Overview of this information collection.

(1) *Type of Information Collection: new information collection.*

(2) *Title of the Form/Collection:* Public Charge Bond in Pilot Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* No agency form number. Office of Examinations, Adjudications Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. This information collection, contained in a proposed rule, will be used by the Service to determine which districts will be selected to participate in the Bond Pilot Program, as well as what dollar amount of the bond would be for each immigrant in that State, depending on the dollar amount of means-tested benefits available.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 20 responses at 6 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 120 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: May 20, 1998.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 98–13926 Filed 5–26–98; 8:45 am]

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DEPARTMENT OF JUSTICE

Office of Justice Programs

Bureau of Justice Statistics; National Criminal History Improvement Program (NCHIP)

[OJP(BJS)–1175]

RIN 1121–ZA95

AGENCY: Office of Justice Programs, Bureau of Justice Statistics (BJS), Justice.

ACTION: Notice of program plan.

SUMMARY: The Bureau of Justice Statistics (BJS) is publishing this notice to announce the continuation of the National Criminal History Improvement Program (NCHIP) in Fiscal Year 1998. Copies of this announcement can also be found on the Internet at http://www.ojp.usdoj.gov/bjs/.

FOR FURTHER INFORMATION CONTACT: Carol G. Kaplan at (202) 307–0759 (this is not a toll free number).

SUPPLEMENTARY INFORMATION:

The program implements the grant provisions of—

* the Brady Handgun Violence Prevention Act (Brady Act), Pub. L. No. 103159, 107 Stat. 1536 (1993), codified as amended at 18 U.S.C. Sections 921 *et seq.*;

* the National Child Protection Act of 1993 (NCPA), Pub. L. No. 103209, 107 Stat. 2490 (1993), codified as amended at 42 U.S.C. Sections 3759, 5101 note, 5119, 5119a, 5119b, 5119c;

* those provisions of the Omnibus Crime Control and Safe Streets Act of 1968 (Omnibus Act), Pub. L. No. 90–351, 82 Stat. 197 (1968), codified as amended at 42 U.S.C. Sections 3711 *et seq.*, as amended; and the Violent Crime Control and Law Enforcement Act of 1994 (Violent Crime Control Act), Pub. L. No. 103–322, 108 Stat. 1796 (1994), codified as amended at 42 U.S.C. Sections 13701 *et seq.*, which pertain to the establishment, maintenance, analysis, or use of criminal history records and criminal record systems; and,

* related laws pertaining to the identification, collection, analysis and interstate exchange of records relating to domestic violence and stalking (including protection orders) and to the establishment of sexual offender registries and exchange of data between them.

The NCHIP Program to date. The NCHIP program was initiated in 1995, under the administration of the Bureau of Justice Statistics. During Fiscal Years 1995, 1996, and 1997, from the total appropriation of $178.25 million, direct awards were made to all States and eligible territories in an amount totaling over $160 million. Six million dollars was also transferred to the FBI for implementation of the National Instant Criminal Background Check System (NICS), which will provide instant interstate access to records prohibiting the sale of a firearm. About $5 million was awarded to provide direct technical assistance to States, to evaluate the program, and to collect statistics and research data on presale firearm programs.

To date, under the NCHIP program, all States have received funds to upgrade criminal record systems (including establishing and upgrading Automated Fingerprint Identification Systems (AFIS)) and to support efforts to participate in the FBI's Interstate Identification Index (III), which permits instant exchange of criminal records among the States. Eighteen States also received additional funding under the Advanced State Award Program to initiate efforts to identify persons other than felons who are prohibited from purchasing firearms.

Beginning in FY 1996, NCHIP program funds have also been available to States to upgrade record systems to identify and flag persons convicted of abusing children, the elderly, and the disabled, or to defray costs of providing rapid and reliable background checks on individuals who wish to work with these sensitive populations.

Also since 1996, NCHIP program funds have been available to develop and implement procedures for classifying and entering data regarding stalking and domestic violence (including protection orders) into local, State, and national crime information databases consistent with the provisions of the Violence Against Women Act (VAWA).

To date, approximately $10 million has been awarded to States for purposes relating to offenses against children, the elderly and the disabled, and for collection of data on stalking and domestic abuse, including protection orders and violations thereof.

The FY 1998 program. Consistent with the FY 1998 appropriation, funds awarded under the 1998 NCHIP program may be used to improve criminal record systems, to support interstate exchange of records through the FBI, to implement procedures designed to permit participation in the NICS, and for authorized purposes consistent with the NCPA and the identified sections of the VAWA, as described above, and, more fully, in later sections of this announcement.

The FY 1998 NCHIP program also includes the National Sex Offender

Registry Assistance Program (NSOR–AP) under which $25 million was appropriated for grants to assist States in upgrading sex offender registries and providing data to the FBI Sex Offender Registry. The NSOR–AP program is a component of NCHIP but is funded separately pursuant to a separate application.

Commitment to full implementation of the National Instant Criminal Background Check System (NICS). The Brady Act in Section 103(b) requires the establishment of a national system to provide instant background checks to determine if a potential firearm purchaser is a felon or otherwise prohibited from purchase of a firearm under Federal or State statute. Consistent with the statutory requirement, the National Instant Criminal Background Check System (NICS), which will be operated by the FBI, will become operational in November 1998, and Federal waiting period requirements will no longer be applicable.

The effectiveness of NICS will depend on the extent to which the most accurate and complete records of Federal and State criminal offenses and records in other prohibiting categories are instantly available in response to inquiries from firearms dealers.

Under the NICS configuration, States are encouraged to serve as a ''Point of Contact'' (POC) interfacing between firearm dealers and the FBI's national record system. Where the State is a POC, firearm dealers will receive instant access to (1) the most complete and up-to-date State criminal records, (2) State-held records of noncriminal factors that prohibit firearm purchase, and (3) State personnel who can best interpret records and their modifications. BJS supports States that will be facilitating background checks in this way by allowing NCHIP funds to be used to cover costs associated with the purchase of equipment, development of software, training, and other listed costs associated with the NICS (for details, see ''Allowable Costs,'' below). Considering that the NICS is to become operational in November 1998, requests for funds in this category will receive priority consideration.

In States not opting to serve as a POC, inquiries will be made directly from the firearm dealers to the FBI.

The Brady Act also allows States to meet their presale firearm check requirements through an ATF-approved permit system. To assist States following this procedure, NCHIP funds may be used to cover costs associated with development and implementation of procedures that will meet ATF requirements for a permit system to be approved as an alternative to instant checks at the time of sale.

Commitment to participation in the Interstate Identification Index (III). Participation by all States in the Interstate Identification Index (III) is critical to ensuring that the most accurate and complete criminal records are available instantly not only for NICS presale firearm checks, but also for background check inquiries regarding persons seeking positions involving national security; persons with responsibility for children, the elderly or the disabled, and other authorized purposes. Instant interstate availability of complete records is also vital to supporting effective law enforcement strategies involving pretrial release, determinate sentencing, and correctional assignment. At present, 36 States participate in III.

The NCHIP FY 1997 program announcement emphasized the BJS commitment to full State participation in the FBI's Interstate Identification Index (III). In light of the importance of III participation, BJS has again identified III participation as a priority goal of the NCHIP program and requires States that are not currently III members to specify whether funding already committed is adequate to assure III participation and, if not, to focus 1998 NCHIP funds on activities that further this goal.

Commitment to support court efforts relating to development of record systems. Recent laws establishing requirements for background checks for firearms sales and in connection with positions of responsibility with children, the elderly and the disabled have emphasized the importance of records being complete with dispositions. Moreover, other statutes have highlighted the importance of immediate statewide and interstate access to protection orders related to domestic violence. These requirements can only be met if information initially developed by the courts is available on a complete and immediate basis. BJS is committed to recognizing the importance of the courts in all of these efforts, and applicants should ensure that in developing NCHIP operational and funding plans, adequate attention is directed at the role and needs of the courts.

Program Goals. The goal of the NCHIP grant program is to improve the Nation's public safety by—

* Facilitating the accurate and timely identification of persons who are ineligible to purchase a firearm;

* Ensuring that persons with responsibility for child care, elder care, or care of the disabled do not have disqualifying criminal records;

* Improving access to protection orders and records of people wanted for stalking and domestic violence; and

* Enhancing the quality, completeness and accessibility of the Nation's criminal history record systems and the extent to which such records can be used and analyzed for criminal justice related purposes.

More specifically, NCHIP is designed to assist States—

* To expand and enhance participation in the FBI's Interstate Identification Index (III) and the National Instant Criminal Background Check System (NICS);

*To meet timetables for criminal history record completeness and participation in the III, as established for each State by the Attorney General;

*To improve the level of criminal history record automation, accuracy, completeness, and flagging;

*To develop and implement procedures for accessing records of persons other than felons who are ineligible to purchase firearms;

*To identify (through interface with the National Incident-Based Reporting System [NIBRS] where necessary) records of crimes involving use of a handgun and/or abuse of children, the elderly, or disabled persons;

* To identify, classify, collect, and maintain (through interface with the National Crime Information Center [NCIC] and the III where necessary) protection orders, warrants, arrests, and convictions of persons violating protection orders intended to protect victims of stalking and domestic violence and to support the development of State sex offender registries and the interface with a national sex offender registry; and,

* To ensure that States develop the capability to monitor and assess State progress in meeting legislative and programmatic goals.

To ensure that all NCHIP-funded efforts support the development of the national criminal record system, the program is closely coordinated with the FBI, the Bureau of Justice Assistance, and the Bureau of Alcohol, Tobacco and Firearms (ATF).

Legislative Background. Section 106 (b) of the Brady Act provides that—

> The Attorney General, through the Bureau of Justice Statistics, shall, subject to appropriations and with preference to States that as of the date of enactment of this Act have the lowest percent currency of case dispositions in computerized criminal history files, make a grant to each State to be used (A) for the creation of a computerized criminal history record system or

improvement of an existing system; (B) to improve accessibility to the national instant criminal background system; and (C) upon establishment of the national system, to assist the State in the transmittal of criminal records to the national system.

The provisions of 18 U.S.C. Sections 922 (g) and (n), as amended by the Violent Crime Control Act and the ''Lautenberg amendment,'' prohibit the sale of firearms to an individual who—

(1) Is under indictment for, or has been convicted in any court, of a crime punishable by imprisonment for a term exceeding 1 year;

(2) Is a fugitive from justice;

(3) Is an unlawful user of, or addicted to, any controlled substance;

(4) Has been adjudicated as a mental defective or been committed to a mental institution;

(5) Is an alien who is illegally or unlawfully in the United States;

(6) Was discharged from the Armed Forces under dishonorable conditions;

(7) Has renounced United States citizenship;

(8) Is subject to a court order restraining them from harassing, stalking, or threatening an intimate partner or child; or

(9) Has been convicted in any court of a misdemeanor crime of domestic violence.

Category 9, included as the ''Lautenberg amendment'' in the Omnibus Consolidated Appropriations Act of 1997, P.L. 104–208, 110 Stat 3009, became effective on October 1, 1996. See Appendix A of this announcement for text of the amendment, which includes applicable definitions.

The Brady Act, enacted in November 1993 and effective in February 1994, established interim provisions that are applicable until the NICS is operational. Under the interim provisions, licensed firearm dealers request a presale check on all potential handgun purchasers by the chief law enforcement officer in the purchaser's residence community to determine, based on available records, if the individual is legally prohibited from purchase of the firearm under the provisions of the Gun Control Act (18 U.S.C. Section 922) or State law. The sale may not be completed for 5 days unless the dealer receives an approval before that time. The interim provisions, including the Federal imposition of a 5-day waiting period, terminate when the NICS becomes operational. Section 103 of the Brady Act provides that NICS will supply information on ''whether receipt of a firearm * * * would violate (18 U.S.C. Section 922) or State law.'' As noted above, Section 106(b) of the Brady Act establishes a grant program that not only assists States in upgrading criminal record systems, but also assists States in improving access to and interface with the NICS.

In addition, Section 106(a) of the Brady Act amended Section 509(d) of the Omnibus Crime Control and Safe Streets Act to specifically provide that funds from the 5% set-aside under the Byrne Formula grant program may be spent for ''the improvement of State record systems and the sharing * * * of records * * * for the purposes of implementing * * * (the Brady Act).''

The Child Protection Act, as amended by the Violent Crime Control Act, requires that records of abuse against children be transmitted to the FBI's national record system. The Child Protection Act also encourages States to adopt laws requiring background checks on individuals prior to assuming responsibility for care of children, the elderly, or the disabled.

Section 4 of the Act establishes a grant program to assist States in upgrading records to meet the requirements of the Act. Under the definition set forth in Section 5(3) of the Act, ''child abuse crimes'' include crimes under any law of the State and are not limited to felonies.

Both the Brady and Child Protection Acts required the Attorney General to survey the status of State criminal history records and develop timetables for States to achieve complete and automated records. The survey was conducted during March 1994, and State governors were advised of timetables by the Attorney General in letters of May and June 1994. The letters indicated that compliance with timetable goals and the ability to join III by November 1998 was to be contingent upon availability of grant funds under each Act.

The National Stalker and Domestic Violence Reduction program (Stalker Reduction), (Section 40602 of the Violence Against Women Act (VAWA), Pub. L. No. 103–322) authorized a program to assist States in entering data on stalking and domestic violence into local, State, and national databases. The Act emphasizes the importance of ensuring that data on convictions for these crimes are included in databases being developed with Federal funds. Section 40606 of VAWA authorized technical assistance and training in furtherance of the purposes of the Stalker Reduction program. This section also allows for the evaluation of programs that receive funds under this provision.

Section 40602(b) of the Violent Crime Control Act further provides that in order to be eligible to receive funds for Domestic Violence/Stalker Reduction program activities, a State shall certify that it has or intends to establish a program that enters into the National Crime Information Center the following records:

* Warrants for the arrest of persons violating protection orders intended to protect victims from stalking or domestic violence;

* Arrests or convictions of persons violating protection or domestic violence orders; and

* Protection orders for the protection of persons from stalking or domestic violence.

The NCHIP program implements the requirements of the programs established in the Brady Act, Child Protection Act, and the Domestic Violence/Stalker Reduction provisions of VAWA.

Appropriation. Section 106 (b) of the Brady Act authorized $200 million for the grant program; the Child Protection Act authorized $20 million; Section 40603 of the Violent Crime Control Act authorized a total of $6 million over 3 years for the Domestic Violence/Stalker Reduction program included in VAWA. Pursuant to these authorizations, the Brady, Child Protection, and Domestic Violence/Stalker Reduction Acts are combined under the NCHIP program.

FY 1995: An appropriation of $100 million was made to implement Section 106 (b) of the Brady Act for FY 1995, to be available until expended. No appropriation was made for activities authorized under the Child Protection Act or the Domestic Violence/Stalker Reduction provisions of VAWA in FY 1995.

FY 1996: An appropriation of $25 million was made in FY 1996 to continue implementation of Section 106 (b) of the Brady Act and to implement Section 4 (b) of the Child Protection Act. In addition an appropriation of $1.5 million was made in FY 1996 for the Domestic Violence/Stalker Reduction component of the program.

FY 1997: In FY 1997, an appropriation of $50 million was made to further the implementation of Section 106 (b) of the Brady Act and Section 4 (b) of the Child Protection Act. $1.75 million was appropriated for Domestic Violence/Stalker Reduction activities.

FY 1998: The FY 1998 appropriation for criminal record improvement was $45 million. For purposes relating to Domestic Violence/Stalker Reduction, an appropriation of $2.75 million was also made in FY 1998.

To date, approximately $10 million has been awarded for purposes authorized under the NCPA and the Domestic Violence/Stalker Reduction

provisions of the VAWA. In recognition of the importance of these issues, up to $16 million of the 1998 appropriation will be available to be awarded for these purposes. Of this amount, the full $2.75 million appropriated to BJS for Domestic Violence/Stalker Reduction activities under VAWA in 1998 will be allocated for purposes associated with development/enhancement of protection order files, including interface with the FBI's national protection order file.

The FY 1998 NCHIP program also includes the National Sex Offender Registry Assistance Program (NSOR–AP) under which $25 million was appropriated for grants to assist States in upgrading sex offender registries and providing data to the FBI Sex Offender Registry. The NSOR–AP program is a component of NCHIP but is funded separately pursuant to a separate application.

Application and Award Process. Eligibility requirements. Only one application will be accepted from each State. The application must be submitted by the agency designated by the State Governor. A State may, however, choose to submit its application as part of a multistate consortium or other entity. In such case, the application should include a statement of commitment from each State and be signed by an individual designated by the Governor of each participating State. The application should also indicate specific responsibilities and include a separate budget for each State.

A grant will be made to each eligible applicant State with funds from the 1998 appropriation. All States, including States previously designated as ''priority States,'' are eligible to receive funds for activities relating to criminal records improvement and NICS participation, as well as the additional purposes authorized under the Child Protection Act and the Domestic Violence/Stalker Reduction legislation, as described in this announcement.

States may submit an application even though funds remain unexpended under the previous NCHIP awards. In such a case, the application should describe the efforts undertaken to date, the specific reasons that funds remain unexpended, and the anticipated time when funds will be expended.

FY 1998 projects may overlap with FY 1997 projects or the projects may run consecutively.

Program narrative. In addition to the requirements set forth in Appendix A, the NCHIP application should include the following four parts. States may, at their option, satisfy requirements noted below by referencing or summarizing previous applications. Additionally, States in which the applicant agency is the same under the BJS NCHIP and Bureau of Justice Assistance (BJA) State Identification Systems (SIS) program may also choose to submit duplicate material to BJS and BJA under Part I (Background) and Part II (Identification of Needs), below.

Part I. Background

This section should include a short update of current efforts relating to criminal history record improvement funded under the BJS NCHIP, Advanced State Award Program (ASAP), Criminal History Record Improvements (CHRI) programs, and the BJA Byrne 5% set-aside, or with State funds during the past year. Where applicable, the section should also include a reference to projects that are, or may be, funded under the State Identification Systems (SIS) Formula Grant program administered by BJA. The discussion should also specify total funds awarded to the State under NCHIP, Byrne, and SIS programs (if SIS funding is used for criminal history record improvements) and the funds in each category remaining at the time of application.

Part II. Identification of Needs

This part should discuss any evaluative efforts undertaken to identify the key areas of weakness in the State's criminal record system since submission of the last NCHIP application. The application should also indicate those areas that must be addressed in order to enable the State to identify ineligible firearm purchasers, persons ineligible to hold positions involving children, the elderly, or the disabled, and people wanted, arrested, or convicted of stalking and/or domestic violence offenses, including violations of protection orders.

States that are not members of III at the time of application must include a section identifying the tasks remaining to permit III participation. This section must specifically state whether funding already available is adequate for the State to participate in III and the planned month and year of participation in III. If funding already available is not adequate, the State is expected to apply for NCHIP funding that will permit the State to participate in III.

Part III. NCHIP Effort

This section should describe the activities to be undertaken with NCHIP funds over the 12-month period. Specifically, each application should indicate the activities proposed, how these activities relate to efforts funded under the previous NCHIP awards, and the results that will be achieved from FY 1998 funding. In order to permit assessment of State progress in meeting grant goals, this section should also set forth measurable benchmarks or goals for each proposed activity.

States that are not members of III must include a description and timetable for activities that are specifically designed to permit such participation.

Part III of the application should also describe any efforts to be supported to monitor State compliance with legislative or programmatic goals through ongoing audits or other means such as statistical analysis or comparison between Computerized Criminal History (CCH) records and National Incident-Based Reporting System (NIBRS) or Uniform Crime Reporting (UCR) data. Studies relating to handgun use or sales approval, if proposed, should be described in this section.

In addition, to ensure program continuity and emphasize the importance of judicial efforts in meeting newly established record requirements, the application should indicate the level of funds that will be made directly available to the courts, where the courts are the appropriate source for data on dispositions or other record data.

The Bureau of Justice Statistics will coordinate the Domestic Violence/Stalker Reduction portion of NCHIP with the Violence Against Women Office (VAWA) at the Department of Justice.

Part IV. Coordination

Byrne Formula Funds: Funds under the Byrne Formula 5% set-aside program are available to support the improvement of record systems and to meet the goals of the Brady and Child Protection Acts.

The Bureau of Justice Statistics and the Bureau of Justice Assistance have jointly agreed that close and continuing coordination between the NCHIP and Byrne 5% set-aside program is critical to meeting the goals of the Brady Act and the National Child Protection Act. Such coordinated efforts are also necessary to ensure the development of an effective interstate criminal history record system to meet the needs of law enforcement, the criminal justice community, and the increasing number of noncriminal justice users of criminal history record information. To achieve this goal, BJS and BJA prepared guidelines governing use of the Byrne 5% set-aside funds. The guidelines were issued February 23, 1995 to State administrative agencies that receive and distribute Byrne formula grant funds.

To avoid overlap and maximize funding effectiveness, BJS expects that program plans for projects to be funded under NCHIP and the Byrne 5% set-aside will be coordinated by the State agencies responsible for these programs. Where costs of a proposed activity exceed NCHIP available funds or are unallowable under NCHIP, the State might, for example, use Byrne funds to fill remaining needs. This joint effort will maximize the effectiveness of these programs.

State Identification Systems (SIS) Program: In May 1997, BJA announced the State Identification Systems (SIS) Formula Grant Program, under which States are eligible to apply for funds to ''establish, develop, update or upgrade—

(A) computerized identification systems that are compatible and integrated with the databases of the National Crime Information Center (NCIC) of the FBI;

(B) the capability to analyze DNA in a forensic laboratory in ways that are compatible and integrated with the combined DNA Identification System (CODIS) of the FBI; and

(C) automated fingerprint identification systems that are compatible and integrated with the Integrated Automated Fingerprint Identification System (IAFIS) of the FBI.''

NCHIP applications should insure that efforts under these programs will be coordinated. Information copies of the proposed activities to be funded under the SIS program will be provided to BJS for inclusion as part of the State's NCHIP file.

Other Federal funding: To ensure coordination of Federal funding efforts, the application should include information on other current awards or pending applications for Federal funding to support activities for which funds are being requested in the current NCHIP application. Where relevant, such information should indicate the amount of the other award, the grantor agency, and the program purpose.

Award Period and Budget. Awards may be for up to 12 months. Since the FY 1998 NCHIP program builds on the long-term NCHIP activity, States will have the flexibility to begin FY 1998 funded activities immediately upon award or as late as the summer of 1999. Activities must be completed by June 1, 2000. Applicants are also encouraged to incorporate or reference pages of previously submitted materials, when appropriate.

The budget should provide details for expenses in required categories and by individual task (see Appendix A, Application content). The application should identify those agencies to receive direct funding and indicate the fiscal arrangements to accomplish fund transfer.

Application Submission and Due Dates. Applications may be submitted at any time after publication of this announcement. Applications must be received by June 30, 1998, to be eligible for funding from the FY 1998 appropriation.

To minimize administrative burdens, States may resubmit parts of previous proposals that did not receive funds under previous NCHIP awards, accompanied by a current budget.

Review Criteria. States should understand that full funding may not be possible for all proposed activities. Allocation of funds will be based on the amount requested and the following factors:

(1) The extent to which funds will support participation in NICS, State efforts to become a III participant, and meet the timetables established for the State by the Attorney General;

(2) The extent to which improvements in the State system, by virtue of record numbers, levels of technical development, or operating procedures, will have a major impact on availability of records throughout the national system;

(3) The proposed use or enhancement of innovative procedures which may be of value to other jurisdictions;

(4) The technical feasibility of the proposal and the extent to which the proposal appears reasonable in light of the State's current level of system development and statutory framework;

(5) The total amount already awarded under previous NCHIP program announcements;

(6) The extent to which the State has fulfilled goals of previous NCHIP grants, expended funds awarded in previous grants, and demonstrated a commitment to criminal history record improvement through activities under the NCHIP program;

(7) State commitment to the national record system as evidenced by membership in III, participation in the FBI's National Fingerprint File (NFF) and Felon Identification in Firearms Sales (FIFS) programs, etc., and the current status of development of its CCH;

(8) Reasonableness of the budget;

(9) Evidence of State progress in meeting record improvement and background check goals as measured in terms of audits, and meeting data collection goals relating to presale firearm checks and background checks on persons seeking positions involving children, the aged and the disabled;

(10) Appropriate focus on criminal history data improvement regarding protection orders and crimes against children, the elderly, and the disabled;

(11) Nature of the proposed expenditures;

(12) The extent to which the plan reflects constructive interface between relevant components of the State organization and/or multistate systems;

(13) The reasonableness of the relationship between the proposed activities and the current status of the State system, in terms of technical development, legislation, current fiscal demands, and future operating costs.

The program does not require either ''hard'' (cash) or ''soft'' (in-kind) match. Indications of State support, however, may be interpreted as expressions of commitment by the State to the program.

All applicants must agree to participate in evaluations sponsored by the Federal Government. Applicants must also agree to provide data relating to Brady Act activity to the Firearm Inquiry Statistics Program (FIST) in the format designated by the FIST.

Allowable Costs. Allowable expenses are detailed below. All expenses are allowable only to the extent that they directly relate to programs described in the application's program narrative.

(1) Participation in III. This is a key goal. Covered costs include, but are not limited to, costs associated with automation of the database, synchronization of records between the State and the FBI, and development of necessary software and hardware enabling electronic access on an intrastate or interstate basis.

(2) Database enhancement. Improving the quality, completeness, and accuracy of criminal history records is a key goal of the NCHIP effort. Allowable costs include the costs associated with implementing improved record capture procedures, establishing more effective accuracy controls, and ensuring that records of all criminal events that start with an arrest or indictment are included in the database.

In addition to felony records, funds may be used to capture data on domestic violence misdemeanors and to ensure that data on persons convicted of abuse of children, the elderly, and the disabled and/or stalking and domestic violence offenses (including protection orders and violations thereof) are included in the database.

States that currently participate in III may also use limited funds to identify and develop access to data on other categories of persons prohibited from

firearm purchase under recent amendments to the Gun Control Act (18 U.S.C. Section 922), as incorporated in the Brady Act. States proposing use of funds for these purposes must demonstrate in the application that results of applicable pilot efforts supported under the NCHIP Advanced State Award Program (ASAP) have been considered and that necessary protections for individual privacy will be incorporated in the proposed procedures. Information about current NCHIP-supported efforts in these areas and relevant State contacts is available through the BJS Internet site.

(3) Improved capture of case disposition. Automated interface between the criminal history repository and the courts, prosecutors, and/or corrections agencies is encouraged. Funds provided to courts or prosecutors for these purposes are allowable only to the extent that the function to be supported is related to the capture of disposition or other data relating to the offender record (for example, full costs associated with establishment of court Management Information Systems (MIS) are not allowable under the NCHIP program).

(4) Flagging of records. Upgrading the accessibility of records through flagging for presale and preemployment checks is an important activity. Allowable costs include costs of flagging or algorithms used for flagging of felony records and records of persons with convictions for crimes involving children, the elderly, and/or the disabled, as well as records of persons convicted of crimes involving domestic violence and/or stalking. Costs may include the cost of technical record flagging and the costs associated with identification of records to be flagged (see [12] below regarding interface with NIBRS).

(5) Participation in the NICS. NCHIP funds may be used to enable the State to participate in the NICS consistent with the provisions of 18 U.S.C. Section 922 (t). Allowable expenditures include, but are not limited to costs necessary to enable the State to serve as a Point of Contact under the FBI's NICS system, and include costs of equipment, software, personnel training, and development and implementation of related operating and administrative procedures. Funds may not be used to conduct presale firearm background checks.

(6) Firearm permits. NCHIP funds may be used to comply with Brady Act provisions pursuant to an ATF-approved firearm permit system and to develop and implement procedures to review the currency of firearm permits and/or to provide appropriate notification when permits are revoked.

(7) Protection order file. Establishment of a protection order file to enhance the cross-jurisdictional enforcement of protective orders, and to support the FBI's National Protection Order File is an important goal of the NCHIP program. Costs (including equipment, software, training and procedural development) associated with development and enhancement of such files and with interface with the FBI's National Protection Order File are covered. Protection order files supported with NCHIP funds must be compatible with the FBI file, and the application must indicate that records are presently being submitted to the FBI or indicate the date upon which that submission will commence. Funds are only allowable to support development of local protection order files where data in such files is or will become directly accessible throughout the State and available to the FBI's national system.

(8) Interface between criminal history records, sex offender registry, and civil protection order files. To ensure that, consistent with State law, a complete data review is possible in connection with background checks for child care or other authorized purposes, funds may be used to develop software to establish protocols to permit interface between the criminal history record system, the State sex offender registry, and related protection order files including files of civil protection orders.

(9) Uniform RAP sheet format. The FBI has recently endorsed a format and standards for transmission of a uniform RAP sheet (text version of a person's criminal history record) among States. The format reflects efforts initiated under the BJS/SEARCH Task Force on Uniform RAP Sheet Standards. Funds are available to assist States in converting State criminal history records to the FBI standard interstate RAP sheet format or for developing electronic interchange capabilities related thereto.

(10) Record automation. These are allowable costs only with respect to records where the subject has been arrested, indicted, convicted, or released from confinement within 5 years of the date of automation. As appropriate, allowable costs also include costs associated with system design in States with nonautomated systems or in States proposing to enhance system operation to include access to non-CCH databases.

(11) AFIS/livescan. Automated Fingerprint Identification System (AFIS)/livescan equipment for local law enforcement agencies is allowable to improve the level of arrest and disposition reporting, but only where—

(a) the State repository system is automated, is participating in, or is planning to participate in III, and has in place the technical capability to accept AFIS transmissions, and

(b) sufficient traffic can be demonstrated to justify the cost, possibly through the use of regional systems.

Funding of AFIS/livescan in squad cars is not allowable, since field inquiries are not a factor in checks under either the Brady Act or the Child Protection Act. Additionally, since data are not generally input to the system by the field unit, AFIS in the squad car would not support record improvement or completeness. AFIS/livescan for use in courts is allowable, to support record completeness. The same conditions regarding repository capability and levels of traffic are also applicable to costs in this category. Costs associated with AFIS/livescan communication from the repository to the FBI national system (IAFIS) are allowable but only where the State can demonstrate adequate levels of record completeness (both arrest and disposition) and current membership in III.

States should understand that Byrne 5% set-aside funds are available for AFIS/livescan, and that, accordingly, use of NCHIP funds for AFIS or livescan will only be allowable when justified as appropriate given the overall status of the State system, its participation in the national system and its planned use of Byrne 5% set-aside funds. This is particularly relevant with respect to State proposals to use NCHIP funds to cover costs of local livescan equipment.

(12) Interface with NIBRS. Funds may be used to interface with any State data system that is compatible with NIBRS for purposes of identifying persons convicted of crimes against children, the elderly, or the disabled; crimes involving domestic violence and/or stalking; and/or identification of records involving firearm crimes for operational or research purposes. NCHIP funds are not available, however, to develop the NIBRS database.

(13) Research, evaluation, monitoring, and audits. Costs associated with research or evaluation efforts are allowable to the extent that they are directly associated with a project approved in the application. Costs associated with monitoring State compliance with legislative or programmatic goals through ongoing or periodic audits or other procedures are allowable and encouraged. The purchase of equipment such as modems and the necessary communications and

data software for storing and transmitting evaluative data between States and to BJS or other designated Federal agencies is an allowable expense.

(14) Conversion of juvenile records to the adult system. Federal regulations allow the FBI to accept juvenile records if submitted by the State or local arresting agency. Expenditures to interface juvenile and adult records are allowable if consistent with relevant State law and undertaken to further the goals of the NCHIP program.

(15) Missing dispositions backlog reduction. These costs are allowable to improve the level of disposition reporting but only where limited to records with arrests within the past 5 years. States must also propose a strategy to prevent future backlogs from developing.

(16) Equipment upgrades. Upgrade costs are allowable where related to improving availability of data and where appropriate given the level of data completeness, participation in III, etc. Replacement costs will be considered, but States are encouraged to contribute some portion of the total costs.

(17) Training, participation in seminars and meetings. Limited funds may be used to cover costs of training and participation in State, regional, or national seminars or conferences (including travel, where necessary).

(18) Reducing cost of background checks. States may use funds to develop and implement technologies that lower costs of conducting background checks. These funds may also be used to pay all or part of the State's cost of conducting background checks on persons who are employed by or volunteer with a public, not-for-profit, or other voluntary organization to reduce the amount of fees charged for such background checks, consistent with the provisions of 42 USC 5119(b).

(19) Allowable activities relating to implementation of the Child Protection Act and the Domestic Violence and Stalker Reduction provisions of the VAWA. Allowable activities include—

* capturing domestic violence and/or stalking protection orders;
* flagging of records concerning child abuse, crimes against children, the elderly and the disabled; convictions for domestic violence and/or stalking; and domestic violence protection orders;
* incorporating serious misdemeanor offenses against children, the elderly and the disabled into existing criminal history records;
* offsetting the cost of certain background checks, including development and implementation of technological and procedural advances; and
* improving processes for entering data regarding stalking and domestic violence into local, State, and national crime information databases.

Text of ''Lautenberg Amendment.'' The ''Lautenberg Amendment'' amends the Federal Gun Control Act (18 U.S.C. Section 922) to prohibit the transfer of firearms to a person convicted of a ''misdemeanor crime of domestic violence.'' The text of the amendment is set forth below.

Sec. 668. GUN BAN FOR INDIVIDUALS CONVICTED OF A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE

(a) Definition—Section 921 (a) of title 18, United States Code, is amended by adding at the end of the following:

''(33)(A) Except as provided in subparagraph (C), the term 'misdemeanor crime of domestic violence' means an offense that—

''(i) is a misdemeanor under Federal or State law; and

''(ii) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

''(B)(i) A person shall not be considered to have been convicted of such an offense for purposes of this chapter, unless—

''(I) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and

(II) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either

(aa) the case was tried by a jury, or

(bb) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise.

''(ii) A person shall not be considered to have been convicted of such an offense for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.''

(b) PROHIBITIONS—

(1) Section 922(d) of such title is amended

(A) by striking ''or'' at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting ''; or''; and

(C) by inserting after paragraph (8) the following:

(9) has been convicted in any court of a misdemeanor crime of domestic violence''.

(2) Section 922(g) of such title is amended—

(A) by striking ''or'' at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting ''; or''; and

(C) by inserting after paragraph (8) the following:

''(9) has been convicted in any court of a misdemeanor crime of domestic violence.''

(3) Section 922(s)(3)(B)(I) of such title is amended by inserting, ''and has not been convicted in any court of a misdemeanor crime of domestic violence'' before this semicolon.

(c) GOVERNMENT ENTITIES NOT EXCEPTED—Section 925(a)(1) of such title is amended by inserting ''sections 922(d)(9) and 922(g)(9) and'' after ''except for''.

Application and administrative requirements. Application content. All applicants must submit:

* Standard Form 424, Application for Federal Assistance.
* Budget Detail Worksheet (replaced the SF 424A, Budget Information).
* OJP Form 4000/3 (Rev. 1–93), Program Narrative and Assurances.
* OJP Form 4061/6 Certification Regarding Lobbying, Debarment, Suspension, and Other Responsibility Matters; Drug-Free Workplace Requirements.

Applicants are requested to submit an original and two copies of the application and certifications to the following address: Application Coordinator, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington DC 20531, *Telephone:* (202) 616–3500.

Standard Form 424 (SF–424). The SF–424, a one-page sheet with 18 items, serves as a cover sheet for the entire application. This form is required for every application for Federal assistance. NO APPLICATION CAN BE ACCEPTED WITHOUT A COMPLETED, SIGNED ORIGINAL SF–424. Directions to complete each item are included on the back of the form.

Budget Detail Worksheet. Applications must provide a detailed justification for all costs, including the basis for computation of these costs. For example, the detailed budget would include the salaries of staff involved in the project and the portion of those salaries to be paid from the award; fringe benefits paid to each staff person; travel costs related to the project; equipment to be purchased with the award funds; and supplies required to complete the project.

Budget narrative. The budget narrative should detail costs included in each budget category for the Federal and the non-Federal (in-kind and cash) share. The purpose of the budget narrative is to relate items budgeted to project activities and to provide justification and explanation for budget items, including criteria and data used to arrive at the estimates for each budget category. The budget narrative should also indicate amounts to be made available to subrecipient agencies (under Contractual/Contracts category) other than the direct grant recipient. The following information is provided

to assist the applicant in developing the budget narrative:

a. Personnel category. List each position by title (and name of employee if available), show annual salary rate and percentage of time to be devoted to the project by the employee. Compensation paid for employees engaged in federally assisted activities must be consistent with that paid for similar work in other activities of the applicant.

b. Fringe benefits category. Indicate each type of benefit included and explain how the total cost allowable for employees assigned to the project is computed.

c. Travel category. Itemize travel expenses of project personnel by purpose (e.g., faculty to training site, field interviews, advisory group meetings, etc.) and show basis or computation (e.g., ''Five trips for x purpose at $80 average cost—$50 transportation and two days per diem at $15'' or ''Six people to 3-day meeting at $70 transportation and $45 subsistence.'') In training projects where travel and subsistence for trainees is included, this should be separately listed indicating the number of trainees and the unit costs involved.

(1) Identify the tentative location of all training sessions, meetings, and other travel.

(2) Travel costs are allowable as expenses by employees who are in travel status on official business. These costs must be in accordance with the Federal or an organizationally-approved travel policy.

(3) Recipients may follow their own established travel rates. If a recipient does not have an established travel policy, the recipient must abide by the Federal travel policy. Subrecipients of States must follow their State's established travel policy. If a State does not have an established travel policy, the subrecipient must abide by the Federal travel rates.

d. Equipment. List each type of equipment to be purchased or rented with unit or monthly costs.

e. Supplies. List items within this category by major type (office supplies, training materials, research forms, postage) and show basis for computation. Provide unit or monthly estimates.

f. Contractual category. State the selection basis for any contract, subcontract, prospective contract or prospective subcontract (including construction services and equipment). Please note, applications that include noncompetitive contracts for the provision of specific services must contain a sole source justification for any procurement in excess of $100,000.

For individuals to be reimbursed for personal services on a fee basis, list by name or type of consultant or service, the proposed fee (by day, week, or hour) and the amounts of time to be devoted to such services. For construction contracts and organization (including professional associations and education institutions performing professional services), indicate the type of service to be performed and the estimated contract cost data.

g. Construction category. Describe construction or renovation which will be accomplished using grant funds and the method used to calculate cost.

h. Other category. Include under ''other'' such items as rent, reproduction, telephone, and janitorial or security services. List items by major type with basis of computation shown. (Provide square footage and cost per square foot for rent. Provide local and long distance telephone charges separately.)

i. Indirect charges category. The Agency may accept an indirect cost rate previously approved for an applicant by a Federal agency. Applicants must enclose a copy of the approved rate agreement with the grant application.

j. Program income. If applicable, provide a detailed estimate of the amount of program income to be generated during the grant period and its proposed application (to reduce the cost of the project or to increase the scope of the project). Also, describe the source of program income, listing the rental rates to be obtained, sale prices of publications supported by grant funds, and registration fees charged for particular sessions. If scholarships (covering, for example, registration fees) are awarded by the organization to certain conference attendees, the application should identify the percentage of all attendees that are projected as ''scholarship'' cases and the precise criteria for their selection.

Program narrative. All applications must include a program narrative that fully describes the expected design and implementation of the proposed program. OJP Form 4000/3 (Rev. 1–93) provides additional detailed instructions for preparing the program narrative.

The narrative should include a time line of activities indicating, for each proposed activity, the projected duration of the activity, expected completion date, and any products expected. The application should include a description of the roles and responsibilities of key organizational and/or functional components involved in project activities; and a list of key personnel responsible for managing and implementing the major elements of the program.

Assurances. OJP Form 4000/3 (Rev. 1–93) must be included in the application submission. If submitting this form separately from the SF–424, the applicant must sign and date the form to certify compliance with the Federal statutes, regulations, and requirements as cited.

Certification Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace. Applicants should refer to the regulations cited in OJP Form, 4061/6 to determine the certification to which they are required to attest. A copy of OJP Form 4061/6 can be obtained from the BJS Application Coordinator. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 C.F.R. Part 69, ''New Restrictions on Lobbying,'' and 28 C.F.R. Part 67, ''Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants).'' The certifications shall be treated as a material representation of fact upon which reliance will be placed when the U.S. Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

Financial and administrative requirements. Discretionary grants are governed by the provisions of OMB Circulars applicable to financial assistance. The circulars, in addition to the OJP Financial Guide, are available from the Office of Justice Programs. This guideline manual is intended to assist grantees in the administration of funds and includes information on allowable costs, methods of payment, Federal rights of access to records, audit requirements, accounting systems, and financial records.

Complete and accurate information is required relative to the application, expenditure of funds, and program performance. The consequences of failure to comply with program guidelines and requirements will be determined at the discretion of the Department.

Civil rights obligations. All applicants for Federal financial assistance must sign Certified Assurances that they are in compliance with the Federal laws and regulations which prohibit discrimination in any program or activity that receives such Federal funds. Section 809(c), Omnibus Crime

Control & Safe Streets Act of 1968, provides that:

No person in any State shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, or denied employment in connection with any program or activity funded in whole or in part with funds made available under this title.

Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans With Disabilities Act prohibit discrimination on the basis of disability.

The applicant agency must discuss how it will ensure nondiscriminatory practices as they relate to:

(1) Delivery of services or benefits—to ensure that individuals will not be denied access to services or benefits under the program or activity on the basis of race, color, religion, national origin, gender, age, or disability;

(2) Employment practices—to ensure that its personnel in the program or activity are selected for employment without regard to race, color, religion, national origin, gender, age, or disability; and

(3) Program participation—to ensure members of any planning, steering or advisory board, which is an integral part of the program or activity, are not excluded from participation on the basis of race, color, religion, national origin, gender, age or disability; and to encourage the selection of such members who are reflective of the diversity in the community to be served.

Audit requirement. On June 30, 1997, the Office of Management and Budget issued Circular A–133, ''Audits of States, Local Governments, and Non-Profit Organizations,'' which establishes regulations to implement the Single Audit Act of 1996. This Circular A–133 outlines the requirements for organizational audits which apply to BJS grantees.

Intergovernmental review of Federal programs. Federal Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' allows States to establish a process for reviewing Federal programs in the State, to choose which programs they wish to review, to conduct such reviews, and to make their views known to the funding Federal agency through a State ''single point of contact.''

If the State has established a ''single point of contact,'' and if the State has selected this program to be included in its review process, the applicant must send a copy of its letter or application to the State ''single point of contact'' at the same time that it is submitted to BJS. The letter or application submitted to BJS must indicate that this has been done. The State must complete its review within 60 days. The review period will begin on the date that the letter or application is officially received by BJS. If BJS does not receive comments from the State's ''single point of contact'' by the end of the review period, this will be interpreted as a ''no comment'' response.

If the State has not established a ''single point of contact,'' or if it has not selected the BJS statistics development or criminal history improvement programs in its review process, this must be stated in the letter or application.

Jan M. Chaiken,

Director, Bureau of Justice Statistics.

[FR Doc. 98–13965 Filed 5–26–98; 8:45 am]

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DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB review; comment request

May 21, 1998.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor, Departmental Clearance Officer, Todd R. Owen ((202) 219–5096 ext. 143) or by E-Mail to Owen-Todd@dol.gov. Individuals who use a telecommunications device for the deaf (TTY/TDD) may call (202) 219–4720 between 1:00 p.m. and 4:00 p.m. Eastern time, Monday-Friday.

Comments should be sent to Office of Information and Regulatory Affairs, *Attn:* OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316), by June 26, 1998.

The OMB is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* Enhance the quality, utility, and clarity of the information to be collected; and

* Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Occupational Safety and Health Administration.

Title: Gear Certification (29 CFR part 1919).

OMB Number: 1218–0003 (Extension).

Form Number: OSHA 70, OSHA 71, and OSHA 72.

Frequency: Quadrennially; Annually.

Affected Public: Business or other for-profit; Not-for-profit institutions; State, Local and Tribal Government.

Number of Respondents: 278.

Total Responses: 6443.

Estimated Time per Respondent: 55 minutes.

Total Burden Hours: 93.

Total annualized capital/startup costs: $0.

Total annual costs (operating/maintaining systems or purchasing services): $476,406.

Description: 29 CFR part 1919 (Gear Certification), requires the gathering of information to complete three forms, the OSHA 70, OSHA 71, and OSHA 72. The OSHA 70 Form is used by applicants seeking accreditation from OSHA to be able to test or examine certain equipment and material handling devices, as required under the maritime regulations, part 1917 (Marine Terminals), and part 1918 (Long shoring). The OSHA 70 Form application for accreditation provides an easy means for companies to apply for accreditation. The OSHA 71 Form is required to be issued by those accredited by OSHA to make known to employers in the maritime industry that certain equipment and material handling devices are safe to use or operate.

The OSHA 72 Form is required to be used by those accredited by OSHA to employers in maritime industry when the equipment or material handling device is found to be unsafe to use.

Agency: Occupational Safety and Health Administration.

Title: Course Evaluation Form.

OMB Number: 1218–0173 (Extension).

Frequency: Once (at the end of the training course).

Affected Public: Individuals.