OMB No. 1121-0329
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BJA FY 2026 Capital Case Litigation Initiative: Improving the Quality of Legal Representation in State Capital Cases

Grants.gov Funding Opportunity Number: O-BJA-2026-172715

Application Deadlines in Eastern Time (ET):

1. Complete SF-424 and submit in Grants.gov: **October 29, 2026, by 11:59 p.m. ET**
2. Submit full application in JustGrants: **November 5, 2026, by 8:59 p.m. ET**

Bureau of Justice Assistance
U.S. Department of Justice

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1. BASIC INFORMATION

Purpose of the Funding

The Office of Justice Programs (OJP) is committed to advancing work that furthers the U.S. Department of Justice's (DOJ) mission to keep our country safe and secure and uphold the rule of law and protect the rights of American citizens. OJP provides federal leadership, funding, and other critical resources to directly support law enforcement, combat violent crime, protect American children, provide services to American crime victims, and address public safety challenges, including human trafficking and the opioid crisis.

This is a notice of funding opportunity (NOFO) for the **BJA FY 2026 Capital Case Litigation Initiative: Improving the Quality of Legal Representation in State Capital Cases**. This opportunity will enhance the ability of prosecutors to effectively represent the public in state capital cases and to improve the quality of legal representation for defense attorneys who represent indigent defendants in state capital cases. States must allocate funding equally among capital prosecution and capital representation.

Capital Prosecution: Enhance the ability of prosecutors to effectively represent the public in state capital cases may be accomplished in one or more of the following areas:

- Designing and implementing specialized training, support, and resources for state and local prosecutors to ensure effective representation;
- Developing and implementing appropriate standards and qualifications for state and local prosecutors who litigate state capital cases;
- Assessing the performance of state and local prosecutors who litigate state capital cases;
- Identifying and implementing any potential measures that may be appropriate to minimize the potential for error in the trial of capital cases;
- Establishing a program under which state and local prosecutors conduct a systematic review of cases in which a death sentence was imposed in order to identify cases in which post-conviction DNA testing may be appropriate; and
- Providing support and assistance to the families of murder victims.

Capital Representation: Improve the quality of legal representation for defense attorneys by establishing, implementing, or improving an **"**effective system" for providing competent "legal representation" to:

- People who are indigent who have been charged with an offense subject to capital punishment;
- People who are indigent who have been sentenced to death and who seek appellate or collateral relief in State court; and
- People who are indigents who have been sentenced to death and who seek review in the Supreme Court of the United States.

Definitions

For the purposes of this NOFO, the following are defined:

- **Legal representation:** Legal counsel and investigative, expert, and other services necessary for competent representation.
- **Effective System:** A system for providing competent legal representation as defined in 34 USC § 60301(e).

See the Eligible Applicants section for eligibility details.

Funding Details

Announcement Type	Initial
Assistance Listing Number	16.746
Statutory Authority	Pub. L. No. 108-405, Subtitle B (codified at 34 U.S.C. 60301-60306)
Grants.gov Opportunity Number	O-BJA-2026-172715
Expected Total Amount of Funding	Approximately $3,700,000
Anticipated Number of Awards	8 awards
Award Type(s)	Grant
Anticipated Award Amount	Up to $450,000
Expected Award Period(s)	36 months starting on January 1, 2027

Key Dates and Times

NOFO Release Date	September 21, 2026
SAM.gov Registration/Renewal	Begin the process by September 21, 2026, and no later than September 30, 2026
Step 1: Grants.gov Deadline	11:59 p.m. ET on October 29, 2026
Step 2: JustGrants Deadline	8:59 p.m. ET on November 5, 2026

See Questions? at the end of this NOFO for agency contact information.

2. ELIGIBILITY

Eligible Applicants

The types of entities that are eligible to apply are:

- Government Entities
- State government entities

For the purposes of this NOFO, "State government entities" means any state agency in states that authorize capital punishment and that conduct or will conduct prosecutions in which capital punishment is sought.

Cost Sharing (Match) Requirement: This NOFO does **not** require cost sharing (match).

Limit on Number of Applications: You may submit only one application to this NOFO. If you submit multiple applications, only the most recent system-validated version will be reviewed.

If a project will be carried out by two or more entities (project partners), only one entity may submit the application. The other entities (project partners) must be proposed as subrecipients rather than co-applicants. An entity may be proposed as a subrecipient in more than one application. For additional information regarding subawards, see the Application Resource Guide.

Additional Eligibility Factors

Certifications: You must submit the following certification. See Additional Application Components for how to submit.

- **State Certification of Capital Punishment Authorization:** Applicants are required to include a certification confirming that the State authorizes capital punishment under its laws and conducts, or will conduct, prosecutions in which capital punishment is sought.

3. PROGRAM DESCRIPTION

Statutory Authority

Pub. L. No. 108-405, Subtitle B (codified at 34 U.S.C. 60301-60306)

Agency Funding Priorities

To help meet its mission, OJP may give priority consideration to applications proposing (as applicable within the scope of this NOFO) projects designed to advance the goals listed below:

(a) Directly supporting law enforcement operations (including immigration law enforcement operations);
(b) Combatting violent crime;
(c) Supporting services to American citizens;
(d) Protecting American children; and
(e) Supporting American victims of trafficking and sexual assault.

Note: Addressing these priorities is one of many factors that OJP considers in making funding decisions. Receiving priority consideration does not guarantee funding.

Unallowable Activities: The following are certain unallowable costs and certain activities that are out of the program scope and will not be funded.

1. Out of program scope is any program or activity, at any tier that, directly or indirectly, violates (or promotes or facilitates the violation of) federal immigration law (including 8 U.S.C. § 1373) or impedes or hinders the enforcement of federal immigration law—including by failing to comply with 8 U.S.C. § 1373, give access to DHS agents, or honor DHS requests and provide requested notice to DHS agents.
2. Out of program scope is any program or activity, at any tier that violates any applicable Federal civil rights or nondiscrimination law. This includes violations that (1) indirectly violate the law, including by promoting or facilitating violations; or (2) unlawfully favor individuals in any race or protected group, including on a majority or minority, or privileged or unprivileged, basis, within a given area, population, or sector.
3. As specified in the DOJ Grants Financial Guide, in Chapter 3.13 "Unallowable Costs" ("Legal Services for Aliens"), any obligations of funds, at any tier, under this award to provide (or to support the provision of) legal services to any removable alien or any alien otherwise unlawfully present in the United States shall be unallowable costs for purposes any award made under this notice, but the foregoing shall not be understood to apply: (1) to legal services to obtain protection orders for victims of crime; or (2) to immigration-related legal services that may be expressly authorized or required by any law, or any judicial ruling, governing or applicable to the award.

In addition to the unallowable uses listed above, grant funding under this NOFO shall not be used to fund, directly or indirectly, representation in specific capital cases.

Goals and Objectives of This Funding Opportunity

Goal 1: Enhance the effectiveness of prosecutors in state capital cases.

- **Objective 1:** Set baseline standards, qualifications, and training for prosecutors that are aligned with state and local needs.
- **Objective 2:** Support strategies which may include case review, forensic testing, victim services, and are aligned with state and local priorities.

Goal 2: Strengthen defense representation in state capital cases for defendants who are indigent.

- **Objective 1:** Establish a qualification framework for defense counsel that is consistent with state requirements, which may include maintaining a roster of attorneys who meet these standards.
- **Objective 2:** Expand training, support, and resources for defense counsel consistent with the state's needs and available resources

Expected Outcomes

OJP expects recipients to submit deliverables and performance reports, as described below. Read the Application Resource Guide for more information. OJP will measure success by reviewing a recipient's submission of performance reports and data and the extent to which project implementation reflects progress toward the goals and objectives of this NOFO.

Deliverables

Recipients will be expected to submit the following:

- In addition to OJP's reporting requirements, the authorizing statute for this program (34 U.S.C. § 60304) requires that each state receiving funds under this NOFO shall submit an annual report with an accounting of all amounts expended and for funds provided for:
    - **Capital Prosecution** that details how the state qualifies and assesses capital prosecutors, identifies, systemically reviews capital cases where post-conviction DNA testing may be appropriate, and provides support and assistance for victims (review complete reporting requirements under 34 U.S.C. § 60304(c));
    - **Capital Representation** that details how a state appoints, maintains, trains, and monitors qualified representation for indigent defendants in a capital case (review complete reporting requirements under 34 U.S.C. § 60304(b)).

Performance Reports

OJP requires recipients to submit regular performance reports that communicate progress toward achieving Program Goals and Objectives. Read information on performance reporting.

Award recipients will receive further guidance on post-award reporting requirements related to CCLI Performance Measures.

4. APPLICATION CONTENTS AND FORMAT

Application Contents List

OJP will only consider applications that contain all required parts, which are marked ***Required*** below. Refer to the DOJ Grant Application Submission Checklist for application instructions.

Application Item	Submission Type
Step 1: Grants.gov	
Application for Federal Assistance: SF-424 ***Required***	Online Form
Step 2: JustGrants	
Standard Applicant Information ***Required***	Online Form
Proposal Abstract	Text Box
Data Requested With Application • Financial Management and System of Internal Controls Questionnaire (including Applicant Disclosure of High-Risk Status) • Agency Funding Priorities Inventory	Online Form
Proposal Narrative ***Required***	Attachment
Budget ***Required***	Online Form
Other Budget/Financial Attachments • Indirect Cost Rate Agreement (if applicable) • Consultant Rate (if applicable) • Limitation on Use of Award Funds for Employee Compensation for Awards Over $250,000; Waiver (if applicable)	Attachment
Memorandum of Understanding	Attachment
Additional Application Components • State Certification of Capital Punishment Authorization ***Required*** • State Certification of Compliance with Statutory Procedure (if applicable)	Attachment

In addition to the items marked ***Required*** in the table above, the following are considered basic minimum requirement elements that are considered in the responsiveness review:

- The application is submitted by an eligible applicant.
- The requested award amount does not exceed the award ceiling.
- The application is responsive to the scope of the NOFO.

Standard Applicant Information *Required*

Review and edit as needed the information imported from the SF-424 submitted in Grants.gov. Add ZIP codes for areas affected by the project.

Proposal Abstract

In JustGrants, enter a proposal abstract (limited to 2,000 characters) summarizing the proposed project. As abstracts for funded projects are public, do not include any personally identifying information (e.g., staff names). The abstract should include the following information:

- The name of the applicant's proposed project.
- The purpose of the proposed project (i.e., what the project will do and why it is necessary).
- Where the project will take place (i.e., the service area, if applicable).
- Who will be served by the project (i.e., who will be helped or have their needs addressed by the project).
- What activities will be carried out to complete the project.
- The subrecipient(s)/partner organizations or entities, if known.
- Deliverables and expected outcomes (i.e., what the project will achieve).

View an example of a proposal abstract.

Data Requested With Application

Financial Management and System of Internal Controls Questionnaire (including Applicant Disclosure of High-Risk Status)

Review information on this questionnaire.

Agency Funding Priorities Inventory

Applicants seeking priority consideration under the Agency Funding Priorities section should answer the inventory questions in their entirety in the web-based form in JustGrants.

Proposal Narrative *Required*

Format of the Proposal Narrative

Submit the narrative as an attachment in JustGrants. The document should:

- Be double-spaced, using a standard 12-point size font.
- Have no less than 1-inch margins.
- Have numbered pages.
- Not exceed 10 pages.
- Tables, charts, and graphs included in the Proposal Narrative can be created in a legible font smaller than 12-point.

If the Proposal Narrative does not follow this format, OJP may reduce the score/ranking of the application.

Sections of the Proposal Narrative

The Proposal Narrative must include the four sections listed below. If you want priority consideration, the Proposal Narrative must state which priority(ies) your project will advance and describe how it will do so.

1. Description of the Need (5% of application score): What critical issue or problem do you propose to address with this project? Please include:

- A brief explanation of the resources and support needed to improve the quality of legal representation for capital case defense counsel and prosecutors in your state.
- Supporting information, data, research, or evidence to demonstrate the specialized needs of capital case litigators in your state.
- A description of the communities that will be served, including the nature of defender services and capital prosecution programs within such communities.
- How the needs relate to the purpose of the NOFO.
- Current resources and support available in your state to respond to these needs, and any barriers to leverage these to address these needs.

2. Project Goals and Objectives (15% of application score): How will the proposed project address the need identified and address the purpose of the NOFO? Please include:

- Project goals (goals are broad, visionary statements on what you hope to accomplish).
- Project objectives (objectives are specific outcomes you plan to achieve through project activities).
- How your project goals and objectives relate to the goals and objectives of the funding opportunity.

3. Project Design and Implementation (35% of application score): How will you implement project activities that meet the project goals and objectives? Please include:

- What activities you will conduct to achieve the proposed goals and objectives. For example, what resources and services will be provided to improve the quality of legal representation to capital case litigators in your state.
- How you will manage the delivery and completion of those activities.
- When the activities will take place.
- Who in your organization will manage the activities, including key staff.
- Describe your target population and how they will participate in and benefit from the activity.
- How you will meet the training needs of the target population. Note: Capital case judges may participate in either Capital Prosecution or Capital

Representation training if space is available after accommodating the primary target populations.

- A description of the state's long-term strategy and detailed implementation plan to improve the quality of legal representation in state capital cases that is developed in consultation with the judiciary, the organized bar, and state and local prosecutor and defender organizations.
- How you will establish as a priority improvement in the quality of trial-level representation of indigents charged with capital crimes and trial-level prosecution of capital crimes.
- How you will implement a communication strategy that will be used to make state capital case litigators aware of the resources and services that you will provide.
- What deliverables, reports, and other items will be produced as part of the project.
- If you plan to use subrecipients to help conduct the project, please name them (if they are known) or describe how you will identify them. Please describe their role in conducting project activities.

4. Capabilities and Competencies (30% of application score): What administrative and technical capacity and expertise do you bring to successfully complete this project? Please include:

- A short description of your capacity to deliver the proposed project and meet the post-award requirements, if funded.
- A description of projects or activities your organization has conducted, or is currently conducting, that demonstrates your ability to undertake the proposed project activities.
- A summary of relevant experience of team members with key responsibilities for implementing the project.

Project Evaluations: An applicant that proposes to use award funds to conduct project evaluations must follow the guidance on project evaluations.

Budget and Associated Documentation

Budget (15% of application score) *Required*

- Use the Budget Detail Worksheet (Web-Based Form) to submit the budget. Read information on budget preparation and JustGrants Application Submission Training.
- List each cost needed to implement the project under the appropriate cost category.
- Clearly name and describe each cost.
- Show the computation of each cost (e.g., cost per unit, number of units, and total cost).

- Enter narrative, as needed, to explain the cost calculations and connection to your project goals, objectives, and activities.
- Include only costs that are reasonable, allocable, and necessary to implement the project. They must be allowable under the funding statute and agency requirements.[1]

The following information specific to this funding opportunity will help you develop your project budget:

- Budget proposal must reflect equal allocation of funds between Capital Prosecution and Capital Representation uses as set out in 34 U.S.C. § 60306(b), "Restriction on the use of funds to ensure equal allocation."

Budget/Financial Attachments

- **Indirect Cost Rate Agreement (if applicable):** If the budget includes indirect costs calculated using a current, federally approved indirect cost rate, upload your indirect cost rate agreement. Read information about indirect costs.
- **Consultant Rate (if applicable):** Read information on limits to consultant rates and whether you need to request approval to exceed those limits.
- **Limitation on Use of Award Funds for Employee Compensation for Awards Over $250,000; Waiver (if applicable):** Read information on this limitation and to determine whether you need to submit a waiver.

  Applicants to this funding opportunity are not required to provide this disclosure.

Memorandum of Understanding (MOU) and Supporting Documents

Attach a Memorandum of Understanding (MOU) or letter of intent between the applicant and each of the project partner(s). Read information on what to include in an MOU/letter of intent.

MOUs should be submitted as one separate attachment to the application. Unsigned draft MOUs may be submitted with the application, but you should describe in a cover page to the attachment why they are unsigned.

Additional Application Components

Attach these in JustGrants:

- **State Certification of Capital Punishment Authorization *Required*:** Read information on what is required to be submitted for this certification.
- **State Certification of Compliance with Statutory Procedure** (If applicable)**:** Read information on what is required to be submitted for this certification. Note: This is not required at application submission.

[1] See 2 C.F.R. Part 200, Subpart E and the DOJ Grants Financial Guide. Read information on unallowable costs that apply to all funding opportunities.

Disclosures and Assurances

Read the disclosures and assurances and complete them in JustGrants:

- Disclosure of Lobbying Activities
- Disclosure of Duplication in Cost Items (if applicable)
- DOJ Certified Standard Assurances
- DOJ Certifications
- Applicant Disclosure and Justification – DOJ High-Risk Grantees (if applicable)

5. SUBMISSION REQUIREMENTS AND DEADLINES

The DOJ Grant Application Submission Checklist provides instructions for how to submit your application by the deadlines. Executive Order (E.O.) 12372 (Intergovernmental Review of Federal Programs) does apply to this funding opportunity: read the Application Resource Guide for details. Read OJP's policy for applicants to request late submission due to technical difficulties, severe weather, or natural or manmade disasters.

6. APPLICATION REVIEW INFORMATION

The Application Resource Guide explains the responsiveness review, review criteria, and review and selection process, including risk review, and deciding official. Refer to the Application Contents List for all required application components and other basic minimum requirement elements that are considered in the responsiveness review. The Proposal Narrative and Budget sections of this NOFO indicates the weight of technical review criteria.

7. AWARD NOTICES

Read about the award notification process.

8. POST-AWARD REQUIREMENTS & ADMINISTRATION

Read the Application Resource Guide for more information about standard award terms and conditions, administrative and national policy requirements, and post-award reporting requirements.

9. QUESTIONS?

NOFO Contact	Name: OJP Response Center Phone: 800-851-3420 or 202-353-5556 (TTY for hearing-impaired callers only) Email: OJP.ResponseCenter@usdoj.gov Hours: 9:00 a.m.–5:00 p.m. ET, Monday–Friday
SAM.gov Help Desk	Website: sam.gov/help Hours: 8 a.m.–8 p.m. ET, Monday–Friday (closed federal holidays)
Grants.gov Help Desk	Phone: 800-518-4726 Email: support@grants.gov Website: grants.gov/support Hours: 24 hours a day, 7 days a week (closed federal holidays)
JustGrants Help Desk	Phone: 833-872-5175 Email: JustGrants.Support@usdoj.gov Hours: 7:00 a.m.–9:00 p.m. ET, Monday–Friday and 9:00 a.m.–5:00 p.m. ET on Saturday, Sunday, and federal holidays.

APPENDIX 1

U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS

State Certification of Capital Punishment Authorization

Certification

On behalf of the applicant agency named below, this certifies to the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance in accordance with 34 U.S.C. 60303(b)(2) that the applicant State

(A) authorizes capital punishment under its laws and conducts, or will conduct, prosecutions in which capital punishment is sought;

(D) in the case of a State that employs a statutory procedure described in section 60301(e)(1)(C) of this title, a certification by an appropriate officer of the State that the State is in substantial compliance with the requirements of the applicable State statute; and

(E) assurances that Federal funds received under this chapter shall be—

1. used to supplement and not supplant non-Federal funds that would otherwise be available for activities funded under this chapter; and
2. allocated in accordance with section 60306(b) of this title.

Acknowledgment

I acknowledge that a false statement in this certification or in the grant application that it supports may be the subject of criminal prosecution, including under 18 U.S.C. § 1001 and/or 1621 and/or 34 U.S.C. §§ 10271-10273.

I further acknowledge that Office of Justice Programs (OJP) grants, including certifications provided in connection with such grants, are subject to review by OJP and/or by the U.S. Department of Justice's Office of the Inspector General.

I affirm that I have authority to make this certification on behalf of the applicant agency (i.e., the agency applying directly to the Bureau of Justice Assistance).

Certification Signatures

_____
Signature of Certifying Official

_____
Printed Name of Certifying Official

_____
Title of Certifying Official

_____
Name of Applicant Agency (including name of State)

_____
Date