

**AMERICORPS**  
**(Corporation for National and Community Service)**

**ASSISTED LISTING 94.006 AMERICORPS STATE AND NATIONAL**

**I. PROGRAM OBJECTIVES**

The AmeriCorps State and 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 State and National programs, AmeriCorps (the operating name of the Corporation for National and Community Service) allots 35.3 percent to State Service Commissions, 1 percent for Indian tribes, and 1 percent for the US territories. After setting aside the aforementioned funds, the remaining funds are distributed competitively by AmeriCorps—either to state commissions for their subgrantees or directly to nonprofit organizations that will operate in two or more states. The state service commissions do not directly operate programs. State service commissions subgrant funds to organizations to operate community service programs within their states.

In addition to grants to fund AmeriCorps State and National programs, state commissions also receive grants from AmeriCorps to support their administrative and training and technical assistance operations. These grants are made under programs titled State Commission Support Grants (Assistance Listing 94.003) and Commission Investment Fund Grants (Assistance Listing 94.008), which are not included in Part 4 of the Supplement.

AmeriCorps State and National grant recipients operating programs that recruit and train individuals as AmeriCorps members. Full-time AmeriCorps members receive a living allowance and are eligible for health insurance (if they are not otherwise covered while participating in the program), and childcare benefits (if they meet specific income thresholds). After the grant recipient operating a program certifies that an AmeriCorps member has satisfactorily and successfully completed the required term of service, the AmeriCorps members are eligible for the Segal AmeriCorps Education Award, which is held in the National Service Trust, and which may be used to pay off qualified student loans or pay qualified education costs. AmeriCorps records the federal liability for an AmeriCorps member's education benefit at the time AmeriCorps awards a grant to an entity. Upon application from the AmeriCorps member and verification from the lender or educational institution, AmeriCorps's National Service Trust transmits the funds to the lender or institution. AmeriCorps members who successfully complete a term of service may also be eligible to have the National Service Trust pay qualified student loan interest that accrued during the period of their AmeriCorps member service.

**Source of Governing Requirements**

The AmeriCorps State and National 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, 2520–2554, and 2555.

### III. COMPLIANCE REQUIREMENTS

In developing the audit procedures to test compliance with the requirements for this federal program, the auditor must determine, from the following summary (also included in Part 2, “Matrix of Compliance Requirements”), which of the 12 types of compliance requirements have been identified as subject to the audit (noted with a “Y” in the summary matrix below), and then determine which of the compliance requirements that are subject to the audit are likely to have a direct and material effect on the federal program at the auditee. For each such compliance requirement subject to the audit, the auditor must use Part 3 (which includes generic details about each compliance requirement other than Special Tests and Provisions) and this program supplement (which includes any program-specific requirements) to perform the audit. **When a compliance requirement is shown in the summary below as “N,” it has been identified as not being subject to the audit. Auditors are not expected to test requirements that have been noted with an “N.” See the Safe Harbor Status discussion in Part 1 for additional information.**

A	B	C	E	F	G	H	I	J	L	M	N
Activities Allowed or Unallowed	Allowable Costs/Cost Principles	Cash Management	Eligibility	Equipment/ Real Property Management	Matching, Level of Effort, Earmarking	Period Of Performance	Procurement Suspension & Debarment	Program Income	Reporting	Subrecipient Monitoring	Special Tests and Provisions
Y	Y	N	Y	N	Y	N	N	N	N	Y	Y

#### A. Activities Allowed or Unallowed

##### 1. *Activities Allowed*

Funding is provided to carry out a community service program. 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, evaluations, and reimbursement of grantee administrative costs (42 USC 12572, 12574, 12581, 12581a, 12583, and 12594; 45 CFR sections 2520 to 2524; 2540; and 2550).

##### 2. *Activities Unallowed*

AmeriCorps grant funds may **not** be used for any of the following:

- a. Attempting to influence legislation;

- b. Organizing or engaging in protests, petitions, boycotts, or strikes;
- c. Assisting, promoting, or deterring union organizing;
- d. Impairing existing contracts for services or collective bargaining agreements;
- e. Engaging in partisan political activities or other activities designed to influence the outcome of an election to any public office;
- f. Participating in, or endorsing, events or activities that are likely to include advocacy for or against political parties, political platforms, political candidates, proposed legislation, or elected officials;
- g. Engaging in religious instruction, conducting worship services, providing instruction as part of a program that includes mandatory religious instruction or worship, constructing or operating facilities devoted to religious instruction or worship, maintaining facilities primarily or inherently devoted to religious instruction or worship, or engaging in any form of religious proselytization;
- h. Providing a direct benefit to—
  - (1) A business organized for profit;
  - (2) A labor union;
  - (3) A partisan political organization;
  - (4) A nonprofit organization that fails to comply with the restrictions contained in section 501(c)(3) of the [Internal Revenue Code of 1986](#) except that nothing in this section shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative;
  - (5) An organization engaged in the religious activities described in paragraph (g) of this section, unless Corporation assistance is not used to support those religious activities; and
- i. Conducting a voter registration drive or using Corporation funds to conduct a voter registration drive;
- j. Providing abortion services or referrals for receipt of such services; and
- k. Such other activities as the Corporation may prohibit (45 CFR section 2520.65).

**B. Allowable Costs/Cost Principles**

Administrative Costs: No more than 5 percent of assistance provided by AmeriCorps 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)).

**E. Eligibility****1. Eligibility for Individuals****a. National Service Criminal History Checks**

The following form is submitted electronically to AmeriCorps for each AmeriCorps member and is used by AmeriCorps 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 AmeriCorps to ensure that the universe of forms submitted, as provided by the entity, is complete and matches the roster provided by AmeriCorps. Rosters may be obtained by contacting the National Service Trust at [Trustcomm@cns.gov](mailto:Trustcomm@cns.gov).

National Service Enrollment Form (OMB No. 3045-0006) – This form is used by AmeriCorps to enroll participants in the National Service Trust. Enrollment is the process through which a grantee notifies AmeriCorps 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.

The following line item contains critical information:

1. *Part 1* – AmeriCorps member enrollment information (first name, last name, middle initial).

**2. Eligibility for Group of Individuals or Area of Service Delivery**

Not Applicable

**3. Eligibility for Subrecipients**

All requirements are passed through to subrecipients

**G. Matching, Level of Effort, Earmarking****1. Matching**

- a. Statute superseded by Section (c), below.

- b. Unless AmeriCorps grants a waiver, the grant recipient's required share of program costs under a cost-reimbursement grant, 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 five years or more (45 CFR sections 2521.60 and 2521.80). The timetable is included in 45 CFR section 2521.60(a), although annual appropriations legislation, as specified in Section (c), below, has modified the overall match requirement for the first three years. Other requirements that govern matching are included in 45 CFR sections 2521.35, 2521.40, 2521.45, and 2521.50.
- c. Pursuant to annual appropriations legislation, grant recipients are required to meet an overall minimum share requirement of 24 percent for the first three 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. Grantees may apply for and receive a waiver of the overall matching requirements under 45 CFR section 2521.70 (Pub. L. No. 115-245, Division B, Title IV, Section 402, Sept. 28, 2018).
- d. Matching requirements do not apply to fixed-amount grants and Education Award Only program grants (42 USC 12581(1)(4) and 12581a(c)).
- e. AmeriCorps has, under a limited scope, waived certain matching cost requirements on some grants due to challenges associated with COVID-19. This waiver applies to certain grants awarded in fiscal years 2019, 2020, and 2021 (more information can be found on the AmeriCorps website at this link: <https://americorps.gov/coronavirus/americorps-state-national-questions>).

## 2. Level of Effort

### 2.1 Level of Effort – *Maintenance of Effort*

Not Applicable

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

Funds provided by AmeriCorps 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 state and national programs (42 USC 12633).

### 3. Earmarking

Not Applicable

### M. Subrecipient Monitoring

Applicable

### N. Special Tests and Provisions

#### 1. Living Allowances

- a. **Audit Objectives** Ensure Full time AmeriCorps members are being paid living allowance amounts that fall within minimum and maximum living allowance amounts for the appropriate year as well as in accordance with amounts listed in member agreements.

**Suggested Audit Procedures** Auditors may request documentation supporting total living allowance amounts that full time members are eligible for and comparing them to the minimum and maximum amounts, as well as member agreements which list living allowance amounts and payroll records to determine amounts members are paid.

- b. 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 a wage or a salary and must not be treated as such. The installment payments of living allowances are not dependent upon the actual number of hours spent on service and, unless waived, should be distributed in equal payments across the term of 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 for full-time service members are as follows (42 USC 4955 and 12594; 45 CFR section 2522.240):

NOFO Year	Minimum Allowance	Maximum Allowance
2016	\$12,530	\$25,060
2017	\$12,630	\$24,930
2018	\$13,732	\$27,464
2019	\$13,992	\$27,984
2020	\$14,279	\$28,558
2021	\$16,000	\$32,000

The minimum and maximum living allowance amounts are listed on the AmeriCorps website. The living allowance amounts can be found in the

individual Notice of Funding Opportunity or Availability for the specific grant competition. Previous Notices of Funding Availability/Opportunity for AmeriCorps State and National grant competitions dating back to 2006 are located at this link: <https://americorps.gov/partner/funding-opportunities>. If additional assistance is required, please contact the Office of Audit and Debt Resolution at AmeriCorps Headquarters at [AuditResolution@cncs.gov](mailto:AuditResolution@cncs.gov).

- c. Professional Corps programs allow individuals who are professionals to serve as AmeriCorps members. The compensation from their service site location may exceed the maximum living allowance amount but may not be lower than the minimum. Grant recipients operating a Professional Corps program may not use AmeriCorps funds to pay Professional Corps members' compensation (42 USC 12594(c); 45 CFR section 2522.240).
- c. A living allowance is not required for individuals serving in positions where the service commitment is less than 1700 hours. However, if a living allowance is provided, it must not exceed the maximum living allowance amount published in the Notice of Funding Opportunity for the position. AmeriCorps establishes pro-rated maximum living allowance amounts for each less-than-1700-hour position (42 USC 12593 and 12594; 45 CFR sections 2522.220 and 2522.240).
- e. Education Award only programs are not required to provide a living allowance, but if a living allowance is provided, it must comply with the maximum requirements set forth above (42 USC 12581a(c)).

## 2. National Service Criminal History Checks

**Audit Objectives** To ensure that required National Service Criminal History Checks are completed following AmeriCorps regulations (i.e., completing the required checks within the required timelines).

### Suggested Audit Procedures

- a. *For National Service Criminal History Checks Conducted After May 1, 2021:*

All three checks below must be conducted, reviewed, and an eligibility determination made by the grant recipient or subrecipient before a person begins to work or serve on an NSCHC-required grant.

- National Sex Offender Public Website nationwide check;
- state of residence and state of service criminal history check(s); and
- FBI fingerprint-based check.

Required documentation includes:

- copies of the checks (electronic copies are acceptable if using the CNCS-approved vendors, Fieldprint and Truescreen) and documentation that recipient adjudicated check results before clearing individual for service;
    - AmeriCorps has suggested that recipients create “cleared memos” or sign and date the copies of the checks, but other methods of adjudication are sufficient as long as they adequately demonstrate the check was reviewed before the individual is cleared for work or service
  - documentation that government-issued photo ID was reviewed;
  - documentation of candidate’s written consent to perform checks (state and FBI checks; National Sex Offender Public Website check does not require candidate’s prior consent)
  - candidate’s understanding that eligibility for position is based on NSCHC results (see below for information on ineligibility);
  - timing of checks;
  - maintain confidentiality of check results
- b. *For National Service Criminal History Checks Conducted Before May 1, 2021:*

For selected testing sample, determine which checks are required for individuals. Review copies of checks and check documentation to determine compliance with the regulations. Required documentation includes:

- copies of the checks (electronic copies are acceptable if using the CNCS-approved vendors, Fieldprint and Truescreen) and documentation that recipient adjudicated check results before clearing individual for service;
  - AmeriCorps has suggested that recipients create “cleared memos” or sign and date the copies of the checks, but other methods of adjudication are sufficient as long as they adequately demonstrate the check was reviewed before the individual is cleared for work or service
- documentation that government-issued photo ID was reviewed;

- documentation of candidate's written consent to perform checks (state and FBI checks; National Sex Offender Public Website check does not require candidate's prior consent)
  - candidate's understanding that eligibility for position is based on NSCHC results (see below for information on ineligibility);
  - level of access to vulnerable populations;
  - timing of checks;
  - maintain confidentiality of check results
  - document accompaniment, if required. AmeriCorps requires dates and times of accompaniment provided to be recorded, as well as noting individual who provided accompaniment.
- (1) To be eligible to serve or work in a covered position, individuals must meet certain criminal history eligibility criteria. To determine whether individuals are eligible, grant recipients must conduct a National Service Criminal History Check (NSCHC) (45 CFR 2540.200-.207). NSCHC includes up to four different components: 1) a name-based search of the National Sex Offender Public Website, 2) 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 3) for the state in which the individual resides at the time of application; and 4) a fingerprint-based Federal Bureau of Investigation (FBI) national criminal history background check. The combination of the components varies depending on the individual's start date and level of access to vulnerable populations.
- (2) Eligibility Criteria: An individual in a covered position is ineligible to serve or work if the individual:
- is registered or required to be registered on a sex offender registry;
  - has been convicted of murder, as defined by 18 USC 1111;
  - refuses to consent to a criminal registry check; or
  - makes a false statement in connection with a grantee's inquiry concerning the individual's criminal history.

Reference: 45 CFR 2522.205 through .207; 45 CFR 2540.200–.207; 72 FR 48574, August 24, 2007; 77 FR 60922, October 5, 2012.

## **Definitions**

### **(1) Covered Positions (45 CFR section 2540.201)**

Individuals in covered positions are AmeriCorps members or AmeriCorps grant-funded staff who receive a grant-funded salary, stipend, living allowance, education award, or other remuneration whether funded with AmeriCorps-provided funds or used to meet the grant matching requirement.

### **(2) Vulnerable Populations (45 CFR section 2540.203)**

Vulnerable populations are children ages 17 years and younger, adults ages 60 years and older, or to individuals with disabilities.

### **(3) Episodic Access to Vulnerable Populations (45 CFR section 2540.207)**

Episodic access is typically *not* a regular, scheduled, and anticipated component of a person's service activities. Episodic access is not defined by a specific number of contacts. If episodic access becomes unexpectedly regular or frequent, a grantee should re-evaluate its initial determination of episodic access and take appropriate action. In the majority of cases, it will be clear whether or not access to vulnerable populations is a regular, scheduled, and anticipated component of a person's service activities.

(This does not apply to checks conducted on or after May 1, 2021.)

### **(4) Recurring Access to Vulnerable Population (45 CFR section 2540.203)**

Recurring access is defined as “the ability on more than one occasion to approach, observe, or communicate with a person, through physical proximity or other means, including but not limited to, electronic or telephonic communication” (45 CFR section 2510.20). Recurring access is typically a regular, scheduled, and anticipated component of a person's service activities.

(This does not apply to checks conducted on or after May 1, 2021.)

(5) **Designated Sources**

(a) **National Sex Offender Public Website (NSOPW) (45 CFR section 2540.203)**

NSOPW checks must be sourced from either [www.NSOPW.gov](http://www.NSOPW.gov) or AmeriCorps approved vendor, Truescreen, with an AmeriCorps-affiliated Truescreen account.

(b) **State (45 CFR section 2540.203)**

Grantees must use either the AmeriCorps-approved state repository to conduct state checks or AmeriCorps approved vendor, Truescreen, with a AmeriCorps-affiliated Truescreen account in accordance with the Pre-Approved Alternative Search Procedure for Truescreen. The list of AmeriCorps-approved state repositories can be found here: <https://www.nationalservice.gov/documents/2018/nschc-using-nsopw-and-state-repositories-manual>.

(c) **FBI (45 CFR section 2540.203)**

Grantees must use either the AmeriCorps-approved state repository to conduct FBI checks or AmeriCorps approved vendor, Fieldprint, with a AmeriCorps-affiliated Fieldprint account. The list of AmeriCorps-approved state repositories can be found here: <https://www.nationalservice.gov/documents/2018/nschc-using-nsopw-and-state-repositories-manual>.

(6) **Timing (45 CFR section 2540.204)**

NSOPW checks must be completed before the start of (work, service, or training) hours charged to the grant (federal or match). The state (state of service and state of residence) checks and the FBI check must be initiated no later than the first day of work or service hours charged to the grant (federal or match). Checks that are not within these time frames are noncompliant.

(This does not apply to checks conducted on or after May 1, 2021. Any checks conducted on or after this date must be **completed** before work or service can begin.)

*Exception to Timing: AmeriCorps Approved Vendor Truescreen Checks*

Truescreen NSOPW and state checks must be completed before the start of (work, service, or training) hours charged to the grant (federal or match).

*Exception to Timing: 2014 Assessment Period*

In 2014, AmeriCorps allowed a limited time during which all grantees could come into compliance with the NSCHC requirements. If all required checks were initiated and/or conducted on currently serving individuals in covered positions between October 14, 2014, and December 5, 2014, then past noncompliance would not result in disallowance.

*Exception to Timing: 2018–2019 Exemption Period*

In 2018, AmeriCorps allowed a limited time during which all grantees could come into compliance with the NSCHC requirements by using AmeriCorps approved vendors Truescreen and Fieldprint. If grantees rechecked and re-adjudicated individuals in covered positions who were serving between September 24, 2018, and June 30, 2019, in Truescreen and Fieldprint by June 30, 2019, then past noncompliance would not result in disallowance.

**(7) Initiation for State and FBI checks**

Initiation is one step more than getting permission to conduct a check. This could, for example, include fingerprinting, mailing requests to obtain checks to a state repository, or having candidates fill out official state or FBI check request forms for obtaining the required checks. Grantees must be able to document how and when checks were initiated. Grantees must have policies and procedures outlining what step they use to initiate checks and apply them consistently. (This does not apply to Truescreen checks. Truescreen NSOPW and state checks must be completed before the start of (work, service, or training) hours charged to the grant (federal or match).)

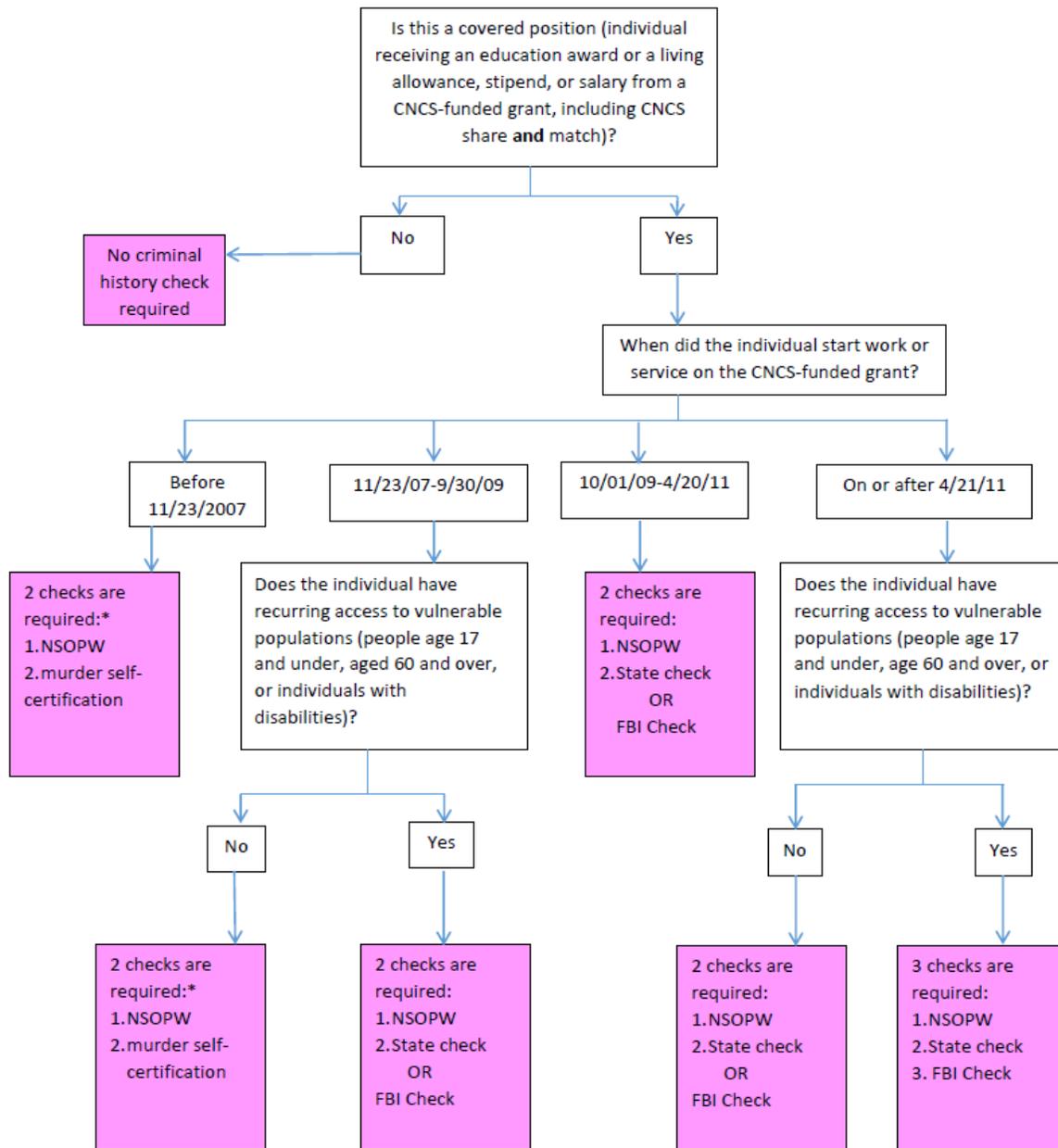
(This does not apply to checks conducted on or after May 1, 2021.)

(8) **Accompaniment (45 CFR section 2540.205)**

An individual in a covered position with recurring access to vulnerable populations must be accompanied by another individual who is authorized to have recurring access to vulnerable populations. For individuals, whose checks were conducted prior to December 31, 2019, accompaniment must continue until either the state *or* FBI check component has cleared. For individuals, whose checks were conducted after December 31, 2019, accompaniment must continue until the state *and* FBI check components have cleared. A person is accompanied when he or she is in the physical presence of a person cleared for access to a vulnerable population. One possible way to document accompaniment is to indicate on the individual's timesheet who performed the accompaniment during the access, on what dates and hours, and have the person who performed the accompaniment incrementally sign off attesting to the accuracy of the documentation. Grantees should have policies and procedures clearly describing their program's accompaniment guidelines and documentation procedures.

(This does not apply to checks conducted on or after May 1, 2021.)

(9) **Checks Required Based on Start Date of Individual**



\*Requirements came into effect as of 1/1/13. Documentation must be established by this date for individuals in these categories.

Notes on “Checks Required Based on Start Date of Individual” Chart (above):

- a. A murder self-certification is a statement signed by the individual attesting that they have not been convicted of murder, as defined in 18 USC 1111.
- b. The chart provides requirements for individuals with start dates up to April 30, 2021. Any individuals with NSCHC conducted on or after May 1, 2021, must follow the compliance requirements noted on page 8.

**AMERICORPS**  
**(Corporation for National and Community Service)**

**ASSISTANCE LISTING 94.011 FOSTER GRANDPARENT PROGRAM**

**ASSISTANCE LISTING 94.016 SENIOR COMPANION PROGRAM**

**I. PROGRAM OBJECTIVES**

Foster Grandparent Program grants are awarded to allow adults, ages 55 and older, 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 adults, ages 55 and older, 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 social contact to the outside world, Senior Companions often fulfill essential human needs of vulnerable older persons. Senior Companions may also assume the duties of informal caretakers for short periods of time to give the caretakers a respite from their duties.

**II. PROGRAM PROCEDURES**

AmeriCorps (the operating name of 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 grantees (also referred to as sponsors) are legally responsible for all programmatic and fiscal aspects of the project and may not delegate or contract these responsibilities to another entity. Also, the grantees have no subgrantees (subrecipients) (42 USC sections 5011(a) and 5013(a); 45 CFR sections 2551.22 and 2552.22).

In both programs, participants ages 55 and older serve from five 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 are eligible to receive the same training, supervision, and other support services and cost reimbursements (other than the stipend) available to participants who receive stipends (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 AmeriCorps for Foster Grandparent or Senior Companion grants, and AmeriCorps 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 are found in 45 CFR parts 2551 and 2552.

**III. COMPLIANCE REQUIREMENTS**

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Y	Y	N	Y	N	Y	N	N	N	Y	N	Y

**A. Activities Allowed or Unallowed**

1. *Stipends*

Grant funds may be used for stipends for participants who meet income levels set by AmeriCorps (42 USC 5011(a) and (d) and 5013(a) and (b); 45 CFR sections 2551.43, 2551.44, 2552.43, and 2552.44).

2. *Direct and Administrative Costs*

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. *Non-stipended Foster Grandparents and Senior Companions*

No federal or required nonfederal 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. *Unallowed Activities*

Foster Grandparent and Senior Companion grant funds may not be used for the following purposes:

a. *Political activities*

- (1) No part of any grant shall be used to finance, directly or indirectly, any activity to influence the outcome of any election to public office, or any voter registration activity.
- (2) No project shall be conducted in a manner involving the use of funds, the provision of services, or the employment or assignment of personnel in a matter supporting or resulting in the identification of such project with:
  - (a) Any partisan or nonpartisan political activity associated with a candidate, or contending faction or group, in an election; or
  - (b) Any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election; or
  - (c) Any voter registration activity, except that voter registration applications and nonpartisan voter registration information may be made available to the public at the premises of the sponsor. But in making registration applications and nonpartisan voter registration information available, employees of the sponsor shall not express preferences or seek to influence decisions concerning any candidate, political party, election issue, or voting decision.

- (3) The sponsor shall not use grant funds in any activity for the purpose of influencing the passage or defeat of legislation or proposals by initiative petition, except:
  - (a) In any case in which a legislative body, a committee of a legislative body, or a member of a legislative body requests any volunteer in, or employee of such a program to draft, review or testify regarding measures or to make representation to such legislative body, committee or member; or
  - (b) In connection with an authorization or appropriations measure directly affecting the operation of the Senior Companion or Foster Grandparent Program.
- b. *Non-displacement of employed workers.* A Senior Companion or Foster Grandparent shall not perform any service or duty or engage in any activity which would otherwise be performed by an employed worker or which would supplant the hiring of or result in the displacement of employed workers or impair existing contracts for service.
- c. *Compensation for service*
  - (1) An agency or organization to which NSSC volunteers are assigned or which operates or supervises any NSSC program shall not request or receive any compensation from NSSC volunteers or from beneficiaries for services of NSSC volunteers.
  - (2) This section does not prohibit a sponsor from soliciting and accepting voluntary contributions from the community at large to meet its local support obligations under the grant or from entering into agreements with parties other than beneficiaries to support additional volunteers beyond those supported by CNCS.
  - (3) A Senior Companion or Foster Grandparent volunteer station may contribute to the financial support of the Senior Companion or Foster Grandparent Program. However, this support shall not be a required precondition for a potential station to obtain Senior Companion or Foster Grandparent service.
  - (4) If a volunteer station agrees to provide funds to support additional Senior Companions/Foster Grandparents or pay for other Senior Companion/Foster Grandparent support costs, the agreement shall be stated in a written Memorandum of Understanding. The sponsor shall withdraw services if the station's inability to provide monetary or in-kind support to the project under the Memorandum

- of Understanding diminishes or jeopardizes the project's financial capabilities to fulfill its obligations.
- (5) Under no circumstances shall a Senior Companion or Foster Grandparent receive a fee for service from service recipients, their legal guardian, members of their family, or friends.
- d. *Labor and anti-labor activity.* The sponsor shall not use grant funds directly or indirectly to finance labor or anti-labor organization or related activity.
- e. *Fair labor standards.* A sponsor that employs laborers and mechanics for construction, alteration, or repair of facilities shall pay wages at prevailing rates as determined by the secretary of labor in accordance with the Davis-Bacon Act, as amended, 40 USC 276a.
- f. *Nondiscrimination.* A sponsor or sponsor employee shall not discriminate against a Senior Companion on the basis of race, color, national origin, sex, age, religion, or political affiliation, or on the basis of disability, if the Senior Companion or Foster Grandparent with a disability is qualified to serve.
- g. *Religious activities*
- (1) A Senior Companion/ Foster Grandparent or a member of the project staff funded by CNCS shall not give religious instruction, conduct worship services, or engage in any form of proselytization as part of his/her duties.
- (2) A sponsor or volunteer station may retain its independence and may continue to carry out its mission, including the definition, development, practice, and expression of its religious beliefs, provided that it does not use CNCS funds to support any inherently religious activities, such as worship, religious instruction, or proselytization, as part of the programs or services funded. If an organization conducts such activities, the activities must be offered separately, in time or location, from the programs or services funded under this part.
- h. *Nepotism.* Persons selected for project staff positions shall not be related by blood or marriage to other project staff, sponsor staff or officers, or members of the sponsor Board of Directors, unless there is written concurrence from the Advisory Council or community group established by the sponsor under subpart B of this part, and with notification to CNCS.

(45 CFR section 2551.121 and 2552.121)

## **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; 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. 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 eligibility requirements related to having a specific determination of physical, mental and emotional capability do not apply to Senior Corps awards made on or after January 31, 2019.

The annual income eligibility levels for all areas are available at the AmeriCorps website (<https://www.nationalservice.gov/programs/senior-corps/manage-senior-corps-grants>) by accessing the link for "Foster Grandparent Program grantees" or "Senior Companion Program grantees." Income eligibility levels by grant year can be found by scrolling through the resources in the "Grantee Resources" section near the bottom of the page or by contacting the Office of Audit and Debt Resolution at [AuditResolution@cncs.gov](mailto:AuditResolution@cncs.gov). Stipends for Foster Grandparents and Senior Companions are currently \$3.00 per hour. This may be increased by AmeriCorps from time to time (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, 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).

For awards made on or after January 31, 2019, participants may serve from five to 40 hours per week.

### **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 nonfederal entity is required to contribute at least 10 percent of the total cost of a project from nonfederal 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)).

AmeriCorps has, under a limited scope, waived certain matching cost requirements on some grants due to challenges associated with COVID-19. This waiver applies to certain grants awarded in fiscal years 2019, 2020, and 2021. (More information can be found on the AmeriCorps website at this link: <https://americorps.gov/coronavirus/americorps-seniors-questions>.)

**2. Level of Effort**

Not Applicable

**3. Earmarking**

Not Applicable

**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* – Not Applicable

**2. Performance Reporting**

Not Applicable

**3. Special Reporting**

Not Applicable

**4. Special Reporting for Federal Funding Accountability and Transparency Act**

See Part 3.L for audit guidance.

## N. Special Tests and Provisions

### 1. National Service Criminal History Checks

**Audit Objectives** To ensure that required National Service Criminal History Checks are completed following AmeriCorps regulations (i.e. completing the required checks within the required timelines and documenting them correctly).

#### Suggested Audit Procedures

- a. *For National Service Criminal History Checks Conducted On or After May 1, 2021:*

All three checks below must be conducted, reviewed, and an eligibility determination made by the grant recipient or subrecipient before a person begins to work or serve on an NSCHC-required grant.

- National Sex Offender Public Website nationwide check;
- state of residence and state of service criminal history check(s); and
- FBI fingerprint-based check.

Required documentation includes:

- copies of the checks (electronic copies are acceptable if using the CNCS-approved vendors, Fieldprint and Truescreen) and documentation that recipient adjudicated check results before clearing individual for service;
  - AmeriCorps has suggested that recipients create “cleared memos” or sign and date the copies of the checks, but other methods of adjudication are sufficient as long as they adequately demonstrate the check was reviewed before the individual is cleared for work or service
- documentation that government-issued photo ID was reviewed;
- documentation of candidate’s written consent to perform checks (state and FBI checks; National Sex Offender Public Website check does not require candidate’s prior consent);
- candidate’s understanding that eligibility for position is based on NSCHC results (see below for information on ineligibility);
- timing of checks;

- maintain confidentiality of check results.

b. *For National Service Criminal History Checks Conducted Before May 1, 2021:*

For selected testing sample, determine which checks are required for individuals. Review copies of checks and check documentation to determine compliance with the regulations. Required documentation includes:

- copies of the checks (electronic copies are acceptable if using the CNCS-approved vendors, Fieldprint and Truescreen) and documentation that recipient adjudicated check results before clearing individual for service;
    - AmeriCorps has suggested that recipients create “cleared memos” or sign and date the copies of the checks, but other methods of adjudication are sufficient as long as they adequately demonstrate the check was reviewed before the individual is cleared for work or service
  - documentation that government-issued photo ID was reviewed;
  - documentation of candidate’s written consent to perform checks (state and FBI checks; National Sex Offender Public Website check does not require candidate’s prior consent);
  - candidate’s understanding that eligibility for position is based on NSCHC results (see below for information on ineligibility);
  - level of access to vulnerable populations;
  - timing of checks;
  - maintain confidentiality of check results;
  - document accompaniment, if required. AmeriCorps requires dates and times of accompaniment provided to be recorded, as well as noting individual who provided accompaniment.
- (1) To be eligible to serve or work in a covered position, individuals must meet certain criminal history eligibility criteria. To determine whether individuals are eligible, grant recipients must conduct a National Service Criminal History Check (NSCHC) (45 CFR 2540.200-.207). NSCHC includes up to four different components: 1) a name-based search of the National Sex Offender Public website, 2) 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 3) for the

state in which the individual resides at the time of application; and 4) a fingerprint-based Federal Bureau of Investigation (FBI) national criminal history background check. The combination of the components varies depending on the individual's start date and level of access to vulnerable populations.

- (2) **Eligibility Criteria:** An individual in a covered position is ineligible to serve or work if the individual:
- is registered or required to be registered on a sex offender registry;
  - has been convicted of murder, as defined by 18 USC 1111;
  - refuses to consent to a criminal registry check; or
  - makes a false statement in connection with a grantee's inquiry concerning the individual's criminal history.

Reference: 45 CFR 2522.205 through .207; 45 CFR 2540.200–.207; 72 FR 48574, August 24, 2007; 77 FR 60922, October 5, 2012.

**Definitions:**

(3) **Covered Positions (45 CFR section 2540.201)**

Individuals in covered positions are AmeriCorps members or AmeriCorps grant-funded staff who receive a grant-funded salary, stipend, living allowance, education award, or other remuneration whether funded with AmeriCorps-provided funds or used to meet the grant matching requirement.

(4) **Vulnerable Populations (45 CFR section 2540.203)**

Vulnerable populations are children ages 17 years and younger, adults ages 60 years and older, or to individuals with disabilities.

(5) **Episodic Access to Vulnerable Populations (45 CFR section 2540.207)**

Episodic access is typically *not* a regular, scheduled, and anticipated component of a person's service activities. Episodic access is not defined by a specific number of contacts. If episodic access becomes unexpectedly regular or frequent, a grantee should re-evaluate its initial determination of episodic access and take appropriate action. In the majority of cases, it will be clear whether

or not access to vulnerable populations is a regular, scheduled, and anticipated component of a person's service activities.

(This does not apply to checks conducted on or after May 1, 2021.)

(6) **Recurring Access to Vulnerable Population (45 CFR section 2540.203)**

Recurring access is defined as “the ability on more than one occasion to approach, observe, or communicate with a person, through physical proximity or other means, including but not limited to, electronic or telephonic communication” (45 CFR section 2510.20). Recurring access is typically a regular, scheduled, and anticipated component of a person's service activities.

(This does not apply to checks conducted on or after May 1, 2021.)

(7) **Designated Sources**

(a) **National Sex Offender Public Website (NSOPW) (45 CFR section 2540.203)**

NSOPW checks must be sourced from either [www.NSOPW.gov](http://www.NSOPW.gov) or AmeriCorps approved vendor, Truescreen, with an AmeriCorps-affiliated Truescreen account.

(b) **State (45 CFR section 2540.203)**

Grantees must use either the AmeriCorps-approved state repository to conduct state checks *or* AmeriCorps-approved vendor, Truescreen, with a AmeriCorps-affiliated Truescreen account in accordance with the Pre-Approved Alternative Search Procedure for Truescreen. The list of AmeriCorps-approved state repositories can be found here: <https://www.nationalservice.gov/documents/2018/nschc-using-nsopw-and-state-repositories-manual>.

(c) **FBI (45 CFR section 2540.203)**

Grantees must use either the AmeriCorps-approved state repository to conduct FBI checks *or* AmeriCorps-approved vendor, Fieldprint, with a AmeriCorps-affiliated Fieldprint

account. The list of AmeriCorps-approved state repositories can be found here:

<https://www.nationalservice.gov/documents/2018/nschc-using-nsopw-and-state-repositories-manual>.

(8) **Timing (45 CFR section 2540.204)**

NSOPW checks must be completed before the start of (work, service, or training) hours charged to the grant (federal or match). The state (state of service and state of residence) checks and the FBI check must be initiated no later than the first day of work or service hours charged to the grant (federal or match). Checks that are not within these time frames are noncompliant.

(This does not apply to checks conducted on or after May 1, 2021. Any checks conducted on or after this date must be **completed** before work or service can begin.)

*Exception to Timing: AmeriCorps Approved Vendor Truescreen Checks*

Truescreen NSOPW and state checks must be completed before the start of (work, service, or training) hours charged to the grant (federal or match).

*Exception to Timing: 2014 Assessment Period*

In 2014, AmeriCorps allowed a limited time during which all grantees could come into compliance with the NSCHC requirements. If all required checks were initiated and/or conducted on currently serving individuals in covered positions between October 14, 2014, and December 5, 2014, then past noncompliance would not result in disallowance.

*Exception to Timing: 2018–2019 Exemption Period*

In 2018, AmeriCorps allowed a limited time during which all grantees could come into compliance with the NSCHC requirements by using AmeriCorps approved vendors Truescreen and Fieldprint. If grantees rechecked and re-adjudicated individuals in covered positions who were serving between September 24, 2018, and June 30, 2019, in Truescreen and Fieldprint by June 30, 2019, then past noncompliance would not result in disallowance.

(9) **Initiation for State and FBI checks**

Initiation is one step more than getting permission to conduct a check. This could, for example, include fingerprinting, mailing requests to obtain checks to a state repository, or having candidates fill out official state or FBI check request forms for obtaining the required checks. Grantees must be able to document how and when checks were initiated. Grantees must have policies and procedures outlining what step they use to initiate checks and apply them consistently. (This does not apply to Truescreen checks. Truescreen NSOPW and state checks must be completed before the start of (work, service, or training) hours charged to the grant (federal or match.)

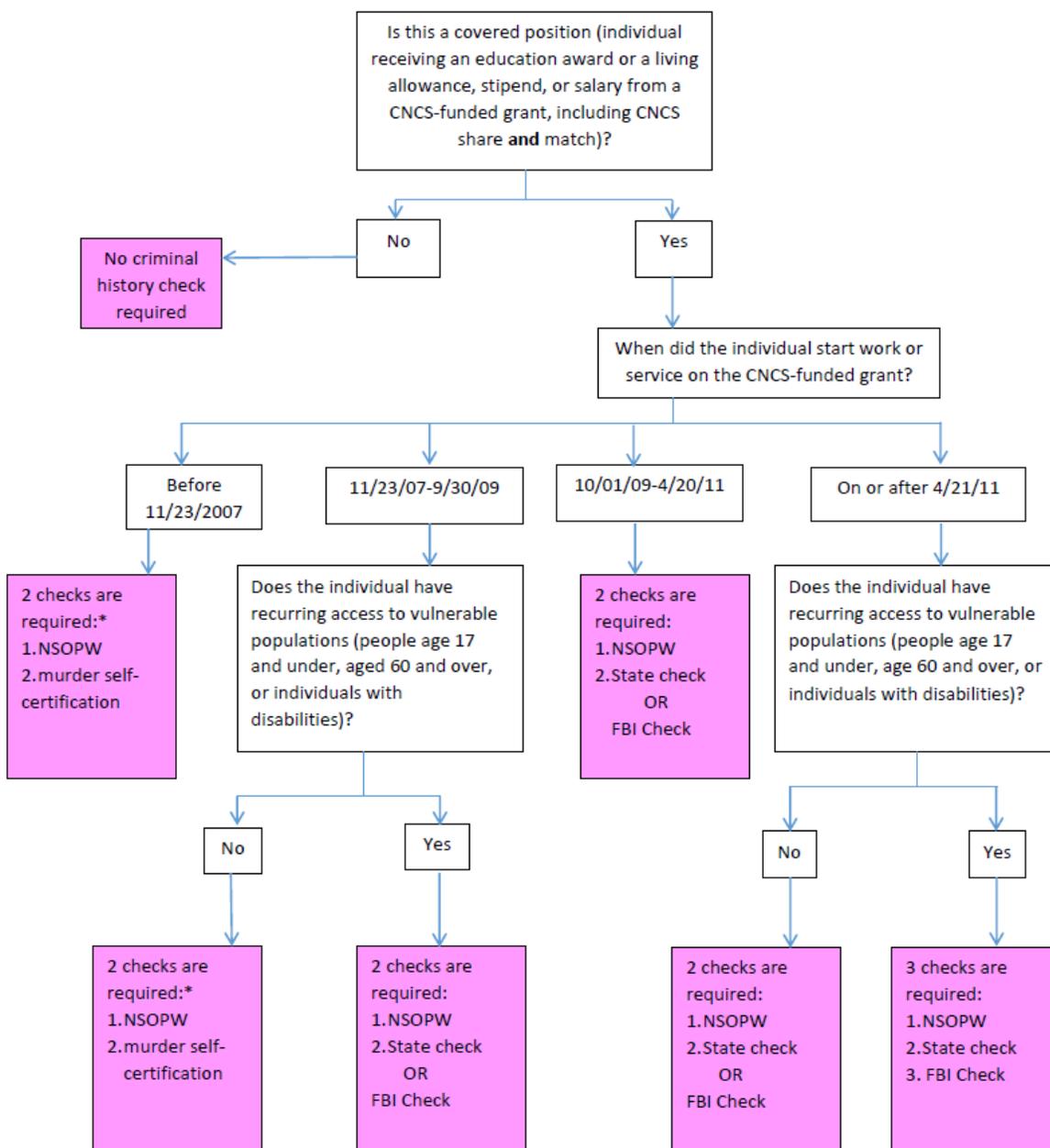
(This does not apply to checks conducted on or after May 1, 2021.)

(10) **Accompaniment (45 CFR section 2540.205)**

An individual in a covered position with recurring access to vulnerable populations must be accompanied by another individual who is authorized to have recurring access to vulnerable populations. For individuals whose checks were conducted prior to December 31, 2019, accompaniment must continue until either the state *or* FBI check component has cleared. For individuals whose checks were conducted after December 31, 2019, accompaniment must continue until the state *and* FBI check components have cleared. A person is accompanied when he or she is in the physical presence of a person cleared for access to a vulnerable population. One possible way to document accompaniment is to indicate on the individual's timesheet who performed the accompaniment during the access, on what dates and hours, and have the person who performed the accompaniment incrementally sign off attesting to the accuracy of the documentation. Grantees should have policies and procedures clearly describing their program's accompaniment guidelines and documentation procedures.

(This does not apply to checks conducted on or after May 1, 2021.)

(11) **Checks Required Based on Start Date of Individual**



\*Requirements came into effect as of 1/1/13. Documentation must be established by this date for individuals in these categories.

Notes on “Checks Required Based on Start Date of Individual” Chart (above):

- a. A murder self-certification is a statement signed by the individual attesting that they have not been convicted of murder, as defined in 18 USC 1111.
- b. The chart provides requirements for individuals with start dates up to April 30, 2021. Any individuals with NSCHC conducted on or after May 1, 2021, must follow the compliance requirements noted on page 6.