

§ 2551.30

consistent with authorization provided by the individual; and

(f) Ensure that an individual, for whom the results of a required State criminal registry check are pending, is not permitted to have access to children, persons age 60 and older, or individuals with disabilities without being accompanied by an authorized program representative who has previously been cleared for such access.

[72 FR 48583, Aug. 24, 2007]

EFFECTIVE DATE NOTE: At 72 FR 48583, Aug. 24, 2007, §2551.29 was added, effective Nov. 23, 2007.

§ 2551.30 What documentation must I maintain regarding a National Service Criminal History Check?

You must:

(a) Document in writing that you verified the identity of the individual in a covered position by examining the individual's government-issued photo identification card, and that you conducted the required checks for the covered position; and

(b) Maintain the results of the National Service Criminal History check (unless precluded by State law) and document in writing that you considered the results in selecting the individual.

[72 FR 48583, Aug. 24, 2007]

EFFECTIVE DATE NOTE: At 72 FR 48583, Aug. 24, 2007, §2551.30 was added, effective Nov. 23, 2007.

§ 2551.31 Under what circumstances may I follow alternative procedures in conducting a State criminal registry check? (eff. 11-23-07)

(a) *FBI fingerprint-based check.* If you or your designee conduct and document a fingerprint-based criminal history check through the Federal Bureau of Investigation, you will be deemed to have satisfied the State criminal registry check requirement and do not need separate approval by the Corporation.

(b) *Name-based search.* If you conduct and document a name-based criminal history check through a source other than the FBI that, includes a check of the criminal records repository, in the State in which your program is operating, as well as in the State in which

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the individual lives, you will be deemed to have satisfied the State criminal registry check requirement and do not need separate approval by the Corporation.

(c) *Alternative search approval.* If you demonstrate that you are prohibited or otherwise precluded under State law from complying with a Corporation requirement relating to criminal history checks or that you can obtain substantially equivalent or better information through an alternative process, the Corporation will consider approving an alternative search protocol that you submit in writing to the Office of Grants Management. The Office of Grants Management will review the alternative protocol to ensure that it:

(1) Verifies the identity of the individual; and

(2) Includes a search of an alternative criminal database that is sufficient to identify the existence, or absence of, criminal offenses.

[72 FR 48583, Aug. 24, 2007]

EFFECTIVE DATE NOTE: At 72 FR 48583, Aug. 24, 2007, §2551.31 in Subpart C was redesignated as §2551.34 and a new §2551.31 was added and placed in Subpart B, effective Nov. 23, 2007. The text of the §2551.31 that remains in effect until Nov. 23, 2007 is in Subpart C.

§ 2551.32 Is an individual who refuses to consent to a State criminal registry check, or who makes a false statement in connection with a grantee's inquiry concerning the individual's criminal history, eligible to serve in a covered position?

An individual who refuses to consent to a State criminal registry check, or who makes a false statement in connection with a grantee's inquiry concerning the individual's criminal history, is not eligible to serve in a covered position.

[72 FR 48583, Aug. 24, 2007]

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