possible check processing delays of up to 30 days.

Grantees experiencing recurring delays or accessibility challenges that regularly impact an applicant's start date may consider requesting a waiver for such recurring challenges.

In rare circumstances of significant check processing delays that are outside the control of the grant recipient, grant recipients may request a waiver for an applicant impacted by such delays.

Additionally, waivers may only be requested by prime grantees; prime grantees may submit requests on behalf of a subrecipient.

## NSCHC Pre-Approved Waivers

Pre-Approved NSCHC Waivers are waivers that grant recipients can use without additional written approval from AmeriCorps. Grant recipients may use these Pre-Approved Waivers at any time, provided they abide by the conditions described below. However, AmeriCorps strongly encourages all grant recipients that intend to use a pre-approved NSCHC Waiver to first consult with their Portfolio Manager to ensure that they understand its requirements. Noncompliance with the NSCHC regulations or with the requirements of a pre-approved NSCHC Waiver may result in a financial impact for the grant recipient.

AmeriCorps may add or remove pre-approved NSCHC Waivers at any time. Maintaining awareness of current pre-approved NSCHC Waivers is the responsibility of grant recipients. Once revoked, an organization may no longer use a pre-approved NSCHC Waiver. When a pre-approved NSCHC Waiver is revoked, the Waiver does not apply to any individuals who begin work or service after the expiration date of the pre-approved NSCHC Waiver. The use of pre-approved NSCHC Waivers should be clearly described within NSCHC policies and procedures, including actions for maintaining awareness of the active AmeriCorps pre-approved NSCHC Waivers. [Refer to Appendix A for active Pre-Approved Waivers.](#)

## Monitoring and Enforcement

AmeriCorps will apply administrative enforcement related to findings of NSCHC noncompliance identified through oversight and monitoring of grant records, such as Payment Integrity Information Act (PIIA) sampling, formerly the Improper Payments Elimination and Recovery Improvement Act (IPERIA), compliance assessments conducted by the Office of Monitoring, and Office of Inspector General audits, reviews, or investigations.

This guidance does not change the legal requirements for the NSCHC, nor does it prevent AmeriCorps or AmeriCorps-OIG from pursuing other civil or criminal enforcement or preventive remedies available by law.

This guidance will be used by AmeriCorps monitoring officials. This guidance uses the term “monitoring officials” to collectively refer to this group of AmeriCorps individuals (excluding personnel of the Office of Inspector General) and the term “recipients” to refer to AmeriCorps prime grant recipients and subrecipients, unless specifically differentiated.

AmeriCorps will also refer and abide by this document in circumstances where grant recipients appeal determinations of NSCHC noncompliance.

This guidance is effective on May 1, 2021 for the following individuals:



- individuals who start service/work on NSCHC-required grants on May 1, 2021 or later and
- individuals who are serving/working on NSCHC-required grants as of May 1, 2021 and continue to serve/work on or after November 1, 2021.

Any NSCHC noncompliance for individuals who are serving/working on NSCHC-required grants as of May 1, 2021 and exit service/work before November 1, 2021 or exited service/work before May 1, 2021 must refer to the July 1, 2019 National Service Criminal History Check Guide to Enforcement Action for enforcement action.

**Ineligibility:** Ineligible individuals are barred from working or serving in a covered position on a grant-funded program. All costs associated with an ineligible individual will be disallowed. Costs include any salary/stipend/living allowance (as applicable), FICA, and education award. These requirements apply whether the associated costs were paid with Federal funds or with matching funds.

If AmeriCorps is made aware of an ineligible individual that the recipient failed to report, AmeriCorps may place the grant's funding on manual hold and/or take additional action.

AmeriCorps employees will, without delay, notify the Office of Inspector General, the Office of the Chief Risk Officer, and the Office of the General Counsel of suspected instances of ineligibility arising from disqualifying criminal histories.

## Monitoring for Compliance

AmeriCorps monitoring officials conducting NSCHC review will conduct a file review. For grant recipients with fewer than 25 individuals serving or working in covered positions during the period of assessment monitored, AmeriCorps monitoring officials will conduct a review consisting of 100% of these files. A period of assessment is the period of grant activity being reviewed for compliance, which is specified in advance by AmeriCorps or other reviewers.

For grant recipients with more than 25 individuals serving or working in covered positions, AmeriCorps monitoring officials conducting NSCHC review will conduct a review consisting of 25 files or 10% of the files for individuals working or serving in covered positions during the period of assessment monitored, whichever is greater. If an ineligible individual is detected within the review of sampled files for those who worked or served during the period of the assessment, additional files from the period being monitored will be reviewed, up to 100% of applicable files. In addition, AmeriCorps reserves the right to expand the scope of the review to additional files from the period being monitored in instances of egregious, pervasive, or systemic noncompliance, or where expansion of scope may support identifying the extent of noncompliance. AmeriCorps may direct the prime grant recipient, as applicable, to conduct the expanded scope review.

**NSCHC Records Compliance:** A compliant NSCHC record consists of the following elements:

- All required components (NSOPW, State(s), and FBI) were completed and on file ([45 CFR §2540.204](#));
- All required components (NSOPW, State(s), and FBI) were conducted on time ([45 CFR §2540.205](#));
- All required components (NSOPW, State(s), and FBI) were conducted through sources authorized by AmeriCorps ([45 CFR §2540.204](#));
- NSOPW is complete (all States, Territories, and participating Indian Tribes were reporting when the search was performed) ([45 CFR §2540.204](#));
- First and Last Name on name-based checks match the name as reflected in grant recipient policy and procedures
- NSOPW, State(s), FBI checks reviewed and an eligibility determination documented by the grantee (adjudicated) ([45 CFR §2540.205](#));
- Documentation of consent from the candidate to conduct State and FBI checks and share results ([45 CFR §2540.206](#));
- Documentation that notice is provided to individual that the national service position is contingent upon the organization's review of the individual's NSCHC component results, if any ([45 CFR §2540.206](#));
- Documentation that the program complies with the requirement to provide a reasonable opportunity for the individual to review and challenge the factual accuracy of the result before action is taken to exclude the candidate from the position ([45 CFR §2540.206](#));
- Documentation that the candidate is eligible to serve/work if a vendor check's adjudication recommendation does not endorse the candidate for service ([45 CFR §2540.205](#)).

## Administrative Remedies and Enforcement for Noncompliance

Noncompliance refers to a situation in which an individual in a covered position is eligible to serve, but the recipient did not fully comply with all NSCHC requirements.

Remedies and enforcement actions will apply to the grant(s) on which noncompliance is identified. AmeriCorps will disallow costs and may engage in other enforcement activities with respect to a prime recipient if the prime recipient or its subrecipients are found to be out of compliance with NSCHC requirements and the prime recipient has not correctly applied disallowance and/or has failed to identify and correct noncompliance prior to AmeriCorps's monitoring of the prime recipient. If the noncompliant grant recipient has other AmeriCorps grants, AmeriCorps will expand the NSCHC review as applicable. AmeriCorps may also direct the prime grant recipient to expand the scope of the review.

The remedies and enforcement actions in this section apply solely to those taken administratively by AmeriCorps. Nothing in this guidance is intended to limit any other available civil or criminal enforcement measures, which may be pursued in addition to

the administrative remedies herein. The remedies and enforcement actions below may be applied singly or in combination, depending on the type of noncompliance found.

**Cost-based Disallowance:** Cost-based disallowance refers to the disallowance of costs associated with an eligible individual's work or service during the period of noncompliance, including salary/stipend/living allowances (as applicable) and FICA. Where costs were paid with matching funds, the disallowance of those matching costs may also result in disallowance of the related Federal funds. Refer to the [Awardee Guide NSCHC Enforcement of Cost-Based Disallowance](#) for guidance on calculating and documenting NSCHC disallowance.

Cost-based disallowance will be applied to noncompliance. In general, the cost of disallowance will not exceed six months; however, if the period of work or service is less than six months or the period of noncompliance is less than six months, the cost will be adjusted to coincide with the period of service, work, or period of noncompliance. Moreover, AmeriCorps may disallow costs for more than six months, if facts and circumstances support that a different period of disallowance will further AmeriCorps's compliance objectives.

Cost-based disallowance will not include the disallowance of AmeriCorps member hours. The actual expenditures that shall be considered for disallowance for each noncompliant file are salary/stipend/living allowance (as applicable) and FICA during the period of noncompliance for which costs are disallowed. These cost categories reflect substantive grant costs. The maximum disallowance amount of the federal share cannot exceed the value of the federal awarded amount.

**Required Use of AmeriCorps Approved Contract with Truescreen and Fieldprint:**

AmeriCorps has contracted with Fieldprint, Inc., (Fieldprint) to provide FBI fingerprint-based checks and Truescreen to provide State and National Sex Offender Public Website (NSOPW) checks to recipients. In most cases, a grant recipient at which NSCHC noncompliance is found will be required to establish accounts through the AmeriCorps contracts with Truescreen and Fieldprint and may be required to recheck noncompliant and other files through these vendors, if not already completed through the vendor. In most cases, recipients will also be required to use these vendors to conduct NSCHC for the remainder of the grant period ([2 CFR §200.339](#), [2 CFR §200.208](#)).

**Manual Hold:** In response to NSCHC noncompliance, specifically circumstances that require corrective action to be taken, AmeriCorps may place grant funds on manual hold review or restriction of funds until the grant recipient demonstrates that it has satisfactorily implemented required corrective action, which may include conducting NSCHC using the AmeriCorps-approved contract with Truescreen and Fieldprint. AmeriCorps may use either of these remedies as it deems appropriate.

A manual hold may include a manual review of expenses prior to reimbursement or a full restriction of grant funds.

1. Manual Hold Review ([2 CFR §200.339](#)): This includes a review of expenses by AmeriCorps staff prior to the release of funds. The inspection/review of reimbursement or advance requests submitted by a grant recipient is performed prior to the release of funds to the grantee to ensure that all fund requests are necessary, allowable, allocable, and reasonable with Uniform Guidance regulations and grant terms and conditions.
2. Restrictions of Funds ([2 CFR §200.339](#)): This action will prevent a grant recipient from accessing Federal funding from AmeriCorps. For these cases, a letter to Health and Human Services Payment Management System will be processed and forwarded to HHS and the AmeriCorps grant funds will be inaccessible to the recipient.

Manual hold review or restrictions of federal grant funds will be applied to the specific grant(s) on which NSCHC noncompliance is identified. For NSCHC noncompliance identified on a State Commission subrecipient, the Commission will be directed, to the extent possible, to apply the manual hold review or restriction of funds to the noncompliant subrecipient. NSCHC noncompliance detected in multiple State Commission subrecipients may result in a manual hold review or restriction of funds against the State Commission. For non-Commission direct grant recipients, including Social Innovation Fund grantees, manual hold review, or restriction of funds will be applied against the direct grant.

**Other Administrative Remedies:** AmeriCorps will employ other administrative remedies as deemed appropriate. These other administrative remedies include:

Remedy	Definition	Example
Grant Suspension	A grant suspension includes a hold on all grant activities, including participant service, and funding ( <a href="#">2 CFR §200.338</a> ).	Grant suspension may be used in response to NSCHC noncompliance. Grant suspension may also be applied in cases of noncompliance for zero-dollar grants.
Grant Termination	Grant termination refers to the ending of the award, in whole or in part, at any time prior to the planned end of period of performance ( <a href="#">Grant and Cooperative Agreement Terms and Conditions</a> , Section III.O; <a href="#">2 CFR §200.340</a> ).	Grant termination may be used in response to NSCHC noncompliance. Grant termination may also be applied in cases of noncompliance for zero-dollar grants. Suspension may precede termination proceedings; not all suspensions will result in termination.

Remedy	Definition	Example
Impact Future Awards	Noncompliance with NSCHC may be considered as a factor in the agency's future funding determinations (2 CFR §200.205).	AmeriCorps may consider NSCHC noncompliance part of its awarding considerations for future funding.

## Guide to Enforcement Actions and Remedies

AmeriCorps response to NSCHC noncompliance will conform to the chart below. AmeriCorps reserves the right to impose enforcement actions and remedies at its discretion in accordance with applicable laws. In instances of egregious, pervasive, systemic noncompliance of any element, AmeriCorps reserves the right to impose all available remedial measures. AmeriCorps expects prime grantees to implement this guidance for cost-based disallowance when findings of NSCHC noncompliance are identified with subrecipients.

Nature of Noncompliance	Enforcement Action and Remedy (as applicable)
<p>Missing NSCHC component (NSOPW, State(s), and/or FBI)</p> <p>Noncompliant NSCHC source</p> <p>NSOPW incomplete (missing state, territory, or Indian country)</p> <p>Name-based check not conducted on the legal name of the individual, as reflected on documentation used to verify the identity of the individual</p>	<ul style="list-style-type: none"> <li>• Corrective action to cure deficiency and ascertain eligibility</li> <li>• Cost-based disallowance</li> <li>• Required use of AmeriCorps-approved contract with Truescreen and Fieldprint (if not already used) for the remainder of the grant period. This may include rechecks of all NSCHCs through the vendors. If vendors already used, rechecks required for noncompliance other than lateness.</li> <li>• Manual hold review or restriction of funds pending completion of corrective action</li> </ul>
<p>Late NSCHC component (NSOPW, State(s), and/or FBI)</p> <p>Grant recipient did not review results and document the individual is cleared to serve (NSOPW, State(s), and/or FBI)</p>	<ul style="list-style-type: none"> <li>• Corrective action to cure deficiency and ascertain eligibility</li> <li>• Cost-based disallowance</li> <li>• Required use of AmeriCorps-approved contract with Truescreen and Fieldprint (if not already used) for the remainder of the grant period. This may include rechecks of all NSCHCs through the vendors. If vendors</li> </ul>

	already used, rechecks required for noncompliance other than lateness.
<b>Nature of Noncompliance</b>	<b>Enforcement Action and Remedy (as applicable)</b>
<p>Missing documentation of consent from the candidate to conduct State and FBI checks</p> <p>Missing documentation of notice provided to the candidate that the national service position is contingent upon the organization's review of the individual's NSCHC component results, if any</p> <p>Missing documentation that the program complies with the requirement to provide a reasonable opportunity for the candidate to review and challenge the factual accuracy of the result before action is taken to exclude the candidate from the position</p> <p>Missing documentation the grant recipient paid for the cost of the NSCHC</p> <p>Missing documentation that the candidate is eligible to serve/work if a vendor check's adjudication recommendation does not endorse the candidate for service</p>	<ul style="list-style-type: none"> <li>• Corrective action to cure deficiency</li> <li>• Required use of AmeriCorps-approved contract with Truescreen and Fieldprint (if not already used) for the remainder of the grant period. This may include rechecks of all NSCHCs through the vendors. If vendors already used, rechecks required for noncompliance other than lateness.</li> <li>• Manual hold review or restriction of funds pending completion of corrective action</li> </ul>

As noted above, noncompliance with NSCHC may also be considered as a factor in the agency's funding determinations and may impact an organization's future grant awards.

In applicable cases, based on facts and circumstances, AmeriCorps may suspend or terminate the grant in response to NSCHC noncompliance.

## Appendix A: Pre-Approved NSCHC Waivers

AmeriCorps may add or remove pre-approved NSCHC Waivers at any time. Maintaining awareness of current pre-approved NSCHC Waivers is the responsibility of grant recipients. Once revoked, an organization may no longer use a pre-approved NSCHC Waiver. When a pre-approved NSCHC Waiver is revoked, the Waiver does not apply to any individuals who begin work or service after the expiration date of the pre-approved NSCHC Waiver.

The use of pre-approved NSCHC Waivers should be clearly described within NSCHC policies and procedures, including actions for maintaining awareness of the active AmeriCorps pre-approved NSCHC Waivers.

Noncompliance with the NSCHC regulations or with the requirements of a pre-approved NSCHC Waiver may result in cost disallowance.

### 1. Use of Truescreen for NSOPW and/or State Checks

**Effective May 1, 2021:** In July 2018, AmeriCorps contracted Truescreen to provide State and NSOPW checks to grantees for individuals who are required to comply with NSCHC.

Grantees who use Truescreen must set up an account with Truescreen through <https://applicationstation.truescreen.com> with the AmeriCorps specific agreement code.

Truescreen does not provide information for the following states and territories:

States	Territories
California	Guam
Delaware	Northern Mariana Islands
Louisiana	Puerto Rico
Nevada	New Hampshire (added 1/26/2022)
New Mexico	
Virginia	
Massachusetts (added 12/20/2018)	
Mississippi (added 6/1/2019)	

Between 11/15/18 to 8/12/19, Truescreen did not provide information for New Hampshire. From 8/12/2019 to 1/25/2022, New Hampshire was accessible by Truescreen and was not on this pre-approved Waiver.

Between 11/15/18 to 8/21/19, Truescreen did not provide information for American Samoa and Virgin Islands. As of 8/21/19, American Samoa and Virgin Islands are accessible by Truescreen and was removed from this pre-approved Waiver.

Grantees using Truescreen will not be required to get a check from an unavailable state/territory for individuals required to comply with NSCHC if they have:

- 1) obtained an NSOPW check from Truescreen,
- 2) obtained any required state checks that **are** available from Truescreen, and
- 3) conducted a fingerprint-based FBI check.

Please note:

This pre-approved Waiver does not apply to grant recipients who obtain NSCHC from Truescreen through an account **not** established with the AmeriCorps specific agreement code. Such checks are noncompliant.

### **Example 1: One state check is not available from Truescreen**

An individual required to comply with NSCHC will serve in California (state of service **is not** available from Truescreen) and is residing in Alabama at the time of application (state of residence **is** available from Truescreen). The grantee must conduct a Truescreen NSOPW check, a fingerprint-based FBI check, and a Truescreen Alabama state criminal history check. The grantee does not need California state criminal history check.

### **Example 2: Both state checks are not available from Truescreen**

An individual required to comply with NSCHC will be serving in Virginia (state of service **is not** available from Truescreen) and is residing in Puerto Rico at the time of application (state/territory of residence **is not** available from Truescreen). The grantee must conduct a Truescreen NSOPW check and a fingerprint-based FBI check. No separate state and territory checks are required.

### **Example 3: All state checks are available from Truescreen**

An individual required to comply with NSCHC will serve in Illinois (state of service **is** available from Truescreen) and is residing in Indiana at the time of application (state of residence **is** available from Truescreen). The grantee must conduct a Truescreen NSOPW check, a fingerprint-based FBI check, a Truescreen Illinois state criminal history check, and a Truescreen Indiana state criminal history check.



## 2. National Fingerprint File States

**Effective May 1, 2021:** The National Fingerprint File (NFF) is an electronic information sharing system maintained by the Federal Bureau of Investigation (FBI). The NFF allows the FBI and the States to exchange criminal history records for noncriminal justice purposes authorized by federal or state law, such as background checks for governmental licensing and employment.

States that participate in the NFF respond to record requests for all authorized noncriminal justice purposes and, as such, the FBI ceases to maintain duplicate criminal history data for these states. When a state participates in the NFF system, an FBI fingerprint check is duplicative of the search of a state's criminal history record repository. An FBI fingerprint check eliminates the need for grantees to conduct duplicative state criminal history record checks in states that participate in the NFF system.

Therefore:

- If a required state check is from a state that **participates in the NFF**, then the grantee does not need to conduct the check in that NFF state if they have conducted a fingerprint-based FBI check.
- If a required state check is from a state that **does not participate in the NFF**, then this pre-approved Waiver is not applicable, and the grantee must obtain the appropriate NSCHC state check(s).

The following states participate in the NFF program. States beginning participation in NFF after May 1, 2021 are listed with their effective date. NSCHCs for those states conducted on or after the effective date listed may apply this waiver.

Connecticut (as of 7/25/2021)	Colorado	Florida	Georgia	Hawaii
Idaho	Iowa	Kansas	Maryland	Michigan (as of 9/15/2021)
Minnesota	Missouri	Montana	North Carolina	New Jersey
New York	Ohio	Oklahoma	Oregon	Tennessee
Vermont (as of 6/16/2021)	West Virginia	Wyoming		

### Example 1: One state participates in NFF

An individual who is required to comply with NSCHC will serve in Maine (state of service **does not** participate in NFF) and resides in Colorado at time of application (state of residence **does** participate in the NFF). The grantee must conduct an NSOPW check, a

fingerprint-based FBI check, and a Maine state criminal history check. The grantee does not need a separate state of residence criminal history check from Colorado. The Colorado criminal history record information is included in the fingerprint-based FBI check.

### **Example 2: Both states participate in the NFF**

An individual who is required to comply with NSCHC will serve in Ohio (state of service **does** participate in NFF) and resides in Iowa at time of application (state of residence **does** participate in the NFF). The grantee must conduct an NSOPW check and a fingerprint-based FBI check. No separate state checks are required. Ohio and Iowa criminal history record information is already in the fingerprint-based FBI check.

### **Example 3: No states participate in the NFF**

An individual who must comply with NSCHC will serve in Wisconsin (state of service **does not** participate in NFF) and resides in New Mexico at time of application (state of residence **does not** participate in the NFF). The grantee must conduct an NSOPW check, a fingerprint-based FBI check, a Wisconsin state criminal history check, and a New Mexico state criminal history check.

## **3. Disability Accommodation Exemption for FBI Fingerprint Checks**

**Effective May 1, 2021:** AmeriCorps will exempt the fingerprint FBI check requirement for individuals who are required to comply with NSCHC, if conducting a fingerprint check is a physical impossibility as a result of disability, such as the absence of limbs. The grantee is still required to conduct NSOPW and name-based state check(s) on the individual.

## Appendix B: Who is required to conduct NSCHC? Graphic

