



Bureau of Justice Statistics

National Sex Offender Registry Assistance Program

*Fiscal Year 1998
Program Announcement*

**A National Criminal History
Improvement Program**

NCHIP



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U.S. Department of Justice
Bureau of Justice Statistics

Jan M. Chaiken, Ph.D.
Director

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National Sex Offender Registry Assistance Program (NSOR-AP)

Fiscal 1998 Program Announcement

Summary

The Bureau of Justice Statistics (BJS) is publishing this notice to announce the establishment of the National Sex Offender Registry Assistance Program (NSOR-AP) in Fiscal Year (FY) 1998. The NSOR Assistance Program is a component of the BJS National Criminal History Improvement Program (NCHIP). Copies of this announcement also can be found on the Internet at <http://www.ojp.usdoj.gov/bjs/>.

Program goals

The BJS National Sex Offender Registry Assistance Program (NSOR-AP) supports the President's goal of establishing an effective national registry of convicted sex offenders. This will ensure that accurate and complete information about sex offenders is appropriately made available to protect the public and prevent further victimizations. Specifically, the program will help States ensure that:

- (1) State sex offender registries identify, collect, and properly disseminate relevant information that is consistent, accurate, complete, and up-to-date;
- (2) States establish appropriate interfaces with the FBI's national system so that State registry information on sex offenders can be obtained and tracked from one jurisdiction to another.

Background

Establishment of an effective national sex offender registry that is capable of providing in-

stant access to data on sex offender location on an interstate basis is a national priority.

In his Order dated June 25, 1996, President Clinton directed that Attorney General Reno develop a plan for a national sex offender registry by August 1996. In her response, submitted to the President on August 22, 1996, the Attorney General stressed the DOJ commitment to establishment of a sex offender registry and indicated that this goal would be achieved through a coordinated effort involving the FBI (the agency that will maintain and operate the National Sex Offender Registry), the National Law Enforcement Telecommunications System (NLETS) (the system through which States will communicate registry information between and among themselves and the FBI), and the States (which have primary responsibility for gathering data on sex offenders for use within the State and input into the national system). In addition, subsequent amendments to 42 U.S.C. 14072 require the establishment of such a registry and amendments to 42 U.S.C. 14071 require States to participate in the Registry as a condition of eligibility for full Byrne grant funding.

The permanent National Sex Offender Registry File will be developed as part of the FBI's NCIC-2000 project and will include a fingerprint and photo (mugshot) image of the registered offender. The file will be a "hot file" and be accessible to authorized users without submitting fingerprints. As reported in the Attorney General's August 1996 response to the President, the accelerated date for the permanent system to be in place is mid-1999.

Pending establishment of the permanent system, an interim national pointer system has been established by the FBI, that flags criminal history records of persons whom States identify

as being registered as sex offenders. This is similar to the procedure used in the "Flash" system that identifies parolees and probationers. Inquiries that result in a "hit" identify the State registry that holds the full information on an offender. Inquiring criminal justice agencies may use NLETS (or phone or paper) to request more detailed information. Flags are set based on input from each of the States. As of March 4, 1998, the FBI indicates that 23 States are providing data to the interim system and that an estimated 31,590 records are currently flagged.

Available information indicates that all States operate some type of sex offender registry at this time. In order, however, for the national system to permit law enforcement in each State to have information on offenders initially released in other States, or traveling throughout the Nation, these individual registries must be automated, accurate, and interfaced with the national system on a timely basis.

The BJS National Sex Offender Registry Assistance Program (NSOR-AP) is designed to help States ensure that State sex offender registries identify, collect, and properly disseminate relevant information that is consistent, accurate, complete and up-to-date. Additionally, the program will help States establish appropriate interfaces with the FBI's national system so that State registry information on sex offenders can be obtained and tracked from one jurisdiction to another.

The BJS NSOR-AP program will also assist States in meeting relevant requirements of current Federal legislation (*The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, Megan's Law, and the Pam Lychner Sexual Offender Tracking and Identification Act (42 U.S.C. 14071, 14072)*), as

amended by Section 115 of the general provisions of Title I of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriation Act of 1998, P.L. 105-119) and applicable State standards.

Appropriation and assistance program

The FY 1998 BJS appropriation includes \$25 million to support the national sex offender registry. Funds will be awarded to States under the BJS National Sex Offender Registry Assistance Program (NSOR-AP), which is a discretionary award component of the overall BJS National Criminal History Improvement Program (NCHIP). All States will be eligible for an award under the NSOR-AP program.

Application and award process

Only one application will be accepted from each State. The application must be submitted by the agency designated by the Governor to administer the NSOR assistance program. Where the designated agency is the same as the designated NCHIP agency, a separate application must be submitted for NSOR-AP funds and NCHIP funds. A State may choose to submit its application as part of a multistate consortium or other entity. In such case, the application should include a statement of commitment from each State and be signed by an individual designated by the Governor of each participating State. The application should also indicate specific responsibilities and include a separate budget for each State.

Timing

To be eligible for 1998 NSOR-AP funds, an application must be submitted to BJS by April 15, 1998.

Awards normally will be for 12 months, although a longer period can be approved with sufficient justification. Project activity may be initiated after July 1, 1998, but no later than September 1998. In the event that an award is made before July 1, 1998, the applicant may request an earlier start up date. Applications must contain an end date no later than December 31, 1999.

Allocation of funds within the State

The agency designated to apply for and receive the NSOR-AP award may allocate the funds within the State consistent with State policy and goals. Although it is anticipated that the majority of funds will be utilized at the State level to directly support development of the State registry and interfaces with the national system, funds may be directed to local agencies requiring assistance in connection with, for example, input of data. States should be particularly aware of the key role played by courts in development of registry information and of special needs of Indian tribes.

Interface with the FBI's National Sex Offender Registry system

Regular input to the FBI's national system is a key goal of this assistance program. Accordingly, States that are not currently submitting information to the FBI's national registry at the time of their application for funding are encouraged to request funding to accomplish this goal by September 30, 1998. All applications must either indicate that the State is already

submitting information or specify the date(s) by which data will be provided to the FBI's interim and/or permanent system.

Program narrative

In addition to the requirements set forth in Appendix A, the National Sex Offender Registry Assistance Program (NSOR-AP) application should include the following parts.

Part I. Background

This section should include a short description of the status of, and plans for, those aspects of the State sex offender registry that are necessary for understanding the application. In particular, the discussion should indicate whether the registry is automated in whole or in part and describe the process for data input and dissemination to law enforcement agencies within the State. The section should also indicate whether data is being sent electronically to the FBI and the categories of persons eligible to access registry data. Where funds are requested for fingerprint or mugshot equipment, the section should indicate the status of fingerprint or mugshot capability at the registry and among local agencies charged with data input. The applicant should also indicate whether any coordination arrangements exist with neighboring States or Indian tribes.

Part II. Identification of needs

This section should identify those areas and problems that the applicant State believes should be addressed to upgrade the functioning of the State registry and its interface with the national system, consistent with Federal and State legislative requirements.

Part III. Program description

This section should describe specific tasks to be undertaken with requested funds. Tasks to be undertaken should be listed in priority order, with intended impact, budget requirements, and estimated dates of completion. The application should indicate the means by which each task will help the State achieve the goals of the program.

Part IV. Coordination

To ensure that the NSOR-AP program fully supports the President's goals and furthers the overall DOJ efforts to establish a national sex offender registry, BJS will closely coordinate the NSOR-AP program with relevant offices within the Department of Justice, including the Office of Justice Programs and the FBI. Similar coordination is expected between the State's agency responsible for the State sex offender registry and other interested State and local agencies and Indian tribes.

To ensure coordination of Federal funding efforts, the application should include information on current awards or pending applications for Federal funding to support activities for which funds are being requested in the current NSOR-AP application. Where relevant, such information should indicate the amount of the other award, the grantor agency, and the program purpose.

Part V. Timetable

This section should set forth a timetable for all tasks proposed to be funded under the award. The section should also include a statement assuring that the State currently is submitting data to the FBI national sex offender registry system, or set forth a timetable by which such a link will be effectuated.

Part VI. Fund allocation and budget

This section should identify the agencies or governmental components that will receive funds under the award. In particular, the application should specify the level of funds or other benefits which will be directed for the courts or Indian tribes. The application should identify those agencies to receive funds under the award and indicate the fiscal arrangements to accomplish fund transfer if the recipient agency is not the implementing agency. The budget should provide details for expenses in required categories (see Appendix A, Application Content). Please note that allocation of funds to other State and local agencies is considered a contractual arrangement under Federal budgeting categories.

Review and funding criteria

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

- 1) the extent to which proposed tasks will ensure that the applicant State becomes a fully functional part of the FBI's National Sex Offender Registry;
- 2) the extent to which activities to be supported under the award will, by virtue of the number of sex offenders in the State, the level of technical

development in the State, geographic or demographic factors, current operating procedures and requirements, or other related factors, be expected to have a major impact on availability of information about sex offenders, both within the State and nationally;

3) the proposed use or enhancement of innovative procedures that may be of value to other jurisdictions;

4) the technical feasibility of the proposal and the extent to which the proposal appears reasonable in light of the State's current level of system development and statutory framework;

5) reasonableness of the budget;

6) nature of the proposed expenditures;

7) the reasonableness of the relationship between the proposed activities and the current status of the State system in terms of technical development, legislation, current fiscal demands and future operating costs.

Funding and allowable costs

Funds may be used for the following purposes:

1. Automate and enhance automation of registries. Funds may be used to automate and/or upgrade the automation of the State sex offender registry. Eligible costs also include automating linkage between the registry and law enforcement agencies within the State, and developing and implementing procedures to transfer information to the FBI. Funds may only be used for procedures that are compatible with the FBI system.

2. Improve online access for law enforcement across the State. Funds may be used to create linkage with local radio dispatchers or computerized methods of dissemination as a mean of providing timely access to registry data to officers in the field. Funds may not be used for purchase of individual equipment to be used by law enforcement officers in the field.

3. Support automated input from courts, corrections, and other agencies and entities responsible for transmitting registry data. Funds may be used to automate and develop procedures for automated transmission of data from courts, correctional agencies, and other responsible agencies and entities to the registry. This may entail direct transfer of funds to these components of the criminal justice system. Allowable costs may include in-house automation, but only to the extent that such efforts are directly related to the transmission of sex offender data to the registry. Where funds are requested for automation of court, correctional, or other records, the application should indicate the proportion of activity related to the identification and/or transmission of records for use in the sex offender registry.

4. Develop procedures and software to permit automated input to interim or permanent FBI system. Funds may be used for hardware, software, and development, implementation, and training in procedures to support automated input to the FBI's interim or permanent sex offender registry system.

5. Develop procedures and provide appropriate training to persons responsible for inputting data (including registrants). Funds may be used to purchase equipment and develop/implement technical procedures to facilitate initial or subsequent registration of

offenders. Funds may also be used to develop procedures and train personnel to ensure that complete information is inputted to the system on a timely basis. Funds may also be used to develop procedures to advise registrants of reporting responsibilities and to establish and implement protocols for them to fulfill this requirement.

6. Purchase automated fingerprint equipment and develop procedures and protocols. Funds may be used to purchase equipment, develop procedures, and implement protocols for fingerprinting registrants entering a State system from another jurisdiction (or where otherwise not identifiable within the State). This may include purchase of livescan equipment for local agencies. Where funds are to be used for this purpose, the application should demonstrate that funds can be justified on the basis of geographic, population, traffic or other related factors. Livescan can only be purchased where the State has established an Automated Fingerprint Identification System (AFIS) and either has implemented or is implementing procedures to ensure that the AFIS is compatible with FBI standards.

7. Establish mugshot identification capability. Funds may be used for purchase of equipment and development/implementation of procedures to include mugshots of registrants for use either within the State or for transmission to the FBI at such time as that capability becomes available. Mugshots support community notification and law enforcement use of the registry as a tool for identification and apprehension of suspects. States requesting funds for this use must justify the location of the equipment in terms of geography, population, traffic, and demography and ensure that equipment to be used at the local or county level includes the

capability for transmission of images to the registry for use throughout the State. All equipment and software purchased or developed with funds under the award must be compatible with FBI standards.

8. Review existing records (both manual and automated) to identify previously convicted individuals for inclusion in the registry and/or to develop flagging software to identify qualifying criminal history records. Where consistent with State legislation, funds may be used for review of existing records to identify, flag, and transmit data from records of previously released offenders who qualify for inclusion in the registry. This may include a review of juvenile records where consistent with State law or practice.

9. Establish operating procedures to ensure that data in the registries are accurate and complete. In order for the national registry to be reliable and beneficial to the law enforcement community, data submitted from States must be both accurate and complete. Funds may be used to —

- develop and implement procedures and software
- provide relevant training
- ensure that changes in status are recorded and transmitted to the FBI
- ensure that both the State data and the data at the FBI are accurate, up to date and complete.

10. Evaluate, audit, provide training, and participate at national/regional/local conferences and training sessions. Funds may be used to audit or evaluate current operations or needs, in order to identify necessary system enhancements and/or modifications. Funds may also be used to prepare statistics on

transactions to and from the registry, utilization patterns, or any related information. States must agree to cooperate with BJS and DOJ supported evaluation efforts and with statistical analysis conducted pursuant to other awards made by BJS. Where necessary, funds may be used to meet this requirement.

Funds may also be used to sponsor training programs to support registry operations and to send up to two representatives to two workshops/meetings/conferences focusing on operation of the State or national sex offender registry. Additional funds may be used to support additional participation at meetings with prior BJS approval.

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

The program does not require either "hard" (cash) or "soft" (in-kind) matching funds. Indications of State support, however, may be interpreted as expressions of commitment by the State to the program. Additionally, all applicants must agree to participate in evaluations sponsored by the Federal Government. The NSOR-AP program is intended to support the national sex offender registry by assisting States to develop and enhance State registries that feed into the national system. Costs of regular operating expenditures are not, therefore, covered under the program.

Appendix A

Application and administrative requirements

Application content

All applicants must submit:

- Standard Form 424, Application for Federal Assistance
- Budget Detail Worksheet (replaced the SF 424A, Budget Information)
- OJP Form 4000/3 (Rev. 1-93), Program Narrative and Assurances
- OJP Form 4061/6 Certification Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; Drug-Free Workplace Requirements.
- OJP Form 7120/1 (Rev. 1-93), Accounting System and Financial Capability Questionnaire (to be submitted by applicants who have not previously received Federal funds).

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

Application Coordinator
Bureau of Justice Statistics
810 Seventh Street, N.W.
Washington, DC 20531
Phone: (202) 616-3500

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

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

Budget narrative. The budget narrative should detail costs included in each budget category for the Federal and the non-Federal (in-kind and cash) share. The purpose of the budget narrative is to relate items budgeted to project activities and to provide justification and explanation for budget items, including criteria and data used to arrive at the estimates for each budget category. The budget narrative should also indicate amounts to be made available to agencies other than the grant recipient (for example, the agency with responsibility for Computerized Criminal History (CCH) records, the courts, local agencies.) The following information is provided to assist the applicant in developing the budget narrative.

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

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

c. Travel category. Itemize travel expenses of project personnel by purpose (e.g., faculty to training site, field interviews, advisory group meetings, etc.) and show basis or computation (e.g., "Five trips for x purpose at \$80 average cost--\$50 transportation and two days per diem at \$15" or "Six people to 30-day meeting at \$70 transportation and \$45 subsistence.") In training projects where travel and subsistence for trainees is included, this should be separately listed indicating the number of trainees and the unit costs involved.

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

(2) Applicants should consult such references as the *Official Airline Guide* and the *Hotel and Motel Redbook* in projecting travel costs to obtain competitive rates.

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

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

f. Contractual category. State the selection basis for any contract, subcontract, prospective contract, or prospective subcontract (including construction services and equipment). Please note applications that include noncompetitive contracts for the provision of specific services must contain a sole source justification for any procurement in excess of \$100,000.

For individuals to be reimbursed for personal services on a fee basis, list by name or type of consultant or service, the proposed fee (by day,

week, or hour) and the amounts of time to be devoted to such services.

For construction contracts and organization (including professional associations and education institutions performing professional services), indicate the type of service to be performed and the estimated contract cost data.

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

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

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

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

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

Program narrative. All applications must include a program narrative that fully describes the expected design and implementation of the proposed program. OJP Form 4000/3 (Rev. 1-93) provides additional detailed instructions for preparing the program narrative.

The narrative should include a time line of activities indicating, for each proposed activity, the projected duration of the activity, expected completion date, and any products expected.

The application should include a description of the roles and responsibilities of key organizational and/or functional components involved in project activities; and a list of key personnel responsible for managing and implementing the major elements of the program.

Assurances. OJP Form 4000/3 (Rev 1-93) must be included in the application submission. If submitting this form separate from the SF-424, the applicant must sign and date the form to certify compliance with the Federal statutes, regulations, and requirements as cited.

Certification Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace. Applicants should refer to the regulations cited in OJP Form, 4061/6 to determine the certification to which they are required to attest. A copy of OJP Form 4061/6 can be obtained from the BJS Application Coordinator. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 C.F.R. Part 69, "New Restrictions on Lobbying," and 28

C.F.R. Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the U.S. Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

Financial and administrative requirements

Discretionary grants are governed by the provisions of OMB Circulars applicable to financial assistance. The circulars, in addition to the OJP Financial Guide, are available from the Office of Justice Programs. This guideline manual is intended to assist grantees in the administration of funds and includes information on allowable costs, methods of payment, Federal rights of access to records, audit requirements, accounting systems, and financial records.

Complete and accurate information is required relative to the application, expenditure of funds, and program performance. The consequences of failure to comply with program guidelines and requirements will be determined at the discretion of the Department.

Civil rights obligations

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

No person in any State shall on the ground of race, color, religion, national origin, or

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

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

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

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

Audit requirement

In October 1984, Congress passed the Single Audit Act of 1984. On April 12, 1985, the Office of Management and Budget issued Circular A-128, "Audits of State and Local Governments" which establishes regulations to implement the Act. OMB Circular A-128, "Audits of State and Local Governments," outlines the requirements for organizational audits which apply to BJS grantees.

Disclosure of Federal participation

Section 8136 of the Department of Defense Appropriations Act (Stevens Amendment), enacted in October 1988, requires that, "when issuing statements, press releases for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, shall clearly state —

- (1) the percentage of the total cost of the program or project which will be financed with Federal money, and
- (2) the dollar amount of Federal funds for the project or program."

Intergovernmental review of Federal programs

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

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

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

Appendix B
Application forms

Appendix A

Application and administrative requirements

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c. Travel category. Itemize travel expenses of project personnel by purpose (e.g., faculty to training site, field interviews, advisory group meetings, etc.) and show basis or computation (e.g., "Five trips for x purpose at \$80 average cost--\$50 transportation and two days per diem at \$15" or "Six people to 30-day meeting at \$70 transportation and \$45 subsistence.") In training projects where travel and subsistence for trainees is included, this should be separately listed indicating the number of trainees and the unit costs involved.

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The narrative should include a time line of activities indicating, for each proposed activity, the projected duration of the activity, expected completion date, and any products expected.

The application should include a description of the roles and responsibilities of key organizational and/or functional components involved in project activities; and a list of key personnel responsible for managing and implementing the major elements of the program.

Assurances. OJP Form 4000/3 (Rev 1-93) must be included in the application submission. If submitting this form separate from the SF-424, the applicant must sign and date the form to certify compliance with the Federal statutes, regulations, and requirements as cited.

Certification Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace. Applicants should refer to the regulations cited in OJP Form, 4061/6 to determine the certification to which they are required to attest. A copy of OJP Form 4061/6 can be obtained from the BJS Application Coordinator. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 C.F.R. Part 69, "New Restrictions on Lobbying," and 28

C.F.R. Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the U.S. Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

Financial and administrative requirements

Discretionary grants are governed by the provisions of OMB Circulars applicable to financial assistance. The circulars, in addition to the OJP Financial Guide, are available from the Office of Justice Programs. This guideline manual is intended to assist grantees in the administration of funds and includes information on allowable costs, methods of payment, Federal rights of access to records, audit requirements, accounting systems, and financial records.

Complete and accurate information is required relative to the application, expenditure of funds, and program performance. The consequences of failure to comply with program guidelines and requirements will be determined at the discretion of the Department.

Civil rights obligations

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

No person in any State shall on the ground of race, color, religion, national origin, or

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

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

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

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

Audit requirement

In October 1984, Congress passed the Single Audit Act of 1984. On April 12, 1985, the Office of Management and Budget issued Circular A-128, "Audits of State and Local Governments" which establishes regulations to implement the Act. OMB Circular A-128, "Audits of State and Local Governments," outlines the requirements for organizational audits which apply to BJS grantees.

Disclosure of Federal participation

Section 8136 of the Department of Defense Appropriations Act (Stevens Amendment), enacted in October 1988, requires that, "when issuing statements, press releases for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, shall clearly state —

- (1) the percentage of the total cost of the program or project which will be financed with Federal money, and
- (2) the dollar amount of Federal funds for the project or program."

Intergovernmental review of Federal programs

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

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

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

Appendix B

Application forms

The Application forms are not included in this file. Applications for NCHIP grants are accepted only from the single State agency that is designated by the Governor to coordinate the distribution of funds within the State. The due date is April 15, 1998