

Attachment 12A

Explanatory Note for Department of Justice (DOJ) Report November 2, 2009

All of the Department of Justice's American Recovery and Reinvestment Act (ARRA) Funds are in the form of grants and were awarded to four bureaus within the DOJ: Alcohol, Tobacco, Firearms and Explosives (ATF); Office of Justice Programs (OJP); Office of Violence Against Women (OVW); and Community Oriented Policing Services (COPS). The attached spreadsheet includes data from all four bureaus.

Please note that DOJ has funded a significant amount of projects since the last report. This is reflected in Column E, "Number of ARRA Funded Projects/Activities" which increased from 1,608 to 5,487. Furthermore, it is worth highlighting that of the \$3,996,930,000 appropriated to DOJ, \$3,963,723,656 has been obligated, which is reflected in Column L "Total Obligations for Projects and Activities." We will continue to report the number of projects in Column E, "Number of ARRA Funded Projects/Activities" as the final projects are funded. Below is more detailed information describing the types of projects for each bureau.

ATF: ATF received \$10 million through an 1151 Treasury transfer. The Act provided the \$10 million to ATF for its Project Gunrunner for the Southwest Border Initiative (Row 11 on Page 1 of the spreadsheet). 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. ATF will work with GSA to ensure that any applicable environmental requirements are met. To date, ATF has obligated \$4,243,805 of the \$10,000,000 received.

OJP: We note that most of the OJP programs and contracts do not involve any type of construction activity. Environmental Assessments (EA) are being prepared for the grant programs that do involve construction projects. These EAs are pending documentation has not yet been submitted by grant recipients to justify a Finding of No Significant Impact. As these EAs are completed, we will update the spreadsheet.

Since the last report, more EAs have been identified for the construction of correctional facilities on Indian Lands (Rows 13-14 on Page 2 the spreadsheet). We should note that for NEPA coverage, these projects are subject to the Environmental Impact Review Procedures in Appendix D of 28 C.F.R. Part 91, which includes a categorical exclusion for minor renovations. Also, the awards for some of projects under Rural Law Enforcement Assistance Grant require EAs, as noted on Rows 17-18 on Page 2 of the attached spreadsheet.

In the case of some OJP agencies, the awards are for projects that do not involve any construction or other activities that require detailed environmental analysis under NEPA (these actions are on Rows 2-3, 5, and 7-8 on Page 1 of the spreadsheet) Most of the OJP projects are eligible for the categorical exclusion set out at 28 C.F.R. Part 61, Appendix D. Most OJP projects do not require a detailed environmental analysis because the projects are usually for *inter alia*, research, the provision of services or training programs for State and local law enforcement agencies.

OVW: The reason for the 236 NEPA Not Applicables 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]).

During the last reporting period, OVW completed the process of issuing 43 grants/awards. Each grant has a special condition stating that the NEPA/NHPA compliance process must be completed before any money can be spent on renovations. OVW will now assess which of the grants/awards requiring NEPA analysis will fit under the Department's categorical exclusion and which will require EAs.

COPS: The Community Oriented Policing Service's (COPS Office) use of Federal funding to implement a Federal assistance grant program providing 1,044 grants to state, local and tribal law enforcement (Row 10 on Page 1 of the spreadsheet) 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]).

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