

Alternate Search Procedure (ASP) and Exemption Guidance

Requirements: The Corporation requires specific steps and sources to be followed by grantees (and subgrantees) in order to be compliant with the National Service Criminal History Check (Check) requirements. National Service program grantees that believe they cannot comply with the requirements in the Corporation for National and Community Service's (the Corporation) Criminal History Check regulations (45 CFR Parts 2510, 2522, 2540, 2551 and 2552) may apply to the Corporation for approval to use an alternative search procedure (ASP) or Exemption.

Grantees with procedures that follow all of the Corporation's requirements do not need an ASP or Exemption.

Prime Grantee

An organization that receives its funding grant directly from CNCS is considered a "prime grantee." Prime grantees submit requests directly to CNCS for itself and their subgrantees.

Sub-Grantee

A subgrantee of a prime grantee that believes it can not comply with the regulations or that its current procedures are equivalent or better, must submit a request to the prime grantee organization. Subgrantee requests should not be submitted directly to CNCS. Prime grantees determine if they will or will not endorse the request and forward such requests to CNCS.

Substantially Equivalent

Those who believe their procedures differ from but are substantially equivalent to or better CNCS's required procedures may apply for approval.

State Law Prohibition

Those prohibited by State law from complying may apply for approval.

NOT Transferrable to Other Programs

ASPs and Exemptions are program specific and not portable between different programs. Approvals for a national program are not portable to a similar program funded at the State level. If a circumstance develops where an ASP or Exemption can apply to more than one program, CNCS will be explicit in identifying where the approval can be used.

Expiration

An approved ASP is applicable to the specific program using the specific alternative procedures described in its ASP request. Once approved, as long as the program design and procedures remain unchanged, the ASP is valid even if the program operates under subsequent grants funding the same program.

Exemptions are valid for one year only from the date of the decision letter.

Pre-April 2011 ASP Approvals

If you already have an ASP, the approval you received was based on a test of "substantially equivalent" information using regulations in effect prior to April 21, 2011. Once the FBI check became a requirement in April 2011, the measure of substantially equivalent for programs with recurring access to vulnerable populations changed. If the program has such access and the approved ASP does not include obtaining FBI information, then you must request a revised ASP.