



U.S. Department of Justice

SENATE FINANCE & CLAIMS ⁹

Office of Justice Programs

Exhibit No. 9

Bureau of Justice Assistance

Date 3-22-11

Bill No. HB 230

Office of the Director

Washington, D.C. 20531

22 FEB 2011

Don Merritt
Acting Director
Montana Board of Crime Control
PO Box 201408
Helena, MT 59620

Dear Don:

Thank you for your letter of February 16, 2011. I appreciate you providing the information on the pending legislation in your state, and the opportunity to comment on the issues that are presented.

In working with our Programs staff, the Office of the Chief Financial Officer (OCFO) and the Office of General Counsel (OGC), the following are our responses to the questions presented. Your letter indicates, and the proposed legislation you have provided would seem to support, the fact that a transfer of the Montana Board of Crime Control (MBCC) from the Montana Department of Justice to the Montana Department of Corrections would be for administrative purposes only and would not alter the current structure or operations of the agency. Yet, the statute you have provided (MCA 2-15-121) indicates that agencies allocated to a department for administrative purposes only seem to maintain autonomy in terms of most of its functions, but its budget would be directed and supervised by (in this case) the Department of Corrections. As you indicated in your letter, it is unclear which entity will administer the MBCC budget after the administrative change takes effect (if it does at all). This uncertainty complicates the question somewhat, but we believe that if an Administrative Funding Adjustment (AFA) is necessary (and it may be), it can be done expeditiously.

Question: Assuming MBCC retains its designation to administer the Justice Grant programs and the only thing that changes is the Department that MBCC is administratively attached to would we still need to go through the Administrative Funding Adjustment process for each of our active grants?

Response: If there is a change in the entity that is responsible and accountable for the administration, including budgeting, of the award, then an AFA would be necessary. If, on the other hand, the MBCC maintains its autonomy over its affairs, including budgetary matters, after the administrative move from the Montana Department of Justice to the Montana Department of Corrections, then the AFA would likely not be required. (One indicator to evaluate would be whether or not a new DUNS number would be required for the entity after the administrative change).

Question: If the Department of Corrections assumes the budget authority for MBCC would we need to go through the AFA process?

Response: Yes, see response to question above.

Question: Assuming we needed to go through the AFA process and could not start closing out our grants for de-obligation until 7/1/2011. Knowing that July through September is the busy grant time for OJP what is the expected time frame that funding could be held up?

Response: We are unclear about the context for the timeframe of July 1, 2011, but assume that it is predicated on when the new legislation is passed and time for MBCC to react to that legislation. If an AFA is required, and as long as the new entity within the Department of Corrections is set up and has appropriate staff in place, we believe that the AFA process can be processed within 60 to 90 days by OJP. These types of adjustments are done on a routine basis, and should not hold up other grant activities within OJP.

Question: We have grants with most of the OJP Bureaus including ARRA grants. Is there a possibility that some of our grant funds may not be re-obligated to MBCC?

Response: Based on what has been described, as long as the MBCC retains the responsibility as the State Administering Agency, and no other substantive change to that entity occurs, we see no reason for a re-obligation.

Question: If we needed to go through the AFA process would this also impact the award of new grant applications as well?

Response: No, the AFA process would not impact the award of new grants. However, that also assumes that the MBCC remains the State Administrative Agency for the funds it currently administers, as designated by the Governor.

I hope the information presented above is helpful, and please let me know if we may be of further assistance.

Sincerely,



James H. Burch, II
Acting Director

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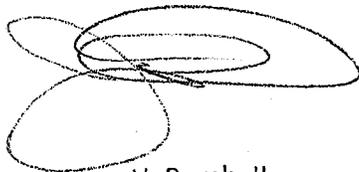
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