



Texas Border Sheriff's Coalition
240 Thunderbird, Suite A
El Paso, Texas 79912

CONGRESSIONALLY SELECTED AWARD

**2010-DD-BX-0484 HIDALGO
"Operation Linebacker"**

APPLICANT: HIDALGO COUNTY SHERIFF'S OFFICE
SHERIFF: Guadalupe "Lupe" Treviño
COUNTY: HIDALGO
ADDRESS: PO Box 1228
711 El Cibolo Road, Edinburg, Texas 78540

PERIOD OF GRANT: August 1, 2010 – July 31, 2011

CHECKLIST OF CONTENTS:

- _____ Designation of Grant Officials - Authorizing Official (County Judge), Grant Performance Officer, Financial Officer
- _____ Budget for Operation (Provided)
- _____ Assurances and Certifications - County Judge must sign as Authorizing Official. (Includes state and federal requirements)
- _____ Civil Rights as provided by Office of Justice Programs
- _____ Special Conditions as set by Office of Justice Programs
- _____ Categorical Exclusion Statement from Office of Justice Programs
- _____ Objectives of Linebacker (Provided by TBSC)
- _____ TBSC's Statement of the Problem as part of TBSC application
- _____ Sub-Grant Award Notice with Grantee Acceptance (County Judge or Grant Performance Officer must sign)
- _____ County Resolution from Commissioner's Court
- _____ Guidance Letter on completing the package.
- _____ EEOP Certification

**Operation Linebacker-Congressionally Selected Funds
DESIGNATION OF GRANT OFFICIALS**

GRANT:	2010-DD-BX-0484 HIDALGO
GRANT PERIOD:	August 1, 2010 – July 31, 2011
AGENCY NAME:	Hidalgo County Sheriff's Office

Grant Performance Officer	
<i>Name</i>	Guadalupe "Lupe" Treviño
<i>Title</i>	Sheriff
<i>Official Mailing Address</i>	PO Box 1228 Edinburg, Texas 78540
<i>Daytime Phone Number</i>	956-383-8114 Ext: 6003
<i>Fax Number</i>	956-393-6179
<i>E-mail Address</i>	sheriff@hidalgo.org

Grant Financial Officer	
<i>Name</i>	Ray Eufrazio
<i>Title</i>	County Auditor
<i>Official Mailing Address</i>	2808 S. Business 281 Edinburg, Texas 78539
<i>Daytime Phone Number</i>	956-318-2511
<i>Fax Number</i>	956-318-2577
<i>E-mail Address</i>	ray.eufrazio@auditor.co.hidalgo.tx.us

Authorized Official	
<i>Name</i>	Ramon Garcia
<i>Title</i>	County Judge
<i>Official Mailing Address</i>	PO Box 1356 Edinburg, Texas 78539
<i>Daytime Phone Number</i>	956-316-2600
<i>Fax Number</i>	956-316-2699
<i>E-mail Address</i>	ramon.garcia@co.hidalgo.tx.us

* An individual authorized to execute contracts on behalf of a jurisdiction or local law enforcement agency.



Texas Border Sheriff's Coalition
240 Thunderbird, Suite A
El Paso, Texas 79912

**Congressionally Selected Grant
Grant Number 2010-DD-BX-0484
Sub-Grant 2010-DD-BX-0484 HIDALGO**

State of Texas Assurances and Certifications

Assurances

(1) RELATIVES. A sub-grantee must comply with the Texas Government Code, Chapter 573, by ensuring that no officer, employee, or member of the applicant's contractor shall cote or confirm the employment of any person related within the second degree of affinity or the third degree of consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise such person. This prohibition shall not prohibit the employment of a person who shall have been continuously employed for a period of two years, or such other period stipulated by local law, prior to the election or appointment of the officer, employee, or governing body member related to such person in the prohibited degree.

(2) PUBLIC INFORMATION. A sub-grantee must insure that all information collected, assembled, or maintained by the applicant relative to a project will be available to the public during normal business hours in compliance with Texas Government Code, Chapter 552, unless otherwise expressly prohibited by law.

(3) OPEN MEETINGS. A sub-grantee must comply with Texas Government Code, Chapter 551, which requires all regular, special, or called meetings of governmental bodies to be open to the public, except as otherwise prohibited by law or specifically permitted in the Texas Constitution.

(4) CHILD SUPPORT PAYMENTS. A sub-grantee must comply with Section 231.006, Texas Family Code, which prohibits payments to a person who is in arrears on child support payments.

(5) HEALTH, HUMAN SERVICES, PUBLIC SAFETY OR LAW ENFORCEMENT AGENCY. If the sub-grantee is a health, human services, public safety, or law enforcement agency, it will not contract with or issue a license, certificate, or permit to the owner, operator, or administrator of a facility if the license, permit, or certificate has been revoked by another health and human services agency or public safety or law enforcement agency.

(6) LAW ENFORCEMENT AGENCY. If the sub-grantee is a law enforcement agency regulated by Texas Occupations Code, Chapter 1701, it must be in compliance with all rules adopted by the Texas Commission on Law Enforcement Officer Standards and Education pursuant to Chapter 1701, Texas Occupations Code or must provide the grantor agency with a certification from the Texas Commission on Law Enforcement Officer Standards and Education that the agency is in the process of achieving compliance with such rules.

ADMINISTRATION. When incorporated into a grant award or contract, standard assurances contained in the application package become terms or conditions for receipt of grant funds. Administering state agencies and local sub-recipients shall maintain an appropriate contract administration system to insure that all terms, conditions, and specifications are met. (See Section __.36 for additional guidance on contract provisions).

SUSPECTED CHILD ABUSE. A sub-grantee must comply with the Texas Family Code, Section 261.101, which requires reporting of all suspected cases of child abuse to local law enforcement authorities and to the Texas Department of Child Protective and Regulatory Services. Sub-grantees shall also ensure that all program personnel are properly trained and aware of this requirement.

(9) TAXES. Sub-grantees will comply with all federal tax laws and are solely responsible for filing all required state and federal tax forms.

(10) COMPLIANCE WITH REQUIREMENTS. Sub-grantees will comply with all applicable requirements of all other federal and state laws, executive orders, regulations, and policies governing this program.

(11) INELIGIBLE APPLICANTS. The applicant certifies that it and its principals are eligible to participate and have not been subjected to suspension, debarment, or similar ineligibility determined by any federal, state, or local governmental entity and it is not listed on a state or federal government's terrorism watch list as described in Executive Order 13224. Entities ineligible for federal procurement are listed at <http://www.epls.gov>.

(12) HIV/AIDS. Sub-grantees must adopt and implement applicable provisions of the model of HIV/AIDS work place guidelines of the Texas Department of Health as required by the Texas Health and Safety Code, Ann., Sec. 85.001, et seq.

(13) LEGAL AUTHORITY The applicant has the legal authority to apply to State assistance, and the institutional, managerial, and financial capability (including funds sufficient to pay the non-state share of project costs) to ensure proper planning, management and completion of the project described in this application.

(14) RECORDS. The applicant will give the awarding agency, the State Comptroller, and if applicable, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

(15) PERSONAL GAIN The applicant will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal gain.

(16) COMPLETION. The applicant will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

CERTIFICATIONS

1. **DRUG-FREE WORKPLACE.** The applicant certifies that it will provide a drug-free workplace by:
 - A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for a violation of such prohibition.
 - B. Establish a drug-free awareness program to inform employees about:
 - i. the dangers of drug abuse in the workplace;
 - ii. the applicant's policy of maintaining a drug-free workplace;
 - iii. any available drug counseling, rehabilitation, and employee assistance programs; and
 - iv. the penalties that may be imposed upon employees for drug abuse violations.
 - C. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a)
 - D. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
 - i. abide by the terms of the statement, and
 - ii. notify the employer of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction.
 - E. Notifying the agency within ten days after receiving notice under subparagraph (d) (ii) from an employee or otherwise receiving actual notice of such conviction.
 - F. Taking one of the following actions with respect to any employee who is so convicted:

- i. taking appropriate personnel action against such an employee, up to and including termination; or
 - ii. requiring such employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
- G. Making a good faith effort to continue to maintain a drug-free workplace through the implementation of paragraphs (a), (b), (c), (d), (e), and (f).

2. LOBBYING- The applicant certifies that:

- A. It will not use grant funds, either directly or indirectly, in support of the enactment, repeal, modification, or adoption of any law, regulation or policy, at any level of government.
- B. If any non-grant funds have been or will be used in support of the enactment, repeal, modification, or adoption of any law, regulation or policy, an any level of government, it will notify the Governor's Division of Emergency Management to obtain the appropriate disclosure form.
- C. It will include the language of paragraphs A and B of this section in the award documents for all sub-awards at all tiers and will require all sub-recipients to certify accordingly.

This form includes Assurances and Certifications that must be read, signed, and submitted as part of the grant package.

Name of Applicant County	Grant Program
HIDALGO COUNTY	2010-DD-BX-0484 HIDALGO
Ramon Garcia	County Judge
Typed Name of Authorized Official	Title
Signature of Authorized Official	Date



NOTICE OF SUB GRANT AWARD
TEXAS BORDER SHERIFF'S COALITION

Program Title:	Operation Linebacker
Funding Instrument:	Congressionally Selected Award
Administered by:	Texas Border Sheriff's Coalition 240 Thunderbird, Suite A El Paso, Texas 79912
Sub Grant Number	2010-DD-BX-0484 HIDALGO
Recipient:	HIDALGO
Amount of Grant:	\$237,650.00
Period of Grant:	August 1, 2010 - July 31 st , 2011

AGENCY APPROVAL	GRANT ACCEPTANCE
Donald L. Reay Executive Director	Printed Name: Ramon Garcia Title: County Judge
Date:	Date:

Return Signed Original to:

**Texas Border Sheriff's Coalition
240 Thunderbird, Suite A
El Paso, Texas 79912**

RESOLUTION

WHEREAS, The Hidalgo County Commissioners' Court finds it in the best interest of the citizens of Hidalgo County Texas that the Operation Linebacker-Hidalgo County project be operated for the period of August 1st, 2010 through July 31st, 2011; and

WHEREAS, Hidalgo County Commissioners' Court understands that there is no matching fund requirement for the said project; and

WHEREAS, Hidalgo County Commissioners' Court agrees that in the event of loss or misuse of the Criminal Justice Division funds, Hidalgo County assures that the funds will be returned to the Criminal Justice Division in full.

WHEREAS, Hidalgo County Commissioners' Court designates Hidalgo County Judge as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of Hidalgo County.

NOW THEREFORE, BE IT RESOLVED that the Hidalgo County Commissioners' Court approves submission of the grant application for the Operation Linebacker-Hidalgo County project to the Office of the Governor, Criminal Justice Division.

Passed and Approved by Commissioners' Court on 16th of November, 2010.

Signed by:

Ramon Garcia
Hidalgo County Judge

Joel Quintanilla
Commissioner, Pct. # 1

Joe M. Flores
Commissioner, Pct. # 3

Hector "Tito" Palacios
Commissioner, Pct. # 2

Oscar L. Garza
Commissioner, Pct # 4

HIDALGO County		
Personnel		
Name/Position	Computation	Cost
Patrol Deputies	(4) Patrol Deputies x 8 hrs. x 80 days @ \$32.28 O/T rate	82,636.80
Patrol Supervisor	1 Patrol Supervisor x 8 hrs x 80 days @ \$39.06 O/T rate	24,998.40
	SUBTOTAL	\$107,635.20
A request of \$107,635.20 will cover the costs of (4) Patrol Deputies and a Patrol Supervisor to provide enhanced law enforcement services for Operation Linebacker.		
Fringe Benefits		
Name/Position	Computation	Cost
Patrol Deputies	FICA 7.68, Ret. 9%, Unemployment .50%, WC 2.51%, Health 1.88%; \$82,636.80 x 21.57%	17,824.76
Patrol Supervisor	FICA 7.68, Ret. 9%, Unemployment .50%, WC 2.51%, Health 1.88%; \$24,998.40 x 21.57%	\$5,392.15
	Total Fringe Benefits	\$23,216.91
	TOTAL Personnel and Fringe Benefits	\$130,853
Equipment		
Item	Computation	Cost
Patrol Units	2 - Ford Expedition 4x4 vehicles fully equipped (comm. Radio, siren, lighting system, computer, etc.) @ \$53,398.50 x 2	\$106,797.00
	TOTAL	\$106,797.00
A request for \$106,797 will cover the cost of (2) fully equipped vehicle outfitted for use in rugged terrain, hauling police and safety equipment, cargo capacity, and able to provide off road access to investigate and patrol in order to provide enhanced law enforcement services.		
	HIDALGO County TOTAL	\$237,650.00

CERTIFICATION FORM

Recipient Name and Address: Hidalgo County Sheriff's Office, 711 El Cibolo Road, Edinburg, Texas 78540

Grant Title: Operation Linebacker Grant Number: 2010-DD-BX-0484 Award Amount: \$237,650.00

Contact Person Name and Title: Guadalupe "Lupe" Trevino, Sheriff Phone Number: () 956-383-8114

Federal regulations require recipients of financial assistance from the Office of Justice Programs (OJP), its component agencies, and the Office of Community Oriented Policing Services (COPS) to prepare, maintain on file, submit to OJP for review, and implement an Equal Employment Opportunity Plan (EEO) in accordance with 28 C.F.R. §§ 42.301-.308. The regulations exempt some recipients from all of the EEO requirements. Other recipients, according to the regulations, must prepare, maintain on file and implement an EEO, but they do not need to submit the EEO to OJP for review. Recipients that claim a complete exemption from the EEO requirement must complete **Section A** below. Recipients that claim the limited exemption from the submission requirement, must complete **Section B** below. **A recipient should complete either Section A or Section B, not both.** If a recipient receives multiple OJP or COPS grants, please complete a form for each grant, ensuring that any EEO recipient certifies as completed and on file (if applicable) has been prepared within two years of the latest grant. Please send the completed form(s) to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice, 810 7th Street, N.W., Washington, D.C. 20531. For assistance in completing this form, please call (202)307-0690 or TTY (202) 307-2027.

Section A- Declaration Claiming Complete Exemption from the EEO Requirement. Please check all the boxes that apply.

- | | | | |
|--------------------------|-----------------------------------------|--------------------------|----------------------------------------------------|
| <input type="checkbox"/> | Recipient has less than 50 employees, | <input type="checkbox"/> | Recipient is an Indian tribe, |
| <input type="checkbox"/> | Recipient is a non-profit organization, | <input type="checkbox"/> | Recipient is an educational institution, or |
| <input type="checkbox"/> | Recipient is a medical institution, | <input type="checkbox"/> | Recipient is receiving an award less than \$25,000 |

I, _____ [responsible official], certify that _____ [recipient] is not required to prepare an EEO for the reason(s) checked above, pursuant to 28 C.F.R. §42.302. I further certify that _____ [recipient] will comply with applicable Federal civil rights laws that prohibit discrimination in employment and in the delivery of services.

Print or type Name and Title _____ Signature _____ Date _____

Section B- Declaration Claiming Exemption from the EEO Submission Requirement and Certifying That an EEO Is on File for Review.

If a recipient agency has 50 or more employees and is receiving a single award or subaward for \$25,000 or more, but less than \$500,000, then the recipient agency does not have to submit an EEO to OJP for review as long as it certifies the following (42 C.F.R. § 42.305):

I, Sheriff Guadalupe "Lupe" Trevino _____ [responsible official], certify that the Hidalgo County Sheriff's Office _____ [recipient], which has 50 or more employees and is receiving a single award or subaward for \$25,000 or more, but less than \$500,000, has formulated an EEO in accordance with 28 CFR §42.301, *et seq.*, subpart E. I further certify that the EEO has been formulated and signed into effect within the past two years by the proper authority and that it is available for review. The EEO is on file in the office of: Hidalgo County Judges Office Human Resource Office _____ [organization], at 1615 S. Closer Suite J, Edinburg, Texas 78539 _____ [address], for review by the public and employees or for review or audit by officials of the relevant state planning agency or the Office for Civil Rights, Office of Justice Programs, U. S. Department of Justice, as required by relevant laws and regulations.

Guadalupe "Lupe" Trevino, Sheriff _____ Signature Lupe Trevino Date 11-14-10
Print or type Name and Title _____



Texas Border Sheriff's Coalition
240 Thunderbird, Suite A,
El Paso, Texas 79912

CONGRESSIONALLY SELECTED GRANT

OPERATION LINEBACKER

GRANT NUMBER: 2010-DD-BX-0484

OFFICE OF CIVIL RIGHTS

Congress has linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U. S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations.

Ensuring Equal Access to Federally Assisted Programs

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

Providing Services to Limited English Proficiency (LEP) Individuals

In accordance with the Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at: <http://www.lep.gov>.

Ensuring Equal Treatment for Faith-Based Organizations

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation, 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making awards or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held

Civil Rights separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at <http://ojp.usdoj.gov/ocr/etbo.htm>.

State Administering Agencies and faith-based organizations would also note that the Omnibus Crime Control and Safe Streets Act of 1968, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

Questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment may be directed to the Department of Justice, Office of Justice Programs, Office of Civil Rights.

Enforcing Civil Rights Laws

All recipients of Federal financial assistance are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

Complying with the Safe Streets Act or Program Requirements

In addition to these general prohibitions, your organization, which is the recipient of financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, 42 U.S.C. 3789d©, or other Federal grant program requirements, must meet two additional requirements: (1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEOP), 28 C.F.R. 42.301-308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. 42.205(5) or 31.202 (5)).

(1) Meeting the EEOP Requirement

Civil Rights

In accordance with Federal regulations, Assurance No. 6 in the Standard Assurances, CoPS Assurance No. 8.B, or certain Federal grant program requirements, your organization might need to comply with an EEOP reporting requirement. However, if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the preparation and maintenance of an EEOP. Your organizations's EEOP requirement then, is simply to complete Section A of the Certification Form attesting to your organizations's status. You must return the Certification form to TBSC. The Certification Form is enclosed in this package.

(2) Submitting Findings of Discrimination

In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR for review.



Department of Justice
Office of Justice Programs
Office for Civil Rights

Washington, D.C. 20531

September 9, 2010

Mr. Donald Reay
Texas Border Sheriffs Coalition
PO Box 221546
El Paso, TX 79913

Dear Mr. Reay:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations. We at OCR are available to help you and your organization meet the civil rights requirements that come with Justice Department funding.

Ensuring Equal Access to Federally Assisted Programs

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

Providing Services to Limited English Proficiency (LEP) Individuals

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at: <http://www.lep.gov>.

Ensuring Equal Treatment for Faith-Based Organizations

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation, 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at <http://www.ojp.usdoj.gov/ocr/etfbo.htm>.

State Administering Agencies and faith-based organizations should also note that the Omnibus Crime Control and Safe Streets Act of 1968, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

Questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment may be directed to this Office.

Enforcing Civil Rights Laws

All recipients of Federal financial assistance are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

Complying with the Safe Streets Act or Program Requirements

In addition to these general prohibitions, your organization, which is a recipient of financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, 42 U.S.C. § 3789d(c), or other Federal grant program requirements, must meet two additional requirements: (1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEO), 28 C.F.R. § 42.301-.308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. §§ 42.205(5) or 31.202(5)).

1) Meeting the EEO Requirement

In accordance with Federal regulations, Assurance No. 6 in the Standard Assurances, COPS Assurance No. 8.B, or certain Federal grant program requirements, your organization might need to comply with an EEO reporting requirement. However, if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the preparation and maintenance of an EEO. Your organization's EEO requirement then, is simply to complete Section A of the Certification Form attesting to your organization's status. You must then return the Certification form to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

2) Submitting Findings of Discrimination

In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR for review.

Ensuring the Compliance of Subrecipients

If your organization makes subawards to other agencies, you are responsible for assuring that subrecipients also comply with all of the applicable Federal civil rights laws, including the requirements pertaining to developing and submitting an EEO, reporting Findings of Discrimination, and providing language services to LEP persons. Recipients that make subawards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients. You can find the information you need to ensure EEO compliance from applicable subrecipients at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

If we can assist you in any way in fulfilling your civil rights responsibilities as a recipient of Federal funding, please call OCR at (202) 307-0690 or visit our website at <http://www.ojp.usdoj.gov/ocr/>.

Sincerely,



Michael L. Alston
Director


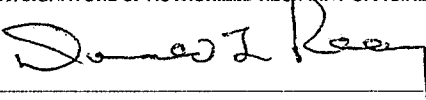
cc: Grant Manager
Financial Analyst



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Grant

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1. RECIPIENT NAME AND ADDRESS (Including Zip Code) Texas Border Sheriff's Coalition PO Box 221546 El Paso, TX 79913		4. AWARD NUMBER: 2010-DD-BX-0484	
		5. PROJECT PERIOD: FROM 08/01/2010 TO 07/31/2011 BUDGET PERIOD: FROM 08/01/2010 TO 07/31/2011	
		6. AWARD DATE 09/09/2010	7. ACTION Initial
1A. GRANTEE IRS/VENDOR NO. 203789689		8. SUPPLEMENT NUMBER 00	
		9. PREVIOUS AWARD AMOUNT \$ 0	
3. PROJECT TITLE Operation Linebacker		10. AMOUNT OF THIS AWARD \$ 4,850,000	
		11. TOTAL AWARD \$ 4,850,000	
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under Department of Justice Appropriations Act, 2010 (Pub. L. No. 111-117)			
15. METHOD OF PAYMENT GPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Laurie Robinson Assistant Attorney General		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Donald Reay Executive Director	
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL 	19A. DATE 9/20/10
AGENCY USE ONLY			
20. ACCOUNTING CLASSIFICATION CODES FISCAL FUND BUD. DIV. YEAR CODE ACT. OFC. REG. SUB. POMS AMOUNT X B D1 80 00 00 4850000		21. JD1UGT3255	

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET**
Grant

PAGE 2 OF 3

PROJECT NUMBER 2010-DD-BX-0484

AWARD DATE 09/09/2010

SPECIAL CONDITIONS

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide, Chapter 19.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

mail:

Office of the Inspector General
U.S. Department of Justice
Investigations Division
950 Pennsylvania Avenue, N.W.
Room 4706
Washington, DC 20530

e-mail: oig.hotline@usdoj.gov

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at www.usdoj.gov/oig.

6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.



Department of Justice
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**AWARD CONTINUATION
SHEET
Grant**

PAGE 3 OF 3

PROJECT NUMBER 2010-DD-BX-0484

AWARD DATE 09/09/2010

SPECIAL CONDITIONS

8. In accordance with applicable law, the recipient shall not use these funds for any of the following purposes:
 1. land acquisition;
 2. construction projects; or
 3. security enhancements or security equipment to non-governmental entities that do not engage in law enforcement, law enforcement support, criminal or juvenile justice, or delinquency prevention.

9. Recipient understands and agrees that it must submit quarterly Federal Financial Reports (SF-425) and semi-annual performance reports through GMS (<https://grants.ojp.usdoj.gov>), and that it must submit quarterly performance metrics reports through BJA's Performance Measurement Tool (PMT) website (www.bjaperformancetools.org). For more detailed information on reporting and other requirements, refer to BJA's website. Failure to submit required reports by established deadlines may result in the freezing of grant funds and High Risk designation.

10. The recipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this project.

11. The recipient agrees expeditiously to obtain active registration with the Central Contractor Registration (CCR) database, and to notify the program office in writing of its registration. Following satisfaction of this requirement, a Grant Adjustment Notice will be issued to remove this special condition.

12. With respect to this award, federal funds may not be used to pay cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (An award recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds.)

This limitation on compensation rates allowable under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made.

13. The indirect cost rate has been approved for budget purposes; however, drawdown of indirect costs may not occur until the recipient has submitted a current Federally approved indirect cost rate agreement to the Office of the Chief Financial Officer and a GAN (Grant Adjustment Notice) has been issued to remove this special condition.

14. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Washington, D.C. 20531

Memorandum To: Official Grant File
From: Orbin Terry, NEPA Coordinator
Subject: Categorical Exclusion for Texas Border Sheriff's Coalition

The Edward Byrne Memorial Discretionary Grants Program helps local communities improve the capacity of local justice systems and provides for national support efforts. Awards under this program will be used to effectively plan, manage, and allocate resources to encourage information sharing to reduce the incidence of crime and drug abuse, to provide responsive law enforcement services to enhance local courts, and to enhance local corrections and offender reentry.

None of the following activities will be conducted whether under the Office of Justice Programs federal action or a related third party action:

- (1) New construction.
- (2) Renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year flood plain.
- (3) A renovation which will change the basic prior use of a facility or significantly change its size.
- (4) Research and technology whose anticipated and future application could be expected to have an effect on the environment.
- (5) Implementation of a program involving the use of chemicals.

Consequently, the subject federal action meets the Office of Justice Programs' criteria for a categorical exclusion as contained in paragraph 4(b) of Appendix D to Part 61 of the Code of Federal Regulations. Additionally, the proposed action is neither a phase nor a segment of a project which when reviewed in its entirety would not meet the criteria for a categorical exclusion.

A handwritten signature in black ink, appearing to be "J. Terry", located in the lower right quadrant of the page.



Department of Justice
Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

September 9, 2010

Mr. Donald Reay
Texas Border Sheriff's Coalition
PO Box 221546
El Paso, TX 79913

Dear Mr. Reay:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 10 Congressionally Selected in the amount of \$4,850,000 for Texas Border Sheriff's Coalition.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Carrie Booth, Program Manager at (202) 305-7426; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Robinson".

Laurie Robinson
Assistant Attorney General

Enclosures



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

GRANT MANAGER'S MEMORANDUM, PT. I: PROJECT SUMMARY

Grant

PROJECT NUMBER
2010-DD-BX-0484

PAGE 1 OF 1

This project is supported under Department of Justice Appropriations Act, 2010 (Pub. L. No. 111-117)

1. STAFF CONTACT (Name & telephone number)

Carrie Booth
(202) 305-7426

2. PROJECT DIRECTOR (Name, address & telephone number)

Donald Reay
Executive Director
4141 Pinnacle, Ste 118
El Paso, TX 79902-1017
(915) 351-0621 ext.1017

3a. TITLE OF THE PROGRAM

BJA FY 10 Congressionally Selected

3b. POMS CODE (SEE INSTRUCTIONS
ON REVERSE)

4. TITLE OF PROJECT

Operation Linebacker

5. NAME & ADDRESS OF GRANTEE

Texas Border Sheriff's Coalition
PO Box 221546
El Paso, TX 79913

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 08/01/2010 TO: 07/31/2011

8. BUDGET PERIOD

FROM: 08/01/2010 TO: 07/31/2011

9. AMOUNT OF AWARD

\$ 4,850,000

10. DATE OF AWARD

09/09/2010

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The Congressionally Recommended Awards Program, authorized by the Department of Justice Appropriations Act, 2010 (Pub. L. 111-117), helps improve the functioning of the criminal justice system, prevent or combat juvenile delinquency, and/or assist victims of crime (other than compensation). Funds should be used for the projects recommended by Congress, in the amounts specified in the joint explanatory statement incorporated by reference into Pub. L. 111-117, and generally consistent with one or more of the following statutory purposes: improving the functioning of the criminal justice system, preventing or combating juvenile delinquency, or assisting victims of crime (other than compensation). Each of these purposes is framed using language drawn, respectively, from the former Byrne discretionary statute, the Juvenile Justice and Delinquency Prevention Act, the Victims of Crime Act, and the Violence Against Women Act. This project is authorized and funded through a line item in the FY 2010 Congressional Budget and by the joint explanatory statement that is incorporated by reference into the FY2010 Department of Justice Appropriations Act.

The Texas Border Sheriff's Coalition will use the FY 2010 Bureau of Justice Assistance Congressionally Recommended Award for the United States border security efforts. The southern border is an area that is facing major national law enforcement problems. Although border security is a federal responsibility, Texas has an obligation to protect its citizens. Border security is a multi-dimensional problem that threatens both the safety of United States citizens and the security of the nation. Law enforcement personnel who live and work along the border must identify resources that are available for the protection of Texas communities. The Texas Border Sheriff's Coalition consists of Sheriff's Offices from 20 counties which cover the Texas-Mexico border. The project goal is to utilize Texas Border Sheriffs working closely with federal and state partners to provide enhanced law enforcement strategies to enforce Texas state law.

NCA/NCF