

U.S. Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance



---

## Improving Reentry for Adults with Substance Use Disorders Program

### FY 2020 Competitive Grant Solicitation

CFDA 16.812

Grants.gov Solicitation Number: BJA-2020-17106

Solicitation Release Date: February 26, 2020

Application Deadline: 11:59 p.m. eastern time on April 27, 2020

---

The [U.S. Department of Justice](#) (DOJ), [Office of Justice Programs](#) (OJP), [Bureau of Justice Assistance](#) is seeking applications for funding to establish, expand, and improve treatment for people with substance use disorders during their incarceration and reentry into the community. This program furthers the Department's mission by seeking to reduce crime and recidivism among people leaving incarceration.

This solicitation incorporates the [OJP Grant Application Resource Guide](#) by reference. It provides guidance to applicants on how to prepare and submit applications for funding to OJP. If this solicitation expressly modifies any provision in the OJP Grant Application Resource Guide, the applicant is to follow the guidelines in this solicitation as to that provision.

#### **Eligibility** (Who may apply):

The following entities are eligible to apply:

- States
- Units of local government
- Federally recognized Indian tribal governments (as determined by the Secretary of the Interior)
- Nonprofit organizations

Applicants must apply in one of the following two categories, depending upon their jurisdictional status:

**Category 1, Competition ID BJA-2020-17107:** Units of state, local, or tribal government

**Category 2, Competition ID BJA-2020-17108:** Nonprofit organizations

## **Mandatory Certification**

This program provides for treatment and reentry services for people with substance use disorders returning to the community from incarceration. The Second Chance Reauthorization Act requires that applicants **certify** that any treatment program proposed in their applications: (1) is clinically appropriate for proposed recipients; (2) shall appropriately coordinate and consult with the Single State Authority for Substance Abuse;<sup>1</sup> (3) will be comprehensive; and (4) is approved by the state (via licensure or other means) and is licensed, if necessary, to provide medical and other health services. If provider organizations are not yet known, this information must be provided post-award. See Appendix C: Mandatory Certification Requirement Form on page 24 for more information.

All recipients and subrecipients (including any for-profit organization) must forgo any profit or management fee.

## **Contact information**

For technical assistance with submitting an application, contact the Grants.gov Customer Support Hotline at 800-518-4726, 606-545-5035, at <https://www.grants.gov/web/grants/support.html>, or at [support@grants.gov](mailto:support@grants.gov). The Grants.gov Support Hotline operates 24 hours a day, 7 days a week, except on federal holidays.

An applicant that experiences unforeseen Grants.gov technical issues beyond its control that prevent it from submitting its application by the deadline must email the National Criminal Justice Reference Service (NCJRS) Response Center contact identified below **within 24 hours after the application deadline** to request approval to submit its application after the deadline. Additional information on reporting technical issues appears under “Experiencing Unforeseen Grants.gov Technical Issues” in the How To Apply (Grants.gov) section in the [OJP Grant Application Resource Guide](#).

For assistance with any unforeseen Grants.gov technical issues beyond an applicant’s control that prevent it from submitting its application by the deadline, or any other requirement of this solicitation, contact the National Criminal Justice Reference Service (NCJRS) Response Center: toll-free at 800-851-3420; via TTY at 301-240-6310 (hearing impaired only); email [grants@ncjrs.gov](mailto:grants@ncjrs.gov); fax to 301-240-5830; or web chat at <https://webcontact.ncjrs.gov/ncjchat/chat.jsp>. The NCJRS Response Center hours of operation are 10:00 a.m. to 6:00 p.m. eastern time, Monday through Friday, and 10:00 a.m. to 8:00 p.m. eastern time on the solicitation close date.

## **Deadline details**

Applicants must register with Grants.gov at <https://www.grants.gov/web/grants/register.html> prior to submitting an application. All applications are due by 11:59 p.m. eastern time on April 27, 2020.

To be considered punctual, an application must be submitted by the application deadline using Grants.gov, and the applicant must have received a validation message from Grants.gov that indicates successful and timely submission. OJP urges applicants to submit applications at least 72 hours prior to the application due date, to allow time for the applicant to receive validation

---

<sup>1</sup> The term “Single State Authority for Substance Abuse” means an entity designated by the Governor or chief executive officer of a state as the single state administrative authority responsible for the planning, development, implementation, monitoring, regulation, and evaluation of substance abuse services. For the most recent SSA list, see: <https://www.samhsa.gov/sites/default/files/single-state-agencies-directory-08232019.pdf>.

messages or rejection notifications from Grants.gov, and to correct in a timely fashion any problems that may have caused a rejection notification.

An applicant must use the **Add Attachment** button to attach a file to its application. Do not click the paperclip icon to attach files. This action will not attach the files to the application. After adding an attachment, select the **View Attachment** button to confirm you attached the correct file. To remove the file, select the **Delete Attachment** button.

OJP encourages all applicants to read this [Important Notice: Applying for Grants in Grants.gov](#).

For additional information, see the “How to Apply (Grants.gov)” section in the [OJP Grant Application Resource Guide](#).

# Contents

- A. Program Description ..... 6
  - Overview ..... 6
  - Program-specific Information ..... 6
  - Objectives and Deliverables ..... 6
  - OJP Policy Priority Areas..... 8
  - Evidence-based Programs or Practices..... 9
  - Information Regarding Potential Evaluation of Programs and Activities ..... 9
- B. Federal Award Information..... 9
  - Type of Award .....10
  - Financial Management and System of Internal Controls .....10
  - Budget Information .....10
  - Unallowable Uses for Award Funds.....10
  - Cost Sharing or Match Requirement.....10
  - Pre-agreement Costs (also known as Pre-award Costs) .....10
  - Limitation on Use of Award Funds for Employee Compensation; Waiver.....10
  - Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs .....10
  - Costs Associated with Language Assistance (if applicable).....10
- C. Eligibility Information .....10
- D. Application and Submission Information .....11
  - What an Application Should Include .....11
  - How To Apply (Grants.gov) .....15
- E. Application Review Information .....15
  - Review Criteria .....15
  - Review Process.....17
- F. Federal Award Administration Information.....19
  - Federal Award Notices .....19
  - Administrative, National Policy, and Other Legal Requirements .....19
  - Information Technology (IT) Security Clauses .....19
  - General Information about Post-federal Award Reporting Requirements.....19
- G. Federal Awarding Agency Contact(s).....19
- H. Other Information .....19
  - Freedom of Information and Privacy Act (5 U.S.C. 552 and 5 U.S.C. 552a) .....19

Provide Feedback to OJP .....19  
Appendix A: Application Checklist .....20  
Appendix B: Mandatory Certification Requirement Form .....23  
Appendix C: Certification regarding Cooperation with Federal Law Enforcement .....24

# Improving Reentry for Adults with Substance Use Disorders Program

## CFDA # 16.812

### A. Program Description

#### Overview

The Improving Reentry for Adults with Substance Use Disorders Program improves provision of services to offenders with substance use disorders when they leave incarceration to reenter the community, which in turn will help to reduce recidivism, promote public safety and recovery.

#### Statutory Authority

This program is authorized under 34 USC § 10591 (Family-based Substance Abuse Treatment); 34 USC § 60521 (Offender reentry substance abuse and criminal justice collaboration program); Pub. L. No. 116-93, 133 Stat 2317, 2408.

#### Program-specific Information

The purpose of the program is to enhance corrections systems' ability to address the substance use treatment needs of offenders in order to reduce recidivism, promote recovery, and, in the process, to improve public safety and public health.

#### Objectives and Deliverables

##### Objectives

1. Improve the provision of drug treatment to offenders in prisons, jails, and juvenile facilities, including provision of prison-based family treatment programs to incarcerated parents of minor children or pregnant women.
2. Reduce the use of alcohol and other drugs by long-term substance abusers during the period of incarceration and during parole or court supervision.

##### Deliverables

- An Action Plan to be developed with input from BJA and the assigned technical assistance provider and submitted within 6 months of receiving final budget approval.
- A final performance closeout report at the end of the project period.

#### Statutorily Allowable Uses of Grant Funds

1. Continue and improve drug treatment programs, including the provision of medication-assisted treatment, provided at a prison, jail, or juvenile facility.
2. Provide prison-based family treatment programs to incarcerated parents of minor children or pregnant women.
3. Develop and implement programs for supervised long-term substance abusers that include alcohol and drug abuse assessments, coordinated and continuous delivery of drug treatment, and case management services.

4. Strengthen rehabilitation efforts for offenders by providing addiction recovery support services.
6. Provide for salaries, personnel costs, facility costs, and other costs directly related to the operation of that program.

### **Statutorily Mandated Project Components**

All applicants:

1. Standardize screening and assessment processes for substance use disorders using a validated tool for offenders entering a correctional facility (e.g., booking, intake, or classifications).
2. Provide evidence-based pre- and post -release substance use and cognitive behavioral interventions to address criminogenic risk factors.
3. Establish medication-assisted treatment as part of any drug treatment program to offenders who are in a prison or jail.
4. Collect and use data to determine the effectiveness of the BJA-funded drug treatment programs.

Applicants for prison-based programs:

1. The program shall integrate techniques to assess the strengths and needs of the incarcerated parent's immediate and extended family to support a treatment plan for the incarcerated parent.
2. The program shall ensure that each participant in that program has access to consistent and uninterrupted care if transferred to a different correctional facility within the state or other relevant entity.
3. The program shall be located in an area separate from the general population of the prison.

### **Correctional Partner Memorandum of Agreement**

For noncorrectional applicants, including nonprofit organizations, include as an attachment a memorandum of agreement or understanding (MOA or MOU) that clearly demonstrates an established, collaborative relationship between the applicant and the correctional agencies that: (1) oversee the specific facility or facilities from which the applicant proposes to recruit the target reentering population and (2) oversee community corrections (probation and/or parole) for the target population. The MOA/MOU must include the following information:

1. The roles and responsibilities of staff from both agencies involved in the program
2. Terms of access to the correctional facility or facilities for program staff. (If applicants are unable to conduct in-reach into correctional facilities, the application should explain the reason(s) why such access is not practicable.)
3. Information on prerelease programming and interventions provided by the correctional agency to each participant.
4. The data elements and performance measures that the partnering agencies will provide—or assist the grantee in obtaining—for the purpose of measuring the impact of grant activities.

The Objectives and Deliverables are directly related to the performance measures that demonstrate the results of the work completed, as discussed under [What an Application Should Include](#).

### **Prerelease access**

Participants are expected to be screened, assessed, and identified for program participation prerelease. During the postrelease phase of the reentry program, participants will receive case management services and be connected to evidence-based programming designed to assist in the transition from prison or jail to the community so that it is safe and successful. Where feasible, case management services and evidence-based programming should begin during the prerelease phase.

### **OJP Policy Priority Areas**

In FY 2020, and in addition to executing any program-specific prioritization that may be applicable, OJP will give priority consideration to applications as follows:

- Applications from federally-recognized tribes
- Applications that address specific challenges that rural communities face.
- Applications that demonstrate that the individuals who are intended to benefit from the requested grant reside in high-poverty areas or persistent-poverty counties.
- Applications that offer enhancements to public safety in economically distressed communities (Qualified Opportunity Zones).
- Where the application is from a State or local government entity that operates at least one correctional facility (as defined at 34 U.S.C. 10251(a)(7)), applications that go to enhancing criminal justice and public safety by indicating agreement to comply with award conditions related to cooperation with federal law enforcement, as set forth in Appendix C.

To receive priority consideration under the rural priority, applicants must describe what makes the geographic service area rural (using U.S. Census or other appropriate government data; for assistance, applicants may wish to refer to <https://www.census.gov/programs-surveys/geography/guidance/geo-areas/urban-rural.html>), how isolated the area is from needed services, and how they will address specific challenges in rural communities.

To receive priority consideration under the poverty priority, the applicant must provide information to demonstrate that the individuals who are intended to benefit from the requested grant reside in high-poverty areas or persistent poverty counties. For purposes of this priority consideration, the term “high-poverty area” means any census tract with a poverty rate of at least 20 percent as measured by the 2013–2017 5-year data series available from the American Community Survey of the Census Bureau (applicants may search by census tract at <https://www.census.gov/acs/www/data/data-tables-and-tools/narrative-profiles/2017/>) and the term “persistent poverty counties” means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses and the most recent Small Area Income and Poverty Estimates (applicants may search by county at <https://www.census.gov/data/tables/time-series/dec/census-poverty.html> and at <https://www.census.gov/programs-surveys/saipe.html>).

To receive priority consideration under the Qualified Opportunity Zones priority, applicants must include information that specifies how the project will enhance public safety in the specified QOZs. For resources on QOZs, and for a current list of designated QOZs, see the U.S. Department of the Treasury’s resource webpage, accessible at <https://www.cdfifund.gov/pages/opportunity-zones.aspx>.



To receive priority consideration for enhancing criminal justice and public safety by agreeing to comply with award conditions related to cooperation with federal law enforcement, applicants must sign and submit the certification provided in Appendix C.

OJP Policy priority consideration will consist of receiving additional points in the application scoring process. Receipt of priority consideration does not guarantee that an application will be funded; nor will the failure to receive priority consideration necessarily mean that an application will not be funded.

### **Evidence-based Programs or Practices**

OJP strongly emphasizes the use of data and evidence in policy making and program development in criminal justice, juvenile justice, and crime victim services. For additional information and resources on evidence-based programs or practices, see the [OJP Grant Application Resource Guide](#).

### **Information Regarding Potential Evaluation of Programs and Activities**

Applicants should note OJP may conduct or support an evaluation of the programs and activities funded under this solicitation. For additional information, see the [OJP Grant Application Resource Guide](#) section, entitled, “Information Regarding Potential Evaluation of Programs and Activities.”

## **B. Federal Award Information**

Maximum number of awards BJA expects to make	14
Estimated maximum dollar amount for each award	\$900,000
Total amount anticipated to be awarded under the solicitation	\$13,250,000
Period of performance start date	October 1, 2020
Period of Performance duration	48 months

BJA may, in certain cases, provide additional funding in future years to awards made under this solicitation, through continuation awards. In making decisions regarding continuation awards, BJA will consider, among other factors, OJP’s strategic (programmatic and policy) priorities, a recipient’s overall management of the award, and progress of award-funded work, when making continuation award decisions.

Under this solicitation, only one application by any particular applicant entity will be considered. An entity may, however, be proposed as a subrecipient (subgrantee) in more than one application.

BJA may elect to fund applications submitted under this FY 2020 solicitation in future fiscal years, dependent on, among other considerations, the merit of the applications and on the availability of appropriations.

All awards are subject to the availability of appropriated funds and to any modifications or additional requirements that may be imposed by law.

## **Type of Award**

BJA expects to make awards under this solicitation as grants. See the “Administrative, National Policy, and Other Legal Requirements” section of the [OJP Grant Application Resource Guide](#) for additional information.

## **Financial Management and System of Internal Controls**

Award recipients and subrecipients (including recipients or subrecipients that are pass-through entities) must, as described in the Part 200 Uniform Requirements<sup>2</sup> as set out at 2 C.F.R. 200.303, comply with standards for financial and program management. See [OJP Grant Application Resource Guide](#) for additional information.

## **Budget Information**

Applicants must budget funding to travel to DOJ-sponsored grant meetings. Applicants should estimate the costs of travel and accommodations for teams of three to attend three meetings for 3 days each in Washington, D.C. (one meeting for each of the three grant years).

All grantees will have access to up to \$100,000 until their Action Plan is approved by BJA during the first 6-month period after the final budget is approved.

## **Unallowable Uses for Award Funds**

In addition to the unallowable costs identified in the [DOJ Grants Financial Guide](#), award funds may not be used for the following:

- Prizes/rewards/entertainment/trinkets (or any type of monetary incentive)
- Client stipends
- Gift cards
- Vehicles
- Food and beverage

## **Cost Sharing or Match Requirement**

This solicitation does not require a match.

Please see the [OJP Grant Application Resource Guide](#) for information on the following:

[Pre-agreement Costs \(also known as Pre-award Costs\)](#)

[Limitation on Use of Award Funds for Employee Compensation; Waiver](#)

[Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs](#)

[Costs Associated with Language Assistance](#) (if applicable)

## **C. Eligibility Information**

For eligibility information, see title page.

For information on cost sharing or match requirements, see [Section B. Federal Award Information](#).

---

<sup>2</sup> The "Part 200 Uniform Requirements" means the DOJ regulation at 2 C.F.R Part 2800, which adopts (with certain modifications) the provisions of 2 C.F.R. Part 200.

## D. Application and Submission Information

### What an Application Should Include

The following application elements **MUST** be included in the application submission for an application to meet the basic minimum requirements (BMR) to advance to peer review and receive consideration for funding: Project Abstract, Program Narrative, Budget Detail Worksheet and Budget Narrative.

See the “Application Elements and Formatting Instructions” section of the [OJP Grant Application Resource Guide](#) for information on what happens to an application that does not contain all the specified elements, or that is nonresponsive to the scope of the solicitation.

#### 1. Application for Federal Assistance (Standard Form (SF)-424)

The SF-424 is a required standard form used as a cover sheet for submission of pre-applications, applications, and related information. See the [OJP Grant Application Resource Guide](#) for additional information on completing the SF-424.

**Intergovernmental Review:** This solicitation (“funding opportunity”) is not subject to [Executive Order 12372](#). (In completing the SF-424, an applicant is to answer question 19 by selecting the response that the “Program is not covered by E.O. 12372.”)

#### 2. Project Abstract

Include a high quality project abstract that summarizes the proposed project in 400 words or less. Project abstracts should be:

- Written for a general public audience.
- Submitted as a separate attachment with “Project Abstract” as part of its file name.
- Single-spaced, using a standard 12-point Times New Roman font (with 1-inch margins).

As a separate attachment, the project abstract will not count against the page limit for the program narrative.

The abstract should provide an overall summary of the project and should include the following clearly labeled and delineated information:

- Legal name of the grant recipient and the title of the project
- Geographic location in which services will be provided
- If applicable, the name of the jail, prison or juvenile facility in which services will be provided
- Target population characteristics and the projected number of participants to be served through the project
- The baseline recidivism rate and method used to calculate it
- Name of the validated risk and needs assessment tool(s), including substance use screening and assessments tools, used either by the program or by the partner correctional agency/ies
- Description of both the pre- **and** post- release services to be provided
- Description of training and other supports provided to staff

- Confirmation that an MOA has been obtained from the correctional agency/ies if the applicant is not a correctional agency

As a separate attachment, the project abstract will **not** count against the page limit for the program narrative.

All project abstracts should follow the detailed template available at <https://ojp.gov/funding/Apply/Resources/ProjectAbstractTemplate.pdf>.

### 3. Program Narrative

The program narrative should be double-spaced, using a standard 12-point Times New Roman font; have no less than 1-inch margins; and should not exceed 15 pages. Pages should be numbered “1 of 15, 2 of 15, etc.” If the program narrative fails to comply with these length-related restrictions, BJA may negatively consider such noncompliance in peer review and in final award decisions.

The following sections should be included as part of the program narrative:

- a. Description of the Issue
- b. Project Design and Implementation
- c. Capabilities and Competencies
- d. Plan for Collecting the Data Required for this Solicitation’s Performance Measures.

OJP will require each successful applicant to submit regular performance data that demonstrate the results of the work carried out under the award. The performance data directly relate to the goals, objectives, and deliverables identified under "Objectives and Deliverables" in [Section A. Program Description](#).

Applicants should visit OJP’s performance measurement page at [www.ojp.gov/performance](http://www.ojp.gov/performance) for an overview of performance measurement activities at OJP.

The application should demonstrate the applicant’s understanding of the performance data reporting requirements for this grant program and detail how the applicant will gather the required data should it receive funding.

Please note that applicants are **not** required to submit performance data with the application. Performance measures information is included as an alert that successful applicants will be required to submit performance data as part of the reporting requirements under an award.

Award recipients will be required to provide the relevant data by submitting quarterly performance metrics through BJA’s online Performance Measurement Tool (PMT) located at [bjapmt.ojp.gov](http://bjapmt.ojp.gov): <https://bjapmt.ojp.gov/help/scaco-occurringquestionnaire.pdf>.

#### Note on Project Evaluations

An applicant that proposes to use award funds through this solicitation to conduct project evaluations should follow the guidance under Note on Project Evaluations in the [OJP Grant Application Resource Guide](#).

Please see the [OJP Grant Application Resource Guide](#) for information on the following:

4. [Budget Information and Associated Documentation](#) in the “Budget Preparation and Submission Information” section.
5. [Indirect Cost Rate Agreement](#)
6. [Tribal Authorizing Resolution](#) (if applicable)
7. [Financial Management and System of Internal Controls Questionnaire \(including applicant disclosure of high-risk status\)](#)
8. [Disclosure of Lobbying Activities](#)
9. [Applicant Disclosure of Pending Applications](#)
10. [Applicant Disclosure and Justification – DOJ High Risk Grantees](#)<sup>3</sup> (if applicable)
11. [Research and Evaluation Independence and Integrity](#)
12. [Disclosure of Process Related to Executive Compensation](#)

**13. Additional Attachments**

**a. Documentation of Rural Challenges (if applicable)**

As is mentioned above, OJP will give priority consideration in award decisions to applications that address specific challenges that rural communities face. Each applicant proposing to receive priority consideration under the rural priority should provide a sufficient narrative to include what makes the geographic service area rural (using U.S. Census or other appropriate government data), how isolated the area is from needed services, and how it will address specific challenges in rural communities.

**b. Documentation of High-Poverty Areas or Persistent-Poverty Counties (if applicable)**

As mentioned above, OJP will give priority consideration in award decisions to applications that demonstrate that the individuals who will benefit from the requested grant reside in high-poverty areas or persistent-poverty counties as defined above. Each applicant proposing to receive consideration under the High-Poverty Areas or Persistent Poverty Counties priority should provide a sufficient narrative explanation to identify each specific High-Poverty Area (by census tract number(s)) and/or each specific Persistent-Poverty County where individuals are intended to benefit from the requested grant and how the requested grant will address specific challenges in each such identified area and/or county.

---

<sup>3</sup> A “DOJ High Risk Grantee” is a recipient that has received a DOJ High-Risk designation based on a documented history of unsatisfactory performance, financial instability, management system or other internal control deficiencies, or noncompliance with award terms and conditions on prior awards, or that is otherwise not responsible.

**c. Documentation of Enhanced Public Safety in Qualified Opportunity Zones (if applicable)**

As is mentioned above, OJP will give priority consideration in award decisions to designated Qualified Opportunity Zones (QOZs). Each applicant proposing to receive priority consideration under the under the Qualified Opportunity Zones priority should provide a sufficient narrative explanation in order for OJP to identify clearly the public safety benefit the applicant anticipates that its project will have on a specified QOZ(s). The narrative and the list of affected QOZs (by census tract number) must be included as an attachment that is clearly labeled as addressing QOZs. The applicant may also include tables, charts, graphs, or other relevant illustrations that may be useful in comprehending the manner in which the proposed project is anticipated to benefit a QOZ(s).

**d. Certification Regarding Enhancing Criminal Justice and Public Safety through Cooperation with Federal Law Enforcement (if applicable)**

As is mentioned above, OJP will give priority consideration in award decisions to State or local government entity applicants that operate at least one correctional facility (as defined at 34 U.S.C. 10251(a)(7)), and agree to comply with award conditions related to cooperation with federal law enforcement, as set forth in Appendix C. Each such applicant proposing to receive priority consideration for such cooperation with federal law enforcement must sign and submit the certification provided in Appendix C.

- e. Letters of Support or Memoranda of Understanding (MOUs)** from multiple stakeholders, which may include, but are not limited to, department of corrections, department of behavioral health, sheriff, judge, prosecutor, defense attorney, correctional health provider, community-based behavioral health, parole, probation, and other social services providers. These letters of support are meant to outline leadership's buy-in to this program. Letters of support should include the roles and responsibilities of all staff from the agencies that will be involved in the program, terms of access to the correctional facility or facilities for program staff, the data elements and performance measures that the partnering agencies will provide or assist the grantee in obtaining for the purpose of measuring the impact of grant activities, and a statement describing the information-sharing protocols that are established or will be established among agencies for the purpose of sharing criminal histories, unless prohibited by law, and sharing behavioral health information consistent with the standards outlined under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and 42 C.F.R. Part 2.
- f. A Project Timeline** with each project objective, activity, expected completion date, responsible person, and organization.
- g. Position Descriptions** for key positions.
- h. Appendix B: Mandatory Certification Requirement Form Applicants** must certify that any treatment program proposed in the application is clinically appropriate for the proposed recipients and will provide comprehensive treatment. Jurisdictions that are serving the intended target population of this program must provide documentation that demonstrates treatment provider credentials to provide integrated substance use treatment services.

Applicants should also provide official documentation that all collaborating service provider organizations are in compliance with all the requirements for licensing,

accreditation, and certification, including state, local (city, county), and tribal requirements, as appropriate.

### **How To Apply (Grants.gov)**

Applicants must register in and submit applications through [Grants.gov](https://www.grants.gov), a primary source to find federal funding opportunities and apply for funding. Find information on how to apply in response to this solicitation in the [OJP Grant Application Resource Guide](#).

### **Registration and Submission Steps**

Applicants will need the following identifying information when searching for the funding opportunity on Grants.gov.

- 1. CFDA #16.812, Second Chance Act Reentry Initiatives**
- 2. Funding Opportunity #: BJA-2020-17106**
- 3. Select the correct Competition ID:**

Category 1: Competition ID: BJA-2020-17107

Category 2: Competition ID: BJA-2020-17108

For information on each registration and submission step, see the [OJP Grant Application Resource Guide](#).

## **E. Application Review Information**

### **Review Criteria**

Applications that meet basic minimum requirements will be evaluated by peer reviewers using the following review criteria.

#### **Description of the Issue (10 percent)**

- Describe the current process, including timing, tools used, and staff responsible, for screening and assessing people incarcerated for substance use and mental health disorders.
- Describe the current availability and quality of substance use disorder treatment in the correctional facility.
- Discuss who is currently prioritized for substance use disorder treatment in the facility.
- To the extent that data is available, discuss what percent of people who are assessed as needing substance use disorder treatment receive it.
- Discuss the correctional facility's current ability to meet the needs of people incarcerated who have co-occurring substance use and mental health disorders.
- Discuss the current ability to identify and engage parents with minor children and/or pregnant women for targeted services.
- Indicate the jurisdiction or tribal community to be served.
- Describe the current practice for connecting people leaving incarceration who have been assessed and/or have received substance use disorder treatment in the facility to treatment providers in the community.

- If proposing to implement a prison-based substance use treatment program, discuss the physical plant and ability to separate into a therapeutic community those who will receive residential substance use disorder treatment.
- Describe the current ability to provide medication-assisted treatment to people assessed with alcohol and opioid use disorder.
- Clearly specify and describe the validated assessment tool or tools used by the correctional agency, the community corrections agency, and/or the applicant to determine the risk level and identify the criminogenic needs of the individuals to be referred to the program. Specify when assessment and re-assessment takes place and by which agencies.

## **2. Project Design and Implementation (40 percent)**

- Describe in detail the target population to receive services, including the number of people to receive services, which diagnoses will be addressed, and any demographic distinctions.
- Describe where and by whom treatment services will be provided, including if services will be provided by facility or partner agency staff or by contracted services providers.
- Address the Objectives, Deliverables, and Allowable Uses of Funds on pages 6-7.
- Discuss the process the applicant will use to identify and recruit potential participants and to match services to their identified needs.
- Describe how the proposed services are evidence based for the proposed target population.
- Describe how treatment providers and corrections operational and security staff will appropriately share information.
- Discuss how treatment plans and services will transition with the offender upon release from incarceration into the community, including how that transition is made.
- If applicable, describe the partnership with an evaluator, and if random assignment will be used.
- Identify and define the baseline recidivism rate for the target population.

## **3. Capabilities and Competencies (25 percent)**

- Describe the organizational structure, capabilities, and competencies of the applicant and key partners.
- Describe the management structure and staffing of the project, identifying the agency responsible for the program and the grant coordinator.
- Describe the competencies of the individuals who will provide substance use treatment services, including their certifications and licensure.
- If the applicant is not a correctional entity, discuss the history of collaboration with correctional agency partners. The extent to which the applicant is able to demonstrate a collaborative partnership with institutional and/or community corrections agencies, access to participants within facilities prior to release, and partnership with institutional and/or community corrections agencies to share data for performance measurement purposes will be key factors in assessing the strength of the application.



#### 4. Plan for Collecting the Data Required for this Solicitation's Performance Measures and Sustainability Plans (15 percent)

- Describe the plan to track program outcomes for at least 12 months following the release of program participants from incarceration. The plan should:
  - Identify data and information that will be collected, and by whom
  - Describe how performance will be documented, monitored, and evaluated
- Discuss how the program will be sustained after federal funding ends.

#### 5. Budget (10 percent):

Submit a budget that is **complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities)**. Budget narratives should demonstrate generally how the applicant will maximize cost effectiveness of grant expenditures. The budget narratives should demonstrate cost effectiveness in relation to potential alternatives and the objectives of the program<sup>4</sup>.

- Applicants must budget funding to travel to DOJ-sponsored grant meetings. Applicants should estimate the costs of travel and accommodations for teams of three to attend three meetings for 3 days each in Washington, D.C. (one meeting for each of the three grant years).
- Include an appropriate percentage of the total grant award for data collection, performance measurement, and research (if applicable).

#### Review Process

BJA reviews the application to make sure that the information presented is reasonable, understandable, measurable, achievable, and consistent with the solicitation.

The following five paragraphs in this solicitation expressly modify the "Application Review Information" provisions in the OJP Grant Application Resource Guide. An applicant is to follow the guidance in these five paragraphs instead of the guidance stated under the "Application Review Information" heading in the Guide.

Peer reviewers will review the applications submitted under this solicitation that meet basic minimum requirements. For purposes of assessing whether an application meets basic minimum requirements and should proceed to further consideration, OJP screens applications for compliance with those requirements. Although specific requirements may vary, the following are common requirements applicable to all solicitations for funding under OJP programs:

- Application must be submitted by an eligible type of applicant
- The application must request funding within programmatic funding constraints (if applicable).
- The application must be responsive to the scope of the solicitation.
- The application must include all items necessary to meet the basic minimum requirements.

---

<sup>4</sup> Generally speaking, a reasonable cost is a cost that, in its nature or amount, does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the costs.

For a list of the application elements that **MUST** be included in the application submission in order for an application to meet the basic minimum requirements, see “What an Application Should Include” under Section D. Application and Submission Information.

Peer review panels will evaluate, score, and rate applications that meet basic minimum requirements. BJA may use internal peer reviewers, external peer reviewers, or a combination, to assess applications on technical merit using the solicitation’s review criteria. An external peer reviewer is an expert in the subject matter of a given solicitation who is not a current DOJ employee. An internal reviewer is a current DOJ employee who is well versed or has expertise in the subject of this solicitation. Peer reviewers’ ratings and any resulting recommendations are advisory only, although reviewer views are considered carefully.

Other important considerations for BJA include geographic diversity, strategic (programmatic and policy) priorities (specifically including, but not limited to, those mentioned above relating to addressing specific challenges that rural communities face, high-poverty areas or persistent-poverty counties, demonstrable potential enhancement to public safety in one or more federally designated Qualified Opportunity Zones, and enhancing criminal justice and public safety through award conditions regarding cooperation with federal law enforcement ), and available funding, as well as the extent to which the Budget Detail Worksheet and Budget Narrative accurately explain project costs that are reasonable, necessary, and otherwise allowable under federal law and applicable federal cost principles.

Pursuant to the Part 200 Uniform Requirements, before award decisions are made, OJP also reviews information related to the degree of risk posed by the applicant. Among other things to help assess whether an applicant that has one or more prior federal awards has a satisfactory record with respect to performance, integrity, and business ethics, OJP checks whether the applicant is listed in SAM as excluded from receiving a federal award.

In addition, if OJP anticipates that an award will exceed \$250,000 in federal funds, OJP also must review and consider any information about the applicant that appears in the nonpublic segment of the integrity and performance system accessible through SAM (currently, the Federal Awardee Performance and Integrity Information System, FAPIIS).

**Important note on FAPIIS:** An applicant, at its option, may review and comment on any information about itself that currently appears in FAPIIS and was entered by a federal awarding agency. OJP will consider any such comments by the applicant, in addition to the other information in FAPIIS, in its assessment of the risk posed by the applicant.

Absent explicit statutory authorization or written delegation of authority to the contrary, all final award decisions will be made by the Assistant Attorney General, who may take into account not only peer review ratings and BJA recommendations, but also other factors as indicated in this section.

## F. Federal Award Administration Information

Please see the [OJP Grant Application Resource Guide](#) for information on the following:

### [Federal Award Notices](#)

#### [Administrative, National Policy, and Other Legal Requirements](#)

OJP strongly encourages prospective applicants to review information on post-award legal requirements and common OJP award conditions **prior** to submitting an application.

If selected for funding, in addition to implementing the funded project consistent with the OJP-approved application, the recipient must comply with all award conditions, and all applicable requirements of federal statutes and regulations (including applicable requirements referred to in the assurances and certifications executed in connection with award acceptance).

For additional information on these legal requirements, see the “Administrative, National Policy, and Other Legal Requirements” section in the [OJP Grant Application Resource Guide](#).

### [Information Technology \(IT\) Security Clauses](#)

#### [General Information about Post-federal Award Reporting Requirements](#)

In addition to the deliverables described in [Section A. Program Description](#), any recipient of an award under this solicitation will be required to submit certain reports and data.

Required reports. Recipients typically must submit quarterly financial reports, semi-annual progress reports, final financial and progress reports, and, if applicable, an annual audit report in accordance with the Part 200 Uniform Requirements or specific award conditions. Future awards and fund drawdowns may be withheld if reports are delinquent. (In appropriate cases, OJP may require additional reports.)

See the [OJP Grant Application Resource Guide](#) for additional information on specific post-award reporting requirements, including performance measures data.

## G. Federal Awarding Agency Contact(s)

For OJP contact(s), see page 2.

For contact information for Grants.gov, see page 2.

## H. Other Information

Please see the [OJP Grant Application Resource Guide](#) for information on the following:

### [Freedom of Information and Privacy Act \(5 U.S.C. 552 and 5 U.S.C. 552a\)](#)

### [Provide Feedback to OJP](#)

## Appendix A: Application Checklist

### FY 2020 Improving Reentry for Adults with Substance Use Disorders Program

This application checklist has been created as an aid in developing an application.

#### What an Applicant Should Do:

*Prior to Registering in Grants.gov:*

- Acquire a DUNS Number (see [OJP Grant Application Resource Guide](#))
- Acquire or renew registration with SAM (see [OJP Grant Application Resource Guide](#))

*To Register with Grants.gov:*

- Acquire AOR and Grants.gov username/password (see [OJP Grant Application Resource Guide](#))
- Acquire AOR confirmation from the E-Biz POC (see [OJP Grant Application Resource Guide](#))

*To Find Funding Opportunity:*

- Search for the Funding Opportunity on Grants.gov (see [OJP Grant Application Resource Guide](#))
- Select the correct Competition ID (see page 15)
- Access Funding Opportunity and Application Package (see [OJP Grant Application Resource Guide](#))
- Sign up for Grants.gov email [notifications](#) (optional) (see [OJP Grant Application Resource Guide](#))
- Read [Important Notice: Applying for Grants in Grants.gov](#)
- Read OJP policy and guidance on conference approval, planning, and reporting available at [ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm](#) (see [OJP Grant Application Resource Guide](#))

*After Application Submission, Receive Grants.gov Email Notifications That:*

- (1) application has been received,
- (2) application has either been successfully validated or rejected with errors (see [OJP Grant Application Resource Guide](#))

*If No Grants.gov Receipt, and Validation or Error Notifications are Received:*

Contact National Criminal Justice Reference Service (NCJRS) Response Center regarding experiencing technical difficulties (see page 3)

#### Overview of Post-Award Legal Requirements:

Review the "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2020 Awards](#)" in the [OJP Funding Resource Center](#).

#### Scope Requirement:

- The federal amount requested is within the allowable limit(s) of \$900,000

## Eligibility Requirement:

See page 1 of this document.

## What an Application Should Include:

The following items are critical application elements required to pass Basic Minimum Requirements review. An application that OJP determines does not include the application elements that must be included in the application submission in order for the application to meet the basic minimum requirements, will neither proceed to peer review, nor receive further consideration.

- Project Abstract (see page 11)
  - Program Narrative (see page 12)
  - Budget Detail Worksheet (including Budget Narrative) (see [OJP Grant Application Resource Guide](#))
- 
- Application for Federal Assistance (SF-424) (see [OJP Grant Application Resource Guide](#))
  - Indirect Cost Rate Agreement (if applicable) (see [OJP Grant Application Resource Guide](#))
  - Tribal Authorizing Resolution (if applicable) (see [OJP Grant Application Resource Guide](#))
  - Financial Management and System of Internal Controls Questionnaire (see [OJP Grant Application Resource Guide](#))
  - [Disclosure of Lobbying Activities \(SF-LLL\)](#) (see [OJP Grant Application Resource Guide](#))
  - Applicant Disclosure of Pending Applications (see [OJP Grant Application Resource Guide](#))
  - Applicant Disclosure and Justification – DOJ High Risk Grantees (if applicable) (see [OJP Grant Application Resource Guide](#))
  - Research and Evaluation Independence and Integrity (see [OJP Grant Application Resource Guide](#))
  - Disclosure of Process related to Executive Compensation (see [OJP Grant Application Resource Guide](#))

## Additional Attachments:

- Documentation of rural challenges (if applicable) (see page 13)
- Documentation of high-poverty areas or persistent poverty counties (if applicable) (see page 13)

- Documentation of enhanced public safety in federally designated Qualified Opportunity Zones (if applicable) (see page 14)
- Certifications regarding enhancing criminal justice and public safety through award conditions on cooperation with federal law enforcement (if applicable) (see page 14)
- Letters of Support or Memoranda of Understanding (MOUs) (see page 14)
- Project Timeline (see page 14)
- Position Descriptions (see page 14)
- Mandatory Certification Requirement Form Applicants (see pages 2 and 14)
- Request and Justification for Employee Compensation; Waiver (if applicable) (see page 10)

**Appendix B**  
**Mandatory Certification Requirement Form (Submit with the application as an attachment)**

As the Authorized Representative of [*insert name of applicant organization*], I assure the Bureau of Justice Assistance (BJA) the following:

**Mandatory Certification Requirement: Service Provider**

**Licensing/Accreditation/Certification Documentation:** All collaborating service provider organizations listed in this application meet applicable licensing, accreditation, and certification requirements.

As the authorized representative, I also understand that the following information is required to receive funding, and these materials have been included with the application materials:

- A letter of commitment that specifies the nature of the participation and what service(s) will be provided from every service provider organization listed in the application that has agreed to participate in the project.
- Official documentation that all service provider organizations collaborating in the project have been providing relevant services for a minimum of 2 years prior to the date of the application in the area(s) in which services are to be provided. Official documents definitively establish that the organization has provided relevant services for the last 2 years.
- Official documentation that all collaborating service provider organizations are in compliance with all local (city, county), state, and tribal requirements for licensing, accreditation, and certification or official documentation from the appropriate agency of the applicable state, tribal, county, or other governmental unit that licensing, accreditation, and certification requirements do not exist.

**Note:** Official documentation is a copy of each service provider organization's license, accreditation, and certification. Documentation of accreditation will not be accepted in lieu of an organization's license.

A statement by, or letter from, the applicant organization or from a provider organization attesting to compliance with licensing, accreditation, and certification or that no licensing, accreditation, certification requirements exist, does not constitute adequate documentation.

Signature of Authorized Representative

Date

\_\_\_\_\_

\_\_\_\_\_

## Appendix C

### Certification Regarding Cooperation with Federal Law Enforcement

I am an authorized official of the State or local government applicant entity named below and I have the authority to make this certification on behalf of the applicant. I understand that the Department will rely upon this certification as a material representation in any decision regarding an award to the applicant. On behalf of the State or local government applicant named below, and in order to receive priority consideration for its application, I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), the following:

1. The State or local government applicant entity named below operates at least one correctional facility (that is, operates at least one "*place for the confinement or rehabilitation of offenders or individuals charged with or convicted of criminal offenses*" (34 U.S.C. 10251(a)(7))).
2. The applicant agrees to comply with the following four award conditions (or conditions substantially to the same effect) if it is selected to receive an award made by OJP under this solicitation:

#### **CONDITION 1: Noninterference (within the funded "program or activity") with federal law enforcement: Interrogation of certain aliens**

SCOPE. This condition applies with respect to the "program or activity" that is funded (in whole or in part) by this award, as of the date the recipient accepts this award, and throughout the remainder of the period of performance for the award. Its provisions must be among those included in any subaward (at any tier).

##### 1. Noninterference with statutory law enforcement access to correctional facilities

Consonant with federal law enforcement statutes and regulations -- including 8 U.S.C. 1357(a), under which certain federal officers and employees "have power without warrant ... to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States," and 8 C.F.R. 287.5(a), under which that power may be exercised "anywhere in or outside the United States" -- within the funded program or activity, no State or local government entity, -agency, or -official may interfere with the exercise of that power to interrogate "without warrant" (by agents of the United States acting under color of federal law) by impeding access to any State or local government (or government-contracted) correctional facility by such agents for the purpose of "interrogat[ing] any alien or person believed to be an alien as to his [or her] right to be or to remain in the United States."

##### 2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.



### 3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

### 4. Rules of construction

A. For purposes of this condition:

(1) The term "alien" means what it means under section 101 of the Immigration and Nationality Act (INA) (see 8 U.S.C. 1101(a)(3)), except that, with respect to a juvenile offender, it means "criminal alien."

(2) The term "juvenile offender" means what it means under 28 C.F.R. 31.304(f) (as in effect on Jan. 1, 2020).

(3) The term "criminal alien" means, with respect to a juvenile offender, an alien who is deportable on the basis of—

(a) conviction described in section 237(a)(2) of the INA (see 8 U.S.C. 1227(a)(2)), or

(b) conduct described in section 237(a)(4) of the INA (see 8 U.S.C. 1227(a)(4)).

(4) The term "conviction" means what it means under section 101 of the INA (see 8 U.S.C. 1101(a)(48)). (Adjudication of a juvenile as having committed an offense does not constitute "conviction" for purposes of this condition.)

(5) The term "correctional facility" means what it means under the title I of the Omnibus Crime Control and Safe Streets Act of 1968 (see 34 U.S.C. 10251(a)(7)) as of January 1, 2020.

(6) The term "impede" includes taking or continuing any action, or implementing or maintaining any law, policy, rule, or practice, that—

(a) is designed to prevent or to significantly delay or complicate, or

(b) has the effect of preventing or of significantly delaying or complicating.

(7) "State" and "local government" include any agency or other entity thereof (including any public institution of higher education), but not any Indian tribe.

(8) A "public" institution of higher education is defined as one that is owned, controlled, or directly funded (in whole or in substantial part) by a State or local government. (Such a public institution is considered to be a "government entity," and its officials to be "government officials.")

(9) "Program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. 2000d-4a).

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, any public institution of higher education, or any other entity (or individual) to violate any federal law, including any applicable civil rights or nondiscrimination law.

**IMPORTANT NOTE:** Any questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

## **CONDITION 2: No use of funds to interfere with federal law enforcement: Interrogation of certain aliens**

SCOPE. This condition applies as of the date the recipient accepts this award, and throughout the remainder of the period of performance for the award. Its provisions must be among those included in any subaward (at any tier).

### 1. No use of funds to interfere with statutory law enforcement access to correctional facilities

Consonant with federal law enforcement statutes and regulations -- including 8 U.S.C. 1357(a), under which certain federal officers and employees "have power without warrant ... to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States," and 8 C.F.R. 287.5(a), under which that power may be exercised "anywhere in or outside the United States" -- no State or local government entity, -agency, or -official may use funds under this award to interfere with the exercise of that power to interrogate "without warrant" (by agents of the United States acting under color of federal law) by impeding access to any State or local government (or government-contracted) correctional facility by such agents for the purpose of "interrogat[ing] any alien or person believed to be an alien as to his [or her] right to be or to remain in the United States."

### 2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

### 3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

### 4. Rules of construction

A. For purposes of this condition:

(1) The term "alien" means what it means under section 101 of the Immigration and Nationality Act (INA) (see 8 U.S.C. 1101(a)(3)), except that, with respect to a juvenile offender, it means "criminal alien."

(2) The term "juvenile offender" means what it means under 28 C.F.R. 31.304(f) (as in effect on Jan. 1, 2020).

(3) The term "criminal alien" means, with respect to a juvenile offender, an alien who is deportable on the basis of—

(a) conviction described in section 237(a)(2) of the INA (see 8 U.S.C. 1227(a)(2)), or

(b) conduct described in section 237(a)(4) of the INA (see 8 U.S.C. 1227(a)(4)).

(4) The term "conviction" means what it means under section 101 of the INA (see 8 U.S.C. 1101(a)(48)). (Adjudication of a juvenile as having committed an offense does not constitute "conviction" for purposes of this condition.)

(5) The term "correctional facility" means what it means under the title I of the Omnibus Crime Control and Safe Streets Act of 1968 (see 34 U.S.C. 10251(a)(7)).

(6) The term "impede" includes taking or continuing any action, or implementing or maintaining any law, policy, rule, or practice, that—

(a) is designed to prevent or to significantly delay or complicate, or

(b) has the effect of preventing or of significantly delaying or complicating.

(7) "State" and "local government" include any agency or other entity thereof (including any public institution of higher education), but not any Indian tribe.

(8) A "public" institution of higher education is defined as one that is owned, controlled, or directly funded (in whole or in substantial part) by a State or local government. (Such a public institution is considered to be a "government entity," and its officials to be "government officials.")

(9) "Program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. 2000d-4a).

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, any public institution of higher education, or any other entity (or individual) to violate any federal law, including any applicable civil rights or nondiscrimination law.

IMPORTANT NOTE: Any questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

### **CONDITION 3: Noninterference (within the funded "program or activity") with federal law enforcement: Notice of scheduled release**

SCOPE. This condition applies with respect to the "program or activity" that is funded (in whole or in part) by the award, as of the date the recipient accepts the award, and throughout the remainder of the period of performance. Its provisions must be among those included in any subaward at any tier.

#### 1. Noninterference with "removal" process: Notice of scheduled release date and time

Consonant with federal law enforcement statutes -- including 8 U.S.C. 1231 (for an alien incarcerated by a State or local government, a 90-day "removal period" during which the federal government "shall" detain and then "shall" remove an alien from the U.S. "begins" no later than "the date the alien is released from ... confinement"; also, the federal government is expressly authorized to make payments to a "State or a political subdivision of the State ... with respect to the incarceration of [an] undocumented criminal alien"); 8 U.S.C. 1226 (the federal government "shall take into custody" certain criminal aliens "when the alien is released"); and 8 U.S.C. 1366 (requiring an annual report to Congress on "the number of illegal alien[ felons] in Federal and State prisons" and programs underway "to ensure the prompt removal" from the U.S. of removable "criminal aliens") -- within the funded program or activity, no State or local government entity, -agency, or -official (including a government-contracted correctional facility) may interfere with the "removal" process by failing to provide -- as early as practicable (see para. 4.C. below) -- advance notice to DHS of the scheduled release date and time for a particular alien, if a State or local government (or government-contracted) correctional facility receives from DHS a formal written request pursuant to the INA that seeks such advance notice.

## 2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

## 3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

## 4. Rules of construction

A. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, or any other entity or individual to maintain (or detain) any individual in custody beyond the date and time the individual otherwise would have been released.

### B. Applicability

(1) Current DHS practice is ordinarily to request advance notice of scheduled release "as early as practicable (at least 48 hours, if possible)." (See DHS Form I-247A (3/17)). If (e.g., in light of the date DHS made such request) the scheduled release date and time for an alien are such as not to allow for the advance notice that DHS has requested, it shall NOT be a violation of this condition to provide only as much advance notice as practicable.

(2) Current DHS practice is to use the same form for a second, distinct purpose -- to request that an individual be detained for up to 48 hours AFTER the scheduled release. This condition does NOT encompass such DHS requests for detention.

C. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference (within the funded "program or activity") with federal law enforcement: Interrogation of certain aliens" award condition are incorporated by reference as though set forth here in full.

## **CONDITION 4: No use of funds to interfere with federal law enforcement: Notice of scheduled release**

SCOPE. This condition applies as of the date the recipient accepts the award, and throughout the remainder of the period of performance. Its provisions must be among those included in any subaward at any tier.

### 1. No use of funds to interfere with "removal" process: Notice of scheduled release date and time

Consonant with federal law enforcement statutes -- including 8 U.S.C. 1231 (for an alien incarcerated by a State or local government, a 90-day "removal period" during which the federal government "shall" detain and then "shall" remove an alien from the U.S. "begins" no later than "the date the alien is released from ... confinement"; also, the federal government is expressly authorized to make payments to a "State or a political subdivision of the State ... with respect to the incarceration of [an] undocumented criminal alien"); 8 U.S.C. 1226 (the federal government "shall take into custody" certain criminal aliens "when the alien is released"); and 8 U.S.C. 1366 (requiring an annual report to Congress on "the number of illegal alien[ felons] in Federal and State prisons" and programs underway "to ensure the prompt removal" from the U.S. of removable "criminal aliens") -- no State or local government entity, -agency, or -official

(including a government-contracted correctional facility) may use funds under this award to interfere with the "removal" process by failing to provide -- as early as practicable (see para. 4.C. below) -- advance notice to DHS of the scheduled release date and time for a particular alien, if a State or local government (or government-contracted) correctional facility receives from DHS a formal written request pursuant to the INA that seeks such advance notice.

## 2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

## 3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

## 4. Rules of construction

A. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, or any other entity or individual to maintain (or detain) any individual in custody beyond the date and time the individual otherwise would have been released.

### B. Applicability

(1) Current DHS practice is ordinarily to request advance notice of scheduled release "as early as practicable (at least 48 hours, if possible)." (See DHS Form I-247A (3/17)). If (e.g., in light of the date DHS made such request) the scheduled release date and time for an alien are such as not to allow for the advance notice that DHS has requested, it shall NOT be a violation of this condition to provide only as much advance notice as practicable.

(2) Current DHS practice is to use the same form for a second, distinct purpose -- to request that an individual be detained for up to 48 hours AFTER the scheduled release. This condition does NOT encompass such DHS requests for detention.

C. Both the "Rules of Construction" and the "Important Note" set out in the "No use of funds to interfere with federal law enforcement: Interrogation of certain aliens" award condition are incorporated by reference as though set forth here in full.

---

Signature

---

Date

---

Printed Name

---

Title

---

Name of State or Local Government Applicant Entity