



## **Criminal Justice Policy and Planning Division Byrne-JAG Funding Application Revised Application 2022-24**

FOR OPM USE ONLY

### Instructions

Applying entities must:

- Complete all components of the below application.
- Complete the extended application [narrative](#) and [budget](#) as part of a complete application packet.
- Review the [Purpose Areas 2022-24](#) to ensure that project or program meet the criteria to be considered for funding.
- Review the prohibited items and unallowable costs attached at the end of the application.
- Submit a digital final copy of an application in the current PDF format to [CJPPDJAG@CT.GOV](mailto:CJPPDJAG@CT.GOV) .

Applying entities needing assistance may contact [CJPPDJAG@CT.GOV](mailto:CJPPDJAG@CT.GOV) for technical assistance.

## **I. Project and Applying Entity Information**

**Project title:**

**Award range:**

**Amount of Byrne JAG requesting:**

**Program area (OPM only):**

**Purpose area:**

**Entity type:**

**Will these funds be passed through:**

**Contact name:**

**Contact email:**

**Contact number:**

**Ext:**

**Contact address:**

**Do you have prior use of Grantium (OPM CJPPD's grant management system):**

**Estimated number of months needed to complete project:**

## **II. Project and Applying Entity Narrative Information**

**(1) What state-level criminal justice needs or issues do you plan to address with Byrne JAG funds?**

**(2) What is the evidence or data that supports the impact of the program for which you seek to receive Byrne JAG funding?**

**(3) What expenses are associated with this project or program?**

**(4) How will program impact be measured?**

**(5) How will this project be sustained after the expenditure of any Byrne-JAG funds received?**

**(6) What financial systems would be used for grant management?**

**(7) Will any of the Byrne JAG funds be used by a state or local government to reduce state or local funds for an activity, specifically because federal funds are available (or expected to be available) to fund that same activity? This practice is known as supplanting, which is prohibited under Byrne JAG. (Please review the OPM CJPPD website for guidance regarding supplementing versus supplanting.)**

**(8) Could you provide examples of some ways your entity is working to promote equity? <sup>1</sup>**

**(9) Does your proposal help advance equity or contribute to overall such efforts?**

**(10) Any additional information can be included below.**

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<sup>1</sup> Per the 2022 Byrne JAG state solicitation, the US Department of Justice (US DOJ) Office of Justice Programs is “committed to advancing work that promotes civil rights and racial equity, increases access to justice, supports crime victims and individuals impacted by the justice system, strengthens community safety and protects the public from crime and evolving threats, and builds trust between law enforcement and the community.”

Per [the White House’s February 16, 2023 executive order](#), the term equity “means the consistent and systematic treatment of all individuals in a fair, just, and impartial manner, including individuals who belong to communities that often have been denied such treatment, such as Black, Latino, Indigenous and Native American, Asian American, Native Hawaiian, and Pacific Islander persons and other persons of color; members of religious minorities; women and girls; LGBTQI+ persons; persons with disabilities; persons who live in rural areas; persons who live in United States Territories; persons otherwise adversely affected by persistent poverty or inequality; and individuals who belong to multiple such communities.”

For further information, please read the [US DOJ 2022 Equity Action Plan](#).

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# **PROHIBITED ITEMS AND UNALLOWABLE COSTS**



# Edward Byrne Memorial Justice Assistance (JAG) Grant Program Prohibited and Controlled Expenditure Guidance

*Updated February 2022*

## Award Conditions for Edward Byrne Memorial Justice Assistance Grants (JAG) awards made during or after (federal) Fiscal Year 2015:

### **AWARD CONDITIONS: "PROHIBITED EXPENDITURE LIST" AND "CONTROLLED EXPENDITURE LIST"**

Starting with the FY 2015 program, each Office of Justice Programs (OJP) award made under the Byrne JAG State and Local solicitations includes a series of conditions that deal with the "Prohibited Expenditure List" and the "Controlled Expenditure List." The information on this webpage (1) describes the items currently included on the "**Prohibited Expenditure List**" and on the "**Controlled Expenditure List**," and (2) provides important explanatory notes regarding conditions in awards under the FY 2015, FY 2016, and/or FY 2017 Byrne JAG programs.

**IMPORTANT NOTE:** *The explanatory notes, which follow the lists, are crucial to understanding existing award conditions.*

## **PROHIBITED EXPENDITURE LIST**

### **Effective starting as of August 29, 2017:**

For purposes of conditions on OJP Byrne JAG awards that relate to the "Prohibited Expenditure List," the following items are on the "Prohibited Expenditure List." See 34 U.S.C. § 10152, previously codified at 42 U.S.C. § 3751.

**IMPORTANT NOTE:** *As indicated below, Byrne JAG award funds **may** be used for items otherwise listed in Prohibited Expenditure Category B if the Department of Justice **first** certifies in writing that extraordinary and exigent circumstances exist that make the use of Byrne JAG award funds to provide such matters essential to the maintenance of public safety and good order.*

### **Prohibited Expenditure Category A:**

- Any direct or indirect use of Byrne JAG award funds to provide any security enhancements or any equipment to any nongovernmental entity that is not engaged in criminal justice or public safety.



## Prohibited Expenditure Category B:

- **Unless the Department of Justice first certifies in writing that extraordinary and exigent circumstances exist that make the use of Byrne JAG award funds to provide such matters essential to the maintenance of public safety and good order**, the following items or matters are prohibited expenditures:
  - (1) Any security enhancements or any equipment to any nongovernmental entity that is not engaged in criminal justice or public safety.
  - (2) Unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of such funds to provide such matters essential to the maintenance of public safety and good order—
    - (A) vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters);
    - (B) luxury items;
    - (C) real estate;
    - (D) construction projects (other than penal or correctional institutions); or
    - (E) any similar matters.

For purposes of item (1) above (related to vehicles, vessels, and aircraft), the following clarifications may be helpful.

**“Vehicles”** includes, without limitation:

- Wheeled armored vehicles / Tactical vehicles.
- Buses / Recreational vehicles.
- Command vehicles / Mobile command and control centers.
- Trucks, including pickup trucks.
- Vans, including passenger vans.
- Motorcycles.
- Sport utility vehicles (SUVs).
- Segways, golf carts, all-terrain vehicles (ATVs), and similar items — when and if applicable state or local law requires licensing or registration of such items.

For purposes of the “Prohibited Expenditure List,” a vehicle is considered a **“police cruiser”** only if it is used by the recipient jurisdiction (or subrecipient jurisdiction, as applicable) in the ordinary course for routine police patrol within the United States.

*Vehicles (including motorcycles and SUVs) used as “police cruisers” are not included on the Prohibited List, and therefore may be acquired with Byrne JAG funds in the ordinary course, to the extent otherwise allowable under the award.*

**“Vessels”** includes, without limitation:

- Any form of boat or watercraft capable of holding or transporting instruments, other cargo and/or at least one person.

For purposes of the “Prohibited Expenditure List,” a “vessel” is considered a “**police boat**” only if it is used by the recipient jurisdiction (or subrecipient jurisdiction, as applicable) in the ordinary course to conduct law enforcement operations within the United States.

*Vessels used as “police boats” are not included on the Prohibited List, and therefore may be acquired with Byrne JAG funds in the ordinary course, to the extent otherwise allowable under the award.*

“**Aircraft\***” includes, without limitation:

- Any craft designed to move instruments, other cargo, and/or at least one person through the air, such as helicopters or airplanes (rotary-wing or fixed-wing aircraft).

For purposes of the “Prohibited Expenditure List,” a helicopter is considered a “**police helicopter**” only if it is used by the recipient jurisdiction (or subrecipient jurisdiction, as applicable) in the ordinary course to conduct law enforcement operations within the United States.

*Aircraft used as “police helicopters” are not included on the Prohibited List, and therefore may be acquired with Byrne JAG funds in the ordinary course, to the extent otherwise allowable under the award.*

**The use of BJA grant funds for unmanned aircraft systems (UAS), including unmanned aircraft vehicles (UAV), and all accompanying accessories to support UAS or UAV, is unallowable.**

### **Requesting a Certification regarding items in Prohibited Expenditure Category B**

With respect to items in Prohibited Expenditure Category B — that is, items and matters that appear on the “Prohibited Expenditure List” *only if* the Department of Justice has **not** made the required certification of “extraordinary and exigent circumstances ... that make use of [award funds] ... essential to the maintenance of public safety and good order” — a recipient may request that the Department of Justice make the required certification by making a submission to OJP as described below.

The recipient may **not** obligate (or “use”) any Byrne JAG award funds for the item until and unless the Department of Justice makes the required certification.

To request a Department of Justice certification of “extraordinary and exigent circumstances ... that make use of [award funds for the requested item or matter] ... essential to the maintenance of public safety and good order,” the recipient must:

1. Using the JustGrants system (JustGrants) submit a “Programmatic Costs” Grant Award Modification (GAM), marked “Other” and with “JAG - DOJ certification request - extraordinary and exigent; essential” typed in the available text box.
2. Attach to the GAM a letter, on the letterhead of the recipient jurisdiction and signed by the recipient’s “authorized representative” for the particular Byrne JAG award in question, that:

(a) Indicates the use of JAG award funds as to which the recipient requests the required certification and the award number of the JAG award from which funds would be obligated and used.

(b) Provides a general description of the recipient (or subrecipient, if applicable) that will use award funds for the requested purpose.

(c) Indicates the amount of award funds that would be used for the requested purpose, if the Department of Justice makes the required certification.

(d) Sets out a detailed justification that provides sufficient information to support a Department of Justice finding and certification that “extraordinary and exigent circumstances” exist that make use of the JAG award funds for the requested purpose “essential to the maintenance of public safety and good order.”

If the Department of Justice makes the required certification, the recipient will be notified and will receive a copy of the Department certification.

#### **Prohibited Expenditure List, as in effect before August 29, 2017:**

- See Important Explanatory Notes, below.

#### **CONTROLLED EXPENDITURE LIST**

##### **Effective starting as of August 29, 2017:**

- For purposes of conditions on OJP Byrne JAG awards that relate to the “Controlled Expenditure List,” no items appear on the “Controlled Expenditure List.”

##### **Controlled Expenditure List, as in effect before August 29, 2017:**

- See Important Explanatory Notes, below.

#### **IMPORTANT EXPLANATORY NOTES ON BYRNE JAG AWARD CONDITIONS**

- **The precise conditions that apply** to a Byrne JAG award with respect to the “Prohibited Expenditure List” and the “Controlled Expenditure List” **vary** depending on whether the award was made under the FY 2015, FY 2016, or FY 2017 Byrne JAG Program. To determine which conditions apply to a particular OJP award, refer to the award conditions that accompany the particular **award document**.
- **The contents of both lists have changed over time.** As discussed in more detail below, recipients and others are to refer to *the version of each list that applied at the time* of an actual or proposed obligation (“use”) of (federal) Byrne JAG award funds, as well as the conditions in the particular Byrne JAG award. Archival information that includes prior versions of both lists (which are incorporated by reference herein) may be accessed at <https://www.bja.gov/Jag/pdfs/JAGControlledExpendituresArchive.pdf>.

- **Pertinent dates — “use of federal funds,” “purchase under the award,” and related matters.** For purposes of conditions on Byrne JAG awards that relate to the “Prohibited Expenditure List” or the “Controlled Expenditure List”:
    - Award funds are not considered “used for items that are listed” on the “Prohibited Expenditure List” or “Controlled Expenditure List” “at the time of purchase or acquisition” until such time as (federal) Byrne JAG award funds are either (1) obligated for the purchase or acquisition of the item, or (2) obligated to reimburse a recipient for the costs of a purchase or acquisition initially made with the funds other than federal funds awarded by OJP (e.g., the costs of a purchase or acquisition initially made with the recipient’s own nonfederal funds).
    - Similarly, an item on either the “Prohibited Expenditure List” or the “Controlled Expenditure List” is not considered “purchased under the award” or “acquired through a federal program” until such time as (federal) Byrne JAG award funds are either (1) obligated for the purchase or acquisition of the item, or (2) obligated to reimburse a recipient for the costs of a purchase or acquisition initially made with the funds other than federal funds awarded by OJP (e.g., the costs of a purchase or acquisition initially made with the recipient’s own nonfederal funds).
    - The “allowability” of a cost for purchase or acquisition of an item on the “Prohibited Expenditure List” or the “Controlled Expenditure List” is determined as of the date of the pertinent obligation of (federal) award funds either (1) for the purchase or acquisition of the item, or (2) to reimburse the award recipient for the costs of a purchase or acquisition initially made with the funds other than federal funds awarded by OJP.
    - The applicability of a requirement with respect to transfer or sale of an item “on the Controlled Expenditure List” — or a requirement with respect to notice to OJP prior to disposal of such an item — is determined at the time of the transfer, sale, or disposal. That is, the requirement applies if the item is “on the Controlled Expenditure List” *at the time of the transfer, sale, or disposal*.
    - In the event that an item is removed from the “Controlled Expenditure List,” any requirements (related to that item) for “incident reporting” and for adoption of standards shall cease as of the date it is removed from the “Controlled Expenditure List.”
    - Should a recipient have a question regarding whether an item appears (or appeared) on the “Prohibited Expenditure List” or the “Controlled Expenditure List” as of a particular date, the recipient is to contact OJP for clarification.
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## **“PROHIBITED EXPENDITURE LIST” AND “CONTROLLED EXPENDITURE LIST”**

Versions in effect *prior to* August 29, 2017

\*Please note that OJP is in the process of updating policies and procedures regarding the purchase of UAS/UAV/UAs. **No requests for prior approval for UAS/UAV/UAs will be considered until the policies and procedures have been updated and additional guidance has been provided to the field. (July 2020)**

### **As in effect from mid-June 2017 through August 28, 2017**

- The archive materials set out in the following pages (<https://www.bja.gov/Jag/pdfs/JAGControlledExpendituresArchive.pdf>) identify the items and matters that were on the “Prohibited Expenditure List” or the “Controlled Expenditure List” from mid-June 2017 through August 28, 2017. Text and related material highlighted in yellow **WERE** encompassed by the lists for this time period.

### **As in effect starting at the time of awards made under the FY 2015 Byrne JAG Program and continuing until mid-June 2017**

- The archive materials set out in the following pages (<https://www.bja.gov/Jag/pdfs/JAGControlledExpendituresArchive.pdf>) identify the items and matters that were on the “Prohibited Expenditure List” or the “Controlled Expenditure List” starting at the time awards were made under the FY 2015 Byrne JAG Program and continuing until mid-June 2017. Text and related matter highlighted in yellow **WERE NOT** encompassed by the lists for this time period.

## III. Postaward Requirements

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### 3.13 UNALLOWABLE COSTS

#### Introduction

Federal awards generally provide recipients and/or subrecipients with the funds necessary to cover costs associated with the award program. There are other costs, however, categorized as [unallowable costs](#), that will not be reimbursed. Non-Federal entities must not use award or match funding for unallowable costs. Also within the category of unallowable costs are any costs considered inappropriate by the awarding agency. See [2 C.F.R. § 200.1 \(Disallowed Costs\)](#).

The allowability of certain costs is discussed in [2 C.F.R. § 200, Subpart E - Cost Principles](#). (For-profit entities and hospitals follow different cost principles – see [FAR 31.2](#), and [2 C.F.R. Part 200b Appendix IX](#), respectively; and certain nonprofit organizations are exempted from the cost principles in Subpart E, see [2 C.F.R. Part 200 Appendix VIII](#)).

Unallowable cost items that may be of particular relevance for DOJ-funded programs are highlighted below.

#### Land Acquisition

DOJ grant funds may not be used for land acquisition. See, e.g., [34 U.S.C. 10233](#).

#### Compensation of Federal Employees

This category of unallowable costs includes salary payments, consulting fees, or other compensation to full-time Federal employees.

#### Travel of Department of Justice (DOJ) Employees

Award funds may not be spent on transportation, lodging, subsistence, and related travel expenses of agency DOJ employees.

#### Bonuses or Commissions

Recipients and subrecipients cannot pay any bonus or commission to any individual or organization to obtain approval of an application for award assistance.

Distribution of earnings in excess of costs, such as when used for bonuses and commissions for certain positions for non-profit organizations, may be unallowable. See [2 C.F.R. § 200.430\(g\)](#).

#### ACTION ITEM

Be sure to check the award package to determine which salaries, fringe benefits, and other personnel costs are allowable under the specific award.

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#### Lobbying

Recipients and subrecipients must comply with the provisions in [2 C.F.R. § 200.450 \(Lobbying\)](#) and [18 U.S.C. 1913](#), as appropriate. Also, see [Chapter 2.1](#) of this *Guide* for more specifics about restrictions on lobbying.

- The lobbying cost prohibition applies to all award recipients and subrecipients.
- Award funds cannot be used for the following purposes:
  - ▶ Attempting to influence the outcome of any Federal, State, or local election, referendum, initiative, or

## III. Postaward Requirements

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### 3.13 UNALLOWABLE COSTS

- similar procedure, through in-kind or cash contributions, endorsements, publicity, or similar activity;
- ▶ Establishing, administering, contributing to, or paying for the expenses of a political party, campaign, political action committee, or other organization established for the purpose of influencing the outcome of elections;
  - ▶ Attempting to influence (a) the introduction of Federal or State legislation; or (b) the enactment or modification of any pending Federal or State legislation through communication with any member or employee of the Congress or State legislature (including efforts to influence State or local officials to engage in similar lobbying activity), (c) the enactment or modification of any pending Federal or state legislation by preparing, distributing, or using publicity or propaganda, or by urging members of the general public, or any segment thereof, to contribute to or participate in any mass demonstration, march, rally, fund raising drive, lobbying campaign or letter writing or telephone campaign, or (d) with any Government official or employee in connection with a decision to sign or veto enrolled legislation;
  - ▶ Engaging in or supporting the development of publicity or propaganda designed to support or defeat legislation pending before legislative bodies;
  - ▶ Paying, directly or indirectly, for any personal service, advertisement, telephone, letter, printed or written matter, or other device, intended or designed to influence a member of Congress or of a State legislature to favor or oppose, by vote or otherwise, any legislation or appropriation by either Congress or a State legislature, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation;
  - ▶ Engaging in legislative liaison activities, including attendance at legislative sessions or committee hearings, gathering information regarding legislation, and analyzing the effect of legislation, when such activities are carried out in support of or in knowing preparation for an effort to engage in unallowable lobbying;
  - ▶ Paying a publicity expert for purposes unallowable under the anti-lobbying rules; or
  - ▶ Attempting to improperly influence, either directly or indirectly, an employee or officer of the executive branch of the Federal Government to give consideration or to act regarding a sponsored agreement or a regulatory matter.
- The [Anti-Lobbying Act, 18 U.S.C. § 1913](#), contains significant restrictions on the use of appropriated funding for lobbying.
    - ▶ These anti-lobbying restrictions are enforceable via large civil penalties, with civil fines between \$10,000 and \$100,000 per each individual occurrence of lobbying activity.
    - ▶ These restrictions are in addition to the anti-lobbying and lobbying disclosure restrictions imposed by [31 U.S.C. § 1352](#).
  - All recipients must understand that no federally appropriated funding made available under the grant program may be used, either directly or indirectly, to support the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government, without the express approval of DOJ.
  - Any violation of this prohibition is subject to a minimum \$10,000 fine for each occurrence. This prohibition applies to all activity, even if currently allowed within the parameters of the existing OMB guidance.
  - Any question(s) relating to the lobbying restrictions should be submitted in writing to the awarding agency's ethics official (typically in the awarding agency's Office of the General Counsel) through the DOJ program manager.

## III. Postaward Requirements

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### 3.13 UNALLOWABLE COSTS

#### ▶ OVW SPECIFIC TIP

OVW has some programs with purpose areas that expressly authorize “developing and promoting state, local, or tribal legislation and policies that enhance best practices for responding to domestic violence, dating violence, sexual assault, and stalking.” Recipients with questions on specific authorized activities should contact their grant manager.

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#### Fundraising

The costs of organized fundraising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions may not be charged as direct or indirect costs against awards. However, certain fundraising costs for the purposes of meeting the Federal program objectives may be allowable with prior approval of the DOJ awarding agency. See [2 C.F.R. § 200.442](#) for more details.

- The portion of a person’s salary that covers time spent engaged in unallowable fundraising, and any indirect costs associated with those salaries, may not be charged to the award.
- An organization may accept donations (e.g., goods, space, services) towards fundraising, as long as the value of the donations is not charged as a direct or indirect cost to the award.
- Nothing in this section should be read to prohibit a recipient from engaging in fundraising activities, as long as such activities are not financed by Federal or matching funds.

#### Corporate Formation

The cost for corporate formation (startup costs) may not be charged as either direct or indirect costs against the award except with prior approval from the awarding agency. See [2 C.F.R. 200.455](#).

#### ▶ OVW SPECIFIC TIP

OVW’s Grants to Tribal Domestic Violence and Sexual Assault Coalitions may allow for corporate formation costs to be charged directly to the award.

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#### Other Unallowable Costs

Other categories of unallowable costs include:

- Entertainment, including amusement, diversion, social activities, and any associated costs (i.e. tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities) are unallowable. Certain exceptions may apply when such costs have a programmatic purpose and have been approved by the awarding agency ([2 C.F.R. 200.438](#));
- Fines and penalties, except when incurred as a result of compliance with specific provisions of an award or contract, or with prior written approval from the awarding agency ([2 C.F.R. 200.441](#));
- Home office workspace and related utilities ([2 C.F.R. 200.465\(c\)\(6\)](#) and (f));
- Honoraria is unallowable when the primary intent is to confer distinction on, or to symbolize respect, esteem, or admiration for the recipient of the honorarium. A payment for services rendered, such as a speaker’s fee under an award is allowable;



## III. Postaward Requirements

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### 3.13 UNALLOWABLE COSTS

- Bar charges/alcoholic beverages ([2 C.F.R. 200.423](#)), and
- Membership fees to organizations whose primary activity is lobbying ([2 C.F.R. 200.454\(e\)](#)).

#### ▶ OJP SPECIFIC TIP

The use of BJA grant funds for unmanned aircraft systems (UAS), including unmanned aircraft vehicles (UAV), and all accompanying accessories to support UAS or UAV is unallowable.

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#### Costs Incurred Outside the Project Period

Any costs that are incurred either before the start of the project period or after the expiration of the project period are not allowable, unless written approval covering these costs is granted by the awarding agency. See [Section 3.2, Period of Availability of Funds](#).