Office of Justice Programs (OJP)
Shelter 2014
VOCA Funding Grant Program Guidelines

The Office of Justice Programs will require each grantee to abide by the following requirements in addition to those contained in the general grantee Terms and Conditions:

Financial Requirements:

1) The grantee shall report at least quarterly on all expenditures pertaining to this grant contract in the OJP online grants management system, E-grants, no later than 30 days after the end of the quarter.
2) The grantee shall report quarterly on any program income (including interest) earned and expended during the grant period, if applicable.
3) The grantee shall submit a written budget revision request via E-grants before any expenditure may be made based on the revised budget. Submission of a budget revision is necessary if a) a line item will deviate by $200 or 10%, whichever is higher, from the approved budget, or b) a new line item that was not part of the approved budget will be created.
4) The grantee shall submit source documentation on grant expenditures in a timely manner, as requested by OJP staff for a desk review audit.
5) The grantee's eligible expenditures under this grant contract must be incurred by the grantee by the expiration date of the grant agreement.
6) The grantee shall have until 30 days after the expiration date of the grant agreement to liquidate all unpaid obligations related to the program which were incurred on or before the last day of the grant period and to submit a final report of all funds received and disbursed. If a report is not submitted within this time period, expenses claimed on the report may be disallowed and OJP may request a refund of those funds from the grantee if the funding was advanced to the grantee.
7) The grantee shall retain all financial records for a minimum of six (6) years after the date of submission of the final financial status report, or until completion of an audit which has commenced before the expiration of this six-year period, or until any audit findings and/or recommendations from prior audit(s) have been resolved between the grantee and OJP, whichever is later.
8) The grantee shall comply with all provisions of the Minnesota *OJP Grant Manual*. https://dps.mn.gov/divisions/ojp/grants/Documents/Grant_Manual.pdf

Reporting Requirements:

1) Financial Reporting: The grantee shall submit a financial reporting form via the Department of Public Safety's online grant management system at least within 30 days after the end of the grant period.
   Progress Reporting: The grantee shall submit, via the Department of Public Safety's online grant management system,:
   - a quarterly statistical report form, if applicable, within 30 days after the end of the grant period.
   - a year-end report within 30 days after the end of the grant period.
   - any other reports as required by OJP.
2) Requirement Changes: OJP may add, modify or change all reporting forms at their discretion during the grant period.

Other Provisions:

1) Evaluation: OJP shall have the authority, during the course of this grant period, to conduct an evaluation of the performance of the grant program.
2) Additional Requirements: The grantee shall attend meetings and training as OJP shall reasonably request.
3) Administrative Requirements: OJP reserves the right to include in the grant, at any time during the term of the grant, special administrative requirements deemed necessary to assure the grantee's successful implementation of the program. OJP will notify the Grantee in writing of any special administrative requirements.
4) Governing Board: The grantee shall provide OJP with current list of their governing board and officers and will notify OJP within two weeks of any changes to the list.
5) Sexual Assault and Domestic Violence Programs: Grantees defined as a domestic violence and/or a sexual assault program under Minnesota Statutes section 13.823, are subject to the following:
   a) The grantee shall provide to OJP all documentation necessary for the management and oversight of the contract.
   b) Data given to OJP by the grantee becomes government data subject to chapter 13.
   c) Personal history information and information from which the identity or location of any victim can be determined are private data protected by 13.822, 611A.32, subdivision 5, 611A.371, subdivision 3, and 611A.46.

Victims of Crime Act (VOCA) Provisions:

Payments under this grant contract will be made from federal funds obtained by the State of Minnesota through 42 USC 5630 et seq., CFDA number 16.575. The Grantee is responsible for compliance with the following federal requirements imposed on these funds and accepts full financial responsibility for any additional restrictions imposed in response to the Grantee's failure to comply with federal requirements.

1) DUNS/CCR: Any organization that receives these federal funds MUST be registered and up-to-date in the Central Contractor Registration (CCR) database at https://www.bpn.gov/ccr/.

2) OJP Financial Guide: The Grantee assures that it will comply, and all its subcontractors will comply, with the applicable provisions of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1; and all other applicable Federal laws, orders, circulars, or regulations. http://www.ojp.usdoj.gov/financialguide/

3) Audits: The Grantee agrees to comply with the organizational audit requirements of the Office of Management and Budget (OMB) Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations. The Grantee further understands and agrees that funds may be withheld or other requirements may be imposed, if any outstanding audit issues are not satisfactorily and promptly addressed.

4) Lobbying: Federal Restrictions on Lobbying imposed by 31 U.S.C. Section 1352, requires that no federally appropriated funds will be used, directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation, or policy, at any level of government, without the express prior written approval of the federal OJP. Any violation of this prohibition is subject to a minimum $10,000 fine for each occurrence, as noted in the Anti-Lobbying Act (18 U.S.C. § 1913) as amended. See Attachment A.

5) Debarment and Suspension: Executive Order 12549 on Debarment and Suspension, and the implementing regulation, requires that the Grantee certify it has not been debarred or otherwise excluded from participating in any other transaction with a federal department or agency. See Attachments A and B.

6) Drug-Free Workplace: As required by the Drug-Free Workplace Act of 1988, and implemented at 28 C.F.R. Part 67, Subpart F, for grantees, as defined at 28 C.F.R. Part 67 Sections 67.615 and 67.620, the Grantee will or will continue to provide a drug-free workplace. See Attachment A.

7) Fraud, Waste and Abuse: The Grantee must promptly refer to the Department of Justice (DOJ), Office of the Inspector General (OIG), any credible evidence that a principal, employee, subcontractor, or other person has either a) submitted a false claim for grant funds under the False Claims Act; or b) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. Additional information is available from the DOJ OIG website at http://www.justice.gov/oig/

8) Equal Employment Opportunity Plan (EEOP): Grantee will comply (and will require any subgrantees or subcontractors to comply) with any applicable federal nondiscrimination requirements, which may include the the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); the Juvenile Justice and Delinquency Prevention act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964, (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. § § 12131-34); the Education Amendments of 1972 (20 U.S.C. § § 1681, 1683, 1685-86); the Age Discrimination Act of 1975 (42 U.S.C. § § 6101-07); 28 C.F.R. part 31 (U.S. Department of Justice Regulations – OJJDP Grant Programs);28 C.F.R part 42 (U.S. Department of Justice Regulations—Nondescrimination; Equal Employment Opportunity; Policies and Procedures); Ex. Order 13279 (equal protection of the laws for faith-based and community organizations); and 28 C.F.R. Part 38 (U.S. Department of Justice Regulations—Equal Treatment of Faith-Based Organizations).

   In the event of a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, or sex against a recipient of funds, the grantee will forward a copy of the finding to the U.S. Department of Justice, Office of Justice Programs, Office for Civil Rights (OCR), and also the Minnesota OJP.

The grantee will follow OCR requirements to submit a full copy of its EEOP to the OCR, certification of Exemption from the EEOP Submission Requirement, or certification of Complete Exemption, based on number of employees and size of award. Information about civil rights obligations of grantees can be found at www.ojp.usdoj.gov/about/ocr/eeop.htm. The grantee will then verify their EEOP status to the Minnesota OJP via an EEOP verification form in E-grants.

9) Civil Rights Training: OJP requires the review of an online civil rights training tool, which incorporates all of these provisions and certification that training has been completed. The acknowledgement of training form will be submitted to OJP via Egrants. The training and acknowledgement of training form can be found at https://dps.mn.gov/divisions/ojp/grants/Pages/grantees-civil-rights-training-certification.aspx

10) Limited English Proficiency (LEP): As clarified by Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with the Omnibus Crime Control and Safe Streets Act of 1968 and Title VI of the Civil Rights Act of 1964, recipient must take reasonable steps to ensure that LEP persons have meaningful access to its programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. Recipient is encouraged to consider the need for language services for LEP persons served or encountered both in developing its budgets and in conducting its progams and activities. Additional assistance and information regarding your LEP obligations can be found at www.lep.gov

    In accordance with federal civil rights laws, the subrecipient shall not retaliate against individuals for taking action or participating in action to secure rights protected by these laws.

11) Supplant: The Grantee agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for criminal justice system activities.

12) Information Technology (IT): To support public safety and justice information sharing, OJP requires the grantee to use the National Information Exchange Model (NIEM) specifications and guidelines, if applicable. More information on NIEM can be found at www.niem.gov/. Grantees should also avoid duplicating existing networks or IT systems for law enforcement information sharing systems which involve interstate connectivity between jurisdictions.

13) Publications: Any written, visual, or audio publications, with the exception of press releases, whether published at the the grantee's or OJP's expense, shall contain the following statement:

"This project was supported by Grant No. *obtain from OJP grant manager* awarded by the Bureau of Justice Assistance, Office of Justice Programs. The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice."

14) Other Federal Requirements: This grant contact is subject to all applicable federal and state statutes and regulations, including, but not limited to the following:

A) 42 USC Section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.

B) The Grantee agrees that any fedreally funded information technology system will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies and may be subject to system audits.

C) 28 C.F.R. Part 38, regarding Equal Treatment of Faith Based Organizations, which restricts federal funding for any inherently religious activities, sucha as worship, religios instruction, or proselytization. However, grantees are not permitted to discriminate in the provision of serices on the basis of a beneficiary's religion. For more information, see www.ojp.gov/about/ocr/equal_fbo.htm

D) 28 C.F.R. Part 46 and all federal OJP policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

E) The grantee will notify OJP if any grant activities should be reviewed for compliance with the National Enfironmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyssi requirements. Compliance with NEPA may requrie the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA.

F) The Grantee will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

G) The grantee understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any subcontract to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, withouth the express prior written approval of OJP.

Acknowledgement Statement:

By submitting this application, I/we [name of Applicant Organization's Authorized Representative] as an authorized representative for [Applicant Organization's Name], acknowledge that I have read the VOCA Program Guidelines and its attachments in their entirety, as stated within the application materials, and acknowledge that they will be incorporated into the grant agreement with OJP. If VOCA funds are awarded under this application, I will submit the required documents and certifications on behalf of the Applicant Organization, as authorized.

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE COMPTROLLER

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over $100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to:

Department of Justice
Office of Justice Programs
ATTN: Control Desk
810 Seventh Street, N.W.,
Washington, D.C. 20531

Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE COMPTROLLER

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions (Sub-Recipient)

This certification is required by the regulatioons implementing Executive Order 12549, Debarment and Suspension, 28 CFR Part 67, Section 67.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 *Federal Register* (pages 19160-19211).

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department of agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certificaiton, such prospective participant shall attach an explanation to this proposal.

(By submitting this application you are signing on to these certifications. You do not need to sign this form below)

_____
Name and Title of Authorized Representative

_____ _____
Signature Date

_____
Name of Organization

_____
Address of Organization

_____

Instructions for Certification

1. By signing and submitting this proposal, the prosective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certificaiton, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposes," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debared, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of reports in order to render in good faith the certification requred by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntary excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

VOCA Grantee Conditions

B. Subrecipient Organization Eligibility Requirements

VOCA establishes eligibility criteria that must be met by all organizations that receive VOCA funds. These funds are to be awarded to subrecipients only for providing services to victims of crime through their staff. Each subrecipient organization shall meet the following requirements:

1. Public or Nonprofit Organization. To be eligible to receive VOCA funds, organizations must be operated by public or nonprofit organization, or a combination of such organizations, and provide services to crime victims.

2. Record of Effective Services. Demonstrate a record of providing effective services to crime victims. This includes having the support and approval of its services by the community, a history of providing direct services in a cost-effective manner, and financial support from other sources.

3. New Programs. Those programs that have not yet demonstrated a record of providing services may be eligible to receive VOCA funding, if they can demonstrate that 25-50 percent of their financial support comes from non-federal sources. It is important that organizations have a variety of funding sources besides federal funding in order to ensure their financial stability. States are responsible for establishing the base level of nonfederal support required within the 25-50 percent range.

4. Program Match Requirements. The purpose of matching contributions is to increase the amount of resources available to the projects supported by grant funds. Matching contributions of 20% (cash or in-kind) of the total cost of each VOCA project (VOCA grant plus match) are required for each VOCA-funded project and must be derived from nonfederal sources, except as provided in the USDOJ OJP Financial Guide, effective edition (Part III. Post Award Requirements, Chapter 3. Matching or Cost Sharing). All funds designated as match are restricted to the same uses as the VOCA victim assistance funds and must be expended within the grant period. Match must be provided on a project-by-project basis. Any deviation from this policy must be approved by OVC.

For the purposes of this program, in-kind match may include donations of expendable equipment, office supplies, workshop or classroom materials, work space, or the monetary value of time contributed by professionals and technical personnel and other skilled and unskilled labor, if the services they provide are an integral and necessary part of a funded project. The value placed on donated services must be consistent with the rate of compensation paid for similar work in the subrecipient's organization. If the required skills are not found in the subrecipient's organization, the rate of compensation must be consistent with the labor market. In either case, fringe benefits may be included in the valuation. The value placed on loaned or donated equipment may not exceed its fair market value. The value of donated space may not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in privately-owned buildings in the same locality.

a. Record Keeping. VOCA recipients and their subrecipients must maintain records that clearly show the source, the amount, and the period during which the match was allocated. The basis for determining the value of personal services, materials, equipment, and space must be documented. Volunteer services must be documented, and to the extent feasible, supported by the same methods used by the subrecipient for its own paid employees. The state has primary responsibility for subrecipient compliance with the requirements. State grantees are encouraged not to require excessive amounts of match.

b. Exceptions to the 20% Match. OVC sets a lower match requirements for:

1) Native American Tribes/Organizations Located on Reservations. The match for new or existing VOCA subrecipients that are Native American tribes/organizations located on reservations is 5% (cash or in-kind) of the total VOCA project. For the purpose of this grant, a Native American tribe/organization is defined as any tribe, band, nation, or other organized group or community, which is recognized as eligible for the special programs and services provided by the US to Native Americans because of their status as Native Americans. A reservation is defined as a tract of land set aside for use of, and occupancy by, Native Americans.

2) The US Virgin Islands, and all other territories and possessions of the US, except Puerto Rico, are not required to match VOCA funds. See 48 U.S.C. 1469a(d).

3) OVC may waive the match requirement if extraordinary need is documented by State VOCA administrators.

5. Volunteers. Subrecipient organizations must use volunteers unless the state grantee determines there is a compelling reason to waive this requirement. A "compelling reason" may be a statutory or contractual provision concerning liability or confidentiality of counselor/victim information, which bars using volunteers for certain positions, or the inability to recruit and maintain volunteers after a sustained and aggressive effort.

6. Promote Community Efforts to Aid Crime Victims. Promote, within the community, coordinated public and private efforts to aid crime victims. Coordination may include, but is not limited to, serving on state, federal, local, or Native American task forces, commissions, working groups, coalitions, and/or multi-disciplinary teams. Coordination efforts also include developing written agreements that contribute to better and more comprehensive services to crime victims. Coordination efforts qualify an organization to receive VOCA victim assistance funds, but are not activities that can be supported with VOCA funds.

7. Help Victims Apply for Compensation Benefits. Such assistance may include identifying and notifying crime victims of the availability of compensation, assisting them with application forms and procedures, obtaining necessary documentation, and/or checking on claim status.

8. Comply with Federal Rules Regulating Grants. Subrecipients must comply with the applicable provisions of VOCA, the VOCA Program Guidelines and the requirements of the USDOJ OJP Financial Guide effective edition, which includes maintaining appropriate programmatic and financial records that fully disclose the amount and

disposition of VOCA funds received. This includes: financial documentation for disbursements; daily time and attendance records specifying time devoted to allowable VOCA victim services; client files; the portion of the project supplied by other sources of revenue; job descriptions; contracts for services; and other records which facilitate an effective audit.

9. Maintain Civil Rights Information. Maintain statutorily required civil rights statistics on victims served by race, national origin, sex, age, and disability, within the timetable established by the state grantee; and permit reasonable access to its books, documents, papers, and records to determine whether the subrecipient is complying with applicable civil rights laws. This requirement is waived when providing a service, such as telephone counseling, where soliciting the information may be inappropriate or offensive to the crime victim.

10. Comply with State Criteria. Subrecipients must abide by any additional eligibility or service criteria as established by the state grantee including submitting statistical and programmatic information on the use and impact of VOCA funds, as requested by the grantee.

11. Services to Victims of Federal Crimes. Subrecipients must provide services to victims of federal crimes on the same basis as victims of state/local crimes.

12. No Charge to Victims for VOCA-Funded Services. Subrecipients must provide services to crime victims, at no charge, through the VOCA-funded project. Any deviation from this provision requires prior approval by the state grantee. Prior to authorizing subrecipients to generate income, OVC strongly encourages administrators to carefully weigh the following considerations regarding federal funds generating income for subrecipient organizations.

a. The purpose of the VOCA victim assistance grant program is to provide services to all crime victims regardless of their ability to pay for services rendered or availability of insurance or other third-party payment resources. Crime victims suffer tremendous emotional, physical, and financial losses. It was never the intent of VOCA to exacerbate the impact of the crime by asking the victim to pay for services.

b. State grantees must ensure that they and their subrecipients have the capability to track program income in accordance with federal financial accounting requirements. All VOCA-funded program and match income, no matter how large or small, the VOCA grant.

Program income can be problematic because of the required tracking systems needed to monitor VOCA-funded income and ensure that it is used only to make additional services available to crime victims. For example: VOCA often funds only a portion of a counselor's time. Accounting for VOCA program income generated by this counselor is complicated, involving careful record keeping by the counselor, the subrecipient program, and the state.

13. Client-Counselor Confidentiality. Maintain confidentiality of client-counselor information, as required by state and federal law.

14. Confidentiality of Research Information. Except as otherwise provided by federal law, no recipient of monies under VOCA shall use or reveal any research or statistical information furnished under this program by any person and identifiable to any specific private person for any purpose other than the purpose for which such information was obtained in accordance with VOCA. Such information, and any copy of such information, shall be immune from legal process and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceeding. See Section 1407(d) of VOCA codified at 42 U.S.C. 10604.

These provisions are intended, among other things, to ensure the confidentiality of information provided by crime victims to counselors working for victim services programs receiving VOCA funds. Whatever the scope of application given this provision, it is clear that there is nothing in VOCA or its legislative history to indicate that Congress intended to override or repeal, in effect, a state's existing law governing the disclosure of information which is supportive of VOCA's fundamental goal of helping crime victims. For example, this provision would not act to override or repeal, in effect, a state's existing law pertaining to the mandatory reporting of suspected child abuse. See Pennhurst School and Hospital v. Halderman, et al., 451 US 1 (1981). Furthermore, this confidentiality provision should not be interpreted to thwart the legitimate informational needs of public agencies. For example, this provision does not prohibit a domestic violence shelter from acknowledging, in response to an inquiry by a law enforcement agency conducting a missing person investigation, that the person is safe in the shelter. Similarly, this provision does not prohibit access to a victim service project by a federal or state agency seeking to determine whether federal and state funds are being utilized in accordance with funding agreements.