

to \$5,500; maximum from \$10,000 to \$11,000.

(10) 31 U.S.C. 3802(a)(1), Program Fraud Civil Remedies Act, violation involving false claim: from \$5,000 to \$5,500.

(11) 31 U.S.C. 3802(a)(2), Program Fraud Civil Remedies Act, violation involving false statement: from \$5,000 to \$5,500.

(12) 40 U.S.C. 489(b)(1), Federal Property and Administrative Services Act of 1949, violation involving surplus government property: from \$2,000 to \$2,200.

(13) 41 U.S.C. 55(a)(1)(B), Anti-Kickback Act of 1986, violation involving kickbacks: from \$10,000 to \$11,000.

(b) *Civil Rights Division.* (1) 18 U.S.C. 248(c)(2)(B), Freedom of Access to Clinic Entrances Act of 1994 (Nonviolent Physical Obstruction):

(i) The civil monetary penalty amount for a first order for nonviolent physical obstruction, initially set at \$10,000, is adjusted to \$11,000 for a violation occurring on or after September 29, 1999, and before April 28, 2014, and is adjusted to \$16,000 for a violation occurring on or after April 28, 2014.

(ii) The civil monetary penalty amount for a subsequent order for nonviolent physical obstruction, initially set at \$15,000, is adjusted to \$16,500 for a violation occurring on or after April 28, 2014.

(2) 18 U.S.C. 248(c)(2)(B), Freedom of Access to Clinic Entrances Act of 1994 (Other Violations):

(i) The civil monetary penalty amount for a first order other than for nonviolent physical obstruction, initially set at \$15,000, is adjusted to \$16,500 for a violation occurring on or after April 28, 2014.

(ii) The civil monetary penalty amount for a subsequent order other than for nonviolent physical obstruction, initially set at \$25,000, is adjusted to \$27,500 for a violation occurring on or after September 29, 1999, and before April 28, 2014, and is adjusted to \$37,500 for a violation occurring on or after April 28, 2014.

(3) 42 U.S.C. 3614(d)(1)(C), Fair Housing Act of 1968, as amended (Pattern or Practice Violation):

(i) The civil monetary penalty amount for a first order, initially set at \$50,000, is adjusted to \$55,000 for a

violation occurring on or after September 29, 1999, and before April 28, 2014, and is adjusted to \$75,000 for a violation occurring on or after April 28, 2014.

(ii) The civil monetary penalty amount for a subsequent order, initially set at \$100,000, is adjusted to \$110,000 for a violation occurring on or after September 29, 1999, and before April 28, 2014, and is adjusted to \$150,000 for a violation occurring on or after April 28, 2014.

(4) 50 U.S.C. App. 597(b)(3), Servicemembers Civil Relief Act of 2003, as amended:

(i) The civil monetary penalty amount for a first violation, initially set at \$55,000, is adjusted to \$60,000 for a violation occurring on or after April 28, 2014.

(ii) The civil monetary penalty amount for a subsequent violation, initially set at \$110,000, is adjusted to \$120,000 for a violation occurring on or after April 28, 2014.

(c) *Criminal Division.* 18 U.S.C. 216(b), Ethics Reform Act of 1989, violation: from \$50,000 to \$55,000.

(d) *Drug Enforcement Administration.* 21 U.S.C. 961(1), Controlled Substances Import Export Act, transshipment and in-transit shipment of controlled substances: from \$25,000 to \$27,500.

[Order No. 2249-99, 64 FR 47103, Aug. 30, 1999, as amended by AG Order No. 3324-2014, 79 FR 17436, Mar. 28, 2014]

PART 90—VIOLENCE AGAINST WOMEN

Subpart A—General Provisions

- Sec.
- 90.1 General.
- 90.2 Definitions.
- 90.3 Participation by faith-based organizations.

Subpart B—The STOP (Services • Training • Officers • Prosecutors) Violence Against Women Formula Grant Program

- 90.10 Description of STOP (Services • Training • Officers • Prosecutors) Violence Against Women Formula Grant Program.
- 90.11 Program criteria.
- 90.12 Eligible purposes.
- 90.13 Eligibility.
- 90.14 Forensic medical examination payment requirement.

§ 90.1

- 90.15 Filing costs for criminal charges.
- 90.16 Availability and allocation of funds.
- 90.17 Matching requirements.
- 90.18 Non-supplantation.
- 90.19 State office.
- 90.20 Application content.
- 90.21 Evaluation.
- 90.22 Review of State applications.
- 90.23 State implementation plan.
- 90.24 Grantee reporting.

Subpart C [Reserved]

Subpart D—Grants to Encourage Arrest Policies and Enforcement of Protection Orders

- 90.60 Scope.
- 90.61 Definitions and grant conditions.
- 90.62 Purposes.
- 90.63 Eligibility.
- 90.64 Speedy notice to victims.
- 90.65 Application content.
- 90.66 Evaluation.
- 90.67 Review of applications.

Subpart E [Reserved]

AUTHORITY: 42 U.S.C. 3711–3796gg–7; Sec. 826, Part E, Title VIII, Pub. L. 105–244, 112 Stat. 1581, 1815.

SOURCE: 60 FR 19477, Apr. 18, 1995, unless otherwise noted.

Subpart A—General Provisions

§ 90.1 General.

(a) This part implements certain provisions of the Violence Against Women Act (VAWA), which was enacted by title IV of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103–322 (Sept. 13, 1994).

(b) Subpart B of this part defines program eligibility criteria and sets forth requirements for application for and administration of formula grants to States to combat violent crimes against women. This Program under the VAWA was enacted as a new “part T” of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (the Omnibus Act), codified at 42 U.S.C. 3796gg through 3796gg–5. Offices and agencies of State government, units of local government, Indian tribal governments, and nonprofit, nongovernmental victim services programs are eligible to apply for subgrants from this Program.

(c) Indian tribal governments are eligible to receive assistance as part of

28 CFR Ch. I (7–1–15 Edition)

the State program pursuant to subpart B of this part. In addition, Indian tribal governments may apply directly for discretionary grants under subpart C of this part.

§ 90.2 Definitions.

(a) *Domestic violence*. (1) As used in this part, *domestic violence* includes felony or misdemeanor crimes of violence (including threats or attempts) committed:

(i) By a current or former spouse of the victim;

(ii) By a person with whom the victim shares a child in common;

(iii) By a person who is co-habiting with or has co-habited with the victim as a spouse;

(iv) By a person similarly situated to a spouse of the victim under domestic or family violence laws of the jurisdiction receiving grant monies; or

(v) By any other adult person against a victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction receiving grant monies. Section 2003(1).

(2) For the purposes of this Program, *domestic violence* also includes any crime of violence considered to be an act of domestic violence according to State law.

(b) *Forensic medical examination*. The term *forensic medical examination* means an examination provided to a sexual assault victim by medical personnel trained to gather evidence of a sexual assault in a manner suitable for use in a court of law.

(1) The examination should include at a minimum:

(i) Examination of physical trauma;

(ii) Determination of penetration or force;

(iii) Patient interview; and

(iv) Collection and evaluation of evidence.

(2) The inclusion of additional procedures (e.g., testing for sexually transmitted diseases) to obtain evidence may be determined by the State, Indian tribal government, or unit of local government in accordance with its current laws, policies, and practices.

(c) *Indian tribe*. The term *Indian Tribe* means a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native

Department of Justice

§ 90.3

village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. Section 2003(3).

(d) *Law enforcement.* The term *law enforcement* means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs). Section 2003(4).

(e) *Prosecution.* For the purposes of this Program, the term *prosecution* means any public office or agency charged with direct responsibility for prosecuting criminal offenders, including such office's or agency's component departments or bureaus (such as governmental victims services programs). Prosecution support services, such as overseeing or participating in State-wide or multi-jurisdictional domestic violence task forces, conducting training for State and local prosecutors or enforcing victim compensation and domestic violence-related restraining orders shall be considered *direct responsibility* for purposes of this program. Section 2003(5).

(f) *Sexual assault.* The term *sexual assault* means any conduct proscribed by chapter 109A of title 18, United States Code, and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim. Section 2003(6).

(g) *State.* The term *State* means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(h) *Unit of local government.* For the purposes of subpart B of this part, the term *unit of local government* means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, or Indian tribe which performs law enforcement functions as determined by the Secretary of Interior, or for the purpose of assistance eligibility, any agency of the District of Columbia gov-

ernment or the United States Government performing law enforcement functions in and for the District of Columbia and the Trust Territory of the Pacific Islands.

(i) *Victim services.* The term *victim services* means a nonprofit, nongovernmental organization, that assist victims of domestic violence and/or sexual assault victims. Included in this definition are rape crisis centers, battered women's shelters, and other sexual assault or domestic violence programs, such as nonprofit, nongovernmental organizations assisting domestic violence or sexual assault victims through the legal process. (Section 2003(8).)

(1) For the purposes of this Program, funding may include support for lawyer and nonlawyer advocates, including specialized domestic violence court advocates. Legal or defense services for perpetrators of violence against women may not be supported with grant funds.

(2) The definition also encompasses Indian victim assistance programs and Statewide domestic violence and sexual assault coalitions to the extent they provide direct services to domestic violence and sexual assault victims.

(3) Governmental victim services programs attached to a law enforcement agency or a prosecutor's office may apply for the portions of the State grant designated for law enforcement and prosecution. Governmental victim services programs contracting with nonprofit organizations (e.g., a county nonprofit shelter) are eligible to apply for the portion of the State grant designated for nonprofit, nongovernmental victim services. Governmental victim services programs that are not connected to a law enforcement agency or a prosecutor's office and are not considered nonprofit organizations may apply for funding through the remaining portion of the State grant that is not designated for a specific program area.

§ 90.3 Participation by faith-based organizations.

The funds provided under this part shall be administered in compliance with the standards set forth in part 38 (Equal Treatment for Faith-based Organizations) of this chapter.

[Order No. 2703-2004, 69 FR 2841, Jan. 21, 2004]

§ 90.10

28 CFR Ch. I (7–1–15 Edition)

Subpart B—The STOP (Services • Training • Officers • Prosecutors) Violence Against Women Formula Grant Program

§ 90.10 Description of STOP (Services • Training • Officers • Prosecutors) Violence Against Women Formula Grant Program.

It is the purpose of this Program to assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women. Section 2001(a).

§ 90.11 Program criteria.

(a) The Assistant Attorney General for the Office of Justice Programs is authorized to make grants to the States, for use by States, Indian tribal governments, units of local government and nonprofit, nongovernmental victim services programs for the purpose of developing and strengthening effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women.

(b) Grantees and subgrantees shall develop a plan for implementation and shall consult and coordinate with nonprofit, nongovernmental victim services programs, including sexual assault and domestic violence victim services programs. Section 2002(c)(2). The goal of the planning process is the enhanced coordination and integration of law enforcement, prosecution, courts, probation and parole agencies, and victim services in the prevention, identification, and response to cases involving violence against women. States and localities are encouraged to include Indian tribal governments in developing their plans. States and localities should, therefore, consider the needs of Indian tribal governments in developing their law enforcement, prosecution and victims services in cases involving violence against women. Indian tribal governments may also be consid-

ered subgrantees of the State. Section 2002(a).

§ 90.12 Eligible purposes.

(a) *In general.* Grants under this Program shall provide personnel, training, technical assistance, evaluation, data collection and equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women.

(b) *Eligible purposes.* Section 2001(b). Grants under this Program may be used for the following purposes:

(1) Training law enforcement officers and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of sexual assault and domestic violence;

(2) Developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault and domestic violence;

(3) Developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of sexual assault and domestic violence;

(4) Developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of sexual assault and domestic violence;

(5) Developing, enlarging, or strengthening victim services programs, including sexual assault and domestic violence programs; developing or improving delivery of victim services to racial, cultural, ethnic, and language minorities; providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted; and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault and domestic violence;

Department of Justice

§ 90.15

(6) Developing, enlarging, or strengthening programs addressing stalking; and

(7) Developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of sexual assault and domestic violence.

§ 90.13 Eligibility.

(a) All States are eligible to apply for, and to receive, grants to combat violent crimes against women under this Program. Indian tribal governments, units of local government, and nonprofit, nongovernmental victim service programs may receive subgrants from the States under this Program.

(b) For the purpose of this subpart B, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as one State and, for these purposes, 67% of the amounts allocated shall be allocated to American Samoa, and 33% to the Commonwealth of the Northern Mariana Islands.

§ 90.14 Forensic medical examination payment requirement.

(a) For the purpose of this subpart B, a State, Indian tribal government or unit of local government shall not be entitled to funds under this Program unless the State, Indian tribal government, unit of local government, or another governmental entity incurs the full out-of-pocket costs of forensic medical examinations for victims of sexual assault. *Full out-of-pocket costs* means any expense that may be charged to a victim in connection with a forensic medical examination for the purpose of gathering evidence of a sexual assault (e.g., the full cost of the examination, an insurance deductible, or a fee established by the facility conducting the examination). Section 2005(a)(1). For individuals covered by insurance, *full out-of-pocket costs* means any costs that the insurer does not pay.

(b) A State, Indian tribal government, or unit of local government shall be deemed to incur the full out-of-pocket costs of forensic medical examinations for victims of sexual assault if

that governmental entity or some other:

(1) Provides such examinations to victims free of charge;

(2) Arranges for victims to obtain such examinations free of charge; or

(3) Reimburses victims for the cost of such examinations if:

(i) The reimbursement covers the full out-of-pocket costs of such examinations, without any deductible requirement and/or maximum limit on the amount of reimbursement;

(ii) The governmental entity permits victims to apply for reimbursement for not less than one year from the date of the examination;

(iii) The governmental entity provides reimbursement to the victim not later than ninety days after written notification of the victim's expense; and

(iv) The governmental entity provides information at the time of the examination to all victims, including victims with limited or no English proficiency, regarding how to obtain reimbursement. Section 2005(b).

(c) Coverage of the cost of additional procedures (e.g., testing for sexually transmitted diseases) may be determined by the State or governmental entity responsible for paying the costs; however, formula grant funds cannot be used to pay for the cost of the forensic medical examination or any additional procedures.

§ 90.15 Filing costs for criminal charges.

(a) A State shall not be entitled to funds under this subpart B unless it:

(1) Certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the victim bear the costs associated with the filing of criminal charges against the domestic violence offender, or the costs associated with the issuance or service of a warrant, protection order, and witness subpoena (arising from the incident that is the subject of the arrest or criminal prosecution); or

(2) Assures that its laws, policies and practices will be in compliance with the requirements of paragraph (a)(1) of this section by the date on which the

§ 90.16

28 CFR Ch. I (7–1–15 Edition)

next session of the State legislature ends, or by September 13, 1996, whichever is later.

(b) An Indian tribal government or unit of local government shall not be eligible for subgrants from the State unless it complies with the requirements of paragraph (a) of this section with respect to its laws, policies and practices.

(c) If a State does not come into compliance within the time allowed in paragraph (a)(2) of this section, the State will not receive its share of the grant money whether or not individual units of local government are in compliance.

§ 90.16 Availability and allocation of funds.

(a) Section 2002(b) provides for the allocation of the amounts appropriated for this Program as follows:

(1) *Allocation to Indian tribal governments.* Of the total amounts appropriated for this Program, 4% shall be available for grants directly to Indian tribal governments. This Program is addressed in subpart C of this part.

(2) *Allocation to States.* Of the total amounts appropriated for this Program in any fiscal year, after setting aside the portion allocated for discretionary grants to Indian tribal governments covered in paragraph (a) (1) of this section, and setting aside a portion for evaluation, training and technical assistance, a base amount shall be allocated for grants to eligible applicants in each State. After these allocations are made, the remaining funds will be allocated to each State on the basis of the State's relative share of total U.S. population (not including Indian tribal populations). For purposes of determining the distribution of the remaining funds, the most accurate and complete data compiled by the U.S. Bureau of the Census shall be used.

(3) *Allocation of funds within the State.* Funds granted to qualified States are to be further subgranted by the State to agencies, offices, and programs including, but not limited to State agencies and offices; public or private nonprofit organizations; units of local government; Indian tribal governments; nonprofit, nongovernmental victim services programs; and legal services

programs for victims to carry out programs and projects specified in § 90.12.

(b) In distributing funds received under this part, States must:

(1) Give priority to areas of varying geographic size with the greatest showing of need. In assessing need, States must consider the range and availability of existing domestic violence and sexual assault programs in the population and geographic area to be served in relation to the availability of such programs in other such populations and geographic areas, including Indian reservations. Applications submitted by a State for program funding must include a proposal which delineates the method by which States will distribute funds within the State to assure compliance with this requirement on an annual or multi-year basis. Section 2002(e)(2)(A).

(2) Take into consideration the population of the geographic area to be served when determining subgrants. Section 2002(e)(2)(B). Applications submitted by a State for program funding must include a proposal which delineates the method by which States will distribute funds within the State to assure compliance with this requirement on an annual or multi-year basis.

(3) Equitably distribute monies on a geographic basis, including non-urban and rural areas of various geographic sizes. Section 2002(e)(2)(C). Applications submitted by the State for program funding must include a proposal which delineates the method by which States will distribute funds within the State to assure compliance with this requirement on an annual or multi-year basis.

(4) In disbursing monies, States must ensure that the needs of previously underserved populations are identified and addressed in its funding plan. Section 2002(e)(2)(D). For the purposes of this Program, underserved populations include, but are not limited to, populations underserved because of geographic location (such as rural isolation), underserved racial or ethnic populations, including Indian populations, and populations underserved because of special needs such as language barriers or physical disabilities. Section 2003(7). Each State has flexibility to determine its basis for identifying underserved

Department of Justice

§ 90.19

populations, which may include public hearings, needs assessments, task forces, and U.S. Bureau of Census data. Applications submitted by the State for program funding must include a proposal which delineates the method by which States will distribute funds within the State to assure compliance with this requirement on an annual or multi-year basis.

(c) States must certify that a minimum of 25% of each year's grant award (75% total) will be allocated, without duplication, to each of the following areas: prosecution, law enforcement, and victim services. Section 2002(c)(3). This requirement applies to States and does not apply to individual subrecipients. This requirement applies to Indian tribal governments to the extent they have law enforcement or prosecution.

§ 90.17 Matching requirements.

(a) The Federal share of a subgrant made under the State formula program may not be expended for more than 75% of the total costs of the individual projects described in a State's implementation plan. Section 2002(f). A 25% non-Federal match is required. This 25% match may be cash or in-kind services. States are expected to submit a narrative that identifies the source of the match.

(b) 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 professional 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 loaned or donated equipment may not exceed its fair rental value. The value placed on donated services must be consistent with the rate of compensation paid for similar work in the organization or the labor market. Fringe benefits may be included in the valuation. Volunteer services must be documented and, to the extent feasible, supported by the same methods used by the recipient organization for its own employees. 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 a privately owned building in the same locality. The basis for determining the value of personal services, materials, equipment, and space must be documented.

(c) The match expenditures must be committed for each funded project and cannot be derived from other Federal funds. Nonprofit, nongovernmental victim services programs funded through subgrants are exempt from the matching requirement; all other subgrantees must provide a 25% match.

(d) Indian tribes, who are subgrantees of a State under this Program, may meet the 25% matching requirement for programs under this subpart B by using funds appropriated by Congress for the activities of any agency of an Indian tribal government or for the activities of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands.

(e) All funds designated as match are restricted to the same uses as the Violence Against Women Program funds and must be expended within the grant period. The State must ensure that match is identified in a manner that guarantees its accountability during an audit.

§ 90.18 Non-supplantation.

Federal funds received under this part shall be used to supplement, not supplant non-Federal funds that would otherwise be available for expenditure on activities described in this part. Monies disbursed under this Program must be used to fund new projects, or expand or enhance existing projects. The VAWA funds cannot be used to supplant or replace existing funds already allocated to funding programs. Grant funds may not be used to replace State or local funds (or, where applicable, funds provided by the Bureau of Indian Affairs) that would, in the absence of Federal aid, be available or forthcoming for programs to combat violence against women. This requirement applies only to State and local public agencies. Section 2002(c)(4).

§ 90.19 State office.

(a) *Statewide plan and application.* The chief executive of each participating

§ 90.20

28 CFR Ch. I (7–1–15 Edition)

State shall designate a State office for the purposes of:

(1) Certifying qualifications for funding under this subpart B;

(2) Developing a Statewide plan for implementation of the grants to combat violence against women in consultation and coordination with non-profit, nongovernmental victim services programs, including sexual assault and domestic violence service programs; and

(3) Preparing an application to obtain funds under this subpart B.

(b) *Administration and fund disbursement.* In addition to the duties specified by paragraph (a) of this section, the office shall:

(1) Administer funds received under this subpart B, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustments, accounting, auditing and fund disbursements; and

(2) Coordinate the disbursement of funds provided under this part with other State agencies receiving Federal, State, or local funds for domestic or family violence and sexual assault prosecution, prevention, treatment, education, and research activities and programs.

§ 90.20 Application content.

(a) *Format.* Applications from the States for the STOP Violence Against Women Formula Grant Program must be submitted on Standard Form 424, Application for Federal Assistance. The Office of Justice Programs will request the Governor of each State to identify which State agency should receive the Application Kit. The Application Kit will include a Standard Form 424, an Application for Federal Assistance, a list of assurances to which the applicant must agree, and additional guidance on how to prepare and submit an application for grants under this subpart.

(b) *Requirements.* Applicants in their applications shall at the minimum:

(1) Include documentation from non-profit, nongovernmental victim services programs describing their participation in developing the plan as provided in § 90.19(a);

(2) Include documentation from prosecution, law enforcement, and victim services programs to be assisted, demonstrating the need for grant funds, the intended use of the grant funds, the expected results from the use of grant funds, and demographic characteristics of the populations to be served, including age, marital status, disability, race, ethnicity and linguistic background. Section 2002(d)(1);

(3) Certify compliance with the requirements for forensic medical examination payments as provided in § 90.14(a); and

(4) Certify compliance with the requirements for filing and service costs for domestic violence cases as provided in § 90.15

(c) *Certifications.* (1) As required by section 2002(c) each State must certify in its application that it has met the requirements of this subpart regarding the use of funds for eligible purposes (§ 90.12); allocation of funds for prosecution, law enforcement, and victims services (§ 90.16(c)); non-supplantation (§ 90.18); and the development of a Statewide plan and consultation with victim services programs (§ 90.19(a)(2)).

(2) Each State must certify that all the information contained in the application is correct, that all submissions will be treated as a material representation of fact upon which reliance will be placed, that any false or incomplete representation may result in suspension or termination of funding, recovery of funds provided, and civil and/or criminal sanctions.

§ 90.21 Evaluation.

(a) The National Institute of Justice will conduct an evaluation of these programs. A portion of the overall funds authorized under this grant Program will be set aside for this purpose. Recipients of funds under this subpart must agree to cooperate with Federally-sponsored evaluations of their projects.

(b) Recipients of program funds are strongly encouraged to develop a local evaluation strategy to assess the impact and effectiveness of the program funded under this subpart. Applicants should consider entering into partnerships with research organizations that

Department of Justice

§ 90.60

are submitting simultaneous grant applications to the National Institute of Justice for this purpose.

§ 90.22 Review of State applications.

(a) *Review criteria.* The provisions of part T of the Omnibus Act and of these regulations provide the basis for review and approval or disapproval of State applications and amendments in whole or in part.

(b) *Intergovernmental review.* This Program is covered by Executive Order 12372 (Intergovernmental Review of Federal Programs) and implementing regulations at 28 CFR part 30. A copy of the application submitted to the Office of Justice Programs should also be submitted at the same time to the State's Single Point of Contact, if there is a Single Point of Contact.

(c) *Written notification and reasons for disapproval.* The Office of Justice Programs shall approve or disapprove applications within sixty days of official receipt and shall notify the applicant in writing of the specific reasons for the disapproval of the application in whole or in part. Section 2002(e)(1).

§ 90.23 State implementation plan.

(a) Each State must submit a plan describing its identified goals and how the funds will be used to accomplish those goals. States may use grant funds to accomplish any of the seven identified purposes of the Violence Against Women Act.

(b) The implementation plan should describe how the State, in disbursing monies, will:

(1) Give priority to areas of varying geographic size with the greatest showing of need based on the availability of existing domestic violence and sexual assault programs in the population and geographic area to be served in relation to the availability of such programs in other such populations and geographic areas;

(2) Determine the amount of subgrants based on the population and geographic area to be served;

(3) Equitably distribute monies on a geographic basis including nonurban and rural areas of various geographic sizes; and

(4) Recognize and address the needs of underserved populations. State plans

may include but are not required to submit information on specific projects.

(c) State plans will be due 120 days after the date of the award.

§ 90.24 Grantee reporting.

(a) Upon completion of the grant period under this subpart, a State shall file a performance report with the Assistant Attorney General for the Office of Justice Programs explaining the activities carried out, including an assessment of the effectiveness of those activities in achieving the purposes of this part.

(b) A section of the performance report shall be completed by each grantee and subgrantee that performed the direct services contemplated in the application, certifying performance of direct services under the grant. The grantee is responsible for collecting demographics about the victims served and including this information in the Annual Performance Report. In addition, the State should assess whether or not annual goals and objectives were achieved and provide a progress report on Statewide coordination efforts. Section 2002(h)(2).

(c) The Assistant Attorney General shall suspend funding for an approved application if:

(1) An applicant fails to submit an annual performance report;

(2) Funds are expended for purposes other than those described in this subchapter; or

(3) A report under this section or accompanying assessments demonstrate to the Assistant Attorney General that the program is ineffective or financially unsound.

Subpart C [Reserved]

Subpart D—Grants to Encourage Arrest Policies and Enforcement of Protection Orders

SOURCE: 80 FR 1006, Jan. 8, 2015, unless otherwise noted.

§ 90.60 Scope.

The eligibility criteria, purpose areas, application requirements, and statutory priorities for this program

§ 90.61

28 CFR Ch. I (7–1–15 Edition)

are established by 42 U.S.C. 3796hh *et seq.*

§ 90.61 Definitions and grant conditions.

(a) *In general.* For purposes of this subpart, the definitions and grant conditions in 42 U.S.C. 13925 apply.

(b) *Unit of local government.* For the purpose of this subpart, a unit of local government is any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State. The following are not considered units of local government for purposes of this subpart:

- (1) Police departments;
- (2) Pre-trial service agencies;
- (3) District or city attorneys' offices;
- (4) Sheriffs' departments;
- (5) Probation and parole departments;
- (6) Shelters;
- (7) Nonprofit, nongovernmental victim service providers; and
- (8) Universities.

§ 90.62 Purposes.

(a) Purpose areas for the program are provided by 42 U.S.C. 3796hh(b).

(b) Grants awarded for these purposes must demonstrate meaningful attention to victim safety and offender accountability.

§ 90.63 Eligibility.

(a) *Eligible entities.* Eligible entities are described in 42 U.S.C. 3796hh(c).

(b) *Certifications*—(1) *State, local, and tribal governments.* State, local, and tribal government applicants must certify that they meet the requirements of 42 U.S.C. 3796hh(c)(A)–(E) or that they will meet the requirements by the statutory deadline.

(2) *Courts.* Court applicants must certify that they meet the requirements of 42 U.S.C. 3796hh(c)(C)–(E) or that they will meet the requirements by the statutory deadline.

(3) *State, tribal, or territorial domestic violence or sexual assault coalitions or victim service providers.* Applicants that are domestic violence or sexual assault coalitions or other victim service providers must partner with a State, local, or tribal government. The partner government must certify that it meets the requirements of 42 U.S.C. 3796hh(c)(A)–

(E) or that it will meet the requirements by the statutory deadline.

(4) *Letters.* Eligible applicants or partners must submit a letter with proper certifications signed by the chief executive officer of the State, local government, or tribal government participating in the project, in order to satisfy these statutory requirements. OVW will not accept submission of statutes, laws or policies in lieu of such a letter.

(c) *Partnerships*—(1) *Governments and courts.* All State, local, and tribal government and court applicants are required to enter into a formal collaboration with victim service providers and, as appropriate, population specific organizations. Sexual assault, domestic violence, dating violence, or stalking victim service providers must be involved in the development and implementation of the project. In addition to the requirements of 42 U.S.C. 13925, victim service providers should meet the following criteria:

(i) Address a demonstrated need in their communities by providing services that promote the dignity and self-sufficiency of victims, improve their access to resources, and create options for victims seeking safety from perpetrator violence; and

(ii) Do not engage in or promote activities that compromise victim safety.

(2) *Coalitions and victim service providers.* All State, tribal, or territorial domestic violence or sexual assault coalition and other victim service provider applicants are required to enter into a formal collaboration with a State, Indian tribal government or unit of local government, and, as appropriate, population specific organizations.

§ 90.64 Speedy notice to victims.

(a) *In general.* A State or unit of local government shall not be entitled to 5 percent of the funds allocated under this subpart, unless the State or unit of local government certifies that it meets the requirements regarding speedy notice to victims provided in 42 U.S.C. 3796hh(d).

(b) *Units of local governments.* (1) Units of local government grantees may certify based on State or local law, policy, or regulation.

(2) In the event that a unit of local government does not have authority to prosecute “crime[s] in which by force or threat of force the perpetrator compels the victim to engage in sexual activity[.]” the unit of local government may submit a letter from an appropriate legal authority in the jurisdiction certifying that the jurisdiction does not have the authority to prosecute “crime[s] in which by force or threat of force the perpetrator compels the victim to engage in sexual activity” and that therefore the certification is not relevant to the unit of local government in question.

§ 90.65 Application content.

(a) *Format.* Applications from eligible entities must be submitted as described in the relevant program solicitation developed by the Office on Violence Against Women and must include all the information required by 42 U.S.C. 3796hh-1(a).

(b) *Certification.* Each eligible applicant must certify that all the information contained in the application is correct. All submissions will be treated as a material representation of fact upon which reliance will be placed, and any false or incomplete representation may result in suspension or termination of funding, recovery of funds provided, and civil and/or criminal sanctions.

§ 90.66 Evaluation.

(a) Recipients of Arrest Program funds must agree to cooperate with federally-sponsored research and evaluation studies of their projects at the direction of the Office on Violence Against Women.

(b) Grant funds may not be used for purposes of conducting research or evaluations. Recipients of Arrest Program funds are, however, strongly encouraged to develop a local evaluation strategy to assess the impact and effectiveness of their projects. Applicants should consider entering into partnerships with research organizations that are submitting simultaneous grant applications to the National Institute of Justice or other research funding sources for this purpose.

§ 90.67 Review of applications.

The provisions of 42 U.S.C. 3796 *et seq.* and this subpart provide the basis for review and approval or disapproval of applications and amendments in whole or in part.

Subpart E [Reserved]

PART 91—GRANTS FOR CORRECTIONAL FACILITIES

Subpart A—General

- Sec.
- 91.1 Purpose.
- 91.2 Definitions.
- 91.3 General eligibility requirements.
- 91.4 Truth in Sentencing Incentive Grants.
- 91.5 Violent Offender Incarceration Grants.
- 91.6 Matching requirement.

Subpart B—FY 95 Correctional Boot Camp Initiative

- 91.10 General.

Subpart C—Correctional Facilities on Tribal Lands

- 91.21 Purpose.
- 91.22 Definitions.
- 91.23 Grant authority.
- 91.24 Grant distribution.

Subpart D—Environmental Impact Review Procedures for VOI/TIS Grant Program

IN GENERAL

- 91.50 Purpose.
- 91.51 Policy.
- 91.52 Definitions.
- 91.53 Other guidance.

APPLICATION TO VOI/TIS GRANT PROGRAM

- 91.54 Applicability.
- 91.55 Categorical exclusions.
- 91.56 Actions that normally require the preparation of an environmental assessment.
- 91.57 Actions that normally require the preparation of an environmental impact statement.

ENVIRONMENTAL REVIEW PROCEDURES

- 91.58 Timing of the environmental review process.
- 91.59 OJP’s responsibilities.
- 91.60 Grantee’s responsibilities.
- 91.61 Subgrantee’s responsibilities.
- 91.62 Preparing an Environmental Assessment.
- 91.63 Preparing an Environmental Impact Statement.