property losses or property damage, audit costs, personnel costs, and any other program administrative costs.

5. Applicable Credits. Any "applicable credits" must be deducted from the State certification. The term 'applicable credits' refers to those receipts or reduction of expenditures, which offset or reduce expense items that are allocable to a particular crime victim compensation claim. Typical examples of applicable credits in State crime victims compensation programs include funds received through a State's subrogation interest in a claimant's civil law suit recovery, restitution, refunds, or other reimbursements. Refunds include amounts from overpayment, erroneous payments made to claimants, uncashed checks, etc. Additional guidance regarding applicable credits can be found in OMB Circular A-87, "Cost principles for State and Local Governments.'

States must determine how to account for both the receipt and expenditure of restitution and refunds. Note: A State is not required to reduce its certified payment figure by the amount of restitution recoveries received by the State which are not directly related to the payment of crime victim compensation benefits, nor when such reimbursements were from payments to victims prior to receiving a VOCA award.

Recovery Costs. Expenses incurred by State compensation programs, which are directly attributable to the recovery of restitution, refunds, and other reimbursements, may be offset against the amount of income received from such reimbursements. Expenses directly attributable to recovery income shall be limited to the percentage of those salaries incurred by the State for employees whose primary responsibilities (not less than 75 percent of their time) are directly and specifically related to recovering restitution and other reimbursements. Recovery costs can not be claimed for employees whose salary is derived from Federal administrative grant funds.

7. There is no financial requirement that State compensation programs identify the source of individual payments to crime victims as either Federal or State dollars.

C. Incorrect Certifications

If it is determined that a State has made an incorrect certification of payments of crime victims compensation from State funding sources and a VOCA crime victim compensation grant is awarded in error, one of the following two courses of action will be taken:

1. In the event that an over certification comes to the attention of OVC or the Office of the Comptroller, OJP, the necessary steps will be taken to recover funds which were awarded in error. OVC does not have the authority to permit States to keep amounts they were not entitled to as a result of overcertification.

2. If a State under-certifies amounts paid to crime victims, OVC will not supplement payments to the State in a subsequent year to correct the State's error. Once OVC awards funds in a given FFY, there are no excess funds available to remedy errors of this nature.

D. Program Reporting Requirements

States receiving VOCA crime victims compensation grant funds are required to prepare an Annual Performance Report that is provided by OVC. The Report requests specific information about claims for compensation, such as types of crimes committed, including drunk driving and domestic violence, disposition of claims, and payments for compensable expenses. The Performance Report covers the Federal Fiscal Year ending September 30 and is due to OVC by December 30 of the same year.

E. Additional Requirements

1. Civil Rights—Prohibition of Discrimination for Recipients of Federal Funds. No person in any State shall, on the grounds of race, color, religion, national origin, sex, or disability be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or denied employment in connection with any program or activity receiving Federal financial assistance, pursuant to the following statutes and regulations: Section 809(c), Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. 3789d, and Department of Justice Nondiscrimination Regulations, 28 CFR part 42, Subparts C, D, E, and G; Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d, et seq.; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794; Subtitle A, Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. 12101, et seq.; and Department of Justice regulations on disability discrimination, 28 CFR part 35 and part 39; Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681-1683; and the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101, et seq.

2. Confidentiality of Research Information. Except as otherwise provided by law, no recipient of monies under VOCA shall use or reveal any research or statistical information gathered under this program by any person, and identifiable to any specific private person, for any purpose other than the purpose for which such information was obtained, in accordance with VOCA. Such information, and any copy of such information, shall be immune from legal process and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceeding. [See Section 14007(d) of VOCA, codified at 42 U.S.C. 10604(d)l.

This provision is intended, among other things, to assure the confidentiality of information provided by crime victims to employees of VOCA-funded victim compensation programs. However, there is nothing in VOČA or its legislative history to indicate that Congress intended to override or repeal, in effect, a State's existing law governing the disclosure of information, which is supportive of VOCA's fundamental goal of helping crime victims. For example, this provision would not act to override or repeal, in effect, a State's existing law pertaining to the mandatory reporting of a suspected child abuse. See Pennhurst State School and Hospital v. Halderman, et al., 451 U.S. 1 (1981).

Financial Requirements

As a condition of receiving a grant, States agree to insure adherence to the general and specific requirements as set forth in the "Financial and Administrative Guide for Grants," OJP M7100.1D (effective edition) and applicable OMB Circulars and Common Rules. This includes the maintenance of books and records in accordance with generally accepted government accounting principles. States further agree to identify state fiscal year and Federal cognizant audit agency. This section describes the payment of grant funds, termination of advanced funding; financial status reports, and audit requirements.

A. Audit Responsibilities for States

Pursuant to OMB Circular A–128 (Audits of State or Local Governments), States that receive \$100,000 or more in Federal financial assistance in any fiscal year must have a single audit for that year. States receiving at least \$25,000, but less than \$100,000, in a fiscal year have the option of performing a single audit or an audit of the Federal program, as required by the applicable Federal laws and regulations. State and local governments receiving less than \$25,000