

GRANT ACCOUNTABILITY

Pub. L. 115-392, §22, Dec. 21, 2018, 132 Stat. 5259, provided that:

“(a) DEFINITIONS.—In this section—

“(1) the term ‘covered agency’ means an agency authorized to award grants under this Act [see section 1(a) of Pub. L. 115-392, set out as a Short Title of 2018 Amendment note set out under section 1 of Title 18, Crimes and Criminal Procedure];

“(2) the term ‘covered grant’ means a grant authorized to be awarded under this Act; and

“(3) the term ‘covered official’ means the head of a covered agency.

“(b) ACCOUNTABILITY.—All covered grants shall be subject to the following accountability provisions:

“(1) AUDIT REQUIREMENT.—

“(A) DEFINITION.—In this paragraph, the term ‘unresolved audit finding’ means a finding in the final audit report of the Inspector General of a covered agency that the audited grantee has utilized funds under a covered grant for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued.

“(B) AUDITS.—Beginning in the first fiscal year beginning after the date of enactment of this Act [Dec. 21, 2018], and in each fiscal year thereafter, the Inspector General of a covered agency shall conduct audits of recipients of covered grants to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

“(C) MANDATORY EXCLUSION.—A recipient of funds under a covered grant that is found to have an unresolved audit finding shall not be eligible to receive funds under a covered grant during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

“(D) PRIORITY.—In awarding covered grants, a covered official shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for the covered grant.

“(E) REIMBURSEMENT.—If an entity is awarded funds under a covered grant during the 2-fiscal-year period during which the entity is barred from receiving covered grants under subparagraph (C), a covered official shall—

“(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

“(ii) seek to recoup the costs of the repayment to the fund from the recipient of the covered grant that was erroneously awarded grant funds.

“(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

“(A) DEFINITION.—For purposes of this paragraph and each covered grant program, the term ‘nonprofit organization’ means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 [26 U.S.C. 501(c)(3)] and is exempt from taxation under section 501(a) of such Code.

“(B) PROHIBITION.—A covered grant may not be awarded to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986 [26 U.S.C. 511(a)].

“(C) DISCLOSURE.—Each nonprofit organization that is awarded a covered grant and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the applicable covered official, in the application for the covered grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the

comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, a covered official shall make the information disclosed under this subparagraph available for public inspection.

“(3) CONFERENCE EXPENDITURES.—

“(A) LIMITATION.—No amounts made available to a covered agency to carry out a covered grant program may be used by a covered official, or by any individual or entity awarded discretionary funds through a cooperative agreement under a covered grant program, to host or support any expenditure for conferences that uses more than \$20,000 in funds made available by the covered agency, unless the covered official provides prior written authorization that the funds may be expended to host the conference.

“(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

“(C) REPORT.—

“(i) DEPARTMENT OF JUSTICE.—The Deputy Attorney General shall submit an annual report to the appropriate committees of Congress on all conference expenditures approved under this paragraph.

“(ii) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—The Deputy Secretary of Health and Human Services shall submit to the appropriate committees of Congress an annual report on all conference expenditures approved under this paragraph.

“(iii) DEPARTMENT OF HOMELAND SECURITY.—The Deputy Secretary of Homeland Security shall submit to the appropriate committees of Congress an annual report on all conference expenditures approved under this paragraph.

“(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this Act, each covered official shall submit to the appropriate committees of Congress an annual certification—

“(A) indicating whether—

“(i) all audits issued by the Office of the Inspector General of the applicable covered agency under paragraph (1) have been completed and reviewed by the appropriate official;

“(ii) all mandatory exclusions required under paragraph (1)(C) have been issued; and

“(iii) all reimbursements required under paragraph (1)(E) have been made; and

“(B) that includes a list of any recipients of a covered grant excluded under paragraph (1) from the previous year.

“(c) PREVENTING DUPLICATIVE GRANTS.—

“(1) IN GENERAL.—Before a covered official awards a covered grant, the covered official shall compare potential awards under the covered grant program with other covered grants awarded to determine if duplicate grant awards are awarded for the same purpose.

“(2) REPORT.—If a covered official awards duplicate covered grants to the same applicant for the same purpose the covered official shall submit to the appropriate committees of Congress a report that includes—

“(A) a list of all duplicate covered grants awarded, including the total dollar amount of any duplicate covered grants awarded; and

“(B) the reason the covered official awarded the duplicate covered grants.”

§ 20705. Enhancing State and local efforts to combat trafficking in persons

(a) Establishment of grant program for law enforcement

(1) In general

The Attorney General may make grants to States and local law enforcement agencies to

establish, develop, expand, or strengthen programs—

(A) to investigate and prosecute acts of severe forms of trafficking in persons, and related offenses that occur, in whole or in part, within the territorial jurisdiction of the United States;

(B) to train law enforcement personnel how to identify victims of severe forms of trafficking in persons and related offenses;

(C) to investigate and prosecute persons who engage in the purchase of commercial sex acts and prioritize the investigations and prosecutions of those cases involving minor victims;

(D) to educate persons charged with, or convicted of, purchasing or attempting to purchase commercial sex acts;

(E) to educate and train law enforcement personnel in how to establish trust of persons subjected to trafficking and encourage cooperation with prosecution efforts; and

(F) as appropriate, to designate at least 1 prosecutor for cases of severe forms of trafficking in persons (as such term is defined in section 7102(9)¹ of title 22).

(2) Definition

In this subsection, the term “related offenses” includes violations of tax laws, transacting in illegally derived proceeds, money laundering, racketeering, and other violations of criminal laws committed in connection with an act of sex trafficking or a severe form of trafficking in persons.

(b) Multi-disciplinary approach required

Grants under subsection (a) may be made only for programs in which the State or local law enforcement agency works collaboratively with social service providers and relevant nongovernmental organizations, including organizations with experience in the delivery of services to persons who are the subject of trafficking in persons.

(c) Limitation on Federal share

The Federal share of a grant made under this section may not exceed 75 percent of the total costs of the projects described in the application submitted.

(d) No limitation on section 20702 grant applications

An entity that applies for a grant under section 20702 of this title is not prohibited from also applying for a grant under this section.

(e) Authorization of appropriations

There are authorized to be appropriated to the Attorney General to carry out this section \$10,000,000 for each of the fiscal years 2014 through 2021.

(f) GAO evaluation and report

Not later than 30 months after March 7, 2013, the Comptroller General of the United States shall conduct a study of and submit to Congress a report evaluating the impact of this section on—

(1) the ability of law enforcement personnel to identify victims of severe forms of traffick-

ing in persons and investigate and prosecute cases against offenders, including offenders who engage in the purchasing of commercial sex acts with a minor; and

(2) recommendations, if any, regarding any legislative or administrative action the Comptroller General determines appropriate to improve the ability described in paragraph (1).

(Pub. L. 109–164, title II, §204, Jan. 10, 2006, 119 Stat. 3571; Pub. L. 110–457, title III, §302(5), Dec. 23, 2008, 122 Stat. 5087; Pub. L. 113–4, title XII, §1242, Mar. 7, 2013, 127 Stat. 153; Pub. L. 115–393, title III, §301(c), Dec. 21, 2018, 132 Stat. 5272; Pub. L. 115–425, title I, §122, Jan. 8, 2019, 132 Stat. 5479.)

REFERENCES IN TEXT

Section 7102(9) of title 22, referred to in subsec. (a)(1)(F), was redesignated section 7102(11) of title 22 by Pub. L. 115–427, §2(1), Jan. 9, 2019, 132 Stat. 5503.

CODIFICATION

Section was formerly classified to section 14044c of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2019—Subsec. (a)(1)(F). Pub. L. 115–425 added subpar. (F).

2018—Subsec. (e). Pub. L. 115–393 substituted “2021” for “2017”.

2013—Subsec. (a)(1)(A). Pub. L. 113–4, §1242(1)(A), struck out “, which involve United States citizens, or aliens admitted for permanent residence, and” after “related offenses”.

Subsec. (a)(1)(B) to (E). Pub. L. 113–4, §1242(1)(B)–(D), added subpar. (B), redesignated former subpars. (B) to (D) as (C) to (E), respectively, and in subpar. (C) inserted “and prioritize the investigations and prosecutions of those cases involving minor victims” after “commercial sex acts”.

Subsec. (d). Pub. L. 113–4, §1242(3), added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 113–4, §1242(2), (4), redesignated subsec. (d) as (e) and substituted “\$10,000,000 for each of the fiscal years 2014 through 2017” for “\$20,000,000 for each of the fiscal years 2008 through 2011”.

Subsec. (f). Pub. L. 113–4, §1242(5), added subsec. (f).

2008—Subsec. (d). Pub. L. 110–457 substituted “\$20,000,000 for each of the fiscal years 2008 through 2011” for “\$25,000,000 for each of the fiscal years 2006 and 2007”.

§ 20706. Senior Policy Operating Group

Each Federal department or agency involved in grant activities related to combatting trafficking or providing services to persons subjected to trafficking inside the United States shall apprise the Senior Policy Operating Group established by section 105(f)¹ of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(f)), under the procedures established by the Senior Policy Operating Group, of such activities of the department or agency to ensure that the activities are consistent with the purposes of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.).

(Pub. L. 109–164, title II, §206, Jan. 10, 2006, 119 Stat. 3571; Pub. L. 110–457, title II, §233, Dec. 23, 2008, 122 Stat. 5074.)

REFERENCES IN TEXT

Section 105(f) of the Victims of Trafficking and Violence Protection Act of 2000, referred to in text, was re-

¹ See References in Text note below.

¹ See References in Text note below.