

application will not be funded during this fiscal year. Such a notification does not affect the agency's right to seek funding under other COPS grant programs for this fiscal year.

6.7 Grant determinations will be made in writing, with sufficient documentation to indicate the basis upon which assistance was provided or denied.

6.8 Following submission of any required information, if a COPS FAST Application is finally approved, a grant award package, including any special conditions determined to be appropriate based upon the application (including grantee-specific monitoring requirements), will be prepared and forwarded to the applicant. The award package must be signed by the grantee and returned, and necessary financial arrangements for funds transfer made, before grant funding will commence.

6.8.1 Grant funding will commence as of the date of the beginning of the grant period or the date on which the officers to be funded are hired, whichever occurs later.

6.8.2 COPS FAST grant funding is prospective only. Grant funds may not be used to pay for salaries or expenses incurred prior to the date of the beginning of the grant period, regardless of when the officers to be funded were hired.

6.9 COPS application deadlines and processing time will be designed so that, to the extent practicable, COPS FAST applicants will be advised of the decision on a COPS FAST application prior to the deadline for the applications for another COPS program.

#### Section 7 General Administrative Provisions

7.1 COPS employees involved in the review of applications and in the making of funding decisions are limited in their ability to provide advance information to any person concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Accordingly, wherever possible, applicants should consult publicly available guidance documents for the resolution of a program question.

7.1.1 Unless superseded by a regulation, guideline, handbook or other directive promulgated by the COPS Office, practice and procedures followed by the Office of Justice Programs in the administration of discretionary grant programs shall be followed by COPS grantees.

7.1.1.1 In particular, the current version of the Office of Justice Programs Financial and Administrative Guide for Grants (M7100.1) should be consulted

for guidance on financial, administrative or procedural issues.

7.1.1.2 Prior opinions of the Office of General Counsel of the Office of Justice Programs or its predecessor(s) shall be regarded as persuasive, although not binding, authority for the solution of legal issues arising in connection with COPS grants.

7.2 Freedom of Information Act requests should be addressed to the COPS Office of General Counsel.

7.3 The COPS Office shall maintain a public reading area, as required by the Freedom of Information Act, at 633 Indiana Avenue, N.W., Third Floor, Washington, DC 20531.

#### Section 8 Sanctions

8.1 The Department of Justice may impose sanctions if it is determined, as a result of periodic monitoring or reviews or otherwise, that the grantee:

(a) Is not substantially complying with the requirements of Act, these guidelines or with other provisions of federal law;

(b) Fails to make satisfactory progress toward the goals or strategies set forth in its application, as reflected by performance and status reports;

(c) Does not adhere to grant agreement requirements or special conditions;

(d) Proposes substantial plan changes to the extent that, if originally submitted, would have resulted in the application not being selected for funding;

(e) Does not submit reports;

(f) Files a false certification in connection with an application, periodic report or other document submitted to the COPS Office;

(g) Other good cause shown.

8.2 The Department of Justice may impose the following sanctions:

(a) Temporarily withhold cash payments pending correction of the deficiency by the grantee;

(b) Disallow all or part of the cost of the activity or action not in compliance;

(c) Wholly or partly suspend or terminate the current award for the grantee's program;

(d) Require that some or all of the grant amounts be remitted to the Department of Justice;

(e) Condition a future grant and elect not to provide future grant funds to the grantee until appropriate actions are taken to ensure compliance;

(f) Withhold further awards for the program; or

(g) Recommend civil or criminal enforcement by other agencies; and

(h) Take other remedies that may be legally available.

8.3 Except as provided in 8.3.1, the hearing and appeal procedures set forth

in 28 CFR Part 18 shall apply to grant recipients who seek to contest determinations of noncompliance by the Department of Justice. References in 28 CFR Part 18 to the Office of Justice Programs and its officials shall be deemed to be references to the COPS Office and its Director, as may be appropriate.

8.3.1 Legal responsibility for the enforcement of the nondiscrimination provisions of Omnibus Crime Control and Safe Streets Act, as amended (42 U.S.C. 3789d) lies with the Office of Justice Programs. Compliance procedures are set forth at 28 CFR Parts 18 and 42.

Dated: January 9, 1995.

**Janet Reno,**

*Attorney General.*

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#### Lodging of Consent Decree in *United States v. Ford Motor Company*, Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that a proposed consent decree in *United States v. Ford Motor Company*, Civil Action No. 94CV-40501, was lodged with the United States District Court for the Eastern District of Michigan, Flint Office on December 29, 1994. This action was brought pursuant to the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601, *et seq.* to recover costs expended by the United States in connection with the "Spiegelberg Superfund Site," (See the National Priorities List in 40 CFR Part 300, Appendix B) which is located on Spicer Road, in Green Oak Township, Livingston County, Michigan. Under the proposed decree, Ford has agreed to pay \$935,000 in partial reimbursement of past response costs incurred by the United States in connection with the Spiegelberg Site.

The Department of Justice will receive comments relating to the proposed consent decree for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530. All comments should refer to *United States v. Ford Motor Company*. DJ Ref. #90-11-2-285A.

The proposed consent decree may be examined at the Office of the United States Attorney for the Eastern District of Michigan, Flint Office, 600 Church Street, room 206 Federal Building, Flint,