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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

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writing of the specific reasons for the disapproval of the application or amendment, in whole or in part. Section 406(a)(2) of the Act.

(d) *Affirmative finding.* The Bureau of Justice Assistance, prior to approval of the application or amendments, must make an affirmative finding in writing that the program or project has been reviewed in accordance with section 405 of the Act and is likely to contribute effectively to the achievement of the objectives of the Act. Section 406(a)(2) of the Act.

REPORTS

§ 33.70 Annual performance report.

(a) Section 405 of the Justice Assistance Act requires that the state, or a local unit of government in the case of a non-participating state, submit annually to the Bureau of Justice Assistance a performance report (including an assessment of impact) concerning the activities carried out under the grant. These performance reports will provide the basis for the annual report from the Bureau to the President and the Congress as required by section 810 of the Act.

(b) The performance report will describe the activities undertaken and results achieved of each project funded. It will include the data gathered on the approved performance indicators. The report is due to the Bureau by no later than December 31 and must cover projects for the prior Federal fiscal year that have either been completed or been in operation for 12 months or more. The first performance report shall be due to the Bureau by December 31, 1986.

(c) In order to help states and localities prepare these performance reports, the Bureau will provide data collection forms and instructions that will enable information to be gathered and reported in the most convenient manner possible. These forms and instructions will be developed in consultation with states and localities.

§ 33.71 Initial project report.

States are required to provide to the Bureau of Justice Assistance within 30 days after the award of a subgrant, an initial project report which provides

information on the subgrant recipient (name, address, contact person), the subgrant period, the type of award (new or renewal), the subgrant funding level, and the general target area (geographic area, population group) to be impacted. The Bureau of Justice Assistance will provide a form to assist the states in reporting this information.

SUSPENSION OF FUNDING

§ 33.80 Suspension of funding.

The Bureau of Justice Assistance shall, after reasonable notice and opportunity for a hearing on the record, terminate or suspend funding for a state that implements programs or projects which fail to conform to the requirements or statutory objectives of the Act, or that fails to comply substantially with the Justice Assistance Act, these regulations or the terms and conditions of its grant award. Hearing and appeal procedures are set forth in Department of Justice regulations 28 CFR part 18.

Subpart B—Bulletproof Vest Partnership Grant Program Applying for the Program

SOURCE: 63 FR 50761, Sept. 23, 1998, unless otherwise noted.

§ 33.100 Definitions.

The Bureau of Justice Assistance (BJA) will use the following definitions in providing guidance to your jurisdiction regarding the purchase of armor vests under the Bulletproof Vest Partnership Grant Act of 1998—

(a) The term *program* will refer to the activities administered by BJA to implement the Bulletproof Vest Partnership Grant Act of 1998;

(b) The terms *you* and *your* will refer to a jurisdiction applying to this program;

(c) The term *armor vest* under this program will mean a vest that has met the performance standards established by the National Law Enforcement and Corrections Technology Center of the National Institute of Justice (NIJ) as published in NIJ Standard 0101.03, or any formal revision of this standard;