

**Corporation for National and Community Service (AmeriCorps)
National Service Criminal History Check Recordkeeping Requirement
OMB Control Number 3045-0150**

Justification – Part A Supporting Statement

Overview of Information Collection: The Corporation for National and Community Service (operating as AmeriCorps) awards grants to States, institutions of higher education, non-profit organizations, Indian Tribes, and U.S. territories to operate national service programs. This information collection requires those grantees to conduct National Service Criminal History Checks (NSCHCs) on individuals in covered positions before they begin service and maintain documentation that the individuals were screened according to statutory requirements and are not prohibited from serving in the covered position.

- This is a request for renewal (extension) of the existing collection.
- This information collection requires grantees to maintain documentation that they have conducted the required NSCHCs on individuals in covered positions and that those individuals are not listed on a sex offender registry or convicted of murder. If the grantee uses one of the recommended vendors for NSCHCs, then the documentation will consist of a “cleared” or “not cleared” determination for each individual in a covered position.
- No substantive changes have been made to this information collection, but adjustments to the burden estimates were made in response to comments received on the 60-day notice and outreach, as explained in the response to numbers 8 and 12, below.

1. Need & Method for the Information Collection.

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 NSCHCs on individuals in covered positions. 42 U.S.C. § 12645g.

Covered positions are those in which individuals receive a grant-funded living allowance, stipend, national service education award, or salary. 42 U.S.C. § 12645g(a). The NSCHC is a screening procedure mandated by the NCSA, as amended, and implemented by AmeriCorps regulations at 45 CFR §§ 2540.200 through 2540.207, 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 AmeriCorps. The regulation requires grantees to maintain, as grant records, documentation of the required components of the NSCHC to ensure the proper screening and eligibility of individuals. See 45 CFR 2540.206(a)(5). Documentation of the required NSCHC components includes documentation of:

- 1) Verification of an individual’s identity through examination of a government-issued photo ID,
- 2) The individual’s authorization to conduct the NSCHC, and

- 3) The individual's understanding that the covered position is contingent on consideration of the NSCHC,
- 4) The results, or a results summary of the NSCHC components for the individual,
- 5) That the result of the NSCHC was considered in selecting an individual to serve in a covered position.

The documentation required to be maintained under the rule is created or collected by the entity responsible for the covered position (the grantee or sponsor) and the results or results summary of the NSCHC components will be 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.

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

2. Use of the Information.

The sole use of the information the grantee maintains is to ensure eligibility and proper screening of individuals to serve or work in a covered position, as required by statute. Records must be kept on each individual serving or working in a covered position (i.e., one who receives an AmeriCorps grant-funded living allowance or salary, stipend, or national service education award). The records must be kept in paper format or in electronic format that is auditable and secure from tampering. Grantees must maintain the records for audit and compliance purposes for the time period normally required for maintenance of grant records. The records must show that the grantee 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.

AmeriCorps conducts site and monitoring visits of grantees and the AmeriCorps Office of Inspector General conducts audits of the grantees. In both cases, the recordkeeping required by this information collection is used to determine whether or not the grantee has complied with the terms and conditions of its grant and law.

Grantees undertaking this recordkeeping requirement must undergo a number of steps, including reading AmeriCorps' instructions and guidance. A detailed breakdown of steps, based on input from commenters, follows:

- Send the instructions to the individual applying for covered position
- Submit the individual's information to a vendor authorized to conduct check, such as the agency-approved vendor
- Check the vendor system to ensure the individual has an appointment scheduled, and document the date and time the appointment is scheduled
- Document the date the individual's fingerprints are submitted
- Upon receipt of results or by logging into the vendor system, find and adjudicate results, save report to the individual's file, document the date of completion, download the receipt from vendor, and send the receipt to accounts payable
- Accounts payable processes and reconciles payments
- Update the adjudicated individual's AmeriCorps invitation with the NSCHC completion date

Additionally, there may be follow-up beyond those core steps, which may include:

- Resending instructions to the individual applying for the position
- Assisting individuals in understanding the process and what they need to do to complete it
- Resubmitting the individual's information to the vendor due to spelling errors or due to a change in the position that now requires checks in additional States
- Adjudicating a report that needed to be done again, saving the report, and documenting date of completion
- Following up with the vendor when reports are unusually delayed
- Contacting the applicants who requested mail-in packets to ensure they communicate with our program when they mail the packet in, as the mail in process can take up to 30 days to process (often the individual's start date is sooner than that, so the individuals need to find a fingerprinting location where they can complete the process again).
- Assisting individuals in finding the closest location to complete the fingerprinting
- Emailing the vendor with questions
- Checking for scheduled appointments many times when start date is close
- Driving individuals to a fingerprinting location in order to complete the process in time

The actual maintenance of the records is minimally burdensome, but obtaining the information that must be maintained, as described in the above steps, is time consuming. There is also a psychological cost to this information, as many commenters noted their frustration with vendor delays. However, the specific information must be obtained as set out in the statute, which requires a check of the NSOPW, the state registry(ies), and FBI

fingerprinting.

3. Use of Information Technology.

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

4. Non-duplication.

NSCHC documentation for individuals is not available from any other source.

5. Burden on Small Business.

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 AmeriCorps grants.

6. Less Frequent Collection.

If the records are not maintained, AmeriCorps 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. Further, grantees would be unable to demonstrate compliance with the NSCHC requirements in the terms and conditions of the grant and demonstrate appropriate use of Federal funds without maintaining these records.

7. Paperwork Reduction Act Guidelines.

There are no special circumstances that would cause the recordkeeping to be performed in any of way not in accordance with Paperwork Reduction Act Guidelines.

8. Consultation and Public Comments.

AmeriCorps published a notice seeking public comment in the Federal Register on March 14, 2022. In response, 56 written comments were submitted identifying a number of issues. As part of this renewal, AmeriCorps also proactively reached out to several organizations directly for input. Two of the five contacted organizations responded: California Volunteers and City Year.

Many of the issues raised in the comments in response to the 60-day notice were already raised and addressed in the rulemaking process that culminated in 2021 in the current regulation, such as who must undergo an NSCHC, what the NSCHC consists of, and when the NSCHC must be completed. *See* 86 FR 1141 (February 24, 2021). Many comments also addressed difficulties the respondents had with the AmeriCorps-approved vendors. AmeriCorps underwent the required Federal procurement process to select Fieldprint and Truescreen as contractors to serve as the approved vendors. AmeriCorps will forward these comments to the vendors for

any appropriate remedial action and will consider the issues presented in soliciting future proposals for approved vendor contracts. Comments also raised issues that are beyond the scope of this information collection; however, AmeriCorps is maintaining a comprehensive record of all these comments and the issues raised in the comments for consideration as it continues implementation of the statutory requirements for NSCHCs..

Everyone who commented on the agency's estimated time burden stated that the estimated 5 minutes per individual was significantly lower than the time actually required to fulfill an NSCHC for an individual. Recommended estimates ranged from 30 minutes per individual to 4 hours per individual. Several commenters noted that a missing element of the estimate is the travel time it takes to take individuals to get fingerprinted, given that the closest fingerprinting facility may be up to four hours away in rural areas. A few commenters also noted that the burden of completing the NSCHC training course and staying updated on requirements had not been factored into the time estimate. California Volunteers and City Year stated that our suggested revised estimate of 75 minutes per individual would be more accurate but would still be on the lower end of total processing time. City Year also expressed difficulties with accessibility of vendor locations for fingerprinting and with states that are unavailable through one of the vendors. Based on this input, AmeriCorps has adjusted its estimates of hour burden, as shown in the response to Question 12, below.

California Volunteers also stated that the availability of data is not easily accessed due to NSOPW outages and the inconvenience of fingerprinting. AmeriCorps is unable to address these issues because it has no control over the NSOPW outages and fingerprinting is required by the statute.

California Volunteers stated that the regulation, manuals, and updated annual training recording are clear, but that one of the vendor's trainings is not, which can lead to mistakes that cause grantees to lose funding. City Year stated that clearer instructions would be appreciated because the information is currently housed in many different places. AmeriCorps has streamlined and clarified requirements on its website at americorps.gov/grantees-sponsors/history-check over the past year, and will continue to review to determine whether any additional clarifications could be made to reduce burden given that respondents are responsible for reading and understanding the requirements for compliance with the law.

California Volunteers also stated that AmeriCorps has strict process standards for the NSOPW.gov check that can result in disallowed costs and provided an example of its impact on a grantee. While this is beyond the scope of this information collection renewal, AmeriCorps will review its process standards to determine whether this concern can be addressed.

AmeriCorps also published a notice on July 19, 2022, opening an additional 30 days for public comment. *See* 87 FR 43011.

9. Gifts or Payment.

There are no payments or gifts to respondent grantees.

10. Privacy & Confidentiality.

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

11. Sensitive Questions.

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

12. Burden Estimate.

Grantees incorporate the recordkeeping into the customary and usual grant recordkeeping practices. The grantees have significant flexibility in designing and implementing their recordkeeping systems and need only integrate this recordkeeping requirement into their standard operations.

The approximate total number of respondents who must maintain these records is 112,357 and, on average each year, they each have three individuals in covered positions for which NSCHCs are required each year, resulting in a total of 337,071 responses.

The burden has been changed due to an adjustment in AmeriCorps’ estimate based on input received from the public during the 60-day comment period and outreach to the public. Public comments suggested a range of 30 minutes to 4 hours, with several commenters suggesting 45 minutes or one hour. The average of the suggested time estimates is approximately 75 minutes. Many commenters pointed out that the time to travel to fingerprinting locations alone can take several hours, noting that the locations are anywhere from 20 miles away to 400 miles away. To accommodate this wide range of travel estimates, AmeriCorps is adding 60 minutes to the average, for a total time estimate per individual of 135 minutes (2 hours and 15 minutes).

	Requested	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Change Due to Potential Violation of the PRA	Previously Approved
Annual Number of Responses for this IC	337,071	0	0	0	0	337,071
Annual IC Time Burden (Hour)	758,410	0	0	730,321	0	28,089
Annual IC Cost Burden (Dollars)	0	0	0	0	0	0

Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

- **Reporting:** Requests for information for transmission to the Federal government, such as grant application forms, written report forms, telephone surveys, and electronic data collections.
- **Recordkeeping:** Requirements, which may involve compilation and maintenance of records, either alone or in conjunction with the reporting of information to the agency and/or some other person.
- **Third-party or public disclosure:** Requirements which may involve a requirement to disclose information to other members of the public directly or through publication in media such as newspapers or magazines, or to post the information on labels.

Burden per Response:

	Time Per Response	Hours	Cost Per Response
Reporting	0		0
Record Keeping	135 minutes	2.25	0
Third Party Disclosure	0	0	0
Total	135 minutes	2.25	0

Annual Burden:

	Annual Time Burden (Hours)	Annual Cost Burden (Dollars)
Reporting	0	0
Record Keeping	758,410	0
Third Party Disclosure	0	0
Total	758,410	0

We estimate the cost per hour to respondents to be \$40.90, including benefits, based on the U.S. Bureau of Labor Statistics’ Employer Costs for Employee Compensation for March 2022 (USDL-22-1176, released June 16, 2022). See: [Employer Costs for Employee Compensation Summary - 2022 Q01 Results \(bls.gov\)](#). The cost per response, at 2.25 hours per response, is \$92.03 (rounded up). The total hourly cost for all 337,071 responses is \$31,020,644.

13. Estimated nonrecurring costs.

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.

14. Estimated cost to the Government.

The annual cost to the Federal Government consists of the costs paid to conduct the checks. The costs are \$7.50 for each NSOPW check, \$28.85 for each Fieldprint check, and while the Truescreen checks vary by stage, the average Truescreen check is \$35.95, totaling an average of \$72.20 per individual. At a total of 337,071 individuals that must be checked each year, the Federal Government spends approximately \$24,334,958 each year.

15. Reasons for changes.

The burden hours for this information collection have increased by 730,321 as a result of an adjustment in agency estimate, having received significant public input that the original estimated burden hours were unreasonably low and failed to account for the many actions grantees must undertake in order to fulfill this recordkeeping requirement. As a result, the burden has increased by 130 minutes per respondent. The \$31,020,644 cost burden in salary to respondents is not an increase, but merely captures the salary cost that was not required to be calculated in the last Paperwork Reduction Act submission.

16. Publicizing Results.

Not applicable.

17. OMB Not to Display Approval.

Not applicable.

18. Exceptions to "Certification for Paperwork Reduction Submissions."

There are no exceptions to the certification statement.

19. Surveys, Censuses, and Other Collections that Employ Statistical Methods.

Not applicable.