

# **The Stafford Act & Other COVID-19 Funding Resources.**





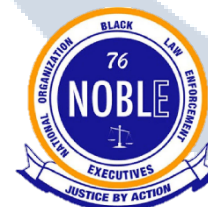
*Community Oriented Policing Services*  
*U.S. Department of Justice*

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# About the CRI-TAC

The **Collaborative Reform Initiative Technical Assistance Center (CRI-TAC)** provides customized technical assistance solutions designed to meet the unique needs of state, local, tribal, and campus communities throughout the U.S.

**By the field, for the field.**



# Our Speakers.

- Tom Wheeler, General Counsel NSA, former AAG, DOJ
- Phil E. Keith, Director, COPS Office, DOJ
- Jack Rauch, Associate Director of the Office of Public Liaison at the White House
- Speaker, U.S. Department of the Treasury
- Thomas Robinson, Public Assistance Field Instructor, FEMA.
- Alejandro Mayorkas, Partner, Wilmer Hale, former Deputy Secretary, DHS
- Mike Costigan, Acting Director BJA, DOJ

# Agenda.

- I. Welcome – White House
- II. CARES Act Funding – \$150 billion in direct aid to State/local governments, each State receiving at least \$1.25 billion - Treasury
- III. Stafford Act Primer - \$52 billion in 75% reimbursable disaster funding – DHS/FEMA
- III. BJA Grants - \$850 million in new funding - BJA
- IV. CDC Response funding - \$950 million for state & local response efforts
- V. Q & A.



**“President Trump declares national emergency over coronavirus pandemic.”**





# Declaration of a National Emergency.

For FEMA to provide assistance the President must declare that an emergency or major disaster exists.

With respect to COVID-19, this occurred on March 13, 2020, when President Trump issued a “Declaration of National Emergency Concerning the Novel Coronavirus (COVID-19) Outbreak”, [Presidential Proclamation Here.](#)

# The CARES Act.

Coronavirus Aid, Relief, and Economic Security Act ("CARES" Act).

- ❑ \$150 billion in direct aid to State, Tribal, and local governments. Aid will be allocated primarily by a State's population with each State receiving at least \$1.25 billion.
- ❑ \$340 billion in emergency funding to combat the coronavirus outbreak, with \$274 billion going to state and local governments for specific purposes. This is in addition to the \$150 billion distributed to states.

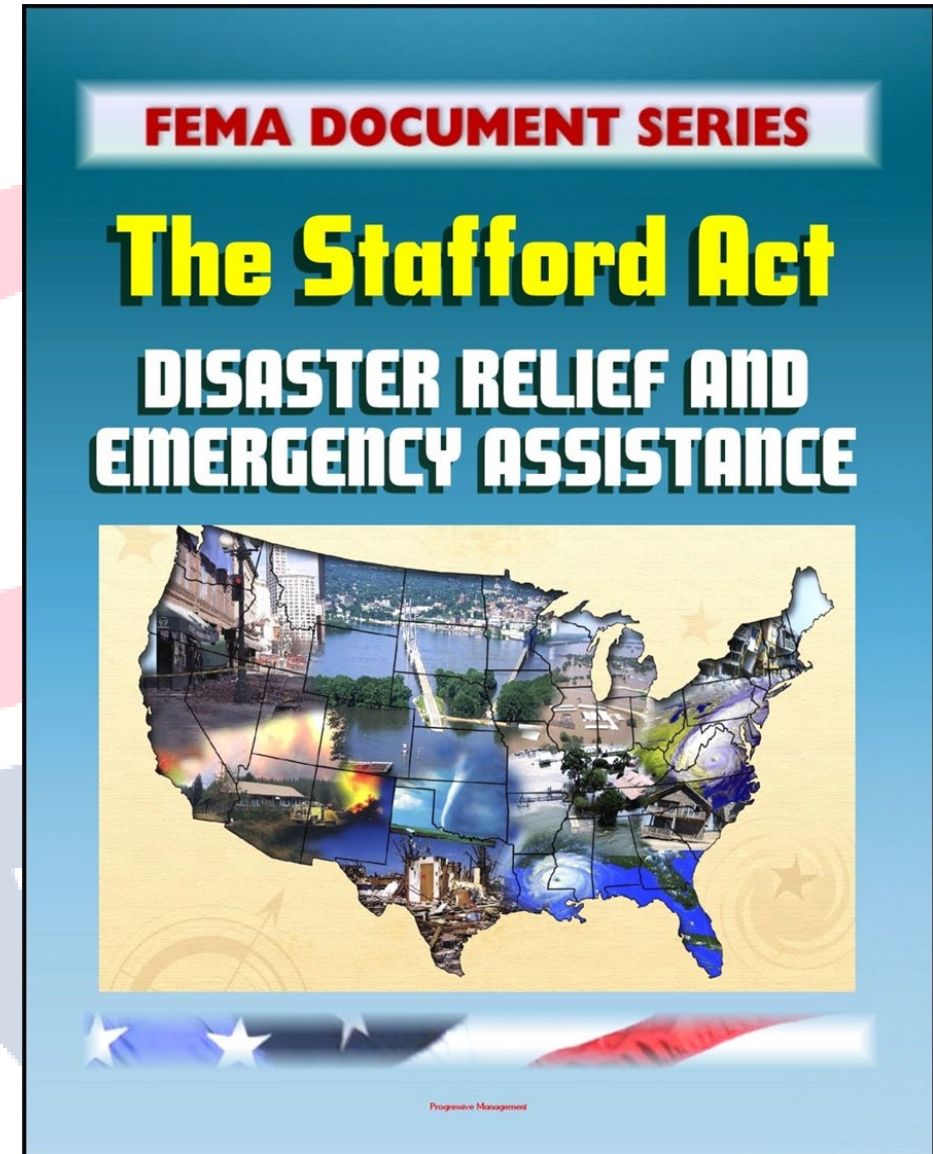


# The CARES Act.

- ❑ \$5 billion for the Community Development Block Grant program, including \$2 billion to existing CDBG grantees that received funding in FY 2020. The bill also provides \$1 billion for states and insular areas to respond to COVID-19, including activities within entitlement and non-entitlement communities and requires that those allocations. Any remaining funds will be distributed directly to states on a rolling basis.
- ❑ A \$500 billion for loans and guarantees through an Economic Stabilization Fund that authorizes the U.S. Treasury to support eligible businesses and States and local governments to cover losses incurred as a result of COVID-19.
- ❑ \$100 billion for hospitals and health care facilities to reimburse expenses or lost revenues not otherwise reimbursed that are directly attributable to COVID-19.

# The Stafford Act.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, as Amended ("Stafford Act"), 42 U.S.C. § 5121 *et seq.*, authorizes the President to provide Federal assistance in the event of a disaster to affected state and local governments, as well as certain private nonprofit organizations ("PNP") that provide public services to respond or recover.





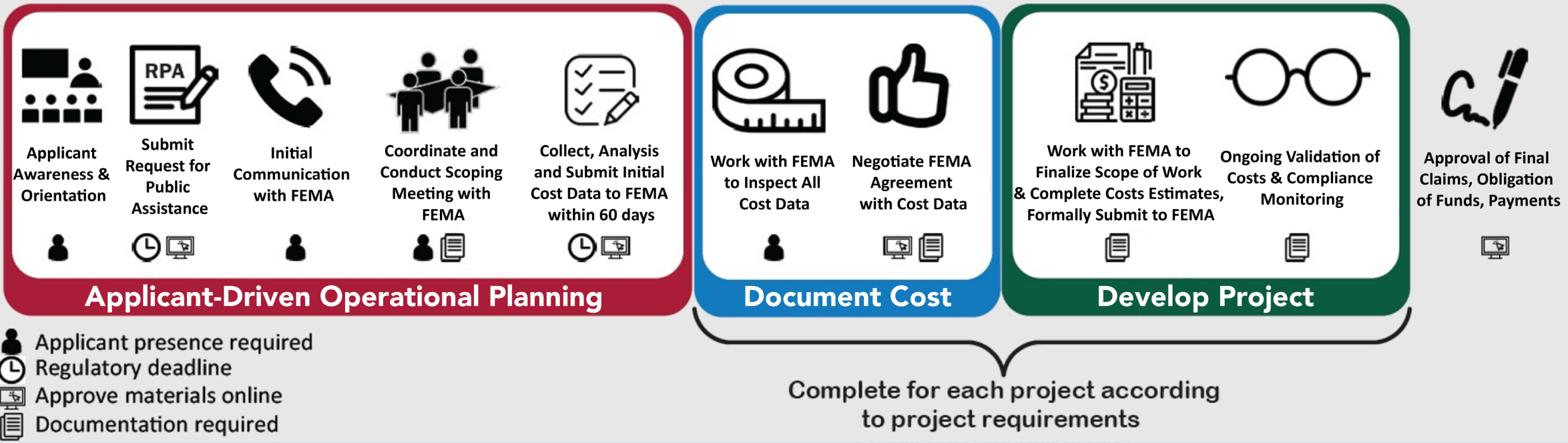
# FEMA

- ❑ FEMA provides assistance to State, Territorial, Indian Tribal, and local governments and certain types of PNP organizations under the Stafford Act via its Public Assistance ("PA") Program.
- ❑ For local governments the requests for PA must go through the State in which they are located.
- ❑ The State then bundles these requests and submits them to FEMA.



# COVID-19 National Emergency Public Safety Organizations

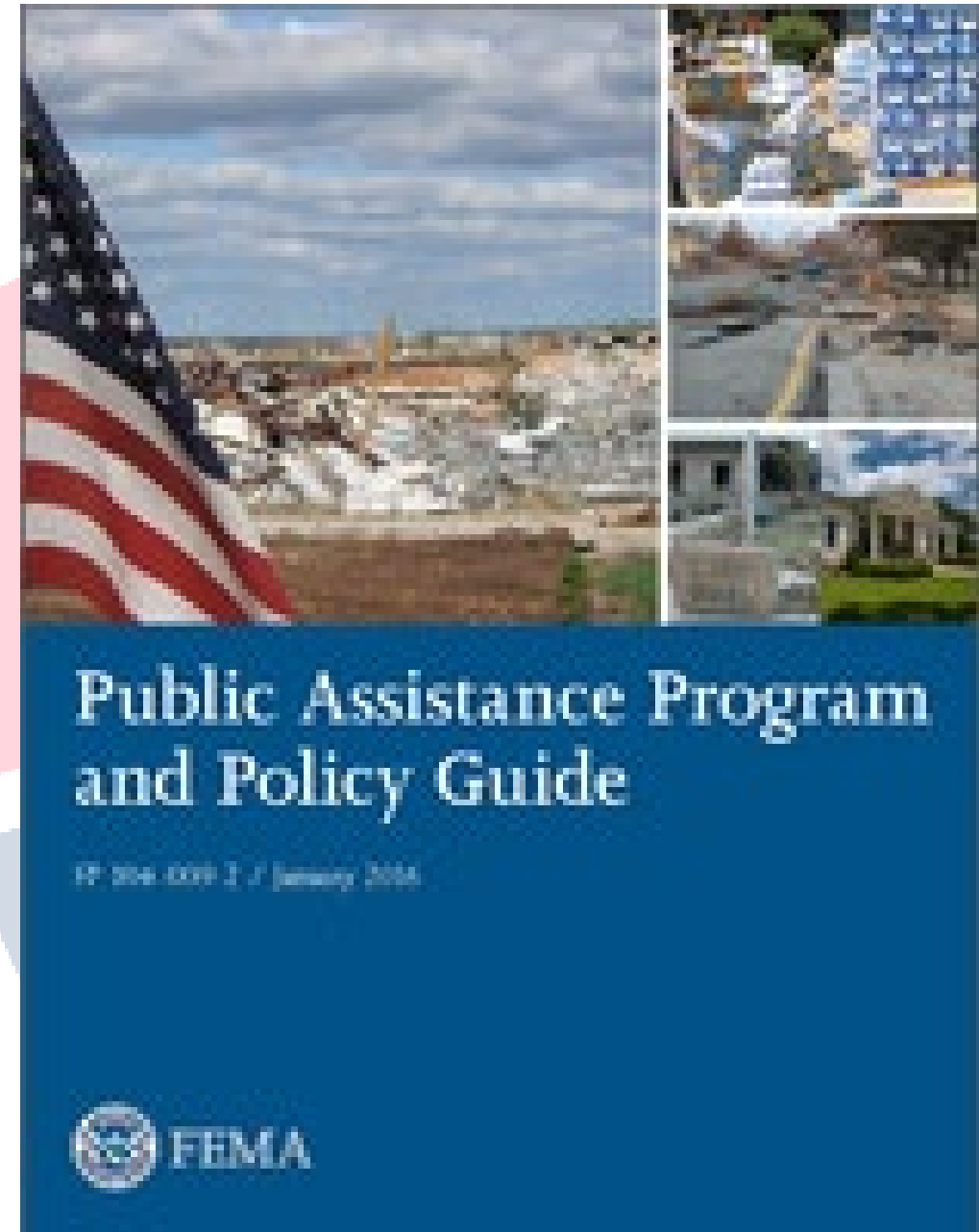
## FEMA PA Award Process



# The PAPPG

The FEMA Public Assistance and Policy Guide ("PAPPG").

Discusses the eligibility criteria for Public Assistance (PA) funding and provides comprehensive PA policy to use when evaluating eligibility.



# Eligible Expenses.

- ❑ Under Section 502 of the Stafford Act entities taking certain emergency protective measures pursuant to guidance by public health officials in response to the COVID-19 pandemic may be reimbursed under Category B of FEMA's PA Program.
- ❑ Through this program FEMA may provide a 75% federal cost share to eligible entities.

# Eligible Expenses.

- ❑ As a general matter for work to be eligible for PA the work must be **required** as a result of the declared emergency and must be the **legal responsibility** of an eligible applicant.
- ❑ With respect to specific costs, these costs must be directly tied to the performance of eligible work and must be **adequately documented**.
- ❑ Documentation required by FEMA for specific types of costs can be found in the PAPPG, p. 139-140, and should be rigorously followed.



# **COVID-19 National Disaster funding assistance for U.S. Sheriffs' emergency protective measures may include:**

- ☐ Emergency Staff overtime, on-call and standby costs- deputies, correctional, 911, etc.
- ☐ Necessary staff augmentation and specialized deployment costs - reserves;
- ☐ Emergency Operation Center costs;
- ☐ Purchase of Personal Protective Equipment (PPE);
- ☐ Equipment and vehicle costs (owned and leased);
- ☐ Training specific to the declared event;
- ☐ Disinfection of eligible public facilities;

# Eligible Expenses.

- ❑ Non-deferrable medical treatment of infected persons in a correctional facility (including Sheriff controlled temporary facilities);
- ❑ Related Sheriffs' medical facility services and supplies including PPE;
- ❑ Use of specialized medical/decontamination equipment, supplies, services, etc.;
- ❑ Medical waste disposal;

# Eligible Expenses.

- ❑ Emergency medical transport;
- ❑ Purchase and distribution of food, water, ice, medicine, and other consumable supplies;
- ❑ Non-ambulance movement of supplies and persons;
- ❑ Mitigation efforts, including structural modifications and process changes; and,
- ❑ Communications of general health and safety information to the public.

# Examples of Ineligible Costs.

- ❑ Straight Time (Regular Time).
- ❑ For Non-essential employees, the following is typically non-eligible:
  - Comp time;
  - Overtime;
  - Fringe Benefits.
- ❑ Provision of food for general public.
- ❑ Loss of Revenue - FEMA will not provide PA funding for revenue lost due to the event, such as lost tax revenue.







# FEMA

# Fact Sheet

## Stafford Act Declaration Process

To streamline the application process during the COVID-19 emergency, FEMA has developed the "Coronavirus (COVID-19) Pandemic: Public Assistance Simplified Application." This simplified application and the process to follow is explained at <https://www.fema.gov/news-release/2020/03/23/coronavirus-covid-19-pandemic-public-assistance-simplified-application>. Generally this process involves an online form for applicants to explain their eligibility and provide supporting documentation and cost estimates. Once this application is received FEMA will review, pose follow up questions if needed, and award assistance.

# **Beware the minefield: Documentation.**

In past events, applicants have had difficulties in creating, maintaining, and providing all required documentation for PA reimbursement.

Documentation requirements vary between activities. Typical requirements:

- ☐ Tie the cost to an eligible activity;
- ☐ Properly document the activity (who, what, when, where, how much); and,
- ☐ Document the legal responsibility to provide.



# Beware the minefield: Policies.

The existence of certain policies is a requirement before an event. The most important of these required policies are these:

- ☐ Payment Policy;
- ☐ Procurement Policy.

Applicants must abide by these policies. The payment policy cannot state that overtime is allowed only when there is a Federal declaration.

# Beware the minefield: Payroll Time Keeping.

For any Category B expense- applicants must tie all costs to an eligible activity. This applies to the time claimed for staff performing an eligible Category B activity.

- ❑ Applicants must provide an activity log, comments, etc. that illustrate what employees were doing during the time claimed by the applicant.
- ❑ Those activity logs or comments need to show that the employees were performing eligible Category B activities, *i.e.* working in EOC responding, operating a generator, providing security at a hospital, etc.

# Beware the minefield: Procurement.

- ❑ Generally states are required to follow their own procurement procedures as well as the Federal requirements for procurement of recovered materials and inclusion of required contract provisions per 2 C.F.R. §§ 200.317, 200.322, and 200.326.
- ❑ Non-compliance with federal procurement requirements remains a leading cause nationwide of **deobligations** and eligibility issues related to costs.
- ❑ Limited circumstances exist under which there are exceptions to noncompetitive procurement requirements.

# Beware the minefield: Procurement – Emergency or Exigent Circumstances.

- ❑ 2 C.F.R. Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards- establish requirements for the **exigency or emergency exception that permits the use of noncompetitive procurements**, frequently referred to as “sole-source contracting.”
- ❑ If circumstances are of such severity and magnitude that they prevent the undertaking of a procurement action, then strict adherence to these regulations is not required so long as the emergency or exigent circumstances exist. If the governmental entity is not going to use a competitive process to purchase goods and services, they need to document the reason and for emergency and exigent circumstances, the date those circumstances started and ended.

# **Beware the minefield: Costs that are Eligible Under Other Federal Awards.**

FEMA is legally prohibited from duplicating benefits from other sources, such as from insurance or other federal awards. Public Assistance is funding of last resort. If the applicant receives funding from another source for the same work that FEMA funded, FEMA reduces the eligible cost or deobligates funding to prevent a duplication of benefits.

# DOJ Coronavirus Funding

The CARES act contains the following funding from DOJ:

## DEPARTMENT OF JUSTICE GRANTS:

**\$850 MILLION - Funding to assist state, local, and tribal jurisdictions in responding to coronavirus. These funds will go directly to state, local and tribal governments for use by law enforcement and other disciplines.**

# Coronavirus Emergency Supplemental Funding (“CESF”) Program

- ❑ BJA posted the solicitation for this funding on March 30<sup>th</sup> and is found here: <https://bja.ojp.gov/funding/opportunities/bja-2020-18553>.
- ❑ Allowable projects and purchases include, but are not limited to, overtime, equipment (including PPE), hiring, supplies (such as gloves, masks, sanitizer), training, travel expenses (particularly related to the distribution of resources to the most impacted areas), and addressing the medical needs of inmates in state, local, and tribal prisons, jails, and detention centers.
- ❑ Applicants do not have to prove a criminal justice nexus so the funds can be expanded to other public safety partners.



# CESF Grants

- ❑ These grants are modeled on the 2019 JAG grant, so only recipients of that grant will be eligible applicants for this supplemental funding.
- ❑ Only the State Administering Agency ("SAA") who applied for the FY19 State JAG grant is eligible to apply for this grant.
- ❑ The grant application is open until May 29, 2020 and applications must be submitted via OJP's Grants Management System ("GMS").
- ❑ All applications must show the nexus to preventing, preparing for or responding to the coronavirus.

# CESF Grants

- ❑ Grant recipients may draw down funds in advance, or on a reimbursement basis.
- ❑ The project period will be **established retroactively to January 20, 2020**, but please note that federal supplanting rules apply.
- ❑ Because this grant has similar allowability as other federal programs, including the Stafford Act, applicants must be very careful not to duplicate expenses.
- ❑ BJA/OJP will expedite the review of these applications and move them as quickly as possible, with over 20 award recipients already notified.

# CESF Grants

- ❑ Over 350 new applicants (mostly small and medium-sized counties) are now eligible for this grant, as they were previously part of a joint FY19 JAG local grant.
- ❑ Municipal entities such as cities and counties should apply for the grant, but a sheriff's office or police department can serve as the organizational unit and sign the award.
- ❑ For questions, please contact Tracey Trautman, BJA Principal Deputy Director at [Tracey.Trautman@usdoj.gov](mailto:Tracey.Trautman@usdoj.gov).

# **\$1.9 billion to the CDC for preparedness and response activities.**

- ❑ Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (P.L. 116-123). This act provides funding to prevent, prepare for, and respond to Coronavirus Disease 2019 (COVID-19). \$1.9 billion for the Centers for Disease Control and Prevention (CDC), which includes **\$950 million** for state and local response efforts, of which \$475 million must be allocated within 30 days of the enactment of the bill,
- ❑ This funding is intended for state, local, territorial, and tribal health departments to carry out surveillance, epidemiology, laboratory capacity, infection control, mitigation, comms, and other preparedness and response activities.



THE  
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## Services to Sheriffs

### Partnership Provides:

- Funding pursuit and administration from well-experienced group led by former **law enforcement officials**;
- History of **successful navigation of the complexities of FEMA** Public Assistance (PA) and other complex programs;
- Start to finish administration of **all phases** of funding received, including legal appeals;
- Coordination with **State Emergency Management** agencies;
- Focus on **expediting payments**;
- Expertise provided will allow Sheriffs to make **critical decisions in real-time**;
- Leveraging of **multiple funding sources for maximum benefit** while avoiding duplication of benefits;
- Maximize reimbursement to include **full attribution of volunteer labor** and donated resources;

# **Thank You.**

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