

Proposed Rule for Criminal History Check Process

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CORPORATION FOR NATIONAL & COMMUNITY SERVICE

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Dear Grantees:

On Wednesday, Jan. 8, CNCS will publish a Notice of Proposed Rulemaking regarding National Service Criminal History Checks (NSCHC) for public comment in the Federal Register. The intent is to streamline and update the rule to reduce noncompliance and ensure the safety of those who serve and are served by our programs.

As you are aware, our programs' historical rates of compliance with the requirements of NSCHC have been a focus of lawmakers and CNCS's Inspector General. Over the last year, CNCS pursued a number of initiatives to support improved grantee compliance with our programs' NSCHC requirements and ensure the safety of those who participate in national service programs.

These initiatives include providing CNCS grantees with access to a national vendor to conduct streamlined and compliant NSCHC checks. A preliminary analysis found use of the vendor resolved 88 percent of NSCHC-related improper payments. These results were encouraging and a testament to CNCS and grant recipients' efforts to significantly impact the NSCHC compliance rate.

To further streamline the NSCHC process for CNCS grantees, sponsors, and partners, the new proposed rule includes the following elements:

- Making CNCS-approved vendor use mandatory.
- Eliminating the NSCHC requirements for:
 - AmeriCorps State and National Planning Grants and Nonprofit Capacity Building Grants.
 - Staff on fixed-amount grants.

- Those who are under age 18 on their first day of service.
- Requiring a three-part check for everyone (no more two-part checks).
- Requiring all checks to be complete before work or service begins.
- For those who are working or serving at the time the rule is effective, it provides 180 days to comply with the rule by obtaining a check through the vendors.

As a reminder, rulemaking through the Federal Register is a formal process where federal agencies engage the public to issue or modify rules. After publication, the public will have 60 days to comment on the proposed rule on [regulations.gov](https://www.regulations.gov). After this comment period, CNCS is required to respond to substantive comments presented and consider feedback before publishing a final rule.

We want to emphasize the intent of this rule is to ensure the safety of those who serve in and are served by our programs, as well as to create a streamlined and clear process of what meets the requirements of the NSCHC process. CNCS welcomes grantees, partners, and other interested parties to provide feedback on the impact this proposed rule would have on their organization and suggest modifications that would assist in reducing noncompliance.

Please share your feedback using the formal comment process on [regulations.gov](https://www.regulations.gov). We look forward to your insights on this important topic. Thank you for your attention to this matter and for being our partners in service.

Sincerely,
Corporation for National and Community Service

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