

2008—Subsec. (g). Pub. L. 110-457 substituted “2008 through 2011” for “2006 and 2007”.

§ 20704. Grant accountability

(a) Definition

In this section, the term “covered grant” means a grant awarded by the Attorney General under section 20703 of this title, as amended by section 103.

(b) Accountability

All covered grants shall be subject to the following accountability provisions:

(1) Audit requirement

(A) In general

Beginning in the first fiscal year beginning after May 29, 2015, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of a covered grant 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.

(B) Definition

In this paragraph, the term “unresolved audit finding” means a finding in the final audit report of the Inspector General that the audited grantee has utilized grant funds 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.

(C) Mandatory exclusion

A recipient of a covered grant that is found to have an unresolved audit finding shall not be eligible to receive a covered grant during the following 2 fiscal years.

(D) Priority

In awarding covered grants the Attorney General shall give priority to eligible entities that did not have an unresolved audit finding during the 3 fiscal years prior to submitting an application for a covered grant.

(E) Reimbursement

If an entity is awarded a covered grant during the 2-fiscal-year period in which the entity is barred from receiving grants under subparagraph (C), the Attorney General shall—

(i) deposit an amount equal to 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 grant recipient that was erroneously awarded grant funds.

(2) Nonprofit organization requirements

(A) Definition

For purposes of this paragraph and covered grants, the term “nonprofit organization” means an organization that is described in section 501(c)(3) of title 26 and is exempt from taxation under section 501(a) of title 26.

(B) Prohibition

The Attorney General may not award a covered grant to a nonprofit organization

that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of title 26.

(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 Attorney General, in the application for the 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, the Attorney General shall make the information disclosed under this subsection available for public inspection.

(3) Conference expenditures

(A) Limitation

No amounts transferred to the Department of Justice under this title,¹ or the amendments made by this title,¹ may be used by the Attorney General, or by any individual or organization awarded discretionary funds through a cooperative agreement under this title,¹ or the amendments made by this title,¹ to host or support any expenditure for conferences that uses more than \$20,000 in Department funds, unless the Deputy Attorney General or such Assistant Attorney Generals, Directors, or principal deputies as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host a 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 and beverages, audiovisual equipment, honoraria for speakers, and any entertainment.

(C) Report

The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all approved conference expenditures referenced in this paragraph.

(D) Annual certification

Beginning in the first fiscal year beginning after May 29, 2015, the Attorney General shall submit, to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, an annual certification that—

(i) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

¹ See References in Text note below.

- (ii) all mandatory exclusions required under paragraph (1)(C) have been issued;
- (iii) all reimbursements required under paragraph (1)(E) have been made; and
- (iv) includes a list of any grant recipients excluded under paragraph (1) from the previous year.

(4) Prohibition on lobbying activity

(A) In general

Amounts awarded under this title,¹ or any amendments made by this title,¹ may not be utilized by any grant recipient to—

- (i) lobby any representative of the Department of Justice regarding the award of grant funding; or
- (ii) lobby any representative of a Federal, State, local, or tribal government regarding the award of grant funding.

(B) Penalty

If the Attorney General determines that any recipient of a covered grant has violated subparagraph (A), the Attorney General shall—

- (i) require the grant recipient to repay the grant in full; and
- (ii) prohibit the grant recipient from receiving another covered grant for not less than 5 years.

(Pub. L. 114-22, title I, §117, May 29, 2015, 129 Stat. 245.)

Editorial Notes

REFERENCES IN TEXT

Section 103, referred to in subsec. (a), means section 103 of Pub. L. 114-22. For classification of section 103 to the Code, see Tables.

This title, referred to in subsec. (b)(3)(A), (4)(A), is title I of Pub. L. 114-22, May 29, 2015, 129 Stat. 228. For complete classification of title I to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 14044b-1 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Statutory Notes and Related Subsidiaries

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 per-

sons 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 trafficking 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.)

¹ See References in Text note below.