



NEBRASKA

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**COMMISSION ON LAW ENFORCEMENT
AND CRIMINAL JUSTICE**

Federal Grants and Programs

**VOCA Match Waiver
Policy & Procedure**

EFFECTIVE 07.01.2019

REVISED 12.30.2021



Introduction:

Effective July 01, 2019, The Office of Victims of Crime (OVC) will no longer require OVC prior approval of VOCA subrecipient full or partial match waivers. VOCA match waivers will be approved by the State Administering Agency, the Nebraska Crime Commission (NCC).

Below are the policy and procedures of the Nebraska Crime Commission to be used as a guide for approving VOCA match waivers. If this policy changes, NCC will submit to OVC the revised policy within 30-calendar days of the changes to this policy and will obtain OVC approval prior to making a waiver determination pursuant to the revised policy.

VOCA recipients are required to provide a 20% match share of the overall requested budget (28 CFR 94.118) unless a Waiver of Match has been approved. Match requirements may be waived for programs that can provide documentation of need as outlined in 28 CFR 94.118(b)(3) of the VOCA Victim Assistance Final Program Guidelines.

March 2020 Update: OVC has revised the Match Waiver Approval process to allow further flexibility at the SAA level. If unique circumstances apply warranting waiver determinations to be made under a new or revised policy prior to OVC approval of that policy, NCC will consult with the Federal Grant Manager. Should this option be utilized, the revised policy will be submitted via GAN no later than the last day of the Federal fiscal year, or upon request by the Federal Grant Manager.

September 2021 Update: OVC issued a revised Match Waiver Approval Process 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.). The VOCA Fix, sec. 3, codified at 34 U.S.C. § 20103(a)(7) and (8), allows State Administering Agencies (SAAs) to waive the VOCA Assistance Program matching requirement, which, for the VOCA Assistance Program, is currently set out in 28 C.F.R. § 94.118. It requires SAAs to establish and make public match waiver policies that describe how to request waiver, the eligibility criteria for waiver, and the decision/notification process; and report waiver approvals to OVC. It also requires that SAAs 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, which is ongoing. This updated OVC Match Waiver Approval Process is effective immediately and supersedes prior OVC Match Waiver Process guidance issued in March 2020. An SAA may waive match (either in total or part) without prior OVC approval, provided that the SAA complies with the VOCA Fix requirements and the OVC processes stipulated.

NCC Match Waiver Policy Overview:

This match waiver policy must be posted publicly on the NCC website. The policy describes the process for two standard types of match waivers – those requested by subrecipients and those initiated by NCC. Steps for requesting a match waiver, the eligibility criteria for waiver, the decision/notification process, and the process for reporting waiver approvals to OVC are also covered.

VOCA subrecipients are generally encouraged to meet match requirements. Previously funded projects are expected to provide the same level of match as provided in the previous project period.

Subrecipients are not penalized for inquiring about, seeking, and/or receiving reasonable and justified match waivers. Match Waivers may be provided at the beginning or middle of the subgrant project period. Match Waivers requested 30 days or less prior to the subgrant end date will require special approval from OVC.

When determining the need for a waiver, NCC will typically consider factors such as:

- Practical and/or logistical obstacles to providing match
- Local resource constraints
- Annual budget changes
- Past ability to provide match

Match requirements are automatically waived for subrecipients that are federally recognized American Indian or Alaska Native tribes, or projects that operate on tribal lands.

Subrecipient Waiver of Match Request:

- If requesting a full or partial waiver of VOCA match, the program's Project Point of Contact must submit a Waiver of Match Request letter for NCC approval determination:
 - With the grant application; or
 - After the project start date up to 31 calendar days before the subaward project end date.
- If requesting a full or partial waiver of VOCA match after 30 calendar days before the subaward project end date, the Project Point of Contact must submit a Waiver of Match Request letter to NCC for submission to OVC for approval determination.
- The Director of Federal Grants & Programs will consult with their OVC program manager with regard to any match waiver requests involving unique circumstances.

Waiver of Match Request Letter must include the following information:

- 1) Type-written on the program's agency letterhead, addressed, and sent to the assigned NCC Grant Manager;
- 2) Explain why the waiver is necessary/clarify the need for increased funding;
- 3) Clearly indicate/describe the hardship and/or type of circumstances that will hinder the program's ability to provide the required level of match;
- 4) Outline the issues related to the project's lack of resources (i.e. volunteers, other funding, in-kind donations);
- 5) Address what methods the organization has used to consider all possible options for meeting the match requirements;
- 6) Address if a match waiver is approved, does the organization anticipate this is a one-time request or are there circumstances that will require a waiver request next year;
- 7) Explain how would the denial of a match waiver impact the VOCA project;

- 8) Advise whether or not the program would have to decline all or part of the grant award if a match waiver is not granted; AND
- 9) Outline what steps the organization plans to take in order to be able to meet the match requirement in the future;
- 10) Signature of the Project Point of Contact and the Authorized Official.

Final Determination Review of Waiver of Match Request:

- 1) Once received, the Waiver of Match Request letter will be reviewed by the Grant Manager for inclusion of the above letter criteria and forwarded with approval or denial recommendations to the Federal Grants and Programs Director within 10 business days from receiving the waiver request.
- 2) When determining recommendations the Grant Manager should consider:
 - o How is the grant currently being matched? Consider past ability to provide match. (NOTE – OVC generally expects subrecipients to provide at least the same dollar amount of match it provided during the grant year immediately preceding the year of the waiver request unless a change in circumstances justifies a lower amount)
 - o What circumstances exist that impede the organization’s ability to partially or fully match the VOCA grant funds requested? (i.e. local resource restraints of a rural community with limited local funding availability or volunteer capacity)
 - o Consider what practical and/or logical obstacles to providing match may exist (i.e. natural disasters, mass violence incidents, or when public agencies may have limitations on soliciting contributing funds since they do not engage in private fundraising).
 - o Has there been an increase to the VOCA funding where local funding availability has not increased to the same degree?
 - o Has the organization considered all possible options for meeting the match with in-kind and cash sources that are not being used as match on another federal grant? If so, what methods has the organization used to consider all possible options for meeting the match requirements?
 - o What steps does the organization plan to take in order to be able to meet the match requirement in the future?
 - o If a match waiver is approved, does the organization anticipate this is a one-time request or are there circumstances that will require a waiver request next year?
 - o How would the denial of a match waiver impact the VOCA project?
 - o Would the program have to decline all or part of the grant award if a match waiver is not granted?
- 3) Utilizing the VOCA Match Waiver Final Determination Form, the Grant Manager will draft recommendations that outline:
 - o Program information including a brief description of the project/services provided by the applicant;
 - o Justification for Approval or Denial of the waiver; and
 - o The scope of the waiver including the waiver dollar and percentage amount.
 - o NOTE – though a dollar amount is calculated, the Grant Manager’s actual Recommended Match Waiver is a percentage of the applicant’s total project

cost. Upon award, the Approved Match Waiver is a fixed percentage that will be applied should the project budget change.

- 4) The Federal Grants and Programs Director will consider the applicant's Waiver of Match Request letter and the Grant Manager's recommendations to make an official final determination by signing the VOCA Match Waiver Final Determination Form.
- 5) The Federal Grants and Programs Director will advise the Grant Manager of the final determination of denial or approval.
- 6) No later than 10 business days after final determination, the Grant Manager will upload the signed form into the electronic grant management system, and send an email notification to the program's Project Point of Contact & Authorized Official to review the VOCA Match Waiver Final Determination Form.
- 7) Match Waiver Determination Letter will outline:
 - o A brief description of the project/services provided by the applicant;
 - o Justification for Approval or Denial of the waiver - state affirmatively that NCC approves or denies the waiver request and why; and
 - o The scope of the waiver including the waiver dollar and percentage amount.
 - o NOTE – though a dollar amount is calculated, the Grant Manager's actual Approved Match Waiver is a percentage of the applicant's total project cost. Upon award, the Approved Match Waiver is a fixed percentage that will be applied should the project budget change.
- 8) Match Waiver Requests submitted 31-calendar days prior to the sub-project end date or after will be submitted to OVC for prior approval by following the same procedure as above. However, approval or denial will not be communicated to the requesting program until OVC has made a determination.
- 9) The Federal Grants and Programs Director or designee will update the SAR in the Performance Measurement Tool (PMT) System to reflect the approved Match Waiver and make any necessary adjustments within 30 days.
- 10) The Federal Grants and Programs Director or designee will submit to OVC a match waiver spreadsheet (using the revised OVC template) listing all subrecipient match waivers approved in a federal fiscal year for each relevant federal award by no later than 120 days after fiscal year end. This will be submitted to OVC via a Grant Award Modification (GAM) uploaded to JustGrants or in another method as requested by OVC.

NCC-Initiated Waiver of Match:

The Nebraska Crime Commission can initiate Match Waivers either on an individual project, multi-project, or on a blanket basis for VOCA subrecipients when there is a direct impact on services provided to victims of crime. NCC-initiated Match Waivers are only to be used when unique circumstances such as the following exist.

- Natural Disasters
- Pandemics or other geographic health crisis
- Mass violence/victimization events
- Other events as determined by Federal Grants & Program Director

Procedure:

- 1) Federal Grants & Program Director determines that one of the above unique circumstances exists.
- 2) Notice of the NCC-initiated Match Waiver is provided to impacted programs via email communication.
- 3) Projects will be notified on an individual basis of the dollar amount and percentage amount of the Match Waiver, along with the effective dates (start, end) via FG&P Match Waiver Notice document.
- 4) NCC Staff will update the budget and save a copy of the FG&P Match Waiver Notice in the electronic grant management system.
- 5) The Federal Grants and Programs Director or designee will update the SAR in the Performance Measurement Tool (PMT) System to reflect the Match Waiver and make any necessary adjustments within 30 days.
- 6) The Federal Grants and Programs Director or designee will submit to OVC a match waiver spreadsheet (using the revised OVC template) listing all subrecipient match waivers approved in a federal fiscal year for each relevant federal award by no later than 120 days after fiscal year end. This will be submitted to OVC via a Grant Award Modification (GAM) uploaded to JustGrants or in another method as requested by OVC.

National Emergency Pandemic 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). The national emergency with respect to the current pandemic began on March 1, 2020, and is ongoing as of December 2021. NCC **must** issue match waivers during this time and understands “any matching requirement, in its entirety” to mean the entirety of match required in an open VOCA subaward that remains unmet at the time of the waiver (i.e. not accounted for and reported as match).

At the conclusion of a national emergency pandemic period, NCC will honor all match waivers granted during that period until they expire at the end of the applicable VOCA subaward for which match was waived. New VOCA subawards or discrete renewals or continuations made after the end of that period will no longer qualify for the mandatory match waiver. Any match waiver requests for those subawards will be considered under the standard match waiver processes outlined previously.

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Effective Date: 01 July 2019
REVISION: 30 Dec 2021