

## Attachment 11A

### Explanatory Note for Department of Justice (DOJ) Report August 2, 2010

All of the Recovery Act Funds are in the form of grants and were awarded to four bureaus within the Department of Justice: Office of Violence Against Women (OVW); Office of Justice Programs (OJP); Alcohol, Tobacco, Firearms and Explosives (ATF); and Community Oriented Policing Services (COPS). The attached spreadsheet includes data from all four bureaus. Please note, once these grants are awarded and obligated, we will have more to report on the applicability of the National Environmental Policy Act (NEPA). Specifically, column E, "Number of ARRA Funded Projects/Activities" will be filled in more as projects are funded. Below is more detailed information describing the types of projects for each bureau.

**ATF (Spreadsheet 1, row 11):** ATF received \$10 million through an 1151 Treasury transfer. To date, ATF has obligated \$9,628,000 of the \$10,000,000 received, compared to last report of \$7,007,416. Total FY 2010 spending is \$5,612,857. FY 2009 spending was \$4,015,143. The Act provided the \$10 million to ATF for its Project Gunrunner for the Southwest Border Initiative. The Southwest Border Initiative is designed to reduce cross border drug and weapons trafficking, and the associated high level of violence occurring on the border between the U.S. and Mexico.

The funds are being used to establish staff (via new hire and relocation), and equip and operate Project Gunrunner criminal enforcement offices along the Southwest Border. ATF does not have direct leasing authority, but relies on GSA to secure office space. GSA has identified these projects as Automatic CATEX (Categorical Exclusions).

**OJP:** OJP has the following programs: Justice Assistance Grants, Byrne Competitive Grants, Southern Border/High-Intensity Drug Trafficking Areas, Tribal Lands Jail Construction, Victim's Compensation Formula Grants/Victim Assistance Formula Grants/Victim Assistance Discretionary Grants, Rural Law Enforcement Assistance, Internet Crimes Against Children Initiatives, and Management and Administration.

We are enclosing the completed updated report for the period ending June 30, 2010. We note that most of the Office of Justice Programs (OJP) programs and contracts do not involve any type of construction activity.

The OJP was able to make awards covering the vast majority of our Recovery Act funds prior to September 30, 2009. During the last quarter, OJP grant managers have been working with award recipients to help them understand and comply with all award requirements, including NEPA. A number of draft Environmental Assessments (EAs) have been prepared, and are being processed to determine if there is a need for Environmental Impact Statement. Outreach will continue through the next quarter to ensure that NEPA requirements are met, and that no unnecessary delays result. All of the OJP funds are for grants and the determination regarding NEPA coverage is dependent on the schedules and submissions of the grantees, as well as remaining

decisions by grantees about how ARRA funds will be spent. OJP prepared its response based on the information available, and will update as necessary in subsequent reports. There are two changes from the last report to note. First, the EA for the Southern Border (Spreadsheet 2, row 56) was completed during this quarter. Second, five of the EAs for the Tribal construction projects were completed during this period.

**Violence Against Women Prevention and Prosecution (Spreadsheet page 1, row 9):** NEPA does not apply to 238 projects because the activities that can be funded under those grants are related to judicial, administrative, civil, or criminal enforcement actions that do not require a NEPA analysis (40 C.F.R. 1508.18[a]).

**COPS (Spreadsheet page 1, row 10):** The Community Oriented Policing Service's (COPS Office) use of Federal funding to implement a Federal assistance grant program has provided 1,032 grants to state, local and tribal law enforcement. Since the funds will be used for activities relating to judicial, administrative, civil, or criminal enforcement actions (40 C.F.R. 1508.18[a]), the projects are listed as "NEPA Not Applicable." During the last reporting period, COPS awarded 1,033 grants, of which 1 has since been removed at the request of the grantee agency. No NEPA action was associated with the project and the new spreadsheet reflects these changes. The total obligation changed from \$996,522,890 to \$993,633,111.

Row 26 relates to the COPS CHRP grant program and the number of grants that grantees have withdrawn since the first reporting period. Previously submitted reports have not included cumulative totals of withdrawn projects, but the spreadsheet has now been corrected to account for the unreported projects. Withdrawn grants include the following from each reporting period:

- 1) December 31, 2009- 7 grants withdrawn
- 2) March 31, 2010- 4 grants withdrawn
- 3) June 30, 2010- 1 grant withdrawn

The total number of grants withdrawn leading up to this reporting period is 12. Grant agencies typically request to withdraw from their grants due to financial budget restrictions.

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