

U.S. Department of Justice  
Office of Justice Programs  
Office of Juvenile Justice and Delinquency Prevention



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## OJJDP FY 2021 Second Chance Act Youth Offender Reentry Program

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<b>Application JustGrants Deadline:</b>	February 19, 2021 11:59 PM

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### Overview

The [U.S. Department of Justice](#) (DOJ), [Office of Justice Programs](#) (OJP), [Office of Juvenile Justice and Delinquency Prevention](#) (OJJDP) is seeking applications for funding under the FY 2021 Second Chance Act Youth Offender Reentry Program to provide grants to state, local, and Native American tribal governments, and nonprofit organizations, to provide reentry services and programs to youth. This program furthers the Department's mission by supporting efforts to reduce recidivism and improve outcomes for youth returning to their communities after detention or out-of-home placement.

This solicitation incorporates the [OJP Grant Application Resource Guide](#) by reference. The OJP Grant Application Resource Guide 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.**

### Solicitation Categories

Competition ID	Category *	Number of Awards	Dollar Amount for Award	Performance Start Date	Performance Duration (Months)
C-OJJDP-2021-00008-PROD	1	5	\$750,000.00	10/1/21 12:00 AM	36
C-OJJDP-2021-00009-PROD	2	8	\$750,000.00	10/1/21 12:00 AM	36

**Eligible Applicants:**

City or township governments, County governments, Native American tribal governments (Federally recognized), Native American tribal organizations (other than Federally recognized tribal governments), Nonprofits having a 501(c)(3) status with the IRS, other than institutions of higher education, Nonprofits that do not have a 501(c)(3) status with the IRS, other than institutions of higher education, State governments, Other

**Other**

**Category 1: Youth Offender Reentry Program**

- State Governments
- City or township governments
- County governments
- Indian/Native American tribal governments (federally recognized)

For purposes of this solicitation, “state” means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Category 1 applicants should include demonstration of partnership with interested persons (including federal corrections and supervision agencies), service providers, and nonprofit organizations).

**Category 2: Community-Based Youth Reentry Program**

- Nonprofits having a 501(c)(3) status with the IRS, other than institutions of higher education
- Nonprofits that do not have a 501(c)(3) status with the IRS, other than institutions of higher education
- Indian/Native American tribal organizations (other than federally recognized tribal governments)

Category 2 applicants must include, as an attachment, a Memorandum of Agreement or Memorandum of Understanding (MOA/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.

To advance Executive Order 13929 Safe Policing for Safe Communities, the Attorney General determined that all state, local, and university or college law enforcement agencies must be certified by an approved independent credentialing body or have started the certification process to be eligible for FY 2021 DOJ discretionary grant funding. To become certified, the law enforcement agency must meet two mandatory conditions: (1) the agency's use of force policies adhere to all applicable federal, state, and local laws; and (2) the agency's use of force policies prohibit chokeholds except in situations where use of deadly force is allowed by law. The certification requirement also applies to law enforcement agencies receiving DOJ discretionary grant funding through a subaward. For detailed information on this new certification requirement, please visit <https://cops.usdoj.gov/SafePolicingEO> to access the Standards for Certification on Safe Policing for Safe Communities, Implementation Fact Sheet, and List of Designated Independent Credentialing Bodies.

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

## Contact Information

For technical assistance with submitting the **SF-424 and SF- LLL** in Grants.gov, contact the Grants.gov Customer Support Hotline at 800-518-4726, 606-545-5035, at [Grants.gov customer support webpage](#), or email 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.

For technical assistance with submitting the **full application** in DOJ's Justice Grants System (JustGrants), contact the JustGrants Service Desk at [JustGrants.Support@usdoj.gov](mailto:JustGrants.Support@usdoj.gov) or at 833-872-5175. The JustGrants Service Desk operates 5 a.m. to 9 p.m. EST Monday - Friday and 9 a.m. to 5 p.m. Saturday, Sunday, and federal holidays.

An applicant that experiences unforeseen Grants.gov or JustGrants technical issues beyond its control that prevent it from submitting its application by the deadline must email the National Criminal Justice Reference Service Response Center (Response Center) at [grants@ncjrs.gov](mailto:grants@ncjrs.gov) contact identified below **within 24 hours after the application deadline** to request approval to submit its application after the deadline.

For assistance with any other requirements of this solicitation, contact the Response Center by telephone at 800-851-3420 or TTY: 301-240-6310 (hearing impaired only) or by email at [grants@ncjrs.gov](mailto:grants@ncjrs.gov). Response Center hours of operation are 10 a.m. to 6 p.m. ET Monday through Friday, and 10 a.m. to 8 p.m. ET on the solicitation close date. General information on applying for OJJDP awards can be found at <https://www.ojjdp.gov/funding/funding.html>.

A solicitation webinar will be held on **January 14, 2021 at 2 p.m. ET**. This call will provide a detailed overview of the solicitation and allow an opportunity for interested applicants to ask questions. Preregistration is required for all participants. Register by clicking on this [link](#) and following the

instructions. Due to the limited time, OJJDP encourages participants to review the solicitation and submit any questions they may have in advance and no later than January 11, 2021. Submit your questions to [grants@ncjrs.gov](mailto:grants@ncjrs.gov) with the subject as "Questions for OJJDP FY 2021 Second Chance Act Youth Offender Reentry Program Webinar."

### **Submission Information**

In FY 2021, applications will be submitted to DOJ in a **NEW** two-step process.

**Step 1:** Applicants will submit an **SF-424 and an SF-LLL** in Grants.gov at <https://www.grants.gov/web/grants/register.html>. To register in Grants.gov, applicants will need to obtain a Data Universal Numbering System (DUNS) and System for Award Management (SAM) registration or renewal.

**Step 2:** Applicants will submit the **full application** including attachments in JustGrants at [JustGrants.usdoj.gov](https://JustGrants.usdoj.gov).

To be considered timely, the full application must be submitted in JustGrants by the JustGrants application deadline.

OJP encourages applicants to review, the "How to Apply" section in the [OJP Grant Application Resource Guide](#).

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# Program Description

## Overview

The Second Chance Act Youth Offender Reentry Program encourages collaboration between state agencies, local government, and community- and faith-based organizations to address the challenges that reentry and recidivism reduction pose for moderate to high-risk juvenile offenders returning to their communities from juvenile residential or correctional facilities.

This solicitation has two categories—Category 1: Youth Offender Reentry Program and Category 2: Community-Based Youth Reentry Program.

## Statutory Authority

Category 1 of this program is authorized pursuant to Section 101 of the Second Chance Act of 2007 (Pub. L. No. 110–199; Pub. L. No. 115–391; 34 U.S.C. § 10631).

Category 2 of this program is authorized pursuant to Section 211 of the Second Chance Act, codified at 34 U.S.C. § 60531, which authorizes DOJ to make grants to nonprofit organizations and Indian tribes to provide transitional services essential to reintegrating offenders into the community.

## Specific Information

**Category 1: Youth Offender Reentry Program** will support states, local governments, and tribal governments in partnership with interested persons (including federal corrections and supervision agencies), service providers, and nonprofit organizations to provide comprehensive reentry services for moderate to high-risk youth offenders before, during, and after release from confinement.

**Category 2: Community-Based Youth Reentry Program** will provide funding to nonprofit organizations to support transitional services to assist in the reintegration of youth into the community and to deliver training on offenders and victims' issues.

## Goals, Objectives, Deliverables, and Timeline

### Category 1: Youth Offender Reentry Program

#### Goals

The goal of this program is to increase public safety by reducing recidivism among moderate to high-risk youth following their release from a juvenile residential facility. For the purposes of this program, recidivism is defined as a return to a residential placement facility, jail, or prison with a new conviction or as the result of a violation of the terms of supervision within 24 months of initial release.



## **Objectives**

The program objective is the development and implementation of comprehensive pre- and postrelease reentry plans for youth returning to their communities after exiting confinement.

## **Deliverables**

Deliverables include screening and assessment of program youth for needs and risk of reoffending, case management services and evidence-based programming during program youth's prerelease phase, identification and coordination of appropriate community-based program services at least 90 days prior to release, and case management services and evidence-based programming designed to ensure continuity of services and a safe and successful transition from placement to the community during the postrelease phase of the reentry program.

## **Category 1: Youth Offender Reentry Program Mandatory Requirements**

Section 101 of the Second Chance Act outlines mandatory requirements that applicants must include in their applications in order to be eligible to secure Section 101 funding. Applicants under Category 1 of this solicitation must provide and demonstrate all of the following:

- Develop a comprehensive reentry plan that describes a long-term strategy and incorporates a detailed implementation schedule, including the applicant's plans to fund the program after the federal funding concludes. The comprehensive reentry plan should include a strategy for assessing inmate reentry needs and measurable, annual and 3-year performance outcomes using, to the maximum extent possible, randomly assigned and controlled studies or rigorous quasi-experimental studies with matched comparison groups to determine the effectiveness of the funded program.
- Identify the local government role and the role of governmental agencies and nonprofit organizations that will be coordinated by, and will collaborate on, the applicant's offender reentry strategy, and certify the involvement of such agencies and organizations.
- Describe the evidence-based methodology and outcome measures that will be used to evaluate the program funded with a grant under this subsection, and specifically explain how such measurements will provide valid measures of the impact of that program and how the project could be broadly replicated if demonstrated to be effective.
- Document explicit support of the chief executive officer, or their designee, of the state, unit of local government, territory, or Indian tribe applying for a grant under this subsection.
- Discuss the role that federal corrections, state corrections departments, community corrections agencies, juvenile justice systems, and tribal or local jail systems will play in ensuring successful reentry of offenders into their communities.
- Provide evidence of collaboration with state, local, or tribal law enforcement agencies and government agencies overseeing health, housing, child welfare, education, substance abuse prevention and treatment, victim services, and employment services.
- Provide a plan for analysis of the statutory, regulatory, rules-based, and practice-based hurdles to reintegration of offenders into the community.
- Include the use of a state, local, territorial, or tribal juvenile reentry task force to carry out activities funded under the grant.
- Provide a plan for continued collaboration with a local evaluator, as necessary, to meet the requirements for evaluation under this grant program.
- Demonstrate that the applicant participated in the formal planning process for the reentry project.

### **Category 1: Youth Offender Reentry Program – Specific Priority Areas**

In FY 2021, and in addition to executing any OJP policy prioritization that may be applicable, priority consideration will be given to Category 1 applications as follows under Section 101 of the Second Chance Act that best:

- Demonstrate a commitment to partner with a local evaluator to identify and analyze data that will enable the grantee to target the intended offender population and serve as a baseline for purposes of the evaluation.
- Demonstrate a focus initiative on geographic areas with a disproportionate population of offenders released from prisons, jails, and juvenile facilities.
- Include input from nonprofit organizations in any case where relevant input is available and appropriate to the grant application; input and coordination with facility administrators for service delivery prerelease; consultation with crime victims and offenders who are released from prisons, jails, and juvenile facilities; input and coordination with families of offenders, the juvenile justice coordinating council of the region, the reentry coordinating council of the region, or from other interested persons.
- Demonstrate effective case assessment and management abilities in order to provide comprehensive and continuous reentry, including planning for prerelease transitional housing and community release that begins upon admission for juveniles and jail inmates and, as appropriate, for prison inmates, depending on the length of the sentence.
- Establish prerelease planning procedures to ensure that the eligibility of an offender for federal, tribal, or state benefits upon release is established prior to release, subject to any limitations in law, and to ensure that offenders obtain all necessary referrals for reentry services, including assistance identifying and securing suitable housing.
- Deliver continuous and appropriate mental health services, drug treatment, medical care, job training and placement, educational services, vocational services, and any other service or support needed for reentry.
- Review the process by which the applicant adjudicates violations of parole, probation, or supervision following release from prison, jail, or a juvenile facility, taking into account public safety and the use of graduated, community-based sanctions for minor and technical violations of parole, probation, or supervision (specifically those violations that are not otherwise, and independently, a violation of law).
- Provide for an independent evaluation of reentry programs that include, to the maximum extent possible, random assignment and controlled studies to determine the effectiveness of such programs.
- Target moderate and high-risk youth offenders for reentry programs through validated assessment tools; or target offenders with histories of homelessness, substance abuse, or mental illness, including prerelease assessment of the housing status of the offender and behavioral health needs of the offender with clear coordination with mental health, substance abuse, and homelessness services systems to achieve stable and permanent housing outcomes with appropriate support services.

### **Category 2: Community-Based Youth Reentry Program Goals**

The goal of this category is to assist in the transition youth make from juvenile residential facilities to

the community so that the transition is successful and promotes public safety.

### **Objectives**

Objectives include the implementation and expansion of reentry programs that demonstrate partnerships with corrections, parole, probation, and other reentry service providers. These partnerships should develop comprehensive case management plans that directly address criminogenic risk and needs, as determined by validated criminogenic risk assessments, and include the delivery or facilitation of services.

### **Deliverables**

Grants made under Category 2 may be used for:

1. Mentoring for youth offenders during confinement, through transition back to the community, and postrelease.
  
2. Transitional services to assist in the reintegration of youth offenders into the community, including:
  - Educational, literacy, and vocational services and transitional job strategies.
  - Substance use disorder treatment and services.
  - Coordinated services, including physical healthcare and comprehensive housing and mental healthcare.
  - Family services.
  - Validated assessment tools to assess the risk factors of returning youth.
  
3. Training regarding youth offenders and victims' issues.

### **Prerelease Access**

Youth participants are expected to be screened, assessed, and identified for program participation prerelease. During the postrelease phase of the reentry program, youth participants will receive case management services and be connected to evidence-based programming designed to assist in the transition from confinement to the community. Where feasible, case management services and evidence-based programming should begin during the prerelease phase.

### **Correctional Partner Memorandum of Agreement or Understanding**

Category 2 applicants must include, as an attachment, a Memorandum of Agreement or Memorandum of Understanding (MOA/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 for 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.

### **Category 2: Community-Based Youth Reentry Program – Specific Priority Areas**

In FY 2021, and in addition to executing any OJP policy prioritization that may be applicable, priority consideration will be given to Category 2 applications as follows:

- Applications that include a plan to implement activities that have been demonstrated effective in facilitating the successful reentry of offenders.
- Applications that provide for an independent evaluation that includes, to the maximum extent feasible, random assignment of offenders to program delivery and control groups.

To receive priority consideration under either of these areas, applicants must specify, in the proposal narrative, how the applicant will address the priority.

With respect to Categories 1 and 2, the Goals, Objectives, and Deliverables are directly related to the performance measures that demonstrate the results of the work completed, as discussed under Content of Application Submission.

### **Evidence-Based Programs or Practices**

OJP strongly emphasizes the use of data and evidence in policymaking 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**

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.”

### **OJP Priority Areas**

In FY 2021 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 (applicable to Category 1 only).
- 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 (QOZs)).
- 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 B (applicable to Category 1 only).

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 under the priority for cooperation with federal law enforcement, applicants must sign and submit the certification provided in Appendix B. Please note that the “applicant” should not include partner agencies that may collaborate with the applicant to advance the program objectives but will not receive funding from the award. Only the actual applicant for federal funding is eligible to sign the certification(s) and agree to the award condition(s).

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.

## **Federal Award Information**

### **Solicitation Category**

Competition ID Enter to sort	Category *	Number of Awards	Dollar Amount for Award	Performance Start Date	Performance Duration (Months)
C-OJJDP-2021-00008-PROD	1	5	\$750,000.00	10/1/21 12:00 AM	36
C-OJJDP-2021-00009-PROD	2	8	\$750,000.00	10/1/21 12:00 AM	36

## Awards, Amounts and Durations

### Period of Performance Start Date

10/1/21 12:00 AM

### Period of Performance Duration (Months)

36

### Anticipated Total Amount to be Awarded Under Solicitation

\$9,750,000.00

## Availability of Funds

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

## Types of Awards

OJJDP expects to make awards under both Categories of this solicitation as grants. See the “Administrative, National Policy, and Other Legal Requirements” section of the [OJP Grant Application Resource Guide](#) for a brief discussion of important statutes, regulations, and award conditions that apply to many (or in some cases, all) OJP grants (and cooperative agreements).

## 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 as set out at 2 C.F.R. 200.303, comply with standards for financial and program management. 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. See [OJP Grant Application Resource Guide](#) for additional information.

## **Cost Sharing or Matching Requirement**

### **Category 1: Youth Offender Reentry Program**

Category 1 requires a 50 percent match based on federal award amount. Federal award funds require 50 percent from nonfederal sources; for each federal dollar awarded, the recipient must provide 50 percent toward the project. See the [OJP Grant Application Resource Guide](#) for additional information on this match requirement.

### **Category 2: Community-Based Youth Reentry Program**

This category does not require a match.

## **Pre-agreement Costs (also known as Pre-award Costs)**

See the [OJP Grant Application Resource Guide](#) information on [Pre-agreement Costs \(also known as Pre-award Costs\)](#).

## **Limitation on Use of Award Funds for Employee Compensation:**

### **Waiver**

See the [OJP Grant Application Resource Guide](#) for information on [Limitation on Use of Award Funds for Employee Compensation; Waiver](#).

## **Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs**

See the [OJP Grant Application Resource Guide](#) for information on [Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs](#).

## **Costs Associated with Language Assistance (if applicable)**

See the [OJP Grant Application Resource Guide](#) for information on Costs Associated with Language Assistance.

## **Eligibility Information**

For eligibility information, see the title page.

## Application and Submission Information

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:

- Proposal Abstract
- Program Narrative
- Budget Worksheet and Budget Narrative (web-based form)
- Category 2 applicants must include a Correctional Partner Memorandum of Agreement or Understanding

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.

### Information to Complete the Application for Federal Assistance (SF-424)

The SF-424 will be submitted in Grants.gov. 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.”)

### Standard Applicant Information (JustGrants 424 and General Agency Information)

The Standard Applicant Information section of the JustGrants application is pre-populated with the SF-424 data submitted in Grants.gov. Applicants will need to review the Standard Applicant Information in JustGrants and make edits as needed. Within this section, applicants will need to: add zip codes for areas affected by the project; confirm their Authorized Representative; and verify the organization's legal name and address.

### Proposal Abstract

A proposal abstract (no more than 400 words) summarizing the proposed project including primary activities, products and deliverables, the service area, and who will benefit from the proposed project, will be completed in the JustGrants Web-based form.

### Proposal Narrative

The proposal narrative should be submitted as an attachment in JustGrants. The attached document should be double-spaced, using a standard 12-point Times New Roman font; have no less than 1-inch margins; and should not exceed 30 pages. Pages should be numbered and submitted as an attachment. If the program narrative fails to comply with these length restrictions, OJJDP may negatively consider such noncompliance in peer review and in final award decisions.



The following sections must be included as part of the proposal narrative:

a. Description of the Issue

Applicants should briefly describe the nature and scope of the problem that the program will address. The applicant should use data to provide evidence that the problem exists, demonstrate the size and scope of the problem, and document the effects of the problem on the target population and the larger community. Any data or research referenced in the narrative should include information about the source of the data and/or a citation. Applicants should describe the target population and any previous or current attempts to address the problem. Applicants should describe any research or evaluation studies that relate to the problem and contribute to their understanding of its causes and potential solutions. While OJJDP expects applicants to review the research literature for relevant studies, they should also explore whether unpublished local sources of research or evaluation data are available.

b. Project Design and Implementation

Applicants should detail how the project will operate throughout the funding period and describe the strategies that they will use to achieve the goals and objectives identified in the previous section. Applicants should describe how they will complete the deliverables stated in the Goals, Objectives, and Deliverables section. OJJDP encourages applicants to select evidence-based practices for their programs. This section should also include details regarding any leveraged resources (cash or in-kind) from local sources to support the project and discuss plans for sustainability beyond the grant period.

**Timeline.** Applicants should submit a realistic timeline or milestone chart that indicates major tasks associated with the goals and objectives of the project, assigns responsibility for each, and plots completion of each task by month or quarter for the duration of the award, using “Year 1,” “Month 1,” “Quarter 1,” etc., not calendar dates (see “Sample Project Timelines” [here](#)). Applicants should submit the timeline as a separate attachment, as stipulated in Additional Application Components. On receipt of an award, the recipient may revise the timeline, based on training and technical assistance that OJJDP will provide.

c. Capabilities and Competencies

This section should describe the experience and capability of the applicant organization and any contractors or subgrantees that the applicant will use to implement and manage this effort and its associated federal funding, highlighting any previous experience implementing projects of similar design or magnitude. Applicants should highlight their experience/capability/capacity to manage subawards, including details on their system for fiscal accountability. Management and staffing patterns should be clearly connected to the project design described in the previous section. Applicants should describe the roles and responsibilities of project staff and explain the program’s organizational structure and operations. Applicants should include a copy of an organizational chart showing how the organization operates, including who manages the finances; how the organization manages subawards, if there are any; and the management of the project proposed for funding.

d. Plan for Collecting the Data Required for This Solicitation’s Performance Measures

Describe the process for measuring project performance. Identify who will collect the data, who is responsible for performance measurements, and how the information will be used to guide and evaluate the impact of the project. Describe the process that will be used to accurately report data.

Note: applicants are **not** required to submit performance data with the application. Rather, 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.

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 “Goals, Objectives, and Deliverables”.

A list of performance measure questions for this program can be found at <https://ojjdp.ojp.gov/funding/grant-performance-measurement/fy-2021-performance-measures>.

Applicants can also 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.

Award recipients will be required to submit performance measurement data and performance reports in JustGrants. Further guidance on the post-award submission process will be provided, if selected for award.

### **Note on Project Evaluations**

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

### **Goals, Objectives, Deliverables, and Timeline**

Applicants will submit the OJJDP FY 2021 Second Chance Act Youth Offender Reentry Program's goals, objectives, deliverables, and timelines in the JustGrants Web-based form. See the [OJP Grant Application Resource Guide](#) for additional information.

### **Budget and Associated Documentation**

#### **Budget Worksheet and Budget Narrative (Web-based Form)**

Applicants will complete the JustGrants web-based budget form. See the [OJP Grant Application Resource Guide](#) for additional information.

#### **Indirect Cost Rate Agreement (if applicable)**

Applicants will submit their indirect cost rate agreement by uploading the agreement as an attachment in JustGrants. See the [OJP Grant Application Resource Guide](#) for additional information.

#### **Financial Management Questionnaire (including applicant disclosure of high-risk status)**

Applicants will download the questionnaire in JustGrants and submit by uploading the completed questionnaire as an attachment in JustGrants. See the [OJP Grant Application Resource Guide](#) for additional information.

## **Disclosure of Process Related to Executive Compensation**

If applicable, applicants will submit a description of the process used to determine compensation by uploading the document as an attachment in JustGrants. See the “Application Attachments” section of the [OJP Grant Application Resource Guide](#) for information.

## **Additional Application Components**

Applicants will attach the additional requested documentation in JustGrants.

## **Tribal Authorizing Resolution**

If applicable, applicants will submit the Tribal Authorizing Resolution by uploading the resolution as an attachment in JustGrants. An application in response to this solicitation may require inclusion of information related to a tribal authorizing resolution as an attachment. See the [OJP Grant Application Resource Guide](#) for information on tribal authorizing resolutions.

## **Research and Evaluation Independence and Integrity Statement**

If an application proposes research (including research and development) and/or evaluation, the applicant must demonstrate research/evaluation independence and integrity, including appropriate safeguards, before it may receive award funds. Applicants will submit a description of their research and evaluation independence and integrity by uploading the document as an attachment in JustGrants. For additional information regarding demonstrating research/evaluation independence and integrity, including appropriate safeguards, see the [OJP Grant Application Resource Guide](#).

## **Documentation of Rural Challenges (if applicable)**

As 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 must 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. Applicants will submit the narrative by uploading the document as an attachment in JustGrants.

## **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 must 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. Applicants will submit the narrative by uploading the document as an attachment in JustGrants.

## **Documentation of Enhanced Public Safety in QOZs (if applicable)**

As mentioned above, OJP will give priority consideration in award decisions to designated QOZs. Each applicant proposing to receive priority consideration under the QOZs priority must 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 explaining the manner in which the proposed project is anticipated to benefit a QOZ(s). Applicants will submit the narrative by uploading the document as an attachment in JustGrants.

## **Certifications Regarding Enhancing Criminal Justice and Public Safety Through Law Enforcement-Related Award Conditions (if applicable)**

As 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 B. Each such applicant proposing to receive priority consideration for such cooperation with federal law enforcement must sign and submit the certification provided in Appendix B.

## **Correctional Partner Memorandum of Agreement or Understanding (applicable for Category 2)**

Category 2 applicants must include, as an attachment, an 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:

- The roles and responsibilities for staff from both agencies involved in the program.
- 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.)
- Information on prerelease programming and interventions provided by the correctional agency to each participant.
- 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.

## **Disclosures and Assurances**

Applicants will complete the following disclosures and assurances.

### **Disclosure of Lobbying Activities**

Applicants will complete and submit the SF-LLL in Grants.gov. See the [OJP Grant Application Resource Guide](#) for additional information.

### **DOJ Certified Standard Assurances**

See the DOJ Certified Standard Assurances in the [OJP Grant Application Resource Guide](#).

### **Applicant Disclosure of Duplication in Cost Items**

Applicants will complete the JustGrants web-based Applicant Disclosure of Duplication in Cost Items form. See the [OJP Grant Application Resource Guide](#) for additional information.

### **DOJ Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements**

Applicants will review and accept the DOJ Certified Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements. See [OJP Grant Application Resource Guide](#).

## **Applicant Disclosure and Justification – DOJ High-Risk Grantees (if applicable)**

If applicable, applicants will submit this document as an attachment in JustGrants. See the [OJP Grant Application Resource Guide](#) for additional information. 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.

### **How to Apply**

Applicants will submit an **SF-424** and an **SF-LLL** in Grants.gov at <https://www.grants.gov/web/grants/register.html>.

Applicants will submit the **full application** including attachments in JustGrants at [JustGrants.usdoj.gov](https://www.justgrants.usdoj.gov).

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

### **Submission Dates and Time**

The **SF-424** and the **SF-LLL** will be submitted in Grants.gov by February 5, 2021 at 11:59 p.m. eastern time. 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 messages or rejection notifications from Grants.gov and to correct in a timely fashion any problems that may have caused a rejection notification.

The **full application** will be submitted in JustGrants on February 19, 2021 at 11:59 p.m. eastern time.

To be considered timely, the full application must be submitted in JustGrants by the JustGrants application deadline.

## **Application Review Information**

### **Review Criteria**

#### **a. Scored Review Criteria**

Applications that meet basic minimum requirements will be evaluated by peer reviewers. Applications will be evaluated on how the proposed project/program addresses the following criteria:

1. Statement of the Problem/Description of the Issue (10%) - evaluate the applicant's understanding of the program/issue to be addressed.
2. Project Design and Implementation (45%)- evaluate the adequacy of the proposal, including the goals, objectives, timelines, milestones, and deliverables.
3. Capabilities and Competencies (25%) - evaluate administrative and technical capacity of the applicant to successfully accomplish the goals and objectives.
4. Plan for Collecting the Data Required for this Solicitation's Performance Measures (10%) - evaluate the applicant's understanding of the performance data reporting requirements and the plan for collecting the required data.
5. Budget (10%) - evaluate for completeness, cost effectiveness, and allowability (e.g., reasonable, allocable, and necessary for project activities).

#### **b. Additional Review Criteria**

Other important considerations for OJJDP include geographic diversity, strategic priorities (specifically including, but not limited to, those mentioned above related to enhancing criminal justice and public safety through award conditions regarding cooperation with federal law enforcement (for Category 1 applicants), applications from federally recognized tribes, applications addressing specific challenges that rural communities face, high-poverty areas or persistent-poverty counties, and demonstrable potential enhancement to public safety in one or more federally designated QOZs), available funding, past performance, and the extent to which the Budget Worksheet and Budget Narrative (Web-based Form) accurately explain project costs that are reasonable, necessary, and otherwise allowable under federal law and applicable federal cost principles.

### **Review Process**

Applications submitted under this solicitation that meet basic minimum requirements, will be evaluated for technical merit by a peer review panel(s) in accordance with OJP peer review policy and procedures using the stated review criteria above.

OJP screens applications to ensure they meet the basic minimum requirements prior to conducting peer review. Although specific requirements may vary, the following are common requirements applicable to all solicitations for funding under OJP programs:

- The 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.

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 non-public 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, 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 OJJDP recommendations, but also other factors as indicated in this section.

## **Federal Award Administration Information**

### **Federal Award Notices**

See the [OJP Grant Application Resource Guide](#) for information on award notifications and instructions.

### **Administrative, National Policy, and Other Legal Requirements**

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**

An application in response to this solicitation may require inclusion of information related to information technology security. See the [OJP Grant Application Resource Guide](#) for information on information technology security.

### **General Information about Post-Federal Award Reporting Requirements**

In addition to the deliverables described in the Program Description section, 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.



## Federal Awarding Agency Contact(s)

For OJP contact(s), see page 3.

For contact information for Grants.gov, see page 3.

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

See the [OJP Grant Application Resource Guide](#) for information on Freedom of Information and Privacy Act (5 U.S.C. 552 and 5 U.S.C. 552a).

## Provide Feedback to OJP

See the [OJP Grant Application Resource Guide](#) for information on how to provide feedback to OJP.

## Performance Measures

### Category 1: Youth Offender Reentry Program

A list of performance measure questions for this program can be found at <https://ojjdp.ojp.gov/funding/grant-performance-measurement/fy-2021-performance-measures>.

### Category 2: Community-Based Youth Reentry Program

A list of performance measure questions for this program can be found at <https://ojjdp.ojp.gov/funding/grant-performance-measurement/fy-2021-performance-measures>.

## Application Checklist

# OJJDP FY 2021 Second Chance Act Youth Offender Reentry Program

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

### What an Applicant Must 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
- Select the correct Competition ID
- 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](#))

*Overview of Post-Award Legal Requirements:*

- Review the “[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2021 Awards](#)” in the [OJP Funding Resource Center](#).

*Scope Requirement:*

- The federal amount requested is within the allowable limit(s) of \$750,000.

*Eligibility Requirement:*

For eligibility information, see the title page.

- Submit **SF-424** and **SF-LLL** in Grants.gov

*After SF-424 and SF-LLL Submission in Grants.gov, Receive Grants.gov Email Notifications That:*

- Submission has been received in Grants.gov
- Submission 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 the Grants.gov Customer Support Hotline at 800-518-4726, 606-545-5035, at Grants.gov customer support webpage, or email at [support@grants.gov](mailto:support@grants.gov) regarding

technical difficulties. (see [OJP Grant Application Resource Guide](#))

*Receive email notification to complete application in JustGrants:*

- Complete Application in JustGrants

**Content of Application Submission:**

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.

- Proposal Abstract
- Proposal Narrative
- Budget Detail Worksheet and Budget Narrative
- Category 2: Correctional Partner Memorandum of Agreement or Understanding

**Content of Application Submission**

- Information to Complete the Application for Federal Assistance (SF-424) in Grants.gov
- Standard Applicant Information (SF-424 info from Grants.gov)

**Budget and Associated Documentation**

- Budget Worksheet and Budget Narrative (web-based form)
- Indirect Cost Rate Agreement (if applicable) (see [OJP Grant Application Resource Guide](#))
- Financial Management and System of Internal Controls Questionnaire (see [OJP Grant Application Resource Guide](#))
- Request and Justification for Employee Compensation; Waiver (if applicable) (see [OJP Grant Application Resource Guide](#))

**Disclosures and Assurances**

- [Disclosure of Lobbying Activities \(SF-LLL\)](#) (see [OJP Grant Application Resource Guide](#))
- Applicant Disclosure of Duplication in Cost Items (Pending Applications) (see [OJP Grant Application Resource Guide](#))
- DOJ Certified Standard Assurance (see [OJP Grant Application Resource Guide](#))
- DOJ Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements (see [OJP Grant Application Resource Guide](#))
- Applicant Disclosure and Justification – DOJ High Risk Grantees (if applicable) (see [OJP Grant Application Resource Guide](#))

**Additional Application Components**

- Tribal Authorizing Resolution (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 (Category 2)
- Documentation of rural challenges (if applicable)
- Documentation of high-poverty areas or persistent poverty counties (if applicable)
- Documentation of enhanced public safety in federally designated Qualified Opportunity Zones (if applicable)
- Category 1 applicants' certification regarding enhancing criminal justice and public safety through law enforcement-related award conditions (see Appendix B) (if applicable)
- Correctional Partner Memorandum of Agreement or Understanding (Category 2)

*Submit Application in JustGrants:*

- Application has been successfully submitted in JustGrants

*If No JustGrants Application Submission, Validation, or Error Notifications are Received:*

- Contact [JustGrants.Support@usdoj.gov](mailto:JustGrants.Support@usdoj.gov) or 833-872-5175 regarding technical difficulties

## **Appendix B: Certification Regarding Cooperation With 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 (DOJ), 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