

# **Bureau of Justice Assistance FY 2020 Coronavirus Emergency Supplemental Funding Program Frequently Asked Questions**

*Updated April 29, 2020*

## **General Information**

### **1. What is the purpose of the Bureau of Justice Assistance (BJA) FY 2020 Coronavirus Emergency Supplemental Funding (CESF) program?**

The purpose of the BJA CESF program is to provide funding to assist eligible states, local units of government, and tribes in preventing, preparing for, and responding to the coronavirus, as authorized by Division B of H.R. 748, Pub. L. No. 116136 (Emergency Appropriations for Coronavirus Health Response and Agency Operations).

### **2. When are CESF applications due?**

Per the [BJA FY 2020 CESF Solicitation](#), CESF applications must be submitted in the Office of Justice Programs' (OJP) [Grant Management System](#) (GMS) by 11:59 p.m. eastern time May 29, 2020. BJA encourages eligible jurisdictions to submit applications as soon as possible, prior to the May 29, 2020 deadline.

### **3. Will BJA be providing any extensions to the May 29, 2020 application deadline?**

BJA encourages all eligible applicants to submit their CESF applications as soon as possible, prior to the May 29, 2020 deadline. However, BJA understands that there may be some instances where applicants may be unable to meet the May 29, 2020 deadline. BJA will conduct directed outreach to those applicants following the deadline and will provide an additional opportunity for eligible applicants to submit an application within two weeks after the deadline.

### **4. How much funding is available under the CESF program?**

\$850 million is available for eligible states, local units of government, and tribes under the CESF program.

### **5. What is the project period for CESF?**

The project period for a CESF grant is 24 months, with the retroactive project period start date of January 20, 2020.

### **6. What is OJP's timeline for application processing?**

BJA/OJP is expediting the review and approval of CESF on a rolling basis upon receipt.

### **7. Once awards are made, how quickly will funds be available for use by recipients?**

Recipients will have access to grant funds upon the completion of steps 1 - 5 outlined in the [Office of the Chief Financial Officer Grant Award and Financial Management Information Post Award Instructions](#), unless the award document includes a withholding special condition requiring action

from the recipient in order to access funds. Recipients may contact the BJA Program Manager listed on page 1 of their respective award document for guidance related to any withholding special conditions.

**8. Is the list of CESF grants awarded to date available online?**

Yes. The list of CESF grants awarded to date is available online at <https://external.ojp.usdoj.gov/selector/solicitations>.

## **Eligibility**

**9. Who is eligible to apply for CESF funds?**

States, U.S. Territories, the District of Columbia, units of local government, and federally recognized tribal governments that were identified as eligible for funding under the Fiscal Year (FY) 2019 State and Local Edward Byrne Memorial Justice Assistance Grant (JAG) Program are eligible to apply under the Coronavirus Emergency Supplemental Funding (CESF) Program solicitation. NOTE: Only the State Administering Agency (SAA) that applied for FY 2019 JAG funding for a state/territory may apply for the state allocation of CESF funding. Eligible allocation lists are located <https://bja.ojp.gov/program/cesf/state-and-local-allocations>. The full list of local allocations within each state can be found by clicking the link for the state on the allocation homepage.

**10. How were CESF allocations determined?**

In general, CESF allocations were calculated by proportionally increasing the allocations available under the FY 2019 JAG program to align with the CESF appropriation amount. The JAG-specific provision requiring “disparate jurisdictions” to choose a single fiscal agent to apply on behalf of each of the “disparate jurisdictions” does not apply to the CESF program. Instead, each “disparate” unit of local government under FY 2019 JAG (including those that were identified as “zero-county disparates<sup>1</sup>”) will be eligible for a direct award under CESF. In order to ensure “zero-county disparates” receive funding under CESF, the portion of funds for units of local government that were eligible to receive less than \$10,000 under FY 2019 JAG (an amount that is added to state awards under JAG) was divided equally among the “zero-county disparates.”

**11. If a unit of local government or federally-recognized tribal government is not on the list of eligible applicants for CESF, is there any other way for the unit of local government or federally-recognized tribal government to receive CESF funds?**

Yes. The unit of local government or federally-recognized tribal government may contact their State Administering Agency (SAA) to determine if CESF funds will be subawarded by their state. SAA contact information for each state can be found at <https://www.ojp.gov/funding/state-administering-agencies/overview>.

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<sup>1</sup> Under the JAG program, “zero-county disparity” exists when one or more municipalities within a county are eligible for a direct award and the county is not, yet the county is responsible for providing criminal justice services (such as prosecution and incarceration) for the municipality. In this case, in the JAG program the county is entitled to part of the municipality’s award because it shares the cost of criminal justice operations, although it may not report crime data to the FBI. As noted above, the “zero-county disparity” concept does not apply to the CESF Program.

**12. Can eligible units of local government or federally-recognized tribal governments request additional CESF funds from BJA?**

No. BJA has offered the maximum amount of CESF funding available to each eligible applicant. The unit of local government or federally-recognized tribal government may contact their State Administering Agency (SAA) to determine if CESF funds will be subawarded by their state. SAA contact information for each state can be found at <https://www.ojp.gov/funding/state-administering-agencies/overview>.

**13. Are states required to subaward a percentage of the CESF state allocation to units of local government or federally-recognized tribal governments?**

No. States are not required to subaward funds to units of local government or federally-recognized tribal governments under CESF. However, preliminary application information shows that many states plan to do so.

## **Application Submission**

**14. If units of local governments were identified as members of a “disparate group” under FY 2019 JAG and were required to submit a joint application, are those units of local government required to submit a joint application under the CESF program?**

No. There are no disparate groups or joint application requirements under CESF. Every unit of local government that was eligible for a joint allocation under JAG is eligible for a direct allocation under CESF.

**15. If units of local government that were identified as members of a “disparate group” under FY 2019 JAG want to submit a joint application under the CESF program, is that permissible?**

Yes. Applicants can submit a joint allocation under CESF and combine the eligible allocation amounts for multiple units of local government under one application. The submitting agency (fiscal agent) must clearly identify this in the application and attach a memorandum of understanding that is signed by each unit of local government’s highest-ranking official, which delineates the funding each unit of local government will receive.

**16. Will multiple applications from the same eligible unit of local government be accepted?**

No. BJA will only accept one application for each eligible unit of local of government. Interested entities (i.e. Sheriff’s Offices, Police Departments, Fire Departments, etc.) within a unit of local government must coordinate to determine the appropriate distribution of funds, and the unit of local government must submit one application on behalf of all entities within the unit of local government (or designate an organizational unit to submit the application on behalf of the unit of local government). If BJA receives more than one application from the same eligible unit of local government and an application has not yet been processed, BJA will contact the chief executive of the unit of local government to determine which application should be processed for funding. However, if BJA has processed an eligible application for funding for a unit of local government and receives an additional application from the same unit of local government, BJA will contact the additional applicant and inform the applicant that they must coordinate internally within the unit of

local government post-award to determine if the unit of local government wishes to request a scope change to redistribute funds or change grant activities.

**17. Who should be listed as the Authorized Representative on a CESF program 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. For units of local government, this person is typically a county commissioner, mayor, city manager, or other similarly designated official. If the unit of local government designates an organizational unit to submit the application, the highest-ranking official of the organizational unit included in the application may be listed as the authorized representative (i.e., Police Chief, Fire Chief, or Sheriff).

## **Allowable Costs**

**18. Are CESF funds limited to only criminal justice activities?**

No. CESF funds are not limited to only criminal justice activities. CESF funds must be used for “preventing, preparing for, and responding to the coronavirus,” which is not limited to criminal justice activities.

**19. Can CESF program funds be drawn down in advance and, if so, must the funds be placed in an interest bearing account?**

Grant recipients may draw down funds in advance or on a reimbursement basis. In the case of advance draw-down, grant funds must be placed in an interest-bearing account, unless one of the exceptions in 2 C.F.R. § 200.305(b)(8) apply. It is not necessary that the interest-bearing account be a “trust fund.” For additional information, see [2 C.F.R. § 200.305](#).

**20. What is the process for receiving BJA approval of an individual item costing \$500,000 or more?**

Individual items costing \$500,000 or more may not be purchased with CESF funds until BJA has provided prior approval via a Grant Adjustment Notice (GAN) post-award. The grantee must provide thorough justification for the cost item via a GAN in [GMS](#). Instructions on submitting a GAN can be found at <https://www.ojp.gov/gmscbt/grant-adjustment-notice>.

**21. What is the process for receiving BJA approval to purchase Unmanned Aerial Systems (UAS), Unmanned Aircraft (UA), and/or Unmanned Aerial Vehicles (UAV)?**

UAS/UA/UAV’s may not be purchased with CESF funds until BJA has provided prior approval via a GAN post-award. In order to receive written approval from BJA post-award under CESF, the grantee must submit the required documentation per [https://www.faa.gov/news/fact\\_sheets/news\\_story.cfm?newsId=22615](https://www.faa.gov/news/fact_sheets/news_story.cfm?newsId=22615) in a GAN in [GMS](#). Instructions on submitting a GAN can be found at <https://www.ojp.gov/gmscbt/grant-adjustment-notice>.

**22. Are matching funds required under the CESF program?**

No. There is no match requirement under CESF.

**23. Can CESF funds be utilized as match for other federal programs such as the FEMA EMPG-S program?**

No. Unless otherwise authorized by law, Federal funds may not be matched with other Federal funds. It is appropriate, however, for a CESF award recipient to supplement/leverage expenses related to preventing, preparing for, or responding to the coronavirus. The leveraging of multiple funding sources in a complementary manner to implement comprehensive programs or projects is encouraged and is not seen as inappropriate duplication.

**24. What is supplanting and is it allowable under the CESF program?**

The definition of supplanting in the [DOJ Grants Financial Guide](#) is “to deliberately reduce State or local funds because of the existence of Federal funds. For example, when State funds are appropriated for a stated purpose and Federal funds are awarded for that same purpose, the State replaces its State funds with Federal funds, thereby reducing the total amount available for the stated purpose.” Supplanting is prohibited under the CESF program for all allowable costs.

**25. Can CESF funds be used for salaries?**

Yes. CESF funds can be used for salaries if the salaries are necessary for preventing, preparing for, and responding to the coronavirus.

**26. Can CESF funds be used for hazard pay?**

Yes. Hazard pay may be allowable under CESF if it is necessary for preventing, preparing for, and responding to the coronavirus. Agencies must follow their established policies (i.e., not treat federal funds differently from how they treat local funds).

**27. Can CESF funds be used to purchase personal protective equipment (PPE), including PPE for use in prisons/jails?**

Yes. CESF funds can be used to purchase PPE, including PPE for use in prison/jails.

**28. Can CESF funds be used to build isolation facilities?**

Yes. However, the recipient will be required to comply with all National Environmental Policy Act requirements.

**29. Can CESF funds be used for lodging/housing costs for first responders who have been in contact with COVID-19 positive individuals?**

Yes. CESF funds can be used for lodging/housing costs for first responders who have been in contact with COVID-19 positive individuals.

**30. Can CESF funds be used for transitional housing for reentry clients or victims of domestic violence?**

Yes, CESF funds can be used for transitional housing for reentry clients or victims of domestic violence as long as the purpose of the transitional housing is to prevent, prepare for, or respond to the coronavirus.

**31. Can CESF funds be used for death benefits?**

Yes. CESF funds can be used to pay death benefits for deaths resulting from the coronavirus. Agencies must follow their established policies (i.e., not treat federal funds differently from how they would treat local funds).

**32. Does the requirement for full and open competition for procurements apply under the CESF program?**

Yes. The competitive requirements outlined in the [DOJ Grants Financial Guide](#) and [2 CFR 200.320](#) apply to CESF. However, the coronavirus pandemic is public health emergency which, under 2 CFR 200.320(f)(2), may be a criteria grantees use to justify non-competitive procurements to obtain some items necessary during an emergency using grant funds. Grantees must still submit the required prior approval request for a sole source via a Grant Adjustment Notice for procurements that exceed the Simplified Acquisition Threshold (\$250,000). BJA will expedite the review of any sole source requests for procurements under this program.

**33. Are indirect costs allowable?**

Indirect costs are allowable if the recipient has a current negotiated indirect cost rate agreement approved by its cognizant federal agency or if the recipient is eligible to use, and elects to use, the "de minimis" indirect cost rate as set out at [2 C.F.R. 200.414\(f\)](#).

**34. Are there any limitations on direct administrative costs?**

Yes. No more than 10% of the total award amount may be used for direct administrative costs. Direct administrative costs include costs to administer the grant award, such as compensation for grant management personnel, travel costs associated with subrecipient monitoring, and costs associated with filing federal reports.

**35. Do the DOJ and federal-wide requirements on allowable costs apply to the CESF program?**

Yes. The typical DOJ grant requirements for allowable costs applies to the CESF program. Recipients must follow the guidance for allowable costs in the [DOJ Grants Financial Guide](#) and in the *Uniform Requirements* Cost Principles set out at [2 C.F.R. 200 Subpart E](#). Please be advised, however, that OJP has made some short-term adjustments to these requirements as a result of the coronavirus public health emergency, which may be found at:

<https://www.ojp.gov/funding/grantee-update-2-guidance-short-term-administrative-relief-grantees-impacted-covid-19>