

**Edward Byrne Memorial State and
Local Law Enforcement Assistance Program**

Formula Grant Program

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GENERAL INFORMATION

Eligible Applicants

This funding source is allocated by formula only to states, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the U.S. Virgin Islands, Guam, and American Samoa. Throughout this document, these entities are referred to simply as states (Sec. 502).*

Designation of Administering Agencies

In each state, the Governor or chief executive designates a state agency to apply for and administer these funds (Sec. 507). Throughout this document, these agencies are referred to simply as SAAs (state administering agencies).

Allocation Method

Of the amount available for formula grants, each state will receive a base amount of 0.25 percent or \$500,000, whichever is greater. The remainder is divided among the states based on population (Sec. 506(a)).

Note: American Samoa and the Northern Mariana Islands together receive the allocation of one state, with 67 percent going to American Samoa and 33 percent going to the Northern Mariana Islands. (Sec. 901(a)(2))

***Statutory References**

There are legal references throughout this document. They generally refer to the enabling legislation for the Byrne Program, Title I of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3711 et seq.

BUDGET CONSIDERATIONS

There are several considerations in designing the budget for the Byrne Program.

Administrative Funds

Of the amount awarded to a state, the SAA may use up to 10 percent for costs associated with administering these funds. Such types of expenses might include salaries and fringe benefits for agency heads, planners, fiscal officers, statistical analysis center personnel (if part of the SAA by employment or contract), grant managers and monitors, and clerical staff, but only for the portion of time they spend on administering these funds. Funds also may be used for other administrative expenses associated with the program such as travel, training, supplies, equipment, and distribution of documents (Sec. 504(b)).

Pass-Through Requirement

The Act requires that an SAA pass through a certain amount of funds to local units of government. Furthermore, it sets out that the amount is to be determined by assessing the percentage of state funding as compared to local funding for criminal justice. These assessments are done by the Bureau of Justice Statistics (BJS), and the information is then provided to each state. If an SAA believes these assessments to be in error, the SAA may appeal the percentage by providing alternate, verifiable data that rebut BJS's conclusions (Sec. 506(b)).

Link: BJS data www.albany.edu/sourcebook/1995/pdf/t15.pdf

The pass-through requirement is a minimum level of funding for local governments, not a ceiling. An SAA is free to pass through as much of its Byrne Award over that amount that it chooses. To calculate the pass-through, subtract administrative funds from the award and then multiply that amount by the pass-through percentage.

Waiver of Pass-Through

If the SAA wishes to fund a project that will be administered by the state but benefit local governments, then this project may be considered part of the pass-through amount if each local jurisdiction that benefits voluntarily signs a waiver. There is no specific format for this waiver, but it should certify that the local jurisdiction understands that the funds in question are set aside for local government use, believes that this program is for local benefit, and understands funding at the state level is a convenience to local government.

Match Requirements

Of the funds expended under this program, no more than 75 percent may be federal, with the remaining 25 percent in match from other allowable sources (Sec 504(a)). The matching requirements for American Samoa, the Northern Mariana Islands, Guam, the U.S. Virgin Islands, and Native American Tribes with law enforcement functions that the Federal Government recognizes are waived (48 U.S.C.

1469a).

- SAAs may impose this matching requirement on a project-by-project basis, with each subgrant required to commit to a 25 percent match, or the SAA may vary this matching requirement so that overall the matching requirement is met.
- The SAA must commit to this matching requirement to receive funds. If all matching funds are not committed, BJA will reduce the overall grant award to compensate for the shortage.
- Federal and matching funds are subject to identical allowable expenditures and all other financial rules.
- Matching funds cannot supplant other funds. (See Supplanting)
- The SAA should avoid placing funds other than those strictly required by the grant in the application budget. Any funds listed on the SAA's grant budget, including overmatch, are subject to federal rules and federal audits.

The rules listed here are not exhaustive. For more information, consult the *OJP Financial Guide*.

Link: *OJP Financial Guide* www.ojp.usdoj.gov/FinGuide/

Criminal Justice Records Improvement Set Aside

The Act requires the SAA to set aside 5 percent of its grant funds to improve criminal justice records in its state (Sec. 509(a)). These funds must be spent on programs that promote:

- completion of criminal histories to include the final disposition of all arrests for felony offenses;
- full automation of all criminal justice histories and fingerprint records;
- frequent submission and improved quality of criminal history reports to the FBI;
- improvement of state record systems and the sharing of all records described above with the Attorney General; and
- improvement of state records systems, the sharing of all the records described above, and the child abuse crime records required under the National Child Protection Act of 1993 (42 U.S.C. 5119 et seq).

The Act also allows the Bureau of Justice Assistance's (BJA) Director to waive this requirement under

certain circumstances. Such requests for waivers should be addressed to the BJA Director and forwarded to the appropriate BJA Program Manager. These requests should describe why this allocation is not needed for Criminal Justice Records Improvement (Sec. 509(d)).

Supplanting

Grant funds, which include matching funds, may not be used to replace state or local funds that would, in the absence of federal assistance, be available or forthcoming for law enforcement. Instead, grant funds must be used to increase the total amount of such other funds the grantee agency uses.

A grant recipient may not use federal grant funds to defray any costs that the recipient is already obligated to pay. For example, if a grantee, prior to applying to participate in the grant program, had committed to purchase 10 new computers for crime analysis, then the grantee must purchase those 10 computers in addition to any computers requested for the grant program (Sec. 503(a)(3)).

APPLICATION PROCESS

Online Application

As of fiscal year 2003, the Byrne Program application process is online. As a result, applicants will no longer need to complete the usual forms and can simply upload attachments such as the Byrne Strategy. To apply, register at the Office of Justice Programs' online Grant Management System (GMS) (<http://grants.ojp.usdoj.gov>) and follow the instructions. Each SAA's BJA Program Manager is available to answer any questions regarding this system. This system will be available once the President signs the Commerce, Justice, and State Appropriations Act and BJA informs the SAAs that the application period has begun.

Link: For more information about GMS, go to www.ojp.usdoj.gov/fundopps.htm.

When to Apply

Applications are due 60 days after the President signs the Commerce, Justice, and State Appropriations Act (Sec. 503(a)). If the Act is delayed, then BJA may allow states to apply for a portion of funds as allowed by a Continuing Resolution for the federal budget. BJA will notify each SAA via e-mail when the appropriations act is signed.

State Application Reviews

The SAA must make both the grant application and strategy available for review at the state level to the State Single Point of Contact (SPOC), State Legislature, and public. All three requirements are satisfied by the SAA submitting a certification that assures BJA that the SAA has met them.

- **State Single Point of Contact.** If a state has such a contact, the state should submit its application to the SPOC at the same time it submits its application to BJA.

Link: Executive Order 12372, Intergovernmental Review of Federal Programs
www.archives.gov/federal_register/codification/executive_order/12372.html

- **State Legislature.** The SAA must also submit the application to the state legislature at the same time or before it submits its application to BJA. The SAA must allow the legislature at least 30 days to comment and, if comments are received, consider the comments when requesting changes to the existing application (Sec. 503(a)(4)).
- **Public Notice.** The SAA must allow for public comment, using whatever form it deems appropriate. Possible methods include placing a publication on the Internet, posting notices in the state register or in newspapers, or holding a public advisory board meeting (Sec. 503(a)(5)).

BJA Application Review

From the date that BJA determines it has all of the needed information to make a state application complete, BJA has 45 days to determine if the application will be awarded. If BJA passes this 45-day period, then the SAA may assume that its application is to be awarded in full (Sec 505 (b)). If BJA does choose to deny all or part of an application, it will provide the SAA with written reasons (Sec. 505(d)).

Grant Awards

When a grant is awarded, the SAA will receive a grant award notification, which must be signed and returned before funds can be drawn down. These notices will be sent to the SAA after members of Congress have been notified about the grant award. BJA will also notify the Governor and all U.S. Attorneys in the state at this time.

In addition, BJA may place special conditions on a grant. Some of these special conditions are simply informative in nature, alerting the SAA to grant requirements. Other conditions may require some action on the SAA's part; sometimes, funds will be held until the condition is satisfied. In these cases, the condition clearly explain this. When the SAA completes the requirements for this type of condition, BJA will issue the SAA a grant adjustment notice.

Length of Grants

All awards under the Byrne Program are for 4 years. Extensions beyond this point may be made on a case-by-case basis and will require unusual circumstances.

THE STATE BYRNE PROGRAM STRATEGY

The Act requires SAAs to develop a statewide strategy for drug and violent crime control programs that intend to improve the functioning of the criminal justice system, with an emphasis on drug trafficking, violent crime, and serious offenders.

Strategy Timeframe and Updates

This requirement is accomplished through a 4-year strategy the SAA develops to outline the programs it will fund with the Byrne grant and provide data and explanations of the need for those programs. The first full strategy under this format is due along with the application 60 days after the President signs the Fiscal Year 2004 Commerce, Justice, and State Appropriations Act. This means that it will most likely be due in early 2004. Full strategies will then be due each fourth year after that (e.g., 2008, 2012).

In the years between full strategy submissions, the SAA is required to update BJA on its strategy, which can be accomplished either through a letter telling BJA that there are no changes to report or through a more detailed update. If the SAA wishes to update the strategy, it can either provide a fully updated strategy or can simply inform BJA of the changes using the same headings as the Strategy (see Strategy Format). If a detailed update is provided, then the SAA must also submit a new executive summary.

Strategy Format

The Strategy must be constructed using the following format:

- I. Executive Summary.
- II. Data and Analysis.
- III. Resource Needs.
- IV. Priorities and the National Drug Control Strategy.
- V. Selected Programs.
- VI. Coordination Efforts.

I. Executive Summary

This portion of the strategy is used to provide information to Congress and others interested in a state's activities. As a result, it need not be long, but the SAA should provide a general summary of the strategy.

II. Data and Analysis

In this section, the SAA should provide any data that support the need for the programs selected for funding under the Byrne Program. This discussion might include estimates of the availability of different types of drugs, major sources of drugs, violent crime trends, or any other information that supports the funding decisions. In doing so, the SAA should provide some information for at least a small selection of specific population centers that have major drug or violent crime problems to be addressed through Byrne programs (Sec. 503 (a)(1)(A)).

It is not necessary for the SAA to provide data that support a Criminal Justice Records Improvement Program.

Useful Links for Data:

Office of National Drug Control Policy, State and Local Profiles:

www.whitehousedrugpolicy.gov/statelocal/index.html

FBI's Uniform Crime Reports: www.fbi.gov/ucr/00cius.htm

Crime and Justice Data Online: <http://149.101.22.40/dataonline/>

Bureau of Justice Statistics: www.ojp.usdoj.gov/bjs/

III. Resource Needs

After setting out the problems through data and analysis, the SAA should use this section to describe in general the resources the state uses to address them and then describe the gaps in those resources that need to be filled. In doing so, the SAA should provide any relevant discussion on the difficulty in providing these resources without Byrne funding (Sec. 503(a)(1)(D)).

IV. Priorities and the National Drug Control Strategy

The Act requires that a State Strategy shows the relationship of its priorities to the National Drug Control Strategy (Sec. 503 (a)(1)(F)). For this section, the SAA should consult the National Strategy and determine which of the priorities included are also priorities for the Byrne Strategy. To meet this requirement, the SAA must set out the priorities for Byrne Funding and under each list the national priorities that tie to each (Sec. 503(a)(1)(F)).

The section on Selected Programs (see below) will ask the SAA to connect these priorities to each Byrne program.

Link: National Drug Control Strategy

www.whitehousedrugpolicy.gov/publications/policy/03ndcs/index.html

V. Selected Programs

In this section, the SAA should set out each of the programs that it plans to fund using Byrne funds. A program is not an individual subgrant but a more general statement identifying a solution to address identified problems (Sec. 506(c)).

The SAA should use the following format in this section:

- I. Name of the program.
- II. Date BJA approved the program, if previously approved.
- III. List of the identified national priorities that connect to this program.
- IV. List of the Byrne purpose areas that connect to this program.
- V. Description of the program.
- VI. List of the performance measures that will be collected related to this program.
- VII. The evaluation target date for completion or a request for waiver for the evaluation component.
(See Waiver Requests)

VI. Coordination Efforts

In this section, the SAA should discuss how the Byrne funds connect with or are coordinated with other federal programs and funding sources or plans for how this coordination will happen in future. If relevant, this should include a discussion of coordination efforts with drug abuse education, treatment, and prevention programs. The SAA also may include a discussion of coordination efforts with nonfederal programs (Sec. 503(a)(1)(C)).

SUBGRANTING BYRNE FORMULA GRANT FUNDS

Funding Timelines—The 45-Day Rule

The statute specifically allows the SAA only 45 days to decline an application made by a local unit of government or a combination of local governments. While this does not mean that an SAA must actually issue an award within that 45 days, it does mean that an application is considered approved if the SAA does not send a denial letter within the 45 days (Sec. 508 (a)).

The 45 days begin on the day that the SAA receives *all* of the information it needs to process an award. As a result, if it is the SAA's practice to send applicants information that describes deficiencies in an application, the 45-day clock does not begin until the SAA receives all of the requested information, clarification, or documents.

In addition, in the unusual situation that the SAA's Byrne grant is delayed for any reason, the 45-day clock would not begin for any applications the SAA has already received until the day the SAA receives its award from BJA (Sec. 508 (b)).

Eligible Subgrant Applicants

The SAA may subgrant Byrne Program funds to state governments, local units of government, and Native American Tribes with law enforcement functions that the Federal Government recognizes (Sec. 501(b)).

Approval of Programs To Be Funded

If during the 4-year life of a Strategy or in between updates an SAA wishes to add a new program under which it will award grants, the SAA may complete a Program Request and send the form to its BJA Program Manager for review and approval. The SAA should use the same format used in the Strategy (see Selected Programs). When the new program is approved, the BJA Program Manager will forward an e-mail to the SAA within 10 working days of the request (Sec. 506(c)).

Length of Funded Projects

The statute imposes a maximum number of 4 years of funding for most Byrne-funded projects. The only exceptions are multijurisdictional drug task forces, multijurisdictional gang task forces, victims assistance programs, and projects funded under the Criminal Justice Records Improvement Program. While BJA will not routinely ask for documentation of this requirement, the SAA should keep appropriate records on file that demonstrate compliance (Sec. 504(f)).

Fiscal and Administrative Monitoring

Throughout the life of any Byrne-funded grant to a state, both BJA and the Office of the Comptroller may conduct either onsite or desk reviews of the grant. As a result, it is important for SAAs to maintain

well-organized records that relate to the grant program.

Governing Directives

While this guidance is intended to provide SAAs with the major requirements of administering the Byrne program, the grants are governed by a variety of federal laws, rules, and guidance. They are:

- 42 U.S.C. 3711 et seq (Title 1 of the Omnibus Crime Control and Safe Streets Act of 1968) <http://www.usdoj.gov/crt/split/42usc3789d.htm>
- *OJP Financial Guide*: www.ojp.usdoj.gov/FinGuide/
- OMB Circular A-102 “Grants and Cooperative Agreements with State and Local Governments,” revised October 7, 1994: www.whitehouse.gov/omb/circulars/a102/a102.html
- OMB Circular A-21 “Cost Principles for Educational Institutions,” revised April 26, 1996 (codified at 28 CFR Part 66, by reference): www.whitehouse.gov/omb/circulars/a021/a021.html
- OMB Circular A-87 “Cost Principles for State, Local, and Indian Tribal Governments,” revised May 4, 1995 (codified at 28 CFR Part 66, by reference): www.whitehouse.gov/omb/circulars/a087/a087.html
- OMB Circular A-133 “Audits of States, Local Governments and Nonprofit Institutions,” revised June 30, 1997 (codified at CFR Part 66 & Part 70): www.whitehouse.gov/omb/circulars/a133/a133.html

Allowable Purpose Areas

The Act authorizes grants under the Byrne Program to enforce state and local laws and to improve the functioning of the justice system, with an emphasis on violent crime and serious offenders. Grants can provide additional personnel, equipment, supplies, training, technical assistance, and information systems in any of the following purpose areas (Sec. 501(b)):

1. Demand-reduction education programs in which law enforcement officers participate.
2. Multijurisdictional task force programs that integrate federal, state, and/or local drug law enforcement agencies and prosecutors for the purpose of enhancing interagency coordination and intelligence and facilitating multijurisdictional investigations.
3. Programs to target the domestic sources of controlled and illegal substances, such as precursor chemicals, diverted pharmaceuticals, clandestine laboratories, and cannabis cultivations.

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4. Providing community and neighborhood programs that assist citizens in preventing and controlling crime, including special programs that address the problems of crimes committed against the elderly and special programs in rural jurisdictions.
5. Programs to disrupt illicit commerce in stolen goods and property.
6. Improving the investigation and prosecution of white-collar crime, organized crime, public corruption, and fraud against the government, with priority attention to cases involving official corruption.
7.
 - a. Improving the operational effectiveness of law enforcement through the use of crime analysis techniques, street sales enforcement, schoolyard violator programs, and gang-related and low-income housing drug control programs.
 - b. Programs to develop and implement antiterrorism plans for deep-draft ports, international airports, and other important facilities.
8. Career criminal prosecution programs, including the development of model drug control legislation.
9. Financial investigative programs to identify money laundering operations and assets obtained through illegal drug trafficking, including the development of model legislation, financial investigative training, and financial information-sharing systems.
10. Improving the operational effectiveness of the court process by expanding prosecutorial, defender, and judicial resources and implementing court-delay reduction programs.
11. Programs to improve the corrections system and provide additional public correctional resources, including treatment in prisons and jails, intensive supervision programs, and long-range corrections and sentencing strategies.
12. Prison industry projects to place inmates in a realistic working and training environment that enables them to develop marketable skills and to make financial payments for restitution to their victims, for support of their own families, and for support of themselves in the institution.
13. Programs to identify and meet the treatment needs of adult and juvenile drug- and alcohol-dependent offenders.

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14. Programs to provide assistance to jurors, witnesses, and victims of crime (other than compensation).
15.
 - a. Programs to improve drug control technology, such as pretrial drug testing programs; programs that provide for the identification, assessment, referral to treatment, case management, and monitoring of drug-dependent offenders; and programs that enhance state and local forensic laboratories.
 - b. Criminal justice information systems (including automated fingerprint identification systems) to assist law enforcement, prosecution, courts, and corrections organizations.
16. Programs to demonstrate innovative approaches to enforcement, prosecution, and adjudication of drug offenses and other serious crimes.
17. Programs to address drug trafficking and the illegal manufacture of controlled substances in public housing.
18. Programs to improve the criminal and juvenile justice system's response to domestic and family violence, including spouse abuse, child abuse, and elder abuse.
19. Programs with which states and local units of government can evaluate state drug control projects.
20. Programs to provide alternatives to detention, jail, and prison for persons who pose no danger to the community.
21. Programs to strengthen urban enforcement and prosecution efforts targeted at street drug sales.
22. Programs for prosecution of driving-while-intoxicated charges and enforcing other laws relating to alcohol use and the operation of motor vehicles.
23. Programs to address the need for effective bindover systems for prosecuting violent 16- and 17-year-old juveniles in courts with jurisdiction over adults. (The crimes are specified.)
24. Law enforcement and prevention programs for gangs and youth who are involved or are at risk of gang involvement.
25. Programs to develop or improve forensic laboratory capability to analyze DNA for identification purposes.

26. Programs to develop and implement anti-terrorism training and procure equipment for local law enforcement authorities.
27. Programs to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.
28. Programs to enforce child abuse and neglect laws, including laws protecting against child sexual abuse, and promoting programs designed to prevent child abuse and neglect.
29. Programs to establish or support cooperative programs between law enforcement and media organizations to collect, record, retain, and disseminate information useful in the identification and apprehension of suspected criminal offenders.

Confidential Subgrants

In some rare cases, it may be necessary to award a subgrant for a specific undercover law enforcement operation. In such cases and if it is needed, the SAA may award such a grant and only report to BJA that a confidential award has been made and the amount of that award. Later, when confidentiality is no longer an issue, the SAA must update its information with BJA by reporting all required information for a subgrant.

Funding Rules and Unallowable Expenses

The SAA staff responsible for the Byrne Program must read and have a working knowledge of the *OJP Financial Guide*, including the portion on Allowable Costs and Unallowable Costs.

Links:

OJP Financial Guide: www.ojp.usdoj.gov/FinGuide/

Allowable Costs: www.ojp.usdoj.gov/FinGuide/part3-ch7.htm

Unallowable Costs: www.ojp.usdoj.gov/FinGuide/part3-ch16.htm

Listed below are some of the other rules of interest:

- Formula grant funds may be used for confidential purchases of evidence and information, such as the purchase of services, physical evidence, and information related to undercover operations. BJA delegates the authority to approve such expenses to the SAA.
Link: Confidential Funds www.ojp.usdoj.gov/FinGuide/part3-ch8.htm

- If expendable or nonexpendable equipment or personal property is purchased under a Byrne subgrant, then the permanent title to such property shall vest with the subgrantee agency if it provides a certification to the SAA that the equipment or property will continue to be used for criminal justice purposes. If the subgrantee agency does not make this certification, then the title will vest with the SAA, which will first attempt to find other criminal justice uses for the equipment or property before using it or disposing of it (Sec. 808).
- Byrne formula funds cannot be used for land acquisition or construction, except for the construction of penal or correctional institutions, including prisons, jails, juvenile detention and correctional facilities, and community corrections facilities (Sec. 505 (c)).
- Byrne formula funds can be used to participate in federal task forces; however, it cannot be used to defray costs of federal personnel (Sec 504 (c)).

Conditions on Subgrant Awards

BJA requires that SAAs pass down certain requirements to all subgrantees. While the format can be altered to fit each SAA's needs, the requirements are provided below:

- Certified Assurances.
- Lobbying Certification.
- Debarment Form.

Reporting Requirements. An SAA should also place special conditions on subgrants that require it to report the information required under the evaluation requirement of the Byrne Program.

Audit Requirements. Among the special conditions that the SAA must apply to its subgrantees is the requirement to conduct regular audits. This requirement is found in OMB Circular A-133.

Other Special Conditions. The SAA also is free to place any other special condition on a subgrant that it deems appropriate and is allowable under the program.

Link: OMB Circular A-133 www.whitehouse.gov/omb/circulars/a133/a133.html

Faith-Based Organizations

Religious organizations will be treated on an equal basis as other nonreligious organizations in all grant determinations and administration. No person or organization who is eligible to apply under this grant program may be discriminated against on the basis of religion, religious name, or religious composition

of its board or person working in the organization. Furthermore, grant recipients will not be discriminated against because they are primarily religious, and they will not be required to remove religious provisions in their chartering documents, nor are they required to remove religious names, icons, or symbols from their buildings. In addition, the ultimate beneficiaries of programs administered by any grantee will not be subject to religious coercion or be discriminated against on the basis of their religion.

EVALUATION REQUIREMENT

General Requirement

The Act requires an evaluation component for all programs funded through a formula grant (Sec. 501(c)). The National Institute of Justice developed general guidance on evaluations in *Evaluating Drug Control and System Improvement Projects*. The specific requirements for the Byrne Program evaluation component are included below.

If a program must be evaluated under this requirement, the SAA must seek out a qualified evaluator. Such an evaluator can be a state agency, a college or university, or other qualified researcher with evaluation expertise. The evaluation must be an impact evaluation, not a simple process evaluation, and must use scientifically accepted and rigorous practices. An SAA must evaluate at least one program within the first 4 years after receiving its fiscal year 2003 grant award. At least one or more programs must then be evaluated within each 4-year period following, unless all funded programs are waived from the requirement.

Evaluation Plan

To meet this requirement, an SAA will set out the plan for evaluating each program or request a waiver in its state strategies or subsequent program approval requests. This is accomplished through a simple statement either explaining the year in which the evaluation will be done or requesting a waiver and providing the reasons why. For more information on how to provide the evaluation plans, see the section on Program Approval Requests.

Waiver Requests

The BJA Director, at his discretion, may grant or delegate the authority to grant waivers to the evaluation requirement for any Byrne-funded program (Sec. 501(c)). The SAA may request a waiver through its Program Requests for a variety of reasons:

- The program is not of sufficient size to justify a full evaluation. Sufficient size may mean that only a small amount of funding goes to the program, the scope of the program is very limited and an evaluation would not be useful, the program is only funded for a short period of time (less than 4 years), or the program is no longer funded.
- An evaluation is not necessary because the program has already been evaluated or an evaluation has been done elsewhere on a project or program that is so significantly similar in its elements and execution that it can adequately serve to determine the effectiveness of the project or program.
- The program is designed primarily to provide material resources and supplies, such as

laboratory or other equipment, that would not justify a full evaluation.

REPORTING REQUIREMENTS

Required Reports

Throughout the year, BJA requires certain reports from the SAA. Not including financial reporting, for which the Office of Justice Programs (OJP), Office of the Comptroller provides requirements, they are:

- **Program Approval Requests.** This request is only required if the SAA wishes to fund a new program that was not approved previously.
- **Subaward Reports.** These reports provide BJA with basic information related to the subgrants awarded by the SAA.
- **State Annual Report.** This report describes the activities carried out under the formula grant.
- **Program Allocations List.** This end-of-year report updates BJA on how the SAA actually allocated its funds among its approved programs.

Program Approval Requests

In the State Strategy, the SAA sets out the programs it plans to fund. If, in between strategies and annual updates, the SAA wishes to fund a new program, it may submit a Program Approval Request to its BJA Program Manager. BJA suggests that these requests be submitted via e-mail to expedite the review. Each SAA's BJA Program Manager will respond to the request within 10 working days via e-mail. If the SAA does not receive a response within 10 working days, it may consider the request approved.

To submit a Program Approval Request, use the following format, which is identical to the format used in the State Strategy:

- Name of the program.
- The Byrne Purpose Areas that apply.
- The relevant national strategy or strategies that apply (see the National Drug Control Strategy www.whitehousedrugpolicy.gov/publications/policy/03ndcs/index.html).
- A brief description of the program.
- The major performance measures to be collected by the SAA on this program.

- The evaluation target date for completion or a request for waiver for the evaluation component.

Subaward Reports

To respond to Congressional and other requests about the Byrne Program, BJA must collect some information related to subawards. OJP is currently developing an online system that will more easily collect this information; BJA will update these requirements when it is available. Beginning with the fiscal year 2003 grant awards, however, BJA will require that the SAA report this information to the BJA Program Manager 6 months after award and again 12 months after award. The SAA may submit the information in the most convenient format; however, BJA does appreciate receiving it in an electronic format, such as a spreadsheet.

Listed below is the information BJA will require on each subgrant:

- Name of grantee.
- Project title.
- Amount of grant award.
- Applicable purpose area(s), as indicated by their corresponding number(s) (See Allowable Purpose Areas).

State Annual Report

The Act requires the SAA to submit an annual report to BJA. This report describe the activities carried out under the formula grant. BJA uses it to prepare its annual report to Congress. While the general requirement is to submit this report for the period of June 1 through July 30, each SAA's BJA Program Manager is authorized to change this reporting period for a state if it better fits the state's needs or grant cycle.

The format for the State Annual Report is listed below:

- **Table of Contents.**
- **Executive Summary.** This is a short, general overview of the entire report that could be used by BJA in responding to inquiries regarding each state's Byrne program.
- **Overview of Evaluation Activities.** For all programs, the SAA should either state that a waiver has been given for the evaluation requirement or provide a brief overview of the

evaluation activities or planned activities.

- **Aggregate Figures for BJA-Required Performance Measures.** BJA has provided minimal performance measures for each purpose area. For each performance measure, the SAA must provide the aggregate numbers collected from subgrantees.
- **Supplementary or Anecdotal Information on Programs.** Here the SAA may provide any other information it believes is important, including anecdotal information on programs or individual projects or additional performance measure information collected beyond that required by BJA.

Program Allocations List

This year-end report is generally due each year within 3 months after the end of the reporting period, which is usually June 1 to May 30, however, each SAA's BJA Program Manager is authorized to negotiate an alternate due date if it is more logical given the state's grant cycle.

Listed below is the format for the Program Allocations List:

- The title of the program under which it was approved.
- The number of subgrants awarded under it during the reporting period.
- The amount of federal funds dedicated to the program through awards to local agencies (or for local purposes, if a waiver is used; see Pass-Through Requirement).
- The amount of matching funds dedicated to the program under awards to local agencies (or under local purposes, if a waiver is used; see Match Requirements).
- The amount of federal funds dedicated to the program through awards to state agencies.
- The amount of matching funds dedicated to the program through awards to state agencies.

ADDITIONAL STATUTORY REQUIREMENTS OF THE BYRNE PROGRAM

In addition to the general requirements of the Byrne Program, Congress also requires states to comply with a variety of other requirements. Except for the requirements under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, all requirements are accomplished through certification at the time of award, but are subject to monitoring. These include:

- **Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act**

Link: www.ojp.usdoj.gov/BJA/what/02ajwactcontents.html

- **Reporting Convictions and Providing Records of Suspected Aliens to the Immigration and Naturalization Service**

Link: www.ojp.usdoj.gov/BJA/txt/chap11.txt

- **Testing Certain Offenders for HIV**

Link: www.ojp.usdoj.gov/BJA/txt/chap12.txt

- **Criminal Intelligence Systems**

Link: www.ojp.usdoj.gov/BJA/txt/chap13.txt

- **Civil Rights and EEOP Requirements**

Link: www.ojp.usdoj.gov/BJA/txt/chap14.txt

- **Omnibus Crime Control and Safe Streets Act of 1968**

Link: <http://www.usdoj.gov/crt/split/42usc3789d.htm>