

Pt. 2553

which AmeriCorps may pay such expenses are specified in 45 CFR part 1220.

[83 FR 64654, Dec. 17, 2018, as amended at 89 FR 70544, Aug. 30, 2024]

PART 2553—THE RETIRED AND SENIOR VOLUNTEER PROGRAM**Subpart A—General**

Sec.

2553.11 What is the Retired and Senior Volunteer Program?

2553.12 Definitions.

Subpart B—Eligibility and Responsibilities of a Sponsor

2553.21 Who is eligible to serve as a sponsor?

2553.22 What are the responsibilities of a sponsor?

2553.23 What are a sponsor's project responsibilities?

2553.24 What are a sponsor's responsibilities for securing community participation?

2553.25 What are a sponsor's administrative responsibilities?

2553.26 [Reserved]

Subpart C—Suspension, Termination and Denial of Refunding

2553.31 What are the rules on suspension, termination and denial of refunding of grants?

Subpart D—Eligibility, Cost Reimbursements and Volunteer Assignments

2553.41 Who is eligible to be an RSVP volunteer?

2553.42 Is an RSVP volunteer a federal employee, an employee of the sponsor or of the volunteer station?

2553.43 What cost reimbursements and benefits may sponsors provide to RSVP volunteers?

2553.44 May cost reimbursements received by RSVP volunteers be subject to any tax or charge, treated as wages or compensation, or affect eligibility to receive assistance from other programs?

Subpart E—Volunteer Terms of Service

2553.51 What are the terms of service of an RSVP volunteer?

2553.52 Under what circumstances may a sponsor remove an RSVP volunteer from service?

Subpart F—Responsibilities of a Volunteer Station

2553.61 When may a sponsor serve as a volunteer station?

45 CFR Ch. XXV (10-1-24 Edition)

2553.62 What are the responsibilities of a volunteer station?

Subpart G—Application and Fiscal Requirements

2553.71 What is the process for application and award of a grant?

2553.72 What are project funding requirements?

2553.73 What are a sponsor's legal requirements in managing grants?

Subpart H—Non-AmeriCorps Funded Projects

2553.81 Under what conditions may an agency or organization sponsor an RSVP project without AmeriCorps funding?

2553.82 What are the resources and benefits to which a non-AmeriCorps funded project is entitled?

2553.83 What financial obligation does AmeriCorps incur for non-AmeriCorps funded projects?

2553.84 What happens if a non-AmeriCorps funded sponsor does not comply with the NGA?

Subpart I—Restrictions and Legal Representation

2553.91 What legal limitations apply to the operation of the RSVP volunteer Program and to the expenditure of grant funds?

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

Subpart J—Performance Measures

2553.101 What is the purpose of performance measurement?

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

2553.103 Who develops the performance measures?

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

2553.105 How are performance measures approved and documented?

2553.106 How does a sponsor report performance measures to AmeriCorps?

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

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

AUTHORITY: 42 U.S.C. 4950 *et seq.*

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Corporation for National and Community Service**§ 2553.12**

EDITORIAL NOTE: Nomenclature changes to part 2553 appear at 89 FR 70545, Aug. 30, 2024.

Subpart A—General**§ 2553.11 What is the Retired and Senior Volunteer Program?**

The Retired and Senior Volunteer Program (RSVP) provides grants to qualified agencies and organizations for the dual purpose of: engaging persons 55 and older in volunteer service to meet critical community needs; and to provide a high quality experience that will enrich the lives of volunteers.

§ 2553.12 Definitions.

Act. The Domestic Volunteer Service Act of 1973, as amended, Public Law 93-113, Oct. 1, 1973, 87 Stat. 396, 42 U.S.C. 4950 *et seq.*

Adequate staffing level. The number of project staff or full-time equivalent needed by a sponsor to manage the AmeriCorps Seniors project operations considering such factors as: Number of budgeted volunteers, number of volunteer stations, and the size of the service area.

AmeriCorps. The Corporation for National and Community Service, established pursuant to section 191 of the National and Community Service Act of 1990, as amended, 42 U.S.C. 12651, which operates as AmeriCorps.

AmeriCorps Seniors. The collective name for the Senior Companion Program (SCP), the Foster Grandparent Program (FGP), the Retired and Senior Volunteer Program (RSVP), and Demonstration Programs, all of which are established under Parts A, B, C, and E, Title II of the Act.

Assignment. The activities, functions, or responsibilities to be performed by volunteers identified in a written outline or description.

Assignment description. The written description of the activities, functions, or responsibilities to be performed by RSVP volunteers.

Chief Executive Officer. The Chief Executive Officer of AmeriCorps appointed under the National and Community Service Act of 1990, as amended, (NCSA), 42 U.S.C. 12501 *et seq.*

Cost reimbursements. Reimbursements budgeted as Volunteer Expenses and provided to volunteers, including sti-

pends to cover incidental costs, transportation, meals, recognition, supplemental accident, personal liability and excess automobile liability insurance, and other expenses as negotiated in the Memorandum of Understanding.

Letter of Agreement. A written agreement between a volunteer station or sponsor and the person(s) served or the person legally responsible for that person. It authorizes the assignment of an RSVP volunteer in the home of a client, defines RSVP volunteer activities, and specifies supervision arrangements.

Memorandum of Understanding. A written statement prepared and signed by the RSVP project sponsor and the volunteer station that identifies project requirements, working relationships, and mutual responsibilities.

Non-AmeriCorps support (excess). The amount of non-AmeriCorps cash and in-kind contributions generated by a sponsor in excess of the required percentage.

Non-AmeriCorps support (match). The percentage share of non-AmeriCorps cash and in-kind contributions required to be raised by the sponsor in support of the grant.

Performance measures. Indicators that help determine the impact of an RSVP project on the community, including the volunteers.

Project. The locally planned RSVP activity or set of activities in a service area as approved by AmeriCorps and implemented by the sponsor.

Proprietary Health Care Agency. Private, for-profit health care organization that serves one or more vulnerable populations.

Service area. The geographically defined area(s) approved in the grant application, in which RSVP volunteers are enrolled and placed on assignments.

Sponsor. A public agency, including Indian Tribes as defined in section 421(5) of the Act, and private, non-profit organizations, both secular and faith-based, in the United States that have authority to accept and the capability to administer an RSVP project.

United States and Territories. Each of the several States, the District of Columbia, the U.S. Virgin Islands, the Commonwealth of Puerto Rico, Guam

§ 2553.21

and American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territories of the Pacific Islands.

Volunteer station. A public agency; a private, non-profit organization, secular or faith-based; or a proprietary health care organization. A volunteer station must accept responsibility for the assignment and supervision of RSVP volunteers in health, education, social service, or related settings such as multi-purpose centers, home health care agencies, or similar establishments. Each volunteer station must be licensed or otherwise certified, when required, by the appropriate state or local government. Private homes are not volunteer stations.

[64 FR 14135, Mar. 24, 1999, as amended at 69 FR 60095, Oct. 7, 2004; 76 FR 20246, Apr. 12, 2011; 83 FR 64654, Dec. 17, 2018; 89 FR 70544, Aug. 30, 2024]

Subpart B—Eligibility and Responsibilities of a Sponsor

§ 2553.21 Who is eligible to serve as a sponsor?

AmeriCorps awards grants to public agencies, including Indian tribes as defined in section 421(5) of the Act, and private, non-profit organizations, both secular and faith-based, in the United States that have authority to accept and the capability to administer an RSVP project.

[83 FR 64654, Dec. 17, 2018]

§ 2553.22 What are the responsibilities of a sponsor?

A sponsor is responsible for fulfilling all project management requirements necessary to accomplish the purposes of the RSVP project as specified in the Act. A sponsor shall not delegate or contract these overall management responsibilities to another entity. AmeriCorps retains the right to determine what types of management responsibilities may or may not be contracted.

[83 FR 64655, Dec. 17, 2018]

§ 2553.23 What are a sponsor's project responsibilities?

A sponsor shall:

45 CFR Ch. XXV (10-1-24 Edition)

(a) Focus RSVP resources to have a positive impact on critical human and social needs within the project service area.

(b) In collaboration with other community organizations or by using existing assessments, assess the needs of the community or service area, and develop strategies to respond to identified needs using RSVP volunteers.

(c) Develop and manage one or more volunteer stations to provide a wide range of placement opportunities that appeal to persons age 55 and over by:

(1) Ensuring that a volunteer station is a public or non-profit private organization, whether secular or faith-based, or an eligible proprietary health care agency, capable of serving as a volunteer station for the placement of RSVP volunteers to meet locally identified needs;

(2) Ensuring the placement of RSVP volunteers is governed by a Memorandum of Understanding:

(i) That is negotiated prior to placement;

(ii) That specifies the mutual responsibilities of the station and sponsor;

(iii) That is renegotiated at least every three years;

(iv) That states the station will not discriminate against RSVP volunteers, service beneficiaries, or in the operation of its program on the basis of race, color, national origin including individuals with limited English proficiency, gender, age, religion, sexual orientation, disability, gender identity or expression, political affiliation, marital or parental status, or military service; and

(v) That states the station will provide for the safety of the RSVP volunteers assigned to the station.

(d) Consider the demographic make-up of the project service area in the enrollment of RSVP volunteers, taking special efforts to recruit eligible individuals from minority groups, persons with disabilities and under represented groups.

(e) Encourage the most efficient and effective use of RSVP volunteers by co-ordinating project services and activities with related national, state and local programs, including other AmeriCorps programs.

Corporation for National and Community Service**§ 2553.25**

(f) Provide RSVP volunteers with cost reimbursements specified in § 2553.43.

(g) Make every effort to meet such performance measures as established in the approved grant application.

[64 FR 14135, Mar. 24, 1999, as amended at 67 FR 6875, Feb. 14, 2002; 69 FR 60095, Oct. 7, 2004; 76 FR 20246, Apr. 12, 2011; 83 FR 64655, Dec. 17, 2018]

§ 2553.24 What are a sponsor's responsibilities for securing community participation?

(a) A sponsor shall secure community participation in local project operation by establishing an Advisory Council or a similar organizational structure with a membership that includes people:

(1) Knowledgeable about human and social needs of the community;

(2) With an interest in the field of community service and volunteerism;

(3) Capable of helping the sponsor satisfy its administrative and program responsibilities including fund-raising, publicity and meeting or exceeding performance measures;

(4) With an interest in, and knowledge of, the range of abilities of older adults; and

(5) Of a diverse composition that reflects the demographics of the service area.

(b) The sponsor determines how this participation shall be secured, consistent with the provisions of paragraphs (a)(1) through (a)(5) of this section.

[64 FR 14135, Mar. 24, 1999, as amended at 83 FR 64655, Dec. 17, 2018]

§ 2553.25 What are a sponsor's administrative responsibilities?

A sponsor shall:

(a) Assume full responsibility for securing maximum and continuing community financial and in-kind support to operate the project successfully.

(b) Provide levels of staffing and resources appropriate to accomplish the purposes of the project and carry out its project management responsibilities.

(c) Employ a full-time project director to accomplish project objectives and manage the functions and activi-

ties delegate to project staff for Senior Corps project(s) within its control. The project director may participate in activities to coordinate project resources with those of related local agencies, boards or organizations. A full-time project director shall not serve concurrently in another capacity, paid or unpaid, during established working hours. A sponsor may negotiate the employment of a part-time project director with AmeriCorps when the sponsor can demonstrate that such an arrangement will not adversely affect the size, scope or quality of project operations.

(d) Consider all project staff as sponsor employees subject to its personnel policies and procedures.

(e) Compensate project staff at a level that is comparable to similar staff positions in the sponsor organization and/or project service area, as is practicable.

(f) Establish risk management policies and procedures covering RSVP project activities. This includes provision of appropriate insurance coverage for RSVP volunteers, which includes; accident insurance, personal liability insurance, and excess automobile liability insurance.

(g) Establish record keeping and reporting systems in compliance with AmeriCorps requirements that ensure quality of program and fiscal operations, facilitate timely and accurate submission of required reports and cooperate with AmeriCorps evaluation and data collection efforts.

(h) Comply with, and ensure that Memorandums of Understanding require all volunteer stations to comply with, all applicable civil rights laws and regulations, including non-discrimination based on disability.

(i) Conduct National Service Criminal History Checks in accordance with the requirements in 45 CFR 2540.200 through 2540.207.

[64 FR 14135, Mar. 24, 1999, as amended at 74 FR 46509, Sept. 10, 2009; 83 FR 64655, Dec. 17, 2018; 89 FR 70544, Aug. 30, 2024]

§ 2553.26

§ 2553.26 [Reserved]

Subpart C—Suspension, Termination and Denial of Refunding

§ 2553.31 What are the rules on suspension, termination and denial of refunding of grants?

(a) The Chief Executive Officer or designee is authorized to suspend further payments or to terminate payments under any grant providing assistance under the Act whenever he or she determines there is a material failure to comply with applicable terms and conditions of the grant. The Chief Executive Officer shall prescribe procedures to insure that:

(1) Assistance under the Act shall not be suspended for failure to comply with applicable terms and conditions, except in emergency situations for thirty days;

(2) An application for refunding under the Act may not be denied unless the recipient has been given:

(i) Notice at least 75 days before the denial of such application of the possibility of such denial and the grounds for any such denial; and

(ii) Opportunity to show cause why such action should not be taken;

(3) In any case where an application for refunding is denied for failure to comply with the terms and conditions of the grant, the recipient shall be afforded an opportunity for an informal hearing before an impartial hearing officer, who has been agreed to by the recipient and AmeriCorps; and

(4) Assistance under the Act shall not be terminated for failure to comply with applicable terms and conditions unless the recipient has been afforded reasonable notice and opportunity for a full and fair hearing.

(b) Hearings or other meetings as may be necessary to fulfill the requirements of this section should, to the extent practicable, be held in locations convenient to the grant recipient.

(c) The procedures for suspension, termination, and denial of refunding, that apply to the RSVP program are specified in 45 CFR part 1206.

[64 FR 14135, Mar. 24, 1999, as amended at 76 FR 20246, Apr. 12, 2011; 83 FR 64655, Dec. 17, 2018]

45 CFR Ch. XXV (10-1-24 Edition)

Subpart D—Eligibility, Cost Reimbursements and Volunteer Assignments

§ 2553.41 Who is eligible to be an RSVP volunteer?

(a) To be an RSVP volunteer, an individual must:

- (1) Be 55 years of age or older;
- (2) Agree to serve without compensation; and
- (3) Reside in or nearby the community served by RSVP.

(b) Eligibility to serve as an RSVP volunteer shall not be restricted on the basis of formal education, experience, race, color, national origin including limited English proficiency, gender, age, religion, sexual orientation, disability, gender identity or expression, political affiliation, marital or parental status, or military service.

[64 FR 14135, Mar. 24, 1999, as amended at 83 FR 64655, Dec. 17, 2018]

§ 2553.42 Is an RSVP volunteer a federal employee, an employee of the sponsor or of the volunteer station?

RSVP volunteers are not employees of the sponsor, the volunteer station, AmeriCorps or the Federal Government.

[83 FR 64655, Dec. 17, 2018]

§ 2553.43 What cost reimbursements and benefits may sponsors provide to RSVP volunteers?

(a) RSVP volunteers may be provided the following cost reimbursements within the limits of the project's available resources:

(1) *Transportation.* RSVP volunteers may receive assistance with the cost of transportation to and from volunteer assignments and official project activities, including orientation, training, and recognition events.

(2) *Meals.* RSVP volunteers may receive assistance with the cost of meals taken while on assignment.

(3) *Other volunteer expenses.* RSVP volunteers may also be reimbursed for allowable out-of-pocket expenses incurred while performing their assignments.

(b) RSVP volunteers must be provided the following cost reimbursements:

Corporation for National and Community Service**§ 2553.62**

(1) *Recognition.* RSVP volunteers shall be provided recognition for their service.

(2) *Insurance.* An RSVP volunteer is provided with the AmeriCorps-specified minimum levels of insurance as follows:

(i) *Accident insurance.* Accident insurance covers RSVP volunteers for personal injury during travel between their homes and places of assignment, during volunteer service, during meal periods while serving as a volunteer, and while attending project sponsored activities. Protection shall be provided against claims in excess of any benefits or services for medical care or treatment available to the volunteer from other sources.

(ii) *Personal liability insurance.* Protection is provided against claims in excess of protection provided by other insurance. It does not include professional liability coverage.

(iii) *Excess automobile insurance.* (A) RSVP drivers who drive in connection with their service shall be provided protection against claims in excess of the greater of either:

(1) Liability insurance the volunteers carry on their own automobiles; or

(2) The limits of applicable state financial responsibility law, or in its absence, levels of protection to be determined by AmeriCorps for each person, each accident, and for property damage.

(B) RSVP volunteers who drive their personal vehicles to or on assignments or project-related activities shall maintain personal automobile liability insurance equal to or exceeding the levels established by AmeriCorps.

[83 FR 64656, Dec. 17, 2018, as amended at 89 FR 70544, Aug. 30, 2024]

§ 2553.44 May cost reimbursements received by RSVP volunteers be subject to any tax or charge, treated as wages or compensation, or affect eligibility to receive assistance from other programs?

No. An RSVP volunteer's cost reimbursements are not subject to any tax or charge, and are not treated as wages or compensation for the purposes of unemployment insurance, workers' compensation, temporary disability, retirement, public assistance or similar ben-

efit payments or minimum wage laws. Cost reimbursements are not subject to garnishment, and do not reduce or eliminate the level of, or eligibility for, assistance or services that a volunteer may be receiving under any governmental program.

[83 FR 64656, Dec. 17, 2018]

Subpart E—Volunteer Terms of Service**§ 2553.51 What are the terms of service of an RSVP volunteer?**

An RSVP volunteer shall serve on a regular basis, or intensively on short-term assignments, consistent with the assignment description.

[83 FR 64656, Dec. 17, 2018]

§ 2553.52 Under what circumstances may a sponsor remove an RSVP volunteer from service?

(a) A sponsor may remove an RSVP volunteer from service for cause. Grounds for removal include, but are not limited to: Extensive and unauthorized absences; misconduct; failure to perform assignments and or failure to accept supervision.

(b) The sponsor shall establish appropriate policies on removal from service as well as procedures for appeal.

[83 FR 64656, Dec. 17, 2018]

Subpart F—Responsibilities of a Volunteer Station**§ 2553.61 When may a sponsor serve as a volunteer station?**

The sponsor and RSVP project itself may function as a volunteer station or may initiate special volunteer activities provided that AmeriCorps agrees these activities are in accord with program objectives and will not hinder overall project operations.

[83 FR 64656, Dec. 17, 2018]

§ 2553.62 What are the responsibilities of a volunteer station?

A volunteer station shall undertake the following responsibilities in support of RSVP volunteers:

(a) Develop volunteer assignments that impact critical human and social

§ 2553.71

needs, and regularly assess those assignments for continued appropriateness;

(b) Assign staff member responsible for day to day oversight of RSVP volunteers within the volunteer station and for assessing the impact of volunteers in addressing community needs;

(c) Keep a Letter of Agreement for each client who receives in-home service;

(d) Keep records and prepare reports as required;

(e) Comply with all applicable civil rights requirements including providing RSVP volunteers with disabilities reasonable accommodation to perform the essential functions of their service;

(f) Provide assigned RSVP volunteers the following support:

(1) Orientation to station and appropriate in-service training to enhance performance of assignments;

(2) Resources required for performance of assignments including reasonable accommodation to RSVP volunteers with disabilities to perform the essential functions of their service; and

(3) Supervision.

(g) Undertake such other responsibilities as may be necessary to the successful performance of RSVP volunteers in their assignments or as agreed to in the Memorandum of Understanding.

[64 FR 14135, Mar. 24, 1999, as amended at 83 FR 64656, Dec. 17, 2018]

Subpart G—Application and Fiscal Requirements

§ 2553.71 What is the process for application and award of a grant?

As funds become available, AmeriCorps solicits application for RSVP grants from eligible organizations through a competitive process.

(a) *What are the application requirements for an RSVP grant?* An applicant must:

(1) Submit required information determined by AmeriCorps.

(2) Demonstrate compliance with any applicable requirements specified in the Notice of Funding Availability or Notice of Funding Opportunity.

(b) *What process does AmeriCorps use to select new RSVP grantees?* (1)

45 CFR Ch. XXV (10-1-24 Edition)

AmeriCorps reviews and determines the merits of an application by its responsiveness to published guidelines and to the overall purpose and objectives of the program. In conducting its review during the competitive process, AmeriCorps considers the input and opinions of those serving on a peer review panel, including members with expertise in senior service and aging, and may conduct site inspections, as appropriate.

(2) The selection process includes:

(i) Determining whether an application complies with the application requirements, such as deadlines, eligibility, and programmatic requirements, including performance measurement requirements;

(ii) Applying published selection criteria, as stated in the applicable Notice of Funding Availability or Notice of Funding Opportunity, to assess the quality of the application;

(iii) Applying any applicable priorities or preferences, as stated in the applicable Notice of Funding Availability or Notice of Funding Opportunity;

(iv) Ensuring innovation and geographic, demographic, and programmatic diversity across AmeriCorps RSVP grantee portfolio; and

(v) Identifying the applications that most completely respond to the published guidelines and offer the highest probability of successfully carrying out the overall purpose and objectives of the program.

(c) *How is a grant awarded?* (1) Subject to the availability of funds, the award will be documented by a Notice of Grant Award (NGA).

(2) AmeriCorps and the sponsoring organization are parties to the NGA. The NGA will document the sponsor's commitment to fulfill specific programmatic objectives and financial obligations. It will document the extent of AmeriCorps' obligation to provide assistance to the sponsor.

(d) *What happens if AmeriCorps rejects an application?* AmeriCorps will inform an applicant when an application is not approved for funding.

(e) *For what period of time does AmeriCorps award a grant?* AmeriCorps awards an RSVP grant for a specified period that is usually three years in

Corporation for National and Community Service**§ 2553.81**

duration with an option for a grant renewal of three years, if the grantee's performance and compliance with grant terms and conditions are satisfactory. AmeriCorps will terminate funding to a grantee when AmeriCorps determines that the grant should not be renewed for an additional three year period.

[76 FR 20246, Apr. 12, 2011, as amended at 83 FR 64656, Dec. 17, 2018; 89 FR 70545, Aug. 30, 2024]

§ 2553.72 What are project funding requirements?

(a) *Is non-AmeriCorps support required?*

(1) An AmeriCorps grant may be awarded to fund up to 90 percent of the total project cost.

(2) A sponsor is responsible for identifying non-AmeriCorps funds which may include in-kind contributions.

(b) *Under what circumstances does AmeriCorps allow less than the percentage identified in paragraph (a) of this section?* AmeriCorps may allow exceptions to the local support requirement identified in paragraph (a) of this section in cases of demonstrated need such as:

(1) Initial difficulties in the development of local funding sources during the first three years of operations; or

(2) An economic downturn, the occurrence of a natural disaster, or similar events in the service area that severely restrict or reduce sources of local funding support; or

(3) The unexpected discontinuation of local support from one or more sources that a project has relied on for a period of years.

(c) *May AmeriCorps restrict how a sponsor uses locally generated contributions in excess of the non-AmeriCorps support required?* Whenever locally generated contributions to RSVP projects are in excess of the non-AmeriCorps funds required (10 percent of the total cost), AmeriCorps may not restrict the manner in which such contributions are expended, provided such expenditures are consistent with the provisions of the Act.

(d) *Are program expenditures subject to audit?* All expenditures by the grantee of Federal and Non-Federal funds, including expenditures from excess locally generated contributions, are sub-

ject to audit by AmeriCorps, its Inspector General or their authorized agents.

[64 FR 14135, Mar. 24, 1999, as amended at 67 FR 6875, Feb. 14, 2002; 83 FR 64657, Dec. 17, 2018; 89 FR 70545, Aug. 30, 2024]

§ 2553.73 What are a sponsor's legal requirements in managing grants?

What rules govern a sponsor's management of grants?

(a) A sponsor shall manage a grant in accordance with:

- (1) The Act;
- (2) Regulations in this part;
- (3) 2 CFR part 200 and 2 CFR part 2205;
- (4) All applicable AmeriCorps policies; and
- (5) All other applicable AmeriCorps requirements.

(b) Project support provided under a AmeriCorps grant shall be furnished at the lowest possible cost consistent with the effective operation of the project.

(c) Volunteer expense items, including transportation, meals, recognition activities and items purchased at the volunteers' own expense and which are not reimbursed, are not allowable as contributions to the non-Federal share of the budget.

(d) Costs to bring a sponsor into basic compliance with accessibility requirements for individuals with disabilities are not allowable costs.

(e) Payments to settle discrimination complaints, either through a settlement agreement or formal adjudication, are not allowable costs.

(f) Written AmeriCorps approval/concurrence is required for a change in the approved service area.

[79 FR 76078, Dec. 19, 2014, as amended at 83 FR 64657, Dec. 17, 2018]

Subpart H—Non-AmeriCorps Funded Projects**§ 2553.81 Under what conditions may an agency or organization sponsor an RSVP project without AmeriCorps funding?**

An eligible agency or organization who wishes to sponsor an RSVP project without AmeriCorps funding must make an application through the designated grants management system which is approved by AmeriCorps and

§ 2553.82

documented through the Notice of Grant Agreement (NGA).

[83 FR 64657, Dec. 17, 2018]

§ 2553.82 What are the resources and benefits to which a non-AmeriCorps funded project is entitled?

(a) All technical assistance and materials provided to AmeriCorps funded RSVP volunteer projects; and

(b) The application of the provisions of 42 U.S.C. 5044 and 5058.

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

§ 2553.83 What financial obligation does AmeriCorps incur for non-AmeriCorps funded projects?

Issuance of an NGA to a sponsor of a non-AmeriCorps funded project does not create a financial obligation on the part of AmeriCorps for any costs associated with the project.

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

§ 2553.84 What happens if a non-AmeriCorps funded sponsor does not comply with the NGA?

A non-AmeriCorps funded project sponsor's noncompliance with the NGA may result in suspension or termination AmeriCorps' agreement and all benefits specified in § 2553.82.

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

Subpart I—Restrictions and Legal Representation

§ 2553.91 What legal limitations apply to the operation of the RSVP volunteer Program and to the expenditure of grant funds?

(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:

45 CFR Ch. XXV (10-1-24 Edition)

(i) Any partisan or nonpartisan political activity associated with a candidate, or contending faction or group, in an election; or

(ii) Any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election; or

(iii) 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:

(i) 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

(ii) In connection with an authorization or appropriations measure directly affecting the operation of the RSVP Program.

(b) *Nondisplacement of employed workers.* A RSVP volunteer 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 AmeriCorps Seniors volunteers are assigned or which operates or supervises any AmeriCorps Seniors program shall not request or receive any compensation from AmeriCorps Seniors volunteers or from beneficiaries for services of AmeriCorps Seniors 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 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.

45 CFR Ch. XXV (10-1-24 Edition)

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

OVERVIEW AND DEFINITIONS

Sec.

2554.1 Overview of regulations.

2554.2 What kind of conduct will result in program fraud enforcement?

2554.3 What is a claim?

2554.4 What is a statement?

2554.5 What is a false claim or statement?

2554.6 What does the phrase “know or have reason to know” mean?

PROCEDURES LEADING TO ISSUANCE OF A COMPLAINT

2554.7 Who investigates program fraud?

2554.8 What happens if program fraud is suspected?

2554.9 Who is the Corporation’s authority head?

2554.10 When will the Corporation issue a complaint?

2554.11 What is contained in a complaint?

2554.12 How will the complaint be served?

PROCEDURES FOLLOWING SERVICE OF A COMPLAINT

2554.13 How does a defendant respond to the complaint?

2554.14 What happens if a defendant fails to file an answer?

2554.15 What happens once an answer is filed?

HEARING PROVISIONS

2554.16 What kind of hearing is contemplated?

2554.17 At the hearing, what rights do the parties have?

- 2554.18 What is the role of the ALJ?
- 2554.19 Can the reviewing official or ALJ be disqualified?
- 2554.20 How are issues brought to the attention of the ALJ?
- 2554.21 How are papers served?
- 2554.22 How is time computed?
- 2554.23 What happens during a prehearing conference?
- 2554.24 What rights are there to review documents?
- 2554.25 What type of discovery is authorized and how is it conducted?
- 2554.26 Are there limits on disclosure of documents or discovery?
- 2554.27 Are witness lists exchanged before the hearing?
- 2554.28 Can witnesses be subpoenaed?
- 2554.29 Who pays the costs for a subpoena?
- 2554.30 Are protective orders available?
- 2554.31 Where is the hearing held?
- 2554.32 How will the hearing be conducted and who has the burden of proof?
- 2554.33 How is evidence presented at the hearing?
- 2554.34 How is witness testimony presented?
- 2554.35 Will the hearing proceedings be recorded?
- 2554.36 Can a party informally discuss the case with the ALJ?
- 2554.37 Are there sanctions for misconduct?
- 2554.38 Are post-hearing briefs required?

DECISIONS AND APPEALS

- 2554.39 How is the case decided?
- 2554.40 How are penalty and assessment amounts determined?
- 2554.41 Can a party request reconsideration of the initial decision?
- 2554.42 When does the initial decision of the ALJ become final?
- 2554.43 What are the procedures for appealing the ALJ decision?
- 2554.44 What happens if an initial decision is appealed?
- 2554.45 Are there any limitations on the right to appeal to the authority head?
- 2554.46 How does the authority head dispose of an appeal?
- 2554.47 What judicial review is available?
- 2554.48 Can the administrative complaint be settled voluntarily?
- 2554.49 How are civil penalties and assessments collected?
- 2554.50 What happens to collections?
- 2554.51 What if the investigation indicates criminal misconduct?
- 2554.52 How does the Corporation protect the rights of defendants?

AUTHORITY: Pub. L. 99-509, Secs. 6101-6104, 100 Stat. 1874 (31 U.S.C. 3801-3812); 42 U.S.C. 12651c-12651d.

SOURCE: 72 FR 61912, Oct. 20, 2006, unless otherwise noted.