

## Department of Justice

## § 33.20

### § 33.3 OMB approval of information collection requirements.

The information collection requirements in this subpart A have been approved by the Office of Management and Budget under control no. 1121-0113.

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

#### ELIGIBLE APPLICANTS

### § 33.10 State government.

All states are eligible to apply for and receive block grants. Section 404 of the Act. State, as defined in the statute, means any state of the United States and includes the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands. Section 901(a)(2) of the Act.

### § 33.11 Units of local government.

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

(b) If the Bureau determines, during any fiscal year, that a portion of the funds allocated to a state will not be required, or that a state will be unable to qualify and receive funds, or that a state chooses not to participate in the program, then the Bureau shall award the funds allocated to the state directly to urban, rural, and suburban units of local government or combinations thereof within the state, giving priority to those jurisdictions with the greatest need. Section 407(d) of the Act.

### § 33.12 Establishment of State Office.

(a) Section 408(a) of the Act provides that the chief executive of each participating state shall designate a State Office for the purposes of:

(1) Preparing an application to obtain funds; and

(2) Administering funds received from the Bureau of Justice Assistance, including receipt, review, processing, monitoring, progress and financial re-

port review, technical assistance, grant adjustments, accounting, auditing, and fund disbursements.

(b) An office or agency performing other functions within the state's executive branch may be designated as the State Office. Section 408(b) of the Act.

#### ALLOCATION OF FUNDS

### § 33.20 Fund availability.

Section 407(a) of the Justice Assistance Act provides that 80 percent of the total amount appropriated for part D (block grants) and part E (discretionary grants) shall be allocated for block grants.

(a) *Allocation to States.* Each participating state shall receive a base amount of \$250,000 with the remaining funds allocated to each state on the basis of the state's relative share of total U.S. population. Section 407(a) of the Act. If a state does not elect to participate in the Act, the states allocation shall be awarded by the Bureau directly to local units of government and combinations of units of local government within the state. Section 407(d) of the Act.

(b) *Allocation of funds within the State.*  
(1) Funds granted to the state are further subgranted by the state to state agencies and units of local government to carry out programs and projects contained in an approved application. Each state shall distribute to its local units of government, in the aggregate, a portion of the state's block grant funds equal to the local government share of total state and local criminal justice expenditures. Section 407(b) of the Act. In determining the portion to be distributed to local units, the most recent and complete data available from the Bureau of Justice Statistics of the U.S. Department of Justice shall be used unless the use of other data has been approved in advance by the Bureau of Justice Assistance.

(2) To request approval of a distribution ratio other than that based on data of the Bureau of Justice Statistics, the head of the State Office must certify in writing to the Bureau of Justice Assistance that the ratio it proposes is a correct reflection of the local share of total state and local criminal justice expenditures and that the state

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has notified its major local governments of the request and informed them of the opportunity to contact the Bureau within 30 days, if they have any objections. The written request must also cite the expenditure data used to substantiate the proposed change.

(c) *Allocation based on greatest need.* In distributing funds among urban, rural, and suburban units of local government, the state shall give priority to those jurisdictions with the greatest need. Section 407(b)(2) of the Act.

#### § 33.21 Match.

(a) Funds may be used to pay up to 50 percent of the cost of a program or project. Section 403(b)(1) of the Act. The remaining non-Federal share shall be in cash. Section 403(b)(2) of the Act. Match will be provided on a project by project basis. However, states may request the Bureau to approve exceptions such as match on a program by program basis, state-wide basis, unit-of-government basis, or a combination of the above. States must include any requests for approval of other than project-by-project match in their applications to the Bureau.

(b) Funds subgranted to an Indian tribe which performs law enforcement functions (as determined by the Secretary of the Interior) shall be used to pay 100 percent of the cost of a program or project. Section 403(b)(1) of the Act.

#### § 33.22 Title to personal property.

Section 808 of the Justice Assistance Act provides that notwithstanding any other provision of law, title to all expendable and nonexpendable personal property purchased with funds made available under this title, including property with funds made available under this title as in effect before the effective date of the Justice Assistance Act of 1984, shall vest in the criminal justice agency or nonprofit organization that purchased the property if it certifies to the State Office that it will use the property for criminal justice purposes. If such certification is not made, title to the property shall vest in the State Office, which shall seek to have the property used for criminal justice purposes elsewhere in the state prior to using it or disposing of it in

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any other manner. If a State Office does not exist, certification will be made directly to the Bureau of Justice Assistance.

#### § 33.23 Limitations on fund use.

In order to insure the most efficient and effective use of grant funds, the Justice Assistance Act places restrictions on the award of block monies for routine equipment, personnel costs, construction, supplanting of state and local funds, and land acquisition.

(a) *Equipment and hardware.* The purchase or acquisition of equipment or hardware with grant funds is prohibited unless the purchase or acquisition is an incidental and necessary part of a program. Section 406(c)(1) of the Act.

(b) *General salaries and personnel costs.* Payment of personnel costs with grant funds is prohibited unless the costs are an incidental and necessary part of a program. Section 406(c)(1) of the Act. Programs which have as their primary purpose the payment of usual salaries paid to employees generally, or to specific classes of employees within a jurisdiction, are prohibited. Notwithstanding the above, grant funds may be used to compensate personnel for time engaged in conducting or undergoing training programs or the compensation of personnel engaged in research, development demonstration, or short-term programs. Section 406(c)(2) of the Act.

(c) *Construction.* Construction projects are prohibited. Section 406(c)(3) of the Act.

(d) *Land acquisition.* Acquisition of land with grant funds is prohibited. Section 406(c)(3) of the Act.

(e) *Ineffective programs.* The use of grant funds is prohibited for programs or projects which, based upon evaluations by the National Institute of Justice, Bureau of Justice Assistance, Bureau of Justice Statistics, state or local agencies, and other public or private organizations, have been demonstrated to offer a low probability of improving the functioning of the criminal justice system. The Bureau of Justice Assistance will formally identify ineffective programs by notice in the FEDERAL REGISTER after opportunity for public comment. Section 406(c)(4) of the Act.