

Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Program Frequently Asked Questions

Reference Information:

What is the authorizing legislation for the American Recovery and Reinvestment Act of 2009 JAG Awards?

The awards are authorized by the American Recovery and Reinvestment Act of 2009, Public Law 111-5 (the "Recovery Act"), which was signed into law by President Obama on February 17, 2009. It is an unprecedented effort to jumpstart our economy, create or save millions of jobs, and put a down payment on addressing long-neglected challenges so our country can thrive in the 21st century. The Act is an extraordinary response to a crisis unlike any since the Great Depression, and includes almost \$2 billion in critical resources for state and local law enforcement and other criminal justice activities through the Recovery JAG program. The awards are also authorized by the JAG program, 42 U.S.C. §§ 3750-3758, which is found in subpart 1 of Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

What is the Catalog of Federal Domestic Assistance (CFDA) number for the Recovery Act JAG Program?

The CFDA number for the Recovery JAG Program (State) is 16.803, and for the Recovery JAG Program (Local), it is 16.804.

Award Eligibility/Formula Information:

What is the Transition Rule?

The Recovery 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 Recovery JAG local formula funding. As a transition to implementing the grant program, the law permitted Recovery JAG units of local government during 2006, 2007, and 2008 to qualify for Recovery JAG formula funds based on the last three years of UCR data which they had submitted, in any prior years. That Transition Rule, by statute, has expired.

Who is eligible?

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

In addition, in order for states to be eligible to receive these funds, the Recovery Act requires that certain advance certifications must be made by governors or mayors, as appropriate. See section 1607 of the Recovery Act, which requires a Governor's certification regarding use of funds (or a concurrent resolution by a state legislature), and section 1511, which requires a detailed certification from a governor or mayor in connection with infrastructure projects.

Applicants for Recovery JAG local awards are limited to units of local government listed under the appropriate state or territory name at www.ojp.usdoj.gov/BJA/recoveryJAG/recoveryallocations.html.

For Recovery JAG Program purposes, a unit of local government is: a town, township, village, parish, city, county, or other general purpose political subdivision of a state; any law enforcement district or judicial enforcement district that is established under applicable state law and has authority to, in a manner independent of other state entities, establish a budget and impose taxes; or, a federally recognized Indian tribe or Alaskan Native organization that performs law enforcement functions as determined by the Secretary of the Interior. In Louisiana, a unit of local government means the office of a district attorney or a parish sheriff.

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) may 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. Additionally, 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 Recovery JAG grants. For those local governments whose direct allocation under the formula would be less than \$10,000, the funding is provided directly to the state.

How do I know if I am eligible for a direct Recovery JAG award from BJA?

A list of eligible jurisdictions, as determined by the JAG formula and corresponding allocation amounts, is provided on the BJA Recovery JAG web site at www.ojp.usdoj.gov/BJA/recoveryJAG/recoveryallocations.html.

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

Yes. Your state government also receives a Recovery JAG award from BJA, and you may qualify for funding from the state. States are required to "pass-through" a percentage of their award to support local projects that support approved Recovery JAG purpose areas. To identify the state agency that administers the award in your area, visit the [Office of Justice Programs SAA web page](#). State agencies that administer the Recovery JAG "pass-through" funds will be listed under the Bureau of Justice Assistance heading.

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 comply with the Sex Offender Registration and Notification Act (SORNA) apply to the Recovery JAG funding?

No. Any reduction required for failure to comply with SORNA (or to request an extension of time in which to do so) will be applied in the fiscal year following SORNA's deadline for compliance. Because the deadline for compliance is not until July 27, 2009—with the possibility for two one-year extensions—no Recovery JAG funding will be affected.

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

If your city/county is not on the list, it does not qualify for a direct JAG award from Bureau of Justice Assistance. The JAG legislation specifies that allocations to local governments are based on their share of the total violent crime reported by the state's units of government to the FBI over 3 of the last 10 years. Either your jurisdiction did not submit 3 years of UCR data to the FBI since 1999, or the level of crime did not meet the threshold to be eligible for a JAG award. The 2005 [Bureau of Justice Statistics Technical Report](#) explains the entire formula that is statutorily-based.

Application Requirements:

How do I obtain a Data Universal Number System (DUNS) number?

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)?

Ask the grant administrator, chief financial officer, or authorizing official of your organization if your organization has registered with the CCR. If your organization is not registered, you can register and then renew your registration once a year.

If your organization already has an Employment Identification Number (EIN) or Taxpayer Identification Number (TIN), then you should allow one to three business days to complete the entire registration process with the CCR. Your EIN and TIN should be provided by the Internal Revenue Service (IRS). If your organization does not have an EIN or TIN, then you should allow two weeks for obtaining the information from the IRS when requesting the EIN or TIN via phone or Internet. The additional number of days needed is a result of security information that needs to be mailed to the organization.

You may apply by phone (1-888-227-2423) or register online at www.ccr.gov. CCR has developed a handbook (www.ccr.gov/handbook.asp) to help you with the process. When your organization registers with CCR, you must designate an E-Business Point of Contact (E-Biz POC). This person will identify a special password called an "M-PIN". This M-PIN gives the E-Biz POC authority to designate which staff member(s) from your organization are allowed to submit applications electronically. Staff members from your organization designated to submit applications are called Authorized Organization Representatives (AORs).

How is my Recovery Act JAG award different from FY 2008 or FY 2009 JAG funds?

Significant differences between the Recovery JAG awards and regular JAG funds include, but are not limited to: 1) an emphasis on job creation and job retention; 2) submission of particular Recovery certifications specified in the solicitation (e.g., an infrastructure certificate); 3) time-specific quarterly progress reports due 10 days after the end of a quarter; 4) specific Recovery Act performance measures; and 5) increased federal grant oversight. The American Recovery and Reinvestment Act of 2009 JAG solicitation includes specific information on these differences and additional requirements.

How should I notify BJA if my jurisdiction, although eligible for funding, will not apply for funding?

Send a letter of declination (on letterhead) via e-mail, or fax it to the [BJA State Policy Advisor](#) assigned to your state. The letter should indicate that your jurisdiction is declining the Recovery JAG funds, the reason(s) why, and should be signed by the jurisdiction's Chief Executive Officer or authorized representative.

Our local jurisdiction (e.g., city, county, parish, township, or tribe) 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 Recovery 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 can be designated, and the chief would then have signing authority for that 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 American Recovery and Reinvestment Act of 2009 Recovery JAG Awards solicitation will be posted on the [BJA Recovery 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 one time 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 period is March 1, 2009, and there is a statutory 4 year period within which to spend funds.

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 Recovery 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 city council 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 withhold grant funds until you submit documentation confirming the requirement has been met.

What is the “Public Comment” requirement?

Applicants must provide an opportunity for the public to comment on their Recovery 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 funds will be withheld until the grant recipient provides documentation that the public comment requirement is complete. Common forms of public notification include web site and newspaper postings, 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 requires that the application 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 is no statutory requirement under JAG to have an advisory board review the application.

Is match required?

Match is not required.

Is the governor of a state required to sign the two certifications attached to the Recovery JAG solicitations?

No. For the two certifications attached to the Recovery JAG solicitations (entitled "Certification as to Recovery Act Reporting Requirements" and "General Certification as to Requirements for Receipt of Funds for Infrastructure Investments") as indicated in the text of these certifications, the certifying official must be a person with legal authority to make the particular certification on behalf of the entity applying directly to OJP. Therefore, while the certifying official does not have to be the governor of a state, he or she must be a person with the ability to legally bind the applicant entity (i.e., the state or unit of local government that is applying directly to OJP for Recovery JAG funding).

Use of Funds:

What can Recovery JAG funds be used for?

Grantees may utilize Recovery 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).

In addition to fulfilling program-specific purposes, projects funded under the Recovery Act should be designed to further one or more of the general purposes of the Recovery Act, which are to preserve and create jobs and promote economic recovery; to assist those most impacted by the recession; to provide investments needed to increase economic efficiency by spurring technological advances in science and health; to invest in transportation, environmental protection, or other infrastructure that will provide long-term economic benefits; and to stabilize state and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases. For additional information on Office of Justice Programs' Recovery Act Grant Programs, please visit the OJP web site at www.ojp.usdoj.gov/BJA/recoveryJAG/recoveryjag.html.

Is there anything that the Recovery JAG funds cannot be used for?

Yes. Recovery JAG funds may not be expended outside of the JAG purpose areas. Even within the purpose areas, however, Recovery 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, no Recovery JAG funds may be used directly or indirectly to provide for any of the following matters unless the Attorney General 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.

Where can I find more information on supplanting?

For additional guidance regarding supplanting, refer to the information provided at <http://www.ojp.usdoj.gov/recovery/supplantingguidance.htm>.

The current JAG statute prohibits the use of grant funds for vehicles, vessels, and aircraft (excluding police cruisers, police boats, and police helicopters) unless extraordinary and exigent circumstances exist. It also states that BJA must certify in writing that you may use the funds for these purposes. How do I obtain this certification?

Submit a written request (email is acceptable) with your Recovery JAG application number or post-award grant number to your [BJA State Policy Advisor](#). The written request must clearly identify the circumstances that require the use of Recovery JAG funds to purchase a non-police vehicle, vessel, and/or aircraft, describe the purpose of the non-police vehicle, vessel, and/or aircraft, and how it relates to criminal justice. BJA will expeditiously review your request and notify you in writing. Funds should not be obligated or expended for these purposes until you have received this approval. Requests that are not linked to improvements in criminal justice will not be approved.

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 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. Crime expenditure data for the units of local government is included in the disparity calculation. 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 Recovery Act funding.

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. On the other hand, 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 Recovery Act 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 Recovery Act MOU, and indicate agreement that the county will receive the total allocation. The Recovery Act 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 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 that decision.

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

Recovery JAG funds are withheld until a Recovery Act MOU signed by the CEO, 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.ojp.usdoj.gov/BJA/recoveryJAG/recoveryallocations.html.

How do I provide the Recovery Act MOU to BJA?

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

Reporting:

What will be the reporting requirements once the Recovery JAG grant is awarded?

Consistent with the Recovery Act emphasis on accountability and transparency, reporting requirements under Recovery Act grant programs will differ from and expand upon OJP's standard reporting requirements for grants. In particular, section 1512(c) of the Recovery Act sets out detailed requirements for quarterly reports that must be submitted within 10 days of the end of each calendar quarter. The information from grantee reports will be posted on a public web site, and receipt of funds will be contingent on meeting the Recovery Act reporting

requirements. Accordingly, grant recipients under this program are required to file a “Certification as to Recovery Act Reporting Requirements.”

In addition, funds from a Recovery Act grant must be tracked, accounted for, and reported separately from all other funds (including DOJ grant funds from non-Recovery Act grants awarded for the same or similar purposes or programs). To the extent that grant funds are available to pay a grantee’s administrative expenses, those funds may be used to assist the grantee in meeting the accelerated time-frame and extensive reporting requirements of the Recovery Act.

In addition, all Recovery JAG recipients will be required to follow any applicable provisions of government-wide guidance that may be issued in the future, pursuant to the Recovery Act.

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

Are there performance measures?

Yes. Please refer to the [Recovery JAG Program solicitation](#) or the [Recovery JAG web page](#) for the specific performance measures.

Administration:

How do I receive my Recovery JAG award payments?

Payment requests are made through the Phone-Activated Paperless Request System (PAPRS). 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.

Where can I find instructions for submitting financial status reports, Recovery 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](#).

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 Recovery JAG award, are there any written post-award instructions?

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

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

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