



STATE OF INDIANA



Eric J. Holcomb, Governor
Devon McDonald, Executive Director

TO: All ICJI Staff and Subgrantees
FROM: Devon McDonald, Executive Director
RE: VOCA Match Waiver Policy & Procedure
EFFECTIVE DATE: October 18, 2021

I. Overview

The Indiana Criminal Justice Institute (“ICJI”) issues this revised VOCA Match Waiver Policy due to the passage of the VOCA Fix to Sustain the Crime Victims Fund Act of 2021 (VOCA Fix) (Public Law No: 117-27), which amended the Victims of Crime Act (VOCA) of 1984 (codified at 34 U.S.C. § 20101 et seq.). Section 3 of the VOCA Fix, codified at 34 U.S.C. § 20103(a)(7) and (8), allows state administering agencies (SAAs) to waive the VOCA Victim Assistance Program matching requirement, which for the VOCA Victim Assistance Program, is currently set out at 28 C.F.R. § 94.118. In summary, the VOCA Fix requires ICJI to establish and make public match waiver policies that describe how to request a waiver, the eligibility criteria for waiver, and the decision/notification process. It also requires that ICJI issue waivers for subrecipients during a pandemic national emergency, and for one year after it ends, including the national pandemic period beginning on March 1, 2020, related to the novel coronavirus (COVID-19).

II. Applicability

The VOCA Fix went into effect on July 22, 2021. This updated VOCA Match Waiver Policy is effective immediately and supersedes prior match waiver process guidance. This updated process applies to all match for active VOCA Victim Assistance Formula awards, beginning with Federal Fiscal Year (FFY) 2018 formula awards, that remains unmet at the time of the waiver. “Unmet match” means matching contributions where the contribution or activity to be accounted for as match has not already been accounted for and reported as match. SAAs are not required to waive match for subawards that are closed, or for the portion of a match requirement that has been met (*i.e.*, accounted for and reported as match).

This Applicability section applies to both the normal match waiver under the VOCA Fix (addressed in Section III), and the National Emergency Waiver (addressed in Section IV).

III. Implementation of the VOCA Match Waiver Process

28 C.F.R. § 94.118 requires Victims of Crime Act (VOCA) Grant Program subrecipients to “contribute (*i.e.*, match) not less than 20 percent (cash or in-kind) of the total cost of each project.” Match requirements are automatically waived for subrecipients that are federally recognized American Indian

or Alaska Native tribes (including projects that operate on tribal lands), as well as subrecipients that are territories or possessions of the United States (including projects that operate therein), except Puerto Rico. VOCA regulations also allow for hardship match waiver requests to be submitted to and approved by ICJI as the state administering agency of VOCA funds in the State of Indiana. ICJI reviews these requests and makes final determinations regarding approval of full or partial hardship waiver requests.

According to the VOCA Fix, the ICJI must establish a match waiver policy that is consistent with 34 U.S.C. § 20103(a)(7)(B) (Section 3 of the VOCA Fix), which requires that the policy be made public and include:

- The manner in which a subgrantee can request a match waiver;
- The criteria used to determine a subgrantee's eligibility of the match waiver; and
- The process for deciding and notifying subgrantees of the decision regarding the match waiver.

A. Requesting a Match Waiver

Subgrantees are responsible for submitting in writing to their VOCA grant manager a letter to request a full or partial waiver of the 20% VOCA match requirement. The letter must be on agency letterhead and signed by the budget representative for the agency. The letter must address the reason(s) why the match requirement cannot be met and the justification(s) for the match waiver request. Subgrantees are also responsible for submitting a completed copy of the VOCA Match Waiver Request Form.

When requesting a match waiver (in full or in part), the following information must be provided to ICJI:

1. Brief description of the project/services provided by the entity.
2. If the entity current receives VOCA grant, how is the match currently being met?
3. What justifications exist that impede the entity's ability to fully or partially provide matching funds for the VOCA grant?
4. What sources of match and methods has the entity considered in meeting the match requirement?
5. What steps does the entity plan to take in order to meet the match requirement in the future?
6. If the match waiver is approved, does the organization anticipate this will be a one-time request or are there continued extenuating circumstances that will require a waiver request in the next application?
7. How would a denial of the match waiver request impact the VOCA project?
8. Would the program have to decline all or part of the award if a match waiver is not approved?

B. Criteria for Match Waiver

In determining whether to approve a match waiver request, ICJI will consider the following factors:

- Practical and/or logistical obstacles to providing match (e.g., public agencies that do not engage in private fundraising and may have limitations on soliciting contributing funds);
- Local resource constraints (e.g., rural community with limited local funding availability or volunteer capacity);
- Increases to VOCA funding where local funding availability has not increased to the same degree; and
- Past ability to provide match – subrecipients should be expected to justify a decrease in the dollar amount of match from the prior year (e.g. by describing a change in circumstances).

C. Match Waiver Determinations

Once all supporting documentation has been submitted to ICJI for a match waiver request, a written match waiver determination will be sent to the applicant. A copy of the match waiver determination must also be uploaded to IntelliGrants, and a copy must be placed in the appropriate subrecipient project file. Determinations should include, at a minimum, the following information:

- Match determination;
- Justification; and
- Amounts waived for each federal award for which match is waived.

D. Waivers for a Class of Subrecipients

According to guidance provided by the Office for Victims of Crime (OVC), ICJI may issue waivers that apply to more than one award provided that there is reasonable and adequate justification pursuant to ICJI policies. ICJI may allow subrecipients to decline match waivers, if desired.

E. Monitoring

ICJI shall monitor each subrecipient's compliance with match appropriately throughout the life of the grant awards for which a match waiver is granted.

IV. National Emergency Pandemic Mandatory Match Waiver

A. Mandatory Match Waiver

The VOCA Fix, section 3(b), provides the following: "Beginning on the date a national emergency is declared under the National Emergencies Act (50 U.S.C. § 1601 et seq.) with respect to a pandemic and ending on the date that is one year after the date of the end of such national emergency, SAAs shall issue waivers for any matching requirement, in its entirety, for all eligible crime victim assistance programs contracted to provide services at that time." 34 U.S.C. 20103(a)(8). As such, ICJI *must* issue match waivers for VOCA grants during this time.

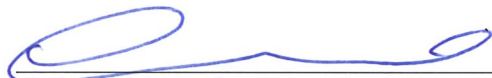
B. Implementation of Mandatory Match Waiver

When implementing mandatory match waivers pursuant to the national emergency pandemic waiver requirement, ICJI will issue blanket match waivers on behalf of all VOCA subrecipients. Subrecipients will not be required to submit a request as outlined in Section A. ICJI will implement the national emergency pandemic waiver requirement pursuant to reasonable processes (e.g., requiring subrecipients to submit project modification requests) as needed for appropriate management of VOCA Victim Assistance awards. As such, ICJI has updated its current processes to address both normal VOCA waivers (Section III) and pandemic emergency mandatory waivers (Section IV).

C. Expiration of the National Emergency Pandemic Period

At the conclusion of a national emergency pandemic period, ICJI will honor all match waivers granted during that period until they expire at the end of the applicable VOCA award for which match was waived. New VOCA awards or discrete renewals or continuations made after the end of that period will no longer qualify for mandatory match waiver. Any match waiver requests for those awards will be considered by ICJI under the ordinary match waiver process as outlined in Section III of this policy.

Approval



Devon McDonald, Executive Director
Indiana Criminal Justice Institute