

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



The [U.S. Department of Justice](#) (DOJ), [Office of Justice Programs](#) (OJP), [Bureau of Justice Assistance](#) (BJA) is seeking applications for funding from the John R. Justice (JRJ) Grant Program, which provides student loan repayment assistance for local, state and federal public defenders and local and state prosecutors who commit to extended service in those roles. By assisting in the recruitment and retention of qualified attorneys, the program helps to fulfill the Department's mission to enhance the criminal justice system.

## **John R. Justice (JRJ) Program FY 2018 Application Guidance Applications Due: May 21, 2018**

### **Eligibility**

Eligible applicants are agencies, as designated by the governor of the state or territory (or the Mayor of Washington, D.C.), to serve as the JRJ-specific administering agency and to which BJA may award funds to serve eligible recipients working within the respective state's, territory's, or District's jurisdiction.

### **Deadline**

Applicants must register in the OJP Grants Management System (GMS) at <https://grants.ojp.usdoj.gov> prior to submitting an application under this solicitation. All applicants must register, even those that previously registered in GMS. Select the "Apply Online" button associated with the solicitation title. All registrations and applications are **due by 8:00 p.m. eastern time on May 21, 2018**.

For additional information, see [How to Apply](#) in [Section D. Application and Submission Information](#).

### **Contact Information**

For technical assistance with submitting the application, contact the Grants Management System Support Hotline at 1-888-549-9901, option 3, or via e-mail to [GMSHelpDesk@usdoj.gov](mailto:GMSHelpDesk@usdoj.gov). The GMS Support Hotline hours of operation are Monday-Friday from 6:00 a.m. to midnight eastern time, except federal holidays.

An applicant that experiences unforeseen GMS technical issues beyond its control that prevent it from submitting its application by the deadline must email the BJA contact identified below **within 24 hours after the application deadline** in order to request approval to submit its

application after the deadline. For information on reporting technical issues, see “Experiencing Unforeseen GMS Technical Issues” under [How to Apply](#) in [Section D. Application and Submission Information](#).

For assistance with any other requirements of this solicitation, contact Antonio Tovar, BJA State Policy Advisor at 202–514–8267, or at [Antonio.Tovar@usdoj.gov](mailto:Antonio.Tovar@usdoj.gov).

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# John R. Justice (JRJ) Program FY 2018 Application Guidance CFDA #16.816

## A. Program Description

### Overview

The John R. Justice Prosecutors and Defenders Incentive Act (hereinafter referred to as the “Act”), codified at 34 U.S.C. § 10671, and named for the late John Reid, Justice of South Carolina, was enacted to encourage qualified attorneys to choose careers as prosecutors and public defenders and to serve in those roles for extended periods. The JRJ Grant Program (also referred to as the John R. Justice Student Loan Repayment Program or JRJSLRP) provides loan repayment assistance for local, state, and federal public defenders and local and state prosecutors who commit to extended employment in those roles.

**Statutory Authority:** 34 U.S.C. § 10671

### Program-Specific Information

One pressing challenge facing our criminal justice system today is the recruitment and retention of qualified prosecutors and public defenders, who serve every day to ensure that our communities are protected, the rule of law is upheld, and the rights of the citizenry are safeguarded. Both prosecutor and public defender offices consistently find it difficult to attract and retain talented attorneys. Burdened by educational debt, attorneys interested in public interest law often forego opportunities to work in these offices in order to seek more lucrative private sector positions. Attorney shortages can result in overworked attorneys handling unmanageable caseloads, potentially affecting public safety and the administration of justice.

Student loan debt is consistently cited as the overwhelming reason why many attorneys decline or leave positions as prosecutors and public defenders. The vast majority of law students borrow to finance their legal education, and rising costs have imposed staggering debt on them. Furthermore, public defender and prosecutor salaries have failed to keep pace with the escalating cost of education. As a result, talented lawyers who would otherwise consider a career in this critical public service are often unwilling to accept or remain in attorney positions as prosecutors or public defenders, creating real challenges for those offices.

For each state and territory that is eligible to apply for funding under the JRJ Grant Program, BJA will make awards to agencies designated by the governor of those states or territories (or in the case of the District of Columbia, by the mayor) to administer the JRJ Grant Program within the state or territory. These designated agencies shall establish and maintain a statewide JRJ Grant Program consistent with the guidance contained in this document and the Act.

### Objectives and Deliverables

The objective of the JRJ Grant Program is to attract and retain qualified local, state, and federal public defenders and local and state prosecutors who commit to extended employment in those roles.

The Objectives and Deliverables are directly related to the performance measures set out in the table in [Section D. Application and Submission Information](#), under "Program Narrative."

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

The Department of Justice has prioritized the use of evidence-based programming and deems it critical to continue to build and expand the evidence informing criminal and juvenile justice programs to reach the highest level of rigor possible. Therefore, applicants should note that the Office of Justice Programs may conduct or support an evaluation of the programs and activities funded under this solicitation. Recipients and sub-recipients will be expected to cooperate with program-related assessments or evaluation efforts, including through the collection and provision of information or data requested by OJP (or its designee) for the assessment or evaluation of any activities and/or outcomes of those activities funded under this solicitation. The information or data requested may be in addition to any other financial or performance data already required under this program.

## **B. Federal Award Information**

The Bureau of Justice Statistics has calculated a minimum base allocation for each state, territory, and the District of Columbia. This minimum base allocation will then be supplemented by an amount proportional to that state's or territory's share of the national population. BJA reserves the right to reallocate unrequested funding in any fiscal year for use by participating states and to reduce future awards by amounts unexpended from the prior year, all based upon such reasonable formulas as is necessary to extend accessibility to program funding.

Agencies designated by the governor of a state or territory, including the Mayor of the District of Columbia, to administer the JRJ funding are eligible for the state allocation determined by the allocation process described above. Awards will be made for a two-year period.

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

### **Type of Award**

BJA expects that any award under this announcement will be made in the form of a grant. See [Administrative, National Policy, and Other Legal Requirements](#), under [Section F. Federal Award Administration Information](#), for a brief discussion of important statutes, regulations, and award conditions that apply to many (or in some cases, all) OJP grants.

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

Award recipients and subrecipients (including recipients or subrecipients that are pass-through entities<sup>1</sup>) must, as described in the Part 200 Uniform Requirements<sup>2</sup> as set out at 2 C.F.R. 200.303:

- (a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that [the recipient (and any subrecipient)] is

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<sup>1</sup> For purposes of this announcement, the phrase "pass-through entity" denotes any recipient or subrecipient that provides a subaward ("subgrant") to a subrecipient ("subgrantee") to carry out part of the funded award or program.

<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.

managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States and the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

(b) Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.

(c) Evaluate and monitor [the recipient’s (and any subrecipient’s)] compliance with statutes, regulations, and the terms and conditions of Federal awards.

(d) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.

(e) Take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive or [the recipient (or any subrecipient)] considers sensitive consistent with applicable Federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.

To help ensure that applicants understand applicable administrative requirements and cost principles, OJP encourages prospective applicants to enroll, at no charge, in the DOJ Grants Financial Management Online Training, available [here](#).

Also, applicants should be aware that OJP collects information from applicants on their financial management and systems of internal controls (among other information) which is used to make award decisions. Under [Section D. Application and Submission Information](#), applicants may access and review the OJP Financial Management and System of Internal Controls Questionnaire (<http://ojp.gov/funding/Apply/Resources/FinancialCapability.pdf>) that OJP requires **all** applicants (other than an individual applying in his/her personal capacity) to download, complete, and submit as part of the application.

### **Budget Information**

The designated JRJ agency may **not allocate more than** 10 percent of the state award for costs associated with administering the program within the state or territory.

### **Cost Sharing or Match Requirement**

This program does not require a match. However, if a successful application proposes a voluntary match amount, and OJP approves the budget, the total match amount incorporated into the approved budget becomes mandatory and is subject to audit.

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

Pre-agreement costs are costs incurred by the applicant prior to the start date of the period of performance of the federal award.

OJP does **not** typically approve pre-agreement costs; an applicant must request and obtain the prior written approval of OJP for all such costs. All such costs incurred prior to award and prior to approval of the costs are incurred at the sole risk of the applicant. (Generally, no applicant

should incur project costs *before* submitting an application requesting federal funding for those costs.) Should there be extenuating circumstances that make it appropriate for OJP to consider approving pre-agreement costs, the applicant may contact the point of contact listed on the title page of this solicitation for the requirements concerning written requests for approval. If approved in advance by OJP, award funds may be used for pre-agreement costs, consistent with the recipient's approved budget and applicable cost principles. See the section on Costs Requiring Prior Approval in the DOJ Grants Financial Guide at <https://ojp.gov/financialguide/DOJ/index.htm> for more information.

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

If an applicant proposes a program or activity that would deliver services or benefits to individuals, using award funds to cover the costs of taking reasonable steps to provide meaningful access to those services or benefits for individuals with limited English proficiency may be allowable. Reasonable steps may include interpretation or translation services, where appropriate.

For additional information, see the "Civil Rights Compliance" section under "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards](#)" in the [OJP Funding Resource Center](#).

## **C. Eligibility Information**

For eligibility information, see the title page.

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

## **D. Application and Submission Information**

### **What an Application Should Include**

This section describes in detail what an application should include. An applicant should anticipate that if it fails to submit an application that contains all of the specified elements, it may negatively affect the review of its application; and, should a decision be made to make an award, it may result in the inclusion of award conditions that preclude the recipient from accessing or using award funds until the recipient satisfies the conditions and OJP makes the funds available.

**NOTE:** OJP has combined the Budget Detail Worksheet and Budget Narrative in a single document collectively referred to as the Budget Detail Worksheet. See "Budget Information and Associated Documentation" below for more information about the Budget Detail Worksheet and where it can be accessed.

OJP strongly recommends that applicants use appropriately descriptive file names (e.g., "Program Narrative," "Budget Detail Worksheet," "Timelines," "Memoranda of Understanding," "Résumés") for all attachments. Also, OJP recommends that applicants include résumés in a single file.

Grant recipients are required to comply with the information in [Appendix A: State Implementation of the JRJ Program](#).

Please review the “Note on File Names and File Types” under [How to Apply](#) to be sure applications are submitted in permitted formats.

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

The SF-424 is a required standard form used as a cover sheet for submission of pre-applications, applications, and related information. GMS takes information from the applicant’s profile to populate the fields on this form.

To avoid processing delays, an applicant must include an accurate legal name on its SF-424. On the SF-424, current OJP award recipients, when completing the field for “Legal Name”, should use the same legal name that appears on the prior-year award document (which is also the legal name stored in OJP’s financial system.) Also, these applicants should enter the Employer Identification Number (EIN) exactly as it appears on the prior-year award document. An applicant with a current, active award(s) must ensure that its GMS profile is current. If the profile is not current, the applicant should submit a Grant Adjustment Notice updating the information on its GMS profile prior to applying under this solicitation.

A new applicant entity should enter its official legal name, its address, its EIN, and its Data Universal Numbering System (DUNS) number. A new applicant entity should attach official legal documents to its application (e.g., articles of incorporation, 501(c)(3) status documentation, organizational letterhead, etc.) to confirm the legal name, address, and EIN entered into the SF-424. OJP will use the System for Award Management (SAM) to confirm the legal name and DUNS number entered in the SF-424; therefore, an applicant should ensure that the information entered in the SF-424 matches its current registration in SAM. See the [How to Apply](#) section for more information on SAM and DUNS numbers.

**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

Applications should include a high-quality project abstract that summarizes the proposed project in 400 words or fewer. 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 font (such as Times New Roman) with one-inch margins.

Abstracts should include the applicant’s name, goals of the program, and a description of the strategy to be used. The abstract should also list the total number of prosecutors, public defenders, and federal public defenders employed in the state prior to the availability of JRJ funds, along with the current number employed by each.

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

### 3. Program Narrative

Applicants must submit a program narrative that generally describes the proposed program activities for the 1-year grant period. The program narrative must be double-spaced, using a standard 12-point font (Times New Roman is preferred) with not less than 1-inch margins, and must not exceed 15 pages. Number pages “1 of 15,” “2 of 15,” etc.

The narrative must include:

#### a. Outreach Plan

Applicants must submit a plan outlining their outreach strategy for prospective eligible beneficiaries (including current and continuing beneficiaries) in their state or territory. This plan must reflect an equal emphasis on outreach to both prosecutors and public defenders (including federal public defenders). In conducting outreach, BJA encourages agencies that administer JRJ Grant Programs to publicize the availability of the Income-Based Repayment (IBR) plan, Public Service Loan Forgiveness (PSLF), and other available loan repayment assistance programs (LRAPs) that may apply.

#### b. Program Plan Overview

Applicants must provide a brief overview to explain how beneficiaries will apply for loan repayment, how decisions will be made as to eligibility and awards, and how data will be collected and assessed for performance measure evaluation. This overview should include details about:

- Evaluation criteria used to determine applicant eligibility and identify those least able to repay.
- General grant application process.
- Technical application process (i.e., how prospective beneficiaries will submit their application).
- Attachments that prospective beneficiaries will be required to submit with their applications (e.g., loan documents, debt obligation data, proof of employment, income verification, transcripts, job evaluations, etc.).
- Proposed process and method for awarding additional JRJ benefits on behalf of individuals who have already completed the initial 3-year term of service of their original JRJSLRP Service Agreement and would like to apply for additional benefits in exchange for additional terms of service.

#### c. Compliance with Statutory Requirements

Applications must address a JRJ agency’s plan to comply with the statutory requirement that priority consideration be given to those with “the least ability to repay” their loans. Applicants may use their own discretion in identifying a methodology that best identifies a person’s ability to repay their loans; however, at a minimum, this plan must include an assessment of the following:

- The beneficiary’s total educational debt (not just monthly student loan payments).
- The beneficiary’s gross or net income; or, if married, household gross or net income.
- An adjustment for the cost of living.

Applicants may also wish to give consideration to additional factors in identifying potential beneficiaries who have “the least ability to repay” their loans, such as:

- The ratio of the beneficiary’s total education debt to total assets.
- Number of dependents claimed by the beneficiary.
- The beneficiary’s non-educational debt financial obligations.

d. Distribution of Funding

The application must include a statutory compliance plan that addresses:

- The JRJ agency’s plan to consider a fair distribution of funding based on geography and population density. Applications should ensure that funding is not isolated or heavily concentrated in any particular metropolitan area or geographic section of the state or territory.
- How much of the current award will be used to meet the statutory requirement found in 34 U.S.C. §10671(f)(2), which provides that priority be given to those individuals who: (a) have received repayment benefits in the prior fiscal year (FY 2015) and (b) who have completed fewer than 3 years of their initial JRJSLRP Service Agreement.

e. Capabilities and Competencies

- Describe the JRJ state administering agency’s capacity to manage and track tuition reimbursement or student loan repayments.
- Briefly describe the JRJ state administering agency’s experience with similar payment/repayment programs.
- Please identify any previous or current obstacles to implementing the JRJ program that the state or territory has experienced and identify how these obstacles will be resolved.

f. Plan for Collecting the Data Required for this Solicitation’s Performance Measures

- Proposed methods for collecting data for performance measure evaluation.
- Plan for verifying, on an annual basis, continued employment eligibility and satisfaction of required service terms as well as tracking and reporting the status of all beneficiaries and reporting said information to BJA.

OJP will require each successful applicant to submit specific performance measures data as part of its reporting under the award (see “[General Information about Post-Federal Award Reporting Requirements](#)” in [Section F. Federal Award Administration Information](#)). The performance measures correlate to the objectives and deliverables identified under “Objectives and Deliverables” in [Section A. Program Description](#).

Award recipients will be required to submit quarterly performance metrics through BJA’s online Performance Measurement Tool, (PMT) located at <https://bjapmt.ojp.gov>. The referenced measures are examples of some of the core performance measures for the John R. Justice Grant Program, but applicants should examine the complete list at <https://bjapmt.ojp.gov/help/JRJgrid.pdf>.

The application should describe the applicant's plan for collection of all of the performance measures data listed in the table below under “Data Recipient Provides,” should it receive funding.

Objective	Performance Measure	Data Recipient Provides
<p>To encourage qualified individuals to enter and continue employment as prosecutors and public defenders.</p>	<p>Number of eligible JRJ program applicants</p>	<p>Total number of applicants during the reporting period</p> <p>Total number of eligible applicants (unique count) as of the reporting period, including the number who are prosecutors, state or local public defenders, and federal public defenders</p>
	<p>Percentage of JRJ program applicants selected to receive loan repayments, based on the least ability to repay</p>	<p>Total number of prosecutors selected to receive loan repayments during the reporting period, based on the least ability to repay</p> <p>Total number of state or local public defenders selected to receive loan repayments during the reporting period, based on the least ability to repay</p> <p>Total number of federal public defenders selected to receive loan repayments during the reporting period, based on the least ability to repay</p>
	<p>Number of previous JRJ recipients selected under priority consideration</p>	<p>Total number of previous JRJ recipients selected under priority consideration</p>
	<p>Number of JRJ recipients recruited or retained</p>	<p>Total number of JRJ recipients who received JRJ benefits within the first year of being hired</p>
		<p>Total number of JRJ prosecutors who received JRJ benefits within the first year of being hired</p>
		<p>Total number of JRJ public defenders who received JRJ benefits within the first year of being hired</p>
		<p>Total number of JRJ federal public defenders who received JRJ benefits within the first year of being hired</p>

Objective	Performance Measure	Data Recipient Provides
	<p>Number of JRJ recipients who have received 3 years of consecutive JRJ benefits or have been retained for at least 3 years</p> <p>Number of JRJ recipients who have exited the program without completion</p> <p>Dollar amount of loan repayments awarded</p>	<p>Total number of JRJ recipients who have received 3 years of consecutive JRJ benefits or have been retained for at least 3 years</p> <p>Total number of JRJ prosecutors who have received 3 years of consecutive JRJ benefits or have been retained for at least 3 years</p> <p>Total number of JRJ public defenders who have received 3 years of consecutive JRJ benefits or have been retained for at least 3 years</p> <p>Total number of JRJ federal public defenders who have received 3 years of consecutive JRJ benefits or have been retained for at least 3 years</p> <p>Total number of JRJ recipients who have exited the program without completion</p> <p>Total number of JRJ prosecutors who have exited the program without completion</p> <p>Total number of JRJ public defenders who have exited the program without completion</p> <p>Total number of JRJ federal public defenders who have exited the program without completion</p> <p>Total dollar amount awarded to prosecutors during the reporting period</p> <p>Total dollar amount awarded to state or local public defenders during the reporting period</p> <p>Total dollar amount awarded to federal public defenders during the reporting period</p>

Objective	Performance Measure	Data Recipient Provides
	<p>Dollar amount of loan repayments distributed</p> <p>Number of days between initial outreach to eligible applicants and the opening of the JRJ loan repayment application period</p> <p>Number of days the application period remained open for applicants</p> <p>Number of days between the close of the application period and the repayment of loans.</p>	<p>Total dollar amount distributed to prosecutors during the reporting period</p> <p>Total dollar amount distributed to state or local public defenders during the reporting period</p> <p>Total dollar amount distributed to federal public defenders during the reporting period</p> <p>Number of days between initial outreach to eligible applicants and the opening of the JRJ application period</p> <p>Type of outreach conducted</p> <p>The dates the application period opened, scheduled close date, and actual close date</p> <p>Date of the first payment made to a loan company</p>

BJA does not require applicants to submit performance measures data with their application. Performance measures are included as an alert that BJA will require successful applicants to submit specific data as part of their reporting requirements. For the application, applicants should indicate an understanding of these requirements and discuss how they will gather the required data, should they receive funding.

**Note on Project Evaluations**

An applicant that proposes to use award funds through this solicitation to conduct project evaluations should be aware that certain project evaluations (such as systematic investigations designed to develop or contribute to generalizable knowledge) may constitute “research” for purposes of applicable DOJ human subjects protection regulations. However, project evaluations that are intended only to generate internal improvements to a program or service, or are conducted only to meet OJP’s performance measure data reporting requirements, likely do not constitute “research.” Each applicant should provide sufficient information for OJP to determine whether the particular project it proposes would either intentionally or unintentionally collect and/or use information in such a way that it meets the DOJ regulatory definition of research that appears at 28 C.F.R. Part 46 (“Protection of Human Subjects”).

“Research,” for the purposes of human subjects protection for OJP-funded programs, is defined as “a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge” (28 C.F.R. 46.102(d)).

For additional information on determining whether a proposed activity would constitute research by this definition, applicants should consult the decision tree in the “Research and the Protection of Human Subjects” section of the “Requirements related to Research” web page of the [“Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards”](#) available through the OJP Funding Resource Center at <http://ojp.gov/funding/index.htm>. Every prospective applicant whose application may propose a research or statistical component also should review the “Data Privacy and Confidentiality Requirements” section on that web page.

#### **4. Designated Agency Representative Letter**

Applicants must include as an attachment a copy of the most recent letter from the governor of the state, territory, or the Mayor of the District of Columbia (or person expressly designated by the governor or mayor) designating a JRJ agency to administer these funds. While the most recent copy must be provided, a new Designated Agency Representative Letter is only required if there is a change in the designated agency.

#### **5. Budget and Associated Documentation**

Applicants must submit a budget detail worksheet and budget narrative outlining how JRJ funds, including administrative funds (if applicable), will be used to support and/or implement the program. The governor-designated JRJ agency may use up to ten percent of the state award for costs associated with administering the program within the state or territory. Among the administrative costs that would be considered are costs incurred in producing outreach materials (e.g., marketing materials, websites, brochures, briefings, surveys, and analyses to measure the impact of the program).

The Budget Detail Worksheet and the Budget Narrative are now combined in a single document collectively referred to as the Budget Detail Worksheet. The Budget Detail Worksheet is a user-friendly, fillable, Microsoft Excel-based document designed to calculate totals. Additionally, the Excel workbook contains worksheets for multiple budget years that can be completed as necessary. **All applicants should use the Excel version when completing the proposed budget in an application, except in cases where the applicant does not have access to Microsoft Excel or experiences technical difficulties.** If an applicant does not have access to Microsoft Excel or experiences technical difficulties with the Excel version, then the applicant should use the 508-compliant accessible Adobe Portable Document Format (PDF) version.

Both versions of the Budget Detail Worksheet can be accessed at <https://ojp.gov/funding/Apply/Forms/BudgetDetailWorksheet.htm>.

##### **a. Budget Detail Worksheet**

The Budget Detail Worksheet should provide the detailed computation for each budget line item, listing the total cost of each and showing how it was calculated by the applicant. For example, costs for personnel should show the annual salary rate and the percentage of time devoted to the project for each employee paid with grant funds. The Budget Detail Worksheet should present a complete itemization of all proposed costs.

For questions pertaining to budget and examples of allowable and unallowable costs, see the DOJ Grants Financial Guide at <https://ojp.gov/financialguide/DOJ/index.htm>.

**b. Budget Narrative**

The budget narrative should thoroughly and clearly describe every category of expense listed in the Budget Detail Worksheet. OJP expects proposed budgets to be complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities).

An applicant should demonstrate in its budget narratives how it will maximize cost effectiveness of award expenditures. Budget narratives should generally describe cost effectiveness in relation to potential alternatives and the goals of the project. For example, a budget narrative should detail why planned in-person meetings are necessary, or how technology and collaboration with outside organizations could be used to reduce costs, without compromising quality.

The budget narrative should be mathematically sound and correspond clearly with the information and figures provided in the Budget Detail Worksheet. The narrative should explain how the applicant estimated and calculated all costs, and how those costs are necessary to the completion of the proposed project. The narrative may include tables for clarification purposes, but need not be in a spreadsheet format. As with the Budget Detail Worksheet, the budget narrative should describe costs by year.

**c. Information on Proposed Subawards (if any), as well as on Proposed Procurement Contracts (if any)**

Applicants for OJP awards typically may propose to make *subawards*. Applicants also may propose to enter into procurement *contracts* under the award.

Whether an action – for federal grants administrative purposes – is a subaward or procurement contract is a critical distinction, as significantly different rules apply to each. If a recipient enters into an agreement that is a subaward of an OJP award, specific rules apply to that subaward, many of which are set by federal statutes and DOJ regulations; others by award conditions. These rules place particular responsibilities on an OJP recipient for any subawards the OJP recipient may make. The rules determine much of what the written subaward agreement itself must require or provide. The rules also determine much of what an OJP recipient must do both before and after it makes a subaward. If a recipient enters into an agreement that is a procurement contract under an OJP award, a substantially different set of federal rules applies.

OJP has developed the following guidance documents to help clarify the differences between subawards and procurement contracts under an OJP award and outline the compliance and reporting requirements for each. This information can be accessed online at <https://ojp.gov/training/training.htm>.

- [Subawards under OJP Awards and Procurement Contracts under Awards: A Toolkit for OJP Recipients.](#)
- [Checklist to Determine Subrecipient or Contractor Classification.](#)
- [Sole Source Justification Fact Sheet and Sole Source Review Checklist.](#)

In general, the central question concerns the relationship between what the third party will do under its agreement with the recipient and what the recipient has committed (to OJP) to do under its award to further a public purpose (e.g., services the recipient will provide, products it will develop or modify, research or evaluation it will conduct). If a third party is designated to provide some of the services the recipient has committed (to OJP) to provide, to develop or modify all or part of a product the recipient has committed (to OJP) to develop or modify, or to conduct part of the research or evaluation the recipient has committed (to OJP) to conduct, OJP will consider the agreement with the third party a *subaward* for purposes of federal grants administrative requirements.

This will be true **even if** the recipient, for internal or other non-federal purposes, labels or treats its agreement as a procurement, a contract, or a procurement contract. Neither the title nor the structure of an agreement determines whether the agreement -- for purposes of federal grants administrative requirements -- is a *subaward* or is instead a procurement *contract* under an award. The substance of the relationship should be given greater consideration than the form of agreement between the recipient and the outside entity.

### **1. Information on proposed subawards**

A recipient of an OJP award may not make subawards ("subgrants") unless the recipient has specific federal authorization to do so. Unless an applicable statute or DOJ regulation specifically authorizes (or requires) subawards, a recipient must have authorization from OJP before it may make a subaward.

A particular subaward may be authorized by OJP because the recipient included a sufficiently-detailed description and justification of the proposed subaward in the Program Narrative, Budget Detail Worksheet, and Budget Narrative as approved by OJP. If, however, a particular subaward is not authorized by federal statute or regulation, and is not approved by OJP, the recipient will be required, post-award, to request and obtain written authorization from OJP before it may make the subaward.

If an applicant proposes to make one or more subawards to carry out the federal award and program, and those subawards are not specifically authorized (or required) by statute or regulation, the applicant should: (1) identify (if known) the proposed subrecipient(s), (2) describe in detail what each subrecipient will do to carry out the federal award and federal program, and (3) provide a justification for the subaward(s), with details on pertinent matters such as special qualifications and areas of expertise. Pertinent information on subawards should appear not only in the Program Narrative, but also in the Budget Detail Worksheet and Budget Narrative.

### **2. Information on proposed procurement contracts (with specific justification for proposed non contracts over \$150,000)**

Unlike a recipient considering a subaward, a recipient of an OJP award generally does not need specific prior federal authorization to enter into an agreement that -- for purposes of federal grants administrative requirements -- is considered a procurement contract, **provided that** (1) the recipient uses its own documented procurement procedures and (2) those procedures conform to applicable federal law, including the Procurement Standards of the (DOJ) Part 200 Uniform Requirements (as set out at 2 C.F.R. 200.317 - 200.326). The Budget Detail Worksheet and Budget Narrative should identify proposed procurement contracts. (As discussed above, subawards must be identified and described separately from procurement contracts.)

The Procurement Standards in the Part 200 Uniform Requirements, however, reflect a general expectation that agreements that (for purposes of federal grants administrative requirements) constitute procurement “contracts” under awards will be entered into on the basis of full and open competition. All non (sole source) procurement contracts must meet the OJP requirements outlined at <https://ojp.gov/training/subawards-procurement.htm>. If a proposed procurement contract exceeds the simplified acquisition threshold – currently, \$150,000 – a recipient of an OJP award may not proceed without competition unless and until the recipient receives specific advance authorization from OJP to use a non-competitive approach for the procurement. An applicant that (at the time of its application) intends – without competition – to enter into a procurement contract that would exceed \$150,000 should include a detailed justification that explains to OJP why, in the particular circumstances, it is appropriate to proceed without competition.

If the applicant receives an award, sole source procurements that do not exceed the Simplified Acquisition Threshold (currently \$150,000) must have written justification for the non procurement action maintained in the procurement file. If a procurement file does not have the documentation that meets the criteria outlined in 2 C.F.R. 200, the procurement expenditures may not be allowable. Sole source procurement over the \$150,000 Simplified Acquisition Threshold must have prior approval from OJP using a Sole Source Grant Adjustment Notice (GAN). Written documentation justifying the non procurement must be submitted with the GAN and maintained in the procurement file.

**d. Pre-agreement Costs**

For information on pre-agreement costs, see [Section B. Federal Award Information](#).

**6. Indirect Cost Rate Agreement (if applicable)**

Indirect costs may be charged to an award only if:

- (a) The recipient has a current (unexpired), federally-approved indirect cost rate; or
- (b) The recipient is eligible for, and elects to use, the “de minimis” indirect cost rate described in the Part 200 Uniform Requirements, as set out at 2 C.F.R. 200.414(f).

An applicant with a current (unexpired) federally-approved indirect cost rate is to attach a copy of the indirect cost rate agreement to the application. An applicant that does not have a current federally-approved rate may request one through its cognizant federal agency, which will review all documentation and approve a rate for the applicant entity, or, if the applicant's accounting system permits, applicants may propose to allocate costs in the direct cost categories.

For assistance with identifying the appropriate cognizant federal agency for indirect costs, please contact the Office of the Chief Financial Officer (OCFO) Customer Service Center at 1-800-458-0786 or at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov). If DOJ is the cognizant federal agency, applicants may obtain information needed to submit an indirect cost rate proposal at [www.ojp.gov/funding/Apply/Resources/IndirectCosts.pdf](http://www.ojp.gov/funding/Apply/Resources/IndirectCosts.pdf).

Certain OJP recipients have the option of electing to use the “de minimis” indirect cost rate. An applicant that is eligible to use the “de minimis” rate and wishes to do so should attach written documentation to the application that advises OJP of both (1) the applicant's

eligibility to use the “de minimis” rate, and (2) its election to do so. If an eligible applicant elects the “de minimis” rate, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. The “de minimis” rate may no longer be used once an approved federally-negotiated indirect cost rate is in place. (No entity that ever has had a federally-approved negotiated indirect cost rate is eligible to use the “de minimis” rate.) For the “de minimis” rate requirements (including on eligibility to elect to use the rate), see Part 200 Uniform Requirements, at [2 C.F.R. 200.414\(f\)](#)

## **7. Financial Management and System of Internal Controls Questionnaire (including applicant disclosure of high risk status)**

Every OJP applicant (other than an individual applying in his or her personal capacity) is required to download, complete, and submit the OJP Financial Management and System of Internal Controls Questionnaire (Questionnaire) located at <https://ojp.gov/funding/Apply/Resources/FinancialCapability.pdf> as part of its application. The Questionnaire helps OJP assess the financial management and internal control systems and the associated potential risks inherent in an application as part of the pre-award risk assessment process.

The Questionnaire should only be completed by financial staff members most familiar with the applicant's systems, policies, and procedures in order to ensure that the correct responses are provided to OJP. The responses on the Questionnaire directly impact the pre-award risk assessment and should accurately reflect the applicant's financial management and internal control system at the time of the application. The pre-award risk assessment is only one of multiple factors and criteria used in determining funding. However, a pre-award risk assessment that indicates that an applicant poses a higher risk to OJP may affect the funding decision and/or result in additional reporting requirements, monitoring, special conditions, withholding of award funds, or other additional award requirements.

Among other things, the form requires each applicant to disclose whether it currently is designated “high-risk” by a federal grant-making agency other than DOJ. For purposes of this disclosure, “high-risk” includes any status under which a federal awarding agency provides additional oversight due to the applicant's past performance, or other programmatic or financial concerns. If an applicant is designated “high-risk” by another federal awarding agency, the applicant must provide the following information:

- The name of the federal awarding agency that currently designates the applicant high risk
- The date the applicant was designated high risk
- The high-risk point of contact at that federal awarding agency (name, phone number, and email address)
- The reasons for the high-risk status, as set out by the federal awarding agency

OJP seeks this information to help ensure appropriate federal oversight of OJP awards. An applicant that is considered “high-risk” by another federal awarding agency is not automatically disqualified from receiving an OJP award. OJP may, however, consider the information in award decisions, and may impose additional OJP oversight of any award

under this solicitation (including through the conditions that accompany the award document).

**8. Disclosure of Lobbying Activities**

Each applicant must complete and submit this information. An applicant that expends any funds for lobbying activities must provide all of the information requested on the form [Disclosure of Lobbying Activities \(SF-LLL\)](#). An applicant that does not expend any funds for lobbying activities is to enter “N/A” in the text boxes for item 10 (“a. Name and Address of Lobbying Registrant” and “b. Individuals Performing Services”).

**9. Additional Attachments**

**a. Applicant Disclosure of Pending Applications**

Each applicant is required to disclose whether it has (or is proposed as a subrecipient under) any pending applications for federally-funded grants or cooperative agreements that (1) include requests for funding to support the same project being proposed in the application under this solicitation, and (2) would cover any identical cost items outlined in the budget submitted to OJP as part of the application under this solicitation. The applicant is to disclose applications made directly to federal awarding agencies, and also applications for subawards of federal funds (e.g., applications to state agencies that will subaward (“subgrant”) federal funds).

OJP seeks this information to help avoid any inappropriate duplication of funding. Leveraging multiple funding sources in a complementary manner to implement comprehensive programs or projects is encouraged and is not seen as inappropriate duplication.

Each applicant that has one or more pending applications as described above is to provide the following information about pending applications submitted within the last 12 months:

- The federal or state funding agency
- The solicitation name/project name
- The point of contact information at the applicable federal or State funding agency

Federal or State Funding Agency	Solicitation Name/ Project Name	Name/Phone/Email for Point of Contact at Federal or State Funding Agency
DOJ/Office of Community Oriented Policing Services	COPS Hiring Program	Jane Doe, 202/000-0000; jane.doe@usdoj.gov
Health & Human Services/ Substance Abuse and Mental Health Services Administration	Drug-Free Communities Mentoring Program/ North County Youth Mentoring Program	John Doe, 202/000-0000; john.doe@hhs.gov

Each applicant should include the table as a separate attachment to its application. The file should be named “Disclosure of Pending Applications.” The applicant’s legal name

on the application must match the entity named on the disclosure of pending applications statement.

Any applicant that does not have any pending applications as described above is to submit, as a separate attachment, a statement to this effect: “[Applicant Name on SF-424] does not have (and is not proposed as a subrecipient under) any pending applications submitted within the last 12 months for federally-funded grants or cooperative agreements (or for subawards under federal grants or cooperative agreements) that request funding to support the same project being proposed in this application to OJP and that would cover any identical cost items outlined in the budget submitted as part of this application.”

### **How to Apply**

An applicant must submit its application through the [Grants Management System \(GMS\)](#), which provides support for the application, award, and management of awards at OJP. Each applicant entity **must register in GMS for each specific funding opportunity** and should **register immediately** to meet the GMS registration deadline for this funding opportunity, especially if this is the first time the applicant is using the system. Find complete instructions on how to register and submit an application in GMS at [www.ojp.gov/gmscbt/](http://www.ojp.gov/gmscbt/). An applicant that experiences technical difficulties during this process should email [GMS.HelpDesk@usdoj.gov](mailto:GMS.HelpDesk@usdoj.gov) or call 888-549-9901 (option 3), available 24 hours a day, 7 days a week, including on federal holidays. OJP recommends that each applicant **register immediately** to prevent delays in submitting an application package by the deadline.

**Note on File Types: GMS does not accept executable file types as application attachments.** These disallowed file types include, but are not limited to, the following extensions: “.com,” “.bat,” “.exe,” “.vbs,” “.cfg,” “.dat,” “.db,” “.dbf,” “.dll,” “.ini,” “.log,” “.ora,” “.sys,” and “.zip.” GMS may reject applications with files that use these extensions. It is important for applicants to allow time to change the type of file(s) if the application is rejected.

### **Unique Entity Identifier (DUNS Number) and System for Award Management (SAM)**

Every applicant entity must comply with all applicable System for Award Management (SAM) and unique entity identifier (currently, a Data Universal Numbering System [DUNS] number) requirements. SAM is the repository for certain standard information about federal financial assistance applicants, recipients, and subrecipients. A DUNS number is a unique nine-digit identification number provided to the applicant by the commercial company Dun and Bradstreet. More detailed information about SAM and the DUNS number is provided in the numbered sections below.

If an applicant entity has not fully complied with the applicable SAM and unique identifier requirements by the time OJP makes award decisions, OJP may determine that the applicant is not qualified to receive an award and may use that determination as a basis for making the award to a different applicant.

If the applicant entity already has an Employer Identification Number (EIN), the SAM registration will take **up to two weeks to process**. If it does not, **the applicant should allow two to five weeks to obtain the information from IRS when requesting the EIN via phone, fax, mail or Internet**. For more information about EIN, visit <https://www.irs.gov/individuals/international-taxpayers/taxpayer-identification-numbers-tin>.

## Registration and Submission Steps

All applicants should complete the following steps:

1. **Acquire a unique entity identifier (currently, a DUNS number).** In general, the Office of Management and Budget requires every applicant for a federal award (other than an individual) to include a "unique entity identifier" in each application, including an application for a supplemental award. Currently, a DUNS number is the required unique entity identifier.

This unique entity identifier is used for tracking purposes, and to validate address and point of contact information for applicants, recipients, and subrecipients. It will be used throughout the life cycle of an OJP award. Obtaining a DUNS number is a free, one-time activity. Call Dun and Bradstreet at 866-705-5711 to obtain a DUNS number or apply online at [www.dnb.com/](http://www.dnb.com/). A DUNS number is usually received within 1-2 business days.

2. **Acquire or maintain registration with SAM.** Any applicant for an OJP award creating a **new** entity registration in SAM.gov must provide an original, signed notarized letter stating that the applicant is the authorized Entity Administrator before the registration will be activated. To learn more about this process change, read the FAQs at <https://www.gsa.gov/about-us/organization/federal-acquisition-service/office-of-systems-management/integrated-award-environment-iae/sam-update>. Information about the notarized letter is posted at [https://www.fsd.gov/fsd.gov/answer.do?sysparm\\_kbid=d2e67885db0d5f00b3257d321f96194b&sysparm\\_search=kb0013183](https://www.fsd.gov/fsd.gov/answer.do?sysparm_kbid=d2e67885db0d5f00b3257d321f96194b&sysparm_search=kb0013183).

All applicants for OJP awards (other than individuals) must maintain current registrations in the SAM database. Applicants will need the authorizing official of the organization and an Employer Identification Number (EIN). An applicant must be registered in SAM in order to successfully register in Grants.gov. Each applicant must **update or renew its SAM registration at least annually** to maintain an active status. SAM registration and renewal can take as long as 10 business days to complete (2 more weeks to acquire an EIN).

Information about SAM registration procedures can be found at [www.sam.gov](http://www.sam.gov).

3. **Acquire a GMS username and password.** New users must create a GMS profile by selecting the "First Time User" link under the sign-in box of the [GMS](#) home page. For more information on how to register in GMS, go to [www.ojp.gov/gmscbt](http://www.ojp.gov/gmscbt). Previously registered applicants should ensure, prior to applying, that the user profile information is up-to-date in GMS (including, but not limited to, address, legal name of agency and authorized representative) as this information is populated in any new application.
4. **Verify the SAM (formerly CCR) registration in GMS.** OJP requires each applicant to verify its SAM registration in GMS. Once logged into GMS, click the "CCR Claim" link on the left side of the default screen. Click the submit button to verify the SAM (formerly CCR) registration.
5. **Search for the funding opportunity on GMS.** After logging into GMS, go to the "Funding Opportunities" link on the left side of the page. Select BJA and BJA FY 18 JRJ.
6. **Register by selecting the "Apply Online" button associated with the funding opportunity title.** The search results from step 5 will display the "funding opportunity"

(solicitation) title along with the registration and application deadlines for this solicitation. Select the “Apply Online” button in the “Action” column to register for this solicitation and create an application in the system.

- 7. Follow the directions in GMS to submit an application consistent with this solicitation.** Once the application is submitted, GMS will display a confirmation screen stating the submission was successful. **Important:** In some instances, an applicant must wait for GMS approval before submitting an application. OJP urges each applicant to submit its application **at least 72 hours prior** to the application due date.

**Note:** If an applicant submits multiple versions of the same application, OJP will review only the most recent system-validated version submitted.

### **Experiencing Unforeseen GMS Technical Issues**

An applicant that experiences unforeseen GMS technical issues beyond its control that prevent it from submitting its application by the deadline must contact the [GMS Help Desk](#) or the SAM Help Desk (Federal Service Desk) at <https://www.fsd.gov/fsd-gov/home.do> to report the technical issue and receive a tracking number. The applicant must email the BJA contact identified in the Contact Information section on the title page **within 24 hours after the application deadline** to request approval to submit its application after the deadline. The applicant’s email must describe the technical difficulties, and must include a timeline of the applicant’s submission efforts, the complete grant application, the applicant’s DUNS number, and any GMS Help Desk or SAM tracking number(s).

**Note: OJP does not automatically approve requests to submit a late application.** After OJP reviews the applicant’s request, and contacts the GMS Help Desk to verify the reported technical issues, OJP will inform the applicant whether the request to submit a late application has been approved or denied. If OJP determines that the application submission was tardy due to the applicant’s failure to follow all required procedures, OJP will deny the applicant’s request to submit its application.

The following conditions generally are insufficient to justify late submissions:

- Failure to register in SAM or GMS in sufficient time (SAM registration and renewal can take as long as 10 business days to complete)
- Failure to follow GMS instructions on how to register and apply as posted on the GMS website
- Failure to follow each instruction in the OJP solicitation
- Technical issues with the applicant’s computer or information technology environment, such as problems with firewalls

## **E. Application Review Information**

### **Review Process**

OJP is committed to ensuring a fair and open process for making awards. BJA reviews the application to make sure that the information presented is reasonable, understandable, measurable, and achievable, as well as consistent with the solicitation. BJA will also review applications to ensure that the statutory requirements have been met.

Pursuant to the Part 200 Uniform Requirements, before award decisions are made, OJP also reviews information related to the degree of potential risk inherent in an application. Among other factors, in order 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 having been excluded from receiving a federal award.

In addition, if OJP anticipates that an award will exceed \$150,000 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, or 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 potential risk inherent in an application. The evaluation of risks goes beyond information in SAM, however. OJP itself has in place a method for evaluating risks posed by applicants. OJP takes into account information pertinent to matters such as:

1. Applicant financial stability and fiscal integrity
2. Quality of the applicant's management systems, and the applicant's ability to meet prescribed management standards, including those outlined in the DOJ Grants Financial Guide
3. Applicant's history of performance under OJP and other DOJ awards (including compliance with reporting requirements and award conditions), as well as awards from other federal agencies
4. Reports and findings from audits of the applicant, including audits under the Part 200 Uniform Requirements
5. Applicant's ability to comply with statutory and regulatory requirements, and to effectively implement other award requirements.

Absent explicit statutory authorization or written delegation of authority to the contrary, the Assistant Attorney General will make all final award decisions.

## **F. Federal Award Administration Information**

### **Federal Award Notices**

Award notifications will be made by September 30, 2018. OJP sends award notification by email through GMS to the individuals listed in the application as the point of contact and the authorizing official. The email notification includes detailed instructions on how to access and view the award documents, and steps to take in GMS to start the award acceptance process. GMS automatically issues the notifications at 9:00 p.m. eastern time on the award date.

For each successful applicant, an individual with the necessary authority to bind the applicant will be required to log in; execute a set of legal certifications and a set of legal assurances; designate a financial point of contact; thoroughly review the award, including all award conditions; and sign and accept the award. The award acceptance process requires physical signature of the award document by the authorized representative and the scanning and submission of the fully-executed award document to OJP.

## **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 award conditions, as well as all applicable requirements of federal statutes and regulations (including applicable requirements referred to in the assurances and certifications executed at the time of award acceptance). OJP strongly encourages prospective applicants to review information on post-award legal requirements and common OJP award conditions **prior** to submitting an application.

Applicants should consult the “[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards](#),” available in the OJP Funding Resource Center at <https://ojp.gov/funding/index.htm>. In addition, applicants should examine the following two legal documents, as each successful applicant must execute both documents before it may receive any award funds. (An applicant is not required to submit these documents as part of an application.)

- [Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements](#)
- [Certified Standard Assurances](#)

The web pages accessible through the “[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards](#)” are intended to give applicants for OJP awards a general overview of important statutes, regulations, and award conditions that apply to many (or in some cases, all) OJP grants and cooperative agreements awarded in FY 2018. Individual OJP awards typically will also include additional award conditions. Those additional conditions may relate to the particular statute, program, or solicitation under which the award is made; to the substance of the funded application; to the recipient's performance under other federal awards; to the recipient's legal status (e.g., as a for-profit entity); or to other pertinent considerations.

## **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 the following 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.)

Awards that exceed \$500,000 will include an additional condition that, under specific circumstances, will require the recipient to report to FAPIIS information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either the OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Additional information on this reporting requirement appears in the text of the award condition posted on the OJP web site at <https://ojp.gov/funding/FAPIIS.htm>.

Data on performance measures. In addition to required reports, an award recipient also must provide data that measure the results of the work done under the award. To demonstrate

program progress, as well as to assist DOJ in fulfilling its responsibilities under the Government Performance and Results Act of 1993 (GPRA), Public Law 103-62, and the GPRA Modernization Act of 2010, Public Law 111-352, OJP will require any recipient, post award, to provide the data listed as "Data Recipient Provides" in the performance measures table in [Section D. Application and Submission Information](#), under "Program Narrative," so that OJP can calculate values for this solicitation's performance measures.

## **G. Federal Awarding Agency Contact(s)**

For OJP contact(s), see the title page.

## **H. Other Information**

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

All applications submitted to OJP (including all attachments to applications) are subject to the federal Freedom of Information Act (FOIA) and the Privacy Act. By law, DOJ may withhold information that is responsive to a request pursuant to FOIA if DOJ determines that the responsive information either is protected under the Privacy Act or falls within the scope of one of nine statutory exemptions under FOIA. DOJ cannot agree in advance of a request pursuant to FOIA not to release some or all portions of an application.

In its review of records that are responsive to a FOIA request, OJP will withhold information in those records that plainly falls within the scope of the Privacy Act or one of the statutory exemptions under FOIA. (Some examples include certain types of information in budgets, and names and contact information for project staff other than certain key personnel.) In appropriate circumstances, OJP will request the views of the applicant/recipient that submitted a responsive document.

For example, if OJP receives a request pursuant to FOIA for an application submitted by a nonprofit or for-profit organization or an institution of higher education, or for an application that involves research, OJP typically will contact the applicant/recipient that submitted the application and ask it to identify -- quite precisely -- any particular information in the application that the applicant/recipient believes falls under a FOIA exemption, the specific exemption it believes applies, and why. After considering the submission by the applicant/recipient, OJP makes an independent assessment regarding withholding information. OJP generally follows a similar process for requests pursuant to FOIA for applications that may contain law enforcement-sensitive information.

### **Feedback to OJP**

To assist OJP in improving its application and award processes, OJP encourages applicants to provide feedback on this solicitation, the application submission process, and/or the application review process. Feedback may be provided at [OJPSolicitationFeedback@usdoj.gov](mailto:OJPSolicitationFeedback@usdoj.gov).

**IMPORTANT:** This email is for feedback and suggestions only. OJP does **not** reply to messages it receives in this mailbox. A prospective applicant that has specific questions on any program or technical aspect of the solicitation **must** use the appropriate telephone number or email listed at the beginning of this solicitation. These contacts are provided to help ensure that

applicants can directly reach an individual who can address specific questions in a timely manner.

If you are interested in being a reviewer for other OJP grant applications, please email your résumé to [ojppeerreview@l-secb.com](mailto:ojppeerreview@l-secb.com). (Do not send your résumé to the OJP Solicitation Feedback email account.) **Note:** Neither you nor anyone else from your organization or entity can be a peer reviewer in a competition in which you or your organization/entity has submitted an application.

# Application Checklist

## John R. Justice FY 2018 Application

This application checklist has been created to assist in developing an application.

### What an Applicant Should Do:

#### *Prior to Registering in GMS:*

- \_\_\_\_\_ Acquire a DUNS Number (see page 21)
- \_\_\_\_\_ Acquire or renew registration with SAM (see page 21)

#### *To Register with GMS:*

- \_\_\_\_\_ For new users, acquire a GMS username and password (see page 21)
- \_\_\_\_\_ For existing users, check GMS username and password to ensure account access (see page 21)
- \_\_\_\_\_ Verify SAM registration in GMS (see page 21)
- \_\_\_\_\_ Search for correct funding opportunity in GMS (see page 21)
- \_\_\_\_\_ Select correct funding opportunity in GMS (BJA FY 18 JRJ) (see page 21)
- \_\_\_\_\_ Register by selecting the "Apply Online" button associated with the funding opportunity title (see page 21)
- \_\_\_\_\_ Read OJP policy and guidance on conference approval, planning, and reporting available at [ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm](http://ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm)
- \_\_\_\_\_ If experiencing technical difficulties in GMS, contact (see page 1)

\*Password Reset Notice – GMS users are reminded that while password reset capabilities exist, this function is only associated with points of contact designated within GMS at the time the account was established. Neither OJP nor the GMS Help Desk will initiate a password reset unless requested by the authorized official or a designated point of contact associated with an award or application.

### Overview of Post-Award Legal Requirements:

- \_\_\_\_\_ Review the "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2018 Awards](http://ojp.gov/funding/index.htm)" in the OJP Funding Resource Center at <http://ojp.gov/funding/index.htm>.

### Scope Requirement:

- \_\_\_\_\_ The federal amount requested is within the allowable limit(s) based on the formula allocation.

**Eligibility Requirement:** Eligible applicants are the agencies designated by the governor of the state or territory (or the Mayor of Washington, D.C.) as the JRJ agency for each of the 50 states, five territories, and the District of Columbia. BJA will award funds to serve eligible recipients working within the state's, territory's, or District's jurisdiction.

**What an Application Should Include:**

- \_\_\_\_\_ Application for Federal Assistance (SF-424) (See page 8)
- \_\_\_\_\_ Project Abstract (See page 8)
- \_\_\_\_\_ Program Narrative (See page 9)
- \_\_\_\_\_ Governor Designated Agency Letter (See page 15)
- \_\_\_\_\_ Budget Detail Worksheet (See page 15)
- \_\_\_\_\_ Budget Narrative (See page 15)
- \_\_\_\_\_ Indirect Cost Rate Agreement (*if applicable*) (See page 17)
- \_\_\_\_\_ Financial Management and System of Internal Controls Questionnaire (See page 18)
- \_\_\_\_\_ Disclosure of Lobbying Activities (SF-LLL) (See page 19)
- \_\_\_\_\_ Additional Attachments
- \_\_\_\_\_ Applicant Disclosure of Pending Applications (See page 19)
  
- \_\_\_\_\_ Request and Justification for Employee Compensation; Waiver (if applicable)  
(See page 20)

## Appendix A

### State Implementation of the JRJ Program

States and territories are encouraged to design their JRJ Grant Program based on their experience in administering it in previous years, along with similar state-run programs, and should consider the purpose of the Act in the planning and implementation process. The JRJ administering agency is strongly encouraged to conduct outreach and education and begin or continue soliciting applications from eligible beneficiaries.

#### I. JRJ Administering Agency Program Model Considerations

In developing criteria and formulating a plan for the administration of a state-administered JRJ program, JRJ agencies are strongly encouraged to consider replicating the methodology of existing, analogous loan repayment programs in their respective states. The methodology must be consistent with the JRJ statute (and corresponding grant solicitation), but it is anticipated that the expertise derived from previous administration of a state program will be useful in the administration of this program. In order to provide for the equitable distribution of funds, any award selection committees must be composed of an equal number of prosecutors and public defenders. For federal defender applicants, the state in which the attorney practices is the appropriate state in which to apply for an award. (Federal prosecutors are not eligible under the JRJ statute, though other similar funding opportunities may exist from other, non-OJP sources).

JRJ agencies should continue to govern their program in one of the following manners:

- Applicants apply directly to the designated JRJ administering agency, which decides (based on the programmatic criteria set forth herein) which applicants should receive funding; or
- A governor-designated JRJ administering agency, maintaining centralized control of funding and eligibility determinations: (1) develops a basis for the fair distribution of funding to state prosecutor and defender offices throughout the state; (2) coordinates the solicitation of applications by those offices; and (3) collects nominations from those offices of persons within their employment who are recommended to the JRJ administering agency for consideration for awards (based upon the programmatic criteria set forth herein).

Regardless of the model ultimately selected, all final JRJ beneficiary selection decisions will be made by the governor-designated JRJ administering agency.

When developing a program model, JRJ agencies must ensure that funding for loan repayment is allocated equally between prosecutors and public defenders. To comply with this requirement, a JRJ agency must demonstrate that the total amount of loan repayment funding awarded to eligible prosecutors is equal to the total amount awarded to eligible public defenders. This equal allocation requirement applies only to the total amounts repaid on behalf of the two categories of eligible beneficiaries. States are not required to make an equal number of awards to eligible beneficiaries in each category. For example, if a gross sum of \$50,000 is awarded to prosecutors, a gross sum of \$50,000 must also be awarded to public defenders. While not required, states are encouraged to also strive for an equal number of awards between

prosecutors and defenders; however, it is recognized that various factors may affect the ability of a state to achieve 100 percent parity in the number of repayment distributions.

If a JRJ administering agency demonstrates good cause, a waiver of the equal allocation requirement may be granted, but only at the discretion of the BJA Director. The waiver request must be submitted to BJA in writing, at the time of application and prior to any funding commitments. In order to demonstrate “good cause,” an application for such a waiver must, at a minimum, include documentation of the JRJ agency’s efforts to comply with the equal distribution requirement (including outreach efforts) and state the reasons for its inability to comply. In the event that a waiver is granted, the equal allocation requirement shall be suspended and a JRJ agency shall be permitted to make a disproportionate funding distribution to prosecutors and public defenders. Such a waiver shall pertain only to the fiscal year in which it is granted and shall not, under any circumstances, be construed as a waiver of any other requirement of this program.

## **II. Factors to Consider in Assessing Eligible Beneficiaries**

### **Eligible Beneficiaries**

The purpose of this program is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders. JRJ agencies must give top consideration to those eligible beneficiaries who have the least ability to repay their loans, and to those who have received JRJ benefits in the prior fiscal year (and have fewer than three years remaining on their JRJSLRP Service Agreement). Individuals are permitted to apply for JRJ funding only from the state where they are employed. The JRJ agency must accept applications from federal defenders who practice in that state, regardless of where the applicant is licensed to practice law.

For purposes of this program, the following persons shall be considered eligible:

**Prosecutor**—a full-time employee of a state or local government (including tribal government) who is continually licensed to practice law and prosecutes criminal or juvenile delinquency cases at the state or local government level (including supervision, education, or training of other persons prosecuting such cases) (34 U.S.C.§10671(b)(1)). Prosecutors who are employees of the federal government are not eligible.

**Public Defender**—an attorney who is continually licensed to practice law and is a full-time employee of a state or local government (including tribal government) who provides legal representation to indigent persons in criminal or juvenile delinquency cases, including supervision, education, or training of other persons providing such representation; is a full-time employee of a nonprofit organization operating under a contract with a state or local government who devotes substantially all of their full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases, including supervision, education, or training of other persons providing such representation; or employed as a full-time federal defender attorney in a defender organization pursuant to Subsection(g) of section 3006A of Title 18, United States Code, that provides legal representation to indigent persons in criminal or juvenile delinquency cases (34 U.S.C. §10671(b)(2)).

Full-time employment is considered not less than 75 percent of a 40 hour work week for the purpose of this solicitation.

**NOTE:** Attorneys who are in private practice and not a full-time employee of a nonprofit organization, even if individually or part of a firm that is under contract with a state or court-appointed to provide public defense services, do not qualify as “public defenders” and therefore are not eligible to be beneficiaries under this solicitation.

BJA, in its discretion, has determined that policy and ethical considerations preclude elected officials from being eligible. However, this prohibition does not extend to persons who hold elected offices other than as a prosecutor or public defender (e.g., city council member status unrelated to prosecutor/public defender position), provided: (1) a reasonable person could conclude that the individual’s elected status did not form a basis for their selection for JRJ benefits; (2) that the person did not use their office to influence a decision pertaining to the application; and (3) that the person’s obligations to his/her elected office do not interfere with the fulfillment of the JRJ service obligation.

JRJ agencies are encouraged to use their expertise and discretion in identifying factors to be considered in the evaluation of applicant beneficiaries. In addition to the requirement of giving consideration to an applicant’s ability to repay his/her student loan obligations, the JRJ administering agency may wish to consider the following additional factors:

- Salary cap for initial applicants.
- Distribution of awards to ensure a range of geographic and demographic representatives (i.e., distribution among all areas of a state and between rural and urban areas).
- Assistance from other sources.
- Amount of total qualifying loan debt.
- Amount of the repayment benefit (statutorily limited to \$10,000 per beneficiary in a calendar year/\$60,000 aggregate per beneficiary).
- Consideration of academic achievement (e.g., class rank, GPA, academic honors).
- Meritorious service (e.g., salutory job evaluations).

JRJ administering agencies may accord each factor a different weight when selecting eligible beneficiaries, but should ensure that such weighing of factors does not disproportionately favor one group of eligible beneficiaries.

JRJ administering agencies must keep on record, available for audit and, if necessary, collection purposes, any record relied upon by the JRJ agency to support its funding decisions, including:

- (1) Applications received.
- (2) Income, debt, and loan data provided as part of each such application.
- (3) Documentation of outreach efforts implemented to distribute funding among a wide range of employing agencies within the state.
- (4) Documentation of decisional processes in the evaluation of an individual’s ability to repay his/her loan obligations.
- (5) Documentation of decisional processes in the evaluation of an individual’s meritorious service, including military service (if applicable).
- (6) Proof of an individual’s eligibility under the statutory definitions of “prosecutor” or “public defender.”

(7) Proof of an individual's debt obligations under a "qualifying loan."

BJA maintains the right to request from the JRJ administering agency any other records that are reasonably required to determine compliance with statutory obligations, and the JRJ agency, in receiving funds, will agree to cooperate to the fullest extent possible in producing all such records.

Additionally, once an eligible applicant is approved for JRJ student loan repayment, according to statute, the beneficiary should be given priority consideration to receive funding during the second and third years of the 3-year service agreement, pending the availability of funds. Renewal is not automatic and nothing shall obligate the state to renew a benefit in the same (or greater) amount previously received by a beneficiary. Beneficiaries should consult their state guidance and follow any renewal request process established therein. States may consider developing separate renewal forms. Priority consideration granted in the second and third year of an initial JRJSLRP Service Agreement obligation will ordinarily satisfy the priority consideration requirement. Priority consideration beyond the third year is not required.

A lateral change in employment, provided the beneficiary maintains his/her status as an eligible beneficiary (as defined above), should not affect renewal eligibility during the course of an existing service obligation, unless the availability of funds and/or the beneficiary's eligibility status is otherwise compromised by the beneficiary changing his/her employment to a state other than the state from which the benefit was paid on his/her behalf. Note, however, that a person who is initially eligible, but changes his/her employment to a position that renders him/her ineligible (e.g., a transfer from a state public defender office to a private firm contracted by the state to provide public defense services) will lose their status as an "eligible beneficiary."

### **III. Factors to Consider in Assessing Eligible Student Loans**

Loans eligible for repayment are defined as, and limited to, the following:

#### **Student Loan:**

- (1) A loan made, insured, or guaranteed under part B of subchapter IV of chapter 28 of Title 20 (Federal Family Education Loan Program);
- (2) A loan made under part C or D of subchapter IV of chapter 28 of Title 20 (William D. Ford Federal Direct Loan and Federal Perkins Loans);
- (3) A loan made under section 1078-3 or 1087e(g) of Title 20 (Federal Consolidation loans and Federal Direct Consolidation loans, respectively).

#### **Ineligible Loans**

The term "student loan" does not include any of the following loans:

- (1) A loan made to the parents of a dependent student under section 428B of the Higher Education Act of 1965 (20 U.S.C. 1078-2).
- (2) A Federal Direct PLUS Loan made to the parents of a dependent student.
- (3) A loan made under section 428C or 455 (g) of the Higher Education Act of 1965 (20 U.S.C. 1078-3 (Federal consolidation loans) and 1087e(g) (Federal Direct Consolidation loans) to the extent that such loan was used to repay a loan described in clause (1) or (2).

As a condition precedent to the payment of any benefit under this program, all selected beneficiaries must sign the "Service Agreement" included as part of this solicitation as Appendix B. Appendix B is an agreement between the eligible beneficiaries selected by the JRJ agency and DOJ, and as such, may not be modified by the JRJ agency or anyone else without the expressed written authorization of the BJA Director, and DOJ (through BJA) will not accept or consider variances of the terms or form of Appendix B. The JRJ agency must provide a copy of the properly executed original service agreement and any subsequent service agreements to BJA for each JRJ Student Loan Repayment Program beneficiary. Upon completion of the original 3-year service obligation, subsequent agreements may be entered into for additional obligations of service in consideration for future grant awards. The terms of additional service obligations are addressed in Appendix C (JRJSLRP Service Agreement – Secondary Term of Service). The Appendix C form should be exclusively used by the state JRJ administering agencies in situations under which the selected beneficiary has both: a) successfully completed his/her initial 3-year term of service obligation, and b) been selected to have additional JRJ benefits paid on his/her behalf. See BJA-promulgated JRJ Grant Program FAQs for further information.

Through the first three years of the program, JRJ beneficiaries had been subject only to one JRJSLRP Service Agreement, executed at the time that the JRJ beneficiary first entered into the JRJ program. BJA is aware that, in certain cases, some JRJ beneficiaries have been asked to, and have subsequently signed, additional JRJSLRP Service Agreements even though the date of such execution occurred within the original 3-year term of the JRJ beneficiary's obligation of service. Such subsequent "agreements" should not be understood to extend the original term of the service obligation, but rather serve as a reaffirmation and acknowledgement of the original signed agreement and its terms and conditions. Beginning in fiscal year 2013, any JRJ beneficiary who enters into a JRJSLRP Service Agreement – Secondary Term of Service (i.e., an additional year or years of service after the original 3-year term has been satisfied), however, will agree to extend the beneficiary's term of service obligation by the period of time expressed therein, in exchange for the receipt of additional JRJ benefits. State JRJ agencies should immediately cease the practice of having JRJ beneficiaries execute additional JRJSLRP agreements during the second and third year of a JRJ beneficiary's original Service Agreement, and instead have the beneficiary execute the JRJSLRP Acknowledgment of Benefit form (see Appendix D) on an annual basis during the course of the beneficiary's original Service Agreement.

Grant funds received by any agency designated by the governor (or mayor in the case of Washington, D.C.) can only be paid to the institution holding the qualifying loan. In accordance with 34 U.S.C. § 10671(c), no funds may be paid directly to the beneficiary. Payments made on behalf of approved beneficiaries cannot exceed the total qualifying loan balance. The beneficiary remains responsible for any remaining payments or balances. Neither DOJ nor the state will be held responsible for any late fees assessed by the lending institution. The amount paid by any state shall not exceed \$10,000 for any individual in any calendar year or an aggregate total of \$60,000 in the case of any individual. The JRJ administering agency determines award payment amounts and payment dates in accordance with their programmatic needs, this solicitation, and the authorizing legislation. Within the parameters of this solicitation, JRJ agencies are encouraged to maximize the number of beneficiaries who receive program benefits. It is left within the discretion of the JRJ administering agency to determine the number and amount of payments(s) made to the lending institutions on behalf of each beneficiary.

## **Disqualifying Conditions**

An attorney must not be in default on repayment of any federal student loans. States may use discretion in applying other considerations for beneficiaries' continued participation in the program, such as merit, etc.; however, states must ensure that any such considerations do not disproportionately affect one type of beneficiary (i.e., prosecutors versus public defenders) over another.

## **Coordination with other Repayment Programs**

While BJA encourages agencies that administer JRJ Grant Programs to publicize the availability of the Income-Based Repayment (IBR) plan, Public Service Loan Forgiveness (PSLF), and other available loan repayment assistance programs (LRAPs) that may apply, BJA also encourages JRJ administering agencies to coordinate the interaction between such programs to promote the optimum benefit to the recipient when at all possible. The following articulates how lump sum payments and monthly payments of JRJ benefits may interact with the PSLF program and how to improve the coordination between the two programs.

To be eligible for the PSLF program, a borrower must make 120 "separate, monthly" payments. When a loan servicer receives a lump sum payment – which is to say, a payment in excess of what the borrower is obligated to pay for the month – the loan servicer assumes that the excess, while immediately applied to reduce outstanding interest and principal on the loan, is intended to cover future installments. When future installments are satisfied, the borrower is no longer obligated to make monthly payments for the number of months for which the installment has been fully satisfied. This presents two problems for PSLF.

- First, the lump sum payment, while satisfying more than one month's payment obligation, is not a "separate payment." Therefore, it can only count as one PSLF payment.
- Second, by removing the borrower's obligation to make future monthly payments, the borrower cannot, for those months, make a "monthly payment" in some cases – even if the borrower voluntarily remits money.

The second problem can be remedied by providing payment instructions with the payment. Specifically, the payor/borrower should state that the excess is not intended to cover future installments, which will ensure that the borrower continues to be obligated to make future payments over subsequent months. Each loan servicer provides, on the billing statement, information regarding how the borrower/payor must provide payment instructions. Therefore, JRJ recipients should be advised, in order to maximize the amount of credit they may receive from PSLF program while working in employment that also entitles them to JRJ program benefits, to provide special payment instructions associated with their JRJ program award. Borrowers should also be able to provide these instructions for a payment that has already been applied, provided that it is done promptly.

## Appendix B

**Note to JRJ State Administering Agencies: the following form should be used only in cases wherein a JRJ program applicant has been selected to participate for the first time.**

### John R. Justice Student Loan Repayment Program (JRJSLRP) Service Agreement

NAME: \_\_\_\_\_

In consideration of the student loan repayment incentive for which I have been offered under 34 U.S.C. §10671, I hereby agree as follows:

1. I will remain employed as a prosecutor or public defender for a period of service of not fewer than three years (36 months) unless involuntarily separated from my employment.

In accordance with 34 U.S.C. §10671(b)(1), the term “prosecutor” is understood to mean a full-time employee of a state or local government who—

- (A) is continually licensed to practice law; and
- (B) prosecutes criminal or juvenile delinquency cases at the state or local government level (including supervision, education, or training of other persons prosecuting such cases).

In accordance with 34 U.S.C. §10671(b)(2), the term “public defender” is understood to mean an attorney who—

- (A) is continually licensed to practice law; and
- (B) is—
  - (i) a full-time employee of a state or local government who provides legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education, or training of other persons providing such representation);
  - (ii) a full-time employee of a nonprofit organization operating under contract with a state or local government, who devotes substantially all of their full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education, or training of other persons providing such representation); or
  - (iii) employed as a full-time federal defender attorney in a defender organization established pursuant to section 3006A of Title 18, that provides legal representation to indigent persons in criminal or juvenile delinquency cases.

2. I understand that JRJSLRP funds are a supplement to, not a substitute for, my personal student loan obligations. I understand that amounts to be paid on my behalf are subject to the availability of funds and my continued eligibility. I understand that if I do not remain eligible, then further loan repayment benefits may be denied although the service obligation will remain in force. I understand that the award of JRJSLRP in any fiscal year does not guarantee benefits in future fiscal years, and that awards are subject to the availability of appropriations. I understand that any loan repayments made on my behalf may be taxable and subject to withholding.

3. I authorize the Department of Justice and/or the designated JRJSLRP State administrative agency to verify the status, payment history, and outstanding balance of each qualifying loan, and to discuss the terms with the lender or note holder, or predecessors or successors in interest.

The term "qualifying loan" is understood to have the same meaning as "student loan" in 34 U.S.C. §10671(b)(3):

- (1) A loan made, insured, or guaranteed under part B of subchapter IV of chapter 28 of Title 20;
- (2) A loan made under part C or D of subchapter IV of chapter 28 of Title 20; and
- (3) A loan made under section 1078-3 or 1087e(g) of Title 20.

Further, the term "qualifying loan" is expressly understood not to include any of the following loans:

- (1) A loan made to the parents of a dependent student under section 1078-2 of Title 20.
- (2) A Federal Direct PLUS Loan made to the parents of a dependent student.
- (3) A loan made under section 1078-3 or 1087e(g) of Title 20 to the extent that such loan was used to repay a loan described in sub. (1) or (2) above.

4. I will notify the designated JRJSLRP state administrative agency, without delay, in writing, of any transfer to a new position or employing agency, identifying myself as a JRJSLRP beneficiary.
5. I will notify the designated JRJSLRP State administrative agency, without delay, in writing, of my intention to voluntarily separate, resign, or retire from my position as an eligible beneficiary before completing my service obligation under paragraph 1 above.
6. I will notify the designated JRJSLRP State administrative agency, without delay, in writing, of my status in default of any loan obligation with respect to a qualifying "student loan," as defined in 34 U.S.C. §10671(b)(3)(A).
7. In the event I voluntarily leave my position as an eligible beneficiary, or in the event I am involuntarily separated for misconduct or unacceptable performance before completing the agreed upon period of service, I will be indebted to the federal government and must reimburse the Department of Justice for the full amount of any student loan repayments made on my behalf under this service agreement. I further acknowledge that a sum equal to the amount that I am required to repay shall be recoverable by the federal government from me (or my estate, if applicable) by such methods as are provided by law for the recovery of amounts owed to the federal government.
8. I understand and affirm that I remain responsible for making regular student loan payments, that such responsibility is not abated by selection for participation in the JRJSLRP, and that I am required to continue to make personal payments toward my qualifying loans to remain eligible for the JRJSLRP in the future. I understand that JRJSLRP payments will be made directly to the holder of my qualifying loan(s) and that I will not be the direct recipient of any such funds.
9. Loan repayments made on my behalf pursuant to this agreement do not exempt me from responsibility and/or liability for the full amount of any loan in which I am the debtor.

10. I am responsible for any income tax obligation resulting from the student loan repayments made on my behalf.

***The Bureau of Justice Assistance does not provide legal advice on possible tax obligations resulting from receipt of JRJ benefits. The following is provided for informational purposes only. Beneficiaries of JRJ Student Loan Repayment Program benefits remain personally responsible for, and should consult with their tax advisors for advice on, any tax obligations resulting from benefits paid on their behalf.***

*As a courtesy to JRJ beneficiaries and state administering agencies, BJA has requested information from the Internal Revenue Service (IRS) that may be helpful to beneficiaries and JRJ state administering agencies (SAAs) in determining tax consequences of JRJ benefits. The IRS provided a response to that request; a copy of both the inquiry and response are available on the BJA website at:*

[www.bja.gov/ProgramDetails.aspx?Program\\_ID=65](http://www.bja.gov/ProgramDetails.aspx?Program_ID=65).

11. I understand that, by law, repayment benefits made on my behalf cannot exceed \$10,000 in any calendar year or an aggregate total of \$60,000. This limitation should not, under any circumstances, be construed as an obligation of said benefits. This agreement may be modified by the parties, subject to the limitations of 34 U.S.C. §§ 10671(d) and (e), to provide additional student loan repayment benefits without the need for an entirely new agreement. Such modifications include, but are not limited to, the possibility of payment increases, or the extension of benefits beyond the initial 3-year service obligation, in consideration for additional service commitment by the beneficiary, based upon terms to be determined by the parties.
12. Periods of leave without pay, or other periods during which I am not in a pay status, do not count toward the completion of the required service period upon reemployment. The service completion date must be extended by the total time spent in non-pay status. However, absence because of uniformed service in a recognized branch of the United States military, authorized maternity/paternity leave, Family and Medical Leave Act leave, or due to compensable injury is considered creditable (within the sole discretion of the Director of BJA) toward the required service period upon reemployment.
13. This agreement is null and void if I am not selected for JRJSLRP in the year I sign and date this agreement.

Privacy Act Notification: This information is provided pursuant to the Privacy Act of 1974 (Public Law 94-579), as amended, for individuals supplying information for inclusion in a system of records. The authority for the collection of this information is 34 U.S.C. §10671. The purpose of the John R. Justice Loan Repayment for Prosecutors and Public Defenders statute is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders. This Agreement and related data are made part of the file to be used within the Department of Justice for record-keeping and management while participating in the John R. Justice Loan Repayment program. The information also may be disclosed outside the Department, as permitted by the Privacy Act and Freedom of Information Act, to the Congress, the Internal Revenue Service, and pursuant to court order. You are asked to provide your Social Security Number. Please note that if you do not provide this information, and you are selected to participate in the John R. Justice Loan Repayment program, your Social Security Number will

be required later to enable the Department to verify your eligibility status. Failure to submit this information will render this Agreement incomplete and you will be considered ineligible to participate in the program.

I, \_\_\_\_\_, agree to the terms of this Service Agreement.

\_\_\_\_\_  
**SIGNATURE**

\_\_\_\_\_  
**DATE**

## Appendix C

**Note to JRJ State Administering Agencies: the following form should be used only in cases wherein a previously selected JRJ beneficiary has fulfilled his/her initial 3-year service obligation, has been selected again by the JRJ State Administering Agency to receive additional JRJ benefits, and has agreed to commit to an additional year of service obligation in exchange for those additional benefits.**

**U.S. Department of Justice  
John R. Justice Student Loan Repayment Program (JRJSLRP)  
Service Agreement – Secondary Term of Service**

NAME: \_\_\_\_\_

In consideration of the student loan repayment incentive for which I may qualify under 34 U.S.C. §10671, such incentive having been offered above and beyond the incentive(s) from which I have already benefitted from in exchange for a term of service that I have fulfilled, I hereby agree as follows:

1. I will remain employed as a prosecutor or public defender for a period of service of not less than one year (12 months), unless involuntarily separated from my employment.

In accordance with 34 U.S.C. §10671(b)(1), the term “prosecutor” is understood to mean a full-time employee of a state or local government who—

- (A) is continually licensed to practice law; and
- (B) prosecutes criminal or juvenile delinquency cases at the state or local government level (including supervision, education, or training of other persons prosecuting such cases).

In accordance with 34 U.S.C. §10671(b)(2), the term “public defender” is understood to mean an attorney who—

- (A) is continually licensed to practice law; and
- (B) is—
  - (i) a full-time employee of a state or local government who provides legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education, or training of other persons providing such representation);
  - (ii) a full-time employee of a nonprofit organization operating under contract with a state or local government, who devotes substantially all of their full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education, or training of other persons providing such representation); or
  - (iii) employed as a full-time Federal defender attorney in a defender organization established pursuant to section 3006A of Title 18, that provides legal representation to indigent persons in criminal or juvenile delinquency cases.

2. I understand that JRJSLRP funds are a supplement to, not a substitute for, my personal student loan obligations. I understand that amounts to be paid on my behalf are subject to the availability of funds and my continued eligibility. I understand that if I do not remain eligible, then further loan repayment benefits may be denied although the service

obligation will remain in force. I understand that the award of JRJSLRP in any fiscal year does not guarantee benefits in future fiscal years. I understand that any loan repayments made on my behalf may be taxable and subject to withholding.

3. I authorize the Department of Justice and/or the designated JRJSLRP state administrative agency to verify the status, payment history, and outstanding balance of each qualifying loan, and to discuss the terms with the lender or note holder, or predecessors or successors in interest.

The term "qualifying loan" is understood to have the same meaning as "student loan" in 34 U.S.C. §10671(b)(3):

- (1) A loan made, insured, or guaranteed under part B of subchapter IV of chapter 28 of Title 20;
- (2) A loan made under part C or D of subchapter IV of chapter 28 of Title 20; and
- (3) A loan made under section 1078-3 or 1087e(g) of Title 20.

Further, the term "qualifying loan" is expressly understood not to include any of the following loans:

- (1) A loan made to the parents of a dependent student under section 1078-2 of Title 20.
- (2) A Federal Direct PLUS Loan made to the parents of a dependent student.
- (3) A loan made under section 1078-3 or 1087e(g) of Title 20 to the extent that such loan was used to repay a loan described in sub. (1) or (2) above.

4. I will notify the designated JRJSLRP State administrative agency, without delay, in writing, of any transfer to a new position or employing agency, identifying myself as a JRJSLRP beneficiary.
5. I will notify the designated JRJSLRP State administrative agency, without delay, in writing, of my intention to voluntarily separate, resign, or retire from my position as an eligible beneficiary before completing my service obligation under paragraph 1 above.
6. I will notify the designated JRJSLRP State administrative agency, without delay, in writing, of my status in default of any loan obligation with respect to a qualifying "student loan," as defined in 34 U.S.C. §10671(b)(3)(A).
7. In the event I voluntarily leave my position as an eligible beneficiary, or in the event I am involuntarily separated for misconduct or unacceptable performance before completing the agreed upon period of service, I will be indebted to the federal government and must reimburse the Department of Justice for the full amount of any student loan repayments made on my behalf under this service agreement, to include any collection fees associated therewith. I further acknowledge that any said sum shall be recoverable by the federal government from me (or my estate, if applicable) by such methods as are provided by law for the recovery of amounts owed to the Federal government.
8. I understand and affirm that I remain responsible for making regular student loan payments, that such responsibility is not abated by selection for participation in the JRJSLRP, and that I am required to continue to make personal payments toward my qualifying loans to remain eligible for the JRJSLRP in the future. I understand that JRJSLRP payments will be made directly to the holder of my qualifying loan(s) and that I will not be the direct recipient of any such funds.

9. Loan repayments made on my behalf pursuant to this agreement do not exempt me from responsibility and/or liability for the full amount of any loan in which I am the debtor.
10. I am responsible for any income tax obligation resulting from the student loan repayments made on my behalf.

***The Bureau of Justice Assistance does not provide legal advice on possible tax obligations resulting from receipt of JRJ benefits. The following is provided for informational purposes only. Beneficiaries of JRJ Student Loan Repayment Program benefits remain personally responsible for, and should consult with their tax advisors for advice on, any tax obligations resulting from benefits paid on their behalf.***

*As a courtesy to JRJ beneficiaries and state administering agencies, BJA has requested information from the Internal Revenue Service (IRS) that may be helpful to beneficiaries and JRJ state administering agencies (SAAs) in determining tax consequences of JRJ benefits. The IRS provided a response to that request; a copy of both the inquiry and response are available on the BJA website at:*

*[www.bja.gov/ProgramDetails.aspx?Program\\_ID=65](http://www.bja.gov/ProgramDetails.aspx?Program_ID=65).*

11. I understand that, by law, repayment benefits made on my behalf cannot exceed \$10,000 in any calendar year or an aggregate total of \$60,000. This limitation should not, under any circumstances, be construed as an obligation of said benefits. This agreement may be modified by the parties, subject to the limitations of 34 U.S.C. §10671(d) and (e), to provide additional loan repayment benefits without the need for an entirely new agreement. Such modifications include, but are not limited to, the possibility of payment increases, or the extension of benefits beyond the initial 3-year service obligation, in consideration for additional service commitment by the beneficiary, based upon terms to be determined by the parties.
12. Periods of leave without pay, or other periods during which I am not in a pay status, do not count toward the completion of the required service period upon reemployment. The service completion date must be extended by the total time spent in non-pay status. However, absence because of uniformed service in a recognized branch of the United States military, authorized maternity/paternity leave, Family Medical Leave Act leave, or due to compensable injury is considered creditable (within the sole discretion of the Director of BJA) toward the required service period upon reemployment.
13. This agreement is null and void if I am not selected for JRJSLRP in the year I sign and date this agreement.
14. Privacy Act Notification: This information is provided pursuant to the Privacy Act of 1974 (Public Law No. 94-579), as amended, for individuals supplying information for inclusion in a system of records. The authority for the collection of this information is 34 U.S.C. §10671. The purpose of the John R. Justice Loan Repayment for Prosecutors and Public Defenders statute is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders. This Agreement and related data are made part of the file to be used within the Department of Justice for record-keeping and management while participating in the John R. Justice Student Loan Repayment program. The information also may be disclosed outside the Department, as permitted

by the Privacy Act and Freedom of Information Act, to the Congress, the Internal Revenue Service, and pursuant to court order. You are asked to provide your Social Security Number. Please note that if you do not provide the information, and you are selected to participate in the John R. Justice Student Loan Repayment program, your Social Security Number will be required later to enable the Department to verify your eligibility status. Failure to submit this information will render this Agreement incomplete and you be considered ineligible to participate in the program.

I, \_\_\_\_\_, agree to the terms of this Service Agreement.

\_\_\_\_\_  
**SIGNATURE**

\_\_\_\_\_  
**DATE**

## Appendix D

**Note to JRJ State Administering Agencies: the following form should be used only in cases where a current JRJ beneficiary has not yet fulfilled his/her initial 3-year service obligation, but remains eligible for JRJ benefits. Upon fulfilling his/her initial 3-year service obligation, the JRJ beneficiary may exit the program or, if selected to receive additional JRJ benefits, should execute the JRJSLRP – Secondary Term of Service document (see Appendix C above).**

### John R. Justice Student Loan Repayment Program (JRJSLRP) Service Agreement Acknowledgment of Benefit

I, \_\_\_\_\_, hereby acknowledge the following:  
NAME

1. I have personally executed a JRJSLRP Service Agreement and the term of obligated public service thereunder (as designated in said Service Agreement) has not yet expired as of the date of execution hereunder.
2. Additional JRJSLRP benefit payments have been made on my behalf during the fiscal year in which this document is executed.
3. I remain bound by the terms of my JRJSLRP Service Agreement.
4. At the expiration of my term of obligated public service (as designated in the JRJSLRP Service Agreement to which I am currently subject), I may enter into a separate agreement that will govern the terms and conditions of the receipt of any additional JRJSLRP benefits received on my behalf outside the terms and conditions of the JRJSLRP Service Agreement to which I am now subject.

***The Bureau of Justice Assistance does not provide legal advice on possible tax obligations resulting from receipt of JRJ benefits. The following is provided for informational purposes only. Beneficiaries of JRJ Student Loan Repayment Program benefits remain personally responsible for, and should consult with their tax advisors for advice on, any tax obligations resulting from benefits paid on their behalf.***

*As a courtesy to JRJ beneficiaries and state administering agencies, BJA has requested information from the Internal Revenue Service (IRS) that may be helpful to beneficiaries and JRJ state administering agencies in determining tax consequences of JRJ benefits. The IRS provided a response to that request; a copy of both the inquiry and response are available on our website at: [www.bja.gov/ProgramDetails.aspx?Program\\_ID=65](http://www.bja.gov/ProgramDetails.aspx?Program_ID=65).*

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE