

Attachment 12A

Explanatory Note for Department of Justice (DOJ) Report May 3, 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 page 1, row 11): ATF received \$10 million through an 1151 Treasury transfer. To date, ATF has obligated \$7,007,416 of the \$10,000,000 received, compared to last report of \$5,252,582. Total FY 2010 spending is \$2,992,273; 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 CEs.

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.

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 any Environmental Impact Statements. 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, for the Rural Law Enforcement Program (Spreadsheet page 2, row 18), it was previously reported that 4 projects required EAs. Subsequently, the scope was revised for one project, such that an EA is no longer necessary. Second, for the Tribal Construction Program (Spreadsheet page 2, rows 14), it was previously reported that 20 projects required EAs. Upon further review, it has been determined that 2 of those projects qualify for a CATEX under 28 C.F.R. Part 91.

Violence Against Women Prevention and Prosecution (Spreadsheet page 1, row 9):

The reason for the 238 NEPA Not Applicable is that 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]). Forty-one of the projects are still undergoing review for a NEPA determination.

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 providing 1,033 grants to state, local and tribal law enforcement which does not trigger the need for an environmental review because the funds will be used for activities related to judicial, administrative, civil, or criminal enforcement actions (40 C.F.R. 1508.18[a]).

During the last reporting period COPS awarded 1,037 grants, of which 4 have since been withdrawn at the request of the grantee agency. Grantee agencies primarily cited financial budget restrictions as the reason for withdrawing. The total obligation changed from \$996,522,890 to \$994,277,610.

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