

## **§ 2540.201**

- (b) Foster Grandparent Program Grants;
- (c) Retired and Senior Volunteer Program Grants;
- (d) Senior Companion Program Grants;
- (e) Senior Demonstration Program Grants that receive funding from CNCS;
- (f) Martin Luther King, Jr. Day of Service Grants;
- (g) September 11th Day of Service Grants;
- (h) Social Innovation Fund Grants;
- (i) Volunteer Generation Fund Grants;
- (j) AmeriCorps VISTA Program Grants;
- (k) AmeriCorps VISTA Support Grants.

[86 FR 11146, Feb. 24, 2021]

### **§ 2540.201 Which individuals require a National Service Criminal History Check?**

(a) A National Service Criminal History Check must be conducted for individuals in covered positions. Individuals in covered positions are individuals selected, under a CNCS grant specified in 2540.200, by the recipient, subrecipient, or service site to work or serve in a position under a CNCS grant specified in § 2540.200:

- (1) As an AmeriCorps State and National member, as described in 42 U.S.C. 12511(30)(A)(i);
  - (2) As a Foster Grandparent who receives a stipend;
  - (3) As a Senior Companion who receives a stipend; or
  - (4) In a position in which they will receive a salary, directly or reflected as match, under a cost reimbursement grant.
- (b) A National Service Criminal History Check is not required for those individuals listed in paragraph (a) of this section who are under the age of 18 on the first day of work or service in a covered position.
- (c) A National Service Criminal History Check is not required for individuals whose activity is entirely included in the grant recipient's indirect cost rate.

[86 FR 11147, Feb. 24, 2021]

## **45 CFR Ch. XXV (10–1–23 Edition)**

### **§ 2540.202 What eligibility criteria apply to an individual for whom a National Service Criminal History Check is required?**

An individual shall be ineligible to work or serve in a position specified in § 2540.201(a) if the individual—

- (a) Refuses to consent to a criminal history check described in § 2540.204;
- (b) Makes a false statement in connection with a criminal history check described in § 2540.204;
- (c) Is registered, or is required to be registered, on a state sex offender registry or the National Sex Offender Registry; or
- (d) Has been convicted of murder, as defined in 18 U.S.C. 1111.

[86 FR 11147, Feb. 24, 2021]

### **§ 2540.203 May a grant recipient or subrecipient or service site establish and apply suitability criteria for individuals to work or serve in a position specified in this subpart?**

Grant recipients and subrecipients, or service sites, may establish suitability criteria, consistent with state and Federal Civil Rights and non-discrimination laws, for individuals working or serving in a position specified in § 2540.201(a). While members may be eligible to work or serve in a position specified in § 2540.201(a) based on the eligibility requirements of § 2540.202, 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.

[86 FR 11147, Feb. 24, 2021]

### **§ 2540.204 What are the components of a National Service Criminal History Check?**

(a) Unless CNCS approves a waiver under § 2540.207, for each individual in a position specified in § 2540.201, grantees or subgrantees must, obtain:

- (1) A nationwide check of the National Sex Offender Public website through *NSOPW.gov*;
- (2) 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