

## § 33.40

(4) Clearance rates (by arrest) for targeted crimes.

(5) Conviction rates for targeted crimes.

### APPLICATION REQUIREMENTS

#### § 33.40 General.

Sections 33.40 and 33.41 set forth the required programmatic content of block grant applications.

[50 FR 22990, May 30, 1985, as amended at 63 FR 50761, Sept. 23, 1998]

#### § 33.41 Application content.

(a) *Format.* Applications from the states for criminal justice block grants must be submitted on Standard Form 424, Application for Federal Assistance, at a time specified by the Bureau of Justice Assistance. The Bureau will provide to the states an "Application Kit" that includes SF 424, a list of assurances that the applicant must agree to, a table of fund allocations, and additional guidance on how to prepare and submit an application for criminal justice block grants.

(b) *Programs.* Applications must set forth programs and projects covering a two-year period which meet the purposes and criteria of section 403(a) of the Justice Assistance Act and these regulations. Applications must be amended annually, if new programs or projects are to be added or if the programs or projects contained in the approved application are not implemented. The application must designate which statutory purpose the program or project is intended to achieve, identify the state agency or unit of local government that will implement the program or project, and provide the estimated funding level for the program or project including the amount and source of cash matching funds. Section 405 of the Act.

(1) Section 33.32 of the regulations identifies specific programs which have been certified by the Bureau to meet the requirements of the Act. Approval will be given for implementation of any of these programs, if the applicant agrees to include all the critical elements in the program design. An applicant need only identify the program, which purpose it is intended to achieve, the state agency or unit of local gov-

## 28 CFR Ch. I (7-1-11 Edition)

ernment which will implement it, the funding level (including amount and source of match).

(2) Applicants may request approval of programs other than one of those certified by the Bureau. The application must contain, in addition to the information in § 33.41(b), a description of the program (including its critical elements and performance indicators) and evidence that it meets the criteria of offering a high probability of improving the functions of the criminal justice system. Evidence may include, but is not necessarily limited to, the results of any evaluations of previous tests or demonstrations of the program concept.

(3) Applicants may also request approval to expend up to 10 per centum of their funds for programs which the Director of the Bureau of Justice Assistance has established as priorities for discretionary grants under section 503 of the Act, or which are innovative programs that are deemed by the Director as likely to prove successful. For a program the same as a discretionary program, the applicant may identify it by name only and provide the information required under § 33.41(b)(1) of the regulations. For an innovative program, the applicant must describe the program (including its critical elements and performance indicators) and provide evidence that it is likely to prove successful.

(c) *Confidential information.* Applications which request funds for the STING Program should not state the location of the project. The application should only include the program designation, the funds involved, and the number of projects. The state agency or unit of local government implementing the project will be made known to the Bureau of Justice Assistance upon request or upon completion of the project.

(d) *Audit requirement.* Applications from the state must include the date of the State Office's last audit and the anticipated date of the next audit.

(e) *Civil rights contact.* Applications from the state must include the name of a civil rights contact person who has lead responsibility in insuring that all applicable civil rights requirements are met and who shall act as liaison in

## Department of Justice

## § 33.41

civil rights matters with the Office of Civil Rights Compliance of the Office of Justice Programs.

(f) *Application assurances.* Applications must include the following assurances:

(1) An assurance that, following the first fiscal year covered by an application and each fiscal year thereafter, the applicant will submit to the Bureau of Justice Assistance, where the applicant is a state or jurisdiction in a non-participating state, a performance report concerning the activities carried out, and an assessment of their impact; section 405(1) of the Act.

(2) A certification that Federal funds made available under this title will not be used to supplant state or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for criminal justice activities; section 405(2) of the Act.

(3) An assurance that funds accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records as the Bureau of Justice Assistance shall prescribe will be provided to assure fiscal control, proper management, and efficient disbursement of funds received under this title; section 405(3) of the Act.

(4) An assurance that the applicant shall maintain such data and information and submit such reports, in such form, at such times, and containing such information as the Bureau of Justice Assistance may require; section 405(4) of the Act.

(5) A certification that the programs meet all the requirements, that all the information contained in the application is correct, that there has been appropriate coordination with affected agencies, and that the applicant will comply with all provisions of the Justice Assistance Act 1984 and all other applicable Federal laws; section 405(5) of the Act.

(6) If the applicant is a state, an assurance that not more than 10 percent of the aggregate amount of funds received by a State under this part for a fiscal year will be distributed for programs and projects designated as intended to achieve the purpose specified

in section 403(a)(13) of the Act; section 405(6) of the Act.

(7) An assurance that the state will take into account the needs and requests of units of general local government in the state and encourage local initiative in the development of programs which meet the purposes of the Act; section 405(7) of the Act.

(8) An assurance that the state application and any amendment to such application, has been submitted for review to the state legislature or its designated body (for purpose of this requirement, an application or amendment shall be deemed to be reviewed if the state legislature or its designated body does not review it within 60 days from the time it was submitted to it); section 405(8) of the Act.

(9) An assurance that the state application and any amendment thereto was made public before submission to the Bureau and, to the extent provided under state law or established procedure, an opportunity to comment thereon was provided to citizens and to neighborhood and community groups; section 405(9) of the Act.

(10) An assurance that the applicant will comply, and all its subgrantees and contractors will comply, with the non-discrimination requirements of the Justice Assistance Act; title VI of the Civil Rights Act of 1964; section 504 of the Rehabilitation Act of 1973, as amended; title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; and the Department of Justice Non-Discrimination regulations 28 CFR part 42, subparts C, D, E, and G;

(11) An assurance that in the event a Federal or state court or Federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin or sex against a recipient of funds, the recipient will forward a copy of the finding to the Office of Civil Rights Compliance (OCRC) of the Office of Justice Programs;

(12) An assurance that the applicant will require that every recipient required to formulate an Equal Employment Opportunity Program (EEO) in accordance with 28 CFR 42.301 *et. seq.*, submit a certification to the state that

### § 33.50

it has a current EEOP on file which meets the requirements herein;

(13) An assurance that the applicant will provide an EEOP, if required to maintain one, where the application is for \$500,000 or more and provide the EEOP of any subgrantee of \$500,000 or more;

(14) An assurance that the applicant will comply with the provisions of the Office of Justice Programs “Financial and Administrative Guide for Grants,” M 7100.1;

(15) An assurance that the applicant will comply with the provisions of 28 CFR applicable to grants and cooperative agreements including part 18, Administrative Review Procedure; part 20, Criminal Justice Information Systems; part 22, Confidentiality of Identifiable Research and Statistical Information; part 23, Criminal Intelligence Systems Operating Policies; part 30, Intergovernmental Review of Department of Justice Programs and Activities; part 42; Non-discrimination Equal Employment Opportunity Policies and Procedures; part 61, Procedures for Implementing the National Environmental Policy Act; and part 63, Floodplain Management and Wetland Protection Procedures.

(g) *Non-participating State.* If a state notifies the Bureau of Justice Assistance of its intent not to apply for block grant funds or fails to submit an application by the submission date, the Bureau will announce the availability of the block grant funds to local units of government in the non-participating state and will invite them to submit applications directly to the Bureau. A unit of local government receiving a block grant award directly from the Bureau assumes responsibility for all activities which would normally be the responsibility of the State Office.

#### ADDITIONAL REQUIREMENTS

### § 33.50 General financial requirements.

Grants funded under the criminal justice block grant program are governed by the provisions of the Office of Management and Budget (OMB) Circulars applicable to financial assistance. These Circulars along with additional information and guidance are contained in “Financial and Administra-

### 28 CFR Ch. I (7–1–11 Edition)

tive Guide for Grants,” Guideline Manual 7100.1, available from the Office of Justice Programs. This Guideline Manual provides information on cost allowability, methods of payment, audit, accounting systems and financial records.

### § 33.51 Audit.

Pursuant to Office of Management and Budget Circular A–128 “Audits of State and Local Governments,” all grantees and subgrantees must provide for an independent audit of their activities on a periodic basis. For additional information on audit requirements, applicants should refer to the “Financial and Administrative Guide for Grants,” Guideline Manual 7100.1, Office of Justice Programs.

### § 33.52 Civil rights.

The Justice Assistance Act provides that “no person in any state shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any programs or activity funded in whole or in part with funds made available under this title.” Section 809(c)(1) of the Act. Recipients of funds under the Act are also subject to the provisions of title VI of the Civil Rights Act of 1964; section 504 of the Rehabilitation Act of 1973, as amended; title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; and the Department of Justice Non-Discrimination regulations 28 CFR part 42, subparts C, D, E, and G.

### § 33.53 Participation by faith-based organizations.

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

[Order No. 2703–2004, 69 FR 2838, Jan. 21, 2004]