

**FY 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) Program
Frequently Asked Questions (updated March 2012)**

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Reference Information:

What is the authorizing legislation for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program?

Edward Byrne Memorial JAG Program awards are authorized by the 42 U.S.C. § 3751(a).

What is the Catalog of Federal Domestic Assistance (CFDA) number for the Edward Byrne Memorial JAG Program?

The CFDA number for the Edward Byrne Memorial JAG Program (State and Local) is 16.738.

Award Eligibility/Formula Information:

What is the Transitional Rule?

The JAG statute requires that local governments that have not reported at least 3 years of data (within the last 10 years for which UCR data are available) on Part I violent crimes of the UCR to the FBI are ineligible for direct JAG local formula funding. As a transition to implementing the grant program, the law permitted JAG units of local government during 2006, 2007, and 2008 to qualify for JAG formula funds based on the last three years of UCR data which they had submitted, in any prior years. That Transitional Rule, by statute, has expired.

Who is eligible and where is the eligibility list located?

Applicants for JAG State awards are limited to states, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, and American Samoa.

Applicants for JAG Local awards are limited to units of local government appearing on the JAG Allocations List. To view the list for the current fiscal year, go to:
www.bja.gov/programs/jag/12jagallocations.html.

For JAG program purposes, a unit of local government is: a town, township, village, parish, city, county, borough, or other general purpose political subdivision of a state; or, it may also be a federally recognized Indian tribe or Alaskan Native organization that performs law enforcement functions as determined by the Secretary of the Interior. Otherwise a unit of local government may be any law enforcement district or judicial enforcement district established under state law with authority to independently establish a budget and impose taxes. In Louisiana, a unit of local government also means the office of a district attorney or a parish sheriff. In the District of Columbia or any United States Trust Territory, a unit of local government is any agency of the District of Columbia or federal government performing law enforcement functions for the District of Columbia or Trust Territories of the United States. For a listing of eligible units of local government, go to www.bja.gov/programs/jag/12jagallocations.html.

I don't see my jurisdiction on the allocation list? Why?

If your city/county is not on the Edward Byrne Memorial Justice Assistance Grant (JAG) allocation list found on the [JAG web page](#), it does not qualify for a direct JAG award from the Bureau of Justice Assistance (BJA). The JAG legislation specifies that allocations to local governments must be at least \$10,000 to qualify for a direct JAG award. The [Bureau of Justice Statistics Technical Report](#) explains the JAG allocation formula that is statutorily-based.

How is the formula calculated?

The Bureau of Justice Statistics (BJS) calculates, for each *state and territory*, a minimum base allocation which, based on the statutory JAG formula, can be enhanced by (1) the state's share of the national population and (2) the state's share of the country's Part 1 violent crime statistics. Once the state funding is calculated, 60 percent of the allocation is awarded to the state and 40 percent to eligible units of local government.

States also have a variable percentage of the allocation that is required to "pass-through" to units of local government. This amount, also calculated by BJS, is based on each state's crime expenditures. In addition, the formula calculates direct allocations for local governments within each state, based on their share of the total violent crime reported within the state. Local governments that are entitled to at least \$10,000 awards may apply directly to BJA for local JAG funds.

My city/county/parish/township/tribe is not listed as qualifying for a direct award. Is there other JAG funding available?

Yes. Your state government also receives a variable percentage of the allocation that is required *to be "passed-through"* to units of local government. This amount, also calculated by BJS, is based on each state's crime expenditures. In addition, the formula then calculates direct allocations for local governments within each state, based on their share of the total violent crime reported within the state. The pass-through percentage for each state government is available on the JAG web page at www.bja.gov/ProgramDetails.aspx?Program_ID=59.

Eligible state/territory recipients are entitled to the state allocation determined by the above formula plus any funds designated for the state's units of local government whose direct allocation would be less than \$10,000. Funds from these "less than \$10,000 jurisdictions" will be added to the state allocation and must be distributed by the state to state police departments that provide criminal justice services to units of local government, and/or to any units of local government whose allocations would be less than \$10,000. Local governments that are entitled to at least \$10,000 awards may apply directly to BJA for local JAG funds.

Can a State Administering Agency (SAA) award JAG sub-grants to private non-profit organizations for:

- a. Criminal justice projects that would benefit the entire state?
- b. A criminal justice project that will benefit a local jurisdiction?
- c. A PNP that is in partnership with a local LE agency to provide criminal justice services to designated "units of local government"?

As permitted by the JAG program statute, an SAA can award JAG subgrants to private non-profit neighborhood or community-based organizations (PNPs) in any of the above scenarios. If the funding being provided to the PNP represents the state's portion of its JAG award, then the intended use must fulfill the statutory purpose areas for the JAG Program. However, if the funding provided to the PNP represents the variable pass-through portion of the state's award, then additional requirements must be met. The PNP subgrant must benefit a "unit of local government" (as that term is defined at 42 U.S.C. §3791(a)(3) or 42 U.S.C. §3755(h)), and each unit of local government benefiting from the PNP subgrant must voluntarily sign a waiver as required by the solicitation. This waiver must certify that the local jurisdiction recognizes the funds in question are set aside for local government use; believes the proposed project will provide a direct local benefit; and agrees that funding the project at the state level is in the best interests of the unit of local government.

Where can I find Uniform Crime Report (UCR) Part I violent crime data and crime expenditure data for my city or county?

Data is available on the [FBI's UCR web site](#).

Will the 10 percent penalty for failure to substantially implement the Sex Offender Registration and Notification Act (SORNA) apply to Fiscal Year (FY) 2012 JAG funding?

The Adam Walsh Child Protection and Safety Act of 2006 (AWA) established a penalty for jurisdictions that failed to substantially implement the Sex Offender Registration and Notification Act (SORNA) by July 27, 2011, and for any year thereafter. See 42 U.S.C. § 16925(a). The Attorney General has delegated the task of determining when a jurisdiction has substantially implemented SORNA's requirements to the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office).

For those jurisdictions that did not substantially implement SORNA by July 27, 2011, the SORNA penalty will be calculated by subtracting 10 percent from the state government's allocation (60 percent of the total award), after deduction of the "mandatory variable pass-through" that states are required to send to local governments. The penalty **does apply** to the portion of JAG funding that is awarded to the state to be shared with local governments that were not eligible for a direct JAG award ("less than \$10,000 jurisdictions") because the states retain control over these funds and may award the funds to another state agency (i.e., state police) in lieu of awarding them to a local government in localities where the state provides direct services to these localities.

The penalty **is not** assessed against the mandatory pass-through, which is the portion of JAG funds awarded directly to local law enforcement, as the state cannot retain any portion of that award. Penalizing local agencies would also seriously undermine the purpose of the statute, since doing so would be detrimental to local law enforcement efforts, which include the investigation, prosecution, and apprehension of sex offenders.

Below is an illustration of how the SORNA penalty is assessed:

If State X is to receive an initial state allocation of \$3,000,000, the 10 percent SORNA penalty would be calculated as follows:

1. The mandatory pass-through amount of \$1,200,000 (based on State X's mandatory 40-percent pass-through) is subtracted from the \$3,000,000; resulting in \$1,800,000.
2. The "less than \$10,000" allocation for State X, \$250,000, is then added to the \$1,800,000; resulting in \$2,050,000.
3. The 10 percent SORNA penalty is then assessed on the \$2,050,000 amount ($\$2,050,000 \times .10$); resulting in a SORNA penalty of \$205,000 for State X.

For the District of Columbia and the territories, the penalty will be assessed on the full allocation because the entire allocation goes to the District or territorial government.

Thirty-four jurisdictions have received approval from OJP to reallocate penalty funds for SORNA implementation. BJA will be releasing a second solicitation to the 34 jurisdictions affected by reallocation. Based on existing commitments outlined in OJP's reallocation letters, states must pass through those funds to the designated SORNA contact agencies. For additional information regarding SORNA implementation requirements and a list of states/territories that will be impacted in FY 2012 by

the 10 percent penalty, contact the SMART Policy Advisor assigned to assist your jurisdiction: [Policy Advisor Contacts by Jurisdiction](#).

OJP strongly encourages all jurisdictions that have not yet substantially implemented SORNA to continue to work expeditiously to implement SORNA's requirements in order to better protect their communities from sexual violence and exploitation. The SMART Office will continue to provide technical assistance and other resources to jurisdictions to support them in these efforts.

The penalty will be applied in FY 2012. Jurisdictions that implement SORNA have an ongoing obligation for compliance and thus, the Byrne JAG reduction penalty may be applied each year a jurisdiction is deemed non-compliant.

Who can I contact for more information on the SORNA penalty or implementation of SORNA?

Contact the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Policy Advisor assigned to assist your jurisdiction: www.ojp.usdoj.gov/smart/sorna.htm, for additional information regarding the SORNA penalty, including implementation requirements and a list of states/territories that will be impacted in FY 2012 by the 10 percent reduction in JAG funding.

Am I eligible for funding appropriated for the 2012 Presidential Nominating Conventions?

Only the cities of Charlotte, NC and Tampa, FL, which are hosting the two principal 2012 Presidential Nominating Conventions and will serve as the designated fiscal agents for these awards, are eligible for funding. If you believe your agency should be reimbursed for costs associated with these conventions, please contact the host cities of Charlotte and Tampa directly for more information.

Will BJA reimburse costs related to the 2012 Presidential Nominating Conventions?

BJA will be awarding grants to the cities of Charlotte, NC and Tampa, FL, as appropriated in the 2012 budget, to reimburse those cities for costs associated with hosting the 2012 Presidential Conventions. If you believe your agency should be reimbursed for costs associated with these conventions, please contact the cities of Charlotte and Tampa directly for more information.

Application Requirements:

What name should be listed as the Legal Name on a JAG application?

The legal name and address on the application must be a state, county (i.e. Wayne County), municipality (City of Wayne), or other eligible unit of local government. Please see 42 U.S.C. §3791(a) (3) and 42 U.S.C. §3755(h) for a listing of eligible units of local government for JAG purposes. Unless designated by statute as an eligible unit of local government, the legal name and address cannot be a sheriff or police department. In these situations, a sheriff or police department must be listed in the organization unit line if the authorized recipient is a sheriff or police department. In all cases, if the name listed on the organization line as an authorized recipient must be someone with the authority (county commissioner, mayor, city manager, or other designated official or agency) to enter the state, county, municipality, or other eligible unit of local government into a legal contract with the federal government. The same procedures apply when the authorized recipient is a police chief, law enforcement agency, or other authorized official or agency that has not been designated as an eligible unit of local government for JAG purposes.

Can a Sheriff's Office or Police Department be listed in the Legal Name section of the JAG application? / What name should be listed as the Organizational Unit on a JAG application?

Unless designated by statute as an eligible unit of local government, the legal name and address cannot be that of a sheriff or police department. In a situation where the sheriff or police department is authorized to be the recipient on behalf of the county or municipality, the department should be listed in the organizational unit line of the application instead (e.g. Legal Name: City of York, Address: legal address for the City of York. Organizational Unit: City of York Police Department).

Who should be listed as the Authorized Representative on a JAG Application?

The authorized representative must have the authority to enter the state, county, municipality, or other eligible unit of local government into a legal contract with the federal government. This person is typically a county commissioner, mayor, city manager, or other similarly designated official. A police chief or sheriff may be listed as the authorized representative if the Organizational Unit line in the application indicates Sheriff's Office or Police Department.

How do I obtain a Data Universal Number System (DUNS) number? / Why is a DUNS number needed?

Ask the grant administrator, chief financial officer, or authorizing official of your organization to identify your DUNS number. If your organization does not know its DUNS number or needs to register for one, visit Dun & Bradstreet at <http://fedgov.dnb.com/webform/displayHomePage.do>. The federal government has adopted the use of DUNS numbers to track how federal grant money is allocated. DUNS numbers identify your organization. The time it takes to request and obtain a DUNS number is approximately one day.

How do I register my jurisdiction with the Central Contractor Registration (CCR) database?

Ask the grant administrator, chief financial officer, or authorizing official of your organization if your organization has registered with the CCR database.

If your organization has not registered, you may apply by phone at 1-866-606-8220 or register online at www.ccr.gov. You must have your organization's Employment Identification Number (EIN) or Taxpayer Identification Number (TIN) to complete the process. Registration may take up to three business days to complete. If your organization does not have an EIN or TIN, the process may take additional time.

Please note, your CCR must be updated or renewed on an annual basis to maintain active status. The CCR is the primary registrant database for the federal government. All grant applicants must acquire or renew registration with the CCR database in order to be awarded federal grants.

How do I submit my CCR claim?

Once you are logged in to GMS, click the CCR claim link on the bottom left side. Then hit submit and the CCR claim will automatically be submitted.

There are two ways to submit a CCR claim. One is to submit the CCR claim prior to an award being made. If this claim is not submitted prior to the award being made, your award will have a CCR special condition attached to it. A CCR claim must be submitted upon receipt of the award. Once submitted, a Grant Adjustment Notice (GAN) will automatically be created to remove this special condition.

Our local jurisdiction is eligible to apply for a direct award from BJA. Who must apply, and where do I find more information on how to apply?

Only a unit of local government (e.g. city, county, parish, township, or tribe) may apply to BJA for Local JAG funding. The Chief Executive Officer (CEO) of a unit of local government is responsible for determining which government official will apply for funding, and may designate an agency head, such as a police chief or sheriff, to be the signing authority on the application. For example, if the applicant is a city and the project will be implemented by the police department, the chief of police may be designated as the CEO, and the chief would then have signing authority for the application. In this instance, the city will be listed under the “Legal Name” section of the application, and the police department will be listed as the “Organizational Unit” on the application.

The Edward Byrne Memorial JAG Awards solicitation will be posted on the [BJA JAG web page](#). Applications for funding must be submitted via the online [Grants Management System \(GMS\)](#) within the prescribed application period. Detailed instructions on submitting an application, as well as guidance on managing your grant award, are available in the [GMS computer-based training tool](#).

Will our city/county receive the amount listed once or for every year of the project period?

The amount listed on the eligible jurisdiction list is a one-time award amount. The project start date is October 1 of the federal fiscal year associated with the award, with a statutory four-year period in which funds may be spent. For an FY 2012 award, the project start date will be October 1, 2011 with a project end date of September 30, 2015.

What is the period of expenditure? If we plan to obligate funds within the next several months, is a pre-agreement cost letter necessary or possible?

The budget/project period for JAG awards is four years. For an FY 2012 award, the project start date will be October 1, 2011 with a project period end date of September 30, 2015. Grantees may begin to obligate funds from the grant start date onward if there are no special conditions in the award document that prohibit this.

What is a “Governing Body,” and what does the “Governing Body Review” entail?

Examples of governing bodies are a state commission, city council, tribal council, county commission, county board of supervisors, or other legislative body at the local level. Follow your local laws and procedures for providing the application to the governing body. For example, based on your internal procedures, you may need to provide a copy of your grant application to the administrative assistant for the city to distribute to the city council. The manner in which you notified your governing body, and the date this was completed should then be included in the Review Narrative portion of your application (along with information regarding public comment).

Applicants for a JAG award must make the grant application available for review by the governing body of the state or unit of local government, or an organization designated by that governing body, not fewer than 30 days before the application is submitted to BJA.

Our governing body meets only once a month. How can I meet the 30-day governing body review requirement and still submit my application before the application deadline?

The application must be *submitted* for review by a governing body at least 30 days prior to submission to BJA. Governing body *approval* is not required in order to submit the application to BJA. Submit your

application via [GMS](#) no later than the application deadline, regardless of whether the local review process is complete. If the application is not complete, or you do not meet the 30-day governing body review requirement, BJA will add a special condition to the award that will withholding the expenditure of grant funds until you submit documentation confirming the requirement has been met.

If we have received an official document indicating “Governing Body Approval” of the application, do we still need to track the 30 days since the Governing Body received notice?

If Governing Body approval has been granted, please provide the date of approval rather than the date of notification in the Review Narrative portion of the application. The 30 day notification requirement will have been satisfied at the time of approval.

What is the “Public Comment” requirement?

Applicants must provide an opportunity for the public to comment on their JAG application. The manner in which the public is notified and given an opportunity to comment, as well as the pertinent dates, should be included in the Review Narrative portion of the application (along with information regarding the governing body review). If the requirement is not met at the time of submission, BJA will process the application, but BJA will add a special condition to the award that will withhold the expenditure of grant funds until you submit documentation confirming the requirement has been met. Common forms of public notification include web site and newspaper postings, and city council, tribal council, and county board hearings that are open to the public.

Does the public comment requirement have to be completed 30 days prior to submitting the application?

No. The governing body notification must occur 30 days prior to application submission. This requirement should not be confused with the public comment requirement, which stipulates the application must be made public, with an opportunity for comment, anytime prior to application submission.

Am I required to hold a public hearing, or can I post a notice in our local newspaper or on our department’s web site in order to satisfy the public comment requirement?

The JAG statute does not specify how you notify the public. BJA recommends that you follow your local public notification process.

Is there a requirement to have an advisory board review the application?

No. There are no statutory requirements under the JAG Program to have an advisory board review the application.

Is match required?

While match is not required under the JAG Program, match is an effective strategy for states and units of local government to expand justice funds and build buy-in for local criminal justice initiatives.

Use of Funds:

What can JAG funds be used for?

Grantees may utilize JAG funds for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, as well as research and evaluation activities that will improve or enhance law enforcement programs related to criminal

justice. Some examples include: prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment and enforcement programs; planning, evaluation, and technology improvement programs; and crime victim and witness programs (other than compensation).

Is there anything that JAG funds cannot be used for?

Yes. JAG funds may not be expended outside of the JAG purpose areas. Even within the purpose areas, however, JAG funds may not be used directly or indirectly for security enhancements or equipment to nongovernmental entities not engaged in criminal justice or public safety. In addition, JAG funds may not be used directly or indirectly to provide for any of the following matters unless BJA certifies, in advance, that extraordinary and exigent circumstances exist, making them essential to the maintenance of public safety and good order: vehicles (excluding police cruisers); vessels (excluding police boats); aircraft (excluding police helicopters); luxury items; real estate; construction projects (other than penal or correctional institutions); and any similar matters. For information on how to request such a determination, please see the FAQ below regarding obtaining BJA certification.

Can JAG funds be used in conjunction with Bulletproof Vest Partnership (BVP) Program funds to satisfy the 50 percent match requirement?

No, matching funds may not come from another federal source; including JAG. Prior to using JAG funds to purchase bulletproof vests, a jurisdiction must certify that JAG funds will not be used to pay for the portion of a bulletproof vest (50 percent) that is not covered by BVP funds. Although JAG funds may not be used as the 50 percent match for BVP purposes, they may be used to purchase vests for an agency.

Are jurisdictions required to have a mandatory wear policy in place in order to purchase body armor with JAG funds?

Due to the increase in the number of law enforcement officer deaths coupled with efforts to improve officer safety, beginning with FY 2012, in order to purchase vests with JAG funds, jurisdictions must certify that law enforcement agencies receiving vests purchased with JAG funds, have a written "mandatory wear" policy in effect. Fiscal agents and state agencies must keep signed certifications on file for any subrecipients planning to utilize JAG funds for bulletproof vest purchases. This policy must be in place for at least all uniformed officers before any FY 2012 funding can be used by the agency for vests. There are no requirements regarding the nature of the policy other than it being a mandatory wear policy for all uniformed officers while on duty. For more information, please refer to the BVP [mandatory wear FAQs](#).

Where can a copy of the certification related to bulletproof vest mandatory wear requirements be found?

A copy of the certification related to bulletproof vest mandatory wear requirements can be at: www.bja.gov/Funding/12JAGBVPCert.pdf.

If my agency decides post award that it wants to use JAG funding for the purchase of bulletproof vests, what is the process to submit a mandatory wear certification?

If your agency did not request and receive approval to use JAG funding for bulletproof vests at the time of application, a "Program Office Approval" Grant Adjustment Notice (GAN) must be submitted with an attached signed mandatory wear certification. The certification must be signed by the agency's authorized representative making the purchase. For step by step instructions regarding how to submit a GAN please refer to the [GMS Computer-Based Training web page](#). Fiscal agents and state agencies must keep signed certifications on file for any subrecipients planning to utilize JAG funds for bulletproof vest purchases.

Is there any particular vest that a jurisdiction must purchase to meet the JAG requirements?

Yes. Bulletproof vests purchased with JAG funds may be purchased at any threat level, make, or model from any distributor or manufacturer, as long as the vests have been tested and found to comply with applicable National Institute of Justice ballistic or stab standards. In addition, bulletproof vests purchased must be American-made. The latest NIJ standard information can be found at:

www.nij.gov/topics/technology/body-armor/safety-initiative.htm.

If an officer is injured and/or killed in line of duty and was NOT wearing a vest as required by policy, would the officer's survivors risk losing federal benefits?

No blanket policy or automatic disqualification shall be implemented regarding this policy and its effects on federal death, disability or educational benefits through the [Public Safety Officers' Benefits Program \(PSOB\)](#).

What types of police vehicles may be purchased?

You can use JAG funds to purchase police cruisers (marked or unmarked), as well as police motorcycles and helicopters. For purposes of this grant program, a police cruiser is defined as a vehicle used in the ordinary course by police forces in the United States for law enforcement activities such as patrolling, temporarily detaining and transporting individual prisoners. Examples include sedans and sport utility vehicles (SUVs). The purchase of any other vehicle (i.e. pick-up trucks, passenger vans, command centers, etc.) may be permitted if the Director of BJA determines that extraordinary and exigent circumstances exist that make the use of funds to purchase the vehicle essential to the maintenance of public safety and good order. For information on how to request such a determination, please see the FAQ below regarding obtaining BJA certification.

Are Segways considered vehicles and therefore require a certification of extraordinary and exigent circumstances?

As long as that mode of transportation, such as bicycles, Segways, golf carts, or ATVs, does not require licensing or registration with your state's department of motor vehicles, JAG funds may be used for the purchase. Under these types of purchases, there is no need for a certification of extraordinary or exigent circumstances.

Can JAG funds be used for construction or renovation projects?

Under JAG, construction and major renovation projects are limited to penal or correctional institutions. Minor renovation of other types of facilities is allowable using JAG funds, so long as the project(s) fits within one of the JAG purpose areas. "Minor renovation" projects are those for which, viewing the project as a whole, none of the related work is not of a structural nature (e.g. "bricks and mortar" construction), and the renovation does not change the basic prior use or size of the facility.

Use of JAG funds for projects involving construction or major renovations of facilities other than penal or correctional institutions may be permitted, if the Director of BJA determines that "extraordinary and exigent circumstances exist that make the use of such funds [for construction or major renovation of a facility other than a penal or correctional institution] essential to the maintenance of public safety and good order." For information on how to request such a determination, see the FAQ below regarding obtaining BJA certification.

In addition, any project that involves construction or major renovation will be subject to environmental analysis requirements pursuant to the National Environmental Policy Act (NEPA).

If our agency intends to request a type of vehicle, construction project, or other expenditure requiring BJA certification at the time of application, what is the process?

A letter on the agency's letterhead requesting BJA Director Certification of the proposed purchase and/or project should be included with your application. The letter must indicate the extraordinary and exigent circumstances existing that make the proposed purchase and/or project essential to the maintenance of public safety and good order. The letter must be signed by your agency's authorized representative.

If my agency decides post award that it wants to use JAG funding for the purchase of a vehicle, construction project, or other expenditure requiring BJA certification, what is the process?

If your agency did not request and receive approval to use JAG funding for a vehicle, construction project, or other expenditure requiring BJA certification at the time of application, a "Program Office Approval" Grant Adjustment Notice (GAN) must be submitted with an attached justification letter on agency letterhead. The letter attached to the GAN must indicate the extraordinary and exigent circumstances existing that make the proposed purchase and/or project essential to the maintenance of public safety and good order. The letter must be signed by your agency's authorized representative. For step by step instructions regarding how to submit a GAN please refer to the GMS Computer-Based Training web page.

Is there a cap on the amount of overtime pay for state and local law enforcement officers?

Although the JAG program does not outline a specific cap on overtime pay for law enforcement officers, federal regulations do require that personnel compensation always be reasonable in light of the services rendered.

Can JAG funds be used to purchase Buprenorphine, an FDA-approved opiate drug therapy for heroin addiction (similar to methadone)?

BJA is not aware of any specific restrictions regarding the purchase of Buprenorphine with JAG funding. However, as always, any JAG Program expenditure must fulfill at least one of the purpose areas specified by the JAG statute.

What supplanting rules apply to JAG funding?

JAG funds must be used to supplement existing nonfederal funds for program activities and cannot replace or supplant nonfederal funds that have been appropriated for the same purpose.

For additional guidance regarding supplanting, refer to the information provided at www.ojp.usdoj.gov/funding/other_requirements.htm.

Can multiple federal grant awards be used to support the same project?

Federal grant awards, including a JAG award, may be used in conjunction with other federal grant awards to complete a project, providing there are no prohibitions against using multiple federal awards for a project. For example, the BVP program requires a 50 percent match to an award of program funds; however, federal funds may not be used for the match. The leveraging of federal funding is encouraged, as long as that funding isn't being used to supplant state/local funds or reimburse the same costs. In

instances where leveraging occurs, all federal grant funds must be tracked and reported on separately and may not be used to fund the same line items. Accordingly, the accounting systems of the recipient and all sub-recipients must ensure that funds from this JAG award are not commingled with funds from any other source, state, local, or federal.

Who is eligible to use administrative funds?

A JAG recipient may use up to 10 percent of the award, plus any interest accrued, for costs associated with administering JAG funds. For local JAG recipients in disparate situations, sub-recipients can use administrative funds as well, so long as it is agreed upon in a Memorandum of Understanding (MOU) that is attached with the application or to a Grant Adjustment Notice (GAN) if the decision to share administrative funds is decided upon post-award. The total administrative funds used must not exceed 10 percent of the total award, and administrative funds may also include indirect costs.

Can JAG funds be used to purchase firearms and drugs during undercover operations?

JAG funds may be used as confidential funds for the purchase of services (buy money), evidence (narcotics, firearms, stolen property, etc.), and specific information (informant money) for undercover purposes in accordance with 42 U.S.C 3751(d). If the activity is approved by BJA, the terms and conditions for the use of confidential funds set forth in the [OJP Financial Guide](#) (chapter 8) must be followed. In addition, prior to the expenditure of any confidential funds, the recipient and any subrecipients must agree to sign a certification indicating that they have read, understood and agree to abide by all of the conditions pertaining to confidential fund expenditures as set forth in the OJP Financial Guide

If my agency decides to use JAG funding to enter into a sole source contract greater than \$100,000, what is the process?

If your agency wishes to enter into a sole source contract greater than \$100,000, a “Sole Source Approval” Grant Adjustment Notice (GAN) must be submitted post-award with an attached sole source justification. The sole source justification must include the following sections: 1) Brief description of program and the product or service being contracted; 2) Explanation of why it is necessary to contract non-competitively, including the following contractor qualities: a. Organizational expertise b. Management c. Knowledge of the program d. Responsiveness e. Expertise of personnel; 3) Statement of when contractual coverage is required and, if dates are not met, what impact it will have on the program (for example, how long it would take another contractor to reach the same level of competence). Make sure to include the financial impact in dollars; 4) Outline of the unique qualities of the contractor 5) Other points to “sell the case”; 6) Declaration that this action is in the “best interest” of the grantor agency and/or the federal government; and 7) Conflict of Interest Review. For step by step instructions regarding how to submit a GAN please refer to the [GMS Computer-Based Training web page](#). For more information on sole source justifications, please review the [OJP Financial Guide](#).

Disparate Information:

My city is listed along with my county under the column “Joint Application (Disparate) Award Amount.” What does this mean?

If your jurisdiction is listed with another city or county government, you are in a funding disparity. The JAG statute requires that if a city qualifies for one-and one-half times (150 percent) more funding or if multiple cities receive four times (400 percent) more funding than a qualifying county with concurrent jurisdiction, there is a funding disparity. In this situation, the units of local government must apply for an

award with a single, joint application. For more information about the disparate allocation process, see the [Bureau of Justice Statistics Technical Report](#).

How do we determine which single unit of local government will be the fiscal agent responsible for applying for the funds?

This is a decision to be made by the units of local government. Consider which local government is most capable of adhering to the financial and programmatic requirements according to federal guidelines governing expenditure, monitoring, and reporting for JAG funding.

Who is responsible for EEOP requirements in a disparate funding situation? Is it only the fiscal agent or are the other funded partners also responsible?

Pursuant to 28 C.F.R. Section 42.302, all recipients of federal funding must be in compliance with federal EEOP requirements. In addition, the grant recipient must acknowledge that all programs funded through subawards, whether at the state or local level, conform to the grant program requirements.

Our jurisdiction will be submitting an application as the fiscal agent for our group of disparate jurisdictions. Do the Governing Body and Public Notice requirements apply to each disparate jurisdiction, or just the fiscal agent?

The governing body and public comment requirements apply to the applicant. Each unit of local government must abide by state/local policies and procedures, but the requirements under JAG apply to the applicant.

Are the city and the county required to work on the same project or purpose area?

No. All units of local government within the disparate jurisdiction may fund individual projects. For example, the city may choose to purchase equipment, and the county may wish to fund a drug task force. Alternatively, funds may also be combined to fund one joint project.

Are disparate jurisdictions required to submit a Memorandum of Understanding (MOU) even if they agree to use the entire award amount for the same purpose?

Yes. A JAG MOU, signed by each jurisdiction's authorized representative, is required from all disparate applicants, regardless of the manner in which funds will be used or distributed. As an example, the county would like to administer a drug court that would benefit all cities listed as disparate. The cities agree with this strategy, and the total allocation is awarded to the county. In this scenario, each city must be included in the JAG MOU, and indicate agreement that the county will receive the total allocation. The JAG MOU must certify that the city or county that does not receive funds: 1) recognizes the funds in question will be provided for a single project; 2) believes the proposed project will provide a direct local benefit to their city or county; and 3) agrees providing funding for a single project is in the best interest of their city/county.

How do I provide the JAG MOU to BJA?

When completing your application in GMS, upload the signed JAG MOU as an attachment to that application. If your JAG grant has already been awarded, fax or email the signed JAG MOU to your [State Policy Advisor](#). Funds from your JAG award will be withheld until the JAG MOU is received and approved by BJA.

How do we determine how to split the award in a disparate situation?

The units of local government within the disparate jurisdiction must agree upon an allocation process. BJA is not involved in this decision process.

What happens if the disparate jurisdictions cannot reach an agreement on how JAG funds will be distributed?

JAG funds are withheld until a JAG MOU signed by the authorized representative, or the designee, of each unit of local government is submitted.

How do I find out what my jurisdiction's potential allocation is within the disparate allocation process?

Each disparate jurisdiction's eligible amount (based on the formula) is available at www.bja.gov/programs/jag/12jagallocations.html.

Reporting and Other Requirements:

What are the specific reporting requirements once a JAG grant is awarded?

All JAG grantees must submit quarterly financial status reports and an annual programmatic report through the OJP Grants Management System (GMS). In addition, for awards made in FY 2009 onward, a quarterly performance measurement tool (PMT) report must be completed. The PMT is due 30-days after the end of each quarter. On an annual basis, the data submitted in the PMT must be uploaded as an attachment to the programmatic report in GMS.

For additional information regarding JAG Program reporting requirements, please refer to the [JAG Program solicitations](#) or the [JAG Program Reports page](#).

What is the process for updating contact information related to my grant award?

Award Recipients should regularly verify Point of Contact (POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in the Grants Management System (GMS). If information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted in GMS to document the changes. Step by step instructions for submitting GANs is available at [GMS Computer-Based Training web page](#). If the FPOC has changed, step by step instructions on updating this can be found at www.ojp.usdoj.gov/training/pdfs/gms_userguide.pdf.

In addition, all awards made during FY 10 and beyond will have the following special condition attached: "Award recipients must verify Point of Contact (POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes."

Does BJA have additional information on the Task Force Training Special Condition?

When a task force is supported in whole or in part by BJA funding any task force member who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank must complete online (internet-based) task force training. This requirement also applies to members of task forces that are funded by SAAs through BJA funds. The training is free of charge and can be found at www.ctfli.org. All current and new task force members of appropriate rank are required to complete this

training within 120 days of the grant award. When BJA funding supports a task force, that task force must compile a personnel roster and maintain course completion certificates for review by a State Policy Advisor.

What is the Federal Funding Accountability and Transparency Act (FFATA) of 2006 and how does it affect JAG recipients?

Consistent with the FFATA, all direct award recipients of \$25,000 or more in JAG funding, will be required to report award information on any first-tier sub-awards totaling \$25,000 or more, and, in certain cases, to report information on the names and total compensation of the five most highly compensated executives of the recipient and first-tier sub-recipients. Reports regarding sub-awards must be made through the FFATA Sub-award Reporting System (FSRS), found at www.fsrs.gov/.

The prime recipient will have until the end of the month plus one additional month after an award or subaward is obligated to fulfill the reporting requirement. For example, if a subaward was made on October 15, 2012, the prime recipient has until November 30, 2012 to report the subaward information.

Administration:

How will I be notified when my award is made?

Grantees are automatically notified by email after BJA awards your grant. Because of this, it is critical that contact information entered into your grant application is accurate.

Now that I received my JAG award, are there any written post-award instructions?

Yes. The online Office of Justice Programs (OJP) [Post-Award Instructions](#) includes detailed guidance.

How do I decline my JAG award?

If your jurisdiction does not intend to utilize the JAG award, please contact your [State Policy Advisor](#) (SPA) immediately. A declination statement on letterhead must be sent to your assigned SPA via email, fax, or mail. The declination statement must be signed by the Authorized Representative from the legal entity (City, County, or Tribe). If you are part of a disparate jurisdiction, the Authorized Representative for each jurisdiction in the group must sign the declination letter as well. A JAG award cannot be marked as declined until this letter is received by BJA.

How do I receive my JAG award payments?

Payment requests are made through the Grant Payment Request System (GPRS). Once you request a payment, funds are electronically deposited to your bank account. You must have an up-to-date Automated Clearing House (ACH) banking form on file with the Office of the Chief Financial Officer prior to attempting to access funds. Please see Step 5 Accessing Payment in the Office of Justice Programs [Post Award Instructions](#) for step-by-step guidance.

Can a JAG grantee drawdown the full grant award amount in one transaction?

Up front draw down of all funds is allowable under the JAG Program. However, the OJP Grant Payment Request System (GPRS) may not allow you to complete the draw down in one transaction. If GPRS denies your draw down request and there are no withholding special conditions or holds on your award

funds, attempt to draw down in two separate transactions. If you still encounter issues, contact the Office of the Chief Financial Officer Customer Service at 1-800-458-0786.

What type of bank account must be used for JAG funds?

Per the JAG legislation, “a State or unit of local government shall establish a trust fund in which to deposit amounts.” The trust fund may be interest or non-interest bearing. For assistance with trust funds, please contact the Office of the Chief Financial Officer’s Customer Service Center at 1-800-458-0786 (option 2). This also applies to any subrecipients that receive JAG funds from a fiscal agent.

What are the obligation and expenditure rules under JAG?

Statutorily, all JAG funds, to include interest earned, must be obligated and expended by the end of the grant period. Funds that were drawn down, but not expended and any interest earned that was not expended must be returned to the Office of Justice Programs.

If our State Administering Agency (SAA) intends to request a pass-through waiver at the time of application which requires BJA certification, what is the process?

If an SAA wishes to fund a project that will be administered by the state but be counted as variable pass-through for JAG purposes, it may do so if the project will directly benefit a unit(s) of local government, and if each local jurisdiction to benefit voluntarily signs a waiver. This waiver must certify that the local jurisdiction: (1) recognizes that the funds in question are set aside for local government use; (2) believes that the proposed project will provide a direct local benefit; and, (3) agrees that funding the project at the state level is in the best interests of the unit of local government. To request a waiver, an SAA must attach a formal request on agency letterhead to the application in GMS. This request must detail how funds will be used to serve the local jurisdictions, demonstrate that the local agencies have agreed and signed on to the reduced pass through amount, and be signed by an authorized representative.

If our State Administering Agency (SAA) decides post award that it wants to request a pass-through waiver which requires BJA certification, what is the process?

If an SAA wishes to fund a project that will be administered by the state but be counted as variable pass-through for JAG purposes, it may do so if the project will directly benefit a unit(s) of local government, and if each local jurisdiction to benefit voluntarily signs a waiver. This waiver must certify that the local jurisdiction: (1) recognizes that the funds in question are set aside for local government use; (2) believes that the proposed project will provide a direct local benefit; and, (3) agrees that funding the project at the state level is in the best interests of the unit of local government. To request a waiver, an SAA must submit a “Program Office Approval” Grant Adjustment Notice (GAN) in the Grants Management System (GMS) and attach a formal request on agency letterhead. This request must detail how funds will be used to serve the local jurisdictions, demonstrate that the local agencies have agreed and signed on to the reduced pass through amount, and be signed by an authorized representative.

What is the process for modifying budgets under JAG?

If your agency would like to modify its JAG budget, email your State Policy Advisor with the details of all requested changes. If a change in project scope is not occurring, email approval is sufficient. If there is a change in project scope, a Change Project Scope GAN must be submitted. Supporting justification that indicates the reason the modification is requested, as well as a breakdown of all new costs and a narrative supporting those costs, should be attached. You must be current on the reporting requirements in order for

the GAN to be approved. For step by step instructions on submitting a GAN, please refer to the [GMS Computer-Based Training web page](#).

Can my JAG award be closed prior to its end date and what are the advantages?

JAG awards may be closed as soon as all funds have been obligated and all project activities have concluded. Step by step closeout instructions can be found here: [GMS Computer-Based Training web page](#). The early closure of JAG awards helps demonstrate the effectiveness/impact of JAG funding, and saves time for grantees since no additional reports are required after closeout.

Where can I find instructions for submitting financial status reports, JAG progress reports, grant adjustment notices (GAN) and/or closeouts in GMS?

Detailed training guides are available on the [GMS Computer-Based Training web page](#).

Can I speak to a live person at BJA regarding my JAG award?

Please refer to the [State Policy Advisor](#) list for the appropriate contact. Each state and territory has a designated BJA State Policy Advisor.