

## **VOCA CERTIFIED ASSURANCES SFY 2020**

These certified assurances are for VOCA Subgrants funded in whole or in part under 2016-VA-GX-0067, 2017-VA-GX-0010 or 2018-V2-GX-0021 effective 7/1/2019. Hyperlinks to important federal laws can be found throughout this document. Click on the blue links to open the hyperlink and read the corresponding federal law and/or grant requirements pertaining to each of the certified assurances. This document should be signed by the Authorizing Official, Project Director and Fiscal Point of Contact listed on the VOCA Grant. In addition, this document should be shared with VOCA grant-funded staff,

### **1. VOCA Requirements**

The subrecipient agrees to comply with applicable portions of the Victims of Crime Act (VOCA) of 1984, [34 U.S.C., Chapter 201](#) and the [Victims of Crime Act Victim Assistance Program Rule](#).

### **2. Compliance with the DOJ Grants Financial Guide**

The subrecipient agrees to comply with the [DOJ Grants Financial Guide](#) as posted on the OJP website (currently, the "[2017 DOJ Grants Financial Guide](#)" including any updated version that may be posted during the period of performance, and all financial and administrative guidance provided by VAD during the period of performance.

### **3. Requirements of the award, remedies for non-compliance or for materially false statements**

The certified assurances of this award are material requirements of the award. Compliance with any certified assurances submitted by the subrecipient that relates to conduct during the period of performance also is a material requirement of this award.

Failure to comply with any one or more of these certified assurances – whether a certified assurance set out in full below, a condition incorporated by reference below, or a certified assurance related to conduct during the award period – may result in the Victim Assistance Division (“VAD”) and/or the Office of Justice Programs (“OJP”) taking appropriate action with respect to the subrecipient and the award. Among other things, the VAD and/or OJP may withhold award funds, disallow costs, suspend, or terminate the award. The Department of Justice (“DOJ”), including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government or the VAD related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under [18 U.S.C. 1001](#) and/or [1621](#), and/or [34 U.S.C. 10272](#)), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under [31 U.S.C. 3729-3730](#) and [3801-3812](#)).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or unenforceable; such provision shall be deemed severable from this award.

#### **4. Applicability of Part 200 Uniform Requirements**

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in [2 C.F.R. Part 200](#), as adopted and supplemented by DOJ in [2 C.F.R. Part 2800](#) (together, the “[Part 200 Uniform Requirements](#)”) apply to this SFY 2020 award from OJP.

For more information and resources on the [Part 200 Uniform Requirements](#) as they relate to OJP awards and subawards (“subgrants”), see the OJP website:  
<https://ojp.gov/funding/Part200UniformRequirements.htm>.

In the event an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the [Part 200 Uniform Requirements](#), the recipient is to contact VAD promptly for clarification.

#### **5. Requirements related to “de minimis” indirect cost rate**

A subrecipient that is eligible under the [Part 200 Uniform Requirements](#) and other applicable law to use the “de minimis” indirect cost rate described in [2 C.F.R. 200.414\(f\)](#), and that elects to use the “de minimis” indirect cost rate, should do so in writing, by making this election on the Indirect Cost Page located in the online VOCA Grant Application kit. When electing to use the “de minimis” indirect cost rate, the subrecipient organization agrees it is eligible for this rate. In addition, the subrecipient agrees to comply with all associated requirements in [Part 200 Uniform Requirements](#). The “de minimis” rate may be applied only to modified total direct costs (MTDC) as defined by the [Part 200 Uniform Requirements](#).

#### **6. Compliance with civil rights and nondiscrimination regulations – 28 C.F.R. Part 42**

The subrecipient must comply with all applicable requirements of [28 C.F.R. Part 42](#), specifically including any applicable requirements in [Subpart E of 28 C.F.R. Part 42](#) that relates to an equal employment opportunity program. In addition, the subrecipient must comply with all applicable requirements of [28 C.F.R. Part 54](#), which relates to nondiscrimination on the basis of sex in certain “education programs.”

The subrecipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if required pursuant to [28 C.F.R. Section 42.302](#)), that is accepted by the Office of Civil Rights, is a violation of these Certified Assurances and may result in grant suspension or termination of funding until such time as the recipient is in compliance. The EEOP

Certification, or election that a plan is not required, should be done online at: [Office of Civil Rights, Office of Justice Programs \(OCR\)](#).

The subrecipient must comply with all applicable requirements of [28 C.F.R. Part 38](#), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries. [Part 38 of 28 C.F.R.](#), a DOJ regulation, was amended effective May 4, 2016.

Among other things, [28 C.F.R. Part 38](#) includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to subrecipient organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to subrecipients that are faith-based or religious organizations.

The subrecipient assures that in the event that a Federal or State Court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the ground of race, religion, national origin, sex, or disability against a subrecipient of VOCA funds, the subrecipient will forward a copy of the findings to VAD and to the [Office of Civil Rights, OJP](#).

#### **7. Audit Requirements**

For fiscal years beginning on or after December 26, 2014, subrecipients who expended \$750,000 or more in Federal funds (from all sources) in your organization's fiscal year (12-month turnaround reporting period), then you are required to arrange for a single organization-wide audit conducted in accordance with the provisions of [2 C.F.R. Part 200, Subpart F, Section 200.501](#).

#### **8. Restriction on "lobbying"**

In general, as a matter of federal law, this federal award may not be used, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See [18 U.S.C. 1913](#). There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.

Another federal law generally prohibits this federal award from being used by the subrecipient to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with

respect to actions such as renewing, extending, or modifying any such award. See [31 U.S.C. 1352](#). Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any questions arise as to whether a particular use of federal funds by a subrecipient would or might fall within the scope of these prohibitions; the subrecipient is to contact VAD for guidance. The subrecipient may not proceed without the express prior written approval of VAD.

**9. Compliance with general appropriations-law restrictions on the use of federal funds (FFY 2018)**

The subrecipient must comply with all applicable restrictions on the use of federal funds set out in the Consolidated Appropriations Act, 2018. Below are restrictions applicable to all federal funds awarded by OJP in FY 2018. Should a question arise as to whether a particular use of federal funds by a subrecipient would or might fall within the scope of an appropriations-law restriction, the subrecipient is to contact VAD for guidance, and may not proceed without the express prior written approval of VAD.

*Restrictions applicable to ALL federal funds awarded by OJP in FY 2018.* Federal funds are not legally available, and may not be used (whether directly or indirectly, including by private contractors), for: 1) publicity or propaganda purposes not authorized by the Congress; and 2) any employee training that does not meet: a) identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties; b) contains elements likely to induce high levels of emotional response or psychological stress in some participants; c) does not require prior employee notification of the content and methods to be used in the training and written end-of-course evaluation; d) contains any methods or content associated with religious or quasi-religious belief systems or “new age” belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or e) is offensive to, or designed to change, participants’ personal values or lifestyle outside the workplace.

Nothing in this provision prohibits, restricts, or otherwise precludes a subrecipient from conducting training bearing directly upon the performance of official duties.

*Nondisclosure policies, forms, and agreements.* Federal funds are not legally available, and may not be used, to implement or enforce any nondisclosure policy, form, or agreement; if such policy form, or agreement does not contain the following provision:

"These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing [federal] statute or Executive order relating to: (1) classified information; (2) communications to Congress; (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and

specific danger to public health or safety; or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and [federal] statutory provisions are incorporated into this agreement and are controlling."

Notwithstanding the above provision, a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity, unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the United States Department of Justice, that are essential to reporting a substantial violation of law.

*Certain exceptions.* Under certain circumstances, a nondisclosure agreement that does not contain the provisions set out above nevertheless may continue to be implemented and enforced. Should a question arise as to whether an exception to the general rule may be available for a particular nondisclosure agreement, the recipient is to contact VAD for guidance, and the recipient may not use federal funds to implement, continue to implement, or enforce the nondisclosure agreement without the express prior written approval of OJP.

*ACORN and related organizations.* Absent express prior written approval from OJP, federal funds may not be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, allied organizations, or successors.

*Restrictions applicable only to certain federal funds under OJP awards made in FY 2018.* Federal funds are not legally available, and may not be used: 1) in programs involving students to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or those of their parents or legal guardians; 2) to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography (nothing in this provision limits the use of funds necessary for any federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, adjudication, or other law enforcement- or victim assistance-related activity); 3) to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or for performance that does not meet the basic requirements of a contract; 4) to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape or incest; or to require any person to perform, or facilitate in any way the performance of, any abortion.

**10. Restrictions and certifications regarding non-disclosure agreements and related matters.**

No subrecipient under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by VAD, to contravene requirements applicable to [Standard Form 312](#) (which relates to classified information), [Form 4414](#) (which relates to sensitive compartmental information), or any other form issued by a federal department or agency governing nondisclosure of classified information.

In accepting this award, the subrecipient: a) represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and b) certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to VAD, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by VAD.

**11. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)**

The subrecipient must comply with, and is subject to, all applicable provisions of [41 U.S.C. 4712](#), including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant. The subrecipient must also inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under [41 U.S.C. 4712](#). Should a question arise as to the applicability of the provisions of [41 U.S.C. 4712](#) to this subaward, the subrecipient is to contact VAD for guidance.

**12. Reporting potential fraud, waste, abuse, and similar misconduct**

The subrecipient must promptly refer to VAD, or the Department of Justice (DOJ), [Office of the Inspector General \(OIG\)](#), any credible evidence that a principal, employee, agent, contractor, subcontractor, or other person has, in connection with funds under this award - 1) submitted a claim that violates the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

**Mail:**

Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, D.C.

Email: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)

Hotline: (English and Spanish) 800-869-4499

Fax: 202-616-9881

Additional information is available from the DOJ/OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).

**13. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$150,000.00.**

The subrecipient must comply with all applicable requirements to obtain specific advance approval from the VAD to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$150,000.00).

The details of the requirements for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the [OJP web site](#).

**14. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award).**

The subrecipient must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of the subrecipient, or individuals defined (for purposes of this condition) as “employees” of the subrecipient.

The details of the subrecipient obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm>

**15. Requirements related to System for Award Management and Universal Identifier Requirements**

The subrecipient agrees to comply with applicable requirements regarding annual registration with the [System for Award Management \(SAM\)](#) and agrees to provide a [Data Universal Numbering System \(DUNS\)](#) number. SAM registration must be updated annually, with documentation of current status submitted with the grant application. Grants may not be approved or funds expended to programs that do not have a current SAM registration.

**16. Encouragement of policies to ban text messaging while driving.**

The subrecipient will encourage adoption and enforcement of on-the-job seat belt policies and programs for its employees and contractors when operating agency-owned, rented, or personally owned vehicles, pursuant to [23 U.S.C. §§ 402 and 403](#), and [29 U.S.C. § 668](#).

Pursuant to [Executive Order 13513](#), "Federal Leadership on Reducing Text Messaging While Driving," [74 Fed. Reg. 51225](#), the subrecipient is encouraged to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by the grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

**17. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events.**

The subrecipient agrees to comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval, and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as the term is defined by DOJ), including the provision of food and/or beverages at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the [DOJ Grants Financial Guide](#).

**18. Requirement for data on performance and effectiveness under the award**

The recipient is required to collect and maintain data that measures the performance and effectiveness of work under this VOCA award. The data must be provided to VAD in a manner (including within the timeframes) specified by VAD. DATA is reported quarterly on a form referred to as the Performance Measurement Tool (PMT).

The subrecipient assures that it will collect and maintain information on race, sex, national origin, age, and disability of victims receiving assistance, where such information is voluntarily furnished by the victim.

The subrecipient agrees to submit a Subgrant Award Report (SAR) to VAD for each VOCA Subgrant, within the timeframe required by VAD.

**19. OJP Training Guiding Principles**

Any training or training materials the subrecipient develops or delivers with VOCA funds must adhere to the [OJP Training Guiding Principles for Grantees and Subgrantees](#).

**20. Non-supplanting requirement**

Pursuant to [OJP Standards for Financial Management Systems](#), VOCA grant funds will not be used to supplant State and local funds that would otherwise be available for crime victim assistance.

**21. Subrecipient authorization to examine records.**

The subrecipient authorizes the Victim Assistance Division (VAD), the Office for Victims of Crime (OVC) and/or the Office of the Chief Financial Officer (OCFO) and its representatives, access to and the right to examine all records, books, paper, or documents related to the VOCA grant.

**22. National Environmental Policy Act compliance**

The subrecipient understands that all OJP awards are subject to the National Environmental Policy Act (NEPA, [42 U.S.C. section 43121 et seq.](#)) and other related Federal laws (including the National Historic Preservation Act), if applicable. The subrecipient agrees to assist VAD in carrying out its responsibilities under NEPA and related laws, if the subrecipient plans to use VOCA funds (directly or through subaward or contract) to undertake any activity that triggers these requirements, such as renovation or construction. [See 28 C.F.R. Part 61, App. D.](#) The subrecipient also agrees to comply with all Federal, State, and local environmental laws and regulations applicable to the development and implementation of the activities to be funded under this award.

**23. Other Subrecipient Assurances**

- a) The subrecipient will provide services, at no charge, through the VOCA-funded project. Any deviation from this provision requires prior approval from VAD.
- b) The subrecipient will assist victims in seeking available crime victims' compensation benefits.
- c) The subrecipient assures that it will maintain confidentiality of client-counselor information as required by state law and the [Victims of Crime Act Victim Assistance Program Rule](#).
- d) The subrecipient will not discriminate against victims because they disagree with the way the State is prosecuting the criminal case.
- e) The subrecipient assures that, in accordance with DOJ, pertaining to Title VI of the Civil Rights Act of 1964, [42 U.S.C. § 2000d](#), recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with Limited English Proficiency (LEP).

**24. Confidentiality**

(a) *Confidentiality.* VAD and subrecipients of VOCA funds shall, to the extent permitted by law, reasonably protect the confidentiality and privacy of persons receiving services under this program and shall not disclose, reveal, or release, except pursuant to paragraphs (b) and (c) of this section— (1) Any personally identifying information or individual information collected in connection with VOCA-funded services requested, utilized, or denied, regardless of whether such information has been encoded, encrypted, hashed, or otherwise protected; or (2) Individual client information, without the informed, written, reasonably time-limited consent of the person about whom information is sought, except that consent for release may not be given by the abuser of a minor, incapacitated person, or the abuser of the other parent of the minor. If a minor or a person with a legally appointed guardian is permitted by law to receive services without a parent’s (or the guardian’s) consent, the minor VOCA Guidelines - Page 3 of 13 or person with a guardian may consent to release of information without additional consent from the parent or guardian.

(b) *Release.* If release of information described in paragraph (a)(2) of this section is compelled by statutory or court mandate, the VAD and/or sub-recipient of VOCA funds shall make reasonable attempts to provide notice to victims affected by the disclosure of the information, and take reasonable steps necessary to protect the privacy and safety of the persons affected by the release of the information.

(c) *Information sharing.* VAD and/or sub-recipients may share— (1) Non-personally identifying data in the aggregate regarding services to their clients and non-personally identifying demographic information in order to comply with reporting, evaluation, or data collection requirements; (2) Court-generated information and law-enforcement-generated information contained in secure governmental registries for protection order enforcement purposes; and (3) Law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

(d) *Personally identifying information.* In no circumstances may—(1) A crime victim be required to provide a consent to release personally identifying information as a condition of eligibility for VOCA-funded services; (2) Any personally identifying information be shared in order to comply with reporting, evaluation, or data-collection requirements of any program;

(e) *Mandatory reporting.* Nothing in this section prohibits compliance with legally mandated reporting of abuse or neglect.

With my/our signature(s) below, I/we acknowledge acceptance of these certified assurances and certify compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements of the VOCA award.

Grant Authorizing Official	Date	Project Point of Contact	Date
Financial Point of Contact	Date		