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## SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSIONS

### **A. Justification**

#### **A1. Need for Information Collection**

The Corporation for National and Community Service (CNCS) awards grants to states, institutions of higher education, non-profit organizations, Indian tribes, and U.S. Territories to operate national service programs. The Serve America Act of 2009 amended the National and Community Service Act of 1990 (NCSA) creating a statutory requirement that entities receiving federal financial assistance under the national service laws conduct National Service Criminal History Checks on individuals in covered positions. 42 U.S.C. § 12645g. Covered positions are those in which individuals receive a CNCS grant-funded living allowance, stipend, national service education award, or salary. The National Service Criminal History Check (NSCHC) is a screening procedure mandated by the NCSA, as amended, and implemented by CNCS through rulemaking in order to protect program beneficiaries from harm and to determine the eligibility of individuals to receive one of the statutorily-enumerated benefits of service from CNCS. The final rule requires entities receiving federal financial assistance to maintain documentation of the required components of the NSCHC to ensure the proper screening and eligibility of individuals.

It is essential to the mission of CNCS and our grantees that the recordkeeping requirement of the NSCHC is in place to ensure that those required to be listed on a sex offender registry or those convicted of murder do not serve in covered positions, as prohibited by statute.

#### **A2. Use of Information**

The final rule requires entities to document the following: 1) verification of an individual's identity through examination of a government-issued photo ID, 2) that the entity maintain the results, or a results summary of the NSCHC components for the individual, 3) written documentation that the result of the NSCHC was considered in selecting an individual to serve in a covered position, 4) the individual's authorization to conduct the NSCHC, and 5) the individual's understanding of that the covered position is contingent on consideration of the NSCHC.

The documentation required to be maintained under the rule will be created by the entity responsible for the covered position or received from state criminal history registries, the FBI, or private entities authorized to provide the information necessary to determine whether or not an individual is a convicted murderer or required to be listed on a sex offender registry.

The entity receiving federal financial assistance from CNCS is responsible for maintaining the records required by the final rule. The sole use of the information

maintained is to ensure eligibility and proper screening of individuals to serve or work in a covered position, as required by statute. The records must be kept in paper format or in electronic format that is auditable and secure from tampering.

The records maintained are provided by the grantee and the organization through which the grantee conducts the NSCHC.

Records must be kept on each individual serving or working in a covered position ( i.e. one who receives a CNCS grant-funded living allowance or salary, stipend, or national service education award). The records must be kept for audit and compliance purposes for the time period normally required for maintenance of grant records. The records must show that the organization conducted the NSCHC in the correct manner and at the correct time. Because the law prohibits individuals with certain criminal convictions from serving, the requirement ensures that federal funds are not disbursed in violation of statute and that vulnerable populations are protected from harm.

CNCS conducts site and monitoring visits of grantees and the CNCS Office of Inspector General conducts audits of the grantees. In both cases, record maintenance required by this rule is used to determine whether or not the recipient of federal funds has complied with the terms and conditions of its grant.

**A3. Minimize Burden: Use of Improved Technology to Reduce Burden**

CNCS permits its grantees to document and maintain records using technology as long as the validity and integrity of the record is not compromised.

**A4. Non-Duplication**

Documentation is not available from any other source.

**A5. Minimizing Economic Burden for Small Businesses or Other Small Entities**

This collection of information does not impact small businesses because for profit entities are not eligible to apply for or receive grants. Small entities eligible to receive grants must pay for overhead and staff to administer the recordkeeping requirement and to comply with the recordkeeping requirements. This is minimized to the degree possible by requiring entities to maintain only the records absolutely necessary to verify compliance with the NSCHC. All costs related to the NSCHC are allowable costs under CNCS grants.

**A6. Consideration of Collection**

If the records are not maintained, CNCS and its grantees will be unable to fulfill the statutory obligation of ensuring that grantees do not permit sex offenders and convicted murderers to serve in covered positions. If the records are not kept, it will be extremely time-consuming and burdensome for the grantees to demonstrate compliance with the terms and conditions of the grant, as well as the appropriate use of federal funds.

**A7. Special circumstances that would cause information collection to be collected in the specified ways.**

There are no special circumstances that would require the recordkeeping to be performed in any other ways specified.

**A8. Provide copy and identify the date and page number of publication in the Federal Register of the Agency's notice.**

A 60-day Notice was published on November 9, 2012.

**A9. Payment to Respondents**

There are no payments or gifts to respondent

**A10. Confidentiality**

The NSCHC rule, 45 CFR § 2540.205(g), requires that entities conducting a check on an individual provide safeguards to ensure the confidentiality of any documentation relating to the NSCHC.

**A11. Sensitive Questions**

The recordkeeping requirement does not include questions of a sensitive nature.

**A12. Hour burden of the collection**

The frequency of recordkeeping varies, depending on the processing of the NSCHC components by state and federal repositories, and should not exceed a cumulative effort of 15 minutes per covered position. The recordkeeping process will be incorporated into the customary and usual grant recordkeeping practices. The grantees have significant flexibility in designing and implementing their recordkeeping systems and efficiencies and integrating recordkeeping requirements into their standard operations. The approximate total number of covered positions is 112,357. This reflects a respondent distribution across CNCS streams of service as follows: VISTA – 659; AmeriCorps State and National: 100,000; SIF – 1,100, RSVP staff – 1,484; FGP – 3,472; SCP – 5,642. Total burden for this collection will be 28,089 hours.

**A13. Cost burden to the respondent**

The recordkeeping requirements do not involve start-up or operating costs other than those which are part of customary and usual business practices. Costs for customary and usual business practices are allowable costs under CNCS grants.

**A14. Cost to Government**

There is no annual cost burden to the Government outside of customary and usual business practices.

**A15. Reasons for program changes**

Not applicable.

**A16. Publication of results**

Not applicable.

**A17. Explain the reason for seeking approval to not display the expiration date for OMB approval of the information collection.**

Not applicable.

**A18. Exceptions to the certification statement**

There are no exceptions to the certification statement.