

MEMORANDUM FOR DISTRIBUTION #2  
NUMBER (POL: 14-06)

SUBJECT: Criminal Background/Security Investigations for Non-volunteers Residing with Volunteers on Corps of Engineers Fee Lands

1. References:

- a. ER 1130-2-500, Chapter 10, Corps of Engineers Volunteer Program, revised 13 March 2013.
- b. EP 1130-2-500, Chapter 10, Corps of Engineers Volunteer Program, revised 13 March 2013.
- c. EP 1165-2-316, Title 36 Rules and Regulations Governing Public Use of Corps of Engineers Water Resources Development Projects, May 2000.
- d. Article IV, Section 3, Clause 2, United States Constitution, "The Property Clause".
- e. 16 U.S.C. § 460d, Construction and operation of public parks and recreational facilities in water resource development projects; lease of lands; preference for use; penalty; application of section 3401 of Title 18; citations and arrests with and without process; imitations; disposition of receipts.
- f. Army Regulation 405-80, Management of Title and Granting Use of Real Property.

2. The purpose of this memorandum is to establish the requirement for criminal background investigations for non-volunteers residing with volunteers on Corps of Engineers fee lands (onsite). This policy is effective immediately.

3. Definitions:

- a. Volunteer: An individual who has completed and signed a Volunteer Services Agreement for Natural Resources Agencies (Optional Form 301a).
- b. Non-volunteer: An adult individual (age 18 and over) residing with a volunteer, who has not completed and signed a Volunteer Agreement for Natural Resources Agencies (Optional Form 301a).

SUBJECT: Criminal Background/Security Investigations for Non-volunteers Residing with Volunteers on Corps of Engineers Fee Lands

4. The Government has the inherent authority under the property clause and Title 36 to set conditions for occupancy of fee lands. Per Title 36, section 327.22, Unauthorized Occupation, “[o]ccupying any lands, buildings, vessels or other facilities within water resource development projects for the purpose of maintaining the same as a full or part-time residence without the written permission of the District Commander is prohibited”.

a. All non-volunteers residing with a volunteer on Corps fee lands must be granted permission to do so by the designated Accepting Official for the office of record. Permission may be granted only after the non-volunteer has been subject to and passed a criminal background/security check in accordance with ER 1130-2-500, section 10-2f. The same procedures should be followed as discussed in paragraph 8, below.

b. A memorandum for record documenting the non-volunteer’s background screening and permission to reside with the volunteer, signed by the Accepting Official, shall be retained by the local Volunteer Coordinator (example memo enclosed).

c. Adult guests (age 18 and over) of volunteers may stay with the volunteer onsite no more than fourteen (14) days during any 30-consecutive-day period. If an adult guest stays longer than fourteen (14) days during any 30-consecutive-day period, the guest will be subject to a criminal background/security check and must receive written permission to stay onsite from the Accepting Official.

5. Non-volunteers residing onsite with a volunteer may not perform volunteer duties and are not covered under Chapter 171 of Title 28 of the USC, relating to tort claims, and Chapter 81 of Title 5 of the USC, relating to compensation for work injuries. If a non-volunteer residing onsite with a volunteer wishes to perform volunteer duties, they must complete and sign a volunteer agreement prior to beginning volunteer activities.

6. As a reminder, per ER 1130-2-500, Chapter 10, section 10-2 g., background/security checks are required for any individual volunteering in one or more of the following scenarios:

a. Individuals who volunteer for more than 120 calendar days in a year.

b. Volunteer positions that require wearing the Corps volunteer clothing/name tag who work independently of Corps personnel.

c. Volunteer positions that require access to government files and records.

SUBJECT: Criminal Background/Security Investigations for Non-volunteers Residing with Volunteers on Corps of Engineers Fee Lands

d. Volunteer positions that require the collection or handling of fees.

e. Volunteer positions that require access to a Corps networked computer shall require a background check.

7. Per ER 1130-2-500, Chapter 10, section 2h, background/security checks may be conducted, but are not required for any of the following:

a. Individuals who volunteer for one-time events.

b. Individuals who volunteer for less than 120 days and who do not meet any of the scenarios as described in section 10-2g (a-e, above).

c. Volunteers who only work in proximity or under direct supervision by a Corps employee.

8. Background/security checks should be conducted in accordance with EP 1130-2-500, Chapter 10, section 3b. Please ensure when conducting a background/security investigation that the sex offender registry for all fifty (50) states is searched. Persons who have been convicted of violent crime, crime against person, or crime involving the use of a weapon shall not be utilized as volunteers.

9. The point-of-contacts for the district Volunteer Program are Ms. Cheryl Jasper, (817) 886-1570 and Ms. Jennifer Linde (817)-886-1578.

  
TIMOTHY L. MACALLISTER  
Chief, Operations Division

Encl

CESWF-OD-XX

<Date>  
Vol coord name/phone

MEMORANDUM FOR RECORD

SUBJECT: Permission for Non-volunteer to Reside with a Volunteer on Corps Fee Land, <Non-volunteer name>

1. <Non-volunteer name> is granted permission to reside with <Volunteer name> on Corps fee land. He/she has been subjected to and passed a criminal background/security investigation on <DATE>.
2. This permission expires on the same date as the volunteer's agreement.

<NAME>  
ACCEPTING OFFICIAL