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## FISCAL UPDATE Article

Fiscal Services Division

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Ground Floor, State Capitol Building

Des Moines, Iowa 50319

515.281.3566

### NCSL WEBINAR — COVID-19: CONGRESSIONAL APPROPRIATIONS FOR JUSTICE AND HOMELAND SECURITY PROGRAMS

**Webinar Series.** On May 6, 2020, the National Conference of State Legislatures (NCSL) held a webinar providing information related to congressional appropriations for justice and homeland security programs directly affected by the implications of COVID-19. The information in this article is current as of the date of the webinar.

**March 2020 CARES Act, Third Stimulus Package.** The webinar began with a brief overview and discussion of the federal [Coronavirus Aid, Relief, and Economy Security](#) (CARES) Act, as passed by Congress and signed into law by President Trump on March 27, 2020. The \$2.000 trillion relief package included the following allocations:

- \$150.000 billion in monetary aid to local and state governments.
- \$367.000 billion to loan and grant programs for small businesses.
- Over \$130.000 billion to hospitals, health care systems, and providers.
- Expansion of unemployment benefits to include furloughed persons, gig workers, and freelancers, with benefits increased by \$600 per week for a period of four months.
- Direct payments to families of \$1,200 per adult and \$500 per child for households making up to \$75,000.

For additional analysis and detail regarding the funding of the CARES Act, please see the Fiscal Services Division's **Fiscal Update Article** entitled [H.R. 748 Coronavirus Aid, Relief, and Economy Security Act Appropriations](#).

Guidance provided by the United States Treasury stipulates that the funding provided under the CARES Act is not allowed to be used by individual states to retroactively fill budget deficits arising out of the implications of COVID-19. According to the NCSL, a fourth stimulus package is currently being discussed in Congress, which would allow for more flexibility in spending for both individual counties and cities, address previous funding disparities based on state population, and provide another round of potential stimulus funding to Americans. On April 16, 2020, the NCSL released a [statement](#) addressed to Congress asking for additional stimulus spending flexibility for states and localities in the potential fourth phase of the congressional relief package.

**Byrne/JAG Program Funding.** The CARES Act also provided over \$850.0 million to the [Edward Byrne Memorial Justice Assistance Grant Program](#) (Byrne/JAG Program) for support of the continuation of criminal justice programs in individual states. The Byrne/JAG Program provides states, tribes, and local governments with funding necessary to support a range of areas including law enforcement, prosecution, indigent defense, courts, crime prevention and education, corrections and community corrections, drug treatment and enforcement, planning, evaluation, technology improvement, crime victim and witness initiatives, mental health programs, and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams. Under the CARES Act, 60.0% of total Byrne/JAG funds are allocated to the state administering agency, which in turn passes a designated percentage through to local governments and ultimately to other organizations, including nonprofit service providers. The remaining 40.0% of funding will go directly from the Department of Justice's Bureau of Justice Assistance to local criminal justice agencies including law enforcement.

The NCSL noted that applications for additional Byrne/JAG Program funding have been responded to quickly, and funding has been received about one week after application. Funding has been specifically allocated to reentry programs for released offenders, but funding has also been used to assist medical personnel, for personal protection equipment (PPE) production and distribution, and for handling incarceration supervision while accounting for social distancing and other operational needs of detention centers. The CARES Act also provided an additional \$2.0 million for justice-related information technology. This funding will aid detention centers by expanding their video-conferencing capabilities for prison health care and criminal proceedings.

**Funding for Mental Health.** The CARES Act allocated \$425.0 million to the [Substance Abuse Mental Health Services Administration](#) (SAMHSA). The funding is distributed as follows:

- \$250.0 million to Certified Community Behavioral Health Clinics (CCBHCs).
- \$50.0 million for suicide prevention programs.
- \$100.0 million for emergency-response spending. It should be noted that these moneys may be used to support other outreach areas including homelessness.
- \$15.0 million for tribal communities.

According to the NCSL, this funding may also be applied to incarcerated populations. Additionally, the NCSL noted that on a national level, the mental health community has asked for the following items to be considered in the potential next round of stimulus funding and related policy guidelines:

- 1) Allow for Medicaid funding to pay for health care for individuals reentering society, including during the 30-day period after release. This is currently prohibited under Medicaid practice.
- 2) Allow for additional resources to mental health providers to meet the increased demand for services.

For additional analysis and detail regarding mental health funding as provided by the CARES Act, please see the [March 27, 2020 newsletter](#) from the National Association of State Mental Health Program Directors.

**Funding for Cybersecurity.** The CARES Act provided \$400.0 million in grant dollars in support of election security measures, including absentee balloting and voting by mail. In order for a state to receive funding related to election security and in order to prevent, prepare for, and respond to the implications of COVID-19 on the 2020 federal and state election cycle, a state must commit to providing information accounting how these funds were spent within 20 days of any 2020 election.

Additionally, the NCSL noted that cases of fraud related to elections may be on the rise as result of the changes in voting by mail due to the implications of COVID-19. The NCSL encourages voters to be aware of Internet and “click-bait” voting schemes through social media, and to avoid licking the seal of an envelope when sending in an absentee ballot.

For additional analysis and detail regarding absentee ballots and mail voting, please see the Fiscal Services Division’s ***Fiscal Update Article*** entitled [NCSL COVID-19 Webinar — What to Consider When You’re Expecting More Absentee Voting.](#)

**Funding for Homeland Security-Related/Disaster Relief Measures.** The CARES Act also allocated the following funding amounts to the [Federal Emergency Management Association](#) (FEMA):

- \$45.0 billion for a Disaster Relief Fund for the immediate needs of state, local, tribal, and territorial governments to protect citizens and help them respond and recover from the overwhelming effects of COVID-19. These jurisdictions may claim funds for reimbursable activities including medical response, PPE, National Guard deployment, coordination of logistics, safety measures, and community services nationwide. This amount includes:
  - \$25.000 billion for major disasters declared for certain states under the Stafford Act.
  - \$45.0 million for FEMA to expand information technology and communications capabilities and build capacity in response coordination efforts.

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The NCSL notes that this funding generally carries a 25.0% state/75.0% federal matching requirement, but that the NCSL has recently sent a [letter](#) to FEMA requesting a waiver thereof.

Additionally, the CARES Act has also provided funding to the following homeland security and emergency relief programs:

- \$1.000 billion for the Defense Production Act for increased access to materials necessary for national security and pandemic recovery.
- \$100.0 million for Emergency Management Performance Grants for emergency management activities in state, local, territorial, and tribal governments to support coordination, including communications and logistics.
- Additional funding for PPE, including:
  - \$100.0 million for the nation's first responders via Assistance to Firefighter Grants.
  - \$178.0 million for the Department of Human Services front-line federal employees.
- \$200.0 million for the Emergency Food and Shelter Program to provide shelter, food, and supportive services to individuals and families in sudden economic crisis.

The NCSL notes that this funding is meant to supplement existing grants, not supplant it. For additional information regarding CARES Act funding related to FEMA and homeland security measures, please visit [www.fema.gov/coronavirus/economic](http://www.fema.gov/coronavirus/economic).

A recording of the webinar and copies of associated slides and resources are available [here](#).

LSA Staff Contact: Christin Mechler (515.250.0458) [christin.mechler@legis.iowa.gov](mailto:christin.mechler@legis.iowa.gov)

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