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Prohibited Activities - AmeriCorps Members Directed to Transport Individual for Abortion Services

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DATE ISSUED 12.14.2016

Closed 2016-12-14

CNCS management alerted CNCS-OIG of an allegation concerning Prohibited Abortion Activity directed by an AmeriCorps grantee employee with the International Institute of Metropolitan St. Louis (IISTL), St Louis, MO.

CNCS-OIG investigators found that an AmeriCorps supervisor violated 42 USC § 12584a(a)(9), providing abortion services or referral for receipt of such services, and CNCS implementing regulation 45 C.F.R. § 2520.65(a)(10), when she directed an AmeriCorps member to transport a client to an abortion clinic for an abortion.

In addition, IISTL's AmeriCorps State Position Description (PD) contemplated that AmeriCorps members will, in addition to their direct service activities, provide administrative support services on an as-needed basis. The PD gave rise to the possibility of violations of 45 CFR 2540.100(f), Nondisplacement. The language would seem to allow the grantee to award service hours for unallowable activities.

CNCS management reported they concurred with CNCS-OIG recommendations and the Missouri Commission immediately directed all IISTL staff to complete the CNCS refresher training eCourse on Prohibited Activities. All staff completed the eCourse and follow up discussion on allowable/unallowable and prohibited activities. IISTL reviewed and redrafted member PDs under the supervision of the Commission to clarify any ambiguous language that might be interpreted to allow a member or IISTL staff to contemplate displacement. Also, any costs associated with the prohibited activity were considered de minimis (less than \$10), and that it would not be practical to pursue collection because the administrative costs associated with the collection action would far outweigh any recovery.

Case ID: 2016-021

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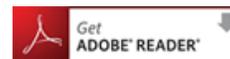
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