

## **National Emergency Pandemic Mandatory VOCA Match Waiver Process**

September 30, 2021

The North Dakota Department of Corrections and Rehabilitation (ND DOCR) requires VOCA subrecipients to meet match requirements per the Subrecipient Manual. On July 22, 2021, President Joseph R. Biden signed into law H.R. 1652, the *VOCA Fix to Sustain the Crime Victims Fund Act of 2021* (the “Act”). As stated in the Memorandum for Guidance on the Implementation of the VOCA Fix Act, “[The Act] further allows States additional flexibility to waive program matching requirements, such as when they present a barrier to accessing funding for services. In the wake of the COVID-19 pandemic, victim service programs faced increased costs while having limited ability to raise funds and utilize volunteers.”

ND DOCR currently has a VOCA Match Waiver Procedure detailing the process VOCA subrecipients must follow to request partial or full match waivers. However, the current match waiver policy does not outline the policy and procedure as it is required by the Act. The Act specifically states,

*“allow great flexibility for state VOCA Victim Assistance Administrators to waive subgrantee match requirements and require them to waive match requirements to a date that is one year after the date of the end of the currently declared national emergency concerning the COVID-19 pandemic.”*

ND DOCR, as the State Administering Agency (SAA) of VOCA, and to comply with the VOCA Fix section 3(b), is required to provide 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.”*

As further detailed in an Office for Victims of Crime (OVC) Bulletin released 09/20/2021, for the OVC September 2021 Updated Match Waiver Approval Process, it was further detailed that OVC 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 which ND DOCR interprets as the date of this document.

For the implementation of the mandatory match waiver, ND DOCR will:

- A. Comply with Sec. III C. (Match Waiver Determinations) and (if applicable) III.D. (Waivers for a Class of Subrecipients), except that no further justification beyond the fact that the match is subject to mandatory waiver is required; and Sec. III E. (Reporting Match Waiver to OVC).

- B. Honor all mandatory match waivers granted during the national emergency pandemic period and one year after the date of the end of the national emergency.
- i. Update the COSMOS system that documents the change in match requirements for federal subawards.
  - ii. ND DOCR is not required to waive match for the portions of match that have already been met (i.e., accounted for and reported as match within COSMOS).
  - iii. ND DOCR may also offer subrecipients the opportunity to decline receiving a match waiver, or the subrecipient may provide voluntary match to support the VOCA-funded project.
- C. Issue match waiver determination letters to subrecipients with the following information provided:
- i. Match determination and a brief description of the project/services provided by the subrecipient;
  - ii. Justification and amounts waived for each federal award for which match is waived;
  - iii. Indication of the approval or denial of the match waiver and justification of decision.
- D. ND DOCR shall submit to OVC via upload in JustGrants, a Grant Award Modification (GAM) or other method, as requested by OVC, a match waiver spreadsheet (using 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 the fiscal year end.
- E. Notification will be made electronically via email and the decision of ND DOCR shall constitute final agency action. A copy of the match determination letter will be saved within the subrecipient's grant file within COSMOS.