

Department of Justice

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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 (EEOP) in accordance with 28 CFR 42.301 *et. seq.*, submit a certification to the state that

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

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information and guidance are contained in "Financial and Administrative Guide for Grants," Guideline Manual 7100.1, available from the Office of Justice Programs. This Guideline Manual provides information on cost allow-ability, methods of payment, audit, ac-counting 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 ac-tivities on a periodic basis. For addi-tional information on audit require-ments, 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, na-tional origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connec-tion with any programs or activity funded in whole or in part with funds made available under this title." Sec-tion 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 or-ganizations.

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

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

28 CFR Ch. I (7-1-05 Edition)

SUBMISSION AND REVIEW OF APPLICATIONS

§ 33.60 General.

This subpart describes the process and criteria for Bureau of Justice As-sistance review and approval of state applications and amendments.

§ 33.61 Review of State applications.

(a) *Review criteria.* The Act provides the basis for review and approval or disapproval of state applications and amendments in whole or in part. These are:

(1) Compliance with the statutory re-quirements of the Justice Assistance Act and the regulations of the Bureau of Justice Assistance. Section 406(a)(1) of the Act.

(2) Compliance with Executive Order 12372, "Intergovernmental Review of Federal Programs." This program is covered by Executive Order 12372 and Department of Justice Implementing regulations 28 CFR part 30. States must submit block grant applications to the state "Single Point of Contact", if there is a "Single Point of Contact", and if this program has been selected for coverage by the state process, at the same time applications are sub-mitted to the Bureau of Justice Assis-tance. State processes have 60 days starting from the application submis-sion date to comment on applications. Applicants should contact their state "Single Point of Contact" as soon as possible to alert them of the prospec-tive application and receive instruc-tions regarding the process.

(b) *Sixty day rule.* The Bureau of Jus-tice Assistance shall approve or dis-approve applications or amendments within sixty (60) days of official re-ceipt. The application or amendment shall be considered approved unless the Bureau of Justice Assistance informs the applicant in writing of specific rea-sons for disapproval prior to the expi-ration of the 60-day period. Applica-tions that are incomplete, as deter-mined by the Bureau of Justice Assis-tance, shall not be considered officially received for purposes of the 60-day rule. Section 406(a)(2) of the Act.

(c) *Written notification and reasons for disapproval.* The Bureau of Justice As-sistance shall notify the applicant in