

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 AmeriCorps.

(3) A RSVP volunteer station may contribute to the financial support of the RSVP Program. However, this support shall not be a required precondition for a potential station to obtain RSVP volunteers.

(4) If a volunteer station agrees to provide funds to support additional volunteers or pay for other volunteer 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 RSVP volunteer 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 U.S.C. 276a.

(f) *Nondiscrimination.* A sponsor or sponsor employee shall not discriminate against a RSVP volunteer on the basis of race, color, national origin, sex, age, religion, or political affiliation, or on the basis of disability, if the volunteer with a disability is qualified to serve.

(g) *Religious activities.* (1) An RSVP volunteer or a member of the project staff funded by AmeriCorps 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 AmeriCorps 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 AmeriCorps.

[64 FR 14135, Mar. 24, 1999, as amended at 69 FR 60095, Oct. 7, 2004; 83 FR 64657, Dec. 17, 2018; 89 FR 70545, Aug. 30, 2024]

§2553.92 What legal coverage does AmeriCorps make available to RSVP volunteers?

It is within AmeriCorps' discretion to determine if Counsel is employed and counsel fees, court costs, bail and other expenses incidental to the defense of an RSVP volunteer are paid in a criminal, civil or administrative proceeding, when such a proceeding arises directly out of performance of the volunteer's activities. The circumstances under which AmeriCorps may pay such expenses are specified in 45 CFR part 1220.

[83 FR 64657, Dec. 17, 2018, as amended at 89 FR 70545, Aug. 30, 2024]

Subpart J—Performance Measurement

SOURCE: 76 FR 20247, Apr. 12, 2011, unless otherwise noted.

§2553.101 What is the purpose of performance measurement?

The purpose of performance measurement is to strengthen the RSVP project and foster continuous improvement. Performance measures are used

§ 2553.102

to assess how an applicant for a grant approaches the design of volunteer activities and how those activities impact community needs.

[83 FR 64657, Dec. 17, 2018]

§ 2553.102 What performance measurement information must be part of an application for funding under RSVP?

An application to AmeriCorps for funding under RSVP must contain:

- (a) In a year one renewal application:
 - (1) Performance measures.
 - (2) Estimated performance data for the project years covered by the application.
- (b) In a year two or three continuation application:
 - (1) Performance measures.
 - (2) Estimated performance data for the project years covered by the application.
 - (3) Actual performance data, where available, for the preceding completed project year.

[83 FR 64658, Dec. 17, 2018]

§ 2553.103 Who develops the performance measures?

- (a) AmeriCorps may establish performance measures that will apply to RSVP projects, which sponsors will be responsible for meeting.
- (b) An applicant is responsible for choosing its own project specific performance measures.

[83 FR 64658, Dec. 17, 2018]

§ 2553.104 What performance measures must be submitted to AmeriCorps and how are these submitted?

- (a) An applicant for AmeriCorps funds is required to submit any uniform performance measure AmeriCorps may establish for all applicants. Requirements, including types of performance measures, will be communicated in the notice of funding and other related materials.
- (b) AmeriCorps may specify additional requirements related to performance measures on an annual basis in program guidance and related materials.
- (c) Applicants for AmeriCorps funds will submit performance measures through the grant application.

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AmeriCorps will provide standard forms.

[83 FR 64658, Dec. 17, 2018]

§ 2553.105 How are performance measures approved and documented?

- (a) AmeriCorps reviews and approves performance measures for all applicants that apply for funding.
- (b) An applicant must follow AmeriCorps provided guidance and formats when submitting performance measures.
- (c) Final performance measures, as negotiated between the applicant and AmeriCorps, will be documented in the approved grant application.

[83 FR 64658, Dec. 17, 2018]

§ 2553.106 How does a sponsor report performance measures to AmeriCorps?

AmeriCorps will set specific reporting requirements, including frequency and deadlines, concerning performance measures established in the grant award. A sponsor is required to report on the actual results that occurred when implementing the grant and to regularly measure the project's performance.

[83 FR 64658, Dec. 17, 2018]

§ 2553.107 What must a sponsor do if it cannot meet its performance measures?

When a sponsor finds it is not on track to meet its performance measures, the sponsor must develop a plan to get back on track or submit a request to AmeriCorps to amend its performance measures. AmeriCorps may limit when amendments to performance measure can be submitted, as well as limit the types of changes a sponsor can make to performance measures. The request must include all of the following:

- (a) Why the project is not on track to meet its performance requirements;
- (b) How the project has been tracking performance measures;
- (c) Evidence of corrective steps taken;
- (d) Any new proposed performance measures; and

(e) A plan to ensure that the project will meet the new proposed measure(s).

[76 FR 20247, Apr. 12, 2011, as amended at 83 FR 64658, Dec. 17, 2018]

§ 2553.108 What happens if a sponsor fails to meet the target performance measures included in the approved grant application?

If a sponsor fails to meet a target performance measure established in the approved grant application, AmeriCorps may take one or more of the following actions:

(a) Reduce the amount, suspend, or deny refunding of the grant, in accordance with the provisions of § 2553.31;

(b) Terminate the grant, in accordance with 45 CFR part 1206.

[83 FR 64658, Dec. 17, 2018]

**PART 2554—PROGRAM FRAUD
CIVIL REMEDIES ACT REGULATIONS**

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