

# NATIONAL INSTITUTE OF CORRECTIONS

## GUIDELINE MANUAL: INSTRUCTIONS FOR APPLYING FOR FEDERAL ASSISTANCE

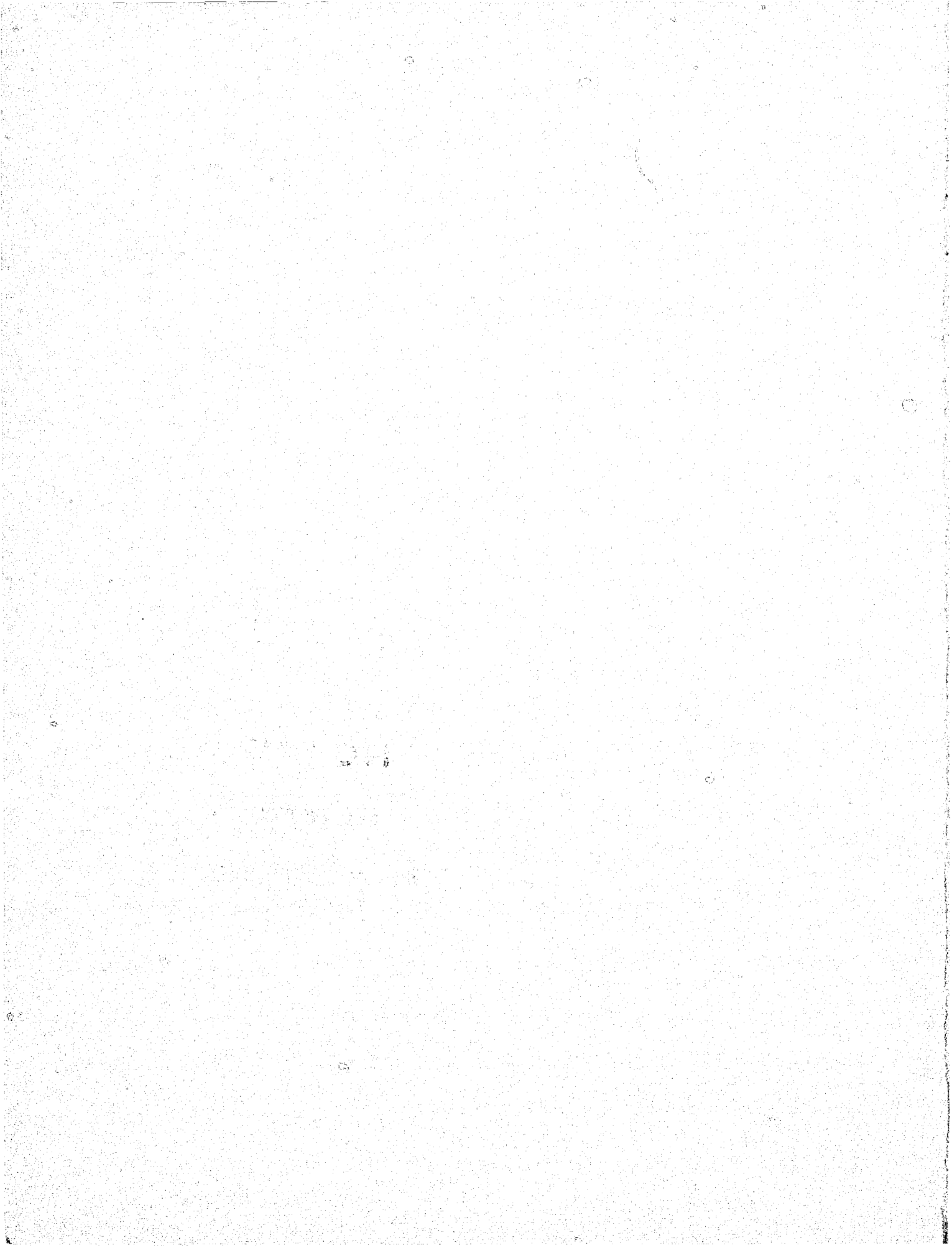
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ACQUISITIONS

National Institute of Corrections  
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## **INTRODUCTION**

### **1. PURPOSE**

This guideline manual provides information on programs and projects for which National Institute of Corrections (NIC) funds are available. It provides guidance to prospective applicants about the steps to be taken in making application for such funds and guidance to applicants regarding assuring observation of applicable Federal Laws and regulations. It specifies NIC monitoring and evaluation policies and procedures.



## **CHAPTER 1. GENERAL SPECIFICATIONS FOR NATIONAL INSTITUTE OF CORRECTIONS (NIC) GRANTS**

1. **GENERAL.** This chapter contains the general requirements, eligibility rules and other specifications for "NIC grants" from funds allocable under Title 18 United States Code Section 4353 of the Institute's enabling legislation - Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93-415. These specifications apply to all applications for NIC grants. They should be reviewed carefully by potential applicants.

2. **PROGRAMS CONSIDERED.** Applications will ordinarily be considered only to the extent that they fall within the coverage of programs set forth in "NIC Description and Specifications of Programs."

### **3. ELIGIBLE GRANTEEES.**

A. NIC is authorized to make grants and contracts with:

- (1) Federal agencies
- (2) State agencies
- (3) General units of local government
- (4) Public and private agencies
- (5) Educational institutions
- (6) Organizations
- (7) Individuals

B. Normally, NIC will make grants to:

- (1) States or combinations of states
- (2) General units of local government
- (3) Public agencies
- (4) Non-profit organizations
- (5) Educational institutions

C. Normally contracts may be considered by NIC for:

- (1) Federal agencies
- (2) Private agencies
- (3) Organizations
- (4) Individuals

### **4. MULTI-STATE OR MULTI-UNIT PROJECTS.**

The NIC encourages programs which encourage or give preference to multi-State, regional, or cooperative projects involving multiple units

of State or local government. In such cases, and to facilitate these arrangements, a flexible approach to applicant selection has been adopted.

#### **A. Applications may be made by:**

- (1) One government unit in the group on behalf of the others;
- (2) All units in the group jointly; or
- (3) A special combination, association, or joint venture created by a group of governmental units for general or grant application purposes.

B. In all cases, clear evidence will be required of approval by all participating units of government with respect to:

- (1) Their participation in the project; and
- (2) The terms and commitments of the grant proposal or application.

5. **SPECIAL REQUIREMENTS.** The NIC is required to insure that ALL NIC grants meet certain administrative and legal requirements prior to funding. Therefore, the applicant as the most knowledgeable party concerned with the application must insure that the following requirements are addressed in the application:

A. **Clean Air Act Violations.** In accordance with the provisions of the Clean Air Act (42 U.S.C. 1857) as amended by Public Law 91-604, the Federal Water Pollution Act (33 U.S.C. 1251 et seq.) as amended by Public Law 92-500 and Executive Order 11738, grants or contracts cannot be entered into, reviewed or extended with parties convicted of offenses under these laws.

B. **Relocation Provisions.** In accordance with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646, 84 Stat. 1894:

- (1) The applicant shall assure that any program under which NIC financial assistance is to be used to pay all or part

of the cost of any program or project which results in displacement of any individual family, business and/or farm shall provide that:

- (a) Within a reasonable period of time to displacement comparable decent, safe, and sanitary replacement dwellings will be available to displaced persons in accordance with such regulations as issued by the Attorney General;
  - (b) Fair and reasonable relocation payments and assistance shall be provided to or for displaced persons as are required in such regulations as are issued by the Attorney General;
  - (c) Relocation or assistance programs shall be provided for such persons in accordance with such regulations issued by the Attorney General;
  - (d) The affected persons will be adequately informed of the available benefits and policies and procedures relating to the payment of monetary benefits; and
- (2) Such assurances shall be accompanied by an analysis of the relocation problems involved and a specific plan to resolve such problems.

#### C. Environmental Impact.

- (1) The National Environmental Policy Act of 1969 established environmental review procedures to determine if a proposed Federal funded program or project is a "major Federal action significantly affecting the human environment." Each proposed action listed below must include an environmental evaluation.
- (a) New construction. (NOTE: The National Institute of Corrections is **not authorized** to fund construction).
  - (b) The renovation or modification of a facility which leads to an increased occupancy of more than 25 persons.
  - (c) The implementation of programs involving the use of pesticides and other harmful chemicals.

- (d) The implementation of programs involving the use of microwaves or radiation.
  - (e) Research and technology whose anticipated or intended future application could be expected to have a potential effect on the environment.
  - (f) Other actions determined by the Director, National Institute of Corrections to possibly have a significant effect on the quality of the environment.
- (2) A determination shall thereafter be made by the responsible Federal official as to whether the action will have a significant effect on the environment requiring the preparation of an environmental analysis (a draft environmental impact statement) or whether a negative declaration can be filed.
- (3) An environmental evaluation is a report of the environmental effects of the proposal and should consist of questions and narrative answers as well as supporting documentation that substantiates conclusions. (See Appendix 1).
- (4) An environmental analysis must be submitted with the original application in cases where the proposed action would significantly affect the environment. It will be utilized in the preparation of a draft environmental impact statement.
- (5) A negative declaration will be filed by the Director, National Institute of Corrections if the environmental evaluation does not indicate a significant environmental impact.

D. **Historic Sites.** Before approving grants involving renovation, purchasing or leasing of facilities the applicant shall consult with the State Liaison Officer for historic preservation to determine if the undertaking may have an effect on properties listed in the National Register of Historic Places. If the undertaking may have an adverse effect on the listed program properties, the Director, National Institute of Corrections shall notify the Advisory Council on Historic Preservation.



**E. A-95 Notification Procedures.** All NIC grant applicants (Federally recognized Indian tribes excepted) MUST notify as early as possible the appropriate metropolitan, regional and State A-95 clearinghouse of their intent to apply for assistance. The clearinghouse will review the notification and must react within 30 days. If the clearinghouse feels that the project will have a significant effect on the environment or other State and/or local projects, it may request an additional 30 days to review the completed application. The applicant must submit any comments made by or through the clearinghouse; NIC will not accept the application without evidence that it has made application for A-95 review. If the clearinghouse does not react to the applicant's notification of intent to apply for assistance within 30 days, then the project may be considered to have had A-95 clearinghouse review.

**F. Civil Rights Compliance.** In accord with the regulations implementing Title VI of the Civil Rights Act of 1964, 28 C.F.R. 42.101, ET. SEQ., Subpart C, all applicants must provide assurances as to compliance with all requirements imposed by or pursuant to the subpart. (Refer to Appendix 3).

**G. Security and Privacy.** The grantee agrees that, none of its officers or employees shall use or reveal any research or statistical information furnished by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained. Copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceedings.

**6. SUBMISSION DATES.** Applications for grant projects under this Guideline Manual should be submitted to NIC in accordance with announced schedules.

**7. FISCAL ADMINISTRATION.** National Institute of Corrections grants will be subject to and

administered in accordance with the **National Institute of Corrections Financial Management Guidelines for Grantees.**

**8. CONTINUATION SUPPORT.** In general, one year is viewed as the normal project period. However, where circumstances may warrant, the Director, NIC may consider multi-year projects.

**9. ALLOWABILITY OF COSTS.** The allowability of costs incurred under NIC grants shall be determined in accordance with the general principles of allowability and standards for selected cost items set forth in Federal Management Circulars (FMC) 74-4, 73-8, 74-7, and in NIC's **Financial Management Guideline for Grantees.**

**A. Each individual project supported under the NIC grant program will be subject to a separate grant application to the Institute incorporating a detailed budget of proposed project costs. Grant funds may be expended only for purposes and activities set forth in the approved project plan described in the grantee's application and in accordance with the approved budget set forth in the application or otherwise accompanying the award notice. Funds remaining unexpended at the termination of the grant period must be returned by check payable to the National Institute of Corrections.**

**B. The budget narrative will set forth the details of cost items specified in Chapter 4 of the Financial Management Guideline for Grantees as requiring specific prior approval.**

**C. Award of the grant will constitute approval in each instance of specified cost items and therefore "prior approval" items will receive consideration and subsequent approval or disapproval as part of the award process.**

**10. CONFLICT OF INTEREST**

**A. In the use of NIC grant funds officials or employees of State or local units of government and non-government grantees shall avoid any action which might result in, or create the appearance of:**

- (1) Using his official position for private gain,
- (2) Giving preferential treatment to any person,
- (3) Losing complete independence or impartiality,
- (4) Making an official decision outside official channels, or,
- (5) Affecting adversely the confidence of the public in the integrity of the Government or the program.

#### 11. **APPLICABILITY OF FEDERAL MANAGEMENT CIRCULARS (FMC)**

FMC 73-8 "Cost principles for educational institutions" forms the basis for determining costs related to educational institutions while FMC 74-4 "Cost principles applicable to grants and contracts with state and local governments" forms the basis for determining costs related to federally supported projects performed by state and local governments. These circulars provide the basis for a uniform approach to the problem of determining costs and to promote efficiency and better relationships between grantees and the federal government. They are designed to provide that federally assisted programs bear their fair share of costs recognized under these principles except where restricted or prohibited by law. No provision for profit or other increment above cost is intended.

The National Institute of Corrections has determined that allowable costs associated with federally supported projects conducted by public and private agencies, other organizations and individuals shall be determined in accordance with the principles contained in FMC 74-4 until such time as the General Services Administration promulgates Federal Management Circulars for these areas.

To the extent of the applicability of Federal Management Circular 74-4 "Uniform Administrative requirements for grants-in-aid...", many of those pertinent positions have been incorporated throughout the **Financial Management Guidelines for Grantees** and where circumstances may warrant, the NIC can provide individual guidance for grantees

where potential applicable provisions of FMC 74-7 have not been specifically incorporated herein.

Accordingly, these directives are to be regraded as applicable to all grant and sub-grant recipients receiving Title V funds and will guide the Institutes administration, audit, and cost determinations with respect to such funds and their use by grantees.

12. **BASIC PRINCIPLES.** The policy guides and general allocability and allowability principles set forth in the FMC's adequately define the NIC policies and assumptions concerning cost determinations in connection with Title V grants and the programs and projects to which they relate. The basic focus in determining or examining allowability of costs within the FMC framework will be the extent to which cost items contribute to the purposes and execution of the grant program and so applied. It will be assumed:

- A. **That Grantees** will each bear their appropriate share of allocated costs as allowable not only under the FMC but also under State and local law or regulation.
- B. **That grantees and their sub-contractors** will accept responsibility for expending and accounting for NIC funds in a manner consistent with:
  - (1) Pertinent agreements and program objectives, and
  - (2) Policies and procedures that apply uniformly both to federally assisted and other activities of the grantees.
- C. **That Grantees and their sub-contractors** have the primary responsibility for employing whatever form organization and management techniques necessary to assure proper and efficient fiscal administration and cost allocation, including accounting, budgeting, reporting, auditing and other review controls.
- D. **That costs pertinent to carrying out unrelated functions of government** (i.e., unrelated to correctional programs receiving grant support) are not allowable and there can be no recognition of "profit" or other

increment above true cost to State or local government in executing Title V grants.

### 13. MEDICAL RESEARCH

Medical research to be conducted by any grantee or sub-contractor financed with Institute funds must be specifically detailed in the grant application as to type of research; place and persons conducting the research; amount of research funds available; and research methodology, including data on use of chemical agents or medical procedures, use of human volunteers or animal subjects, and a description of any anticipated experiments, for review and prior approval by the NIC.

Generally it is NIC policy not to fund grant applications for medical research or for the use of medical procedures which seek to modify behavior by means of any aspect of

psycho-surgery, aversion therapy, chemotherapy (except as part of routine clinical care), and physical therapy of mental disorders. Such proposals will be referred to the Secretary of the Department of Health, Education and Welfare for appropriate funding consideration. This policy does not apply to a limited class of programs involving procedures generally recognized and accepted as not subjecting the patient to physical or psychological risk (e.g., methadone maintenance and certain alcoholism treatment programs), as specifically approved in advance by the National Institute of Corrections, after appropriate consultation with and advice of the Department of Health, Education, and Welfare. This is not intended to cover those programs of behavior modification such as involve environmental changes or social interaction where no medical procedures are utilized.

## CHAPTER 2. APPLICATION FORMS FOR FEDERAL ASSISTANCE

### 1. PRE-APPLICATIONS.

A. **Preparation of a formal application** involves considerable investment of time and effort. Accordingly, applicants may wish to submit preliminary proposals or a concept paper where large scale efforts are involved or there is uncertainty as to whether the proposed activities are potentially within NIC priorities. A preliminary concept paper can serve as a preliminary proposal if they include a clear statement of: (Refer to Chapter 4 of this guideline manual for additional guidance)

- (1) Project goals and methods;
- (2) Timetable;
- (3) Budget (by major categories); and
- (4) Resources available (facilities, staff, and cooperating agencies or entities).

B. **Informal proposals**, or concept papers may be transmitted to the Institute.

C. **Following determination of eligibility** and communication of NIC questions and comments, the applicant can proceed more readily to develop the required formal application. Also refer to Chapter 4.

2. **STANDARD APPLICATION FORMS.** The standard form for submission of NIC formal applications is Federal Assistance, Standard Form 424. This form is reproduced with instructions as Appendix 2. The applicant may wish to submit a preliminary proposal for initial review of project eligibility, feasibility and merit and this submission should outline in brief, the submitter's programmatic and budgetary intent utilizing Standard Form 424 indicating it as a "pre-application." Ultimately, a duly executed and completed application form will be required for all applications. Also refer to Chapter 4.

A. **Because of the variety of categorical funding programs**, parts of the standard form may not seem appropriate for a specific application. In such cases, applicants should be as responsive as possible.

B. **For multi-State projects**, copies of applications should be sent to each interested A-95 clearinghouse.

### 3. APPLICATION SUBMISSION.

A. **Formal application distribution** should be as follows:

- (1) A signed original and two copies to the National Institute of Corrections.
- (2) One copy to each of the appropriate A-95 clearinghouses.

B. All grant applicants **MUST** notify as early as possible the appropriate metropolitan, regional and State A-95 clearinghouse of their intent to apply for assistance (see Chapter 1).

### 4. PREPARATION OF APPLICATION FOR FEDERAL ASSISTANCE, STANDARD FORM 424.

Following are miscellaneous instructions to aid the applicant in the preparation of all Institute program applications.

#### A. Part I.

- (1) Item No. 2, Applicant's Application Number. This should be left blank as it will be completed by the Institute.
- (2) Item No. 6, Federal Catalog Number. Only this number should be placed in block 6.
- (3) Item No. 23, Signature of Certifying Representative. The signature shown **MUST BE** that of the individual authorized to enter into binding commitments on behalf of the applicant or implementing agency. He will normally be the chief officer of the organization or governmental unit involved, who can commit the entity to the project.

#### B. Part III, Budget Information, Page 5.

- (1) Section A, column (a). Grant applications requesting funding should indicate the type i.e., training, research, and evaluation, clearinghouse, policy development and standards implementation.

- (2) Section A, column (b). Column (b) will always reflect the Catalog of Federal Domestic Assistance program number for institute grants. This is the same number that appears in Item 6 on page 1 of the application.
- (3) Special Instructions. In accordance with the special instructions contained on page 8 of the application, applicants must provide a separate budget narrative detailing by budget category the Federal and non-Federal share.
- (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 by the employee.
  - (b) Fringe benefits. Indicate each type of benefit included and the total cost allowable to employees assigned to the project.
  - (c) Travel. Itemize travel expenses of project personnel by purpose (e.g., faculty to training site, field interviews, advisory group meetings, etc.) and show basis for computation (e.g., "Five trips for 'X' purpose at \$116 average cost—\$50 transportation and two days per diem at \$33" or "Six people to three-day meeting at \$70 transportation and \$252 subsistence"). In training projects where travel and subsistence of trainees is included, this should be separately listed indicating the number of trainees and the unit costs involved.
  - (d) Equipment. Each type of equipment to be purchased should be separately listed with unit costs.
  - (e) Supplies. List items within this category by major type (office supplies, training materials, research forms, postage) and show basis for computation.
  - (f) Contractual. The application must show the selection basis for any contract or subcontract or prospec-

tive contract or subcontract mentioned.

1 For individuals to be reimbursed for personnel services on a fee basis list each type of consultant or service, the proposed fee rates (by day, week or hour) and the amount of time to be devoted to such services.

2 The procurement procedure and selection basis to be used for contracts over \$10,000 or the proposed contract must be included as part of the application. On all sole source procurements over \$10,000, a justification for the use of this method must be included and if the contemplated sole source procurement aggregate expenditure is expected to exceed \$10,000, prior NIC approval of the contract is required.

(g) Construction refers to minor renovation.

(h) Other. Included under "other" should be such items as rent, telephone, and maintenance services. Items should be listed by major type with basis of computation shown.

(i) The NIC is committed to keeping indirect cost rates at a minimum, therefore; NIC may accept any indirect cost rate previously approved for any applicant by any Federal granting agency in accordance with the provisions of FMC 73-6. In each case, the indirect cost rate will be negotiated between NIC and the applicant. In lieu of an approved rate, flat amounts not in excess of 10 percent of direct labor costs (excluding fringe benefits) may be considered.

**5. GRANT ASSURANCES.** The grant assurances continued in Part V of the application are incorporated in and made a part of all grant awards in addition to the current general conditions contained in Chapter 3 of this **Guide-line Manual**.

A. All grant assurances should be reviewed carefully because they define the obligations of potential grantees and express commitments that will have binding contractual effect once an award is made and accepted by the grantee.

B. **Special Conditions.** Frequently, NIC will approve or require, as a condition of grant award and receipt of funds, "special conditions" applicable only to the particular project or type of program receiving grant support. Where special conditions are to be negotiated and included in the terms of an award, notice and opportunity for discussion will be provided to grant applicants.

Special conditions might, but are not limited, to such areas as:

- (1) Set forth Federal grant administration policies (e.g., allowable costs);
- (2) Set forth NIC regulatory pronouncements (e.g., written approval of changes);
- (3) Seek to secure additional project information or detail;
- (4) Establish special reporting requirements; and
- (5) Provide for NIC approval of critical project elements such as key staff, evaluation designs, dissemination of manuscripts, contracts, etc.

### CHAPTER 3. CURRENT GENERAL CONDITIONS FOR ALL INSTITUTE GRANTEEES

In accepting a grant from the National Institute of Corrections, the grantee understands and agrees to the following conditions:

1. **Funds awarded are to be expended** only for the purposes and activities described in the grantee's approved plan and budget;
2. **The grant may be terminated**, at any time before the date of completion, in whole or in part by the NIC director for failure to comply with any grant conditions or with project goals, plans, and methodology set forth in the grantee's application or for the convenience of the United States of America. The grantee shall be notified of any decision to terminate for the reasons described and be allowed a reasonable time, where feasible, to terminate project operations or seek support from other sources. No termination shall affect grant obligations or costs incurred prior to receipt of notice of termination, provided such obligations or costs were incurred in good faith and are otherwise allowable. Funds shall not be considered obligated solely by virtue of grantee commitments to participating agencies or project contractors for work or services not yet performed;
3. **Project budget formulations and fund expenditures** shall conform to the following conditions: (a) unless otherwise specified, travel and subsistence charges shall be limited to levels allowed by the grantee's uniform travel regulations or, in the absence of uniform travel regulations, to levels allowed under current Federal Government travel regulations, including use of less than first-class accommodations in air and rail travel and the current per diem subsistence limit; however, in no case shall travel and subsistence rates exceed current Federal government levels, (b) no funds will be spent for construction costs, real estate purchases, payment of real estate mortgages or taxes, entertainment expenses, and purchase of automobiles and (c) expenditures will be limited to items specifically budgeted in the application and any amendments approved in writing by NIC.
4. **Grant funds may not be obligated** prior to the effective date of the grant, unless approved in writing by NIC, or subsequent to the termination date of the grant period. Obligations outstanding as of the termination date shall be liquidated within 90 days after the termination of the grant period;
5. **All interest or other income** earned by the grantee with respect to grant funds or as a result of the conduct of the grant project (sale of publications, registration fees, service charges or fees, etc.) must be accounted for. Interest on grant funds must be returned to the NIC by a check payable to the United States Treasury and other income must be applied either to reduce project costs or to pursue other activities connected with the project;
6. **The grantee shall submit programmatic and financial reports** to NIC on a regular basis and a final report on completion of the grant project. The grantee may also publish at its own expense, the results of grant activity. Any publications (written, visual, or sound), whether published at the grantee's or government expense, shall contain the following statements:

"Prepared under Grant Number \_\_\_\_\_ from the National Institute of Corrections, Bureau of Prisons, U. S. Department of Justice.  
Points of view or opinions stated in this document are those of the author and do not necessarily represent the official position or policies of the U. S. Department of Justice."
7. **All published material and written reports** submitted under this grant or in conjunction with third party agreements under this grant must be originally developed material unless otherwise specifically provided in the grant document. When material not originally developed is included in the report it must have the source identified. This identification may



be in the body of the report or in a footnote. This provision is applicable whether the material is in a verbatim or extensive paraphrase format;

8. **If any discovery or invention arises** or is developed in the course of or as a result of work performed under this grant, the grantee shall refer the discovery or invention to NIC, which will determine whether or not patent protection will be sought, how many rights therein, including patent rights, will be disposed of and administered, and whether other action is required to protect the public interest in work supported with Federal funds, all in accordance with "Government Patent Policy" (President's Memorandum for Heads of Executive Departments and Agencies, August 23, 1971, and Statement of Government Patent Policy as printed in 36 F.R. 16889);
9. **The Project Director and key program personnel** designated in the application shall be replaced only for compelling reasons. Approval for the successor is contingent upon submission of a resume and verified statement of most recent salary to NIC for its approval and concurrence. Prior concurrence is also required for members of an Advisory Board where applicable. Changes in other program personnel, including consultants, only require notification of the Institute with the same documentation as for the Project Director unless otherwise designated in the award document.
10. **No research data or statistical data** which is identifiable to any specific person and which has been furnished to the grantee by any agency or person in conjunction with work performed under this grant shall be used

or disclosed for any purpose other than the research project for which it was obtained. Such data shall not, without the consent of the person furnishing such data, be admitted as evidence or used for any purpose in any action, suit or other judicial or administrative proceedings. This prohibition limits the grantee's using or disclosing such research data identifiable to a specific person for any purpose other than for which it was obtained. The grantee shall conform to the provisions of the Privacy Act of 1974.

11. **Potential Post Award Reductions.** The following general condition will be applicable to all grants awarded by NIC:

This grant, or portion thereof, is conditional upon subsequent congressional or executive action which may result from federal budget deferral or rescission actions pursuant to the authority contained in Section 1012(A) and 1013(A) of the Congressional Budget and Impoundment Control Act of 1974, 31 U.S.C. 1301, Pub. L. 93-344, 88 Stat. 297 (July 12, 1974).

12. **Copyrights.** Where grant projects produce original books, manuals, films, or other copyrightable material, the grantee may copyright such, but the NIC reserves a royalty-free, non-exclusive and irrevocable license to reproduce, publish, translate, or otherwise use, and to authorize others to publish and use, such materials. Where such license is exercised, appropriate acknowledgement of the grantee's contribution will be made.



## CHAPTER 4. EVALUATION AND MONITORING OF INSTITUTE GRANTS

1. **BACKGROUND.** Evaluation of Institute grants is required. Evaluation is a high priority within NIC. It is NIC policy that every application for funds must contain a fully developed plan for evaluation, and that no application will be approved without an evaluation plan.
2. **EVALUATION PREREQUISITES.** Each grant application for funds must provide the prerequisites for evaluation of the activities to be carried out by the grantee. These include at a minimum the following:
  - A. **The identification of the problem** in measurable terms.
  - B. **Well-defined objectives of the project** stated in measurable terms.
  - C. **Specific indicators and measures to be used** to assess the results of the project against its own objectives, and also to be used in assessing its contribution to the program and general objectives of the Institute.
  - D. **A description of the means to be used in collecting data** and information needed to measure and assess projects performance.
  - E. **A description of the type and nature of evaluation and monitoring reports** to be provided.
  - F. **A description, where appropriate, of the role and qualifications of the evaluators** who are to evaluate or who might evaluate the project.
3. **EVALUATION PLAN REQUIREMENTS.**
  - A. **The elements noted in the previous paragraph** must be combined into an evaluation plan which must be a part of each grant application. The evaluation plan is to be included in Part IV, Program Narrative, of the Standard Form 424, under Section 3, Approach.
  - B. **In completing an evaluation plan, the applicant shall:**
    - (1) Describe the evaluation design, the evaluation activities which will take place (site visits, interviews with staff and clients, record-keeping and data collection, submission of reports, etc.), and who will be responsible for these activities.
    - (2) Explain the measures of effectiveness to be used to evaluate the project (e.g., the percent reduction in court backlog; etc.), and why these indicators are accurate measurements of the impact of the project.
    - (3) Describe the data and information necessary for evaluation, including:
      - (a) The kinds of data to be obtained.
      - (b) The source and date of the data (police records, court files, project forms).
      - (c) The extent to which the data is expected to be accurate and its expected relevance to the measurement of project results and impact.
      - (d) The frequency and format in which the data will be collected. Where possible, examples of all forms to be used in collecting data and information should be included with the application attached to the Evaluation Plan.
    - (4) Indicate what steps are being taken to provide for the continuous feedback of evaluation findings to the project and the uses to which evaluation results are likely to be put.
    - (5) Provide a separate cost break out for evaluation in the project budget and an explanation of these costs in the budget narrative.
    - (6) Describe the qualifications, background, and experience of the evaluator needed to conduct the evaluation of the project; and, where the applicant recommends a specific contractor/evaluator, the method of selection of the contractor, the reasons why the contractor was selected, and a description of the specific qualifications of that contractor.

#### **4. METHOD OF EVALUATION.**

There are two types of performance measurement which NIC expects to take place with respect to grants. These are a self-assessment by the grantee or through the use of an independent NIC selected contractor to perform evaluation in accordance with an evaluation design approved by NIC. Such intensive evaluations shall be conducted by independent evaluators selected competitively by NIC and shall incorporate sound evaluation methodology including experimental designs developed prior to project implementation, control groups, independent data collection and analysis, and indepth case studies where appropriate.

#### **5. SELF-ASSESSMENT.**

A. Where appropriate, NIC may determine that the grantee should perform a self-assessment in accordance with an evaluation or self-assessment plan approved by NIC. A self-assessment or evaluation may consist of one of two methods: i.e., an analysis by the grantee himself or an analysis by an individual outside evaluation contractor. The outside evaluator shall be selected competitively by the grantee.

B. Assessment by the grantee of his own performance, or self-assessment, shall include:

- (1) An analysis of the results and impact of the project on the problem originally indentified as the one the project was to address, including the extent to which specific objectives were achieved.
- (2) A comparison of the status of the problem before and after the project, and a description of the nature of the change in the problem set forth in as quantitative a way as possible.
- (3) A description of the implementation and operation of the project over the time frame permitted the project.
- (4) Modifications of program activities called for by the self-assessment findings and by any monitoring and evaluation findings.

C. Self-assessment reports shall be submitted by the grantee to NIC project monitor at the end of the project. If the project re-

quests continuation funding, the self-assessment report must accompany this request.

#### **6. NIC SELECTED PROGRAM EVALUATION**

Selected programs, consisting of groups of similar projects or of differing projects aimed at achieving the same objective, will be evaluated in depth by the National Institute of Corrections. These evaluations will be carried out in accordance with an evaluation plan developed by NIC, and by an independent evaluator selected by the NIC. NIC will consult with other appropriate offices about which programs to evaluate, and about selection of evaluators. Although a limited number of programs will be subjected to this level of evaluation initially, it is required that all projects related to a program being evaluated indicate in advance of funding their willingness to cooperate and participate in program evaluation. (Refer to **NIC Description and Specifications of Programs**).

#### **7. DISSEMINATION OF EVALUATION RESULTS**

All evaluation reports and results will be made available to the National Institute of Corrections which shall have the responsibility for dissemination of those results.

#### **8. PROJECT MONITORING**

A. Projects will be monitored by NIC personnel on a periodic basis, as part of the overall effort to improve measurement of performance. Projects can expect that monitoring will include:

- (1) A comparison of actual activities carried out and the results actually achieved with the activities and results originally specified in the grant application.
- (2) An examination of the objective and subjective results and impacts of the project on project and program objectives, and on the specific problems addressed by the project.
- (3) An assessment of the progress and problems of the project.

B. Monitoring will involve periodic site visits by NIC project monitors and interviews with project staff and clients.

## APPENDIX 1 APPLICANT'S ENVIRONMENTAL EVALUATION

### APPLICANT'S NAME:

1. Project Description.
  - a. Type of grant.
  - b. Type of project.
  - c. Size of project (construction projects only)
    - (1) Cost.
    - (2) Square feet (floor area).
    - (3) Number of occupants (if applicable).
  - d. Location of project.
    - (1) Location in city.
    - (2) Miles from nearest city.
    - (3) Location map.
  - e. Surrounding area.
    - (1) Land use and zoning.
    - (2) Density.
2. Does the proposed action conform to all local, state and Federal plans, policies and controls for the affected area, including the Clean Air Act and the Federal Water Pollution Act of 1972?
3. What alternatives are there to the proposed action?
  - a. Change in location.
  - b. Change in program.
  - c. Postponing action.
4. Environmental effects. Will the implementation of the proposed projects or programs produce the following effects:
  - a. Lead to a significant increase in air pollution.
  - b. Lead to a significant increase in water pollution.
    - (1) What is the ability of waste water system to meet demand without degrading water quality?
    - (2) How will water supply be affected?
  - c. Lead to a significant increase in the ambient noise level for a substantial number of people.
  - d. Lead to poor incompatible land use, soil erosion or soil pollution.
  - e. Destroy or derogate from an important recreation area.
  - f. Substantially alter the pattern or behavior of wildlife or interfere with important breeding, nesting, or feeding grounds.

## APPENDIX 1 (CONTINUED)

- g. Disturb the ecological balance of land or water area, or impact critical areas such as flood plains, wetlands, beaches and dunes unstable soils, steep slopes and aquifer recharge areas.
  - h. Have significant effect upon areas of historical significance, archaeological significance, cultural significance or educational scientific significance.
  - i. Have an adverse aesthetic or visual effect.
  - j. Have a detrimental effect on the safety of the community.
5. Is there opposition to the proposal?
- a. Who?
  - b. Why?
6. To be completed by the Regional Clearinghouse (check one).
- ☐ We have reviewed this assessment and agree that no adverse environmental impact is probable.
  - ☐ Our comments upon the environmental impact are attached.

\_\_\_\_\_  
Date Signature

\_\_\_\_\_  
Regional Clearinghouse

To be completed by the State Clearinghouse or the appropriate State agency (check one).

- ☐ We have reviewed this assessment and agree that no adverse environmental impact is probable.
- ☐ Our comments upon the environmental impact are attached.

\_\_\_\_\_  
Date Signature

\_\_\_\_\_  
State Clearinghouse or  
appropriate agency

\_\_\_\_\_  
Date Applicant

After evaluation of the above questions it has been determined that:

- ☐ There are no significant environmental impacts.
- ☐ There may be significant environmental impacts and an environmental statement should be prepared.

Applicant Signature \_\_\_\_\_

Official Signature \_\_\_\_\_

# APPENDIX 2. FEDERAL ASSISTANCE—STANDARD FORM 424

CMB Approval No. 29-R0218

FEDERAL ASSISTANCE		2. APPLICANT'S APPLICATION	3. STATE APPLICATION IDENTIFIER	4. NUMBER	5. DATE
1. TYPE OF ACTION (Mark appropriate box) <input type="checkbox"/> PREAPPLICATION <input type="checkbox"/> APPLICATION <input type="checkbox"/> NOTIFICATION OF INTENT (Opt.) <input type="checkbox"/> REPORT OF FEDERAL ACTION	4. LEGAL APPLICANT/RECIPIENT a. Applicant Name : b. Organization Unit : c. Street/P.O. Box : d. City : e. State : f. Contact Person (Name & telephone No.) :	a. NUMBER b. DATE 19 Year month day	3. STATE APPLICATION IDENTIFIER	a. NUMBER b. DATE 19 Year month day	5. DATE 19 Year month day
7. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT		8. TYPE OF APPLICANT/RECIPIENT A-State B-Interstate C-Substate D-County E-City F-School District G-Special Purpose District H-Community Action Agency I-Higher Educational Institution J-Indian Tribe K-Other (Specify): Enter appropriate letter <input type="checkbox"/>		6. PRO-GRAM (From Federal Catalog) a. NUMBER b. TITLE	
10. AREA OF PROJECT IMPACT (Names of cities, counties, States, etc.)		11. ESTIMATED NUMBER OF PERSONS BENEFITING		9. TYPE OF ASSISTANCE A-Basic Grant B-Supplemental Grant C-Loan D-Insurance E-Other Enter appropriate letter(s) <input type="checkbox"/>	
13. PROPOSED FUNDING a. FEDERAL \$ .00 b. APPLICANT .00 c. STATE .00 d. LOCAL .00 e. OTHER .00 f. TOTAL \$ .00		14. CONGRESSIONAL DISTRICTS OF: a. APPLICANT b. PROJECT		12. TYPE OF APPLICATION A-New B-Renewal C-Revision D-Continuation E-Augmentation Enter appropriate letter <input type="checkbox"/>	
15. TYPE OF CHANGE (For 1st or 1st) A-Increase Dollars B-Decrease Dollars C-Increase Duration D-Decrease Duration E-Cancellation Enter appropriate letter(s) <input type="checkbox"/>		16. PROJECT START DATE 19 Year month day		17. PROJECT DURATION Months	
18. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY 19 Year month day		19. EXISTING FEDERAL IDENTIFICATION NUMBER		20. FEDERAL AGENCY TO RECEIVE REQUEST (Name, City, State, ZIP code) National Institute of Corrections, 320 First St., N.W., Washington, D.C. 20534	
21. REMARKS ADDED <input type="checkbox"/> Yes <input type="checkbox"/> No		22. THE APPLICANT CERTIFIES THAT a. To the best of my knowledge and belief, data in this preapplication/application 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 approved. (1) (2) (3)		b. If required by OMB Circular A-95 this application was submitted, pursuant to instructions therein, to appropriate clearinghouses and all responses are attached: No response attached <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
23. CERTIFYING REPRESENTATIVE a. TYPED NAME AND TITLE b. SIGNATURE c. DATE SIGNED 19 Year month day		24. AGENCY NAME National Institute of Corrections, Bureau of Prisons		25. APPLICATION RECEIVED 19 Year month day	
26. ORGANIZATIONAL UNIT Department of Justice		27. ADMINISTRATIVE OFFICE		28. FEDERAL APPLICATION IDENTIFICATION	
29. ADDRESS 320 First St., N.W., Washington, D. C. 20534		30. FEDERAL GRANT IDENTIFICATION		31. ACTION TAKEN <input type="checkbox"/> a. AWARDED <input type="checkbox"/> b. REJECTED <input type="checkbox"/> c. RETURNED FOR AMENDMENT <input type="checkbox"/> d. DEFERRED <input type="checkbox"/> e. WITHDRAWN	
32. FUNDING a. FEDERAL \$ .00 b. APPLICANT .00 c. STATE .00 d. LOCAL .00 e. OTHER .00 f. TOTAL \$ .00		33. ACTION DATE 19 Year month day		34. STARTING DATE 19 Year month day	
35. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)		36. ENDING DATE 19 Year month day		37. REMARKS ADDED <input type="checkbox"/> Yes <input type="checkbox"/> No	
38. FEDERAL AGENCY A-95 ACTION a. In taking above action, any comments received from clearinghouses were considered. If agency response is due under provisions of Part 1, OMB Circular A-95, it has been or is being made.		b. FEDERAL AGENCY A-95 OFFICIAL (Name and telephone no.)			

424-101

STANDARD FORM 424 PAGE 1 (10-75)  
Prescribed by GSA, Federal Management Circular 74-7

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**SECTION IV-REMARKS** *(Please reference the proper item number from Sections I, II or III, if applicable)*

## GENERAL INSTRUCTIONS

This is a multi-purpose standard form. First, it will be used by applicants as a required facesheet for pre-applications and applications submitted in accordance with Federal Management Circular 74-7. Second, it will be used by Federal agencies to report to Clearinghouses on major actions taken on applications reviewed by clearinghouses in accordance with OMB Circular A-95. Third, it will be used by Federal agencies to notify States of grants-in-aid awarded in accordance with Treasury Circular 1082. Fourth, it may be used, on an optional basis, as a notification of intent from applicants to clearinghouses, as an early initial notice that Federal assistance is to be applied for (clearinghouse procedures will govern).

## APPLICANT PROCEDURES FOR SECTION I

Applicant will complete all items in Section I. If an item is not applicable, write "NA". If additional space is needed, insert an asterisk "\*", and use the remarks section on the back of the form. An explanation follows for each item:

- | Item   | Item   |
|--|--|
| <p>1. Mark appropriate box. Pre-application and application guidance is in FMC 74-7 and Federal agency program instructions. Notification of Intent guidance is in Circular A-95 and procedures from clearinghouse. Applicant will not use "Report of Federal Action" box.</p> <p>2a. Applicant's own control number, if desired.</p> <p>2b. Date Section I is prepared.</p> <p>3a. Number assigned by State clearinghouse, or if delegated by State, by areawide clearinghouse. All requests to Federal agencies must contain this identifier if the program is covered by Circular A-95 and required by applicable State/areawide clearinghouse procedures. If in doubt, consult your clearinghouse.</p> <p>3b. Date applicant notified of clearinghouse identifier.</p> <p>4a-4h. Legal name of applicant/recipient, name of primary organizational unit which will undertake the assistance activity, complete address of applicant, and name and telephone number of person who can provide further information about this request.</p> <p>5. Employer identification number of applicant as assigned by Internal Revenue Service.</p> <p>6a. Use Catalog of Federal Domestic Assistance number assigned to program under which assistance is requested. If more than one program (e.g., joint-funding) write "multiple" and explain in remarks. If unknown, cite Public Law or U.S. Code.</p> <p>6b. Program title from Federal Catalog. Abbreviate if necessary.</p> <p>7. Brief title and appropriate description of project. For notification of intent, continue in remarks section if necessary to convey proper description.</p> <p>8. Mostly self-explanatory. "City" includes town, township or other municipality.</p> <p>9. Check the type(s) of assistance requested. The definitions of the terms are:</p> <p style="margin-left: 20px;">A. Basic Grant. An original request for Federal funds. This would not include any contribution provided under a supplemental grant.</p> <p style="margin-left: 20px;">B. Supplemental Grant. A request to increase a basic grant in certain cases where the eligible applicant cannot supply the required matching share of the basic Federal program (e.g., grants awarded by the Appalachian Regional Commission to provide the applicant a matching share).</p> <p style="margin-left: 20px;">C. Loan. Self explanatory.</p> | <p>D. Insurance. Self explanatory.</p> <p>E. Other. Explain on remarks page.</p> <p>10. Governmental unit where significant and meaningful impact could be observed. List only largest unit or units affected, such as State, county, or city. If entire unit affected, list it rather than subunits.</p> <p>11. Estimated number of persons directly benefiting from project.</p> <p>12. Use appropriate code letter. Definitions are:</p> <p style="margin-left: 20px;">A. New. A submittal for the first time for a new project.</p> <p style="margin-left: 20px;">B. Renewal. An extension for an additional funding/budget period for a project having no projected completion date, but for which Federal support must be renewed each year.</p> <p style="margin-left: 20px;">C. Revision. A modification to project nature or scope which may result in funding change (increase or decrease).</p> <p style="margin-left: 20px;">D. Continuation. An extension for an additional funding/budget period for a project the agency initially agreed to fund for a definite number of years.</p> <p style="margin-left: 20px;">E. Augmentation. A requirement for additional funds for a project previously awarded funds in the same funding/budget period. Project nature and scope unchanged.</p> <p>13. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of the change. For decreases enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 13a, amount requested from Federal Government; 13b, amount applicant will contribute; 13c, amount from State, if applicant is not a State; 13d, amount from local government, if applicant is not a local government; 13e, amount from any other sources, explain in remarks.</p> <p>14a. Self explanatory.</p> <p>14b. The district(s) where most of actual work will be accomplished. If city-wide or State-wide, covering several districts, write "city-wide" or "State-wide."</p> <p>15. Complete only for revisions (item 12c), or augmentations (item 12e).</p> |



- | Item |  |
|------|--|
| 16.  | Approximate date project expected to begin (usually associated with estimated date of availability of funding).  |
| 17.  | Estimated number of months to complete project after Federal funds are available.  |
| 18.  | Estimated date preapplication/application will be submitted to Federal agency if this project requires clearinghouse review. If review not required, this date would usually be same as date in item 2b. |

- | Item |  |
|------|--|
| 19.  | Existing Federal identification number if this is not a new request and directly relates to a previous Federal action. Otherwise write "NA". |
| 20.  | Indicate Federal agency to which this request is addressed. Street address not required, but do use ZIP.                                     |
| 21.  | Check appropriate box as to whether Section IV of form contains remarks and/or additional remarks are attached.                              |

### APPLICANT PROCEDURES FOR SECTION II

Applicants will always complete items 23a, 23b, and 23c. If clearinghouse review is required, item 22b must be fully completed. An explanation follows for each item:

- | Item |   |
|------|---|
| 22b. | List clearinghouses to which submitted and show in appropriate blocks the status of their responses. For more than three clearinghouses, continue in remarks section. All written comments submitted by or through clearinghouses must be attached. |
| 23a. | Name and title of authorized representative of legal applicant.   |

- | Item  |   |
|-------|---|
| 23b.  | Self explanatory.   |
| 23c.  | Self explanatory.   |
| Note: | Applicant completes only Sections I and II. Section III is completed by Federal agencies. |

### FEDERAL AGENCY PROCEDURES FOR SECTION III

If applicant-supplied information in Sections I and II needs no updating or adjustment to fit the final Federal action, the Federal agency will complete Section III only. An explanation for each item follows:

- | Item |  |
|------|--|
| 24.  | Executive department or independent agency having program administration responsibility.   |
| 25.  | Self explanatory.  |
| 26.  | Primary organizational unit below department level having direct program management responsibility.  |
| 27.  | Office directly monitoring the program.  |
| 28.  | Use to identify non-award actions where Federal grant identifier in item 30 is not applicable or will not suffice.   |
| 29.  | Complete address of administering office shown in item 26.   |
| 30.  | Use to identify award actions where different from Federal application identifier in item 28.  |
| 31.  | Self explanatory. Use remarks section to amplify where appropriate.  |
| 32.  | Amount to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of change. For decreases, enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 32a, amount awarded by Federal Government; 32b, amount applicant will contribute; 32c, amount from State, if applicant is not a State; 32d, amount from local government if applicant is not a local government; 32e, amount from any other sources, explain in remarks. |
| 33.  | Date action was taken on this request.   |
| 34.  | Date funds will become available.  |

- | Item |   |
|------|---|
| 35.  | Name and telephone no. of agency person who can provide more information regarding this assistance.   |
| 36.  | Date after which funds will no longer be available.   |
| 37.  | Check appropriate box as to whether Section IV of form contains Federal remarks and/or attachment of additional remarks.  |
| 38.  | For use with A-95 action notices only. Name and telephone of person who can assure that appropriate A-95 action has been taken—If same as person shown in item 35, write "same". If not applicable, write "NA". |

### Federal Agency Procedures—special considerations

- A. **Treasury Circular 1082 compliance.** Federal agency will assure proper completion of Sections I and III. If Section I is being completed by Federal agency, all applicable items must be filled in. Addresses of State Information Reception Agencies (SCIRA's) are provided by Treasury Department to each agency. This form replaces SF 240, which will no longer be used.
- B. **OMB Circular A-95 compliance.** Federal agency will assure proper completion of Sections I, II, and III. This form is required for notifying all reviewing clearinghouses of major actions on all programs reviewed under A-95. Addresses of State and areawide clearinghouses are provided by OMB to each agency. Substantive differences between applicant's request and/or clearinghouse recommendations, and the project as finally awarded will be explained in A-95 notifications to clearinghouses.
- C. **Special note.** In most, but not all States, the A-95 State clearinghouse and the (TC 1082) SCIRA are the same office. In such cases, the A-95 award notice to the State clearinghouse will fulfill the TC 1082 award notice requirement to the State SCIRA. Duplicate notification should be avoided.



PART II  
PROJECT APPROVAL INFORMATION

Item 1.

Does this assistance request require State, local, regional, or other priority rating?

\_\_\_\_\_ Yes \_\_\_\_\_ No

Name of Governing Body \_\_\_\_\_

Priority Rating \_\_\_\_\_

Item 2.

Does this assistance request require State, or local advisory, educational or health clearances?

\_\_\_\_\_ Yes \_\_\_\_\_ No (Attach Documentation)

Name of Agency or Board \_\_\_\_\_

Item 3.

Does this assistance request require clearinghouse review in accordance with OMB Circular A-95?

\_\_\_\_\_ Yes \_\_\_\_\_ No

(Attach Comments)

Item 4.

Does this assistance request require State, local, regional or other planning approval?

\_\_\_\_\_ Yes \_\_\_\_\_ No

Name of Approving Agency \_\_\_\_\_

Date \_\_\_\_\_

Item 5.

Is the proposed project covered by an approved comprehensive plan?

\_\_\_\_\_ Yes \_\_\_\_\_ No

Check one: State ☐

Local ☐

Regional ☐

Location of Plan \_\_\_\_\_

Item 6.

Will the assistance requested serve a Federal installation?

\_\_\_\_\_ Yes \_\_\_\_\_ No

Name of Federal Installation \_\_\_\_\_

Federal Population benefiting from Project \_\_\_\_\_

Item 7.

Will the assistance requested be on Federal land or installation?

\_\_\_\_\_ Yes \_\_\_\_\_ No

Name of Federal Installation \_\_\_\_\_

Location of Federal Land \_\_\_\_\_

Percent of Project \_\_\_\_\_

Item 8.

Will the assistance requested have an impact or effect on the environment?

\_\_\_\_\_ Yes \_\_\_\_\_ No

See instructions for additional information to be provided.

Item 9.

Will the assistance requested cause the displacement of individuals, families, businesses, or farms?

\_\_\_\_\_ Yes \_\_\_\_\_ No

Number of:

Individuals \_\_\_\_\_

Families \_\_\_\_\_

Businesses \_\_\_\_\_

Farms \_\_\_\_\_

Item 10.

Is there other related assistance on this project previous, pending, or anticipated?

\_\_\_\_\_ Yes \_\_\_\_\_ No

See instructions for additional information to be provided.

## INSTRUCTIONS

### PART II

Negative answers will not require an explanation unless the Federal agency requests more information at a later date. Provide supplementary data for all "Yes" answers in the space provided in accordance with the following instructions:

**Item 1** — Provide the name of the governing body establishing the priority system and the priority rating assigned to this project.

**Item 2** — Provide the name of the agency or board which issued the clearance and attach the documentation of status or approval.

**Item 3** — Attach the clearinghouse comments for the application in accordance with the instructions contained in Office of Management and Budget Circular No. A-95. If comments were submitted previously with a preapplication, do not submit them again but any additional comments received from the clearinghouse should be submitted with this application.

**Item 4** — Furnish the name of the approving agency and the approval date.

**Item 5** — Show whether the approved comprehensive plan is State, local or regional, or if none of these, explain the

scope of the plan. Give the location where the approved plan is available for examination and state whether this project is in conformance with the plan.

**Item 6** — Show the population residing or working on the Federal installation who will benefit from this project.

**Item 7** — Show the percentage of the project work that will be conducted on federally-owned or leased land. Give the name of the Federal installation and its location.

**Item 8** — Describe briefly the possible beneficial and harmful impact on the environment of the proposed project. If an adverse environmental impact is anticipated, explain what action will be taken to minimize the impact. Federal agencies will provide separate instructions if additional data is needed.

**Item 9** — State the number of individuals, families, businesses, or farms this project will displace. Federal agencies will provide separate instructions if additional data is needed.

**Item 10** — Show the Federal Domestic Assistance Catalog number, the program name, the type of assistance, the status and the amount of each project where there is related previous, pending or anticipated assistance. Use additional sheets, if needed.



## PART III - BUDGET INFORMATION

## SECTION A - BUDGET SUMMARY

Grant Program, Function or Activity (a)	Federal Catalog No. (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		\$	\$	\$	\$	\$
2.						
3.						
4.						
5. TOTALS		\$	\$	\$	\$	\$

## SECTION B - BUDGET CATEGORIES

6. Object Class Categories	- Grant Program, Function or Activity				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	\$	\$	\$	\$	\$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges					
j. Indirect Charges					
k. TOTALS	\$	\$	\$	\$	\$
7. Program Income	\$	\$	\$	\$	\$

## INSTRUCTIONS

### PART III

#### General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may not require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

#### Section A. Budget Summary Lines 1-4, Columns (a) and (b).

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to *multiple* programs where *none* of the programs *require* a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

#### Lines 1-4, Columns (c) through (g).

For *new applications*, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For *continuing grant program applications*, submit these forms before the end of each funding period as required by

the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period *only* if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For *supplemental grants and changes to existing grants*, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should *not* equal the sum of amounts in Columns (e) and (f).

Line 5 — Show the totals for all columns used.

#### Section B. Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets were prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-h — Show the estimated amount for each direct cost budget (object class) category for each column with program, function or activity heading.

Line 6i — Show the totals of Lines 6a to 6h in each column.

Line 6j — Show the amount of indirect cost. Refer to Office of Management and Budget Circular No. A-87.

Line 6k — Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5. When additional sheets were prepared, the last two sentences apply only to the first page with summary totals.

Line 7 — Enter the estimated amount of income, if any; expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the Federal grantor agency in determining the total amount of the grant.

D

## SECTION C – NON-FEDERAL RESOURCES

(a) Grant Program	(b) APPLICANT	(c) STATE	(d) OTHER SOURCES	(e) TOTALS
8.	\$	\$	\$	\$
9.				
10.				
11.				
12. TOTALS	\$	\$	\$	\$

## SECTION D – FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$	\$	\$	\$	\$
14. Non-Federal					
15. TOTAL	\$	\$	\$	\$	\$

## SECTION E – BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (YEARS)			
	(b) FIRST	(c) SECOND	(d) THIRD	(e) FOURTH
16.	\$	\$	\$	\$
17.				
18.				
19.				
20. TOTALS	\$	\$	\$	\$

## SECTION F – OTHER BUDGET INFORMATION

(Attach additional Sheets, If Necessary)

21. Direct Charges:

22. Indirect Charges:

23. Remarks:

PART IV PROGRAM NARRATIVE (Attach per instruction)

## INSTRUCTIONS

### PART III (continued)

#### Section C. Source of Non-Federal Resources

**Line 8-11** — Enter amounts of non-Federal resources that will be used on the grant. (See attachment F, Office of Management and Budget Circular No. A-102.) See LEAA Instructions this page.

**Column (a)** — Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

**Column (b)** — Enter the amount of cash and in-kind contributions to be made by the applicant as shown in Section A. (See also Attachment F, Office of Management and Budget Circular No. A-102.)

**Column (c)** — Enter the State contribution if the applicant is *not* a State or State agency. Applicants which are a State or State agencies should leave this column blank.

**Column (d)** — Enter the amount of cash and in-kind contributions to be made from all other sources.

**Column (e)** — Enter totals of Columns (b), (c), and (d).

**Line 12** — Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

#### Section D. Forecasted Cash Needs

**Line 13** — Enter the amount of cash needed by quarter from the grantor agency during the first year.

**Line 14** — Enter the amount of cash from all other sources needed by quarter during the first year.

**Line 15** — Enter the totals of amounts on Lines 13 and 14.

#### Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

**Lines 16-19** — Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuing grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This Section need not be completed for amendments, changes, or supplements to funds for the current year of existing grants.

If more than four lines are needed to list the program titles submit additional schedules as necessary.

**Line 20** — Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

#### Section F — Other Budget Information.

**Line 21** — Use this space to explain amounts for individual direct object cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

**Line 22** — Enter the type of indirect rate (provisional, pre-determined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

**Line 23** — Provide any other explanations required herein or any other comments deemed necessary.

#### Instructions

Applicants must provide on a separate sheet(s) a budget narrative which will detail by budget category, the federal and nonfederal (in-kind and cash) share. The grantee cash contribution should be identified as to its source, i.e., funds appropriated by a state or local unit of government or donation from a private source. The narrative should relate the items budgeted to project activities and should provide a justification and explanation for the budgeted items including the criteria and data used to arrive at the estimates for each budget category.



## INSTRUCTIONS

### PART IV PROGRAM NARRATIVE

Prepare the program narrative statement in accordance with the following instructions for all new grant programs. Requests for continuation or refunding and changes on an approved project should respond to item 5b only. Requests for supplemental assistance should respond to question 5c only.

#### 1. OBJECTIVES AND NEED FOR THIS ASSISTANCE.

Pinpoint any relevant physical, economic, social, financial, institutional, or other problems requiring a solution. Demonstrate the need for assistance and state the principal and subordinate objectives of the project. Supporting documentation or other testimonies from concerned interests other than the applicant may be used. Any relevant data based on planning studies should be included or footnoted.

#### 2. RESULTS OR BENEFITS EXPECTED.

Identify results and benefits to be derived. For example, when applying for a grant to establish a neighborhood health center provide a description of who will occupy the facility, how the facility will be used, and how the facility will benefit the general public.

#### 3. APPROACH.

- a. Outline a plan of action pertaining to the scope and detail of how the proposed work will be accomplished for each grant program, function or activity, provided in the budget. Cite factors which might accelerate or decelerate the work and your reason for taking this approach as opposed to others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.
- b. Provide for each grant program, function or activity, quantitative monthly or quarterly projections of the accomplishments to be achieved in such terms as the number of jobs created; the number of people served; and the number of patients treated. When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates.

- c. Identify the kinds of data to be collected and maintained and discuss the criteria to be used to evaluate the results and successes of the project. Explain the methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified in item 2 are being achieved.
- d. List organizations, cooperators, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

#### 4. GEOGRAPHIC LOCATION.

Give a precise location of the project or area to be served by the proposed project. Maps or other graphic aids may be attached.

#### 5. IF APPLICABLE, PROVIDE THE FOLLOWING INFORMATION:

- a. For research or demonstration assistance requests, present a biographical sketch of the program director with the following information; name, address, phone number, background, and other qualifying experience for the project. Also, list the name, training and background for other key personnel engaged in the project.
- b. Discuss accomplishments to date and list in chronological order a schedule of accomplishments, progress or milestones anticipated with the new funding request. If there have been significant changes in the project objectives, location approach, or time delays, explain and justify. For other requests for changes or amendments, explain the reason for the change(s). If the scope or objectives have changed or an extension of time is necessary, explain the circumstances and justify. If the total budget has been exceeded, or if individual budget items have changed more than the prescribed limits contained in Attachment K to Office of Management and Budget Circular No. A-102, explain and justify the change and its effect on the project.
- c. For supplemental assistance requests, explain the reason for the request and justify the need for additional funding.

## PART V

### ASSURANCES

The Applicant hereby assures and certifies that he will comply with the regulations, policies, guidelines, and requirements including OMB Circulars Nos. A-87, A-95, and A-102, as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also the Applicant assures and certifies with respect to the grant 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 Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement.
3. It will comply with the provisions of 28 C.F.R. 42.101 et seq. prohibiting discrimination based on race, color or national origin by or through its contractual arrangements. If the grantee is an institution or a governmental agency, office or unit then this assurance of nondiscrimination by race, color or national origin extends to discrimination anywhere in the institution or governmental agency, office, or unit.
4. 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.
5. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
6. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
7. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives 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.
8. It will give the grantor agency or the Comptroller General through any authorized representative the access to and the right to examine all records, books, papers, or documents related to the grant.
9. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with Office of Management and Budget Circular No. A-102.

### APPENDIX 3. REGULATIONS IMPLEMENTING TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, 28 C.F.R. 42.101, ET SEQ., SUBPART C.

REVISED, JULY 5, 1973

#### Subpart C—Nondiscrimination in Federally Assisted Programs—Implementation of Title VI of the Civil Rights Act of 1964.<sup>1</sup>

**AUTHORITY:** The provisions of this Subpart C issued under secs. 601-605, 78 Stat. 253, secs. 1-11, 79 Stat. 528, 80 Stat. 379; 42 U.S.C. 20003-20003-4, 18 U.S.C. Prec. 3001 note, 5 U.S.C. 301, sec. 2, Reorganization Plan No. 2 of 1953, 64 Stat. 1261; 3 CFR, 1949-1953 Comp.

**SOURCE:** The provisions of this Subpart C contained in Order No. 365-66, 31 P.R. 10265, July 29, 1966, unless otherwise noted.

#### §42.101 Purpose.

The purpose of this subpart is to implement the provisions of Title VI of the Civil Rights Act of 1964, 78 Stat. 252 (hereafter referred to as the "Act"), to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Justice.

#### §42.102 Definitions.

As used in this subpart—

(a) The term "responsible Department official" with respect to any program receiving Federal financial assistance means the Attorney General, or Deputy Attorney General, or such other official of the Department as has been assigned the principal responsibility within the Department for the administration of the law extending such assistance.

(b) The term "United States" includes the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and all other territories and possessions of the United States, and the term "State" includes any one of the foregoing.

(c) The term "Federal financial assistance" includes (1) grants and loans of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(d) The term "program" includes any program, project, or activity for the provision of services, financial aid, or other

benefits to individuals (including education or training, rehabilitation, or other services or disposition, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities and cash or loan or other assistance to individuals), or for the provision of facilities for furnishing services, financial aid, or other benefits to individuals. The disposition, services, financial aid, or benefits provided under a program receiving Federal financial assistance shall be deemed to include any disposition, services, financial aid, or benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any disposition, services, financial aid, or benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(e) The term "facility" includes all or any portion of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(f) The term "recipient" means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(g) The term "primary recipient" means any recipient which is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(h) The term "applicant" means one who submits an application, request, or plan required to be approved by a responsible Department official, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and the term "application" means such an application, request, or plan.

(i) The term "academic institution" includes any school, academy, college, university, institute, or other association, organization, or agency conducting or ad-

<sup>1</sup>See also 28 CFR 50.3, Guidelines for enforcement of Title VI, Civil Rights Act.

ministering any program, project, or facility designed to educate or train individuals.

(j) The term "disposition" means any treatment, handling, decision, sentencing, confinement, or other prescription of conduct.

(k) The term "governmental organization" means the political subdivision for a prescribed geographical area.

#### §42.103 Application of this subpart.

This subpart applies to any program for which Federal financial assistance is authorized under a law administered by the Department. It applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the date of this subpart pursuant to an application whether approved before or after such date. This subpart does not apply to (a) any Federal financial assistance by way of insurance or guaranty contracts, or (b) employment practices except to the extent described in §42.104(c).

#### §42.104 Discrimination prohibited.

(a) General. No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this subpart applies.

(b) Specific discriminatory actions prohibited. (1) A recipient under any program to which this subpart applies may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin:

(i) Deny an individual any disposition, service, financial aid, or benefit provided under the program;

(ii) Provide any disposition, service, financial aid, or benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any disposition, service, financial aid, or benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any disposition, service, financial aid, or benefit under the program;

(v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which individuals must meet in order to be provided any disposition, service, financial aid, function or benefit provided under the program; or

(vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others

under the program (including the opportunity to participate in the program as an employee but only to the extent set forth in paragraph (c) of this section).

(vii) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

(2) A recipient, in determining the type of disposition, services, financial aid, benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which, such will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.

(3) In determining the site or location or facilities, a recipient or applicant may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any program to which this subpart applies, on the ground of race, color, or nation origin: or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this subpart.

(4) For the purposes of this section the disposition, services, financial aid, or benefits provided under a program receiving Federal financial assistance shall be deemed to include any portion of any program or function or activity conducted by any recipient of Federal financial assistance which program, function, or activity is directly or indirectly improved, enhanced, enlarged, or benefited by such Federal financial assistance or which makes use of any facility, equipment or property provided with the aid of Federal financial assistance.

(5) The enumeration of specific forms of prohibited discrimination in this paragraph and in paragraph (c) of this section does not limit the generality of the prohibition in paragraph (a) of this section.

(6) (i) In administering a program regrading which the recipient has previously discriminated against persons on the ground of race, color, or national origin, the recipient must take affirmative action to overcome the effects of prior discrimination.

(ii) Even in the absence of such prior discrimination, a recipient in administering a program may take affirmative action to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color, or national origin.

(c) (1) Employment practices. Whenever a primary objective of the Federal finan-

cial assistance to a program, to which this subpart applies, is to provide employment, a recipient of such assistance may not (directly or through contractual or other arrangements) subject any individual to discrimination on the ground of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, employment, layoff, or termination, upgrading, demotion, or transfer, rates of pay or other forms of compensation, and use of facilities). That prohibition also applies to programs as to which a primary objective of the Federal financial assistance is (1) to assist individuals, through employment, to meet expenses incident to the commencement or continuation of their education or training, or (2) to provide work experience which contributes to the education or training of the individuals involved. The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Part III of Executive Order 11246 or any Executive order which supersedes it.

(2) In regard to Federal financial assistance which does not have providing employment as a primary objective, the provisions of paragraph (c) (1) of this section apply to the employment practices of the recipient if discrimination on the ground of race, color, or national origin in such employment practices tends, on the ground of race, color, or national origin, to exclude persons from participation in, to deny them the benefits of or to subject them to discrimination under the program receiving Federal financial assistance. In any such case, the provisions of paragraph (c) (1) of this section shall apply to the extent necessary to assure equality of opportunity to and nondiscriminatory treatment of beneficiaries.

#### § 42.105 Assurance required.

(a) General. (1) Every application for Federal financial assistance to carry out a program to which this subpart applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this subpart. In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, such assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. In all other cases, such assurance shall obligate the recipient for the period during which Federal financial

assistance is extended pursuant to the application. The responsible Department official shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors, and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(2) In the case of real property, structures or improvements thereon, or interest therein, which was acquired through a program of Federal financial assistance, or in the case where Federal financial assistance is provided in the form of a transfer of real property or interest therein from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. Where no transfer of property is involved, but property is improved under a program of Federal financial assistance, the recipient shall agree to include such a covenant in any subsequent transfer of such property. Where the property is obtained from the Federal Government, such covenant may also include a condition coupled with a right to be reserved by the Department to revert title to the property in the event of a breach of the covenant where, in the discretion of the responsible Department official, such a condition and right of reverter are appropriate to the program under which the real property is obtained and to the nature of the grant and the grantee.

(b) Assurances from government agencies. In the case of any application from any department, agency, or office of any State or local government for Federal financial assistance for any specified purpose, the assurance required by this section shall extend to any other department, agency, or office of the same governmental unit if the policies of such other department, agency, or office will substantially affect the project for which Federal financial assistance is requested. That requirement may be waived by the responsible Department official if the applicant establishes, to the satisfaction of the responsible Department official, that the practices in other agencies or parts or programs of the governmental unit will in no way affect (1) its practices in the program for which Federal financial assistance is sought, or (2) the beneficiaries of or participants in or persons affected by such programs, or (3) full compliance with this subpart as respects such program.

(c) Assurance from academic and other institutions. (1) In the case of any application for Federal financial assistance for any purpose to an academic institution, the assurance required by this

section shall extend to admission practices and to all other practices relating to the treatment of students.

(2) The assurance required with respect to an academic institution, detention or correctional facility, or any other institution or facility, insofar as the assurance relates to the institution's practices with respect to admission or other treatment of individuals as students, patients, wards, inmates, persons subject to control, or clients of the institution or facility or to the opportunity to participate in the provision of services, disposition, treatment, or benefits to such individuals, shall be applicable to the entire institution or facility unless the applicant establishes, to the satisfaction of the responsible Department official, that the practices in designated parts or programs of the institution or facility will in no way affect its practices in the program of the institution or facility for which Federal financial assistance is sought, or the beneficiaries of or participants in such program. If, in any such case, the assistance sought is for the construction of a facility or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith.

(d) Continuing State programs. Any State or State agency administering a program which receives continuing Federal financial assistance subject to this regulation shall as a condition for the extension of such assistance (1) provide a statement that the program is (or, in the case of a new program, will be) conducted in compliance with this regulation, and (2) provide for such methods of administration as are found by the responsible Department official to give reasonable assurance that the primary recipient and all other recipients of Federal financial assistance under such program will comply with this regulation.

#### § 42.106 Compliance information.

(a) Cooperation and assistance. Each responsible Department official shall, to the fullest extent practicable, seek the cooperation of recipients in obtaining compliance with this subpart and shall provide assistance and guidance to recipients to help them comply voluntarily with this subpart.

(b) Compliance reports. Each recipient shall keep such records and submit to the responsible Department official or his designee timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the responsible Department official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this subpart.

In general, recipients should have available for the Department racial and ethnic data showing the extent to which members of minority groups are beneficiaries of federally assisted programs. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient or sub-

contracts with any other person or group, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this subpart.

(c) Access to sources of information. Each recipient shall permit access by the responsible Department official or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities, as may be pertinent to ascertain compliance with this subpart. Whenever any information required of a recipient is in the exclusive possession of any other agency, institution, or person and that agency, institution, or person fails or refuses to furnish that information, the recipient shall so certify in its report and set forth the efforts which it has made to obtain the information.

(d) Information to beneficiaries and participants. Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this subpart and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the responsible Department official finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this subpart.

#### § 42.107 Conduct of investigation.

(a) Periodic compliance reviews. The responsible Department official or his designee shall from time to time review the practices of recipients to determine whether they are complying with this subpart.

(b) Complaints. Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this subpart may by himself or by a representative file with the responsible Department official or his designee a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible Department official or his designee.

(c) Investigations. The responsible Department official or his designee will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this subpart. The investigation should include, whenever appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this subpart occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this subpart.

(d) Resolution of matters. (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this subpart, the responsible



Department official or his designee will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 42.108.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph, the responsible Department official or his designee will so inform the recipient and the complainant, if any, in writing.

(e) Intimidatory or retaliatory acts prohibited. No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this subpart, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subpart. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this subpart, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

#### § 42.108 Procedure for effecting compliance.

(a) General. If there appears to be a failure or threatened failure to comply with this subpart and if the noncompliance or threatened noncompliance cannot be corrected by informal means, the responsible Department official may suspend or terminate, or refuse to grant or continue, Federal financial assistance, or use any other means authorized by law, to induce compliance with this subpart. Such other means include, but are not limited to, (1) appropriate proceedings brought by the Department to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) Noncompliance with assurance requirement. If an applicant or recipient fails or refuses to furnish an assurance requirement under § 42.105, or fails or refuses to comply with the provisions of the assurance it has furnished, or otherwise fails or refuses to comply with any requirement imposed by or pursuant to Title VI or this subpart. Federal financial assistance may be suspended, terminated, or refused in accordance with the procedures of Title VI and this subpart. The Department shall not be required to provide assistance in such a case during the pendency of administrative proceedings under this subpart, except that the Department will continue assistance during the pendency of such proceedings whenever such assistance is due and payable pursuant to a final commitment made or an application finally approved prior to the effective date of this subpart.

(c) Termination of or refusal to grant or to continue Federal financial assistance.

No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until (1) the responsible Department official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this subpart, (3) the action has been approved by the Attorney General pursuant to § 42.110, and (4) the expiration of 30 days after the Attorney General has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been found.

(d) Other means authorized by law. No action to effect compliance by any other means authorized by law shall be taken until (1) the responsible Department official has determined that compliance cannot be secured by voluntary means, (2) the action has been approved by the Attorney General, and (3) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance.

#### § 42.109 Hearings.

(a) Opportunity for hearing. Whenever an opportunity for a hearing is required by § 42.108(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. That notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for that action. The notice shall (1) fix a date, not less than 20 days after the date of such notice, within which the applicant or recipient may request that the responsible Department official schedule the matter for hearing, or (2) advise the applicant or recipient that a hearing concerning the matter in question has been scheduled and advise the applicant or recipient of the place and time of that hearing. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a

hearing afforded by section 602 of the Act and § 42.108(c) and consent to the making of a decision on the basis of such information as is available.

(b) **Time and place of hearing.** Hearings shall be held at the offices of the Department in Washington, D.C., at a time fixed by the responsible Department official, unless he determines that the convenience of the applicant or recipient or of the Department requires that another place be selected. Hearings shall be held before the responsible Department official or, at his discretion, before a hearing examiner designated in accordance with 5 U.S.C. 3105 and 3344 (section 11 of the Administrative Procedure Act).

(c) **Right to counsel.** In all proceedings under this section, the applicant or recipient and the Department shall have the right to be represented by counsel.

(d) **Procedures, evidence, and record.** (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554-557 (sections 5-8 of the Administrative Procedure Act), and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this subpart, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied whenever reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) **Consolidated or joint hearings.** In cases in which the same or related facts are asserted to constitute noncompliance with this subpart with respect to two or more programs to which this subpart applies, or noncompliance with this subpart and the regulations of one or more other Federal departments or agencies issued under Title VI of the Act, the Attorney General may, by agreement with such other departments or agencies, whenever appropriate, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules

of procedure not inconsistent with this subpart. Final decisions in such cases, insofar as this subpart is concerned, shall be made in accordance with § 42.110.

#### §42.110 Decisions and notices.

(a) **Decisions by person other than the responsible Department official.** If the hearing is held by a hearing examiner, such hearing examiner shall either make an initial decision, if so authorized, or certify the entire record, including his recommended findings and proposed decision, to the responsible Department official for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Whenever the initial decision is made by the hearing examiner, the applicant or recipient may, within 30 days of the mailing of such notice of initial decision, file with the responsible Department official his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the responsible Department official may on his own motion, within 45 days after the initial decision, serve on the applicant or recipient a notice that he will review the decision. Upon filing of such exceptions, or of such notice of review, the responsible Department official shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the responsible Department official.

(b) **Decisions on the record or on review by the responsible Department official.** Whenever a record is certified to the responsible Department official for decision or he reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or whenever the responsible Department official conducts the hearing, the applicant or recipient shall be given a reasonable opportunity to file with him briefs or other written statements of its contentions, and a copy of the final decision of the responsible Department official shall be given in writing to the applicant or recipient and to the complainant, if any.

(c) **Decisions on the record whenever a hearing is waived.** Whenever a hearing is waived pursuant to § 42.109(a), a decision shall be made by the responsible Department official on the record and a copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any.

(d) **Rulings required.** Each decision of a hearing officer or responsible Department official shall set forth his ruling on each findings, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this subpart with which it is found that the applicant or recipient, has failed to comply.

(e) **Approval by Attorney General.** Any final decision of a responsible Department official (other than the Attorney General) which provides for the suspension or



termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this subpart or the Act, shall promptly be transmitted to the Attorney General, who may approve such decision, vacate it, or remit or mitigate any sanction imposed.

(f) **Content of orders.** The final decision may provide for suspension or termination of, or refusal to grant or continue. Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with, and will effectuate the purposes of, the Act and this subpart, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this subpart, or to have otherwise failed to comply with this subpart, unless and until, it corrects its noncompliance and satisfies the responsible Department official that it will full-comply with this subpart.

(g) **Post-termination proceedings.** (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this subpart and provides reasonable assurance that it will fully comply with this subpart.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the responsible Department official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (g)(1) of this section. If the responsible Department official denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record in accordance with rules of procedure issued by the responsible Department official. The applicant or recipient will be restored to

such eligibility if it proves at such a hearing that it satisfied the requirements of paragraph (g)(1) of this section. While proceedings under this paragraph are pending, sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

#### §42.111 Judicial review.

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

#### §42.112 Effect on other regulations, forms and instructions.

(a) **Effect on other regulations.** Nothing in this subpart shall be deemed to supersede any provision of Subpart A or B of this part or Executive Order 11114 or 11246, as amended, or of any other regulation or instruction which prohibits discrimination on the ground of race, color, or national origin in any program or situation to which this subpart is inapplicable, or which prohibits discrimination on any other ground.

(b) **Forms and instructions.** Each responsible Department official, other than the Attorney General or Deputy Attorney General, shall issue and promptly make available to interested persons forms and detailed instructions and procedures for effectuating this subpart as applied to programs to which this subpart applies and for which he is responsible.

(c) **Supervision and coordination.** The Attorney General may from time to time assign to officials of the Department, or to officials of other departments or agencies of the Government, with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of Title VI of the Act and this subpart (other than responsibility for final decision as provided in § 42.110(e), including the achievement of the effective coordination and maximum uniformity within the Department and within the Executive Branch of the Government in the application of Title VI of the Act and this subpart to similar programs and in similar situations. Any action taken, determination made, or requirement imposed by an official of another Department or agency acting pursuant to an assignment of responsibility under this subsection shall have the same effect as though such action had been taken by the Attorney General.

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