



Bureau of Justice Statistics

National Criminal History Improvement Program

*Fiscal Year 2002
Program Announcement*

NCHIP

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Contents

Summary	1
Accomplishments	2
Program priorities	3
Program goals	5
Appropriation	7
Application and award process	8
Allowable costs	11
Appendix	
Application and administrative requirements	17

Summary

The Bureau of Justice Statistics (BJS) is publishing this notice to announce the continuation of the National Criminal History Improvement Program (NCHIP) in Fiscal Year 2002. Copies of this announcement can also be found on the Internet at <http://www.ojp.usdoj.gov/bjs/>

In 2002 the appropriation for the NCHIP program was made pursuant to the Crime Identification Technology Act of 1998, and the procedures for applying for NCHIP grants reflect the provisions of that Act. In particular, State matching funds are required for NCHIP applications. The NCHIP program is an umbrella program that implements the grant provisions of —

- the Crime Identification Technology Act of 1998, Pub. L. No. 105-251;
- the Brady Handgun Violence Prevention Act (Brady Act), Pub. L. No. 103-159, 107 Stat. 1536 (1993), codified as amended at 18 U.S.C. Sections 921 et seq.;
- the National Child Protection Act of 1993 (NCPA), Pub. L. No. 103-209, 107 Stat. 2490 (1993), codified as amended at 42 U.S.C. Sections 3759, 5101 note, 5119, 5119a, 5119b, 5119c;
- those provisions of the Omnibus Crime Control and Safe Streets Act of 1968 (Omnibus Act), Pub. L. No. 90-351, 82 Stat. 197 (1968), codified as amended at 42 U.S.C. Sections 3711 et seq., as amended; and the Violent Crime Control and Law Enforcement Act of 1994 (Violent Crime Control Act), Pub. L. No. 103-322, 108 Stat. 1796 (1994), codified as amended at 42 U.S.C. Sections 13701 et seq., which pertain to the establishment,

maintenance, analysis, or use of criminal history records and criminal record systems;

- relevant requirements of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, Megan's Law, and the Pam Lychner Sexual Offender Tracking and Identification Act;
- related laws pertaining to the identification, collection, analysis and interstate exchange of records relating to domestic violence and stalking (including protection orders) and to the establishment of sexual offender registries and exchange of data between them.

The NCHIP to date. The NCHIP was initiated in 1995 as an umbrella program. It has encompassed evolving efforts to support State activities for the establishment of records systems and the collection and use of criminal history and related records. Since 1995 direct awards under the basic NCHIP (including awards to "priority" States and awards under the Advanced State Award program (ASAP)) totaled nearly \$355 million. In addition, \$6 million was transferred to the FBI for implementation of the National Instant Criminal Background Check System (NICS) and nearly \$18 million was awarded to provide direct technical assistance to States, to evaluate the program, and to collect statistics and research data on presale firearm checks.

The National Sex Offender Registry Assistance Program (NSOR-AP) was added to NCHIP in FY 1998, with a \$25 million appropriation having the goal of assisting States in upgrading sex offender registries consistent with Federal and State standards and providing data to the FBI Sex Offender Registry. Starting in FY 1999, funding for State sex offender registries was covered under the general NCHIP.

The Violence Against Women Act authorized a total of \$6 million for fiscal years 1996 through 1998 to improve processes for entering data on stalking and domestic violence into local, State, and national databases. The funds were incorporated into, and awarded under, the NCHIP program during those years. This program was re-authorized by the Violence Against Women Act of 2000 at \$3 million per year for fiscal years 2001 through 2005 and funding was re-instituted in FY 2002.

To date, all States have received funds under the NCHIP.

Accomplishments

NCHIP has provided support to States for —

- **Record improvement and support for courts.** All States have received funds under NCHIP to upgrade the quality of criminal history record systems. Funds have been awarded for acquisition of advanced equipment, development of software, and conversion of manual records to an automated format which permits instant access and linkage. Automated criminal records permit immediate access for law enforcement and other purposes such as background checks. BJS conducts surveys of criminal record holdings within the States every two years. The 1999 BJS survey indicated that States held more than 60 million records and that approximately 90% of these were automated. Trend data from prior surveys show that record quality and access to records has substantially increased as a consequence of the NCHIP. Since the inception of NCHIP, the number of criminal history records held nationwide grew 28% while the number of automated records increased 33%. Over the same period, the number of records available for sharing under the FBI's Interstate Identification Index (III) climbed 60%.
- **Participation in the Interstate Identification Index (III).** To ensure compatibility, all record enhancements funded under NCHIP are required to conform to FBI standards for III participation. III participation is critical since it constitutes the primary system through which the FBI accesses State-held data for NICS checks. In 1989, only 20 states were members of the FBI's III system which permits instant access to out-of-State data. By year-end 1993, 26 States were participants. To date, 43 States are members of III meeting the rigorous standards of the FBI for participation.
- **Automation of records and fingerprint data.** Funds have been used by States to establish automated fingerprint identification systems (AFIS), and to purchase livescan equipment for State and local agencies. AFIS systems enable States to conduct automated searches for records based on fingerprint characteristics and to interface with the FBI's Integrated Automated Fingerprint Identification Systems (IAFIS). Currently, 35 States and 2 territories (Guam and the U.S. Virgin Islands) participate in IAFIS, which became operational in July 1999. In addition to ensuring that records are properly matched to the correct offender, AFIS minimizes the time and manpower required for searching fingerprint databases, which facilitates matching of latent prints obtained at a crime scene. Livescan equipment permits law enforcement to take fingerprints without use of inkpads or other similar procedures and to transfer fingerprints to the State's AFIS for comparison and matching against State and FBI held prints. Almost all States have received NCHIP funds to use in connection with fingerprint automation systems.

- **National instant background check.** The Brady Act requires that a background check be conducted using the FBI's National Instant Criminal Background Check System (NICS) to identify potential purchasers who are prohibited from purchasing firearms. The effectiveness of the system is dependent on the extent to which complete records are available in response to system inquiries. NCHIP funds have been used to increase the number of records which are accessible to the system and to fund the development of court systems to ensure that records include final dispositions.
- **Sex Offender Registry.** Beginning in FY 1998, NCHIP funds have been provided to assist States in developing and enhancing the operation of State sex offender registries that include information on convicted sex offenders. These funds have been used for purchase of equipment, training, and development of procedures required to ensure that released offenders are registered with proper authorities, and that State systems are capable of interfacing with the FBI's National Sex Offender Registry system. The FBI's permanent National Sex Offender Registry became operational in July 1999. To date, 34 States, the District of Columbia, and Guam are contributing to the system which has more than 184,000 records.
- **Domestic violence records/protection orders.** Since amendment of the Federal Gun Control Act to prohibit sales of firearms to persons subject to a qualifying domestic violence related protection order or convicted of a qualifying domestic violence misdemeanor, NCHIP has put special emphasis on ensuring that domestic violence-related offenses are included in criminal records. Funds have specifically

been awarded for development of State protection order files that are compatible with the FBI's national file so as to permit interstate enforcement of protection orders. Thirty-seven States now submit data to the NCIC Protection Order File, which became operational in May 1997 and includes nearly 590,000 records of protection orders.

The FY 2002 program

A total of \$35 million was appropriated under the Crime Identification Technology Act in FY 2002 to cover NCHIP activities. In addition, \$3 million was appropriated in FY 2002 for the purposes described in the Violence Against Women Act and the Violence Against Women Act of 2000 to support the development of anti-stalker databases (protection order files).

Program priorities

Commitment to establishing the infrastructure to support full implementation of the National Instant Criminal Background Check System (NICS), including commitment to full participation in the Interstate Identification Index (III)

Consistent with the Brady Act, the FBI's National Instant Criminal Background Check System (NICS) became operational in November 1998 and provides instant background checks to determine if a potential firearm purchaser is a convicted felon or otherwise prohibited from purchasing a firearm under Federal or State statute. The effectiveness of NICS depends on the extent to which the most accurate and complete records of Federal and State criminal offenses and records in other prohibiting categories are instantly available in response to inquiries from firearms dealers.

To ensure that checks are made against the most current and complete records, the NICS configuration encourages States to serve as a "Point of Contact" (POC) interfacing between firearm dealers and the FBI's national record system. NCHIP recognizes the national benefits which accrue from States serving as POCs and encourages States to serve in this role by allowing funds to be used to cover costs associated with establishment of the capability to serve as a POC.

Since inception, and as currently authorized under CITA, NCHIP is designed to assist States in developing the infrastructure which will support operation of the NICS. Accordingly, the program does not cover operating costs associated with NICS participation. States are encouraged, however, to use NCHIP funds to develop systemic solutions to minimize delays in instant responses to NICS inquiries (for details, see "Allowable costs," below). Use of funds to enhance the data base by including missing dispositions would, for example, be appropriate in pursuing this priority funding topic as described in the section, "Commitment to support court efforts".

The underlying system supporting FBI responses to NICS inquiries is the Interstate Identification Index (III). At present, 43 States participate in the system. Full participation in III is a key goal of NCHIP, and States which are not participating must include in their NCHIP applications a discussion of their III status and plan for future participation.

Commitment to support court efforts relating to development of record systems

Whenever a criminal history record shows an arrest without a disposition, there is the potential for delay in responding to presale firearm inquiries under the NICS, since disqualification,

in most cases, is dependent upon a finding of a conviction rather than a simple arrest. In addition, immediate access to protection orders on an interstate basis is vital for protection of victims of domestic violence.

For this reason, all applications will be required to demonstrate that court needs have been considered, and, if no funds for upgrading court systems capable of providing disposition data are requested, applicants should include a letter from the State court administrator or Chief Justice indicating that the courts have been consulted in connection with the application. The category of allowable costs has been expanded to cover costs of implementing all court system enhancements which will result in improved disposition availability and linkage with the State criminal history record system.

In addition, all States must specifically discuss the technical and policy issues which limit the State's ability to provide disposition data in response to NICS inquiries within the required NICS timeframe. The application should also describe procedures which will be followed to ameliorate this problem both in the long term and within the current grant period and the extent to which NCHIP funds will be used for this purpose, including, where appropriate, the allocation of some portion of NCHIP funds to court or county clerks, or other relevant agencies, to cover costs of accessing dispositions and adding such dispositions to the State automated database. (See Application Requirements and Allowable costs below.)

Commitment to support efforts relating to the improvement of National security standards

The need to ensure the security of government facilities and records has put substantial strain on the manpower and resources of most States. As the nation develops strategies to prevent future

terrorist events, it is clear that access to accurate and complete records and the availability of automated fingerprint identification systems are critical to support the wide variety of background checks necessary to protect public safety.

Protection order files and records of domestic violence

The Federal Gun Control Act prohibits sale of a firearm to persons subject to a qualifying domestic violence related protection order and persons convicted of a qualifying domestic violence misdemeanor. Complete records in each of these categories must be made accessible to the POC and the FBI to ensure that NICS checks identify persons covered by these prohibitions. The time-sensitivity and differences of protection orders issued by different courts increase the complexity of developing a protection order system which is complete and up-to-date.

Establishment of accessible files of domestic violence related misdemeanors is also difficult since misdemeanor data have not traditionally been maintained at the State level and domestic violence related offenses may be difficult to distinguish from misdemeanors classified as assaults. In light of the complexity associated with efforts in this area, and the importance of this data to protecting the public safety, NCHIP strongly encourages States to focus on the development of these record systems and to ensure that such systems meet the needs of those agencies which have been charged with responsibility relating to domestic violence.

Enhanced access to criminal records for non criminal justice purposes, including implementation of the National Crime Prevention and Privacy Compact

The demand for criminal record background

checks on persons seeking positions involving national security, fiscal responsibility, and responsibility for children, the elderly, the disabled and other vulnerable populations has increased markedly in recent years, reflecting changes in technology and the increased dependence on available information wherever it may be held. In keeping with the provisions of CITA, NCHIP recognizes the need to facilitate such background checks, consistent with applicable limitations of State and Federal law and policy.

To support such interchange of information on an interstate basis, the Interstate Crime Control and Privacy Compact was enacted in 1998 as part of CITA. To date, 14 States have enacted the compact. Four States have started implementation of the National Fingerprint File which constitutes the technological basis for implementation of the Compact.

The Compact provides the framework for exchange of criminal record data, using the III system, in response to fingerprint-based inquiries for non criminal justice purposes. NCHIP supports State efforts to establish the technology and policies necessary for participation in the Compact and encourages States to consider protocols, including funding for necessary equipment, training, and outreach, to assist organizations engaged in activities involving vulnerable populations to meet the requirements for interstate background checks.

Program goals

The goal of the NCHIP award program is to improve the Nation's public safety by enhancing the quality, completeness and accessibility of the Nation's criminal history and sex offender record systems and the extent to which such records can be used and analyzed for criminal justice and authorized non criminal justice purposes.

Specifically, NCHIP assists States —

- to develop and enhance automated adult and juvenile criminal history record systems, including arrest and disposition reporting;
- to implement and upgrade Automated Fingerprint Identification Systems (AFIS) which are compatible with NIST standards and with the FBI's Integrated Automated Fingerprint Identification System (IAFIS), including livescan and other automated finger imaging technologies to digitize communication images to the FBI administered identification system;
- to establish programs and systems to facilitate full participation in the Interstate Identification Index (III) of the National Crime Information Center (NCIC);
- to implement systems, policies and procedures to facilitate full participation in the National Crime Prevention and Privacy Compact enacted under the Crime Identification Technology Act of 1998;
- to develop systems to facilitate full participation in the National Instant Criminal Background Check System (NICS) established under the Brady Handgun Violence Prevention Act, and to provide data in response to NICS background check inquiries;
- to ensure that non criminal history record information systems relevant to firearms eligibility determinations become available and accessible to the NICS;
- to support court-based criminal justice systems which report dispositions to the State repository and the FBI and are compatible with other criminal justice systems;
- to support the development of accurate and complete State sex offender identification and registration systems which interface with the FBI's Sex Offender Registry and meet applicable Federal and State requirements;
- to identify, classify, collect, and maintain records of protection orders, warrants, arrests, and convictions of persons violating protection orders so as to protect victims of stalking and domestic violence;
- to improve the coordination of records among States, the Federal government, and INS;
- to establish programs to support availability of fingerprint supported criminal record data for authorized noncriminal justice purposes including background checks on persons with responsibility for children, the elderly, or the disabled;
- to ensure that comprehensive data are available to support background checks on persons employed or licensed for sensitive positions such as at airports, government facilities, and law enforcement agencies;
- to identify (through interface with the National Incident Based Reporting System [NIBRS] where necessary) records of crimes involving use of a handgun and/or abuse of children, the elderly, or disabled persons;
- to participate in systems integration plans which support improved access to and exchange of information among criminal justice agencies, including law enforcement, courts, prosecutors, and corrections;
- to establish domestic violence offender identification and information systems;

- to ensure that States develop the capability to monitor and assess State progress in meeting legislative and programmatic goals;
- to ensure that criminal justice systems are designed, implemented, or upgraded to be, as appropriate, compatible with NIBRS, NCIC 2000, NICS, IAFIS, and applicable statewide or regional criminal justice information sharing standards and plans;
- to establish tracking systems to maintain prospective data on subsequent transactions involving rejected applicants; and,
- to ensure that complete and accurate data are available for anti-terrorism efforts.

Strengthening records to avert terrorism

This year NCHIP will also focus on new initiatives, using criminal records, to support anti-terrorism. New concerns about the adequacy of redundant and backup records systems, building better ties between immigration and criminal records, and better coordination with homeland defense and emergency management agencies within the States are all matters on which States may wish to focus interest. However, it is important to reiterate that all of these efforts must focus on the development of better records systems.

Addressing "open arrests" in older records

Another potential area for funding is the development and transmittal of records of rejected firearms purchasers and denied applicants to the FBI's NICS Index. This file can be an important resource for improving both the timeliness of NICS checks and it also insures that repeated record research is not needed. Asking jurisdictions to research open arrests has become a very time-consuming and burdensome activity for localities when an open

arrest is identified in the record. A more coordinated approach to building the national identification infrastructure will help ameliorate this problem. Recently the FBI conducted a study of a week's worth of failed instant checks to learn more about the characteristics of the open arrest problem. The study demonstrated that about three-quarters of the problem records had the last arrest prior to the initiation of the NCHIP Program and more than half had the last arrest occurring before 1984. In other words, open arrest problems are most often occurring when an older record is being checked. Better development and use of denied persons files should avert recurring checks of the same person.

Including mental health records in background check systems

The 1968 Gun Control Act as amended indicates that persons who are adjudicated as mentally defective or have been involuntarily committed to a mental institution are ineligible to purchase a firearm. Some point-of-contact States include a check of such records during the course of a presale background check. Presale checks in States using the NICS only to conduct background checks do not check records outside the NICS Index. NCHIP encourages applicants to consider either incorporating such data into their own background check system or transmitting such information to the FBI's NICS Index.

Appropriation

The NCHIP appropriation under the Crime Identification Technology Act of 1998 is \$35 million, with an additional \$3 million appropriated for the purposes described in the Violence Against Women Act and the Violence Against Women Act of 2000. Consistent with the legislative goal of CITA, and with the ongoing NCHIP policy, NCHIP allows States to determine those task areas which they believe can be expected to most improve operations of the criminal justice system and

which will result in maximum benefits to the citizens of the applicant State.

Application and award process

General. An award will be made to each eligible applicant State with funds from the FY 2002 appropriation. The NCHIP application must be submitted by the agency designated by the Governor to administer the NCHIP program.

States may choose to submit applications as part of a multi-state consortium or other entity. In such cases, the application should include a statement of commitment from each State and be signed by an individual designated by the Governor of each participating State. The application should also indicate specific responsibilities and include a separate budget for each State.

Application submission and due dates

Applications may be submitted at any time after publication of this announcement. Applications must be received by April 1, 2002, to be eligible for funding from the FY 2002 appropriation. NCHIP awards are expected to be made by July 15, 2002.

CITA requirements. Applications funded under CITA must be accompanied by a document signed by the submitting official certifying that: (1) the State is either currently participating in the Interstate Identification Index (III) or actively working toward such membership, and, (2) has initiated, or will initiate, a comprehensive strategy for statewide information sharing which emphasizes the integration of all criminal justice system components — law enforcement, courts, prosecution, corrections, and probation and parole. The 10% match requirement set forth in CITA must also be documented, as described in a later section of this Announcement.

Program narrative

In addition to the requirements set forth in the appendix, the NCHIP application should include the following three parts. States may, at their option, satisfy requirements noted below by referencing or summarizing previous NCHIP applications. Note: A section on “Accomplishments” must be included with the Background.

Part I. Background and identification of needs

Accomplishments. Applicants should provide a detailed summary of the accomplishments achieved with funding under NCHIP. This section should describe, in quantifiable terms if possible, results achieved and advances made since the inception of NCHIP.

Current activity. This section should include a short update of current efforts relating to improvement of criminal history records, protection order data, or sex offender registries (including efforts supported under OJP and other Federal or State funded programs) and should discuss any evaluative efforts undertaken to identify the key areas of weakness in the State's criminal record system since submission of previous NCHIP applications. The applicant should specifically describe the status of State participation in the NICS, the III, and the FBI's Sex Offender Registry and NCIC Protection Order File.

Interstate Identification Index (III). States that are not members of III at the time of application must identify the tasks remaining to permit III participation and indicate whether available funding is adequate and the planned month and year of participation in III. If available funding is not adequate, the State is expected to apply for NCHIP funding that will permit the State to participate in III.

Sex Offender - Protection Order files. States not submitting data to the FBI's Sex Offender Registry or NCIC Protection Order File must identify tasks, and are expected to allocate resources, to meet these goals.

NICS inquiries. The application must also discuss the extent to which dispositions requested in connection with a NICS inquiry have not been provided within the required time frame, and must identify any problems that are delaying instant responses to NICS inquiries and identify proposed solutions to these problems. Particular attention should be directed at needs of courts in connection with capture of disposition data.

Part II. Description of tasks to be funded under NCHIP

General. This section should describe the activities to be undertaken with NCHIP funds over the project period and should specifically address each of the five identified priority areas. States not requesting money in priority areas must indicate in the application that alternative efforts are being undertaken to achieve overall priority goals.

Assessment of progress. To permit assessment of State progress in meeting program goals, this section should set forth measurable benchmarks or goals for each proposed activity and describe audits or other evaluative efforts such as statistical analysis or comparison between computerized criminal history records and National Incident-Based Reporting System (NIBRS) or Uniform Crime Reporting (UCR) data. Studies relating to handgun sales or prosecution of persons rejected for firearm purchase based on a NICS check, if proposed, should be described in this section.

Courts. In recognition of the importance of court reporting to the development of complete and accurate criminal records, all applications should

describe tasks and indicate the level of funds that will be made directly available to the courts. (See preceding discussion under *Priorities*.) Where no funds are provided for court-directed disposition reporting activities, a certification by the appropriate State court official declining participation must be included with this section.

NICS. To support operation of the NICS, each application must also indicate those activities which are designed to improve the effective operation of the NICS, including in particular, the ability to capture dispositions associated with arrests identified in NICS inquiries and to enter such dispositions in the appropriate automated State and FBI records. States which do not propose funding for this purpose should justify that decision by demonstrating alternative means which are, or will be, followed to ensure rapid responses to NICS inquiries.

Budget. The budget should provide details for expenses in required categories (including match) and by individual task (see Appendix A, Application content). The application should identify those agencies to receive direct funding and indicate the fiscal arrangements to accomplish fund transfer.

Match. This section should include a description of activities, with accompanying fiscal implications, which the State indicates will serve as the match for activities funded under NCHIP. BJS will consider all efforts which are designed to meet program goals, as set forth in the Program Announcement to be allowable in support of the 10% match requirement.

Unexpended funds. The application should describe the specific reasons that funds remain unexpended.

Compatibility with other systems. Where applicable, the application should describe the extent to which proposed activities are compatible with NIBRS, NCIC 2000, NICS, IAFIS, and other

applicable statewide or regional criminal justice information sharing standards or plans including State anti-terrorism plans, if relevant.

Part III. Coordination

The administering NCHIP agency should coordinate efforts with relevant emergency management task forces and agencies to ensure that records development activities are compatible with security measures for preventing acts of terrorism.

Since NCHIP is authorized and funded under the Crime Identification Technology Act of 1998, the activities funded under this program will be coordinated with other OJP efforts funded under CITA.

To encourage coordination and information sharing among criminal justice systems, all OJP awards supporting information technology development, are being special conditioned to require that a description of the project be submitted to the State Information Technology Point of Contact (POC), if one has been designated. The name and address of the State POC can be obtained at 1-800-421-6770 or at the OJP Executive Council webpage (<http://www.ojp.usdoj.gov/ec/states.htm>). A copy of the correspondence should be either submitted with the application or submitted prior to fund drawdown. There is no requirement that the point of contact concur with the information technology project. The intent of this condition is to facilitate communication within the State.

Award period

Awards may be for up to 12 months. Since the NCHIP program builds on long-term NCHIP activity, States will have the flexibility to begin NCHIP funded activities immediately upon award or as late as October 1, 2003. All activities must be scheduled to be completed by September 31, 2004. FY 2002 projects may overlap with FY

2001 projects or the projects may run consecutively.

Review criteria

States should understand that full funding may not be possible for all proposed activities. Allocation of funds will be based on the amount requested and the following factors:

- (1) the extent to which funds will support participation in NICS, III, the FBI's Sex Offender Registry and NCIC Protection Order File, the National Crime Prevention and Privacy Compact, and other related Federal and State systems;
- (2) the extent to which improvements in the State system, by virtue of record numbers, levels of technical development, or operating procedures, will have a major impact on availability of records throughout the national system;
- (3) the proposed use or enhancement of innovative procedures which may be of value to other jurisdictions;
- (4) the technical feasibility of the proposal and the extent to which the proposal appears reasonable in light of the State's current level of system development and statutory framework;
- (5) the total amount already awarded under previous NCHIP and NSOR-AP program announcements;
- (6) the extent to which the State has fulfilled goals of previous NCHIP awards, including NSOR-AP awards, expended funds in previous awards, and demonstrated a commitment to criminal history record improvement through activities under the program;

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- (7) State commitment to the national record system as evidenced by membership in III and participation in the FBI's National Fingerprint File (NFF), and the current status of development of its criminal history records and the Sex Offender Registry;
 - (8) reasonableness of the budget;
 - (9) evidence of State progress in meeting record improvement and background check goals as measured in terms of audits, and meeting data collection goals relating to presale firearm checks and background checks on persons seeking positions involving children, the elderly and the disabled;
 - (10) appropriate focus on criminal history data improvement regarding protection orders and crimes against children, the elderly, and the disabled;
 - (11) nature of the proposed expenditures;
 - (12) the extent to which the application recognizes the role of the courts in ensuring complete records; and,
 - (13) the reasonableness of the relationship between the proposed activities and the current status of the State system, in terms of technical development, legislation, current fiscal demands, and future operating costs.

All applicants must agree to participate in evaluations sponsored by the Federal Government. Applicants must also agree to provide data relating to Brady Act activity to the Firearm Inquiry Statistics Program (FIST) in the format designated by the FIST.

Allowable costs

Allowable expenses are detailed below. All expenses are allowable only to the extent that they directly relate to programs described in the application's program narrative.

- (1) **Participation in III.** This is a key goal. Covered costs include, but are not limited to, costs associated with automation of the database, synchronization of records between the State and the FBI, and development of necessary software and hardware enabling electronic access on an intrastate or interstate basis.
- (2) **Database enhancement.** Improving the quality, completeness, and accuracy of criminal history and sex offender and protection order records is a key goal of the NCHIP effort, and automated interface between prosecutors, courts, and corrections and the record repository is encouraged.

Allowable costs include the costs associated with implementing improved criminal history record capture procedures (including complete arrest reporting and researching missing dispositions, provided that the captured data are subsequently included in the permanent automated database), establishing more effective accuracy controls, and ensuring that records of all criminal events that start with an arrest or indictment are included in the database. BJS anticipates that in many cases accomplishing this goal will entail direct transfer of funds from the designated NCHIP agency to the courts.

In addition to felony records, funds may be used to capture data on domestic violence misdemeanors and to ensure that data on persons convicted of abuse of children, the elderly, and the disabled and/or stalking

and domestic violence offenses (including protection orders and violations thereof) are included in the database.

Funds may also be used to automate and/or upgrade accuracy and completeness of the State sex offender registry. Eligible costs include automating linkages between the registry and law enforcement agencies within the State, and developing and implementing procedures to transfer information to the FBI. Funds may be used to develop and implement procedures, software and training and to ensure that changes in status and offender location are accurately captured and recorded. Funds may only be used for procedures that are compatible with the FBI Sex Offender Registry and related systems.

States that currently participate in III may also use limited funds to identify and develop access to data on other categories of persons prohibited from firearm purchase under recent amendments to the Gun Control Act (18 U.S.C. Section 922), as incorporated in the Brady Act. States proposing use of funds for these purposes must demonstrate in the application that necessary protections for individual privacy will be incorporated in the proposed procedures.

Funds provided to courts or prosecutors are allowable where the function to be supported can be expected to improve the capture of dispositions or other data relating to the offender record. (See "Commitment to support court efforts relating to development of record systems" section, above.) This would include implementation of, or upgrades to, record systems which facilitate immediate identification of disposition records,

provided the automated disposition records are accessible for State- or Federal-level criminal history inquiries.

NCHIP funds may be used to establish operational back-up systems for use in the event of failure of the primary criminal history record system.

- (3) **Flagging of records.** Upgrading the accessibility of records through flagging for presale and preemployment checks is an important activity. Allowable costs include costs of flagging or algorithms used for flagging of felony records and records of persons with convictions for crimes involving children, the elderly, and/or the disabled, as well as records of persons convicted of crimes involving domestic violence and/or stalking. Costs may include the cost of technical record flagging and the costs associated with identification of records to be flagged (see [15] below regarding interface with NIBRS).

In support of the Sex Offender Registry, funds may also be used for review of existing records to identify, flag, and transmit data on previously released offenders who qualify for inclusion in the Sex Offender Registry. This may include a review of juvenile records where consistent with State law or practice.

- (4) **Participation in the NICS.** NCHIP funds may be used to enable the State to participate in the NICS consistent with the provisions of 18 U.S.C Section 922 (t) and funds may be used to undertake activities to improve or ameliorate any problem that is delaying instant responses to NICS inquiries. Allowable expenditures include, but are not limited to, costs necessary to enable the State to serve as a Point of Contact (POC) under the FBI's NICS system (including costs of equipment,

software, personnel training, and development and implementation of related operating and administrative procedures). Funds may not be used to cover ongoing costs of presale firearm background checks, but may be used to pay costs associated with capturing dispositions in response to a specific NICS inquiry, provided that the captured data is entered into the automated State and FBI system and serves to upgrade the permanent quality of the record systems.

Federal legislation (the Wetterling Act, Megan's Law, and the Lychner Act). Allowable expenditures include costs of equipment, software, personnel training, and development and implementation of related operating and administrative procedures. Costs of regular operating expenditures are not covered under the program.

Sex offender registry files supported with NCHIP funds must be compatible with the FBI file, and the application must indicate that records are presently being submitted to the FBI or indicate the date upon which that submission will commence. Funds are only allowable to support development of local sex offender registries where data in such files is or will become directly accessible throughout the State and available to the FBI's national system.

Funds may be used to purchase equipment and develop software to permit the disclosure of registry data in connection with background checks or other purposes as authorized by State or Federal legislation.

(5) **Firearm permits.** NCHIP funds may be used to comply with Brady Act provisions pursuant to an ATF-approved firearm permit system and to develop and implement procedures to review the currency of firearm permits and/or to provide appropriate notification when permits are revoked.

(6) **Prosecution of firearm sale denials.** NCHIP funds may be used to study the extent to which persons denied a firearm pursuant to a presale background check are prosecuted at the state or local level. Allowable costs include both costs associated with design and implementation of a research/statistical study and costs associated with establishing and implementing a protocol for regular collection of data on this issue. Funds may also be used to develop software to enable States to transfer records of denied firearm purchasers to the FBI or to State or local offices for prosecution.

(7) **Participation in the NSOR.** The NCHIP program is intended to support the NSOR by assisting States to develop and enhance State registries that feed into the national system to ensure compliance with requirements set forth in State and

(8) **Improve online law enforcement access to sex offender registry data.** NCHIP funds are available to create a linkage between the State data file and systems accessed by local law enforcement officers. Funds may not be used to purchase equipment for use by individual law enforcement officers.

(9) **Protection order file.** Establishment of a protection order file to enhance the cross-jurisdictional enforcement of protective orders, and to support the FBI's NCIC Protection Order File is an important goal of the NCHIP program. Costs (including equipment, software, training and procedural development) associated with

development and enhancement of such files and with interface with the FBI's NCIC Protection Order File are covered. Protection order files supported with NCHIP funds must be compatible with the FBI file, and the application must indicate that records are presently being submitted to the FBI or indicate the date upon which that submission will commence. Funds are only allowable to support development of local protection order files where data in such files is or will become directly accessible throughout the State and available to the FBI's national system.

(10) **Interface between criminal history records, sex offender registry, and civil protection order files.** To ensure that, consistent with State law, a complete data review is possible in connection with background checks for child care or other authorized purposes, funds may be used to develop software to establish protocols to permit interface between the criminal history record system, the State sex offender registry, and related protection order files including files of civil protection orders.

(11) **Uniform RAP sheet format.** The FBI has recently endorsed a format and standards for transmission of a uniform RAP sheet (text version of a person's criminal history record) among States. The format reflects efforts initiated under the BJS/SEARCH Task Force on Uniform RAP Sheet Standards. Funds are available to assist States in converting State criminal history records to the FBI standard interstate RAP sheet format or for developing electronic interchange capabilities related thereto.

(12) **Compatibility with State and Federal systems.** Funds may be used to ensure

compatibility with Federal record systems, such as III, and to implement statewide integrated system strategies which interface all components of the criminal justice system, including law enforcement, prosecutors, courts, and corrections, to the extent that such expenditures improve the availability of criminal record data including protection orders. Systems funded under NCHIP must be compatible with FBI standards for national data systems, such as NIBRS, NCIC-2000, NICS, IAFIS, the NCIC Protection Order File, and the National Sex Offender Registry. To avoid duplication with other CITA-funded programs, NCHIP funds may not be used to support studies, analysis, design, or development of State integrated systems strategies.

(13) **Record automation.** Allowable costs include conversion of manual or other nonautomated records to electronic records if the record has an entry dated within 5 years of the date of automation, or in response to an inquiry against the record, such as a NICS inquiry. Records automated to include court dispositions, using NCHIP funds, must be accessible to State and Federal-level criminal history inquiries.

(14) **Privacy.** The advance of criminal record technology increases the availability of identifiable records and raises significant issues of privacy. NCHIP funds may be used to cover costs associated with the analysis of privacy issues and the development and implementation of privacy protocols.

(15) **AFIS/livescan.** Funds may be used to purchase equipment, develop procedures, and implement protocols related to activities involving the AFIS, repository, and the operation of the registry. This may

-
- include purchase of livescan equipment for local agencies. Where funds are to be used for this purpose, the application should demonstrate that funds can be justified on the basis of geographic, population, traffic, or other related factors. Livescan can only be purchased where the State has established an AFIS and either has implemented or is implementing procedures to ensure that the AFIS is compatible with FBI standards.
- (16) **Establish mugshot identification capability.** In support of the Sex Offender Registry operation, funds may be used for the purchase of equipment and development/implementation of procedures to include mugshots of registrants for use either within the State or for transmission to the FBI at such time as that capability becomes available. Mugshots support community notification and law enforcement use of the registry as a tool for identification and apprehension of suspects. States requesting funds for this use must justify the location of the equipment in terms of geography, population, traffic, and demography and ensure that equipment to be used at the local or county level include the capability of transmitting images to the registry for use throughout the State. All equipment and software purchased or developed with funds under the award must be compatible with FBI standards.
- (17) **Interface with NIBRS.** Funds may be used to interface with any State data system that is compatible with NIBRS for purposes of identifying persons convicted of crimes against children, the elderly, or the disabled; sex offenses; crimes involving domestic violence and/or stalking; and/or identification of records involving firearm crimes for operational or research purposes. NCHIP funds are not available, however, to develop the NIBRS database. The FY 2001 appropriation under CITA included funds to assist State and local communities in implementing NIBRS-compatible records management systems. NIBRS funds are awarded separately from NCHIP.
- (18) **Coordination of records.** Where relevant to terrorism control, funds may be used to coordinate State records with records housed by INS and to develop protocols for record exchange.
- (19) **Research, evaluation, monitoring, and audits.** Costs associated with research or evaluation efforts are allowable to the extent that they are directly associated with a project approved in the application. Costs associated with monitoring State compliance with legislative or programmatic goals through ongoing or periodic audits or other procedures are allowable and encouraged. The purchase of equipment such as modems and the necessary communications and data software for storing and transmitting evaluative data between States and to BJS or other designated Federal agencies is an allowable expense.
- (20) **Conversion of juvenile records to the adult system.** Federal regulations allow the FBI to accept juvenile records if submitted by the State or local arresting agency. Expenditures to interface juvenile and adult records are allowable if consistent with relevant State law and undertaken to further the goals of the NCHIP program.

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- (21) **Missing dispositions backlog reduction.** These costs are allowable to improve the level of disposition reporting but only where limited to records with activity within the past 5 years. States must also propose a strategy to prevent future backlogs from developing.
- (22) **Equipment upgrades.** Upgrade costs are allowable where related to improving availability of data and where appropriate given the level of data completeness, participation in III, etc. Replacement costs will be considered, but States are encouraged to contribute some portion of the total costs.
- (23) **Training, participation in seminars and meetings.** Limited funds may be used to cover costs of training and participation in State, regional, or national seminars or conferences (including travel, where necessary).
- (24) **Reducing cost of background checks.** States may use funds to develop and implement technologies that lower costs of conducting background checks. These funds may also be used to pay all or part of the State's cost of conducting background checks on persons who are employed by or volunteer with a public, not-for-profit, or other voluntary organization to reduce the amount of fees charged for such background checks, consistent with 41 U.S.C. 5119 (b).
- (25) **Adoption and implementation of the National Crime Prevention and Privacy Compact.** The National Crime Prevention and Privacy Compact was enacted as Title II of CITA. Funds may be used to cover costs associated with State review and enactment of the Compact and with development and implementation of procedures (including purchase of equipment and development of software) necessary to facilitate operations pursuant to Compact protocols, including efforts relating to participation in the FBI's National Fingerprint File (NFF).

Appendix

Application and administrative requirements

Appendix

Application and administrative requirements

Application content

All applicants must submit:

Standard Form 424, Application for Federal Assistance

Budget Detail Worksheet (replaced the SF 424A, Budget Information)

OJP Form 4000/3 (Rev. 1-93), Assurances

OJP Form 4061/6 Certification Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements

Certifications regarding court participation, participation in III, initiation of an integrated system strategy.

Applicants are requested to submit an original and two copies of the application and certifications to the following address:

Application Coordinator
Bureau of Justice Statistics
810 Seventh Street, NW
Washington, DC 20531
Telephone: (202) 616-3497
Fax phone: (202) 307-5846

Standard Form 424 (SF-424). The SF-424, a one-page sheet with 18 items, serves as a cover sheet for the entire application. This form is required for every application for Federal assistance. **NO APPLICATION CAN BE ACCEPTED WITHOUT A COMPLETED, SIGNED ORIGINAL SF-424.** Directions to

complete each item are included on the back of the form.

Budget Detail Worksheet. Applications must provide a detailed justification for all costs, including the basis for computation of these costs. For example, the detailed budget would include the salaries of staff involved in the project and the portion of those salaries to be paid from the award; fringe benefits paid to each staff person; travel costs related to the project; equipment to be purchased with the award funds; and supplies required to complete the project.

Budget narrative. The budget narrative should detail costs included in each budget category for the Federal and the non-Federal (in-kind and cash) share. The purpose of the budget narrative is to relate items budgeted to project activities and to provide justification and explanation for budget items, including criteria and data used to arrive at the estimates for each budget category. The budget narrative should also indicate amounts to be made available to subrecipient agencies (under Contractual/Contracts category) other than the direct award recipient. The following information is provided to assist the applicant in developing the budget narrative:

a. *Personnel category.* List each position by title (and name of employee if available), show annual salary rate and percentage of time to be devoted to the project by the employee. Compensation paid for employees engaged in federally assisted activities must be consistent with that paid for similar work in other activities of the applicant.

b. *Fringe benefits category.* Indicate each type of benefit included and explain how the total cost allowable for employees assigned to the project is computed.

c. *Travel category.* Itemize travel expenses of project personnel by purpose (e.g., faculty to training site, field interviews, advisory group

meetings, etc.) and show basis or computation (e.g., "Five trips for x purpose at \$80 average cost \$50 transportation and two days per diem at \$15" or "Six people to 3-day meeting at \$70 transportation and \$45 subsistence.") In training projects where travel and subsistence for trainees is included, this should be separately listed indicating the number of trainees and the unit costs involved.

(1) Identify the tentative location of all training sessions, meetings, and other travel.

(2) Travel costs are allowable as expenses by employees who are in travel status on official business. These costs must be in accordance with the Federal or an organizationally-approved travel policy.

(3) Recipients may follow their own established travel rates. If a recipient does not have an established travel policy, the recipient must abide by the Federal travel policy. Subrecipients of States must follow their State's established travel policy. If a State does not have an established travel policy, the subrecipient must abide by the Federal travel rates.

d. *Equipment.* List each type of equipment to be purchased or rented with unit or monthly costs.

e. *Supplies.* List items within this category by major type (office supplies, training materials, research forms, postage) and show basis for computation. Provide unit or monthly estimates.

f. *Contractual category.* State the selection basis for any contract, subcontract, prospective contract or prospective subcontract (including construction services and equipment). Please note, applications that include noncompetitive contracts for the provision of specific services

must contain a sole source justification for any procurement in excess of \$100,000.

For individuals to be reimbursed for personal services on a fee basis, list by name or type of consultant or service, the proposed fee (by day, week, or hour) and the amounts of time to be devoted to such services. For construction contracts and organization (including professional associations and education institutions performing professional services), indicate the type of service to be performed and the estimated contract cost data.

g. *Construction category.* Describe construction or renovation which will be accomplished using funds awarded and the method used to calculate cost.

h. *Other category.* Include under "other" such items as rent, reproduction, telephone, and janitorial or security services. List items by major type with basis of computation shown. (Provide square footage and cost per square foot for rent. Provide local and long distance telephone charges separately.)

i. *Indirect charges category.* The Agency may accept an indirect cost rate previously approved for an applicant by a Federal agency. Applicants must enclose a copy of the approved rate agreement with the grant application.

j. *Program income.* If applicable, provide a detailed estimate of the amount of program income to be generated during the grant period and its proposed application to reduce the cost of the project or to increase the scope of the project). Also, describe the source of program income, listing the rental rates to be obtained, sale prices of publications supported by grant funds, and registration fees charged for particular sessions. If scholarships (covering, for example, registration fees) are awarded by the organization to certain conference attendees, the application should

identify the percentage of all attendees that are projected as "scholarship" cases and the precise criteria for their selection.

Program narrative. All applications must include a program narrative that fully describes the expected design and implementation of the proposed program.

The narrative should include a time line of activities indicating, for each proposed activity, the projected duration of the activity, expected completion date, and any products expected. The application should include a description of the roles and responsibilities of key organizational and/or functional components involved in project activities; and a list of key personnel responsible for managing and implementing the major elements of the program.

Assurances. OJP Form 4000/3 (Rev 193) must be included in the application submission.

The applicant must sign and date the form to certify compliance with the Federal statutes, regulations, and requirements as cited.

Certification Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace. Applicants should refer to the regulations cited in OJP Form, 4061/6 to determine the certification to which they are required to attest. A copy of OJP Form 4061/6 can be obtained from the BJS Application Coordinator. Applicants should also review the instructions for certification included in the regulations before completing this form.

Signature of this form provides for compliance with certification requirements under 28 C.F.R. Part 69, "New Restrictions on Lobbying," and 28 C.F.R. Part 67, "Government-wide Debarment and Suspension (Nonprocurement)

and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the U.S. Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

Reporting requirements

Semi-annual progress reports. Recipients are required to submit semiannual progress reports. The progress reports describe activities during the reporting period and the status or accomplishment of objectives as set forth in the approved award documents and/or subsequently approved project time line. Progress reports must be submitted within 30 days after the end of the reporting periods, which are **June 30** and **December 31** for the life of the award.

A final report which provides a summary of progress toward achieving the goals of the grant, major projects activities, significant results, and any products developed is due 120 days after the end of the grant.

Financial status reports. Financial status reports (SF 269A) are due quarterly on the 45th day following the end of each calendar quarter. A report must be submitted every full quarter that the award is active. The final report is due 120 days after the end date of the award.

Fund drawdowns and future awards may be withheld if progress and financial status reports are delinquent. An original and two copies of all reports must be sent to the —

Control Desk, Comptroller's Office
OJP - U.S. Department of Justice
810 7th Street, NW, Room 5303
Washington, DC 20531

Single audit report. On June 30, 1997, the Office of Management and Budget issued Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," which establishes regulations to implement the Single Audit Act of 1996. This Circular A-133 outlines the requirements for organizational audits which apply to BJS grantees.

Recipients which expend \$300,000 or more of Federal funds during the fiscal year are required to submit an organization-wide financial and compliance audit report. The audit must be performed in accordance with the U.S. General Accounting Office Government Auditing Standards.

The audit report will be due nine (9) months after the end of the recipient's fiscal year. The completed audit reports for State and local governments, institutions of higher learning, and non-profit institutions should be mailed to the Federal Audit Clearinghouse, Bureau of the Census, 1201 East 10th Street, Jeffersonville, IN 47132. In addition, a copy of the transmittal letter should be mailed to the Office of the Comptroller, Office of Justice Programs, Control Desk, at the above address.

Civil rights obligations

All applicants for Federal financial assistance must sign Certified Assurances that they are in compliance with the Federal laws and regulations which prohibit discrimination in any program or activity that receives such Federal funds. Section 809(c), Omnibus Crime Control & Safe Streets Act of 1968, provides that —

No person in any State shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the

benefits of, or be subjected to discrimination under, or denied employment in connection with any program or activity funded in whole or in part with funds made available under this title.

Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans With Disabilities Act prohibit discrimination on the basis of disability.

The applicant agency must discuss how it will ensure nondiscriminatory practices as they relate to —

- (1) Delivery of services or benefits to ensure that individuals will not be denied access to services or benefits under the program or activity on the basis of race, color, religion, national origin, gender, age, or disability;
- (2) Employment practices to ensure that its personnel in the program or activity are selected for employment without regard to race, color, religion, national origin, gender, age, or disability; and
- (3) Program participation to ensure members of any planning, steering or advisory board, which is an integral part of the program or activity, are not excluded from participation on the basis of race, color, religion, national origin, gender, age or disability; and to encourage the selection of such members who are reflective of the diversity in the community to be served.

Intergovernmental review of Federal programs

Federal Executive Order 12372, "Intergovernmental Review of Federal Programs," allows States to establish a process for reviewing Federal programs in the State, to choose which programs they wish to review, to conduct such reviews, and to make their views known to the

funding Federal agency through a State "single point of contact."

If the State has established a "single point of contact," and if the State has selected this program to be included in its review process, the applicant must send a copy of its letter or application to the State "single point of contact" at the same time that it is submitted to BJS. The letter or application submitted to BJS must indicate that this has been done. The State must complete its review within 60 days. The review period will begin on the date that the letter or application is officially received by BJS. If BJS does not receive comments from the State's "single point of contact" by the end of the review period, this will be interpreted as a "no comment" response.

If the State has not established a "single point of contact," or if it has not selected the BJS statistics development or criminal history improvement programs in its review process, this must be stated in the letter or application.

APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: <i>Application</i> <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction	<i>Preapplication</i> <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction	2. DATE SUBMITTED Applicant Identifier
		3. DATE RECEIVED BY STATE State Application Identifier
		4. DATE RECEIVED BY FEDERAL AGENCY Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address (give city, county, state, and zip code):	Name and telephone number of the person to be contacted on matters involving this application (give area code)

6. EMPLOYER IDENTIFICATION NUMBER (EIN): <table style="width:100%; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> </tr> </table>													7. TYPE OF APPLICANT: (enter appropriate letter in box) <input type="checkbox"/> A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify): _____

8. TYPE OF APPLICATION: <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es): <input type="checkbox"/> <input type="checkbox"/> A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other (specify): _____	9. NAME OF FEDERAL AGENCY:
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10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: <table style="width:100%; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> </tr> </table> TITLE:									11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:
12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):									

13. PROPOSED PROJECT: <table style="width:100%; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; width: 50%; padding: 2px;">Start Date</td> <td style="border: 1px solid black; width: 50%; padding: 2px;">Ending Date</td> </tr> </table>	Start Date	Ending Date	14. CONGRESSIONAL DISTRICTS OF: a. Applicant b. Project
Start Date	Ending Date		

15. ESTIMATED FUNDING: <table style="width:100%; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; width: 70%; padding: 2px;">a. Federal</td> <td style="border: 1px solid black; width: 10%; padding: 2px;">\$</td> <td style="border: 1px solid black; width: 20%; padding: 2px;">.00</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">b. Applicant</td> <td style="border: 1px solid black; padding: 2px;">\$</td> <td style="border: 1px solid black; padding: 2px;">.00</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">c. State</td> <td style="border: 1px solid black; padding: 2px;">\$</td> <td style="border: 1px solid black; padding: 2px;">.00</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">d. Local</td> <td style="border: 1px solid black; padding: 2px;">\$</td> <td style="border: 1px solid black; padding: 2px;">.00</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">e. Other</td> <td style="border: 1px solid black; padding: 2px;">\$</td> <td style="border: 1px solid black; padding: 2px;">.00</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">f. Program Income</td> <td style="border: 1px solid black; padding: 2px;">\$</td> <td style="border: 1px solid black; padding: 2px;">.00</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">g. TOTAL</td> <td style="border: 1px solid black; padding: 2px;">\$</td> <td style="border: 1px solid black; padding: 2px;">.00</td> </tr> </table>	a. Federal	\$.00	b. Applicant	\$.00	c. State	\$.00	d. Local	\$.00	e. Other	\$.00	f. Program Income	\$.00	g. TOTAL	\$.00	16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE _____ b. NO. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW
a. Federal	\$.00																				
b. Applicant	\$.00																				
c. State	\$.00																				
d. Local	\$.00																				
e. Other	\$.00																				
f. Program Income	\$.00																				
g. TOTAL	\$.00																				
17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? <input type="checkbox"/> Yes If "Yes," attach an explanation. <input type="checkbox"/> No																						

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative	e. Date Signed	

Instructions for Completion of the Application for Federal Assistance (SF 424)

The Application for Federal Assistance is a standard form used by most Federal agencies. This form contains 18 different items, which are to be completed before submission. All applications should include a completed and signed SF 424.

Item	Instructions
1	Type of Submission: If this proposal is not for construction or building purposes, check “Non-Construction”.
2	Date Submitted: Indicate the date you sent the application to OJP. The “Application Identifier” is the number assigned by your jurisdiction, if any. If your jurisdiction does not assign an identifier number, leave this space blank.
3	Date Received by State: Leave blank. This block is completed by the State single point of contact, if applicable.
4	Date Received by Federal Agency: This item will be completed by OJP.
5	Applicant Information: The “Legal Name” is the unit of government of the parent organization. For example, the primary or parent organization of a law enforcement agency is the name of the city or township. Thus the city or township should be entered into the Legal Name box and the name of the law enforcement agency would be entered into the Organizational Unit box. Designate one person as the contact, and include their telephone number.
6	Employer Identification Number: Each employer receives an employer identification number from the Internal Revenue Service. Generally, this number can be easily obtained from your agency’s accountant or comptroller.
7	Type of Applicant: Enter the appropriate letter in this space. If the applicant is representing a consortium of agencies, specify by checking Block N and entering “consortium”.
8	Type of Application: Check either “new” or “continuation”. Check new if this will be your first award for this purpose described in the application, even if the applicant has received prior awards for other purposes. Check “continuation”, if the project will continue activities of a project, that was begun under a prior award.
9	Name of Federal Agency: Type in the name of the awarding agency, such as “Bureau of Justice Assistance”.
10	Catalog of Federal Domestic Assistance Number: This would be contained in the program announcement. An example would be 16.____.
11	Descriptive Title of Applicants Project: Type in the: (1) title of the program as it appears in the solicitation or announcement; (2) name of the cognizant Federal agency, ex. U. S. Department of Education; and (3) applicant’s fiscal year, i.e. twelve month audit period, ex: 10/1/95 - 9/30/96.
12	Areas Affected by Project: Identify the geographic area(s) of the project. Indicate “Statewide” or “National”, if applicable.
13	Proposed Project Dates: Fill in the proposed begin and end dates of the project.
14	Congressional Districts: Fill in the Congressional Districts in which the project will be located as well as the Congressional District(s) the project will serve. Indicate “Statewide” or “National”, if applicable.
15	Estimated Funding: In line “a,” enter the Federal funds requested, not to exceed the dollar amount allocated in the program announcement. Indicate any other resources that will available to the project and the source of those funds on lines “b-f,” as appropriate.
16	State Executive Order 12372: Some states require you to submit your application to a State “Single Point of Contact” (SPOC) to coordinate applications for Federal funds. If your State requires a copy of your application, indicate the date submitted. If a copy is not required, indicate the reason. (Refer to the “Administrative Requirements” section of the program announcement, for more information.) The SPOC is not responsible for forwarding your application.
17	Delinquent Federal Debt: This question applies to the applicant organization. Categories of debt include delinquent audit allowances, loans, and taxes.
18	Authorized Representative: Type the name of the person legally authorized to enter into agreements on behalf of your agency. This signature on the original application must be signed in blue ink and/or stamped as “original” to help identify the original.

Budget Detail Worksheet

Purpose: The Budget Detail Worksheet may be used as a guide to assist you in the preparation of the budget and budget narrative. You may submit the budget and budget narrative using this form or in the format of your choice (plain sheets, your own form, or a variation of this form). However, all required information (including the budget narrative) must be provided. Any category of expense not applicable to your budget may be deleted.

A. Personnel - List each position by title and name of employee, if available. Show the annual salary rate and the percentage of time to be devoted to the project. Compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant organization.

Name/Position

Computation

Cost

TOTAL _____

B. Fringe Benefits - Fringe benefits should be based on actual known costs or an established formula. Fringe benefits are for the personnel listed in budget category (A) and only for the percentage of time devoted to the project. Fringe benefits on overtime hours are limited to FICA, Workman's Compensation, and Unemployment Compensation.

Name/Position	Computation	Cost
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TOTAL _____

Total Personnel & Fringe Benefits _____

C. Travel - Itemize travel expenses of project personnel by purpose (e.g., staff to training, field interviews, advisory group meeting, etc.). Show the basis of computation (e.g., six people to 3-day training at \$X airfare, \$X lodging, \$X subsistence). In training projects, travel and meals for trainees should be listed separately. Show the number of trainees and unit costs involved. Identify the location of travel, if known. Indicate source of Travel Policies applied, Applicant or Federal Travel Regulations.

<u>Purpose of Travel</u>	<u>Location</u>	<u>Item</u>	<u>Computation</u>	<u>Cost</u>
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TOTAL _____

D. Equipment - List non-expendable items that are to be purchased. (Note: Organization's own capitalization policy for classification of equipment should be used). Expendable items should be included in the "Supplies" category. Applicants should analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technical advances. Rented or leased equipment costs should be listed in the "Contractual" category. Explain how the equipment is necessary for the success of the project. Attach a narrative describing the procurement method to be used.

Item	Computation	Cost
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TOTAL _____

E. Supplies - List items by type (office supplies, postage, training materials, copying paper, and other expendable items such as books, hand held tape recorders) and show the basis for computation. Generally, supplies include any materials that are expendable or consumed during the course of the project.

Supply Items	Computation	Cost
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TOTAL _____

F. Construction - As a rule, construction costs are not allowable. In some cases, minor repairs or renovations may be allowable. Consult with the program office before budgeting funds in this category.

Purpose	Description of Work	Cost
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TOTAL _____

G. Consultants/Contracts - Indicate whether applicant's formal, written Procurement Policy or the Federal Acquisition Regulations are followed.

Consultant Fees: For each consultant enter the name, if known, service to be provided, hourly or daily fee (8-hour day), and estimated time on the project. Consultant fees in excess of \$450 per day require additional justification and prior approval from OJP.

Name of Consultant	Service Provided	Computation	Cost
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Subtotal _____

Consultant Expenses: List all expenses to be paid from the grant to the individual consultant in addition to their fees (i.e., travel, meals, lodging, etc.)

Item	Location	Computation	Cost
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Subtotal _____

Contracts: Provide a description of the product or services to be procured by contract and an estimate of the cost. Applicants are encouraged to promote free and open competition in awarding contracts. A separate justification must be provided for sole source contracts in excess of \$100,000.

Item	Cost
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Subtotal _____

TOTAL _____

H. Other Costs - List items (e.g., rent, reproduction, telephone, janitorial or security services, and investigative or confidential funds) by major type and the basis of the computation. For example, provide the square footage and the cost per square foot for rent, and provide a monthly rental cost and how many months to rent.

Description	Computation	Cost
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TOTAL _____

I. Indirect Costs - Indirect costs are allowed only if the applicant has a Federally approved indirect cost rate. A copy of the rate approval, (a fully executed, negotiated agreement), must be attached. If the applicant does not have an approved rate, one can be requested by contacting the applicant's cognizant Federal agency, which will review all documentation and approve a rate for the applicant organization, or if the applicant's accounting system permits, costs may be allocated in the direct costs categories.

Description	Computation	Cost
--------------------	--------------------	-------------

TOTAL _____

Budget Summary - When you have completed the budget worksheet, transfer the totals for each category to the spaces below. Compute the total direct costs and the total project costs. Indicate the amount of Federal requested and the amount of non-Federal funds that will support the project.

Budget Category	Amount
A. Personnel	
B. Fringe Benefits	_____
C. Travel	_____
D. Equipment	_____
E. Supplies	_____
F. Construction	_____
G. Consultants/Contracts	_____
H. Other	_____
Total Direct Costs	_____
I. Indirect Costs	_____
TOTAL PROJECT COSTS	_____
Federal Request	_____
Non-Federal Amount	_____

Budget Detail Worksheet

Purpose: The Budget Detail Worksheet may be used as a guide to assist you in the preparation of the budget and budget narrative. You may submit the budget and budget narrative using this form or in the format of your choice (plain sheets, your own form, or a variation of this form). However, all required information (including the budget narrative) must be provided. Any category of expense not applicable to your budget may be deleted.

(Example assumes a one year budget period and 25% cash match requirement)

A. Personnel - List each position by title and name of employee, if available. Show the annual salary rate and the percentage of time to be devoted to the project. Compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant organization.

Name/Position	Computation	Cost
John Smith, Investigator	$(\$50,000 \times 100\%)$	\$ 50,000
2 Investigators	$(\$50,000 \times 100\% \times 2)$	\$100,000
Secretary	$(\$30,000 \times 50\%)$	\$ <u>15,000</u>
		\$165,000
Cost of living increase	$(\$165,000 \times 2\% \times .5\text{yr.})$	\$ 1,650
Overtime per investigator	$(\$37.50/\text{hr} \times 100 \text{ hrs.} \times 3)$	\$ 11,250

The three investigators will be assigned exclusively to homicide investigations. A 2% cost of living adjustment is scheduled for all full-time personnel 6-months prior to the end of the grant. Overtime will be needed during some investigations. A half-time secretary will prepare reports and provide other support to the unit.

TOTAL **\$177,900**

B. Fringe Benefits - Fringe benefits should be based on actual known costs or an established formula. Fringe benefits are for the personnel listed in budget category (A) and only for the percentage of time devoted to the project. Fringe benefits on overtime hours are limited to FICA, Workman's Compensation, and Unemployment Compensation.

Name/Position	Computation	Cost
Employer's FICA	(\$177,900 x 7.65%)	\$ 13,609
Retirement	* (\$166,650 x 6%)	\$ 9,999
Uniform Allowance	(\$50 mo. x 12 mo. x 3)	\$ 1,800
Health Insurance	* (\$166,650 x 12%)	\$ 19,998
Workman's Compensation	(\$177,900 x 1%)	\$ 1,779
Unemployment Compensation	(\$177,900 x 1%)	\$ 1,779

* (\$177,900 less \$11,250)

TOTAL **\$ 48,964**

Total Personnel & Fringe Benefits **\$226,864**

C. Travel - Itemize travel expenses of project personnel by purpose (e.g., staff to training, field interviews, advisory group meeting, etc.). Show the basis of computation (e.g., six people to 3-day training at \$X airfare, \$X lodging, \$X subsistence). In training projects, travel and meals for trainees should be listed separately. Show the number of trainees and unit costs involved. Identify the location of travel, if known. Indicate source of Travel Policies applied, Applicant or Federal Travel Regulations.

<u>Purpose of Travel</u>	<u>Location</u>	<u>Item</u>	<u>Computation</u>	<u>Cost</u>
Training	Boston	Airfare	(\$150 x 2 people x 2 trips)	\$ 600
		Hotel	(\$75/night x 2 nights x 2 people x 2 trips)	\$ 600
		Meals	(\$35/day x 3 days x 2 people x 2 trips)	\$ 420
Investigations	New York City	Airfare	(\$600 average x 7)	\$4,200
		Hotel & Meals	(\$100/day average x 7 x 3 days)	\$2,100

Two of the investigators will attend training on forensic evidence gathering in Boston in October and January. The investigators may take up to seven trips to New York City to follow up investigative leads. Travel estimates are based upon applicant's formal written travel policy.

TOTAL \$7,920

D. Equipment - List non-expendable items that are to be purchased. (Note: Organization's own capitalization policy for classification of equipment should be used). Expendable items should be included in the "Supplies" category. Applicants should analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technical advances. Rented or leased equipment costs should be listed in the "Contractual" category. Explain how the equipment is necessary for the success of the project. Attach a narrative describing the procurement method to be used.

Item	Computation	Cost
3 - 486 Computer w/CD ROM	(\$2,000 x 3)	\$6,000
Video Camera		1,000

The computers will be used by the investigators to analyze case and intelligence information. The camera will be used for investigative and crime scene work.

TOTAL \$7,000

E. Supplies - List items by type (office supplies, postage, training materials, copying paper, and other expendable items such as books, hand held tape recorders) and show the basis for

computation. Generally, supplies include any materials that are expendable or consumed during the course of the project.

Supply Items	Computation	Cost
Office Supplies	(\$50/mo x 12 mo)	\$ 600
Postage	(\$20/mo x 12 mo)	240
Training Materials	(\$2/set x 500 sets)	1,000

Office supplies and postage are needed for general operation of the program. Training materials will be developed and used by the investigators to train patrol officers how to preserve crime scene evidence.

TOTAL \$1,840

F. Construction - As a rule, construction costs are not allowable. In some cases, minor repairs or renovations may be allowable. Consult with the program office before budgeting funds in this category.

Purpose	Description of Work	Cost
Renovation	Add walls	\$5,000
	Build work tables	3,000
	Build evidence storage units	2,000

TOTAL \$10,000

The renovations are needed to upgrade the forensic lab used to analyze evidence for homicide cases.

G. Consultants/Contracts - Indicate whether applicant's formal, written Procurement Policy or the Federal Acquisition Regulations are followed.

Consultant Fees: For each consultant enter the name, if known, service to be provided, hourly or daily fee (8-hour day), and estimated time on the project. Consultant fees in excess of \$450 per day require additional justification and prior approval from OJP.

Name of Consultant	Service Provided	Computation	Cost
John Doe	Forensic Specialist	(\$150/day x 30 days)	\$4,500

John Doe, Forensic Specialist, will be hired, as needed, to assist with the analysis of evidence in homicide cases.

Subtotal \$4,500

Consultant Expenses: List all expenses to be paid from the grant to the individual consultant in addition to their fees (i.e., travel, meals, lodging, etc.)

Item	Location	Computation	Cost
Airfare	Miami	(\$400 x 6 trips)	\$2,400
Hotel and Meals		(\$100/day x 30 days)	3,000

Joe Doe is expected to make up to 6 trips to Miami to consult on homicide cases.

Subtotal \$5,400

Contracts: Provide a description of the product or services to be procured by contract and an estimate of the cost. Applicants are encouraged to promote free and open competition in awarding contracts. A separate justification must be provided for sole source contracts in excess of \$100,000.

Item	Cost
Intelligence System Development	\$102,000

The State University will design an intelligence system to be used in homicide investigations. A sole source justification is attached. Procurement Policy is based on the Federal Acquisition Regulation.

Subtotal \$102,000

TOTAL **\$111,900**

H. Other Costs - List items (e.g., rent, reproduction, telephone, janitorial or security services, and investigative or confidential funds) by major type and the basis of the computation. For example, provide the square footage and the cost per square foot for rent, and provide a monthly

rental cost and how many months to rent.

Description	Computation	Cost
Rent	(700 sq. ft. x \$15/sq. ft.) (\$875 mo. x 12 mo.)	\$10,500
<p>This rent will pay for space for the new homicide unit. No space is currently available in city owned buildings.</p>		
Telephone	(\$100/mo. x 12)	\$ 1,200
Printing/Reproduction	(\$150/mo. x 12)	1,800
TOTAL		<u>\$13,500</u>

I. Indirect Costs - Indirect costs are allowed only if the applicant has a Federally approved indirect cost rate. A copy of the rate approval, (a fully executed, negotiated agreement), must be attached. If the applicant does not have an approved rate, one can be requested by contacting the applicant's cognizant Federal agency, which will review all documentation and approve a rate for the applicant organization, or if the applicant's accounting system permits, costs may be allocated in the direct costs categories.

Description	Computation	Cost
10% of personnel and fringe benefits	(\$226,864 x 10%)	\$22,686
<p>The indirect cost rate was approved by the Department of Transportation, the applicant's cognizant Federal agency on January 1, 1994. (A copy of the fully executed, negotiated agreement is attached.)</p>		
TOTAL		<u>\$22,686</u>

Budget Summary - When you have completed the budget worksheet, transfer the totals for each category to the spaces below. Compute the total direct costs and the total project costs. Indicate the amount of Federal requested and the amount of non-Federal funds that will support the project.

Budget Category	Amount
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A. Personnel	<u>\$177,900</u>
B. Fringe Benefits	<u>48,964</u>
C. Travel	<u>7,920</u>
D. Equipment	<u>7,000</u>
E. Supplies	<u>1,840</u>
F. Construction	<u>10,000</u>
G. Consultants/Contracts	<u>111,900</u>
H. Other	<u>13,500</u>
Total Direct Costs	<u>379,024</u>
I. Indirect Costs	<u>22,686</u>
TOTAL PROJECT COSTS	<u>401,710</u>

Federal Request \$301,283

Non-Federal Amount 100,427

ASSURANCES

The Applicant hereby assures and certifies compliance with all Federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars No. A-21, A-110, A-122, A-128, A-87; E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements—28 CFR, Part 66, Common Rule, that govern the application, acceptance and use of Federal funds for this federally-assisted project. Also the Applicant assures and certifies that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally-assisted programs.
3. It will comply with provisions of Federal law which limit certain political activities of employees of a State or local unit of government whose principal employment is in connection with an activity financed in whole or in part by Federal grants. (5 USC 1501, et seq.)
4. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act if applicable.
5. It will establish safeguards to prohibit employees from using their positions for a purpose that is or give the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
6. It will give the sponsoring agency or the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
7. It will comply with all requirements imposed by the Federal Sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements.
8. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed in the Environmental protection Agency's (EPA-list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
9. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that had been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
10. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470), Executive Order 11593, and the Archeological and Historical Preservation Act of 1966 (16 USC 569a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
11. It will comply, and assure the compliance of all its subgrantees and contractors, with the applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provisions of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1; and all other applicable Federal laws, orders, circulars, or regulations.
12. It will comply with the provisions of 28 CFR applicable to grants and cooperative agreements including Part 18, Administrative Review Procedure; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination/Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs.
13. It will comply, and all its contractors will comply, with the nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Subtitle A, Title II of the Americans With Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C, D, E, and G; and Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39.
14. In the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs.
15. It will provide an Equal Employment Opportunity Program if required to maintain one, where the application is for \$500,000 or more.
16. It will comply with the provisions of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.

Signature

Date



CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510—

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a

public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620—

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about—

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check if there are workplaces on file that are not identified here.

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check if the State has elected to complete OJP Form 4061/7.

**DRUG-FREE WORKPLACE
(GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620—

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. Grantee Name and Address:

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

4. Typed Name and Title of Authorized Representative

5. Signature

6. Date
