

# Title II Formula Grants Program

## Frequently Asked Questions (FAQ)

OJJDP's Title II Formula Grants Program provides funding to support state and local efforts to plan, establish, operate, coordinate, and evaluate policies and projects, directly or through grants and contracts with public and private agencies, for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs, as well as justice system improvement efforts.

### Program Information

#### **What is the purpose of the Title II Formula Grants Program**

To provide funding to support state and local efforts to plan, establish, operate, coordinate, and evaluate policies and projects, directly or through grants and contracts with public and private agencies, for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs, as well as justice system improvement efforts.

#### **What are the Core Requirements?**

To be eligible to receive a formula grant under JJDP's Title II, Part B Formula Grants Program, a state must (1) address 33 statutory state plan requirements, (2) designate a state agency to prepare and administer the state's comprehensive three-year juvenile justice and delinquency prevention plan, (3) establish a State Advisory Group to provide policy direction and participate in the preparation and administration of the three-year-plan, and (4) commit to achieve and maintain compliance with the core requirements of the JJDP:

- deinstitutionalization of status offenders,
- separation of juveniles from adult inmates,
- removal of juveniles from adult jails and lockups, and
- addressing racial and ethnic disparities.

### Reference Information

#### **What is the authorizing legislation for the Title II Formula Grants Program?**

Juvenile Justice and Delinquency Prevention (JJDP) Act, at 34 U.S.C. §§ 11131–11133.

#### **What is the Assistance Listings number for the Title II Formula Grants Program?**

16.540

### Award Eligibility

#### **Who is eligible to apply for the Title II Formula Grants Program?**

Only states agencies designated by the chief executive (e.g., the Governor) of each state, also known as the Designated State Agency (DSA), are eligible to apply.

Pursuant to the Juvenile Justice and Delinquency Prevention (JJDP) Act, at 34 U.S.C. § 11103(7), the term "state" means any state of the United States, the District of Columbia, the

Commonwealth of Puerto Rico, U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

**Why would a state not receive an award?**

A state may not receive an award if it has not addressed the 33 statutory state plan requirements.

**Are states required to pass through funding?**

The JJDP Act at 34 U.S.C. § 11133(a)(5) provides that unless the OJJDP Administrator grants a waiver to any state in which the services for delinquent or other youth are organized primarily on a statewide basis, the state plan must provide that at least 66 and 2/3 percent of funds that the state receives under 34 U.S.C. § 11132, reduced by the percentage (if any) that the state specifies under 34 U.S.C. § 11133(a)(25) and excluding funds made available to the SAG under 34 U.S.C. § 11132(d), shall be expended through subawards, as required in 34 U.S.C. § 11133(a)(5).

**Potential Funding Reductions**

**Are Title II Funds subject to any funding reductions?**

A state's award will be reduced by 20 percent for each of the following core requirements with which it is determined to be out of compliance:

1. deinstitutionalization of status offenders,
2. separation of juveniles from adult inmates,
3. removal of juveniles from adult jails and lockups, and
4. addressing racial and ethnic disparities.

**What is required under the Prison Rape Elimination Act (PREA) and what is the funding reduction for failure to comply?**

In 2012, DOJ published the National PREA Standards, which were promulgated to prevent, detect, and respond to sexual victimization and abuse in confinement settings. The PREA Standards are set out at 28 C.F.R. Part 115, and apply to confinement facilities including adult prisons and jails, lockups, community confinement facilities, and juvenile facilities.

Under PREA, if a state's chief executive (e.g., governor) does not certify full compliance with the National PREA Standards, the state is subject to the loss of 5 percent of certain DOJ grant funds, including Title II award funds, unless the chief executive submits an assurance to DOJ that no less than 5 percent of such funds will be used solely for the purpose of enabling the state to achieve and certify full compliance with the PREA Standards in future years. See [34 U.S.C. § 30307\(e\)\(2\)](#).

**Application Requirements**

**How do eligible entities apply for Title II Formula Grants Program funds?**

DOJ funding opportunities follow a two-part application process.

Step 1: The applicant must submit, by the Grants.gov deadline, the required Application for Federal Assistance standard form (SF)-424 and a Disclosure of Lobbying Activities (SF-LLL) form when they register in Grants.gov at <https://www.grants.gov/web/grants/register.html>.

Step 2: After applying in Grants.gov, the application information and SF-424 and the SF-LLL forms will be transferred to JustGrants. The applicant must then complete and submit the full application, including all attachments identified in the solicitation, in JustGrants at [JustGrants.usdoj.gov](https://JustGrants.usdoj.gov).

Applicants MUST have a valid Data Universal Number System (DUNS) number and a valid System of Award Management (SAM) registration in order to begin the application process in Grants.gov. See the [OJP Grant Application Resource Guide](#) for detailed instructions. We encourage applicants to register several weeks before the Grants.gov application submission deadline. For first-time registrants, it can take several weeks to receive confirmation of registration and a user password.

Note: The application must be submitted by an applicant with a DUNS number associated with the DSA that is eligible to apply in order to receive an award.

**What is the System for Award Management (SAM) database and how does a jurisdiction register?**

SAM is the repository for certain standard information about federal financial assistance applicants, award recipients, and subrecipients. For further information, please refer to the [OJP Grant Application Resource Guide](#).

**Who should be listed as the Authorized Representative on the Title II application?**

The authorized representative must have the authority to enter the state government into a legal agreement with the federal government.

**What are the project and budget periods for the awards?**

Title II Formula Grants Program awards are typically awarded a 4-year budget and period of performance. The project and budget period coincide and are awarded on the federal fiscal year, beginning October 1 and concluding on September 30.

**What is the deadline for this solicitation?**

The application process will consist of one submission deadline in two systems, JustGrants and the OJJDP Compliance Monitoring Tool.

Applicants must submit the following via JustGrants by the solicitation deadline.

- Year 3 Eligibility Assurances and Certifications form.
- Project Abstract.
- Any updates to the previously approved 3-Year State Plan with related narrative, or a statement indicating there are no changes to that State Plan.
- State Advisory Group (SAG) roster.
- Budget – The document you attach can be a preliminary/estimated FY 2023 budget, or submit your FY 2022 budget document as a “placeholder.”
- Financial Management Questionnaire .
- State agency contact information.
- Disclosure of Lobbying Activities Form.
- Request for waiver of pass-through requirement, if applicable. Research and evaluation information, if applicable.
- Research and evaluation information, if applicable.
- Disclosure of pending applications.

Applicants must submit the following via the online OJJDP Compliance Monitoring Tool by the solicitation deadline:

- State compliance data for the Deinstitutionalization of Status Offenders (DSO), Separation, and Jail Removal core requirements of the JJDP Act (34 U.S.C. §§ 11133(a)(11)(A), (11)(B)<sup>1</sup>, (12), and (13)) and supporting documentation.
- Training Policy Certification.
- Compliance Monitoring Data Certification.
- Racial and Ethnic Disparities (R/ED) core requirement plan, data, and supporting documentation. (R/ED data can be based on the state's calendar year, state's fiscal year, or federal fiscal year.)
- Plan for Compliance Monitoring describing an effective system of monitoring, as required under 34 U.S.C. § 11133(a)(14) and detailed [here](#).  
Note: An updated copy of the state's comprehensive Compliance Monitoring Policies and Procedures Manual suffices to meet this requirement where all eight required elements are fully addressed.
- Compliance Monitoring Universe.
- Compliance Plans and Resources Certification, where applicable.

**Am I required to submit a complete budget at the time of application?**

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<sup>1</sup> In FY 2023, states are required to provide data for the section 223(a)(11)(B) requirement, but compliance determinations will not be made for that requirement. The FY 2022 data will be used with the FY 2023 data to determine the compliance standard to be used in FY25.

Applicants are required to submit a placeholder budget document with their application in JustGrants. Final budgets should be submitted once OJJDP posts the final budget allocation amounts. The placeholder budget document can be an estimate based on the previous year's awards. For more information see the attached Budget Detail Worksheet [here](#).

## **Use of Funds**

### **What can Title II Formula Grants Program funds be used for?**

In general, Title II funds may be used to provide additional personnel, equipment, supplies, contractual support, training, and technical assistance in support of state and local delinquency prevention and intervention efforts, and juvenile justice systems improvements. Funds may be used in one or more of the program purpose areas [here](#).

### **Can Title II awards be used for Planning and Administrative expenses?**

Pursuant to the JJDP Act, at 34 U.S.C. § 11132(c), a state may use no more than 10 percent of their Formula Grant award for costs associated with administering the award. Administrative costs (when utilized) must be tracked separately; a recipient must report in separate Federal Financial Reports (SF-425) those expenditures that specifically relate to each particular award during any particular reporting period.

### **Are states required to subaward Title II funds?**

Yes, states are required to pass through funds in the form of subawards to be used in one or more of the program purpose areas found [here](#).

The JJDP Act at 34 U.S.C. § 11133(a)(5) provides that unless the OJJDP Administrator grants a waiver to any state in which the services for delinquent or other youth are organized primarily on a statewide basis, the state plan must provide that at least 66 and 2/3 percent of funds that the state receives under 34 U.S.C. § 11132, reduced by the percentage (if any) that the state specifies under 34 U.S.C. § 11133(a)(25) and excluding funds made available to the SAG under 34 U.S.C. § 11132(d), shall be expended through subawards, as required in 34 U.S.C. § 11133(a)(5).

**Can states make subawards to public or private nonprofit organizations?**

Yes, states may use fund subawards to public and nonprofit organizations that are community-based programs and services.

**Are states required to allocate monies to the State Advisory Group (SAG)?**

States and territories may not use more than 5 percent of their annual allocation to support the SAG in carrying out the activities required under 34 U.S.C. § 11133(a)(3)(B)-(D), which must be described in the state plan.

**Are states required to pass through Title II funds to Indian Tribes?**

The required amount of the Native American pass-through represents the minimum amount a state must pass through to Tribes that perform law enforcement functions as determined by the Secretary of the Interior, and that agree to attempt to comply with the core requirements. See 34 U.S.C. § 11133(a)(5)(C).

**Is there a Match Requirement?**



Pursuant to the JJDP Act, at 34 U.S.C. § 11132(c), states may use no more than 10 percent of their Formula Grant allocation for planning and administration. States that choose to use funds in this manner must indicate that choice in their state plans and attached budgets and provide a detailed breakdown of those costs. States must match, on an equal basis, any amount of federal funds that they expend or obligate for such purposes. States must identify the source of the match and how they will use match funds in their attached budget. States must satisfy this match requirement with cash. If a state's proposed additional match exceeds the required match amount, the match amount that is incorporated into the OJP-approved budget is also mandatory and subject to audit. NOTE: The JJRA amended the JJDP Act to require that states designate not less than one individual to coordinate efforts to achieve and sustain compliance with the core requirements and certify whether the state is in compliance with such requirements.

**Can indirect costs be charged to an award?**

Award recipients with a federally approved indirect cost rate from their Cognizant Federal Agency may allocate and charge indirect costs to their award. Award recipients are required to include indirect costs in their proposed budget for review and approval.

For additional information on indirect costs, please see the [DOJ Grants Financial Guide](#).

**What are the rules pertaining to tracking and expending Title II funds?**

Both the prime recipient and all subrecipients of Title II Formula Grants Program funds are prohibited from commingling funds on a program-by-program or project-by-project basis. All funds (direct, indirect, and match) must be tracked by program or project and within the appropriate budget categories.

**What is supplanting of funds, and does it apply to Title II funding?**

Title II funds may not be used to supplant (supersede or replace) state or local funds but must be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for juvenile justice activities. For additional information, see the [DOJ Grants Financial Guide](#).

**Can multiple federal grant awards be used to supplement, not duplicate, the same project?**

Each applicant is required to disclose whether it has (or is proposed as a subrecipient under) any pending applications for federally funded grants or cooperative agreements that (1) include requests for funding to support the same project being proposed in the application under this solicitation and (2) would cover identical cost items outlined in the budget submitted to OJP as part of the application under this solicitation. The applicant is required to disclose applications made directly to federal awarding agencies and also applications for subawards of federal funds (e.g., applications to state agencies that will subaward ("subgrant") federal funds).

Leveraging multiple funding sources in a complementary manner to implement comprehensive programs or projects is encouraged and is not seen as inappropriate duplication.

**Reporting Requirements**

**What are the standard programmatic and financial reporting requirements once a Title II grant is awarded?**

Title II Formula Grants Program award recipients are required to submit quarterly financial reports, annual progress reports, and, if applicable, an annual audit report in accordance with the Part 200 Uniform Requirements or specific award conditions.

**When are the first performance measurement and financial reports due for Title II awards?**

Title II Formula Grants Program award recipients are required to submit annual programmatic performance reports. The reporting period is from October through September and all reports are due by December 30.

**What system is used to submit my performance reports to OJJDP?**

Performance Measure reports, including the progress report (narrative) and/or performance measure questions, are submitted directly into JustGrants.

**Award Conditions**

**What is an award condition?**

Award conditions are contractual terms and conditions that are included with the award.

**What is a withholding award condition and why is it placed on my award?**

Any award condition that is designated as withholding funds prevents award recipients from accessing funds, in whole or in part, until that award condition has been satisfied.

**Why is a withholding condition for the Title II budget placed on my award?**

At the time of award, a placeholder budget was submitted with your award. To satisfy the award condition, submit your final budget when allocations are known.

**Am I required to post my 3-year state plan?**

No later than 60 days after the date on which a plan or amended plan submitted under this subsection is finalized, a state shall make the plan or amended plan publicly available by posting the plan or amended plan on the state's publicly available website, pursuant to 34 U.S.C. § 11133(a).

**Award Management**

**How do I accept or decline my award?**

Award recipients will formally accept or decline their award electronically in the JustGrants system. For step-by-step instructions, please see the [Grantee Award Acceptance Job Aid Reference Guide](#) (updated August 10, 2021).

Note: Your entity must successfully set up their JustGrants account and enroll in the Automated Standard Application for Payments (ASAP) in order to accept and manage their award. The JustGrants [Training: Award Acceptance](#) website provides further clarification, definitions, and visual representations of this processes.

**How do I print my award documents?**

For step-by-step instructions on how to print your award documents, please see the [Printing Award Documents](#) (updated September 27, 2021) reference guide.

**Where do I view my award conditions?**

Prior to award acceptance, all award conditions can be viewed on the Award Package tab as part of the legal award package in Just Grants. After award acceptance, a list of all award conditions, and the status of those conditions, is visible on the Award Conditions tab in the funded award.

**Am I required to clear all withholding award conditions prior to accessing any Title II funds?**

Yes, to access funding you must ensure compliance with all withholding conditions prior to drawdown of funding.

**How do I clear any withholding award conditions preventing access to funds?**

Each condition has instructions indicating what is required to satisfy an award condition. Per the withholding condition, award recipients should submit the requested documentation via JustGrants as a programmatic approval GAM for review by the Program Manager.

**How do I request or notify OJJDP of any changes to my approved project plan?**

If there are changes to the approved 3-Year Plan, you should notify your OJJDP Program Manager and submit a summary of those changes via a programmatic approval GAM in JustGrants.

**How do I request a project period extension?**

Award recipients may request a no-cost extension by submitting a GAM in the JustGrants system at least 30 calendar days prior to the end of the award. Award recipients may request an

extension to receive additional time to achieve the goals and objectives of the grant program. Project period extensions do not provide additional funding. All extension requests will be evaluated on a case-by-case basis. Generally, only one extension will be permitted, and the award period will not be extended merely for the purpose of using unobligated funds.

**When do I close my award?**

Award recipients should start the closeout process as soon as the program is completed, and all federal and matching funds have been spent. All award recipients have 120 calendar days after the end of the period of performance to close out the award.

**Are there any resources to help me navigate JustGrants?**

The Department of Justice (DOJ) has made a collection of training resources available for JustGrants users [here](#). Training materials include self-guided eLearning videos, which are supplemented by job aid reference guides, checklists, and infographics. These resources will help users learn to navigate the system effectively and complete various essential grants management tasks.

As a supplement to the self-guided training materials, the JustGrants team offers additional opportunities through Virtual Q&A sessions for award recipients to receive real-time technical assistance and support on JustGrants system functionality. Visit the [Virtual Q&A Sessions](#) page for more information.

Please contact the [JustGrants Training team](#) with any questions about the training content. If you have trouble accessing the trainings or you need technical assistance with your JustGrants account, please contact [JustGrants User Support](#).

**If I have any questions about my award, who do I contact?**

If you have any questions about your award, contact your assigned OJJDP Program Manager.

If you have any questions about the information provided in this document, please contact your OJJDP Program Manager or Title II lead, Nicole McCrae, at Nicole. McCrae@ojp.usdoj.gov.

\* These FAQs are for reference only and to assist states. These FAQs do not supersede any conflicting guidance provided in the Title II Formula Grants Program solicitations or grant award documents.