



# CONNECTICUT Policy and Management

## Criminal Justice Policy and Planning Division Byrne-JAG Funding Application Revised Application 2022-25

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 2022-25](#) 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**

**Applying Entity Name:**

**Project Title:**

**Award Range:**

**Project Amount:**

**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 Needs 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? (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, UNALLOWABLE COSTS, AND  
EQUIPMENT & SUPPLIES ACQUISITION RULES.**



## Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grant (JAG) Program

# Prohibited and Controlled Equipment Guidance for Awards Made During or After (federal) Fiscal Year 2023

**AWARD CONDITIONS: “EXPENDITURES PROHIBITED WITHOUT WAIVER” AND “COMPLIANCE WITH RESTRICTIONS ON THE USE OF FEDERAL FUNDS: PROHIBITED AND CONTROLLED EQUIPMENT UNDER OJP AWARDS”**

## Overview

Consistent with [Executive Order 14074](#) (*Advancing Effective, Accountable Policing and Criminal Justice Practices To Enhance Public Trust and Public Safety*, May 25, 2022), award condition “Compliance with restrictions on the use of federal funds: Prohibited and Controlled Equipment under OJP awards” provides lists of items that are prohibited under all OJP awards, and items that are “controlled” under all OJP awards. Separately, the JAG statute, at [34 U.S.C. § 10152](#), prohibits the use of JAG funds for certain items, and prohibits the use of JAG funds for other items unless BJA grants a waiver. This document provides lists, details, definitions, and procedures for prohibited and controlled expenditures and equipment under the BJA JAG Program for awards made during or after FY 2023, consistent with both [Executive Order 14074](#) and [34 U.S.C. § 10152](#).

Guidance on prohibited and controlled expenditures under the JAG Program for awards made prior to FY 2023 can be found at <https://bja.ojp.gov/doc/jag-controlled-purchase-list-pre-2023.pdf>.

## Categories

- [Category A – Strictly Prohibited](#): The use of JAG funds for the purchase or transfer of any item listed in Category A is strictly prohibited and no waiver may be granted to utilize JAG funds for items listed in Category A.
- [Category B – Statutorily Prohibited without Waiver](#): The use of JAG funds for the purchase or transfer of items listed in Category B is prohibited unless Department of Justice first certifies in writing that extraordinary and exigent circumstances exist that make the use of JAG award funds to provide such matters essential to the maintenance of public safety and good order. See [Requesting a Certification Regarding Items in Category B – Statutorily Prohibited without Waiver](#) for instructions.
- [Category C – Statutorily Prohibited without Waiver and Controlled Consistent with E.O. 14074](#): The use of JAG funds for the purchase or transfer of items listed in Category C is prohibited unless Department of Justice first certifies in writing that extraordinary and exigent circumstances exist that make the use of JAG award funds to provide such matters essential to the maintenance of public safety and good order. In addition, the use of OJP grant funds for the purchase or transfer of equipment listed in Category C is controlled by award condition, consistent with E.O. 14074. Recipients may not use JAG funds for items on the controlled equipment list without express prior written approval



post-award. See [Requesting a Certification Regarding Items in Category C – Statutorily Prohibited without Waiver and Controlled Consistent with E.O. 14074](#) for instructions.

- [Category D – Controlled Consistent with E.O. 14074](#): The use of OJP grant funds for the purchase or transfer of the equipment listed in Category D is controlled by award condition, consistent with E.O. 14074. Recipients may not use JAG funds for items on the controlled equipment list without express prior written approval post-award. See [Requesting a Certification Regarding Items in Category D – Controlled Consistent with E.O. 14074](#) for instructions.

#### Procedures

- [Requesting a Certification Regarding Items in Category B – Prohibited without Waiver](#)
- [Requesting a Certification Regarding Items in Category C - Statutorily Prohibited without Waiver and Controlled Consistent with E.O. 14074](#)
- [Requesting a Certification Regarding Items in Category D – Controlled Consistent with E.O. 14074](#)

#### JAG Exceptions Regarding Prohibited and Controlled Equipment under OJP Awards

### **Categories**

#### **Category A – Strictly Prohibited**

The use of JAG funds for the purchase or transfer of any item listed in Category A is strictly prohibited. No waiver may be granted to utilize JAG funds for items listed in 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.
- Firearms of .50 or greater caliber.
- Ammunition of .50 or greater caliber.
- Firearm silencers, as defined in 18 U.S.C. 921(a)(24).
- Bayonets.
- Grenades (including stun and flash-bang).
- Grenade launchers (including launchers for stun and flash-bang).
- Explosives (except for explosives and percussion actuated non-electric disruptors used for accredited bomb squads and explosive detection canine training).
- Any vehicles that do not have a commercial application, including all tracked and armored vehicles, unless the LEA certifies that the vehicle will be used exclusively for disaster-related emergencies; active shooter scenarios; hostage or other search and rescue operations; or anti-terrorism preparedness, protection, prevention, response, recovery, or relief.
- Unmanned Aerial System (UAS), Unmanned Aircraft (UA) and/or Unmanned Aerial Vehicle (UAV)
- Weapons systems covered by DOD Directive 3000.09 of November 21, 2012, as amended (Autonomy in Weapon Systems).
- Weaponized aircraft, vessels, and vehicles of any kind.
- Aircraft that are combat-configured or combat-coded, have no established commercial flight application, or have no application for disaster-related emergencies; active shooter scenarios; hostage or other search and rescue operations; or anti-terrorism preparedness, protection, prevention, response, recovery, or relief.
- Long-range acoustic devices that do not have a commercial application.

- Camouflage Uniforms (digital pattern). Woodland and desert patterns are allowable based on operational needs. Camouflage may not be worn in urban or populous areas.

### **Category B – Statutorily Prohibited without Waiver**

The use of JAG funds for the purchase or of items listed in Category B is prohibited unless the Department of Justice first certifies in writing that extraordinary and exigent circumstances exist that make the use of JAG award funds to provide such matters essential to the maintenance of public safety and good order. See [Requesting a Certification Regarding Items in Category B – Statutorily Prohibited without Waiver](#) for instructions.

- Vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (see (excluding police helicopters). (See Category C)
- Luxury items
- Real estate
- Construction projects (other than penal or correctional institutions)
- Any similar matter

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

- Buses / recreational vehicles.
- Trucks, including pickup trucks.
- Vans, including passenger vans.
- Motorcycles.
- Sport utility vehicles (SUVs).
- Segways, golf carts, all-terrain vehicles (ATVs), utility task vehicles (UTVs) and similar items — when and if applicable state or local law requires licensing or registration of such items.

For purposes of Category B, a **vehicle is considered a “police cruiser” only if it is used in the ordinary course for routine police patrol within the United States. Vehicles (including motorcycles, SUVs, pickup trucks, ATVs, and UTVs) used as “police cruisers” are not prohibited under JAG, and therefore may be acquired with 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 Category B, 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 Category B, 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; however, police helicopters are included in Category D and require certification.*

### **Category C – Statutorily Prohibited without Waiver and Controlled consistent with E.O. 14074**

The use of OJP grant funds for the purchase or transfer of the following equipment is controlled, and recipients may not obligate, expend, or draw down funds for items on the controlled equipment list without express prior written approval post-award, via Grant Award Modification in OJP’s JustGrants system.

- Command and/or Control Vehicles (Any wheeled vehicle either purpose-built or modified to facilitate the operational control and direction of public safety units responding to an incident). Command and Control Vehicles are similar to a recreational vehicle and can accommodate multiple people at multiple workstations in the command center. This category is not intended for other types of vehicles that could serve as a command and control center, including sport utility vehicles (SUVs).
- Tactical Vehicles, wheeled (A vehicle purpose-built to operate on- and off-road in support of military operations, such as a HMMWV (“Humvee”), 2.5 ton truck, 5-ton truck, or a vehicle with a breaching or entry apparatus attached). This excludes commercially available vehicles not tactical in nature, such as pick-up trucks or SUVs being used in the ordinary course by police forces in the United States for patrol activities.
- Wheeled armored vehicles.
- Manned aircraft, fixed and/or rotary wing. This excludes police helicopters, however, police helicopters are subject to the requirements of Category D.

### **Category D – Controlled consistent with E.O. 14074**

The use of OJP grant funds for the purchase or transfer the following equipment is controlled, and recipients may not obligate, expend, or draw down funds for items on the controlled equipment list without express prior written approval post-award, via Grant Award Modification in OJP’s JustGrants system.

- Police helicopters
- Specialized firearms and ammunition under .50 caliber. This excludes service-issued handguns, rifles, or shotguns that are issued or approved by the agency to be used during the course of regularly assigned duties.
- Explosives and pyrotechnics

## **Procedures**

### **Requesting a Certification Regarding Items in Category B – Statutorily Prohibited without Waiver**

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

To request a Department of Justice certification the recipient must:

1. Using the JustGrants system (JustGrants) submit a “Programmatic Costs” Grant Award Modification (GAM), marked “Other” and with “JAG - Category B – Statutorily Prohibited without Waiver” 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 JAG award in question, that addresses the following elements:
  - a. 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. A general description of the recipient (or subrecipient, if applicable) that will use award funds for the requested purpose.
  - c. The amount of award funds that would be used for the requested purpose if the Department of Justice makes the required certification.
  - d. 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.

**Requesting a Certification Regarding Items in Category C - Statutorily Prohibited without Waiver and Controlled consistent with E.O. 14074**

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

To request a Department of Justice certification the recipient must:

1. Using the JustGrants system (JustGrants) submit a “Programmatic Costs” Grant Award Modification (GAM), marked “Other” and with “Category C - Statutorily Prohibited without Waiver and Controlled consistent with E.O. 14074” 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 JAG award in question, that addresses the following elements:
  - a. 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. A general description of the recipient (or subrecipient, if applicable) that will use award funds for the requested purpose.
  - c. The amount of award funds that would be used for the requested purpose if the Department of Justice makes the required certification.
  - d. 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.”
  - e. A detailed justification for acquiring the controlled items, including a clear and persuasive explanation of the need for and appropriate criminal justice purpose that it will serve. (If applicable, please describe any previous instance in which the

- controlled item was used in a manner that deviated from the detailed justification supporting the application for that equipment.).
- f. The number of units of the requested controlled item(s) that are currently in your agency's inventory.
  - g. Categories of other controlled equipment acquired through federal programs during the past three (3) years that the requesting agency currently has in its inventory.
  - h. Whether the requested controlled equipment currently could reasonably be accessed through loans or mutual assistance or mutual aid agreements.
  - i. Certification (written assurance) that the requesting agency has adopted required protocols or will adopt those protocols before physical acquisition or purchase of controlled equipment or transfer of funds (see [Policies and Protocols](#)).
  - j. Certification (written assurance) that the requesting agency has provided required training or will provide that training before physical acquisition or purchase of controlled equipment or transfer of funds (see [Training](#));
  - k. Evidence of civilian governing body's review and approval or concurrence of the requesting agency's acquisition of the requested controlled equipment; Or, if the requesting agency's chief executive is popularly elected (e.g., a Sheriff), evidence of official written notice to the civilian governing body at least 30 days in advance of the application to acquire controlled equipment.
  - l. Whether the requesting agency has applied, or has a pending application(s), for this type of controlled equipment from another federal agency during the current fiscal year.
  - m. Whether any prior application for controlled equipment has been denied by a federal agency during the past three (3) years, and, if so, the reason for the denial; and
  - n. Whether the requesting agency has been found to be in violation of a federal civil rights statute or programmatic term during the past three (3) years and, if so, whether any disposition was reached or corrective actions were taken. LEAs must disclose any finding by a federal court or a federal government agency, including an agency's Office of Civil Rights or the Civil Rights Division of the U.S. Department of Justice, that the LEA has violated a federal civil rights law with respect to their policing functions. LEAs must also disclose any admissions of liability they have made regarding violations of federal civil rights law in their policing functions.

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

#### **Requesting a Certification Regarding Items in Category D – Controlled consistent with E.O. 14074**

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 the recipient must:

1. Using the JustGrants system (JustGrants) submit a "Programmatic Costs" Grant Award Modification (GAM), marked "Other" and with "Controlled Equipment Request" typed in the available text box.
2. Attach to the GAM a letter, on the letterhead of the recipient entity and signed by the recipient's "authorized representative" for the OJP award that includes each of the following elements:

- a. A general description of the requesting agency;
- b. A detailed justification for acquiring the controlled items, including a clear and persuasive explanation of the need for and appropriate criminal justice purpose that it will serve. (If applicable, please describe any previous instance in which the controlled item was used in a manner that deviated from the detailed justification supporting the application for that equipment.);
- c. The number of units of the requested controlled item(s) that are currently in your agency's inventory;
- d. Categories of other controlled equipment acquired through Federal programs during the past three (3) years that the requesting agency currently has in its inventory;
- e. Whether the requested controlled equipment currently could reasonably be accessed through loans or mutual assistance or mutual aid agreements;
- f. Certification (written assurance) that the requesting agency has adopted required protocols or will adopt those protocols before physical acquisition or purchase of controlled equipment or transfer of funds (see [Policies and Protocols](#)).
- g. Certification (written assurance) that the requesting agency has provided required training or will provide that training before physical acquisition or purchase of controlled equipment or transfer of funds (see [Training](#));
- h. Evidence of civilian governing body's review and approval or concurrence of the requesting agency's acquisition of the requested controlled equipment; Or, if the requesting agency's chief executive is popularly elected (e.g., a Sheriff), evidence of official written notice to the civilian governing body at least 30 days in advance of the application to acquire controlled equipment.
- i. Whether the requesting agency has applied, or has a pending application(s), for this type of controlled equipment from another federal agency during the current fiscal year;
- j. Whether any prior application for controlled equipment has been denied by a federal agency during the past three (3) years, and, if so, the reason for the denial; and
- k. Whether the requesting agency has been found to be in violation of a federal civil rights statute or programmatic term during the past three (3) years and, if so, whether any disposition was reached or corrective actions were taken. LEAs must disclose any finding by a federal court or a federal government agency, including an agency's Office of Civil Rights or the Civil Rights Division of the U.S. Department of Justice, that the LEA has violated a federal civil rights law with respect to their policing functions. LEAs must also disclose any admissions of liability they have made regarding violations of federal civil rights law in their policing functions.

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

### **JAG Exceptions Regarding Prohibited and Controlled Equipment Under OJP awards**

Notwithstanding any provision to the contrary in the other terms and conditions of this award, including in the condition regarding "Compliance with restrictions on the use of federal funds: Prohibited and Controlled Equipment under OJP awards," the requirements for the "Transfer/Sale of Award-Funded Controlled Equipment to Other LEAs" and the requirements for the "Transfer/Sale of Award-Funded Controlled Equipment to NON-LEAs" do not apply to JAG awards.

# 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](#).

## III. Postaward Requirements

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### 3.7 PROPERTY STANDARDS

#### Equipment and Supplies Acquired With Edward Byrne Memorial Justice Assistance Grant Program Funds

Special rules, set out in [34 U.S.C. 10227](#) (a provision of the Omnibus Crime Control and Safe Streets Act of 1968), apply to the ownership, use, and disposition of equipment and supplies purchased with Edward Byrne Memorial Justice Assistance Grant Program (Byrne JAG) funds awarded by the Bureau of Justice Assistance (BJA). These rules supersede any conflicting provision of 2 C.F.R. Part 200. See [2 C.F.R. Part 2800](#).

- Title to all equipment and supplies purchased with Byrne JAG funds vests in the criminal justice agency or non-profit organization that purchased the property, if it certifies to the State Office that it will use the property for criminal justice purposes.
- If such certification is not made, title to the property shall vest in the State Office, which shall seek to have the property used for criminal justice purposes elsewhere in the State prior to using it or disposing of it in any other manner.
- When equipment is no longer needed for criminal justice purposes, a State should dispose of equipment (for both the State and subrecipients) in accordance with State procedures, with no further obligation to the awarding agency.
- The procedures on *use* and *management* of equipment set out above apply to the extent that they do not conflict with 34 U.S.C. 10227.

#### Federal Equipment

When federally owned equipment is provided, the following requirements apply:

- Title remains vested in the Federal Government.
- The equipment must be managed in accordance with the grant-making component's rules and procedures and an annual inventory listing must be submitted.
- When the equipment is no longer needed, disposition instructions must be requested from the grant-making component.

#### Replacement of Equipment

When an item of property is no longer efficient or serviceable but continues to be needed in the program or project for which it was acquired, or other programs permitted under [2 C.F.R. § 200.313\(c\)](#), the property may be replaced through trade-in or sale and subsequent purchase of new property. In this case, the following conditions must be met:

- **Same function and character.** Replacement property must serve the same function as the original property and be of the same nature or character, although not necessarily of the same grade or quality.
- **Timing.** Purchase of replacement property must take place soon enough after the sale of the property to show that the sale and the purchase are related.
- **Trade-ins.** When acquiring replacement property, the recipient or subrecipient may use the property to be replaced as a trade-in. Value credited for the property, if the property is traded in, must be related to its fair market value. The recipient or subrecipient also may use the proceeds from the sale of the property to offset the cost of the new property.
- **Subrecipients of States.** State subrecipients must obtain the written permission of the State to use the provisions of this section prior to entering into negotiation for the replacement or trade-in of property.

# III. Postaward Requirements

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## 3.7 PROPERTY STANDARDS

### Supplies

For supplies acquired under an award, the title to the supplies vests with the recipient upon acquisition. For supplies acquired under a subaward, the title vests with the subrecipient upon acquisition.

- Recipients and subrecipients must compensate the grant-making component for its share of residual inventory of unused supplies if both of the following apply:
  - ▶ The residual inventory of unused supplies exceeds \$5,000 in total aggregate fair market value upon termination or completion of the funding support.
  - ▶ The supplies are not needed for any other federally sponsored programs or projects.
    - Compute the compensation amount in the same manner as for nonexpendable personal property or equipment.

Note: Special rules apply for supplies purchased with Byrne JAG funds – see previous discussion.

### Real Property Acquired With Federal Funds

**Real property** means land, including land improvements, structures and appurtenances thereto, but excludes moveable machinery and equipment. See [2 C.F.R. § 200.1](#). DOJ funds generally cannot be used for land acquisition unless specifically permitted under the awarding program or terms of the award.

**Title.** Subject to the obligations and conditions in the award, title to real property acquired or improved under an award or subaward vests upon acquisition in the recipient or subrecipient, as applicable.

**Use.** Recipients and subrecipients are to use real property acquired, in whole or in part, with Federal funds for the authorized purposes of the original award or subaward as long as needed for that purpose. In some cases, a recipient or subrecipient may receive approval from the awarding agency for a change in use, if the property is no longer needed for its originally funded purpose.

- An inventory report should be maintained which identifies real property acquired, in whole or in part, with Federal funds.
- Do not dispose of or encumber its title or other interests.

**Disposition.** When real property is no longer needed for the original award purposes (or another awarding agency-approved purpose), the non-Federal entity should obtain disposition instructions from the grant-making component or pass-through entity, as appropriate. The instructions may allow one of the following:

- **Retain title after compensating the Federal awarding agency.** The amount paid to the Federal awarding agency will be computed by applying the Federal awarding agency's percentage of participation in the cost of the original purchase (and costs of any improvements) to the fair market value of the property. However, in those situations where the non-Federal entity is disposing of real property acquired or improved with a Federal award and acquiring replacement real property under the same Federal award, the net proceeds from the disposition may be used as an offset to the cost of the replacement property.
- **Sell the property and compensate the Federal awarding agency.** The amount due to the Federal awarding agency will be calculated by applying the Federal awarding agency's percentage of participation in the cost of the original purchase (and cost of any improvements) to the proceeds of the sale after deduction of any actual and reasonable selling and fixing-up expenses. If the Federal award has not been closed out, the net proceeds from sale may be offset against the original cost of the property. When the non-Federal entity is directed to

## III. Postaward Requirements

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### 3.7 PROPERTY STANDARDS

sell property, sales procedures must be followed that provide for competition to the extent practicable and result in the highest possible return.

- **Transfer title to the Federal awarding agency or to a third party designated/approved by the Federal awarding agency.** The non-Federal entity is entitled to be paid an amount calculated by applying the non-Federal entity's percentage of participation in the purchase of the real property (and cost of any improvements) to the current fair market value of the property.

#### Retention of Property Records

Records for equipment, nonexpendable personal property, and real property must be retained for a period of 3 years from the date of disposition, replacement, or transfer at the discretion of the grant-making component.

- If any litigation, claim, or audit is started before the expiration of the 3-year period, records must be retained until all litigation, claims, or audit findings involving the records have been resolved.
- The grant record retention period is typically for 3 years, but the reporting rules affecting real property acquired or improved with federal funds continue throughout the useful life of the property. See [Chapter 3.15 Reporting Requirements](#).

#### Intangible Property

Intangible property means property having no physical existence, such as trademarks, copyrights, patents and patent applications and property, such as loans, notes and other debt instruments, lease agreements, stock and other instruments of property ownership (whether the property is tangible or intangible). [2 C.F.R. § 200.1](#).

**Title.** Intangible property acquired under a Federal award vests upon acquisition in the non-Federal entity.

**Use.** The non-Federal entity must use that property for the originally-authorized purpose, and must not encumber the property without approval of the Federal awarding agency.

**Disposition.** When no longer needed for the originally authorized purpose, intangible property is treated similarly to equipment for disposition purposes. Disposition must occur in accordance with [2 C.F.R. § 200.313\(e\)](#). In general, intangible property (e.g., a securities instrument or a patent) with a fair market value of \$5,000 or less may be retained, sold, or otherwise disposed of with no further obligation to the grant-making component; while intangible property valued above \$5,000 may be retained or sold, but the grant-making component is entitled to compensation for its share of participation in the cost of the original purchase, minus some selling and handling expenses. See the provisions for disposition of equipment (above) for a summary of these requirements.

See [2 C.F.R. § 200.315](#) for additional detailed rules regarding intangible property.

#### Copyrights

The award recipient may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under a Federal award.

## III. Postaward Requirements

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### 3.7 PROPERTY STANDARDS

The grant-making component reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use, for Federal Government purposes (and to authorize others to do so), the following:

- Any work subject to copyright that was developed under an award or subaward; and
- Any work for which ownership was acquired under an award or subaward.

#### Data Produced Under A Federal Award

With respect to data produced under a Federal award and/or subaward, the grant-making component has the right to do the following:

- Obtain, reproduce, publish, or otherwise use the data produced under an award; and
- Authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

#### Patents, Patent Rights, and Inventions

The non-Federal entity is subject to applicable regulations governing patents and inventions, including government-wide regulations issued by the Department of Commerce at [37 C.F.R. 401](#), “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Awards, Contracts and Cooperative Agreements.” [2 C.F.R. § 200.315\(c\)](#).