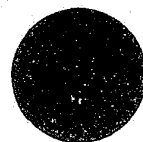


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U.S. Department of Justice  
Office of Justice Programs



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# Drug Control and System Improvement Formula Grant Program

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Bureau of  
Justice  
Assistance

122893

FY 1990 Program Guidance  
and Application Kit

**U.S. Department of Justice  
Office of Justice Programs**

U.S. Department of Justice  
National Institute of Justice

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# **Drug Control and System Improvement Formula Grant Program**

## **FY 1990 Program Guidance and Application Kit**

**NCJRS**

**APR 30 1990**

**ACQUISITIONS**

**Bureau of  
Justice  
Assistance**

**Effective: November 1989**

**U.S. Department of Justice  
Office of Justice Programs  
*Bureau of Justice Assistance***

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The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program Offices and Bureaus:  
Bureau of Justice Assistance, National Institute of Justice, Bureau of Justice Statistics, Office of Juvenile Justice and Delinquency  
Prevention, and Office for Victims of Crime.

# Table of Contents

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	Page
Introduction .....	1
Key Program Elements .....	1
Drug Testing .....	1
Street-Level Enforcement .....	1
User Accountability .....	1
Alternative Sentencing Programs for Non-Violent Drug Offenders .....	1
Planning and Designing Judicial and Correctional Facilities .....	1
Marijuana Eradication .....	2
Evaluation of the Strategy .....	2
Key Implementation Elements .....	2
Coordination .....	2
Matching Requirement .....	2
Distribution of Formula Funds within the State .....	2
Drug-Free Workplace .....	2
Purpose of Formula Grant Funds .....	3
Allocation of Funds to the States .....	3
Eligible Applicants .....	3
Allocation .....	3
Administrative Requirements .....	4
Distribution of Formula Funds within the State .....	4
Matching Requirements .....	5
Administrative Costs .....	5
Undercover Operations .....	5
Allowable/Unallowable Expenses .....	6
General Salaries and Personnel Costs .....	6
Equipment and Hardware .....	6
Expenditures for Purchase of Evidence and Information .....	6
Construction .....	6
Land Acquisition .....	6

Evaluation Costs .....	6
Participation in Drug Enforcement Administration Task Forces .....	6
State Application Requirements .....	7
Application Submission .....	7
Application Content .....	7
Application Assurances .....	8
Statewide Strategy for Drug and Violent Crime Control .....	8
Programs to be Funded .....	9
Federal, State and Local Participation in Strategy Development .....	9
Drug and Violent Crime Policy Board .....	10
Review of State Applications .....	10
45 Day Rule for BJA Review of Applications .....	10
Written Notification and Reason for Disapproval .....	10
Affirmative Finding .....	10
Appendix A - Authorized Program Areas .....	11
Appendix B - Allocation of Funds .....	15
Appendix C - Application Forms and Assurances .....	19



U.S. Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

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Washington, D.C. 20531

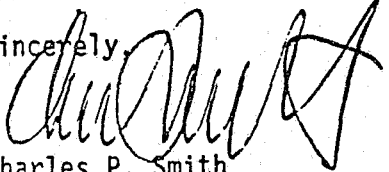
This FY 1990 Program Guidance and Application Kit for the Drug Control and System Improvement Formula Grant Program, which was authorized by the Anti-Drug Abuse Act of 1988, contains guidance, procedures and forms which should be used to apply for FY 1990 Formula Grant funds to the Bureau of Justice Assistance (BJA).

The strategy process and the application requirements outlined in the document are basically the same as last year with the following exceptions:

- o States are encouraged to incorporate recommendations of the National Drug Control Strategy into their state strategy. These recommendations include: drug testing, street-level enforcement, user accountability, alternative sentencing programs for non-violent drug offenders, planning and designing judicial and correctional facilities (including prison construction), marijuana eradication, and evaluation.
- o States are encouraged to increase the participation of Federal, state and local law enforcement, prosecutors and other justice system personnel throughout the strategy development.
- o Variable pass-through percentages for each state have been updated and are now based on 1988 criminal justice expenditure data.
- o The FY 1990 appropriations process has retained the required state and local match at 25 percent of total project costs for FY 1990.
- o The FY 1990 appropriations process also changed the base allocation to each state to 0.25 percent of the total formula grant allocation, or \$500,000, whichever is greater.
- o Given the increase in the formula grant allocation over previous years, BJA encourages the states to limit administrative costs to no more than five percent of their allocation rather than the ten percent allowed by the Act.

By statute, applications must be submitted to BJA within 60 calendar days after the enactment of the appropriation which was November 21, 1989. If you have any questions or comments regarding the enclosed materials or the application process, please contact the Bureau of Justice Assistance.

Sincerely,

  
Charles P. Smith  
Director  
Bureau of Justice Assistance

## Introduction

The Bureau of Justice Assistance (BJA) of the Office of Justice Programs (OJP), under the Drug Control and System Improvement Formula Grant Program of the Anti-Drug Abuse Act of 1988, provides Federal financial assistance to state and local units of government for programs which improve the enforcement of state and local laws that establish offenses similar to offenses established in the

Controlled Substances Act (21 U.S.C. 801, et seq.), and to improve the functioning of the criminal justice system with emphasis on violent crime and serious offenders.

This document provides the guidance, forms, instructions, and information necessary for an eligible grantee to apply to BJA for formula grant funds.

## Key Program Elements

The Anti-Drug Abuse Act provides financial and technical resources to state and local units of government, as well as the Federal government, to engage them in the nation's fight against drugs. The National Drug Control Strategy was announced by President Bush on September 5, 1989. It sets priorities and makes recommendations for action by Federal, state and local governments and communities to reduce drug use in this country. Key policy elements from the Act and the National Strategy are outlined below to provide guidance to the states in their drug control efforts.

### Drug Testing

Drug testing has been shown to be an effective tool in identifying drug users and discouraging use. Programs should be implemented within the state criminal justice systems to test defendants/offenders for drugs including arrestees, prisoners, parolees and those out on bail and to use the test results to make release decisions and set conditions of release, to monitor drug use while under court supervision and to make referrals to drug treatment. A description of the state's drug testing program should be included as part of the state strategy (see page 9).

### Street-level Enforcement

The National Drug Control Strategy identifies street-level drug enforcement as a "crucial component" of an effective drug strategy. It states that "street-level enforcement remains the best tool we have for restoring a sense of order and civility to neighborhoods where drugs -- with all their attendant crime, violence and decay -- have wrought havoc.

The first priority of local drug enforcement, then, is to employ effective police methods capable of fighting drugs at the neighborhood level." States are encouraged to make street-level enforcement an important component of their strategy.

### User Accountability

The criminal justice system has an important role to play in reducing the demand for drugs by holding drug users as well as dealers accountable for their actions. User accountability programs should be developed and implemented, including vigorous prosecution and use of fines for misdemeanor drug offenses and the increased use of civil penalties (e.g., the loss of professional and drivers licenses, fines and community service).

### Alternative Sentencing Programs for Non-violent Drug Offenders

Many drug offenders receive inadequate, if any, supervision. Alternative sentencing programs, including house arrest and boot camp programs, should be developed to hold non-violent drug offenders accountable for their actions.

### Planning and Designing Judicial and Correctional Facilities

New judicial and correctional facilities are needed in many states to expedite drug cases and to punish drug traffickers and violent and repeat drug offenders. Formula Funds may be used for actual construction of penal or correctional institutions. Priority also should

be given to planning and designing new judicial and correctional institutions.

### **Marijuana Eradication**

The National Drug Control Strategy recommends expansion of programs to eradicate the domestic marijuana crop. Marijuana producing states are encouraged to increase their eradication efforts.

### **Evaluation of the Strategy**

To be effective in the fight against drugs, we must know what works and what does not. An evaluation capability should be established within the state to evaluate the impact of the statewide drug strategy and programs and projects instituted to implement the strategy.

## **Key Implementation Elements**

### **Coordination**

Success in the fight against drugs requires coordination and cooperation at all levels, including intergovernmental, interdisciplinary and public/private sector.

Coordination of State and Local Drug Control Efforts with Federal Efforts - States should incorporate the recommendations from the National Drug Control Strategy into their state strategy with an emphasis on street-level enforcement, planning and designing court and correctional facilities, alternative sentencing, user accountability and drug testing.

States are encouraged to contact and work with the Law Enforcement Coordinating Committee (LECC) of the United States Attorney(s) within the state. The LECC, which brings together Federal, state and local law enforcement and prosecutors, can serve as an important resource in the strategy development process. The LECC's role in the development of the strategy should be described in the application (see page 8).

Coordination of Drug Control Efforts within the State - It is essential that State and local law enforcement, prosecutors, and other criminal justice personnel participate closely in developing the statewide drug strategy. State planning agencies should not draft the strategy and then submit the document for review, thereby depriving operational agencies from making substantive contributions at the beginning of the strategy development process. States are also encouraged to increase coordination among criminal justice, treatment and education systems within the state to achieve a comprehensive and effective approach to drug control. States are also encouraged to promote multi-jurisdictional and inter-

agency activities which result in increased coordination and cooperation among criminal justice agencies.

Local Participation in Strategy Development - Taking our neighborhoods back from drug dealers and getting the community involved in drug prevention efforts is primarily a local responsibility. Thus, local units of government, including police, prosecutors and other justice officials, especially in jurisdictions with major drug problems, should be actively involved in the planning and strategy development process including the initial stages.

### **Matching Requirement**

The fight against drug use must involve the active participation of all levels of government and the community. The matching requirement encourages state and local units of government to expand the resources committed to drug control efforts.

### **Distribution of Formula Funds within the State**

As part of the requirements for the Anti-Drug Abuse Act, the states develop a statewide drug control strategy which defines the drug problem in the state, analyzes current efforts and resource needs and establishes priorities for the implementation of the strategy. The distribution of the formula funds within the state should be based on the strategy and should give priority to those jurisdictions with the greatest need.

### **Drug-Free Workplace**

Clearly defined policies against drug use in the workplace and employee assistance programs for



workers with drug problems provide an effective means of reducing drug use in the American workforce. All grantees of Federal funds, other than

an individual, must provide a drug-free workplace in accordance with Title V, Sec. 5153 of the Anti-Drug Abuse Act of 1988 as defined by 28 CFR Part 67, Subpart F.

## Purpose of Formula Grant Funds

The purpose of the Drug Control and System Improvement Grant Program is to assist states and units of local government in carrying out specific programs which offer a high probability of improving the functioning of the criminal justice system. Special emphasis is placed on a nationwide and multi-level drug control strategy. Programs and projects are to be developed to assist multi-jurisdictional and multi-state organizations in the drug control problem and to support national drug control priorities. Sec. 501 (a) of the Act.

In accordance with Sec. 501 (b) of the Act, the states may award formula grant funds to state agencies and units of local government for the purpose of enforcing

state and local laws which establish offenses similar to offenses established in the Controlled Substances Act (21 U.S.C. 801 et seq.) and to improve the functioning of the criminal justice system, with emphasis on violent crime and serious offenders. Grants may provide personnel, equipment, training, technical assistance and information systems for the more widespread apprehension, prosecution, adjudication and detention and rehabilitation of persons who violate such laws, and to assist the victims of such crimes (other than compensation). The authorized programs are described in Appendix A. Formula funds should be devoted to programs that directly relate to drug control.

## Allocation of Funds to the States

### Eligible Applicants

#### State Government

All states are eligible to apply for and receive formula grants. Sec. 502 of the Act. State, as defined in the statute, means any state of the United States and includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands and American Samoa. Sec. 901 (a) (2) of the Act.

#### Units of Local Government

Units of local government are eligible to receive subgrants from a participating state. Units of local government means any city, county, town, township, borough, parish, village or other general purpose political subdivision of a state and includes Indian tribes which perform law enforcement functions as determined by the Secretary of the Interior. Sec. 901 (a) (3) of the Act.

### Allocation

Sec. 506 (a) of the Act provides that at least 80 percent of the total amount appropriated for this part shall be allocated for formula grants. The formula grant allocation is the balance of the appropriation remaining after a set aside for discretionary programs of 20 percent of the total appropriation or \$50,000,000, whichever is less. Each participating state shall receive a base amount of 0.25 percent of the total formula grant allocation or \$500,000, whichever is greater. The remaining funds are allocated to each state on the basis of the state's relative share of total U. S. population. The FY 1990 allocations by state are found in Appendix B.

For the purposes of this Section, American Samoa and the Northern Mariana Islands shall be considered as one state, and 67 percent of the amount allocated shall be given to American Samoa and 33 percent to the Northern Mariana Islands. Sec. 901 (a) (2) of the Act.

If BJA determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a state for that fiscal year will not be required or that a state will be unable to qualify or receive funds under the Formula Grant Program or that a state chooses not to participate in the program, then the state's portion of the funds shall be awarded by the Director of BJA to urban, rural and suburban

units of local government or combinations thereof within the state, giving priority to those jurisdictions with greatest need. Sec. 506 (e). Any funds allocated under the Formula Grant Program which are not distributed in accordance with Sec. 506 (a) and (b) shall be available for obligation under the Discretionary Grant Program. Sec. 506 (f) of the Act.

## **Administrative Requirements**

### **Distribution of Formula Funds Within The State**

#### **Variable Pass-through**

Funds granted to the state are further subgranted by the state to state agencies and units of local government to carry out programs and projects contained in an approved application. Each state shall distribute to its local units of government, in the aggregate, a portion of the state's formula grant funds equal to the local government share of total state and local criminal justice expenditures for the previous fiscal year. Sec. 506 (b)(1) of the Act. In determining the portion to be distributed to local units, the most recent and complete data (1988) available from the Bureau of Justice Statistics (BJS), OJP, of the U. S. Department of Justice shall be used unless the use of other data has been approved in advance by BJA. The portion of each state's allocation which must be passed through to local units of government is found in Appendix B.

To request approval of a distribution ratio other than that announced by BJA, the head of the State Office must certify in writing to BJA that the ratio it proposes is a correct reflection of the local share of total state and local criminal justice expenditures and that the state has notified its major local governments of the request and informed them of the opportunity to contact BJA within 30 days if they have any objections. The written request must also cite the expenditure data used to substantiate the proposed change, which shall be reviewed by BJS, prior to approval or rejection by BJA.

#### **Distribution of Funds to State Agencies**

Any funds not required to be passed through to local units of government may be used for programs administered by state agencies. Sec. 506 (b) (3) of

the Act. States may exceed the variable pass-through by providing funds not used at the state level to local units of government.

#### **Priority to Jurisdictions with the Greatest Need**

In distributing funds, the state shall give priority to those jurisdictions with the greatest need. Sec. 506 (b) (2) of the Act.

#### **45-Day Rule for Review of Local Government Applications**

The state must make a decision on each complete application made by a local unit of government, or a combination of units of local government, within 45 days of receipt. An application shall be deemed approved by the state unless the state informs the applicant in writing within 45 days of the specific reasons for disapproval. The state shall not finally disapprove any application without first affording the applicant reasonable notice and opportunity for reconsideration. Sec. 508 (a) of the Act. The state may establish program priorities for submission of the applications based on their strategy and criteria. The failure of an application to conform to the program priorities or to meet the criteria may constitute reason for disapproval.

#### **45-Day Rule for Making Funds Available to Local Units of Government**

Within 45 days following BJA's approval of a state's formula grant application and notice to and acceptance of conditions by the state, the state shall make funds available to local units of government, or combinations thereof, whose applications have been submitted to, approved and awarded by the state. The Director of BJA shall have the authority to waive the 45-day

requirement upon a finding that the state cannot satisfy the requirement consistent with state statutes. Sec. 508 (b) of the Act.

### **Matching Requirements**

The requirement for states to provide a match of 25 percent of total project costs has been retained for FY 1990. Current law provides for the match to increase to 50 percent in any subsequent fiscal years.

#### **Cash Match**

The non-Federal share of expenditures shall be paid in cash. Sec. 504 (e) of the Act. Funds required to pay the non-Federal portion of the cost of each program and project for which a grant is made shall be in addition to funds that would otherwise be made available for law enforcement by the recipients of the grant funds. Sec. 503 (a) (3) of the Act.

#### **Waiver of Matching Requirement for Indian Tribes**

Funds subgranted to an Indian tribe which performs law enforcement functions (as determined by the Secretary of the Interior) shall be used to pay 100 percent of the cost of a program or project. Sec. 504 (a) (2) of the Act.

#### **Use of Proceeds Received under the Equitable Sharing Program as Match**

State and local units of government may use cash they received under the equitable sharing program to cover the non-Federal portion of costs of any OJP project or program.

#### **Use of Proceeds from Asset Forfeitures as Match**

A state or local unit of government may use forfeiture funds as match if state and local statutes allow for the collection and retention of such funds.

### **Administrative Costs**

Given the increase in the formula grant allocation over previous years, states are encouraged to limit administrative costs to no more than five percent of

their allocation. However, the Act allows up to 10 percent of grant funds to be used to pay for costs incurred in administering the formula grant program. Funds which are not used for administration of the program can be used to implement drug control efforts. Requests to use more than five percent of the funds for administration of the program should be justified in the formula grant application. There shall be a presumption that funds specifically designated for preparation of the application for funds, including the drug strategy and administration of the award, are being used for the benefit of both state and local agencies and are expended in accordance with the variable pass-through requirement.

### **Undercover Operations**

State agencies and local units of government may apply for and receive grants to conduct law enforcement undercover operations. The process by which these applications are reviewed and conducted must include provisions to protect the confidentiality of the operations. The standard of "need to know/right to know" is paramount when handling these types of applications. The following is provided as guidance:

- o Information pertaining to the political jurisdictions and/or implementing agencies should be omitted on any documents submitted to BJA. The application should only include the program description, the funds involved and the number of projects.
- o It is recommended that state agencies establish policies and procedures for special handling of undercover applications and grants. These should address:
  - limiting the need to provide confidential information by the applicant for review and funding decisions
  - minimizing the number of personnel having "need to know/right to know" status in performing application review and grant management functions
  - storing applications, grant awards and grant management documents in secure locations to prevent unauthorized access
  - establishing/revising special management procedures relating to financial, monitoring

and auditing activities in order to maintain confidentiality of the application and/or subgrant.

For the specific Office of Justice Programs (OJP) requirements governing the management of confidential funds, see OJP M 7100, Financial and Administrative Guide for Grants.

## **Allowable/Unallowable Expenses**

### **General Salaries and Personnel Costs**

Payment of personnel costs with grant funds is permitted if the costs are a part of an approved program or project. Sec. 501 (b) of the Act.

### **Equipment and Hardware**

Equipment and hardware expenses which are part of an approved program or project are allowable expenses. Sec. 501 (b) of the Act.

### **Expenditures for Purchase of Evidence and Information**

Formula grant funds which may be used for confidential expenditures are defined as funds used for the purchase of services, purchase of physical evidence and purchase of information including buy money, flash rolls etc. Guidelines related to confidential expenditures are found in OJP M7100, Financial and Administrative Guide for Grants (current edition). BJA has delegated to the State Office which administers the formula grant program authority to approve the allocation, use and expenditure of formula subgrant funds for confidential expenditures. Thus, the use of the term "Grantor Agency" as used in M7100 means the State Office for subgrants. All state applications containing projects which will utilize funds for confidential expenditures must contain an assurance that the guidelines found in M7100 will be followed.

### **Construction**

Use of formula grant funds for construction projects is prohibited except when facilities to be constructed are penal or correctional institutions. Sec. 505 (c) of the Act. Correctional institutions refer to prisons, jails, juvenile correctional institutions and residential community corrections facilities.

### **Land Acquisition**

Acquisition of land with grant funds is prohibited. Sec. 505 (c) of the Act.

### **Evaluation Costs**

Expenses associated with conducting evaluations of programs/projects funded with formula grant funds are allowable expenses and may be paid with administrative funds, program funds or a combination of both. Sec. 504 (d) of the Act.

### **Participation in Drug Enforcement Administration Task Forces**

Formula grant funds may be used for expenses associated with participation of the state or units of local government, or combinations thereof, in the State and Local Task Force Program established by the Drug Enforcement Administration. Sec. 504 (c) of the Act.

# State Application Requirements

## Application Submission

The Act requires that applications for funds be submitted within 60 days after the date that the appropriation for the program is enacted. Sec. 503 (a) of the Act.

If a state fails to submit an application by the submission deadline as defined by the Act, BJA will provide the state with written notice that it intends to begin the process of making funds available to local units of government, or combinations thereof, within the state, within 30 days of the date of the notice. The state will be provided with an opportunity to submit its application and a justification for the late submission within the 30-day period. The Director of BJA will make a determination on adequacy of the justification prior to initiating review of the application.

An original and ten copies of the application should be mailed to:

Bureau of Justice Assistance  
Control Desk  
633 Indiana Avenue, N.W.  
Washington, D.C. 20531

Please note the number of copies which are being requested. This will assist BJA in the application review and award process.

## Application Content

A complete formula grant application includes the following:

- o Standard Form (SF) 424 "Federal Assistance" (revised 4-88)
- o Executive Order 12372 Compliance
- o Audit Requirements
- o Civil Rights Requirements
- o Certification Regarding Debarment
- o Certification Regarding Drug-Free Workplace Requirements
- o State Legislature Review
- o Certified Assurances
- o Statewide Strategy
- o List of Program/Projects

## Standard Form 424 (revised 4-88)

This form is the face sheet for the application. A copy of the current form is found in Appendix C. This document must be signed by a duly authorized official and dated. Note: Applications using an outdated version of the SF-424 will not be accepted.

## Executive Order 12372 Compliance "Intergovernmental Review of Federal Programs"

Applicants must complete item 16 of SF-424 which requires information regarding compliance with Executive Order 12372. In accordance with the Executive Order and the Department of Justice's implementing regulation, 28 CFR Part 30, states must submit formula grant applications to the state "Single Point of Contact" (SPOC), if one exists, and if the program has been selected for coverage by the state process. The state may submit its application to the SPOC at the same time the application is submitted to BJA. The state SPOC may take up to 60 days from the application submission date to comment on the application. If, at the time that BJA approves the state's application, the SPOC has not commented on the application, and the 60-day comment period has not expired, the award will be special conditioned to allow for comment prior to the award of subgrants by the state.

Applicants are encouraged to contact their state's SPOC as soon as possible to inform them of the prospective application and to receive instructions regarding the state process.

## Audit Requirements

Each grantee accepting BJA formula grant funds must agree to comply with the requirements of the OMB Circular A-128. Applications must include:

- o Date of the last audit
- o Dates covered by the last audit
- o Date of the next audit
- o Dates to be covered by the next audit
- o Date next audit will be forwarded to cognizant audit agency
- o Designated Federal cognizant agency

### Civil Rights Requirements

In addition to the nondiscrimination and Equal Employment Opportunity Plan (EEOP) requirements listed in the Certified Assurances, applicants must include in their application:

- o Civil Rights contact person
- o Title and address of contact person
- o Telephone number of contact person
- o Number of persons employed by the organizational unit responsible for administering the grant

The contact person will serve as liaison with the Office for Civil Rights, OJP.

Applicants who previously applied for and received block or formula grant funding from BJA and have an approved EEOP, need only submit a statistical update of the previously approved plan. The statistical update shall be for the preceding year. At a minimum, the update shall contain the requirements found at 28 CFR 42.304 (a), (b), (c) and (d), along with a narrative statement describing the progress made during the preceding year, remedial action(s) taken and the status and issues of all discrimination complaints filed against the applicant during that period.

### Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion

Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, Section 85.510, Participants' Responsibilities, requires the grantee to obtain from each subgrantee applicant a Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion. Appendix C contains a copy of the Direct Recipient form which should be submitted by the state as part of the application. The Sub-Recipient form, also found in Appendix C, should be submitted to the state office as part of each subgrant application and should be kept on file by the State office.

### Certification Regarding Drug-Free Workplace Requirements

Title V, Sec. 5153 of the Anti-Drug Abuse Act of 1988 requires all grantees of Federal funds, other than an individual, to certify to the granting agency that it will provide a drug free workplace. Appendix C contains the certification form. The drug-free workplace requirement applies to the direct grantees (e.g., Criminal Justice Planning Agency) and all

recipient instrumentalities of the state (e.g., Corrections Departments).

### State Legislature Review

As stated in the Act and the Certified Assurance, the application must be submitted for review to the state legislature or its designated body. The application must be submitted to the state legislature no later than the time of submission to BJA. BJA will not approve the use of funds until the state legislature or its designated body has reviewed the application or the 30-day review period has passed. A copy of the document which transmits the application to the state legislature should be included in the application submission packet.

### Application Assurances

Many of the administrative requirements are met by the Chief Executive Officer of the state or his/her designee signing assurances regarding compliance. Documentation of compliance is retained by the state. A list of the assurances which must be signed and included in the application are found in Appendix C.

### Statewide Strategy for Drug and Violent Crime Control

Each state is required to develop a statewide strategy to improve the functioning of the criminal justice system, with an emphasis on drug trafficking, violent crime and serious offenders. The strategy shall be prepared after consultation with state and local officials, particularly those whose duty it is to enforce drug and criminal laws and direct the administration of justice. The strategy should contain:

- o A definition and analysis of the drug and violent crime problem in the state and an analysis of the problems in each of the counties and municipalities with major drug and violent crime problems.
- o An assessment of the criminal justice resources being devoted to crime and drug control programs at the time of the application.
- o A description of how the state is complying with coordination requirements, which should include a detailed description of the Federal LECC's role in

assisting in the development of the statewide strategy.

- o Identification of resource needs.
- o The establishment of statewide priorities for crime and drug control activities and programs.
- o An analysis of the relationship of the proposed state efforts to the National Drug Control Strategy, which should include a description of the state and local drug testing programs that include arrestees, prisoners, parolees, those out on bail, and others in the criminal justice system. The description should include an explanation of how drug test results are used in bail, sentencing, early release, probation, and parole decisions. If the state has not adopted comprehensive drug testing programs, information on timetables to do so should be provided.
- o A plan for coordinating the programs to be funded under this program with other Federally funded programs, including state and local drug abuse education, treatment and prevention programs.

### Programs to be Funded

Applications must set forth programs and projects which meet the purposes and criteria outlined in the Act. Sec. 506 (c) of the Act. Recommended program elements are highlighted on page 1. Since the Act identifies specific areas for funding, BJA deems some criminal justice system improvement programs as not appropriate for Federal funding (e.g., services for criminal defense and furlough programs for offenders who pose dangers to the community).

The application must designate which statutory purpose each program or project is intended to address and provide the name of the subgrantee, if known, and the estimated funding level for the program or project, including the amount and source of cash matching funds. The application must also include a description of the program and how it contributes to the statewide drug strategy's implementation.

The application must contain a Program List which includes:

- o The legislatively authorized purpose area
- o The title of the program or project
- o The implementation Agency
- o The Federal amount allocated to the program or project

- o The amount of the match
- o The source of the match (state, local, or other)

The Program List must be followed by specific information on each program to be funded including: a description of the program, the statutory purpose it addresses, its objectives, the critical elements in the program design, the indicators which will be used to assess performance and how it contributes to the implementation of the statewide strategy. BJA develops program briefs that describe programs which have been found, based on evaluation and research, to be effective in drug and violent crime control.

If a program/project identified for funding includes activities which partially fall outside of the purposes set forth in Sec. 501 of the Act, the applicant must describe the program/project and clearly delineate the percentage of the funded activity which will be involved with Sec. 501 purposes. The description, which should also follow the Program List, must indicate the prorated amount of costs being covered by the formula grant funds and contain an adequate justification.

### Federal, State and Local Participation in Strategy Development

Section 503 (a)(1) of the Act requires that "the strategy shall be prepared after consultation with State and local officials with emphasis on those whose duty it is to enforce drug and criminal laws and direct the administration of justice. Section 503 (a)(1)(A) requires that the strategy contain "a definition and analysis of the drug and violent crime problem in the state, and an analysis of the problems in each of the counties and municipalities with major drug and violent crime problems." Section 506 (b)(2) requires that "in distributing funds received under this part among urban, rural and suburban units of local government and combinations thereof, the State shall give priority to those jurisdictions with the greatest need."

It is essential that Federal, state and local law enforcement, prosecutors, and other criminal justice personnel participate closely in developing the statewide drug strategy. State planning agencies should not draft the strategy and then submit the document for review, thereby depriving operational agencies from making substantive contributions at the beginning of the strategy development process.

As noted above, states are also encouraged to contact and work with the Law Enforcement Coordinating Committee (LECC) of the United States Attorney(s) within the state. The LECC, which brings together Federal, state and local law enforcement and prosecutors, can serve as an important resource in the strategy development process.

Further, after completion, the applicant is encouraged to send a copy of the statewide strategy or a summary of the strategy to local governments, major operational agencies and LECCs. This should include an analysis of the areas of greatest need, the allocation of funds and the impact of the state strategy on areas with major drug problems.

### **Drug and Violent Crime Policy Board**

Each state is strongly encouraged to establish a Drug and Violent Crime Policy Board to serve as a forum for communication and a structure for coordination. The Board should be responsible for the development of the state strategy and should facilitate coordination within the state. The Board members should include

state and local officials and operational level representatives from all components of the criminal justice system (e.g., law enforcement, prosecution, courts and corrections), education and treatment.

The United States Attorney or the Chair of the Law Enforcement Coordinating Committee should also be included on the Board to facilitate coordination with Federal drug control efforts. Federal employees who serve as members of the Board should be non-voting members relative to state grant funding decisions.

The Board should be appointed by the Governor to establish its credibility as the Policy Board within the state and the importance of its mission. If a Board is established, the application for formula grant funds should include a description of the Board's roles, responsibilities, and activities and a list of Board members, their agency and level of government and the criminal justice function and/or other discipline (e.g., education or drug treatment) they represent. Payment of the costs associated with the operation of the Drug and Violent Crime Policy Board is an allowable use for the administrative funds.

## **Review of State Applications**

### **45-Day Rule for BJA Review of Applications**

BJA must approve or disapprove applications or amendments within 45 days of official receipt. Sec. 505 (b) of the Act. The application or amendment shall be considered approved unless BJA informs the applicant in writing of specific reasons for disapproval prior to the expiration of the 45-day period. Applications which are incomplete, as determined by BJA, shall not be considered officially received for purposes of the 45-day rule.

Rather than reject or return incomplete applications, BJA will notify the applicant that its application has been received and what needs to be accomplished for the application to be considered "complete" and, thus, officially received. Every effort will be made to notify states of any problems early in the review process. This procedure will allow a review of the submitted material to start. The 45-day review period will not commence until BJA has determined that the application is "complete".

Any outstanding special conditions on formula grant awards from prior fiscal years must be satisfied before a new award will be made.

### **Written Notification and Reason for Disapproval**

BJA shall notify the applicant in writing of the specific reasons for the disapproval of the application or amendment, in whole or in part. The applicant will be afforded an opportunity for reconsideration before a final determination of disapproval is made. Sec. 505 (d) of the Act.

### **Affirmative Finding**

Prior to approval of the application or amendments, BJA must make an affirmative finding in writing that the program or project has been reviewed in accordance with the Act. Sec. 505 (a) (2) of the Act.



# **Appendix A**

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## **Authorized Program Areas**

# Authorized Program Areas

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1. Demand reduction education programs in which law enforcement officers participate;
2. Multi-jurisdictional task force programs that integrate Federal, state and local drug law enforcement agencies and prosecutors for the purpose of enhancing interagency coordination and intelligence and facilitating multi-jurisdictional investigations;
3. Programs designed to target the domestic sources of controlled and illegal substances, such as precursor chemicals, diverted pharmaceuticals, clandestine laboratories and cannabis cultivations;
4. Providing community and neighborhood programs that assist citizens in preventing and controlling crime, including special programs that address the problems of crimes committed against the elderly and special programs for rural jurisdictions;
5. Disrupting illicit commerce in stolen goods and property;
6. Improving the investigation and prosecution of white-collar crime, organized crime, public corruption crimes and fraud against the government with priority attention to cases involving drug-related official corruption;
7.
  - a. Improving the operational effectiveness of law enforcement through the use of crime analysis techniques, street sales enforcement, schoolyard violator programs, gang-related and low-income housing drug control programs;
  - b. Developing and implementing antiterrorism plans for deep draft ports, international airports and other important facilities;
8. Career criminal prosecution programs, including the development of model drug control legislation;
9. Financial investigative programs that target the identification of money laundering operations and assets obtained through illegal drug trafficking, including the development of proposed model legislation, financial investigative training and financial information sharing systems;
10. Improving the operational effectiveness of the court process, such as court delay reduction programs and enhancement programs;
11. Programs designed to provide additional public correctional resources and improve the corrections system, including treatment in prisons and jails, intensive supervision programs and long-range corrections and sentencing strategies;
12. Providing prison industry projects designed to place inmates in a realistic working and training environment which will enable them to acquire marketable skills and to make financial payments for restitution to their victims, for support of their own families and for support of themselves in the institution;
13. Providing programs which identify and meet the treatment needs of adult and juvenile drug-dependent and alcohol-dependent offenders;
14. Developing and implementing programs which provide assistance to jurors and witnesses and assistance (other than compensation) to victims of crime;
15.
  - a. Developing programs to improve drug control technology, such as pretrial drug testing programs, programs which provide for the identification, assessment, referral to treatment, case management and monitoring of drug-dependent offenders and enhancement of state and local forensic laboratories;
  - b. Criminal justice information systems to assist law enforcement, prosecution, courts and corrections organizations (including automated fingerprint identification systems);
16. Innovative programs which demonstrate new and different approaches to enforcement, prosecution and adjudication of drug offenses and other serious crimes;
17. Addressing the problems of drug trafficking and the illegal manufacture of controlled substances in public housing;

18. Improving the criminal and juvenile justice system's response to domestic and family violence, including spouse abuse, child abuse and abuse of the elderly;
19. Drug control evaluation programs which state and local units of government may utilize to evaluate programs and projects directed at state drug control activities;
20. Providing alternatives to prevent detention, jail and prison for persons who pose no danger to the community; and
21. Programs of which the primary goal is to strengthen urban enforcement and prosecution efforts targeted at street drug sales.

## **Appendix B**

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### **Allocation of Funds**

## Formula Grant Program Allocation of Funds

<u>State</u>	<u>FY 1990 Estimated State Allocations</u>	<u>Percentage to be Passed through to Local Jurisdictions</u>
Alabama	6,593,000	51.28
Alaska	1,704,000	24.63
Arizona	5,755,000	61.23
Arkansas	4,260,000	57.78
California	39,676,000	64.37
Colorado	5,498,000	64.03
Connecticut	5,405,000	44.76
Delaware	1,890,000	28.47
District of Columbia	1,831,000	100.00
Florida	17,842,000	65.13
Georgia	9,653,000	58.16
Hawaii	2,488,000	47.00
Idaho	2,358,000	62.82
Illinois	16,857,000	66.51
Indiana	8,580,000	58.91
Iowa	4,860,000	46.27
Kansas	4,397,000	54.58
Kentucky	6,080,000	30.33
Louisiana	7,011,000	55.09
Maine	2,634,000	45.98
Maryland	7,303,000	43.14
Massachusetts	9,035,000	44.28
Michigan	13,613,000	57.43
Minnesota	6,873,000	70.93
Mississippi	4,568,000	57.17
Missouri	8,012,000	58.08
Montana	2,088,000	58.56
Nebraska	3,177,000	60.13
Nevada	2,428,000	61.93

## Formula Grant Program Allocation of Funds

<u>State</u>	<u>FY 1990 Estimated State Allocations</u>	<u>Percentage to be Passed through to Local Jurisdictions</u>
New Hampshire	2,470,000	54.88
New Jersey	11,538,000	58.55
New Mexico	3,047,000	44.84
New York	25,459,000	64.53
North Carolina	9,854,000	39.31
North Dakota	1,899,000	60.24
Ohio	15,820,000	61.89
Oklahoma	5,418,000	46.28
Oregon	4,769,000	49.38
Pennsylvania	17,386,000	67.76
Rhode Island	2,345,000	44.75
South Carolina	5,729,000	40.96
South Dakota	1,962,000	49.36
Tennessee	7,676,000	52.21
Texas	23,999,000	67.52
Utah	3,297,000	50.90
Vermont	1,749,000	28.20
Virginia	9,207,000	31.59
Washington	7,339,000	62.91
West Virginia	3,551,000	49.86
Wisconsin	7,622,000	67.39
Wyoming	1,642,000	55.41
Puerto Rico	5,485,000	0
Virgin Islands	1,129,000	0
American Samoa	717,570	0
Guam	1,169,000	0
N. Mariana Islands	<u>353,430</u>	0
<b>\$395,101,000 *</b>		

\* The estimated allocations assume enactment of the Budget Reconciliation Act, H.R. 3299, and of the Compact of Free Association with Palau, H.J. Res. 175.

## **Appendix C**

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### **Application Forms and Assurances**

APPLICATION FOR  
FEDERAL ASSISTANCE

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

<b>5. APPLICANT INFORMATION</b>																														
<b>Legal Name:</b>	<b>Organizational Unit:</b>																													
<b>Address (give city, county, state, and zip code):</b>	<b>Name and telephone number of the person to be contacted on matters involving this application (give area code)</b>																													
<b>6. EMPLOYER IDENTIFICATION NUMBER (EIN):</b> <div style="border: 1px solid black; width: 150px; height: 20px; margin: 5px 0;"></div>																														
<b>7. TYPE OF APPLICANT: (enter appropriate letter in box)</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">           A. State            B. County            C. Municipal            D. Township            E. Interstate            F. Intermunicipal            G. Special District         </div> <div style="width: 45%;">           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): _____         </div> </div>																														
<b>8. TYPE OF APPLICATION:</b> <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision <b>If Revision, enter appropriate letter(s) in box(es):</b> <input type="checkbox"/> <input type="checkbox"/> A. Increase Award    B. Decrease Award    C. Increase Duration D. Decrease Duration    Other (specify): _____																														
<b>9. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:</b> <div style="border: 1px solid black; width: 100px; height: 20px; margin: 5px 0;"></div>	<b>10. NAME OF FEDERAL AGENCY:</b>																													
<b>11. TITLE:</b>	<b>11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:</b>																													
<b>12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):</b>																														
<b>13. PROPOSED PROJECT:</b> <table style="width: 100%;"> <tr> <td style="width: 20%;">Start Date</td> <td style="width: 20%;">Ending Date</td> <td style="width: 60%;"> <b>14. CONGRESSIONAL DISTRICTS OF:</b>            a. Applicant            b. Project         </td> </tr> </table>		Start Date	Ending Date	<b>14. CONGRESSIONAL DISTRICTS OF:</b> a. Applicant b. Project																										
Start Date	Ending Date	<b>14. CONGRESSIONAL DISTRICTS OF:</b> a. Applicant b. Project																												
<b>15. ESTIMATED FUNDING:</b> <table style="width: 100%;"> <tr> <td style="width: 20%;">a. Federal</td> <td style="width: 10%;">\$</td> <td style="width: 10%;"></td> <td style="width: 10%;">.00</td> </tr> <tr> <td>b. Applicant</td> <td>\$</td> <td></td> <td>.00</td> </tr> <tr> <td>c. State</td> <td>\$</td> <td></td> <td>.00</td> </tr> <tr> <td>d. Local</td> <td>\$</td> <td></td> <td>.00</td> </tr> <tr> <td>e. Other</td> <td>\$</td> <td></td> <td>.00</td> </tr> <tr> <td>f. Program Income</td> <td>\$</td> <td></td> <td>.00</td> </tr> <tr> <td>g. TOTAL</td> <td>\$</td> <td></td> <td>.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	<b>16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?</b> 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																											
<b>17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?</b> <input type="checkbox"/> Yes    If "Yes," attach an explanation. <input type="checkbox"/> No																														
<b>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</b>																														
<b>a. Typed Name of Authorized Representative</b>		<b>b. Title</b>	<b>c. Telephone number</b>																											
<b>d. Signature of Authorized Representative</b>		<b>e. Date Signed</b>																												



## INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

- | Item:   | Entry:  |
|---|---|
| <ol style="list-style-type: none"> <li>1. Self-explanatory.</li> <li>2. Date application submitted to Federal agency (or State if applicable) &amp; applicant's control number (if applicable).</li> <li>3. State use only (if applicable).</li> <li>4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.</li> <li>5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.</li> <li>6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.</li> <li>7. Enter the appropriate letter in the space provided.</li> <li>8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:                         <ul style="list-style-type: none"> <li>— "New" means a new assistance award.</li> <li>— "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.</li> <li>— "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.</li> </ul> </li> <li>9. Name of Federal agency from which assistance is being requested with this application.</li> <li>10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.</li> <li>11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.</li> </ol> | <ol style="list-style-type: none"> <li>12. List only the largest political entities affected (e.g., State, counties, cities).</li> <li>13. Self-explanatory.</li> <li>14. List the applicant's Congressional District and any District(s) affected by the program or project.</li> <li>15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <u>only</u> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.</li> <li>16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.</li> <li>17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.</li> <li>18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)</li> </ol> |

# Certified Assurances FY-1990

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## (Drug Control and System Improvement Formula Grant Program) FY - 1990

(1) The applicant assures that Federal funds made available under this formula grant will not be used to supplant state or local funds but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

(2) The applicant assures that matching funds required to pay the non-Federal portion of the cost of each program and project, for which grant funds are made available, shall be in addition to funds that would otherwise be made available for law enforcement by the recipients of grant funds and shall be provided on a project-by-project basis. (However, the state may request BJA to approve exceptions such as match on a program-by-program basis, statewide basis, unit of government basis or a combination of the above. The state must include any requests for approval of other than project-by-project match in its application to BJA).

(3) The applicant assures that the state application, and any amendment thereto, has been submitted for review to the state legislature or its designated body. (For purposes of this section, such application or amendment shall be deemed to be reviewed if the state legislature, or its designated body, does not review such application or amendment within the 30-day period beginning on the date such application or amendment is submitted thereto).

(4) The applicant assures that the state application and any amendment thereto are made public before submission to BJA and, to the extent provided under state law or established procedure, an opportunity to comment thereon was provided to citizens and to neighborhood and community groups.

(5) The applicant assures that following the first fiscal year covered by an application and each fiscal year thereafter, a performance evaluation and assessment report will be submitted to BJA.

(6) The applicant assures that fund accounting, auditing, monitoring, evaluation procedures and such records as BJA shall prescribe shall be provided to

assure fiscal control, proper management and efficient disbursement of funds received.

(7) The applicant assures that it shall maintain such data and information and submit such reports in such form at such times and containing such data and information as BJA may reasonably require to administer the program.

(8) The applicant certifies that the programs contained in this application meet all the requirements of the Act and guidelines, that all information contained in the application is correct, that there has been appropriate coordination with affected agencies and that the applicant will comply with all provisions of the Act and all other applicable Federal laws, regulations and guidelines.

(9) The applicant assures that the state is undertaking initiatives to reduce, through the enactment of innovative penalties or increasing law enforcement efforts, the demand for controlled substances by holding accountable those who unlawfully possess or use such substances.

(10) The applicant assures that it will comply with Title V of the Anti-Drug Abuse Act of 1988 and regulations promulgated by the Federal Government to maintain a drug-free workplace.

(11) The applicant assures that it will comply, and all its subgrantees and contractors will comply, with the nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973, as amended; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Department of Justice Nondiscrimination Regulations 28 CFR Part 42, Subparts C, D, E and G; and Executive Order 11246, as amended by Executive Order 11375, and their implementing regulations, 41 CFR Part 60.1 et seq., as applicable to construction contracts.

(12) The applicant assures that in the event a Federal or state court or administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin or sex against a recipient of funds, the recipient will forward a copy of the finding to the Office for Civil Rights, OJP.

(13) The applicant assures that if required to formulate an Equal Employment Opportunity Program (EEOP), in accordance with 28 CFR 42.301 et seq., it will maintain a current one on file. Further, the applicant will require every fund recipient required to formulate an EEOP, in accordance with the previously cited regulation, to submit a certification to the applicant that it has a current EEOP on file which meets the applicable requirements.

(14) The applicant assures that if required to maintain an EEOP and the applicant agency will directly utilize \$500,000 or more in grant funds, it will submit a copy of the subject EEOP at the same time as the application submission, with the understanding that the statewide application for funds may not be awarded prior to approval of the applicant's EEOP by the Office for Civil Rights, OJP. Further, in those instances where a subgrantee is required to maintain an EEOP, the applicant will provide BJA a copy of said EEOP if the proposed subgrant is for \$500,000 or more and not award a subgrant until the subgrantee's EEOP has been approved by the Office for Civil Rights, OJP.

(15) The applicant assures that it will comply with the provisions of OJP's M7100.1 Financial and Administrative Guide for Grants.

(16) The applicant assures that it will comply with the provisions of 28 CFR applicable to grants and cooperative agreement, including Part II, Applicability of Office of Management and Budget Circulars; Part 18, Administrative Review Procedures; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information Systems; 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; and Part 63, Floodplain Management and Wetland Protection Procedures.

(17) The grantee assures that it will submit for review and approval amendments to the application if as a result of compliance with Executive Order 12372, Intergovernmental Review of Federal Programs, and/or Sec. 503 (a)(5) of the Act Certified Assurance 4) comments are submitted to the grantee which the grantee feels are sufficiently valid to warrant such change.

## CERTIFICATION

I certify that the programs proposed in this application meet all the requirements of the Anti-Drug Abuse Act of 1988, Subtitle C - State and Local Narcotics Control and Justice Assistance Improvements of 1988, Pub. L. 100-690 (Nov. 18, 1988), that all the information presented is correct, that there has been appropriate coordination with affected agencies and that the application will comply with the provisions of the Act and all other Federal laws, regulations and guidelines. By appropriate language incorporated in each grant, subgrant or other document under which funds are to be disbursed, the undersigned shall assure the applicable conditions above apply to all recipients of assistance.

\_\_\_\_\_  
Authorized Official

\_\_\_\_\_  
Date



U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS  
OFFICE OF THE COMPTROLLER

**Certification Regarding  
Debarment, Suspension, and Other Responsibility Matters  
Primary Covered Transactions  
(Direct Recipient)**

\_\_\_\_\_  
Application Number

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 28 CFR Part 67, Section 67.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 *Federal Register* (pages 19160-19211).

**(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)**

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
  - (b) Have not within a three-year period preceding this proposal 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 government 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/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

\_\_\_\_\_  
Name and Title of Authorized Representative

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and Address of Organization

## **Instructions for Certification**

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may check the Nonprocurement List.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.



U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS  
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**Certification Regarding  
Debarment, Suspension, Ineligibility and Voluntary Exclusion  
Lower Tier Covered Transactions  
(Sub-Recipient)**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 28 CFR Part 67, Section 67.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 *Federal Register* (pages 19160-19211).

**(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)**

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

\_\_\_\_\_  
Name and Title of Authorized Representative

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Organization

\_\_\_\_\_  
Address of Organization

\_\_\_\_\_

## **Instructions for Certification**

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.



U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS  
OFFICE OF THE COMPTROLLER

**Certification Regarding Drug-Free Workplace Requirements  
Grantees Other Than Individuals**

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988, 28 CFR Part 67, Subpart F. The regulations, published in the January 31, 1989 *Federal Register*, require certification by grantees, prior to award, that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the agency determines to award the grant. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment (see 28 CFR Part 67, Sections 67.615 and 67.620).

The grantee certifies that it will 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 a 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 of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- (e) Notifying the agency within ten days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction;
- (f) Taking one of the following actions, within 30 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; 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).

Place(s) of Performance: The grantee shall insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (street address, city, county, state, zip code):

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Organization Name

Application Number

Name and Title of Authorized Representative

Signature

Date