

## **2014 FEDERAL REQUIREMENTS**

Revised 10/25/17 – see revisions in red

### **1. FINANCIAL & ADMINISTRATIVE MANAGEMENT**

#### **A. Compliance with the DOJ Grants Financial Guide**

Grantee agrees to comply with the current edition of the U.S. Department of Justice (DOJ) Grants Financial Guide as posted on the Office of Justice Programs (OJP) or the Office on Violence Against Women (OVW) websites (currently, the "2015 DOJ Grants Financial Guide"), including any updated version that may be posted during the period of performance.

#### **B. Federal Awards issued prior to December 26, 2014**

**Grantee assures that it will comply with appropriate federal cost principles and administrative requirements applicable to grants as follows:**

- (1) For state, local or Indian tribal government entities;
  - (a) 2 CFR Part 225, Cost Principles for State, Local & Indian Tribal Governments (codified at 28 CFR Part 66, by reference and (formerly known as OMB Circular A-87)
  - (b) OMB Circular A-102, Common Rule-Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
  - (c) 28 CFR 66, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- (2) For non-profit organizations;
  - (a) 2 CFR Part 230, Cost Principles for Non-Profit Organizations (formerly known as OMB Circular A-122)
  - (b) 2 CFR Part 215, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations (codified at 28 CFR Part 70 and formerly known as OMB Circular A-110)
  - (c) 28 CFR 70, Uniform Administrative Requirements for Grants and Cooperative Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations
- (3) For colleges and universities;
  - (a) 2 CFR Part 220, Cost Principles for Educational Institutions (codified at 28 CFR Part 66, by reference and formerly known as OMB Circular A-21)
  - (b) 2 CFR Part 215, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations (codified at 28 CFR Part 70 and formerly known as OMB Circular A-110)
  - (c) 28 CFR 70, Uniform Administrative Requirements for Grants and Cooperative Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations
- (4) For each agency spending more than \$500,000 per year in federal funds from all sources;

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(a) OMB Circular A-133, Audits of States, Local Governments and Nonprofit Organizations

## **2. FEDERAL FUND PROHIBITIONS AND ALLOWANCES**

### **A. Use of Federal Funds in lawmaking / Restrictions on “lobbying” and Policy Development**

Federal funds may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of DCJ, in order to avoid violation of 18 USC § 1913. DCJ will obtain the appropriate approvals from the DOJ awarding agency (OJP or OVW, as appropriate) .

Recipients, or any OVW subrecipient ("subgrantee"), of OVW grant dollars may, however, use federal funds to collaborate with and provide information to federal, state, local, tribal and territorial public officials and agencies to develop and implement policies and develop and promote state, local, or tribal legislation or model codes designed to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking (as those terms are defined in [42 USC 13925\(a\)](#)) when such collaboration and provision of information is consistent with the activities otherwise authorized under this grant program

Should any question arise as to whether a particular use of Federal funds by a recipient (or subrecipient) would or might fall within the scope of this prohibition, the recipient is to contact DCJ for guidance.

#### Revision 10/25/17:

- [Section 13925 was editorially reclassified as section 12291 of Title 34, Crime Control and Law Enforcement. Replace 42 USC 13925\(a\) with 34 USC 12291\(a\).](#)

### **B. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events**

Grantee, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ and DCJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide found on the DOJ awarding agency (OJP or OVW, as appropriate) website (currently, as section 3.10 of "Postaward Requirements" in the "2015 DOJ Grants Financial Guide").

### **C. Compliance with General Appropriations-law restrictions on the use of federal funds (FY 2016)**

Grantee, and any subrecipient (“subgrantee”) at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various “general provisions” in the Consolidated Appropriations Act, 2016, are set out at DOJ awarding agency website (OJP or OVW, as appropriate) <http://ojp.gov/funding/Explore/FY2016-AppropriationsLawRestrictions.htm> or <https://www.justice.gov/ovw/grantees>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a grantee (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient

is to contact DCJ for guidance, and may not proceed without the express prior written approval of DCJ.

**(1) Restrictions applicable to all federal funds awarded by OVW or OJP in FY 2016**

- (a) Publicity or propaganda. Federal funds are not legally available, and may not be used (whether directly or indirectly, including by private contractors), for publicity or propaganda purposes not authorized by the Congress.
- (b) Certain employee trainings. Federal funds are not legally available, and may not be used, for any employee training that—
  - i. does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;
  - ii. contains elements likely to induce high levels of emotional response or psychological stress in some participants;
  - iii. does not require prior employee notification of the content and methods to be used in the training and written end-of-course evaluation;
  - iv. contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or
  - v. is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

Nothing in this provision prohibits, restricts, or otherwise precludes an agency from conducting training bearing directly upon the performance of official duties.

**(c) Nondisclosure policies, forms, and agreements.**

- i. General rule - Federal funds are not legally available, and may not be used, to implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following provisions:
  - “These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing federal statute or Executive Order relating to-- (1) classified information; (2) communications to Congress; (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive Orders and federal statutory provisions are incorporated into this agreement and are controlling.”

Notwithstanding the above provision, a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the United States Department of Justice, that are essential to reporting a substantial violation of law.

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ii. Certain exceptions. Under certain circumstances, a nondisclosure agreement that does not contain the provisions set out in subsection (a) above nevertheless may continue to be implemented and enforced. Should a question arise as to whether an exception to the general rule set out in subsection (a) may be available for a particular nondisclosure agreement, the recipient is to contact OJP for guidance, and the recipient may not use federal funds to implement, continue to implement, or enforce the nondisclosure agreement without the express prior written approval of OJP or OVW.

(d) ACORN and related organizations. Absent express prior written approval from OJP or OVW, federal funds may not be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, allied organizations, or successors.

**(2) Restrictions applicable only to certain federal funds under OJP awards made in FY 2016**

(a) Nondiscrimination in programs involving students. Funds appropriated under the Department of Justice Appropriations Act, 2016, and awarded by OJP or OVW are not legally available, and may not be used, to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or those of their parents or legal guardians.

(b) Blocking of pornography on computer networks. Funds appropriated under the Department of Justice Appropriations Act, 2016, and awarded by OJP or OVW are not legally available, and may not be used, to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

Nothing in this provision limits the use of funds necessary for any federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, adjudication, or other law enforcement- or victim assistance-related activity.

(This provision also applies to any OJP or OVW award of other funds appropriated under the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2016.)

(c) Award or incentive fees to contractors. Funds appropriated under the Department of Justice Appropriations Act, 2016, and awarded by OJP or OVW are not legally available, and may not be used, to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or for performance that does not meet the basic requirements of a contract. (This restriction also applies to any OJP or OVW award of other funds appropriated under the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2016.)

(d) Use of funds in connection with abortion. Funds appropriated under the Department of Justice Appropriations Act, 2016, and awarded by OJP or OVW are not legally available, and may not be used -- (1) to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape or incest; or (2) to require any person to perform, or facilitate in any way the performance of, any abortion.

(e) "Pay-to-stay" at local jails. Funds appropriated to the Department of Justice through an annual appropriations statute and awarded by OJP or OVW are not legally available to, and may not be provided to, any local jail that runs a "pay-to-stay" program. (Monies in the Crime Victims Fund are not appropriated through an annual appropriations statute.)

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#### **D. Duplication of Funding**

Grantee agrees that if it currently has other active awards of federal funds, or if the grantee receives any other award of federal funds during the period of performance for this award, the grantee promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the grantee must promptly notify DCJ in writing of the potential duplication, and, if so requested by DCJ, must seek a budget-modification and/or change in Statement of Work to eliminate any inappropriate duplication of funding.

#### **E. Non-Supplanting of Funds**

(1) Grantee certifies that any required matching funds used to pay the non-federal portion of the cost of this grant award are in addition to funds that would have otherwise been made available for the purposes of this project.

(2) Grantee certifies that federal funds made available under this grant:

(a) Will not be used to supplant state or local funds that would otherwise be available for activities under that grant.

(b) Where there is a reduced or unchanged local investment, then the Grantee shall give a written explanation demonstrating that the Grantee's reduced or unchanged commitment would have been necessitated even if federal financial support under this federal grant program had not been made available.

#### **F. Indirect Cost Rate**

A grantee that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC).

#### **G. Consultant Rate**

Approval of this award does not indicate approval of any consultant rate, if consultants are allowed under this award, in excess of \$650 per day or \$81.25 per hour. A detailed justification must be submitted to DCJ with DCJ Form 16 (Professional Services/Consultant Certificate) and approved by the federal awarding office (OJP or OVW) prior to obligation or expenditure of such funds. DCJ will forward requests to the federal awarding office (OJP or OVW) for approval. Grantees are required to maintain documentation to support all daily or hourly rates.

#### **H. Employee Compensation**

**[Applicable to awards greater than \$250,000]** Federal funds may not be used to pay cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (An award recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds.)

#### **I. Simplified Acquisition Threshold**

The Grantee, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently,

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\$150,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP or OVW considers a procurement "contract" (and therefore does not consider a subaward).

Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$150,000)), and are incorporated by reference here.

### **3. CIVIL RIGHTS COMPLIANCE**

The Grantee hereby agrees that it will comply, and all of its recipients ("subgrants") will comply, with the applicable provisions of:

#### **A. Meeting the EEOP Requirement**

Grantee acknowledges that failure to submit an acceptable Certification of Compliance with Regulations Regarding Civil Rights Requirements and Equal Employment Opportunity Plans (EEOP) -DCJ Form 30 may result in suspension of funding until such time as the grantee is in compliance, or termination of the award. Upon award, each Grantee will be required to do the following:

- (1) The Project Director must view all of the trainings on Civil Rights available on DCJ's website and acknowledge by providing an original signature that the project's staff will be made aware of all obligations regarding Civil Rights compliance;
- (1) Submit the form to the Grantee Agency's Authorized Official for this grant;
- (2) The Authorized Official must review the form in conjunction with Grantee personnel responsible for reporting civil rights findings of discrimination;
- (3) The Authorized Official must accurately complete the required information and provide all information requested;
- (4) The Authorized Official must provide an original signature on the form as indicated;
- (5) The DCJ Form 30 with original signature must be returned to DCJ with the Grant Agreement; and,
- (6) A copy of the DCJ Form 30 must be forwarded to the Grantee personnel responsible for reporting civil rights findings of discrimination at your agency/organization.

DCJ will forward a copy to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice.

#### **B. Meeting the Requirement to Submit Findings of Discrimination**

If in the three years prior to the date of the grant award, your organization has received an adverse finding of discrimination based on race, color, national origin, religion, or sex, after a due-process hearing, from a state or federal court or from a state or federal administrative agency, your organization must send a copy of the finding to the DCJ within 45 days of receipt of this grant award. DCJ will forward a copy to the Office for Civil Rights (OCR) at the federal awarding office (OJP or OVW).

#### **C. Enforcing Civil Rights Laws**

All recipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to prohibitions against unlawful discrimination. Accordingly, the OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory

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criteria, the OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal opportunity standards.

#### **D. Complying with the Safe Streets Act**

An organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEO (see 28 C.F.R. pt. 42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(c), .205(c)(5)).

#### **E. Ensuring Access to Federally Assisted Programs**

The Violence Against Women Reauthorization Act of 2013 amends the Violence Against Women Act of 1994 (VAWA) and includes a nondiscrimination grant condition that prohibits grantees from excluding, denying benefits to, or discrimination against any person on the basis on actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity in funded programs or activities, in whole or in part, not only in employment but also in the delivery of services or benefits.

Federal law also prohibits recipients from discriminating on the basis of age in the delivery of services or benefits.

#### **F. Providing Services to Limited English Proficiency (LEP) Individuals**

In accordance with DOJ guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). See U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website <http://www.lep.gov>.

#### **G. Ensuring Equal Treatment for Faith-Based Organizations**

The DOJ regulation, Equal Treatment for Faith-Based Organizations, 28 C.F.R. pt. 38, prohibits faith-based organizations from using financial assistance from the DOJ to fund inherently (or explicitly) religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must hold them separately from the program funded by the DOJ, and recipients cannot compel beneficiaries to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the DOJ are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see the OCR's website at [http://www.ojp.usdoj.gov/about/ocr/equal\\_fbo.htm](http://www.ojp.usdoj.gov/about/ocr/equal_fbo.htm).

Faith-based organizations should also note that the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, [42 U.S.C. § 3789d\(c\)](#); the Victims of Crime Act of 1984, as amended, 42 U.S.C. § 10604(e); the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, [42 U.S.C. § 5672\(b\)](#); and VAWA, Pub. L. No. 113-4, sec. 3(b)(4), 127 Stat. 54, 61-62 (to be codified at [42 U.S.C. § 13925\(b\)\(13\)](#)) contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the DOJ has concluded that it may construe the Religious Freedom Restoration Act (RFRA) on a case-by-case basis to permit some faith-based organizations to receive DOJ funds while taking into account

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religion when hiring staff, even if the statute that authorizes the funding program generally forbids recipients from considering religion in employment decisions. Please consult with the OCR if you have any questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment.

Revision 10/25/17:

- Section 3789 was editorially reclassified as section 10228 of Title 34, Crime Control and Law Enforcement.
- Section 13925 was editorially reclassified as section 12291 of Title 34, Crime Control and Law Enforcement. Replace 42 USC 13925(a) with 34 USC 12291(a).
- Section 5672 was editorially reclassified as section 11182 of Title 34, Crime Control and Law Enforcement.

#### **H. Using Arrest and Conviction Records in Making Employment Decisions**

The OCR issued an advisory document for recipients on the proper use of arrest and conviction records in making hiring decisions. See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 2013), available at [http://www.eeoc.gov/about/ocr/pdfs/UseofConviction\\_Advisory.pdf](http://www.eeoc.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf). Recipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the Advisory, recipients should consult local counsel in reviewing their employment practices. If warranted, recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Employment Opportunity Plans (EEOs).

#### **I. Ensuring the Compliance of Subgrantees**

Grantee must have standard assurances to notify subgrantees of their civil rights obligations, written procedures to address discrimination complaints filed against subgrantees, methods to monitor subgrantees' compliance with civil rights requirements, and a program to train subgrantees on applicable civil rights laws.

#### **J. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42**

The grantee and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

### **4. FRAUD, WASTE, ERROR AND ABUSE**

#### **A. Reporting Potential Fraud, Waste, Abuse, and Similar Misconduct**

The grantee and any subrecipient ("subgrantee") must promptly refer to the Department of Justice, Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subgrantee, contractor, subcontractor, or other person has, in connection with funds under this award -- 1) submitted a claim that violates the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct. Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by: mail: Office of the Inspector General U.S. Department of Justice



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Investigations Division 950 Pennsylvania Avenue, N.W. Room 4706 Washington, DC 20530; email: oig.hotline@usdoj.gov; hotline: (contact information in English and Spanish): (800) 869-4499; or hotline fax: (202) 616-9881. Additional information is available from the DOJ OIG website at www.usdoj.gov/oig.

**B. Restrictions and certifications regarding non-disclosure agreements and related matters**

No grantee or subrecipient (“subgrantee”) under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

(1) In accepting this award, the grantee:

(a) represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(b) certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to DCJ, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

(2) If the grantee does or is authorized under this award to make subawards (“subgrants”), procurement contracts, or both --

(a) it represents that it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward (“subgrant”), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(b) represents that it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

(c) it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to DCJ, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

**C. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)**

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The grantee must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DCJ or the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

## **5. HIGH-RISK**

Grantee agrees to comply with any additional requirements that may be imposed by DCJ during the grant performance for this award, if the grantee is designated as "high-risk".

## **6. REGISTRATION WITH THE SYSTEM FOR AWARD MANAGEMENT AND UNIVERSAL IDENTIFIER REQUIREMENTS**

Grantee agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM), currently accessible at <http://www.sam.gov>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

Grantee also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration. The details of the grantee's obligations related to SAM and to unique entity identifiers are posted on the OJP's website at <http://www.ojp.gov/funding/Explore/SAM.htm> and OVW's website <https://www.justice.gov/ovw/grantees> (Award condition: Registration with the System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

## **7. ENCOURAGEMENT OF POLICIES TO BAN TEXT MESSAGING WHILE DRIVING**

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department of Justice (DOJ) encourages grantees and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

## **8. TRAINING GUIDING PRINCIPLES**

Any training or training materials that the grantee -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP or OVW award must adhere to the federal awarding agency (OJP or OVW, as appropriate) OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://www.ojp.usdoj.gov/funding/ojptrainingguidingprinciples.htm> or OVW Training Guiding Principles for Grantees and Subgrantees, available at <https://www.justice.gov/ovw/grantees>, as appropriate.

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## **9. REQUIREMENT FOR DATA ON PERFORMANCE AND EFFECTIVENESS UNDER THE AWARD**

Grantee and subrecipients (“subgrantees”) must collect, maintain, and provide to DCJ, data that measure the performance and effectiveness of activities under this award, in the manner, and within the timeframes, specified by DCJ. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act, and other applicable laws. Recipients of OVW grant dollars (Grantees and subgrantees) are required to collect the information that is included on the Measuring Effectiveness Progress Reports for the OVW Program under which this award is funded.

## **10. FEDERAL PUBLIC POLICY ASSURANCES**

- A.** The Grantee hereby agrees that it will comply, and all of its recipients (“subgrantees”) or procurement contractors will comply with the applicable provisions of:
- (1) Safe Streets Act (Safe Streets Act) of 1968, as amended;
  - (2) Juvenile Justice and Delinquency Prevention Act of 1974, as amended ; and,
  - (3) All other applicable Federal laws, orders, circulars, regulations or guidelines.
- B.** The Grantee hereby agrees that it will comply, and all of its recipients (“subgrantees”) will comply with the provisions of 28 CFR applicable to grants and cooperative agreements including:
- (1) Part 18, Administrative Review Procedure;
  - (2) Part 22, Confidentiality of Identifiable Research and Statistical Information;
  - (3) Part 23, Criminal Intelligence Systems Operating Policies;
  - (4) Part 30, Intergovernmental Review of Department of Justice Programs and Activities;
  - (5) Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services;
  - (6) Part, 38, Equal Treatment for Faith Based Organizations;
  - (7) Part 42 Nondiscrimination/Equal Employment Opportunity Policies and Procedure;
  - (8) Part 61 Procedures of Implementing the National Environmental Policy Act;
  - (9) Part 63 Floodplain Management and Wetland Protection Procedures; and,
  - (10) The award term in 2 C.F.R. § 175.15(b).
- C.** Grantee agrees to comply with the requirements of 28 C. F. R. Part 46 and all Department of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

## **11. FEDERAL STANDARD ASSURANCES AND CERTIFICATIONS**

### **A. Standard Assurances**

The grantee hereby assures and certifies compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements, including 2 C.F.R. Part 2800 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards by the Department of Justice), and Ex. Order 12372 (intergovernmental review of federal programs); and 28 C.F.R. pts. 66

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or 70 (administrative requirements for grants and cooperative agreements). The grantee also specifically assures and certifies that:

- (1) It has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this grant agreement.
- (2) It will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- (3) It will give the DCJ, the federal awarding agency or the Government Accountability Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.
- (4) It will comply with all lawful requirements imposed by DCJ and the awarding agency, specifically including any applicable regulations, such as 28 C.F.R. pts. 18, 22, 23, 30, 35, 38, 42, 61, and 63, and the award term in 2 C.F.R. § 175.15(b).
- (5) It will assist DCJ and the federal awarding agency (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).
- (6) It will comply (and will require any subgrantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Indian Civil Rights Act (25 U.S.C. §§ 1301-1303); the Victims of Crime Act (42 U.S.C. § 10604(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (20 U.S.C. §§ 1681, 1683, 1685-86); and the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); Executive Order 13279 (equal protection of the laws for faith-based and community organizations); Executive Order 13559 (Fundamental Principles and Policymaking Criteria for Partnerships with Faith-Based and Other Neighborhood Organizations); and the DOJ implementing regulations at 28 C.F.R. Part 38.

Revision 10/25/17:

- Section 3789 was editorially reclassified as section 10228 of Title 34, Crime Control and Law Enforcement.
- Section 5672 was editorially reclassified as section 11182 of Title 34, Crime Control and Law Enforcement.

(7) If a governmental entity:

- (a) it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
- (b) it will comply with requirements of 5 U.S.C. §§ 1501-08 and §§ 7324-28, which limit certain political activities of State or local government employees whose principal

employment is in connection with an activity financed in whole or in part by federal assistance.

## **B. Prohibitions on Lobbying with Federal Funds**

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the Grantee certifies, by accepting this grant award, that:

- (1) No federal funds received through this grant award will be paid to any person for influencing or attempting 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 the making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement;
- (2) If any funds other than funds through this grant award will be paid to any person for influencing or attempting 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 this grant award, the Grantee shall complete and submit Standard Form- LLL, "Disclosure of Lobbying Activities," in accordance with its instructions; and,
- (3) The Grantee shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

## **C. Debarment, Suspension, Ineligibility and Voluntary Exclusion**

Pursuant to Executive Order 12549, Debarment and Suspension, implemented at 2 CFR Part 2867, for prospective participants in primary covered transactions, as defined at 2 CFR Section 2867.20(a), and other requirements, the Grantee certifies, by accepting this grant award, that neither it nor its principals, subrecipients ("subgrantees") or suppliers:

- (1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any federal federal department or agency;
- (2) Have not within a three-year period preceding this grant award been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (3) Have not within a two-year period preceding this grant award been convicted of a felony criminal violation under any Federal law;
- (4) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2) of this certification;
- (5) Have not within a three-year period preceding this grant award had one or more public transactions (Federal, State, or local) terminated for cause or default; and

- (6) Where the Grantee is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this grant award.

#### **D. Federal Taxes**

- (1) If the grantee is a corporation, the grantee certifies, by accepting this grant award, that the corporation has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and

- (2) Where the Grantee is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this grant award.

#### **E. Certification Regarding a Drug Free Workplace**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 83, Subpart F, for grantees and subrecipients (“subgrants”), as defined at 28 CFR Sections 83.620 and 83.650, the Grantee certifies, by accepting this grant award, that it will provide a drug-free workplace by:

- (1) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (2) Establishing an on-going drug-free awareness program to inform employees about
- (a) The dangers of drug abuse in the workplace;
  - (b) The grantee's policy of maintaining a drug-free workplace;
  - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (3) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (1);
- (4) Notifying the employee in the statement required by paragraph (1) that, as a condition of employment under the grant, the employee will
- (a) Abide by the terms of the statement; and
  - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (5) Notifying DCJ, in writing, within 10 calendar days after receiving notice under subparagraph (4)(b) from an employee or otherwise receiving actual notice of such conviction.
- (6) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (4)(b), with respect to any employee who is so convicted:
- (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

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(7) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), (4), and (6); and,

(8) The Grantee must pass these requirements down to subrecipients (“subgrants”).

**12. REQUIREMENTS PERTAINING TO PROHIBITED CONDUCT RELATED TO TRAFFICKING IN PERSONS (INCLUDING REPORTING REQUIREMENTS AND OJP OR OVW AUTHORITY TO TERMINATE AWARD)**

The grantee, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <http://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> or OVW web site at <https://www.justice.gov/ovw/grantees> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP or OVW authority to terminate award)), and are incorporated by reference here.