

OVW Fiscal Year 2024 Special Tribal Criminal Jurisdiction: Targeted Support for Alaska Native Tribes Special Initiative Pre-Application Information Session transcript

TAMMY ASHLEY: Good morning, for everyone who is in Alaska. My name is Tammy Ashley. I am the Grant Management Specialist for the Special Tribal Criminal Jurisdiction and the Tribal Reimbursement Programs. Today, I have with me two people from my team who will be assisting me with today's presentation. I have Mary Mummaw, who I'd like to introduce herself.

MARY MUMMAW: Good afternoon from Michigan, everyone. Again, I'm a Grants Management Specialist as well and I have the privilege of working with Tammy. So, welcome.

TAMMY ASHLEY: Mary will be monitoring the chat. So, as you have questions, she will read them out and then I will answer them as best as I can to my ability. Also, with me from GFMD, I have Kristene Moore. Kristene?

KRISTENE MOORE: Hi, everyone. Happy to be here. Glad you could join us. I'll be talking about some of the financial pieces of the application later in the presentation.

TAMMY ASHLEY: Thank you, Kristene. So, thank you for coming today. I know it's very short notice, and I will be available through the contact information towards the end of the slide, as well as that's in the solicitation.

So, today, we are here for the 2024 Special Tribal Criminal Jurisdiction Solicitation on Targeted Support for Alaska Native Tribes. So, the STCJ Grant Program really supports Tribes in their efforts to exercise STCJ over non-Indians who commit "covered crimes" within that Tribe's jurisdictional boundaries. The grant program also provides technical assistance for planning and implementing changes in their criminal justice systems that are necessary in order to exercise jurisdiction. For "Covered crimes," there are assault of Tribal Justice personnel, child violence, dating violence, domestic violence, obstruction of justice, sexual violence, sex trafficking, stalking, and a violation of a protective order. For any of the applicants who apply for STCJ Alaska, there is a technical assistance provider in Alaska who will assist as well.

STCJ Alaska is designed to assist Alaska Native Tribal Governments or a consortium of Alaska Native Tribal Governments, that plan to seek designation by the Attorney General as participating Tribes able to exercise jurisdiction over non-Indians through the Alaska Pilot Program. I want to note that you do not have to be a part of the Alaska Pilot Program in order to apply for the solicitation. Alaska Pilot Program is not a funding opportunity. The STCJ is the funding opportunity, which will help Tribes begin to plan so

they can exercise, and as they apply for the Alaska Pilot Program, they'll have things in place that are needed in order to exercise.

So, eligible applicants are Governments of Indian Tribes or consortia of Indian Tribes that occupy a Village in Alaska. I noticed that there are several people who have registered for this webinar who are not in Alaska. There are two separate OVW solicitations for STCJ. One solicitation is for the Lower 48 Tribes, and this solicitation is specifically for Alaska Tribes. Anyone who is on here from outside of the state of Alaska, you're more than welcome to stay online, or you can look at the solicitations that are posted on the OVW website, or you can email ovw.tribaljurisdiction@usdoj.gov for any questions that you may have on either solicitation.

So, today, for STCJ Alaska, we are going to talk about the four different Purpose Areas. Every applicant must address at least one Purpose Area in their application. Purpose Area 1 has several parts to it. Purpose Area 1 is to strengthen Tribal Criminal Justice Systems to assist Tribes in exercising STCJ. This includes law enforcement, prosecution, trial and appellate courts, supervision systems, detention and corrections, treatment, rehabilitation, and reentry programs and services, culturally appropriate services and assistance for victims and their families, and criminal codes and rules of criminal procedure, appellate procedure, and evidence.

Purpose Area 2 is to provide indigent criminal defendants with licensed defense counsel at no cost to the defendant. Purpose Area 3 is to ensure that, in criminal proceedings in which a participating Tribe exercises STCJ, jurors are summoned, selected, and instructed in a manner that is consistent with requirements. And lastly, Purpose Area 4 is to accord victims of covered crimes rights that are similar to the rights of a crime victim. Please note that the STCJ Alaska Grant Program is not limited to Tribes that are already exercising or immediately prepared to exercise. Nor are they planning grant programs that are limited to only Tribes that are in the early planning and preparation phases. This solicitation opportunity is for Tribes who are at different stages of development across the Assessment and Planning, Implementation, and Exercising phases.

There are a few out-of-scope activities, as well as prior approval activities, that you will need to be aware of when you create your application. Out-of-scope activities include research projects, Tribal Justice Systems' response to cases that do not involve one or more of the covered crimes, or the purchase or lease of vehicles. Activities that require prior approval before they are done are surveys and renovations, including minor things like painting, carpeting, or installing lighting.

So, as I stated before, there are two separate applications that are eligible for funding opportunities at this time. Both are listed on the OVW website. If you go to OVW and look for open solicitations, you will find them both. The first one we're going to talk about, which is what we're here for today, is specifically to Tribes within the state of Alaska. The other solicitation is the STCJ program solicitation, which is for Tribes

outside of Alaska. Please read the appropriate solicitation when you apply so you can ensure that your application goes to the correct solicitation.

Today, I will send all registrants of today's webinar -- the PDF version -- of the PowerPoint that you are viewing today. The two solicitations are listed here. Both have the Assistance Listing the same, but the Grants.gov opportunity number is different. The deadlines for both solicitations remain the same. By July 9th, you will need to submit your SF-424 and your SF-LLL into Grants.gov by 11:59 PM on July 9th Eastern Standard Time. Please note that is 7:59 PM Alaska Time. The deadline to submit the full application into JustGrants is 8:59 PM on July 11. Please note that is 4:59 PM Alaska Time. Any applications tried to submit after that deadline will not go through, and you will need to email me directly.

For STCJ Alaska, the grant award period is 36 months. We are not setting a maximum award amount per application, and we anticipate all awards will start on October 1st of 2024. Eligible applicants are new applicants who have never received funding under the STCJ Alaska Program. Currently, there are two STCJ awardees from FY23, and they are not eligible to apply at this time.

The STCJ program requirements are that all awardees will participate in the Alaska Inter-Tribal Technical Assistance Working Group, which is currently planned and hosted by the Alaska Native Justice Center and The National Inter-Tribal Technical Assistance Working Group, which is hosted by the Tribal Law and Policy Institute. Both ITWGs are in conjunction and planning with OVW staff of STCJ programs. The Alaska ITWG and National ITWG are groups of Tribal representatives exchanging views, information, and advice on how Tribes may best exercise STCJ. The ITWG meetings are peer-led by Tribes, not by federal staff.

So, continuing on with program requirements is the Planning Period which all new applicants will need to go through. This is where award recipients engage in a planning period to further develop their project and their budgets. And until those two items are done, limited funds will be available to the Tribe. A dedicated project coordinator of at least 0.5 FTE, which is part-time is required for this solicitation. I would encourage any applying entity to have more than a 0.5 FTE and, if possible, a full-time employee. A Memorandum of Understanding or an Internal Memorandum of Understanding is required. New award recipients will develop and submit their MOU or IMOU during the planning period of the grant project. You do not need to submit this at the time of the application. Required MOU and IMOU partners for the program are Tribal Leadership, Tribal Judge, Tribal Prosecutor's Office, Tribal Attorneys, or In-house General Counsel, Law Enforcement, and a Victim Service Provider. The Victim Service Providers must provide direct services to victims of any of the covered crimes.

For the Attorney General Designation, all awards will include an award commission that requires that the recipient may not exercise STCJ over non-Indian offenders who commit covered crimes unless that Tribe is designated by the Attorney General in order to participate in the Alaska Pilot Program. All applicants must submit the Documentation

Demonstrating Authority to Apply. This document must be uploaded and attached as a separate attachment under the "Additional Application Components" section in JustGrants. Applicants must provide a valid Tribal resolution or a letter on Tribal letterhead, signed by the chief executive officer of the governing body of the Tribe. This could be the Tribal chairperson, president, governor, principal chief, or other equivalent official that states that the applicant is a federally recognized Tribe and that the Tribe has jurisdiction over lands that meet the definition of Indian country.

And I do see a question in the chat. "What if you do not have some of those required in the MOU, prosecutors, police, for example?"

So, when you create your MOU and you're looking at the partners, you do not need a partner from every single entity. Those were examples of what you can have as partners in your MOU. Your MOU should be in alignment with your project proposal.

MARY MUMMAW: Tammy, we have another question.

TAMMY ASHLEY: Okay.

MARY MUMMAW: It reads, "Any chance this deadline will be extended given this webinar is nearly a month late?"

TAMMY ASHLEY: It is possible.

MARY MUMMAW: "Does Indian Country include "village" as defined in VAWA 2022?"

TAMMY ASHLEY: Yes, it does.

The governing body of the Tribe intends to plan, develop, implement, and exercise STCJ within its jurisdiction. All internal required project partners will participate in and cooperate with the planning, development, implementation, and exercise of STCJ. The Tribe will authorize Tribal agencies or officials to enter into and sign a Memorandum of Understanding or Internal Memorandum of Understanding to implement the project. Failure to provide this required documentation may disqualify an application from further consideration. Just a reminder that the partners that you have in your MOU further strengthen your proposal into your project.

All applications must be submitted to OVW through a two-step process that begins in Grants.gov and is completed into JustGrants. You cannot get to the JustGrants portion if you do not complete the Grants.gov first. By July 9, applicants must submit by the Grants.gov deadline the required application for the Federal Assistance standard form, which is the SF-424, and the Disclosure of Lobbying Activities form, the SF-LLL into Grants.gov. Again, that deadline is July 9 by 11:59 PM, which is 7:59 PM Alaska Time.

Applicants must complete the SF-424 in Grants.gov as part of Step 1 of the application submission process. The SF-424 is generated when the applicant begins the

submission process in Grants.gov. For the Type of Applicant (box 9), do not select "Other." Please remember, do not select "Other." The amount of federal funding requested in the estimated funding section of this form should match the amount of federal funding requested in the budget of the application. This program does not require a match from any partner. The individual who is listed as the "Authorized Representative" must have the authority to apply for and accept grant awards on behalf of the organization who is applying.

So, for SF-424 Question 19, this solicitation or "funding opportunity" is not subject to intergovernmental review under the Executive Order 12372.

All applicants must also complete and submit the Disclosure of Lobbying Activities, SF-LLL form into Grants.gov as part of Step 1 of the application submission process.

Applicants who do not expend any funds for lobbying activities should enter "N/A" in the required highlighted fields. Please do not leave that section blank.

The Standard Applicant Information, which is the JustGrants 424, and General Agency Information, is the section is pre-populated with the SF-424 data submitted into Grants.gov. This is where applicants will begin Step 2 of the application process.

Applicants will review the Standard Applicant Information in JustGrants and make edits as needed, confirm the Authorized Representative, verify the legal name and address, as well as the ZIP code for the areas that are in the project. Step 2 is when applicants submit the full application, including all attachments into JustGrants. The deadline is 8:59 PM on July 11, which is 4:59 PM Alaska Time. Just a tip -- when you are submitting your application, JustGrants functions better with a PC using Edge web or Chrome as the browsers.

Now, we're getting to the application contents. Number one is the Proposal Abstract. This is a short summary of what you were going to do, no more than one page. Number two is the Data Requested with the Application. Applicants must complete the three questionnaires in JustGrants. This is the Pre-Award Risk Assessment, the Applicant Entity Questionnaire, and the Tribal Jurisdiction Program Summary Data Sheet. Although the questionnaires must be completed in JustGrants, the questions can be viewed as Appendices B, C, and D of this application. The largest part of your application is going to be your Proposal Narrative. All proposal narratives may not exceed 25 pages and must be double-spaced, and include the following three sections, the "Purpose of the Proposal," "What Will Be Done," and "Who Will Implement the Proposal." This should include the applying entity as well as every partner that you plan to have into your project. The total point value for the Proposal Narrative is 80 points and must be uploaded as an attachment in JustGrants.

Next is the Budget Worksheet and Budget Narrative. The Budget Worksheet Narrative must include 36 months of project activity. Funds to provide language access or describe other resources available to the applicant to ensure meaningful access for persons with limited of English proficiency, as well as funds to provide access for people with disabilities or who are hard of hearing or Deaf and describe other resources available to the applicant. Fifty thousand dollars of the budget must be set aside for

awardees to attend the OVW-sponsored TTA events throughout the year. This amount is for the entire project, not per year. Applicants may also budget extra funds in order to attend relevant non-OVW sponsored conferences or trainings that they would like permission to use grant funds for. The budget must include salary and fringe benefits costs to support, at a minimum, the half-time Project Coordinator position, as well as any other staff who will be working on the project. The Budget Worksheet and Budget Narrative must be uploaded as an attachment into JustGrants.

At this time, we are estimating awards to be \$500,000 over a 36-month period. All applicants must submit their documentation demonstrating the authority to apply. This document must be uploaded and attached as a separate attachment under the additional application component section into JustGrants. Applicants must attach a letter into JustGrants to the OVW Director, signed by the Authorized Representative, certifying that federal funds will not be used to supplant any other federal, state, or local government should an award be made. A sample Letter of Nonsupplanting is available on the OVW website. All applicants are required to acknowledge that they have received notice that grantees and subgrantees must comply with the confidentiality and privacy requirements of VAWA. Applicants must upload and attach, under "Additional Attachments" into JustGrants, the completed acknowledgement form available on the OVW website. This form must be signed by the Authorized Representative.

Applicants must disclose whether they have any of the following in the summary of other federal funding. One, an OVW grant or cooperative agreement that is open or closed or has been closed within the last 12 months, a subaward under an OVW grant or cooperative agreement that is open or has been closed within 12 months, a pending OVW application as either the lead applicant or recipient as a partner or potential subrecipient, if the applicant has a federal award to do the same or similar work, or has a pending federal application to do the same or similar work. This information must be provided by completing the Summary of Other Federal Funding form in the "Disclosures and Assurances" section of JustGrants before submitting the application.

MARY MUMMAW: Tammy, we have a question.

TAMMY ASHLEY: Okay.

MARY MUMMAW: "How should we handle supplement questions if we have applied for grants but have yet to hear if funded for some similar activities through CTAS?"

TAMMY ASHLEY: You can -- because that is a federal application. You will still list that application as a pending and that you are awaiting to hear back.

MARY MUMMAW: Thank you.

TAMMY ASHLEY: If an applicant has an indirect cost rate agreement, applicants that intend to charge indirect rate or indirect costs through the use of a negotiated indirect cost rate must have a current, signed, federally approved indirect cost rate agreement

and must upload that and attach a copy of the agreement to their application into JustGrants. Any applicant who does not have a current negotiated indirect cost rate may elect to charge a de minimis rate of 10% of modified total direct costs.

Organizations that wish to negotiate an indirect cost rate should contact OVW Grant Financial Management Division at OVW.GFMD@usdoj.gov or call 1-888-514-8556 for more information. All applicants must review, complete, and submit the following disclosures, assurances, and certifications. Disclosure of Lobbying Activities, this is the SF-LLL form, the DOJ Certified Standard Assurances, the DOJ Certifications Regarding Lobby, Debarment, Suspension, and Other Responsibility Matters, and Drug-Free Workplace Requirements. All applicants must read and acknowledge these certifications in JustGrants. Kristene?

KRISTENE MOORE: Thanks, Tammy. So, in the next couple of slides, we're going to focus on aspects of your application that relate to the documents that our financial team -- which is the Grants Financial Management Division -- what we review. More specifically, we're going to discuss some of the items that GFMD has identified from prior years' applications that could help with expediting our review process of your applications.

So, for today, we're going to highlight certain aspects of the Pre-Award Risk Assessment and provide you with a link to a detailed webinar on how to develop a budget that will be included in your application. First, we're going to highlight the items identified in the Summary Data Sheet, which is completed by all applicants. Specifically, two items that we're going to discuss are the Single Audit Responses and the IRS three-step safe-harbor procedure. So, for the first piece, OVW requests that all applicants provide a statement as to whether they have expended \$750,000 or more in federal funds during their last fiscal year. If they have, then they're going to indicate that and also specify the end date of that fiscal year. In the past, GFMD has noticed that applicants don't always include all of that information with it being a two-part question. So please ensure that this question is answered in its entirety on that summary data sheet, which is usually question number three.

The second item that we're going to highlight from the solicitation is specifically for nonprofit organizations. So, if you, a nonprofit, use the IRS's three-step safe-harbor procedure to just determine their executive's compensation, then they're required to provide a disclosure letter. So, you're going to refer to the solicitation for further details on that. And the solicitation has a link to a sample letter if you need to include it. For that letter, if you need to include it, there are four required parts, and a sample letter provides the outline for all of those parts. So, again, please be sure to follow that example and provide a response to each of the pieces.

The next section of the application that we want to discuss is the Pre-Award Risk Assessment questionnaire, which assists GFMD or the financial division during our Pre-Award Risk Assessment review for all applications. So, each applicant must prepare a response to all 11 questions, and we want to note that each question may have multiple

parts to it. So, again, from prior years, we've noticed that applicants don't always fully answer the parts of the question, which in turn requires us at GFMD to reach out to the applicant, which may delay the funding decision. One of the most common issues that we've encountered is question number two. The applicant will indicate that they do indeed have internal policies, but they won't provide a brief list of topics covered in those policy procedures. And that question, again, has two parts to it, so the answer should address both parts. Question number three is another example. Some applicants fail to provide a brief summary of the organization's process for tracking expenditures and, more specifically, whether or not it tracks budgeted versus actual expenditures. So, those are just a few examples that we've seen and wanted to highlight here. But in general, again, just please make sure that you read each piece of each question and provide a full and comprehensive response.

This next slide just quickly highlights some of the resources that are available to you as you're creating the budget that needs to be submitted with your application. Over the last couple of years, GFMD has developed a detailed webinar presentation on how to develop a budget to be submitted with the OVW applications. So, this presentation addresses some of the challenges that you may face with your budget and provides some insight on OVW's budget review process. The link to that webinar can be found on this slide. The next one we want to highlight from this page is the Uniform Guidance, which can be found at 2 CFR Part 200, which you can just search online. Lastly, the DOJ Financial Guide and the solicitation itself. You want to make sure you use all these resources as you're developing your application.

And lastly, we know there is a lot of information to be processed, so if you have any questions for the financial team about the information we discussed, you can reach out to us either via phone to our help desk, which is 888-514-8556, or you can email us at OVW.GFMD@usdojgov. And Tammy, I'm going to go ahead and pass it back over to you.

TAMMY ASHLEY: Thank you, Kristene. For the OVW Tribal Affairs Division, the STCJ Grant Program, I am the Grant Management Specialist for Alaska, and my peer, Regina Madison, is the senior Grants Management Specialist for the Lower 48 Tribes who are applying. You can reach us at OVW.TribalJurisdiction@usdoj.gov or at 202-307-6026. Also, on this slide, are our individual emails. Are there any questions about today's presentation?

MARY MUMMAW: We just got one question, Tammy. "Is the population for the village statistical area the same as what you would get from the census?"

TAMMY ASHLEY: I am unsure of that. However, we can find that information out. Any other questions?

MARY MUMMAW: No questions posted in the chat.

TAMMY ASHLEY: I appreciate everyone joining us today. In the event that there is an extension on applications, we will notify everyone on this webinar today, and we will also ask our partners as well as share that with OVW on the website.

MARY MUMMAW: We have one question that just came in, Tammy.

TAMMY ASHLEY: Uh-hmm.

MARY MUMMAW: It asks, "How many letters of intent did you receive?"

TAMMY ASHLEY: At this time, we've received one. However, you do not need to send in a letter of intent in order to apply. That was highly encouraged, but not a requirement.

MARY MUMMAW: One more question came in, it asks, "What sort of outreach will you undertake?"

TAMMY ASHLEY: So, for this solicitation, we have posted it on our website, we have shared it with our social medias, we have also shared it with TA providers that partner with us on STCJ Projects, who have been asked to share it with their list serves and their contacts throughout the state.

MARY MUMMAW: One more question or a statement, it looks like. "Many of our Tribes are out at fish camps during this time and may not even know about this grant, just an FYI."

TAMMY ASHLEY: I completely understand that. In the future, we look to eliminate some of the crossover around subsistence needs for the state. So, I have shared my contact information in the slides. Please feel free to reach out to me should you have any questions. If you do not get a response from me timely, please email the Tribal Jurisdiction email as well as that is monitored daily, especially since we are going into a holiday week. Well, thank you everyone.