



U.S. DEPARTMENT OF HOMELAND SECURITY

FISCAL YEAR 2011

**NATIONAL FALLEN FIREFIGHTER MEMORIAL
PROGRAM GRANT**

GUIDANCE AND APPLICATION KIT

JULY 2011



U.S. DEPARTMENT OF HOMELAND SECURITY

Title of Opportunity: National Fallen Firefighter Memorial Program

Funding Opportunity Number: DHS-11-USFA-101-000-01

CFDA Number: 97.101

Federal Agency Name: U.S. Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA)

Announcement Type: Initial

Dates: Completed applications must be submitted **no later than 11:59 PM Eastern, August 19, 2011.**

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PART I.

FUNDING OPPORTUNITY DESCRIPTION

The purpose of this grant is to provide funding for the planning, directing and managing of the activities of the annual National Fallen Firefighters Memorial Program.

The National Fallen Firefighters Foundation (NFFF) should address in their application how they propose to:

Provide planning, direction, and management for the 2011 National Fallen Firefighters Memorial Program, including the Small Group Survivor Sessions, the Candlelight Service, the Chapel Service, and the Memorial Service. The NFFF is responsible for the following activities (and any other activities required to conduct the Memorial program).

1. Provide senior level management and support staff dedicated to the successful direction and management of the program.
2. Implement the criteria used to select fire service personnel honored at the annual ceremony, and using names identified by the United States Fire Administration (USFA), the Department of Justice, and through other sources, determine firefighters to be honored at the annual ceremony.
 - Identify, investigate, and report in database form, certain select information on all on-duty firefighter fatalities including fire department affiliation and point-of-contact, and to the extent practicable, identification of the survivors;
 - Compile, analyze, and report in narrative, scanned (documents), and database form on specific incident circumstances, monthly and annual summary information, trends and related factors contributing to all on-duty firefighter fatalities; report prevention measures and strategies specific to the findings, and
 - Coordinate with and provide the resulting information to the USFA and other partner agencies such as National Institute for Occupational Safety and Health (NIOSH), Public Safety Officers' Benefit (PSOB), National Fire Protection Association (NFPA), etc., in formats and along traditional timelines.

3. Hold meetings, as necessary, to consider appeals by families or fire officials of fallen firefighters previously turned down or inadvertently omitted.
4. Consult with fire service groups and families of the fallen firefighters to identify any needed changes to the program.
5. Update and successfully implement a work plan for the program.
6. Coordinate all plans and activities with the USFA point of contact or designated alternate.
7. Provide to USFA an After Action Report on the annual Fallen Firefighters Memorial Program activities by January 31st of the following year.
8. Develop and print programs, to include the Candlelight Service, Chapel Service and Memorial Service programs.
9. Provide a plaque and earlier year add-ons identifying the Fallen Firefighters honored each year.
10. Provide the flowers used in the Memorial Program ceremonies.
11. Provide shuttle bus transportation from local-area lodging for survivors of the firefighters being honored. This will help alleviate parking problems and enhance security considerations.
12. Provide the American flags presented during the National Memorial Program.
13. Provide the video broadcast capabilities for the Sunday ceremonies and make the National Memorial Program available to the fire service and general public via a live satellite broadcast.
14. Provide the Public Address and sound systems for all Memorial Program activities.
15. Provide appropriate platforms for the lectern, speakers and officials.
16. Provide hearing impaired services for the Candlelight and National Memorial Services.
17. Provide photographic and videographic services for the Memorial Weekend activities.
18. Provide appropriate equipment, furnishings, and decorations necessary for the Memorial Weekend. These shall include stages, chairs, backdrops, lighting, audio/video, and others as identified and needed.

19. Prepare and disseminate all necessary correspondence to families, fire departments and agencies, program participants, Honor Guard units and escorts, fire service organizations and allied professions, Members of Congress, Administration officials, and the President.
20. In coordination with the USFA, identify Government Officials and National and International fire service representatives to participate in or be invited to the Memorial Program activities.
21. Identify and direct the escort activities for the Memorial Program to include correspondence, database management, and assignment of family escorts.
22. Identify and direct the Honor Guard activities for the Memorial Program to include correspondence and database management.
23. Prepare materials about the Memorial Program for display at fire service meetings and conferences.

PART II.

AWARD INFORMATION

Type of Award

FEMA anticipates awarding one a Grant to National Fallen Firefighters Foundation (NFFF).

Authorizing Statutes

Homeland Security Act of 2002, (6 U.S.C. §101 *et seq.*); Executive Order 12127; The Federal Fire Prevention and Control Act of 1974, Section 21 (a and b) as amended (15 U.S.C. §2201 *et seq.*); Department of Defense and Full Year Continuing Appropriations Act, 2011 (Public Law 112-10, Section 2, Division B, Title VI Homeland Security).

Period of Performance

The period of performance of this grant is 12 months. Extensions to the period of performance will be considered only through formal requests to FEMA with specific and compelling justifications as to why an extension is required.

Available Funding

FY 2011, the total amount of funds distributed under this grant will be \$387,000.

PART III.

ELIGIBILITY INFORMATION

A. Eligible Applicants

National Fallen Firefighters Foundation is the only eligible applicant. The NFFF has been the recipient of Federal financial assistance for 19 years to conduct the aforementioned activities (see Part I) authorized by Statute and is uniquely able to continue to provide the required public service efficiently and effectively.

B. Cost Sharing

There will be no cost sharing or match funding requirement associated with this opportunity.

C. Restrictions

This funding opportunity is restricted to the National Fallen Firefighters Foundation (NFFF).

D. Other

National Incident Management System Implementation Compliance

In accordance with Homeland Security Presidential Directive (HSPD)-5, *Management of Domestic Incidents*, the adoption of the National Incident Management System (NIMS) is a requirement to receive Federal assistance, through grants, contracts, and other activities. The NIMS provides a consistent nationwide template to enable all levels of government, tribal nations, nongovernmental organizations, and private sector partners to work together to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity.

Federal FY 2011 NIMS implementation must be considered prior to allocation of any Federal awards in FY 2011. The primary grantee/administrator of FY 2011 NFFF Memorial Program award funds is responsible for determining if sub-awardees have demonstrated sufficient progress in NIMS implementation to disburse awards.

PART IV.
**APPLICATION AND SUBMISSION
INFORMATION**

A. Address to Request Application Package

FEMA makes all funding opportunities available through the common electronic “storefront” [grants.gov](http://www.grants.gov), accessible on the Internet at <http://www.grants.gov>. If you experience difficulties accessing information or have any questions please call the [grants.gov](http://www.grants.gov) customer support hotline at (800) 518-4726.

Application forms and instructions are available at Grants.gov. To access these materials, go to <http://www.grants.gov>, select “Apply for Grants,” and then select “Download Application Package.” Enter the CFDA and/or the funding opportunity number located on page 1 of this announcement. Select “Download Application Package,” and then follow the prompts to download the application package. To download the instructions, go to “Download Application Package” and select “Instructions.”

APPLICATIONS WILL NOT BE ACCEPTED THROUGH ANY OTHER WEB PORTAL OR SYSTEM.

B. Content and Form of Application

- 1. Application via www.grants.gov.** All applicants must file their applications using the Administration’s common electronic “storefront” - www.grants.gov. Eligible grantees must apply for funding through this portal, accessible on the Internet at www.grants.gov.

The application must be started and submitted using www.grants.gov after Central Contractor Registration (CCR) is confirmed. The on-line application includes the following required forms and submissions:

- Standard Form 424, Application for Federal Assistance

The application must be completed and submitted through the ND Grants system located at <https://portal.fema.gov>. If you need assistance registering for the ND Grants system, please contact FEMA’s Enterprise Service Desk at 1-888-457-3362. The ND Grants system includes the following required forms and submissions:

- Standard Form 424A, Budget Information (Non-construction)
- Standard Form 424B, Standard Assurances (Non-construction)
- Standard Form LLL, Disclosure of Lobbying Activities (if the grantee has engaged or intends to engage in lobbying activities)
- Grants.gov (GG) Lobbying Form, Certification Regarding Lobbying
- FEMA Form 20-16C, Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements
- Provide Project Narrative and the Budget Justification.

The program title listed in the CFDA is “*National Fallen Firefighter Memorial.*” The CFDA number is **97.101**.

2. Dun and Bradstreet Data Universal Numbering System (DUNS) number. The applicant must provide a DUNS number with their application. This number is a required field within www.grants.gov and for CCR. Organizations should verify that they have a DUNS number, or take the steps necessary to obtain one, as soon as possible. Applicants can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line at (866) 705-5711.

3. Central Contractor Registration (CCR). The application process also involves an updated and current CCR by the applicant, which must be confirmed at <http://www.ccr.gov>.

4. Project Narrative and Budget Justification

The Budget Justification is a narrative which explains the budget line items. An example would be in the area of “Personnel – list each position by title and name of employee, if available; show the annual salary rate and the percentage of time to be devoted to the project; compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant application.” A suggested template for the Budget Justification can be found in Part V.B of this document.

C. Submission Dates and Times

Application submissions must be received no later than **11:59 PM Eastern, August 19, 2011**. Only applications made through www.grants.gov will be accepted.

D. Intergovernmental Review

This funding opportunity is not subject to Executive order (EO) 12372, “Intergovernmental Review of Federal Programs”.

E. Funding Restrictions

FEMA grant funds may only be used for the purpose set forth in the grant, and must be consistent with the statutory authority for the award. Grant funds may not be used for matching funds for other Federal grants/cooperative agreements, lobbying, or intervention in Federal regulatory or adjudicatory proceedings. In addition, Federal funds may not be used to sue the Federal government or any other government entity.

DHS/FEMA's Grant Programs Directorate (GPD), Grant Administration and Assistance Division (GAAD), has determined that pre-award costs are an allowable expense under FY 2011 National Fallen Firefighter Memorial Program. Pre-award costs are those incurred prior to the effective date of the award and in anticipation of the award where such costs are necessary to comply with the proposed delivery schedule or period of performance. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the award and only with the written approval of the awarding agency. Specifically, pursuant to and consistent with 2 CFR PART 225—*COST PRINCIPLES FOR STATE, LOCAL, AND INDIAN TRIBAL GOVERNMENTS* (OMB CIRCULAR A-87):

Grantees may request that DHS/FEMA GPD approve allowable pre-award costs incurred within the 90 calendar day period immediately preceding the effective date of the grant award, providing:

1. The approval of pre-award spending is made and documented in accordance with the grantee's standard procedures; and
2. The costs incurred are necessary for the effective and economical conduct of the project;

Any pre-award expenditures are made at the grantee's risk and grantee accrual of pre-award costs does not impose an obligation on DHS/FEMA:

- 1) in the absence of appropriations;
- 2) if an award is not subsequently made; or
- 3) if an award is made for a lesser amount than the grantee anticipated.

Grant recipients must comply with all terms and conditions set forth in the applicable grant guidance and application kit, the award agreement, and any associated special conditions.

Requests for pre-award costs for periods exceeding 90 calendar days may be granted on a case by case basis upon written request from the applicant/grantee containing a sufficient justification supporting approval of such request.

Federal employees are prohibited from serving in any capacity (paid or unpaid) on any proposal submitted under this program. Federal employees may not receive funds under this award.

PART V.

APPLICATION REVIEW INFORMATION

A. Review Criteria

Applications will be reviewed and recommended for funding by the DHS/FEMA/USFA based on the program criteria identified in this announcement.

B. Review and Selection Process

Applications will be reviewed and recommended for funding by the DHS/FEMA/USFA and is restricted to the National Fallen Firefighter Foundation.

Funds will not be made available for obligation, expenditure, or drawdown until the applicant's budget and budget narrative have been approved by FEMA.

The applicant must provide a detailed budget for the funds requested. The detailed budget must be submitted with the grant application as a file attachment within www.grants.gov. The budget must be complete, reasonable, and cost-effective in relation to the proposed project. The budget should provide the basis of computation of all project-related costs, any appropriate narrative, and a detailed justification of Management and Administrative (M&A) costs.

Sample Budget Detail Worksheet

Budget Detail Worksheet Purpose

The Budget Detail Worksheet may be used as a guide to assist applicants in the preparation of the budget and budget narrative. You may submit the budget and budget narrative using this form or in the format of your choice (plain sheets, your own form, or a variation of this form). However, all required information (including the budget narrative) must be provided. Any category of expense not applicable to your budget may be deleted.

A. Personnel. List each position by title and name of employee, if available. Show the annual salary rate and the percentage of time to be devoted to the project. Compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant organization.

Name/Position

Computation

Cost

Note: Personnel costs are only allowable for direct management and administration of the grant award, i.e., preparation of mandatory post-award reports.

TOTAL _____

B. Fringe Benefits. Fringe benefits should be based on actual known costs or an established formula. Fringe benefits are for the personnel listed in budget category (A) and only for the percentage of time devoted to the project. Fringe benefits on overtime hours are limited to FICA, Workman's Compensation and Unemployment Compensation.

| <u>Name/Position</u> | <u>Computation</u> | <u>Cost</u> |
|----------------------|--------------------|-------------|
|----------------------|--------------------|-------------|

| | | |
|--------------|-------|--|
| TOTAL | _____ | |
|--------------|-------|--|

| | | |
|--|-------|--|
| Total Personnel & Fringe Benefits | _____ | |
|--|-------|--|

C. Travel. Itemize travel expenses of project personnel by purpose (e.g., staff to training, field interviews, advisory group meeting, etc.). Show the basis of computation (e.g., six people to 3-day training at \$X airfare, \$X lodging, \$X subsistence). In training projects, travel and meals for trainees should be listed separately. Show the number of trainees and unit costs involved. Identify the location of travel, if known. Indicate source of Travel Policies applied, Applicant or Federal Travel Regulations.

| <u>Purpose of Travel</u> | <u>Location</u> | <u>Item</u> | <u>Computation</u> | <u>Cost</u> |
|--------------------------|-----------------|-------------|--------------------|-------------|
|--------------------------|-----------------|-------------|--------------------|-------------|

| | | | | |
|--------------|-------|--|--|--|
| TOTAL | _____ | | | |
|--------------|-------|--|--|--|

D. Equipment. List non-expendable items that are to be purchased. Non-expendable equipment is tangible property having a useful life of more than one year. (Note: Organization's own capitalization policy and threshold amount for classification of equipment may be used). Expendable items should be included either in the "Supplies" category or in the "Other" category. Applicants should analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technical advances. Rented or leased equipment costs should be listed in the "Contractual" category. Explain how the equipment is necessary for the success of the project. Attach a narrative describing the procurement method to be used.

| <u>Item</u> | <u>Computation</u> | <u>Cost</u> |
|-------------|--------------------|-------------|
|-------------|--------------------|-------------|

Budget Narrative: Provide a narrative budget justification for each of the budget items identified.

| | | |
|--------------|-------|--|
| TOTAL | _____ | |
|--------------|-------|--|

E. Supplies. List items by type (office supplies, postage, training materials, copying paper, and other expendable items such as books, hand held tape recorders) and show the basis for computation. (Note: Organization's own capitalization policy and threshold amount for classification of supplies may be used). Generally, supplies include any materials that are expendable or consumed during the course of the project.

| <u>Supply Items</u> | <u>Computation</u> | <u>Cost</u> |
|---------------------|--------------------|-------------|
|---------------------|--------------------|-------------|

| | | |
|--------------|-------|--|
| TOTAL | _____ | |
|--------------|-------|--|

F. Consultants/Contracts. Indicate whether applicant's formal, written Procurement Policy or the Federal Acquisition Regulations are followed.

Consultant Fees: For each consultant enter the name, if known, service to be provided, hourly or daily fee (8-hour day), and estimated time on the project.

| <u>Name of Consultant</u> | <u>Service Provided</u> | <u>Computation</u> | <u>Cost</u> |
|---------------------------|-------------------------|--------------------|-------------|
|---------------------------|-------------------------|--------------------|-------------|

Budget Narrative: Provide a narrative budget justification for each of the budget items identified.

Subtotal _____

Consultant Expenses: List expenses to be paid from the grant to the individual consultant in addition to their fees (i.e., travel, meals, lodging, etc.)

| <u>Item</u> | <u>Location</u> | <u>Computation</u> | <u>Cost</u> |
|-------------|-----------------|--------------------|-------------|
|-------------|-----------------|--------------------|-------------|

Budget Narrative: Provide a narrative budget justification for each of the budget items identified.

Subtotal _____

Contracts: Provide a description of the product or services to be procured by contract and an estimate of the cost. Applicants are encouraged to promote free and open competition in awarding contracts. A separate justification must be provided for sole source contracts in excess of \$100,000.

| <u>Item</u> | <u>Cost</u> |
|-------------|-------------|
|-------------|-------------|

Budget Narrative: Provide a narrative budget justification for each of the budget items identified.

Subtotal _____

TOTAL _____

G. Other Costs. List items (e.g., rent, reproduction, telephone, security services, and investigative or confidential funds) by major type and the basis of the computation. For example, provide the square footage and the cost per square foot for rent, and provide a monthly rental cost and how many months to rent.

| <u>Description</u> | <u>Computation</u> | <u>Cost</u> |
|--------------------|--------------------|-------------|
|--------------------|--------------------|-------------|

Budget Narrative: Provide a narrative budget justification for each of the budget items identified.

Important Note: If applicable to the project, construction costs should be included in this section of the Budget Detail Worksheet.

TOTAL _____

H. Indirect Costs. Indirect costs are allowed only if the applicant has a federally approved indirect cost rate. A copy of the rate approval, (a fully executed, negotiated agreement), must be attached. If the applicant does not have an approved rate, one can be requested by contacting the applicant's cognizant Federal agency, which will review all documentation and approve a rate for the applicant organization, or if the applicant's accounting system permits, costs may be allocated in the direct costs categories.

| <u>Description</u> | <u>Computation</u> | <u>Cost</u> |
|--------------------|--------------------|-------------|
|--------------------|--------------------|-------------|

TOTAL _____

Budget Summary - When you have completed the budget worksheet, transfer the totals for each category to the spaces below. Compute the total direct costs and the total project costs. Indicate the amount of Federal funds requested and the amount of non-Federal funds that will support the project.

| <u>Budget Category</u> | <u>Federal Amount</u> | <u>Non-Federal Amount</u> |
|------------------------------|-----------------------|---------------------------|
| A. Personnel | _____ | _____ |
| B. Fringe Benefits | _____ | _____ |
| C. Travel | _____ | _____ |
| D. Equipment | _____ | _____ |
| E. Supplies | _____ | _____ |
| F. Consultants/Contracts | _____ | _____ |
| G. Other | _____ | _____ |
| Total Direct Costs | _____ | _____ |
| H. Indirect Costs | _____ | _____ |
| * TOTAL PROJECT COSTS | _____ | _____ |
| Federal Request | _____ | |
| Non-Federal Amount | _____ | |

C. Anticipated Announcement and Award Dates

FEMA will evaluate and act on applications within 60 days following the close of the application period. Awards will be made on or before September 30, 2011.

PART VI.

AWARD ADMINISTRATION INFORMATION

A. Notice of Award

Upon approval of an application, the grant will be awarded to the grantee. The date that is done is the “award date.” Notification of award approval is made through ND Grants system. Once an award has been approved, a notice is sent to the authorized grant official. Follow the directions in the notification to accept your award documents. The authorized grant official should carefully read the award package.

The period of performance is 12 months and begins on the Project Period/Budget Period start date listed in the award package. Any unobligated funds will be de-obligated at the end of the close-out period. Extensions to the period of performance will be considered only through formal requests to FEMA with specific and compelling justifications why an extension is required. All extension requests must be submitted to FEMA at least 60 days prior to the end of the period of performance and must address:

- Reason for delay;
- Current status of the activity/activities;
- Approved period of performance termination date and new project completion date;
- Remaining available funds, both Federal and non-Federal;
- Budget outlining how remaining Federal and non-Federal funds will be expended;
- Plan for completion including milestones and timeframes for achieving each milestone and the position/person responsible for implementing the plan for completion; and
- Certification that the activity/activities will be completed within the extended period of performance without any modification to the original Statement of Work approved by FEMA.

B. Administrative and National Policy Requirements

The recipient and any sub-recipient(s) must, in addition to the assurances made as part of the application, comply and require each of its subcontractors employed in the completion of the project to comply with all applicable statutes, regulations, executive orders, OMB Circulars, terms and conditions of the award, and the approved application.

1. Standard Financial Requirements. The grantee and any subgrantee(s) shall comply with all applicable laws and regulations. A non-exclusive list of regulations commonly applicable to DHS grants are listed below:

1.1 – Administrative Requirements. The administrative requirements that apply to most Department of Homeland Security (DHS) award recipients through a grant or cooperative agreement arise from two sources:

- Office of Management and Budget (OMB) Circular A-102, *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments* (also known as the “A-102 Common Rule”), found under DHS regulations at Title 44, Code of Federal Regulations (CFR) Part §13, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.”
- OMB Circular A-110, *Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations*, relocated to 2 CFR Part §215.

1.2 – Cost Principles. The requirements for allowable costs/cost principles are contained in the A-102 Common Rule, OMB Circular A-110 (2 CFR §215.27), DHS program legislation, Federal awarding agency regulations, and the terms and conditions of the award. The four costs principles circulars are as follows:

- OMB Circular A-21, *Cost Principles for Educational Institutions*, relocated to 2 CFR Part §220.
- OMB Circular A-87, *Cost Principles for State, Local, and Indian Tribal Governments*, relocated to 2 CFR Part §225.
- OMB Circular A-122, *Cost Principles for Non-Profit Organizations*, relocated to 2 CFR Part §230.
- OMB Circular A-133, *Audits of States, Local Governments and Non-Profit Organizations*.
- 48 CFR Part §31.2, Federal Acquisitions Regulations (FAR), *Contracts with Commercial Organizations*.

1.3 – Audit Requirements and other Assessments

- ***Improper Payments Information Act (IPIA) of 2002, (Public Law 107-300).*** Enacted to ensure the correct use of Federal funds and to avoid improper or erroneous payments.

1.4 – Duplication of Benefits. There may not be a duplication of any Federal assistance by governmental entities, per 2 CFR Part 225, Basic Guidelines Section C.3 (c), which states: Any cost allocable to a particular Federal award or cost objective under the principles provided for in this Authority may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by law or terms of the Federal awards, or for other reasons. However, this prohibition would not preclude governmental units from shifting costs that are allowable under two or more awards in accordance with existing program agreements. Non-governmental entities are also subject to this prohibition per 2 CFR Parts 220 and 230 and 48 CFR 31.2.

To allow follow-up on A-133 audit findings or to test operational procedures safeguarding Federal funds, the grantee or sub-grantee must give FEMA or any authorized Federal representative access to all books, records, and related documents supporting the management and use of these grant funds.

2. **Payment.** DHS/FEMA uses the Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment to Recipients. To enroll in the DD/EFT, the Recipient must complete a Standard Form 1199A, Direct Deposit Form, found at <http://www.fms.treas.gov/eft/1199a.pdf>.

The Recipient may be paid in advance, or reimbursed by completing the Standard Form (SF) 270, Request for Advance/Reimbursement. In order to download the Standard Form 270, the Recipient may use the following link:
<http://www.whitehouse.gov/omb/grants/sf270.pdf>

2.1 – Advance Payment. In accordance with Treasury regulations at 31 CFR Part 205, the Recipient shall maintain procedures to minimize the time elapsing between the transfer of funds and the disbursement of said funds (See 44 CFR Part 13.21(i)) regarding payment of interest earned on advances. In order to request an advance, the Recipient must maintain or demonstrate the willingness and ability to maintain procedures to minimize the time elapsing between the transfer of funds from DHS and expenditure and disbursement by the Recipient. When these requirements are not met, the Recipient will be required to be on a reimbursement for costs incurred method.

NOTE: FUNDS WILL NOT BE AUTOMATICALLY TRANSFERRED UPON ISSUANCE OF THE GRANT. GRANTEEES MUST SUBMIT A REQUEST FOR ADVANCE/REIMBURSEMENT (SF-270) IN ORDER FOR THE FUNDS TO BE TRANSFERRED TO THE GRANTEE’S ACCOUNT.

3. **Non-supplanting Requirement.** Grant funds will be used to supplement existing funds, and will not replace (supplant) funds that have been appropriated for the same purpose. Applicants or grantees may be required to supply documentation certifying that a reduction in non-Federal resources occurred for reasons other than the receipt or expected receipt of Federal funds.

4. Administrative Requirements.

4.1 – Freedom of Information Act (FOIA). Information submitted in the course of applying for funding under this program or provided in the course of an entity's grant management activities which is under Federal control is subject to the *Freedom of Information Act* (FOIA), 5 U.S.C. §552. The applicant is also encouraged to consult its own State and local laws and regulations regarding the release of information, which should be considered when reporting sensitive matters in the grant application, needs assessment and strategic planning process. Note that some information, though not considered classified, may be protected from release or in how it is released. It is important to understand those laws and regulations that fall into an alternate category of Sensitive But Unclassified (SBU) information.

4.2 – Compliance with Federal civil rights laws and regulations. The grantee is required to comply with Federal civil rights laws and regulations. Specifically, the grantee is required to provide assurances as a condition for receipt of Federal funds that its programs and activities comply with the following:

- ***Civil Rights Act of 1964.*** All recipients of financial assistance will comply with the requirements of Title VI of the *Civil Rights Act of 1964* (42 U.S.C. § 2000d *et seq.*), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
- ***Civil Rights Act of 1968.*** All recipients of financial assistance will comply with Title VIII of the *Civil Rights Act of 1968*, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (42 U.S.C. §3601 *et seq.*), as implemented by the Department of Housing and Urban Development at 24 CFR Part §100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—*i.e.*, the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features (see 24 CFR Part §100.201).
- ***Title IX of the Education Amendments of 1972 (Equal Opportunity in Education Act).*** All recipients of financial assistance will comply with the requirements of Title IX of the *Education Amendments of 1972* (20 U.S.C.

§1681 *et seq.*), which provides that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance. These regulations are codified at 44 CFR Part §19.

- **Age Discrimination Act of 1975.** All recipients of financial assistance will comply with the requirements of the *Age Discrimination Act of 1975* (42 U.S.C. § 6101 *et seq.*), which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.
- **Americans with Disabilities Act of 1990.** All recipients of financial assistance will comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§12101–12213).

Grantees must comply with all regulations, guidelines, and standards adopted under the above statutes. The grantee is also required to submit information, as required, to the DHS Office for Civil Rights and Civil Liberties concerning its compliance with these laws and their implementing regulations. If you have any additional questions or concerns regarding civil rights compliance, please feel free to contact the Office for Civil Rights and Civil Liberties by telephone at 866-644-8360, 866-644-8361 (TTY), or by email at crcl@dhs.gov.

4.3 – Services to Limited English Proficient (LEP) Persons

- **Limited English Proficiency (*Civil Rights Act of 1964, Title VI*).** All recipients of financial assistance will comply with the requirements of Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, and resulting agency guidance, national origin and resulting agency guidance, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, recipients must take reasonable steps to ensure that LEP persons have meaningful access to your programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. Recipients are encouraged to consider the need for language services for LEP persons served or encountered both in developing budgets and in conducting programs and activities. For assistance and information regarding LEP obligations, go to <http://www.lep.gov>.

4.4 – Certifications and Assurances. Certifications and assurances regarding the following apply:

- **Lobbying Prohibitions.** None of the funds provided under an award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with any Federal action concerning the award or renewal of any Federal contract, grant, loan, cooperative agreement. These lobbying prohibitions can be found at 31 U.S.C. §1352.
- **Drug-Free Workplace Regulations.** All recipients of financial assistance will comply with the requirements of the *Drug-Free Workplace Act of 1988* (412 U.S.C. §701 *et seq.*), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. The recipient must notify the awarding office if an employee of the recipient is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for debarment. These regulations are codified at 44 CFR Part §17.
- **Debarment and Suspension.** Executive Orders 12549 and 12689 provide protection from fraud, waste, and abuse by debarment or suspending those persons deemed irresponsible in their dealings with the Federal government. The recipient must certify that they are not debarred or suspended from receiving Federal assistance. For additional information, see 2 CFR Part §3000.
- **Federal Debt Status.** The recipient may not be delinquent in the repayment of any Federal debt. Examples of relevant debt include delinquent payroll or other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129, also refer to SF-424, item number 17.)
- **Hotel and Motel Fire Safety Act of 1990.** In accordance with section 6 of the *Hotel and Motel Fire Safety Act of 1990*, 15 U.S.C. §2225a, the recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds, complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, 15 U.S.C. §2225.

Grantees must comply with all regulations, guidelines, and standards adopted under the above statutes.

4.5 – Integrating Individuals with Disabilities into Emergency Planning

- **Rehabilitation Act of 1973.** All recipients of financial assistance will comply with the requirements of Section 504 of the *Rehabilitation Act of 1973*, 29 U.S.C. §794, as amended, which provides that no otherwise qualified handicapped individual in the United States will, solely by reason

- of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity
- receiving Federal financial assistance. These requirements pertain to the provision of benefits or services as well as to employment.

For additional detailed information, please refer to the following:

- **FEMA Office of Disability Integration and Coordination.** There are many useful tools available through this office at <http://www.fema.gov/about/odic>.
- **Guidelines for Accommodating Individuals with Disabilities in Disaster.** These Guidelines are available at <http://www.fema.gov/oer/reference/>.
- **Disability and Emergency Preparedness Resource Center.** The “Resource Center” is available at <http://www.disabilitypreparedness.gov>.
- **ADA Best Practices.** The Civil Rights Division within the U.S. Department of Justice provides a resource entitled “the Americans with Disabilities Act (“ADA”) Best Practices Toolkit for State and Local Governments.” The ADA Best Practices Toolkit for State and Local Governments is available at <http://www.ada.gov/pcatoolkit/toolkitmain.htm>.

4.6 – Environmental Planning and Historic Preservation (EHP) Compliance

- **National Environmental Policy Act (NEPA) of 1969.** All recipients of financial assistance will comply with the requirements of the *NEPA*, as amended, 42 U.S.C. §4331 *et seq.*, which establishes national policy goals and procedures to protect and enhance the environment, including protection against natural disasters. To comply with NEPA for its grant-supported activities, DHS requires the environmental aspects of construction grants (and certain non-construction projects as specified by the component and awarding office) to be reviewed and evaluated before final action on the application.

For more information on FEMA’s EHP requirements, Applicants should refer to:

- **Information Bulletin 329, *Environmental Planning and Historic Preservation Requirements for Grants***, available at <http://www.fema.gov/pdf/government/grant/bulletins/info329.pdf>,

- **Information Bulletin 345**, *Programmatic Environmental Assessment*, available at <http://www.fema.gov/pdf/government/grant/bulletins/info345.pdf>,
- **Information Bulletin 356**, *EHP Screening Form*, available at <http://www.fema.gov/pdf/government/grant/bulletins/info356.pdf>.

4.7 – Animal Welfare Act of 1966. All recipients of financial assistance will comply with the requirements of the *Animal Welfare Act*, as amended (7 U.S.C. §2131 *et seq.*), which requires that minimum standards of care and treatment be provided for vertebrate animals bred for commercial sale, used in research, transported commercially, or exhibited to the public. Recipients must establish appropriate policies and procedures for the humane care and use of animals based on the *Guide for the Care and Use of Laboratory Animals* and comply with the *Public Health Service Policy and Government Principles Regarding the Care and Use of Animals*.

4.8 – Clean Air Act of 1970 and Clean Water Act of 1977. All recipients of financial assistance will comply with the requirements of 42 U.S.C. §7401 *et seq.* and Executive Order 11738, which provides for the protection and enhancement of the quality of the Nation’s air resources to promote public health and welfare and for restoring and maintaining the chemical, physical, and biological integrity of the nation’s waters is considered research for other purposes.

4.9 – Protection of Human Subjects. All recipients of financial assistance will comply with the requirements of the Federal regulations at 45 CFR Part §46, which requires that recipients comply with applicable provisions/law for the protection of human subjects for purposes of research. Recipients must also comply with the requirements in DHS Management Directive 026-04, *Protection of Human Subjects*, prior to implementing any work with human subjects. For purposes of 45 CFR Part §46, research means a systematic investigation, including research, development, testing, and evaluation, designed to develop or contribute to general knowledge. Activities that meet this definition constitute research for purposes of this policy, whether or not they are conducted or supported under a program that is considered research for other purposes. The regulations specify additional protections for research involving human fetuses, pregnant women, and neonates (Subpart B); prisoners (Subpart C); and children (Subpart D). The use of autopsy materials is governed by applicable State and local law and is not directly regulated by 45 CFR Part §46.

4.10 – National Flood Insurance Act of 1968. All recipients of financial assistance will comply with the requirements of Section 1306(c) of the National Flood Insurance Act, as amended, which provides for benefit payments under the Standard Flood Insurance Policy for demolition or relocation of a structure insured under the Act that is located along the shore of a lake or other body of water and that is certified by an appropriate State or local land use authority to be

subject to imminent collapse or subsidence as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels. These regulations are codified at 44 CFR Part §63.

4.11 – Flood Disaster Protection Act of 1973. All recipients of financial assistance will comply with the requirements of the *Flood Disaster Protection Act of 1973*, as amended (42 U.S.C. §4001 et seq.), which provides that no Federal financial assistance to acquire, modernize, or construct property may be provided in identified flood-prone communities in the United States, unless the community participates in the National Flood Insurance Program and flood insurance is purchased within one year of the identification. The flood insurance purchase requirement applies to both public and private applicants for DHS support. Lists of flood-prone areas that are eligible for flood insurance are published in the *Federal Register* by FEMA.

4.12 – Coastal Wetlands Planning, Protection, and Restoration Act of 1990. All recipients of financial assistance will comply with the requirements of Executive Order 11990, which provides that federally funded construction and improvements minimize the destruction, loss, or degradation of wetlands. The Executive Order provides that, in furtherance of Section 101(b)(3) of NEPA (42 U.S.C. § 4331(b)(3)), Federal agencies, to the extent permitted by law, must avoid undertaking or assisting with new construction located in wetlands unless the head of the agency finds that there is no practicable alternative to such construction, and that the proposed action includes all practicable measures to minimize harm to wetlands that may result from such use. In making this finding, the head of the agency may take into account economic, environmental, and other pertinent factors. The public disclosure requirement described above also pertains to early public review of any plans or proposals for new construction in wetlands. This is codified at 44 CFR Part §9.

4.13 – USA Patriot Act of 2001. All recipients of financial assistance will comply with the requirements of the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act* (USA PATRIOT Act), which amends 18 U.S.C. §§175–175c. Among other things, it prescribes criminal penalties for possession of any biological agent, toxin, or delivery system of a type or in a quantity that is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose. The Act also establishes restrictions on access to specified materials. “Restricted persons,” as defined by the Act, may not possess, ship, transport, or receive any biological agent or toxin that is listed as a select agent.

4.14 – Trafficking Victims Protection Act of 2000. All recipients of financial assistance will comply with the requirements of the government-wide award term which implements Section 106(g) of the *Trafficking Victims Protection Act (TVPA) of 2000*, as amended (22 U.S.C. §7104), located at 2 CFR Part §175. This is implemented in accordance with OMB Interim Final Guidance, *Federal Register*,

Volume 72, No. 218, November 13, 2007. In accordance with the statutory requirement, in each agency award under which funding is provided to a private entity, Section 106(g) of the TVPA, as amended, requires the agency to include a condition that authorizes the agency to terminate the award, without penalty, if the recipient or a sub-recipient —

- Engages in severe forms of trafficking in persons during the period of time that the award is in effect;
- Procures a commercial sex act during the period of time that the award is in effect; or
- Uses forced labor in the performance of the award or sub-awards under the award. Full text of the award term is provided at 2 CFR §175.15.

4.15 – Fly America Act of 1974. All recipients of financial assistance will comply with the requirements of the Preference for U.S. Flag Air Carriers: Travel supported by U.S. Government funds requirement, which states preference for the use of U.S. flag air carriers (air carriers holding certificates under 49 U.S.C. §41102) for international air transportation of people and property to the extent that such service is available, in accordance with the *International Air Transportation Fair Competitive Practices Act of 1974* (49 U.S.C. §40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B138942.

4.16 – Activities Conducted Abroad. All recipients of financial assistance will comply with the requirements that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained. All recipients of financial assistance will comply with requirements to acknowledge Federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

4.17 – Copyright. All recipients of financial assistance will comply with requirements that publications or other exercise of copyright for any work first produced under Federal financial assistance awards hereto related unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations). For any scientific, technical, or other copyright work based on or containing data first produced under this award, including those works published in academic, technical or professional journals, symposia proceedings, or similar works, the recipient grants the government a royalty-free, nonexclusive and irrevocable license to reproduce, display, distribute copies, perform, disseminate, or prepare derivative works, and to authorize others to do so, for government purposes in all such copyrighted works. The recipient shall affix the applicable copyright notices of 17 U.S.C. §401

or 402 and an acknowledgement of government sponsorship (including award number) to any work first produced under an award.

4.18 – Use of DHS Seal, Logo, and Flags. All recipients of financial assistance must obtain DHS’ approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

4.19 – DHS Specific Acknowledgements and Assurances. All recipients of financial assistance must acknowledge and agree—and require any sub-recipients, contractors, successors, transferees, and assignees acknowledge and agree—to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

- Recipients must cooperate with any compliance review or complaint investigation conducted by DHS.
- Recipients must give DHS access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations *and* other applicable laws or program guidance.
- Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
- Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
- If, during the past three years, the recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS awarding office and the DHS Office of Civil Rights and Civil Liberties.
- In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS Component and/or awarding office.

C. Reporting Requirements

Reporting requirements must be met throughout the life of the grant (refer to the program guidance and the special conditions found in the award package for a full explanation of these requirements). Any reports or documents prepared as a result of

this grant shall be in compliance with Federal “plain English” policies, directives, etc. Please note that PARS contains edits that will prevent access to funds if reporting requirements are not met on a timely basis.

1. Federal Financial Report (FFR) – required quarterly. Obligations and expenditures must be reported on a quarterly basis through the FFR (SF-425), which replaced the SF-269 and SF-272, which is due within 30 days of the end of each calendar quarter (e.g., for the quarter ending March 31, the FFR is due no later than April 30). A report must be submitted for every quarter of the period of performance, including partial calendar quarters, as well as for periods where no grant activity occurs. Future awards and fund draw downs may be withheld if these reports are delinquent. The final FFR is due 90 days after the end date of the performance period.

FFRs must be filed according to the process and schedule below:

FFRs must be filed electronically through PARS

Reporting periods and due dates:

- October 1 – December 31; *Due January 30*
- January 1 – March 31; *Due April 30*
- April 1 – June 30; *Due July 30*
- July 1 – September 30; *Due October 30*

2. Progress Reports.

Quarterly Performance Reports –

- a. The Recipient shall submit quarterly performance reports electronically through ND Grants within 30 days after the end of each period. Reports are due on July 30, October 30, January 30 and April 30.
- b. The report shall consist of a comparison of actual accomplishments to the approved project objectives.
- c. Copies of Performance Reports shall be submitted to the Grant Administration and Assistance Division Grants Management Specialist and the Program Office Contact listed under VII, FEMA Contacts.
- d. The final performance report should provide a narrative on what the Recipient accomplished with the grant funds and any benefits derived.

3. Financial and Compliance Audit Report. Recipients that expend \$500,000 or more of Federal funds during their fiscal year are required to submit an organization-wide financial and compliance audit report. The audit must be performed in accordance with GAO’s *Government Auditing Standards*, located at <http://www.gao.gov/govaud/ybk01.htm>, and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*, located at http://www.whitehouse.gov/sites/default/files/omb/assets/a133/a133_revised_2007.pdf. Audit reports are currently due to the Federal Audit Clearinghouse no later than

nine months after the end of the recipient's fiscal year. In addition, the Secretary of Homeland Security and the Comptroller General of the United States shall have access to any books, documents, and records of recipients of FY 2011 assistance for audit and examination purposes, provided that, in the opinion of the Secretary or the Comptroller, these documents are related to the receipt or use of such assistance. The grantee will also give the sponsoring agency or the Comptroller, through any authorized representative, access to, and the right to examine all records, books, papers or documents related to the grant.

The State shall require that sub-grantees comply with the audit requirements set forth in *OMB Circular A-133*. Recipients are responsible for ensuring that sub-recipient audit reports are received and for resolving any audit findings.

- 4. Monitoring.** Grant recipients will be monitored periodically by FEMA staff, both programmatically and financially, to ensure that the project goals, objectives, performance requirements, timelines, milestone completion, budgets, and other related program criteria are being met.

Monitoring will be accomplished through a combination of desk-based reviews and on-site monitoring visits. Monitoring will involve the review and analysis of the financial, programmatic, performance and administrative issues relative to each program and will identify areas where technical assistance and other support may be needed.

The recipient is responsible for monitoring award activities, to include sub-awards, to provide reasonable assurance that the Federal award is administered in compliance with requirements. Responsibilities include the accounting of receipts and expenditures, cash management, maintaining of adequate financial records, and refunding expenditures disallowed by audits.

- 5. Grant Close-Out Process.** Within 90 days after the end of the period of performance, grantees must submit a final FFR and final progress report detailing all accomplishments throughout the period of performance. After these reports have been reviewed and approved by FEMA, a close-out notice will be completed to close out the grant. The notice will indicate the period of performance as closed, list any remaining funds that will be deobligated, and address the requirement of maintaining the grant records for three years from the date of the final FFR. The grantee is responsible for returning any funds that have been drawdown but remain as unliquidated on grantee financial records.

Required submissions: (1) final SF-425, due 90 days from end of grant period; and (2) final progress report, due 90 days from the end of the grant period.

PART VII. FEMA CONTACTS

1. **Grant Programs Directorate (GPD)**

FEMA GPD's Grant Administration and Assistance Division will provide fiscal support, including pre- and post-award administration and technical assistance, to the grant programs included in this solicitation. Additional guidance and information can be obtained by contacting the FEMA Call Center at (866) 927-5646 or via e-mail to ASK-GMD@dhs.gov.

2. **Program Office Contact.**

The DHS/FEMA Project Officer (PO) shall be the official who will be responsible for the technical monitoring of the stages of work and technical performance of the activities described in the program narrative statement. The Project Officer is:

Perry Joy
U.S. Department of Homeland Security
FEMA/National Emergency Training Center
16825 S. Seton Avenue
Emmitsburg, Maryland 21727
301-447-1414 voice
301-447-1346 fax
Perry.joy@dhs.gov

PART VIII.

OTHER INFORMATION

Copyright and Data Rights:

A. Copyright: The recipient may publish, or otherwise exercise copyright in, any work first produced under this Agreement unless the work includes any information that is otherwise controlled by the Government (e.g. classified information or other information subject to national security or export control laws or regulations). For any scientific, technical, or other copyrighted work based on or containing data first produced under this Agreement, including those works published in academic, technical or professional journals, symposia proceedings, or similar works, the recipient grants the Government a royalty-free, nonexclusive and irrevocable license to reproduce, display, distribute copies, perform, disseminate, or prepare derivative works, and to authorize others to do so, for Government purposes in all such copyrighted works. The recipient shall affix the applicable copyright notices of 17 U.S.C. §401 or §402, and an acknowledgement of Government sponsorship (including award number) to any work first produced under this Agreement.

B. Data rights:

1. General Requirements. The Grantee grants the Government a royalty-free, nonexclusive and irrevocable license to reproduce, display, distribute copies, perform, disseminate, or prepare derivative works, and to authorize others to do so, for Government purposes in:

- a. Any data that first produced under this Agreement and provided to the Government;
- b. Any data owned by third parties that is incorporated in data provided to the Government under this Agreement; or
- c. Any data requested in paragraph 2 below, if incorporated in the Agreement.

“Data” means recorded information, regardless of form or the media on which it may be recorded.

2. Additional requirement for research awards.

- a. Requirement. If the Government believes that it needs additional research data that was produced under this Agreement, the government may request the research data and the Recipient agrees to provide the research data within a reasonable time.

- b. Applicability. The requirement in paragraph 2.a of this section applies to any research data that are:
 - (1) Produced under this agreement, either as a recipient or subrecipient;
 - (2) Used by the Government in developing an agency action that has the force and effect of law; and
 - (3) Published, which occurs either when:
 - a The research data is published in a peer-reviewed scientific or technical journal; or
 - b DHS publicly and officially cites the research data in support of an agency action that has the force and effect of law.
- c. Definition of “research data.” For the purposes of this section, “research data”:
 - (1) Means the recorded factual material (excluding physical objects, such as laboratory samples) commonly accepted in the scientific community as necessary to validate research findings.
 - (2) Excludes:
 - a Preliminary analyses;
 - b Drafts of scientific papers;
 - c Plans for future research;
 - d Peer reviews;
 - e Communications with colleagues;
 - f Trade secrets;
 - g Commercial information;
 - h Materials necessary that a researcher must hold confidential until they are published, or similar information which is protected under law; and
 - i Personnel and medical information and similar information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, such as information that could be used to identify a particular person in a research study.
- 3. Requirements for subawards. The Recipient agrees to include in any subaward made under this Agreement the requirements of the *Copyright* and *Data Rights* paragraphs of this article and of 37 CFR Part 401.14, if included in this Agreement by reference.