



Interim NSCHC Frequently Asked Questions

Office of the Chief Risk Officer

Effective February 24, 2021 – November 1, 2021

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Introduction

National Service Criminal History Check (NSCHC) is a screening procedure established by law to protect the beneficiaries of national service. This guidance must be followed per the NSCHC regulations ([45 CFR 2540.200 -- .207](#)).

On February 24, 2021, AmeriCorps published a new NSCHC regulation to be effective May 1, 2021. This document outlines common questions related to implementing the new NSCHC regulation for individuals who have started work/service before May 1, 2021 and will continue to work/serve after November 1, 2021. AmeriCorps will refer to the May 1, 2021 – November 1, 2021 as the interim period. CNCS will periodically update this FAQ and retire this document on November 1, 2021.

Grant recipients should refer to [NSCHC FAQs effective May 1, 2021](#) for any FAQs for individuals starting on or after May 1, 2021.



1.0 Effective Dates

1.1 What does the May 1, 2021 effective date mean?

The May 1, 2021 effective date is the date the NSCHC rule becomes enforced. This means anyone starting work or service on May 1, 2021 or after will need to comply with the new NSCHC rule.

1.2 What does November 1, 2021 date refer to?

November 1, 2021 is approximately 180 days after the May 1, 2021 NSCHC rule effective date. This date refers to the deadline for grant recipients to ensure they have taken action to be compliant with the new NSCHC rule for any individuals who started service or work before May 1, 2021 and who continue to serve or work on or after November 1, 2021.

NSCHC grant records of anyone that began service or work prior to May 2, 2021 and will continue to serve/work after November 1, 2021 must be compliant with the May 1, 2021 rule by November 1, 2021.

1.3 What is required for applicants who start May 1, 2021 or later?

Individuals who start on May 1, 2021 or later must abide by the May 1, 2021 effective NSCHC rule.

2.0 Currently Serving/Working Individuals:

2.1 What checks are required for individuals who were serving/working before the effective date May 1, 2021?

- For Individuals who began serving/working prior to May 1, 2021 and will exit before November 1, 2021, the May 1, 2021 effective NSCHC rule does not apply. NSCHC compliance will be determined by the October 5, 2012 NSCHC rule.
- For individuals who began serving/working prior to May 1, 2021 and will exit on or after November 1, 2021, the May 1, 2021 effective NSCHC rule does apply. NSCHC grant records must be brought into compliance with the new rule by November 1, 2021.
 - For example, if an individual serving/working on a grant only has a NSOPW and murder self-certification and plans to continue to serve/work past November 1, 2021, the NSCHC grant files must be updated to be compliant with the May 1, 2021 regulation. A compliant NSCHC file will include an NSOPW, state (of service and residence) check, FBI check and all required documentation.

2.2 Can I perform accompaniment if an individual is pending check results?

If you have an individual whose start date is before May 1, 2021, and you have initiated state and FBI checks, you may perform accompaniment if the individual has access to vulnerable populations while the check results are pending.

If you have an applicant whose start date is May 1, 2021, or after, you must comply with the May 1, 2021 NSCHC rule, which requires that all checks must be completed, and eligibility determined before the start of service/work. In this case, accompaniment is not an option for the individual while checks are pending.

2.3 Should I still initiate state and FBI checks for new applicants?

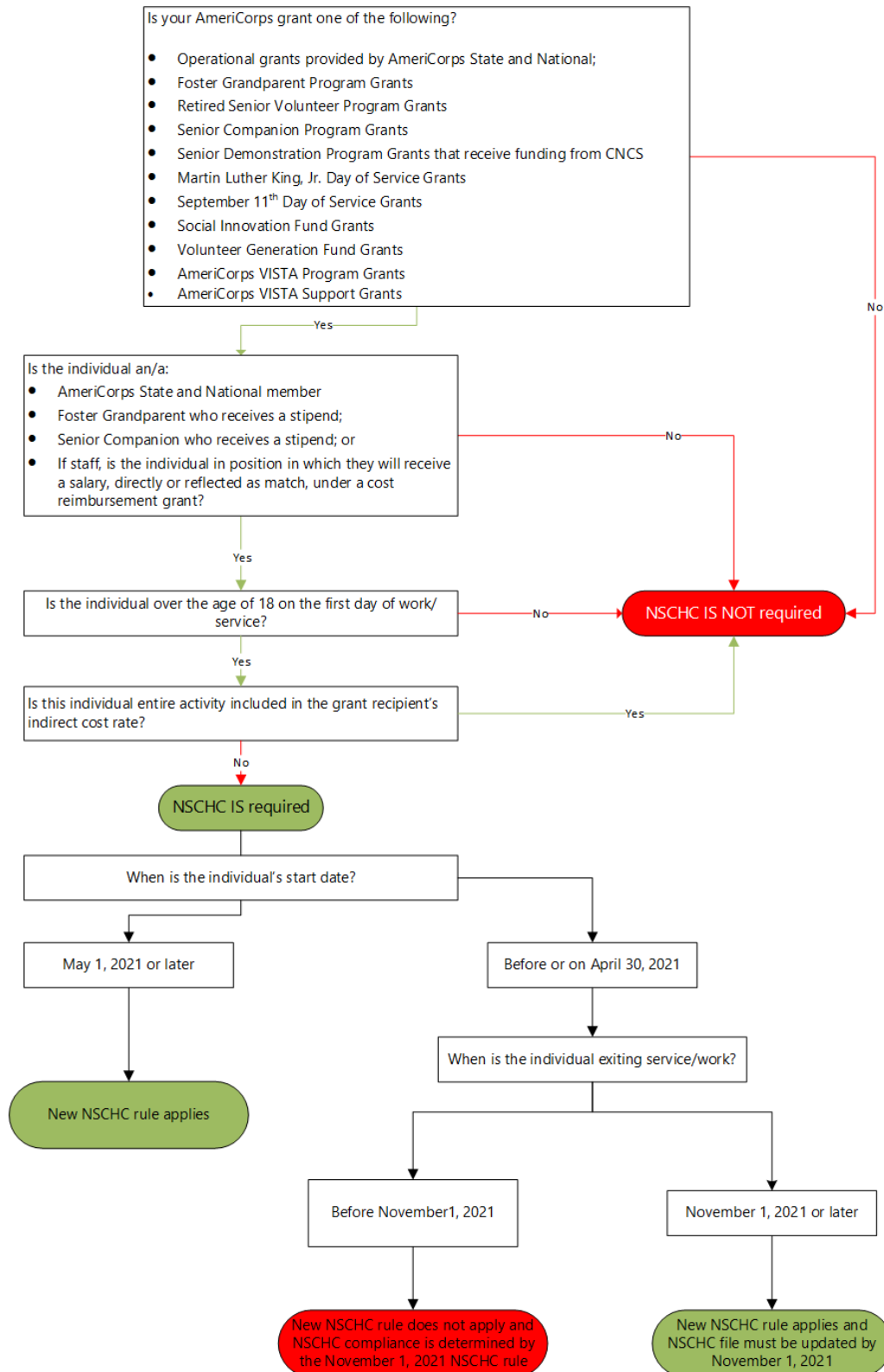
If you have an applicant whose start date is before May 1, 2021, you may initiate state and FBI checks no later than the first day of service/work and perform accompaniment if the individual has access to vulnerable populations while the check results are pending.

If you have an applicant whose start date is May 1, 2021 or after, you must comply with the May 1, 2021 NSCHC rule, which requires that all checks must be completed, and eligibility determined before the start of service/work. In this case, accompaniment is not an option for the individual while checks are pending.

2.4 Effective Date Chart

Effective Date Chart	Covered Individual Exits Work or Service Before 11/1/21	Covered Individual Exits Work or Service on or After 11/1/21
Covered Individual's Start Date is 5/1/21 or After	Must comply with 5/1/21 NSCHC regulations	Must comply with 5/1/21 NSCHC regulations
Covered Individual's Start Date is before 5/1/21	5/1/21 regulations do not apply; 10/5/12 regulations apply	Must comply with 5/1/21 NSCHC regulations by 11/1/21

2.5 Required checks for individuals who were serving/working before the effective date May 1, 2021 graphic



3.0 NSCHC Compliance

3.1 Does NSCHC enforcement change?

It is possible that NSCHC enforcement and the [NSCHC Guide to Enforcement Action](#) may change. If so, AmeriCorps will notify grant recipients of the change in advance of the effective date.

3.2 Are the agency-approved vendors required?

Grant recipients have the option of using agency-approved vendors, Truescreen and Fieldprint, or going directly to www.NSOPW.gov and state repositories. The May 1, 2021 NSCHC rule allows both options.

3.3 What should I do with my old files after May 1, 2021 (or November 1, 2021)?

Continue to maintain all your files, as part of the grant record. For active individuals whose files must be updated to become compliant with the new NSCHC rule, the grant records should include evidence of a compliant initial file and documentation of the actions taken to ensure compliance with the new NSCHC rule.

NSCHC information should be maintained in a secure location under the control of an authorized records custodian. Only people who have an official need to review the information should have access to the records.

3.4 Do applicants need to sign the murder self-certification requirement?

The May 1, 2021 NSCHC rule eliminates the need for individuals to certify that they have not been convicted of murder, regardless of when they started service/work.

NSCHC files for individuals with such self-certifications that continue to serve or work after November 1, 2021 must be brought into compliance of the May 1, 2021 rule by November 1, 2021.

By November 1, 2021, these individuals must have a NSOPW check, state of service/residence check and an FBI fingerprint check and all other required documentation requirement to be compliant.



Summary of National Service Criminal History Check Regulation 45 CFR 2450.200 - .207 (effective May 1, 2021)

AmeriCorps has published a new National Service Criminal History Check (NSCHC) regulation that will be effective May 1, 2021.

This new guidance clarifies and simplifies the NSCHC process.

- The new regulation clarifies:
 - Which grants are required to comply with NSCHC
 - Which individuals are required to comply with NSCHC
- The new regulation simplifies:
 - What checks are required
 - When checks need to be completed
 - Documentation requirements
- The new regulation:
 - Requires a three-part check for all covered individuals
 - Requires all NSCHC check components to be complete before the start of work or service
 - Exempts fixed amount grant staff and planning grants from NSCHC requirements
 - Exempts grant staff fully covered by an indirect cost rate from NSCHC requirements
 - Exempts individuals who are not yet 18 at the start of work or service from NSCHC requirements (if an individual turns 18 prior to a consecutive term, NSCHC is required)
 - Extends the time period for which a grant recipient must re-check an individual after a break in service or employment with the same organization from 120-days to 180-days
 - Includes an NSCHC Waiver process, to replace the Alternative Search Process.

The new regulation will be effective on May 1, 2021 and will apply to individuals starting work or service in an NSCHC-required grant on or after this date. Individuals in covered positions who remain in a covered position must complete an NSCHC that complies with the final rule by November 1, 2021.

The chart below provides additional information about how the new requirements apply to specific start and exit dates of covered individuals:

	Covered Individual Exits Work or Service Before 11/1/21	Covered Individual Exits Work or Service On or After 11/1/21
Covered Individual's Start Date is 5/1/21 or After	Must comply with 5/1/21 NSCHC regulations	Must comply with 5/1/21 NSCHC regulations
Covered Individual's Start Date is before 5/1/21	5/1/21 regulations do not apply; 10/5/12 regulations apply	Must comply with 5/1/21 NSCHC regulations by 11/1/21





AmeriCorps

National Service Criminal History Check (NSCHC) Manual

Office of the Chief Risk Officer
Effective May 1, 2021

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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 the 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 11th 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 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 State and National members
- Foster Grandparents who receive a stipend
- Senior Companions who receive a stipend
- If staff, 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 work/serve on an NSCHC required grant.
- Individuals whose activity is entirely included in the grant recipient's indirect cost rate.

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. §§ 200.22 & 200.92, respectively. 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. § 200.330, "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. § 200.92. 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. § 200.330(a)(4).

Contractor: The NSCHC requirement does not apply to individuals who provide services under a contract, as defined under 2 C.F.R. § 200.22. 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, and 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 Title 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 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 individual's 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 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 a 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. In cases where individuals provide false information requested for suitability criteria, recipients have discretion in how to deal with the situation, again consistent with federal civil rights law and state law requirements. Grant recipient suitability 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;
- 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 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 procedures establishing protocol for discerning state of residence for all covered individuals.

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.

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

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 [NSCHC Using Fieldprint and Truescreen Manual](#).

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

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 *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 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 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 you are a recipient with multiple programs, and a participant moves from one of them to another, you only have to conduct a new NSCHC for that person if they have a break in service that is longer than 180 days.

NSCHC Documentation

The grant recipient must maintain adequate documentation of their NSCHC process and practices as well as documentation of individual NSCHC grant records. The following NSCHC documentation must be maintained:

- Evidence that all required components (NSOPW, State(s), and FBI checks) were completed and on file ([§2540.206](#))
 - All required components (NSOPW, State(s), and FBI) were conducted on time ([§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 ([§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 ([§2540.204](#))
- First and Last Names used on name-based checks should reflect the legal name of the individual, as reflected on documentation used to verify the identity of the individual
 - Documents used to verify an individual's identity must be consistent with sources described in the grant recipient's adopted NSCHC policies and procedures (sources may include documents collected with W-9 form, W-2 form, SSN verified name within AmeriCorps portal, and income eligibility documents from a government source)
 - NOTE: Individuals with government documents reflecting two last names (family names) should enter both names in the Last Name search field. Individuals with two first names (given names) should enter both names in the First Name search field. Searches should include the hyphen (-) or apostrophe (') if their names have them.
- Documentation of consent from the candidate to conduct State and FBI checks and share results ([§2540.206](#)), including:
 - Documentation of the candidate's understanding that the national service position is contingent upon the organization's review of the individual's NSCHC component results, if any; and
 - Documentation that the candidate understands his or her ability to review and challenge the factual accuracy of the result before action is taken to exclude the candidate from the position
- Documentation that the candidate is eligible to serve/work if a vendor returns a "do not recommend" result for the candidate ([§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.

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. An organization's NSCHC policies and procedures should describe the practices for protecting information related to NSCHC.

Please note that many documentation requirements are obtained and maintained by agency-approved vendors. More information on vendor usage can be found [here](#).

NSCHC Grant Costs

The person who is serving or working in a position that requires NSCHC may not be charged for the cost of any component of a National Service Criminal Check.

NSCHC Waivers

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 for a waiver request form and more information.

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 a list of Pre-Approved Waivers.](#)

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. The [National Service Criminal History Check Guide to Enforcement Action for Identified Noncompliance \(Guide\)](#) describes what constitutes NSCHC noncompliance, potential administrative consequences for noncompliance, and how and when to implement specific administrative corrective action or enforcement for NSCHC noncompliance.

The Guide 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.

Appendix A: Pre-Approved 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 a financial impact for the grant recipient.

1. Pre-Approved Waiver for Use of Truescreen Vendor 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. See the [NSCHC using Fieldprint and Truescreen Manual](#) for the AmeriCorps agreement code and instructions to set up your account. 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.

While Truescreen provides NSOPW information for all states and territories, it does not provide state criminal history information for the following states and territories:

States Not Included in Truescreen	Territories Not Included in Truescreen
California	Guam
Delaware	Northern Mariana Islands
Louisiana	Puerto Rico
Nevada	
New Mexico	
Virginia	
Massachusetts (as of 12/20/18)	
Mississippi (as of 6/1/2019)	

- Between 11/15/18 to 8/11/19, Truescreen did not provide information for New Hampshire. As of 8/12/19, New Hampshire is accessible by Truescreen and was removed from this pre-approved Waiver (formerly known as a Pre-Approved Alternative Search Procedure).
- Between 11/15/18 to 8/20/19, 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 (formerly known as a Pre-Approved Alternative Search Procedure).

Grantees using Truescreen are not required to obtain a state criminal history check for individuals from the states/territories whose information is not included in Truescreen, 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.

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. Pre-Approved Waiver for 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. 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. States that participate in the NFF provide responses 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.

Therefore:

- If a required state check is from a state that **participates in the NFF**, then the grantee does not need to conduct the state 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), in addition to the NSOPW and fingerprint-based FBI checks.

The following states participate in the NFF program:

Colorado	Florida	Georgia	Hawaii	Idaho
Iowa	Kansas	Maryland	Minnesota	Missouri
Montana	North Carolina	New Jersey	New York	Ohio
Oklahoma	Oregon	Tennessee	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 because the Colorado criminal history record information is already 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 because the Ohio and Iowa criminal history record information is already included in the fingerprint-based FBI check.

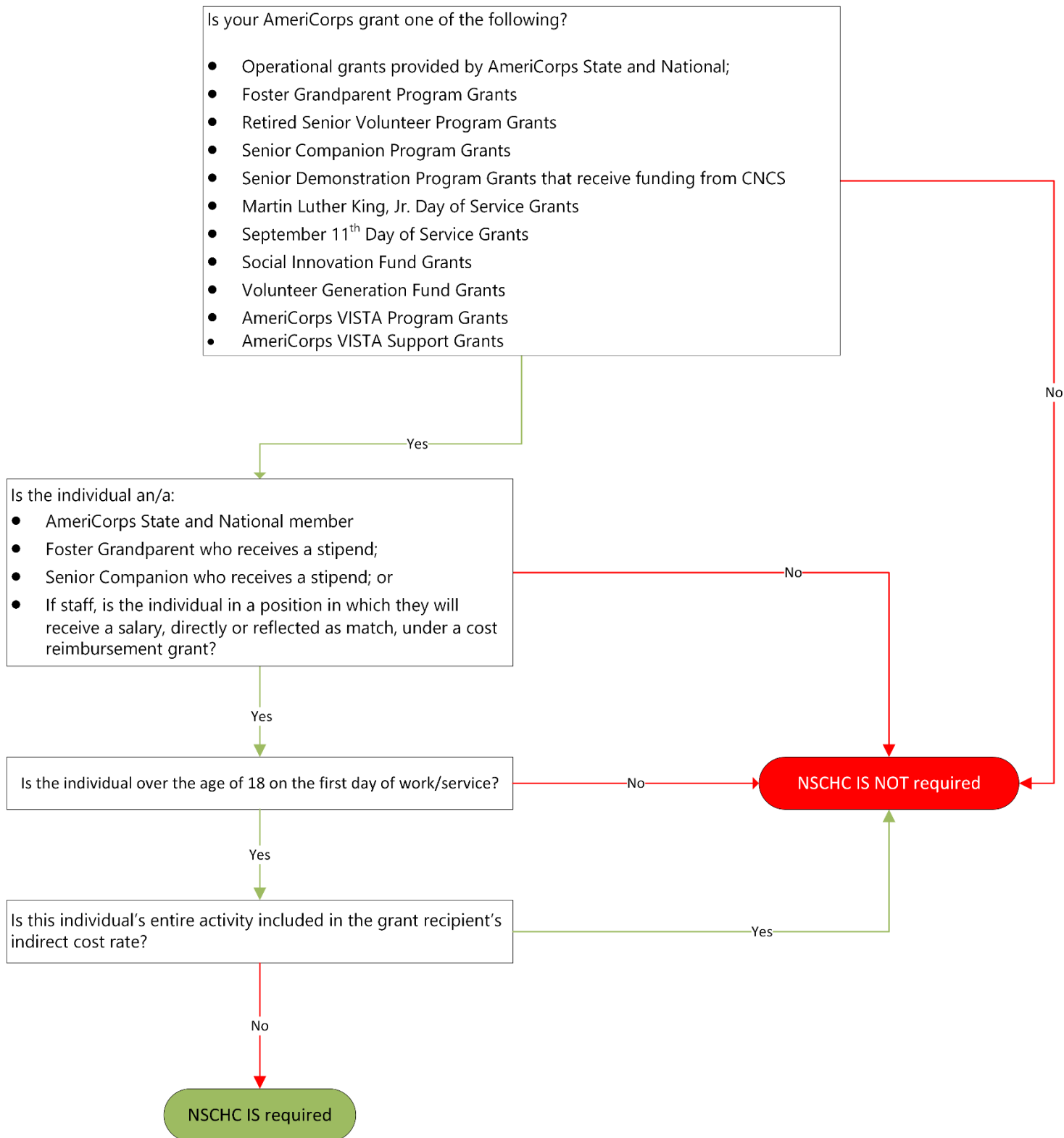
Example 3: No states participate in the NFF

An individual who must comply with NSCHC will serve in Wisconsin (state of service **does not** participate in NFF) and resides in Illinois 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 an Illinois state criminal history check.

3. Pre-Approved Waiver for Disability Accommodation for FBI Fingerprint Checks (Effective May 1, 2021)

AmeriCorps will waive the fingerprint-based 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



Appendix C: How to conduct NSCHC graphic

National Service Criminal History Check Steps: Effective May 1, 2021				
	Grant Recipient action using NSOPW.gov and State Repository for NSOPW, State and FBI checks	NSCHC Tip	Grant Recipient action when using agency approved vendors for NSOPW, State and FBI checks	How vendors assist NSCHC process
NSCHC Annual E-Course	Develop and maintain your organization's NSCHC policies and procedures	See Office of Monitoring's Recommendations for Effective NSCHC Policy and Procedures	Develop and maintain your organization's NSCHC policies and procedures	
	Take NSCHC annual e-course training (and maintain documentation)	eCourse training should be completed by the individual responsible for conducting NSCHC	Take NSCHC annual e-course training (and maintain documentation)	
Consent	Obtain and maintain a person's consent before conducting the state and FBI components of the National Service Criminal History Check	<p>As soon as you selected a candidate, begin the NSCHC process. Remember all checks must be completed and eligibility must be determined before an individual starts work/service!</p> <p>If an individual refuses to consent to NSCHC → Ineligible to serve</p>		Vendors will capture and maintain consent from applicant
Service/Work is contingent on NSCHC	Provide and maintain notice that selection for work or service is contingent upon the organization's review of the NSCHC component results			Vendors will provide and document notice the applicant understands that selection for work or service is contingent upon the organization's review of the NSCHC component results
Conduct the Checks	Go directly to: <ul style="list-style-type: none"> NSOPW.gov to conduct NSOPW checks State criminal history repository or CNCS designated alternative to conduct State of Service and Residence checks and FBI checks 	<p>State of Residence Checks: The state the individual is in physically at the time of application</p> <p>If an individual refuses to consent to NSCHC → Ineligible to serve</p>	<ul style="list-style-type: none"> Order NSOPW and State checks from agency approved vendor, Truescreen Provide AmeriCorps Fieldprint code to applicant to set up a fingerprinting appointment 	
Receive the Results	Receive the Results Turn around time varies by state		Receive the Results Average turn around time: Truescreen: 1-5 days Fieldprint: 2 days	
Adjudicate	Adjudicate the Results	<p>Suitability and unsuitability is determined in by the grant recipients and subrecipients, or service sites. The suitability criteria must consistent with state and federal Civil Rights and nondiscrimination laws.</p> <p>An individual may be eligible to work or serve in a position, 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.</p> <p>If the individual 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. → Ineligible to serve</p>	Review adjudication recommendations	Vendors will provide an adjudication recommendation.
Document Adjudication	Document adjudication decision		Document adjudication decision in vendor system	
Opportunity to Challenge	Grantees must provide a reasonable opportunity for the person to review and challenge the factual accuracy of a result before action is taken to exclude the person from the position. This must be documented.			Vendors will notify and provide opportunity for applicant to review and challenge the review and challenge the factual accuracy of a result before action is taken to exclude the person from the position. Vendor will also maintain this documentation.
Protect Information	Grantee must take reasonable steps to protect the confidentiality of any information relating to the criminal history check, consistent with authorization provided by the applicant			Vendor systems protects PI; if grantees print any documentation be sure to protect the confidentiality of any information



NSCHC Frequently Asked Questions

Office of the Chief Risk Officer

Effective May 1, 2021

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Introduction

AmeriCorps' (the agency) National Service Criminal History Check (NSCHC) is a screening procedure established by law to protect the beneficiaries of national service. This guidance must be followed per the NSCHC requirements ([45 CFR 2540.200 -- .207](#)). You may face enforcement remedies, including financial consequences, if you deviate from the requirements. This document outlines common questions related to NSCHC. For detailed information about grant recipient requirements, please review the [NSCHC Criminal History Check Manual Effective May 1, 2021](#).

The agency will periodically update these FAQs.

For FAQs regarding the transition period between the October 5, 2012 and May 1, 2021 NSCHC rule, refer to the [Interim NSCHC FAQ's](#).

1.0 NSCHC Context

1.1 How have NSCHC requirements changed over time?

November 23, 2007, agency regulations have required recipients to perform the NSCHC on individuals who have recurring access to a vulnerable population. Vulnerable populations include children 17 years of age or younger, persons age 60 and older, or people with disabilities.

On October 1, 2009, agency statutes expanded the requirements to check any person receiving a living allowance, stipend, national service education award, or salary through a grant recipient receiving AmeriCorps funds, regardless of their level of contact with a vulnerable population.

On January 1, 2013, the agency issued regulations to fully implement the 2009 statutory changes that required a fingerprint-based FBI criminal history check for

those individuals in covered positions who have recurring access to vulnerable populations.

On February 24, 2021, AmeriCorps issued updated regulations to clarify and simplify NSCHC requirements. These regulations became effective May 1, 2021. The rule also required that within 180 days of the effective date of the rule, any individual who continues in an NSCHC-required position must have an NSCHC that complies with the May 1, 2021 effective rule. That is, each person in a NSCHC-required position who continues to work or serve on or after November 1, 2021 must have a check that complies with the May 1, 2021 regulation.

1.2 Is a background check the same as an NSCHC?

No. Background checks can mean many different things and have many different components, many of which may not be relevant to the NSCHC. For example, credit reports and interviews with personal references are examples of background checks that are not relevant to the NSCHC. In addition, not all background checks include all the necessary components of the NSCHC.

2.0 NSCHC Applicability

2.1 I am told that my organization is not eligible to receive criminal history checks because we are clearing people for employment. What do I do?

You should provide the following explanation: An NSCHC is required for a person to serve/work in an AmeriCorps grant program. It is not a check to approve employment. You may employ someone, but they may be prohibited from serving in an AmeriCorps grant program. Contact your Portfolio Manager immediately if you are not permitted to conduct required checks.

2.2 How can we determine if a staff person or national service participant, in a fixed-amount grant with no budget or FFR, is required to get NSCHC?

All AmeriCorps state and national members who are over the age of 18 on the first day of service are required to obtain NSCHC.

Staff on fixed-amount grants are not required to obtain NSCHC. However, grant recipients are strongly encouraged to incorporate suitability screening and institute a holistic framework for safeguarding beneficiaries of service.

2.3 Are employers of partner organizations who supervise members or volunteers required to conduct NSCHC?

Individuals in positions in which they receive a salary, directly or reflected as match, under a cost reimbursement grant are required to obtain NSCHC.

2.4 Do hourly-wage staff (i.e. not salaried) need to undergo the NSCHC?

NSCHC requirements do not change based on whether an individual is paid hourly or salaried. A person who receives an hourly wage directly attributable to a NSCHC-required grant must obtain NSCHC.

2.6 Should my program perform checks on people who are otherwise not required to have an NSCHC? Will my grant cover the cost?

Your program may choose to conduct NSCHCs on people in positions that do not require NSCHC compliance as an effective first step in prevention and safeguarding. You may include this as a grant operating cost or volunteer support expense in your grant budget proposal.

Please note that access to FBI checks through AmeriCorps approved vendor, Fieldprint, is limited to those individuals in positions that require NSCHC who are required by law to undergo a National Service Criminal History Check.

2.7 Some of our employees have not been in positions that require NSCHC, but we conducted checks on them anyway, anticipating they might one day be assigned to such duties. Do we have to re-check them once they are officially assigned?

If you performed a compliant check on or after November 23, 2007, there is no need to perform a new check when that person starts working in a NSCHC-required position, as long as he or she has not had a break in employment since the check was performed. You are required to maintain the results of the check and to adequately document dates the person starts working in a NSCHC-required position.

However, if you only conducted some of the required components described in the May 1, 2021 NSCHC rule, then you must supplement the pre-existing checks with the additional required components.

2.8 Our program design involves job training and job creation, and we pay wages to people who are in training and initial phases of gainful employment. Are these beneficiaries of the program required to comply with NSCHC?

No. Even though the beneficiaries receive a form of financial benefit as part of the program's design rather than a program activity. A beneficiary who receives some financial benefit through a national service grant but who is not otherwise engaged in grant activities is not required to comply with NSCHC.

2.9 Why don't the NSCHC rules cover community volunteers who are recruited by national service recipients?

The NSCHC applies to AmeriCorps State and National members, stipended Foster Grandparents, stipended Senior Companions and individuals in positions that will receive a salary, directly or reflected as match under cost

reimbursement grants. Community volunteers do not receive this kind of compensation.

2.10 A former VISTA member has been selected for a position in our national service program for which an NSCHC is required. Do we need to conduct a new NSCHC on this individual?

Yes, you must conduct a completely new NSCHC. The criminal history checks that AmeriCorps does for VISTA members are not transferable to grant recipient organizations to satisfy the NSCHC requirements.

2.11 What happens when an AmeriCorps Senior project relinquishes a grant and it is awarded to a replacement sponsor?

The volunteers' criminal history checks may be transferred to the new sponsor with the volunteer files. The new sponsor is not required to recheck the volunteers if those files are complete and compliant. However, they must ensure that the checks met applicable regulations and correct any noncompliance they identify in order to avoid enforcement remedies, including financial consequences.

2.12 My organization has a State and National operational grant that is a fixed amount award. Is NSCHC required?

All AmeriCorps State and National members on AmeriCorps State and National operational grants are required to comply with NSCHC.

Only individuals in positions in which they will receive a salary, directly or reflected as match, under a cost-reimbursement grant are required to comply by NSCHC. Staff on fixed amount grant awards are not required to comply with NSCHC.

3.0 Timing

3.1 Is the recipient program required to conduct a second NSCHC on an applicant who defers service for a year?

Candidates who are selected and have cleared their NSCHC may defer or delay their start of service without undergoing a new NSCHC. Service delay or deferral is permitted for up to one (1) year, but the approved program design must include this option. The agency recommends that programs develop a written policy on how to handle NSCHC for people who defer service.

3.2 Our program receives thousands of applications to serve. Performing NSCHCs on everyone who applies for a position or to serve can be very burdensome and expensive. Is there a better way to manage this workload?

Your program's NSCHC policy and procedures should identify at which point applicants are checked. However, please note that all checks must be conducted, reviewed, and an eligibility determination made by the grant recipient or subrecipient based on the results of the National Service Criminal History Check *before* a person begins to work or service

3.3 Does administrative leave, sick leave, summer breaks, or not actively working with a client constitute a break in service?

No. A break in service means that a person is no longer working or serving in a position for which they receive an education award, AmeriCorps Seniors stipend or salary under an applicable agency grant.

3.4 How far in advance of participation in a recipient program should we conduct the NSCHC?

Recipients may start conducting the NSCHC from the point of application. The regulations require all checks must be conducted, reviewed, and an eligibility determination made by the grant recipient or subrecipient based on the results of the National Service Criminal History Check before a person begins to work or serve.

3.5 What if the results of NSCHC are still pending but the individual is scheduled to start service/work imminently?

The individual may not begin work/service while NSCHC results are still pending. The regulations require all checks must be conducted, reviewed, and an eligibility determination made by the grant recipient or subrecipient based on the results of the National Service Criminal History Check before a person begins to work or service.

Grant recipients may face enforcement remedies, including financial consequences, if grant recipients deviate from the requirements.

3.6 When must I supplement checks?

If an individual is serving a consecutive term and turns 18 before the start of the subsequent term of service, NSCHC must be conducted.

3.7 Do we have to conduct an NSCHC every year for each participant?

No. The NSCHC is required only once for any person who applies to work or serve in an NSCHC-required position.

If the break in service or work is less than 180 days, then no additional NSCHC is required, if the original NSCHC checks are compliant with the NSCHC regulation effective May 1, 2021.

However, If the person turns 18 before the start of the subsequent term of service, NSCHC is required. Refer to [NSCHC Manual](#) for additional information about breaks in service.

4.0 Eligibility and Suitability

4.1 What does it mean to be required to be listed on a sex offender registry?

In some situations, a person may have been convicted of an offense and ordered by the court to register as a sex offender, but he or she did not register. Since the NSOPW check only identifies people who have registered, programs must also use candidate's criminal history information to check for any offenses for which the candidate was required to register under state law but did not. Individuals who are required to be listed on sex offender registry are ineligible to serve/work on AmeriCorps grants.

4.2 My program involves people with criminal histories. Is there anything additional that I must do?

In situations where an ex-offender applies to serve or work, officials may take into consideration the type of service or program activity the applicant would do, the specific crime they committed, and the various supervisory levels that exist to manage the risks associated with an ex-offender's participation in the program. However, murder and conviction of any offenses that require registration on a sex offender registry are disqualifying offenses without exception. Refer to the [NSCHC Manual](#) for additional information about non-disqualifying convictions and the federal reentry policy.

4.3 If we de-select a person for an AmeriCorps position based on criminal history, can we refill that position?

The refill policy applies. Recipients should consult the guidance in the Terms and Conditions referencing re-fill policy and changes in member positions.

Please note that grant recipients must provide a reasonable opportunity for the applicant to review and challenge the factual accuracy of a NSCHC result before action is taken to exclude the person from the position. An organization's NSCHC policies and procedures should describe actions required to document challenges and determinations to exclude persons from participating.

5.0 Budgeting NSCHC

5.1 The cost of conducting an NSCHC can be a financial burden for a recipient. Can AmeriCorps pay for these checks?

Yes. The person who is serving or working in a position that requires NSCHC may not be charged for the cost of any component of a National Service Criminal History Check.

The total cost of conducting NSCHC is an allowable program operating cost (called a “volunteer support expense in AmeriCorps Senior programs) and should be included in the budget. Recipients should project all cost components such as fingerprinting, notarization, mailing, and state repository and FBI fees.

5.2 Are recipients allowed to use current year grant funds to pay NSCHC costs for members who will be enrolled in the next program year? If not, may recipients defer the costs and charge them to the new grant year (as budgeted) even if the expense was incurred prior to the project start date?

NSCHC costs are allowable costs that are not required to be associated with a particular program year. The funds that a recipient has budgeted for checks are not limited to use during a particular period. They can be used to perform checks on any person in a position who needs the NSCHC at that moment in time. The costs are allocable to the recipient at that moment in time because checks are required upon application to serve/work. Waiting for a future budget to start the checks is not an option and incurring the cost today and posting it against a future date would be improper accounting.

5.3 Programs cannot charge an applicant for the cost of conducting the NSCHC. Does this mean that we can't charge an applicant and later reimburse him or her for this cost?

Programs are permitted to ask a candidate to pay for the check(s), as long as the program reimburses the applicant for the cost of conducting the check(s). The person who is serving or working in the position that requires NSCHC may not be charged for the cost of any component of a National Service Criminal History Check. An organization's NSCHC policies and procedures should describe the actions required for paying for checks and, if applicable, the actions required to reimburse a candidate for the cost of conducting the checks.

5.4 I'm a VISTA sponsor who receives a VISTA support (S&T) or program grant. The "Grantee Share" column of my grant budget reflects staff salaries. Do I have to conduct an NSCHC for staff whose salaries are reflected solely on the "Grantee Share" column of the VISTA grant budget and paid entirely from non-federal funds?

No, you don't have to do an NSCHC for staff whose salaries are reflected solely on the "Grantee Share" column of the VISTA grant budget and paid entirely from non-federal funds. VISTA grants do not require the sponsor to provide a specified level of matching funds in order to be eligible to spend the federal funds. Amounts reflected in the "Grantee Share" are for informational purposes.

6.0 Documentation

6.1 May we retain only electronic records rather than paper files?

There is no rule requiring criminal history check records to be paper based. You may save scanned images of criminal history check results and the associated documents, rather than paper documents. A program using an electronic record system should make sure that it meets all expectations for verifiable and auditable records. Given the critical nature of the date when the NSCHC was performed and when the individual began work or service, the program should make sure that any record – whether paper or electronic – clearly and without doubt establishes when the checks were performed, by whom, from what sources the information was obtained, and by whom the results were reviewed and considered in selecting the individual. Refer to the [NSCHC Manual](#) for additional information on NSCHC documentation requirements.

6.2 How should we store, secure, and file the results of the NSCHC?

Grantees must take reasonable steps to protect the confidentiality of any information relating to the criminal history check, consistent with authorization provided by the applicant.

NSCHC information should be maintained in a secure location under the control of an authorized records custodian. Only people who have an official need to review the information should have access to the records. An organization's NSCHC policies and procedures should describe practices for safeguarding information related to NSCHC.

6.3 Must I store NSCHC records at the service site, or may I centralize the records at our headquarters?

Records (electronic or hard copy) may be stored at any secure location, so long as they are accessible for timely routine use by the recipient, and for oversight and monitoring by AmeriCorps monitoring officials, without undue cost or delay.